

Project Title:	Modification of Sorrel Leaf Healing Center Conditional Use Permit and Design Review
Projects:	MOD-23-0001 (Modification of Conditional Use Permit CUP-22-0006) and MOD-23-0002 (Modification of Design Review AA-22-0007)
Location:	124 Indianola Road
APN:	402-161-005
Applicant:	Sorrel Leaf Healing Center, Inc.
Property Owner:	Sorrel Leaf Healing Center, Inc.
Purpose/Use:	Modification of previously approved Conditional Use Permit and Design Review for a mental health crisis facility to provide temporary residential stays and outpatient therapy, for children aged 7 to 18
Application Date:	June 8, 2023
General Plan:	ER – Estate Residential
Zoning:	RS-12,000 – One Family Residential
CEQA:	Exempt under §15301, Class 1 (Existing Facilities) and §15303, Class 3 (New Construction or Conversion of Small Structures)
Staff Contact:	Millisa Smith, Assistant Planner
Recommendation:	Hold a Public Hearing; and Adopt a resolution finding the project is exempt from CEQA and conditionally approving the application.
Motion:	<i>“I move the Planning Commission adopt a resolution finding the project is exempt from CEQA and conditionally approving modifications to the Conditional Use Permit and Design Review for Sorrel Leaf Healing Center at 124 Indianola Road.”</i>

Figure 1: Project Location

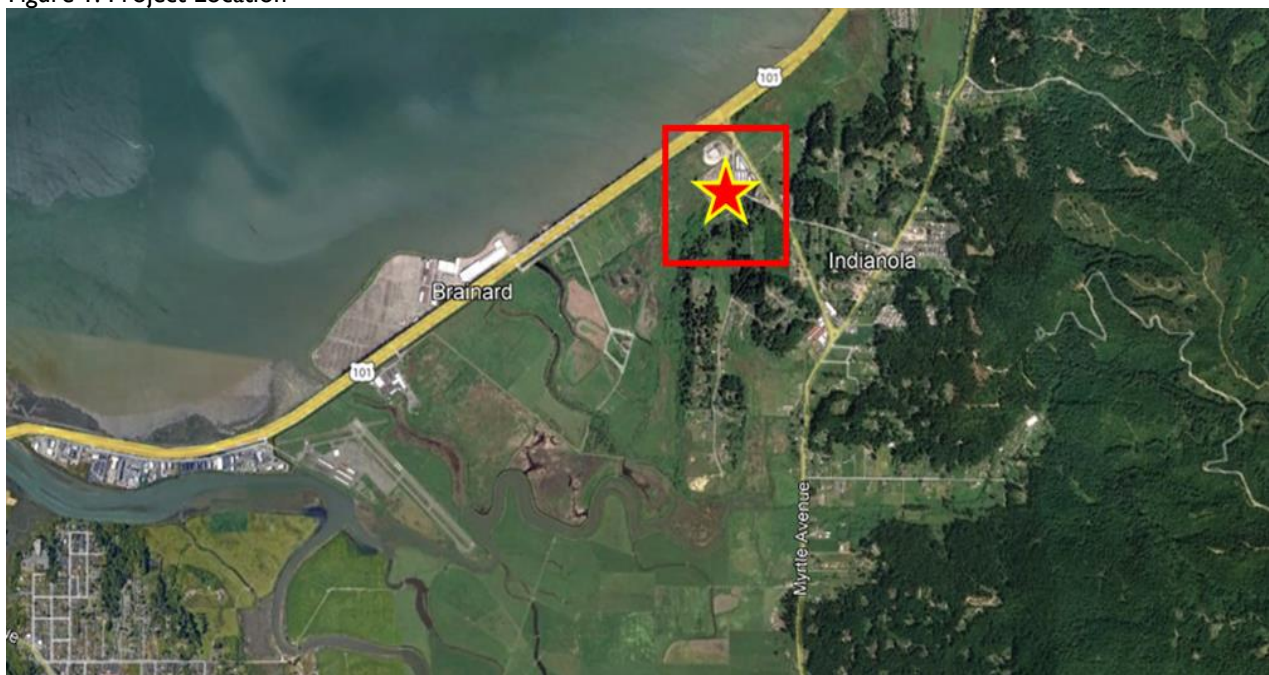
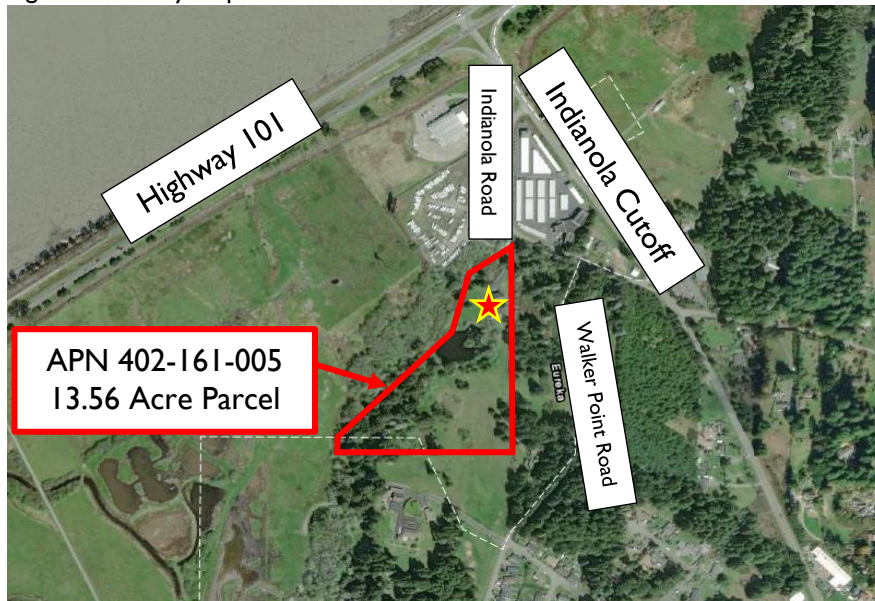


Figure 2: Vicinity Map



PROJECT SUMMARY

In November of 2022, Sorrel Leaf Healing Center, Inc. was approved for a Conditional Use Permit (CUP-22-0006) and Design Review (AA-22-0007) to allow a mental health crisis facility providing temporary residential stays and outpatient therapy, for children aged 7 to 18, in an existing single-family residence, proposed addition, and existing and proposed accessory buildings at 124 Indianola Road.

The 13.56-acre site is located off of Indianola Road south of the Highway 101 corridor and west of Indianola Cutoff, in the One-Family Residential (RS-12,000) zone district. The property currently contains an existing 3-story, 4,872-square-foot (sf) single family residence with an attached 739-sf carport, a 1,042-sf accessory building, a 493-sf storage shed, and a 159-sf gazebo (Figure 3).

The proposed use is permitted in the RS-12,000 zone district with a CUP as a “charitable institution” defined in Eureka Municipal Code (EMC) §10-5.2906.2.n in part as a non-profit institution devoted to the housing, training, or care of children. Additionally, because the proposed project involves new construction and is a conditional use in the RS-12,000 zone district, Design Review is required.

The applicant, Sorrel Leaf Healing Center, Inc., is requesting to modify the Conditional Use Permit and Design Review to allow for changes to the

Figure 3: Existing Structures



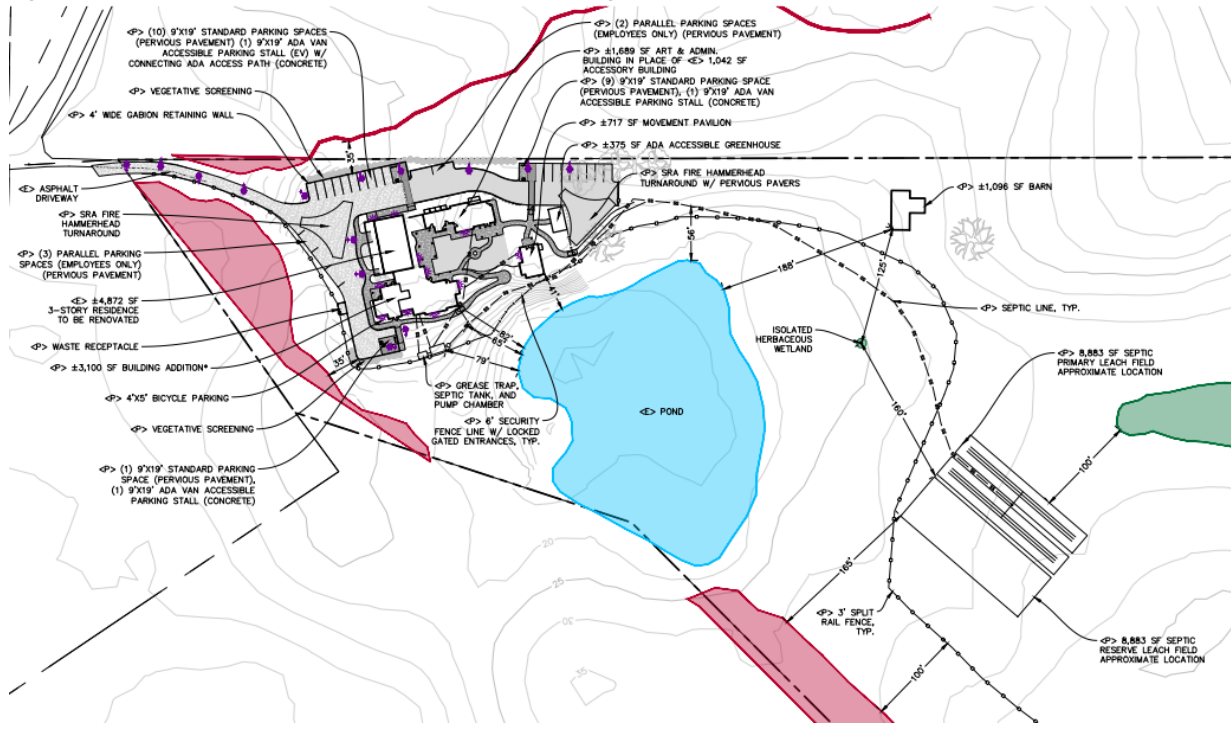
for night staff.

- **Addition to Existing Residence:** Under the previous approval, the existing 739-sf carport attached to the existing residence was to be removed and a 3,167-sf one-story building addition built in place of the carport. Under the proposed modification, the addition continues to be proposed, but will be 3,239 sf in size. As originally approved, the applicant continues to propose five patient bedrooms, four therapy rooms, four restrooms, one office, one waiting room, one mud room and pantry within the new building addition. Under the proposed modifications, an extension to the kitchen is also included in the new building addition.
- **Remodel of Existing Accessory Building:** The existing 1,042-sf accessory building, originally called the Art and Music Therapeutic Space, will now be completely renovated with a new 656-sf one-story addition, creating an Art and Administration Building with an art therapy area along with offices and bathrooms. The renovation and addition are required to add adequate offices for operation of the facility. The total footprint of the renovated accessory building will be 1,698 sf.
- **Proposed Solar Panels:** Under the previous approval, solar panels were proposed on the roof of both the main residence and the proposed building addition. Modifications to the project include removing the proposed solar panels from the main residence, adding more solar panels to the new building addition than originally approved, and adding solar panels to the existing accessory structure.
- **Proposed Movement Pavilion:** The proposed Movement Pavilion (originally called the Yoga and Meditation Pavilion) has been relocated slightly to the south. The pavilion will now be located in approximately the same location as the existing 493-sf shed (which will be demolished, as originally approved), approximately 41 feet (ft) from the pond located at the center of the parcel. Additionally, the proposed pavilion footprint has changed from 462 sf to 717 sf. The pavilion was relocated to allow for an unobstructed view of the pond from the central outdoor therapeutic space.
- **Proposed Barn:** The proposed barn footprint has been reduced from 1,176 sf to 1,096 sf and the location of the barn has been moved approximately 50 ft to the southeast.
- **Proposed Greenhouse:** The proposed greenhouse footprint has been reduced from 600 sf to 375 sf and the location of the greenhouse has shifted slightly to the southeast.
- **New Septic System:** As originally approved, the existing on-site septic system will be removed, and a new septic system installed to accommodate the new use, with the proposed main and reserve leach fields located in an upland field near the southern end of the property. Under the proposed modification, the new primary and reserve leach field areas have been expanded and relocated to the southwest to account for required groundwater separation determined by monitoring since the original permit approvals.
- **Driveway Access:** The existing approximately 10 ft wide and 300 ft long driveway from Indianola Road will now be repaved. Although the original Staff Report stated the existing driveway is 9-ft wide, it has since been determined the driveway is 10 ft wide with 2 ft of gravel shoulder on each side. Under the proposed modifications, the driveway will be repaved to 12 ft wide with 1 ft gravel shoulders on each side. Although the paved portion of the driveway will increase in width by 2 ft, the disturbed footprint of the driveway is not changing.

- **Parking:** The proposed number of parking spaces has been reduced from 29 to 28. Eureka Municipal Code (EMC) §10-5.1503.3.3 requires the site to have a total of 20 off-street parking spaces, two spaces for each three beds, one space for each two employees, and one space for each staff doctor, and the project exceeds these requirements. As originally approved, the parking will still include two ADA-van-accessible spaces, and the existing gazebo will be removed to allow for the parking improvements.
- **Ground disturbance:** A total of approximately 73,717 sf of ground disturbance reaching a maximum depth of 8 ft is proposed. This has increased by 30,180 sf from the previously approved estimate to include the repaving of the road, pathways, parking areas, buildings (except the existing house), landscaped areas, and temporary disturbed areas for cut/fill. The previously approved CUP included conditions of approval requiring a Tribal monitor be present for all ground disturbing components of the project, and requiring that ground disturbing activities be subject to the City’s standard protocol for inadvertent archeological discovery. These conditions will remain as conditions of approval for the modifications.

Figure 4 is the originally approved site plan¹, while Figure 5 is the currently proposed site plan with the above-described modifications (see Attachment 2 for the complete set of modified site plans and architectural plans). The project as modified continues to avoid on-site environmentally sensitive habitat areas (ESHAs), including the forested wetlands on the western and northeastern sides of the parcel, the central freshwater pond, and the two herbaceous wetlands delineated in the grassland to the south of the pond. Although some buffers between existing or proposed structures and surrounding ESHA are decreasing slightly, all minimum buffer distances between

Figure 5: Site plan with proposed modifications including wetland areas and buffers



¹ The Staff Report prepared for the original approval included the original site plans and architectural plans as an attachment. The original Staff Report can be viewed at the following link: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1649243/Staff_Report.pdf. The original site plans and architectural plans can be viewed at the following link: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1649245/Attachment_2_-_site_plans.pdf.

development and surrounding ESHAs are remaining the same or increasing.

The number of employees and hours of operation have also not changed from the original approval. The facility will continue to require a total of 24 employees, with a minimum of 13 clinical staff on site at all times. During weekdays, between the hours of 9 a.m. and 5 p.m., outpatient therapy will not occur, and all staff will be dedicated to the CRT patients. Outpatient aftercare will occur weekday evenings between the hours of 5 p.m. and 8 p.m., with treatment of a maximum of six clients or families at any given time. Outpatient therapy will also occur on Saturdays and Sundays between the hours of 9 a.m. and 5 p.m., with treatment of a maximum of 10 clients or families at any given time.

USE PERMIT ANALYSIS

The applicant is requesting Conditional Use Permit approval for use of the subject property as a charitable institution. To approve a Use Permit, the Planning Commission must make all of the following findings pursuant to EMC §10-5.2407.1:

- a. The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- c. The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
- d. The proposed conditional use is consistent with the certified Local Coastal Program.

The required findings below have been transferred from the original approval of the CUP, and any changes to the findings necessary for the proposed modifications have been indicated with red underline (for additions) or ~~red strike-through~~ (for deletions) text.

I. Code Consistency

Chapter 5 Objectives and Purpose

Pursuant to EMC §10-5.102, the zoning regulations are adopted by the City Council in accordance with the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the chapter is adopted in order to achieve the following objectives:

- (a) **To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.**

The subject parcel is located in the One Family Residential (RS-12,000) zone district and has an Estate Residential (ER) land use designation. Appendix B, Table B-1 of the Land Use Plan specifies the purpose of the ER designation in the coastal zone is to provide

appropriately located areas for residential uses where the level of public services requires lot sizes larger than in urban residential areas, with private institutions listed as a conditional use. The 13.56-acre project site provides adequate space for the proposed private institutional use, including room for parking and an updated septic system, with ample setbacks and vegetative and topographic buffers from surrounding properties. Surrounding residences to the east and south are also on large lots insulated from neighboring parcels. An institution of this type is best served by a residential setting, and the mental health crisis facility will be located within an existing single-family residence, addition and accessory buildings, maintaining the residential character of the property. Therefore, the proposed use is consistent with the purpose of the ER designation and will help to facilitate and achieve the arrangement of land uses depicted in the 1997 Coastal General Plan, consistent with this objective.

(b) To foster a harmonious, convenient, workable relationship among land uses.

The proposed project site is located south of the intersection of Highway 101 and Indianola Cutoff, near the City's eastern boundary. The proposed use will occupy an existing, vacant, 4,872-sf residence which has served as a single-family home since its construction. The adjacent 10.64-acre parcel to the east is also an Estate Residential (ER) parcel zoned RS-12,000 with a private residence. This adjacent residence is over 700 ft from the subject residence and shielded by dense vegetation. The southern property line of the project site is the City's boundary, with the adjacent 35.54-acre parcel to the south in the unincorporated County, zoned Agriculture Exclusive, and developed with three single-family residences which are over 1,000 ft and upslope from the subject residence. To the west, the property is bordered by an undeveloped parcel zoned Coastal Agricultural (AC) which is part of the Fay Slough Wildlife Area, managed by the California Department of Fish and Wildlife (CDFW). The parcels to the north are zoned Service Commercial (SC) and developed with commercial storage facilities. Forested wetlands isolate the proposed use from the low-lying wildlife area and storage facilities. Less than a quarter-mile east of the subject property is another local charity's office, the Humboldt Area Foundation. As the surrounding uses include other single-family residences on large parcels, vacant land, and commercial storage facilities insulated from the subject property by forested wetlands, the proposed use of the subject property for a charitable institution will be harmonious with the surrounding land uses, and thus consistent with this objective.

(c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.

The scale of the existing and proposed buildings is consistent with the surrounding land uses. The proposed type and intensity of use is also similar to surrounding uses and will not generate significant noise, illumination, odors, vibration, etc. The project will repurpose a large underutilized parcel previously used as a single-family residence for the proposed charitable institution use, which is compatible with the existing surrounding residential, commercial, agricultural, and open space land uses. Due to the length of the driveway, surrounding forested wetlands, and the size of the parcel, it is unlikely any operating activity occurring on-site will be perceivable from neighboring parcels or nearby public roadways, thus maintaining the stability of surrounding existing land uses. Construction related to the proposed project could temporarily impact surrounding uses,

including increased noise levels, but, to reduce construction noise impacts on nearby residences, a condition has been added limiting construction to standard work days (Monday through Friday) between the hours of 7 a.m. and 7 p.m. To prevent impacts on adjacent properties from the trespass of artificial light during construction and operation, a condition has been added requiring outdoor lighting be consistent with development standards including shielding, downward direction, and dark-sky compliance. Finally, to prevent impacts on adjacent properties resulting from site runoff and drainage, a condition has been added requiring preparation of a construction-phase Erosion and Sediment Control Plan, and a condition requiring a post-construction Stormwater Control Plan.

For all these reasons, the proposed project as conditioned will protect existing land uses from inharmonious influences and harmful intrusions consistent with this objective.

(d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.

Presently children experiencing mental health crisis, along with their caregivers, have to travel out of the area to receive the type of care this project is proposing. Given the City's current need for residential mental health crisis facilities, the proposed conditionally permitted charitable institution is extremely beneficial to the City as a whole. This facility will serve as a resource for the community that is not currently fulfilled, allowing caregivers and families to remain in the area while their child is in recovery. Additionally, an institution of this nature requires a residential setting in a private environment in order to achieve the level of care and consideration children and families in crisis require, making the project site appropriate for the proposed land use.

(e) To prevent excessive population densities and overcrowding of the land with structures.

The proposed use will result in a relatively small (2,500 sf) increase to the footprint of an existing single-family-residence, with no increase in the number of total dwelling units. Existing ~~gross floor area of all buildings footprint-square footage~~ totals 6,911-sf² 7,305 sf (4,872-sf residence, 739-sf carport, 1,042-sf accessory building, 493-sf shed, and 159-sf gazebo); with the removal of the carport, shed, and gazebo, and addition to the single-family residence and accessory buildings, the total ~~footprint-of-buildings gross floor area~~ will increase by 2,438³ 4,692 sf (an increase of 678 sf from the original approval), totaling 9,349⁴ 11,997 sf upon completion of construction (4,872-sf residence, 3,239-sf addition, 1,698-sf Art and Administration Building, 717-sf Movement Pavilion, 375-sf greenhouse, and 1,096-sf barn). ~~This~~ The building footprint will occupy approximately 1.5% of the subject 13.56-acre, semi-rural parcel on the outskirts of town and will not overcrowd the

² The original Staff Report stated the building footprint square footage of all existing structures totaled 6,911-sf. This statement was inaccurate and was meant to represent gross floor area. The total gross floor area of all existing structures is 7,305-sf.

³ The original report stated the total building footprint will increase by 2,438-sf. This statement was inaccurate and was meant to represent gross floor area. Under the original proposal, the gross floor area would be increased by 4,014-sf.

⁴ The original report stated the total building footprint upon completion of construction would be 9,349-sf. This statement was inaccurate and was meant to represent gross floor area. Under the original proposal, the total gross floor area upon completion of construction would have been 11,319-sf. Under the proposed modifications, the gross floor area is increasing to 11,997-sf, a 678-sf increase from the original proposal.

land with structures. The existing impervious area of 18,506 sf will ~~decrease~~ increase to ~~+5,072~~ 28,078 sf upon completion of construction, with some previously paved areas being revegetated. The granting of the Use Permit will not result in increased population densities because it is assumed the majority of future employees would be hired from the local labor force, and the facility will serve existing area youth, providing them temporary ~~24-hour~~ and 30-day housing. It can be concluded the proposed conditional use will not result in excessive population densities and overcrowding of the land, consistent with this objective.

(f) To promote a safe, effective traffic circulation system.

Ingress and egress to the project site will occur via an existing ~~9-foot~~⁵ 10-foot-wide approximately 300-foot-long driveway, to be repaved under the proposed modifications, off of Indianola Road, a rural road with light traffic which currently serves three commercial uses, allows access to Walker Point Road, and serves one other residential parcel. Indianola Road is accessed from the Indianola Cutoff, a high traffic major arterial road connecting the Indianola and Myrtle Avenue areas with Highway 101. The facility traffic will consist of commuting employees, delivery trucks, and visitors, with approximately 60-80 trips anticipated daily. The project was reviewed by Caltrans and Public Works – Engineering, and no new or modified access was determined necessary or required to accommodate the increased vehicular traffic resulting from the new use.

(g) To foster the provision of adequate off-street parking and off-street truck loading facilities.

Required parking spaces for a charitable institution per EMC §10-5.1503.3.3 include two spaces for each three beds, one space for each two employees, and one space for each staff doctor. The project proposes 12 patient beds, 24 staff members, and no on-site staff doctors, requiring a total of 20 off-street parking spaces. The project proposes ~~29~~ 28 off-street parking spaces, including two ADA van accessible spaces, and two hammerhead turnarounds allowing access to the property for emergency vehicles. Off-street loading facilities are not required, and thus none are proposed. Staff concludes the proposed charitable institution will provide adequate off-street parking.

(h) To facilitate the appropriate location of community facilities and institutions.

The proposed project is for residential treatment and considered both a community facility and institution. As stated above, an institution of this nature requires a residential setting in a private environment in order to achieve the level of care and consideration children and families in crisis require, making the project site appropriate for the proposed land use and consistent with this objective.

(i) To promote commercial and industrial activities in order to strengthen the city's tax base.

⁵ The Staff Report for the original approval stated the site contained a 9 foot wide driveway, but it has since been determined the existing driveway is 10 ft wide with 2-foot gravel shoulders on each side.

The subject property is located within a residential zone, intended to avoid industrial or commercial uses, and the applicant, Sorrel Leaf Healing Center, Inc., is a nonprofit organization. The proposed use will support the health and well-being of local families who contribute to the City's tax base. The applicant will be required to obtain and maintain a City Business License which requires payment of annual fees to the City. This project will create a minimum of 24 new jobs, which will most likely be filled from the local population. For all these reasons, the proposed project is consistent with this objective.

(j) To protect and enhance real property values.

The site is currently underutilized and the proposed improvement of the site will contribute positively to property values. The proposed project, including the proposed conditional use, can be found consistent with this objective.

(k) To safeguard and enhance the appearance of the city.

The proposed project includes new construction subject to Design Review. In order to foster a more welcoming environment, the colonial façade of the existing three-story residence will be altered with the goal of the design to be more inviting to the patients the facility serves, but the alterations are also designed to be harmonious with the existing architecture. The building addition will be constructed to match alterations to the existing residence. The existing and proposed structures are well away from the boundaries of the parcel, and the parcel is ringed by trees and vegetation; therefore, changes to the existing structure and new construction will likely be visible only to those visiting the site. Due to the insulated nature of the site and design improvements, the proposed use will both safeguard and enhance the appearance of the City, consistent with this objective.

Purposes of the Zone District

In addition to the objectives prescribed in Sections 10-5.102 (Objectives) and 10-5.2902 (Objectives and purposes), the RS-6,000 and RS-12,000 Residential Districts are included in the zoning regulations to achieve the following purposes:

- (a) To reserve appropriately located areas for family living at reasonable population densities consistent with sound standards of public health and safety;
- (b) To ensure adequate light, air, privacy, and open space for each dwelling;
- (c) To protect one-family dwellings from the lack of privacy associated with multi-family dwellings;
- (d) To provide space for semi-public facilities needed to complement urban residential areas and for institutions that require a residential environment;
- (e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;

- (f) To preserve the natural beauty of hillsides and avoid slide and drainage problems by encouraging retention of natural vegetation, and discouraging mass grading;
- (g) To provide necessary space for the off-street parking of automobiles and, where appropriate, for the off-street loading of trucks;
- (h) To protect residential properties from the hazards, noise, and congestion created by commercial and industrial traffic;
- (i) To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare, and other objectionable influences;
- (j) To protect residential properties from fire, explosion, noxious fumes, and other hazards; and
- (k) To reserve appropriately sized lots for family living at reasonable population densities in areas with limited public service (RS-12,000).

The proposed charitable institution is appropriate for the RS-12,000 zone, as it is an institution requiring a residential environment. If approved, the proposed facility will be located on the interior of an isolated parcel, densely insulated by forested areas and adjacent agricultural land, ensuring the privacy typically associated with one-family dwellings and necessary for an institution of this nature. The subject property is served by City water, and a condition requires the service connection and meter to be upgraded and inspected prior to occupancy to the satisfaction of Public Works. Furthermore, to accommodate the proposed use, the existing septic system will be removed, and a new septic system will be installed with the proposed main and reserve leach fields located in an upland field near the southern end of the property. The proposed septic system will require a permit and final inspection from Humboldt County's DEH and a condition of this report requires the applicant to provide evidence DEH has done so, prior to obtaining the final certificate of occupancy. The proposed project will result in the utilization of an existing vacant single-family residence and creation of 24 new jobs. Granting of the Use Permit will not result in increased population densities because it is assumed the majority of future employees would be hired from the local labor force, and the facility will serve existing area youth, providing them temporary ~~24-hour~~ and 30-day housing. Furthermore, the proposed project will not result in an increased number of dwelling units.

As discussed above in the Objectives and Purposes section, the project and existing and proposed buildings are consistent with the surrounding land uses, and no new or modified access was determined necessary or required to accommodate the increased vehicular traffic resulting from the crisis facility.

Grading and ground disturbance are proposed, but heavily sloped areas of the property will be avoided. The overall slope of the parcel varies but is generally less than 10%, and in the flatter areas where development is proposed the potential for erosion is low. The site drainage around proposed buildings and parking has been designed to flow parallel to the forested wetlands and then infiltrate within vegetative buffers. and Pparking areas will be partially constructed of permeable materials allowing rainwater to infiltrate, but under the proposed modifications, less pervious pavement is proposed than under the original approval (See Figure 4 above). As stated

above in Objectives and Purposes, conditions have been added requiring control plans to prevent impacts on adjacent properties resulting from site runoff and drainage both during and after construction. ~~Although some of the site's previously paved areas will be revegetated,~~ the existing impervious area ~~is of~~ 18,506 sf ~~and although the project will increase the building footprint, the overall total impervious area will decrease~~ increase to ~~+5,038~~ 28,078 sf, a total increase of impervious area of 9,572 sf. Additionally, the Biological Assessment⁶ (~~Attachment 3~~) prepared for this project requires the planting of fast-growing native shrubs between new parking areas and forested wetlands.

The proposed project does not include commercial or industrial uses and will not create hazards or nuisances for surrounding residential or commercial properties. Due to the length of the driveway, surrounding forested wetlands, and the size of the parcel, it is unlikely any operating activity occurring on-site will be perceivable from neighboring parcels, thus maintaining the stability of surrounding existing land uses. The proposed type and intensity of use will not generate significant noise, illumination, odors, vibration, etc. Project construction could be disruptive to surrounding land uses but will be temporary and limited to standard work days.

For all the above reasons, Staff has determined the project, as conditioned, is consistent with the purposes of the RS-12,000 zone district.

2. Public Health, Safety, and Welfare

A cultural resources field survey of the site was conducted in the winter of 2021 by a qualified archaeologist with representatives of the Bear River Band of the Rohnerville Rancheria present. Although no tribal cultural resources were identified during the field survey, follow up conversations with representatives from all three local area Wiyot groups (Bear River, Blue Lake, and Wiyot Tribe) resulted in a recommendation ground disturbing project activities be monitored by a cultural monitor. A condition requiring monitoring has been included.

~~Referrals~~ Prior to the original approval, and additionally for the proposed modifications, referrals were also sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. Comments were received from Public Works – Engineering indicating the property is currently served by a water meter located on the bend of Indianola Road, and upgrades to the water service connection and meter, as well as the installation of a back-flow device, are required. A condition has been included requiring the applicant to make all necessary upgrades to the water supply connection to the satisfaction of Public Works – Engineering.

The project involves decommissioning of the existing septic system and installation of a new septic system to adequately serve the proposed use. In evaluating the feasibility of the proposed septic system and its location, a Custom Soil Resource Report⁷ (~~Attachment 5~~) was prepared by the Natural Resources Conservation Service and a site evaluation was conducted by DEH. Additionally, after review of the soil report and a septic suitability report, DEH determined the

⁶ The Staff Report prepared for the original approval included the Biological Assessment Report as an attachment; the Biological Assessment Report can be viewed at the following link: <https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1649247/Attachment 3 - Bio Assessment.pdf>.

⁷ The Staff Report for the original approval included the Custom Soil Resource Report as an attachment; the Custom Soil Resource Report can be viewed at the following link: <https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1649251/Attachment 5 - Soil Report.pdf>.

proposed septic system upgrade is suitable for the site. Under the proposed modifications, the primary and reserve leach field areas have been expanded and relocated slightly southwest and upslope from where they were originally proposed to account for required groundwater separation determined by monitoring since the original permit approvals. A permit is still necessary from DEH and a condition of this report requires the applicant provide evidence DEH has permitted the proposed on-site septic system prior to obtaining a building permit and inspected the installed septic system prior to being issued the final certificate of occupancy.

The proposed project footprint avoids, but is in close proximity to, herbaceous and forested wetlands and a large pond/wetland complex. In addition, an active bald eagle's nest is located in a stand of trees at the southwestern edge of the parcel, approximately 880 ft from the existing residence. A Biological Assessment Report⁸ (~~Attachment 3~~) and the Botanical Assessment Report included in the report of Delineation of Waters and ESHA⁹ (~~Attachment 4~~) were prepared for the project, and site visits were conducted with California Department of Fish and Wildlife (CDFW) and the California Coastal Commission (CCC) to review and discuss proposed buffers from these sensitive habitat areas and other necessary mitigation measures to prevent adverse impacts.

Under the proposed modifications, all minimum buffers between proposed development and ESHA are increasing. The minimum buffer distance between forested wetlands and the proposed parking lot on the eastern side of the residence will increase from 32.2 ft to 35 ft; the minimum buffer between the forested wetlands and the proposed parking lot on the western side of the residence will increase from 23.7 ft to 35 ft; and the minimum buffer distance between the two herbaceous wetlands and proposed leach field will increase from 70.8 and 131.6 ft to 100 and 160 ft, respectively. In addition, the buffer between the proposed barn and the Bald Eagle's nest will increase from 660 to 690 ft.

The proposed building addition to the main residence was originally located 92 ft from the pond, but under the proposed modifications, this buffer is reduced by 10 ft. The Movement Pavilion was originally located 55.4 ft from the pond, but under the proposed modifications, this buffer is reduced by 14 ft. Although some buffer distances around the pond will be reduced, the minimum buffer distance between the pond and proposed development will increase from 36.2 to 41 ft.

The existing driveway is proposed to be repaved in close proximity to ESHA, when under the original approval no work to the driveway was proposed. Conditions included in the original approval required a Construction-Phase Erosion and Sediment Control Plan and a Post Construction Stormwater Control Plan, and these conditions remain under the proposed modification. With these conditions now including the paving of the driveway proposed under the modifications, the construction-phase plan will ensure the paving work will not degrade nearby ESHA, and the post-construction plan will address runoff from the widened driveway for the life of the project. Language has been added to the conditions of approval to make it clear that under no circumstances shall any construction activities or development occur in wetlands

⁸ The Staff Report prepared for the original approval included the Biological Assessment Report as an attachment; the Biological Assessment Report can be viewed at the following link: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1649247/Attachment_3_-_Bio_Assessment.pdf.

⁹ The Staff Report prepared for the original approval included the Delineation of Waters and ESHA report as an attachment; the Delineation of Waters and ESHA report can be viewed at the following link: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1649249/Attachment_4_-_ESHA.pdf

and/or ESHA, including the driveway and any associated stormwater management facilities. In addition, protective fencing and signage, as originally proposed and remaining under the modifications, will be installed between development and wetlands in order to restrict access to the pond, wetlands, and associated buffers.

The CCC ~~will be processing~~ processed and approved the a CDP in April 2023 (Attachment 3) and specifically addressing ~~addressed~~ the buffers and suggested mitigation measures. The applicant will be requesting approval of a modification to the CDP from the CCC following local discretionary approvals of the modifications. A condition of this report requires the applicant to comply with all conditions set forth by the CCC.

A portion of the subject property is in the FEMA flood zone and the tsunami inundation hazard zone as mapped by the California Geological Survey. Any development occurring on the subject property will be outside of the flood zone and tsunami inundation zone. However, the driveway is located within the sea-level rise (SLR) inundation area, with approximate depth of inundation in 75 years (approximate lifespan of the project) about 6.4 ft at the intersection with Indianola Road. To adapt to potential SLR, the applicant will incrementally raise the elevation of the driveway over the next 75-years. Any improvements to the driveway to adapt to SLR would likely be coordinated with the County as the driveway is accessed from Indianola Road, a County maintained roadway.

No comments were received indicating the proposed charitable institution will be detrimental to the public health, safety, or welfare, or materially injurious to the properties in the vicinity. When considering the health, safety and welfare of the public, it is important to consider the addition of adequate facilities and services for mental health well-being contributes to an increase in the health, safety and welfare of the public. Presently, Eureka does not have a facility for residential treatment of children experiencing mental health crises. Not only will this facility not be a detriment to the public health, safety and welfare, it can be concluded this facility and its proposed services will promote and encourage an improvement to health, safety, and welfare of the City by filling a void that is sorely needed.

3. Provisions of Chapter 5

The proposed charitable institution use and existing and proposed structures, with conditions, meets all applicable EMC development standards, including standards for yard setbacks; size and bulk; minimum lot size; slope; density; parking and landscaping. Additionally, no loading facilities are required by the code.

~~While the applicant has indicated the mean height of the barn will be 13 ft, EMC Sec.10-5.201 states the maximum height for an accessory structure is 12 ft. A condition requires final building plans to comply with the 12 ft height limit.¹⁰~~

¹⁰ EMC §10-5.210.1 states in part the height of a structure shall be measured vertically from the average elevation of the natural grade of the ground covered by the structure to the mean height between roof eaves and ridges. The original Staff Report stated the mean height of the proposed barn would be 13 ft, but this statement was inaccurate. The height of the proposed barn at the highest point is 13 ft, but the mean height is less than 12 ft due to the pitch of the roof. Thus, the proposed barn will not exceed the 12 ft height maximum for accessory structures outlined in EMC §10-5.201.

Therefore, the proposed use and location of the charitable institution complies with the applicable provisions of Chapter 5.

4. Local Coastal Program

The Local Coastal Program (LCP) includes the 1997 Coastal General Plan land use designations and map, and the zoning district regulations and map. The project site is zoned RS-12,000 – One Family Residential and designated ER– Estate Residential, both of which allow charitable institutions as conditionally permitted uses. The setting and design of the proposed project are consistent with the intent of the ER land use designation and the purpose and standards of the RS-12,000 zone district as described in more detail above. The CCC ~~will review~~ reviewed the project’s consistency with LCP Coastal Act policies as part of their analysis of the original CDP application and ~~will condition~~ed, if necessary, any the CDP approval for consistency with the LCP Coastal Act (See Attachment 3 for the CCC staff report and conditions of approval). Although the analysis was focused on Coastal Act policies, the analysis covers all applicable topics of the

Figure 7: Existing residence (facing south)



City’s LCP (ESHA, coastal waters, visual resources, archaeological resources, adequacy of services, and coastal hazards), as the City’s LCP was written to be consistent with the Coastal Act. As stated above, a condition has been included for the CUP requiring adherence to all conditions imposed by the CCC in the issuance of the CDP. Thus, the proposed use, as conditioned, is consistent with the Local Coastal Program LCP policies of the 1997 Coastal General Plan.

DESIGN REVIEW ANALYSIS

The proposed project requires Architectural Review by the Planning Commission as is required for all conditional uses in the RS – 12,000 zone district.

Architectural review is intended to prevent the erection of structures which would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity.

The Planning Commission should determine whether the proposed charitable institution will be inharmonious with the surroundings or will have an adverse effect on the value of property or improvements in the vicinity. Pursuant to EMC §10-5.1801 et seq., the ugly, the inharmonious, the monotonous, and the hazardous shall be barred. The Commission’s review includes exterior design, materials, textures, and colors but does not include elements of the design that do not affect exterior appearance. The Planning Commission must recommend disapproval of drawings for a structure that would be inharmonious with surrounding development, but the

Figure 8: Existing residence and accessory building (facing north)



Commission cannot require new structures duplicate an historic architectural style as a condition of approval.

In order to foster a more welcoming environment to children and families, the daunting colonial façade of the subject property will be altered to create a more inviting environment yet stay harmonious to the current architectural style. Although it is important to note the subject property is not listed on the Local Register of Historic Places (LRHP) and thus not required to be reviewed by the Historic Preservation Commission (HPC), during the cultural resources field survey it was concluded the existing residence is a significant example of an exaggerated Colonial Revival architectural style and the residence would qualify for the LRHP and the California Register of Historic Resources (CRHR) for having a unique architectural type and method of construction. The archeologist recommended any proposed modifications to the building follow the Secretary of the Interior’s Standards for the Treatment of Historic

Figure 9: North Elevation (original proposal)



Properties and an architectural historian review the new architectural design to ensure they meet these standards prior to project implementation.

The purpose of the Secretary of the Interior’s Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing

Historic Buildings is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to beginning work. The Standards for the Treatment of Historic Properties address four treatments: preservation, rehabilitation, restoration, and reconstruction. Through Development Services – Planning Staff’s

Figure 10: Updated north elevation under proposed modification



experience working with the City's Historic Preservation Commission, of the four treatments, the most appropriate for this project would be rehabilitation.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character. When alterations are made to a historic structure, the alterations

Figure 11: South Elevation (original proposal)



should be differentiated from the original, and should not mimic or create a false sense of historicity. One of the most distinctive characteristics of the structure, the columns, as well as other historic features and characteristics, will be incorporated into the new façade and addition. Allowing these

alterations means the building will be used, and will have a new use, as opposed to remaining vacant, possibly deteriorating through disuse, which could potentially lead to the structure being lost.

The applicant's architect's opinion regarding the proposed design of the residence is as follows:

“The Falk residence was built in 1938 in the Colonial Revival style, and has several architectural features and details that will be preserved and matched in the proposed renovation and additions for the crisis center. The intent is not to significantly alter the historical architecture of the home, but to enhance it. At the existing main entry porch, a new addition, handicapped accessible ramp, and brick entry stairs will be constructed in order to improve functionality and update the facility to meet current building code standards. This addition will not only make the front more inviting and comforting, but is designed to be in harmony with the existing architecture. This is achieved in several ways,

including trim details to match the existing, true divided lite windows, horizontal lap siding, crown molding and gutters identical to what the home currently has, brickwork with the same proportions and color tone, a matching roof pitch, black wrought iron railings, stepped gable end trim, and shingle roofing. Furthermore, the large white columns are integrated into the new design, becoming feature elements supporting the entry porch, the glass enclosed second floor observation space, as well as the added front bedroom. This project is an evolution of the existing home into a stunning environment which not only meets the functional needs of the healing center, but creates a welcoming place residents, staff and visitors alike can enjoy for years to come.”

Based on the project architect’s opinion, the analysis regarding rehabilitation above, and since the subject property is not visible from Indianola Road and is likely not visible from neighboring properties, with ; any changes to the building façade will being viewed solely by patients and staff

Figure 12: Updated south elevation under proposed modification



visiting the property. Staff believes the proposed development will be harmonious with its surroundings, will have a positive effect on the property value, and thus recommends approval of Design Review.

The Planning Commission issued Design Review approval on November 14, 2023. Although some changes are proposed to the interior use of the existing main structure and proposed addition, the exterior appearance remains largely the same as what was originally approved. The biggest change from the original proposal is to the existing accessory building located behind the main structure, which will now increase in size by 656 sf. Furthermore, the original proposal included solar panels on both the building addition and the main residence. Modifications to the project include removing the proposed solar panels from the main residence, adding more solar panels to the building addition than originally proposed, and adding solar panels to the existing accessory structure.

Minor changes are also proposed to the layout of parking/circulation as well as the size and location of proposed accessory structures, but none of the changes significantly affect the overall character of the project or relationship among the structures, circulation, and surrounding natural environment. In addition, none of the proposed modifications affect the design review findings transferred from the original approval, as demonstrated by the lack of track changes above.

~~The Planning Commission could choose to approve the Design Review, which is Staff's recommendation. Or, an alternative Staff could also recommend, and would likely take one additional month, is for the Commission to not approve the Design Review and instead refer~~

~~Design Review for the project to the Historic Preservation Commission. Finally, and not recommended by Staff since it would be at least two months before the process would be completed, the Commission could refer the project to Historic Preservation Commission for review and ask them to make a recommendation back to the Commission, who would then act on the Design Review at a future meeting.~~

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project as modified continues to qualify for ~~is~~ categorically exemption from the ~~provisions of the~~ California Environmental Quality Act (CEQA). The proposed addition to the primary residence and renovation and addition to the existing accessory structure are categorically exempt from the provisions of CEQA, pursuant to Section 15301, Existing Facilities, Class I of the CEQA Guidelines, which consists of the operation and minor alteration of private structures and facilities involving negligible or no expansion of use. Class I allows for interior and exterior alterations to existing structures and conversion of single-family residences to other uses such as residential care facilities as proposed under this project. Section 15301 specifies additions to existing structures also fall under Class I as long as they do not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 sf, whichever is less [Sec.15301(e)(1)]. In this case, 2,500 sf is the threshold, and neither the addition to the main residence nor the addition to the accessory structure will ~~not~~ result in an increase of more than 2,500 sf to existing structures.

The Lead Agency has additionally determined the proposed new accessory structures (pavilion, barn, and greenhouse), as modified, are categorically exempt from the provision of CEQA, pursuant to Section 15303, Class 3 of the CEQA guidelines, which consists of the construction and location of limited numbers of new, small facilities or structures. Class 3 allows for the construction of accessory structures, including but not limited to garages, carports, patios, swimming pools, and fences, with no specified limit to the number allowed.

As a result, the expansion can be considered negligible, and the project as modified is exempt from the California Environmental Quality Act.

PUBLIC HEARING NOTICE

Public notification of the proposed Conditional Use Permit and Design Review modifications consisted of notification by mail of property owners within a 300-foot radius of the site on or before June 30, 2023. In addition, the notice was posted on the City's website and bulletin boards. A public hearing notice sign was posted on the site on or before June 30, 2023.

CONCLUSION

In November of 2022, the Planning Commission approved a Conditional Use Permit and Design Review for the Sorrel Leaf Healing Center, with conditions. The applicant has proposed modifications to the project which include an increased footprint to the proposed addition on the main residence, renovation of and addition to the existing accessory structure, minor changes to the size and location of proposed accessory structures, minor changes to the amount and location of proposed solar panels, repaving of the existing driveway, expansion in size and change of location to the main and reserve leach fields for the on-site septic system, and minor changes to parking and site circulation.

The proposed changes do not affect the hours of operation, number of people on-site, or the overall benefit of the project to the community. Although the total footprint of the structures and total impervious area are increasing under the proposed modifications, minimum buffers from natural areas remain intact or increase. The project as modified continues to supply adequate parking, protection of surrounding wetlands/ESHA, and adequate water and wastewater services. The project as modified remains consistent with the General Plan, Zoning Code, and Local Coastal Program; is not ugly, inharmonious, monotonous, or hazardous; and will not be detrimental to property or improvements in the vicinity.

As a result, all necessary findings can be made to approve the proposed Conditional Use Permit and Design Review modifications.

STAFF CONTACT

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DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution
Attachment 2: Revised Site Plans and Architectural Plans
Attachment 3: Coastal Commission's CDP Staff Report