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County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Planning Department:

This letter is in regard to the CEQA NOI for the We Are Up Project located at 144 Weirup Lane in McKinleyville.

1- 1 { As a neighbor of the Weirup Lane property for over 13 years, I am familiar with the environment at this location and the surrounding neighborhood. Having reviewed the We Are Up IS/MND, it is evident that the document lacks the information needed to completely analyze impacts, has an incomplete and inaccurate assessment of impacts, and improperly uses permits to bypass the assessment of conflicts with zoning requirements. All of this leads to the inadequate assessment and mitigation of impacts.

1- 2 { The project is located in a sensitive area, with wetlands, sensitive natural communities, and various wildlife species and their habitat onsite. In addition, it is within a residential neighborhood. While the project would fill a gap in need by providing housing for those with disabilities, the project is outsized for the sensitivity of the area. In particular, the project proposes a center for special events, which would host classes for the public, as well as large events like weddings and community gatherings, which would be disruptive to existing neighbors, and to those within the planned community. An event center is not needed for this type of project, and it would not fill a need that existing facilities in the local area do not already fulfill; there are other community centers and venues for special events within McKinleyville less than a mile away from the proposed project site. In addition, the event center is the primary reason for the potentially significant environmental impacts resulting from this project, as it increases impacts to wetlands, causes traffic impacts, results in excessive noise, and relies on permits to get around protections from zoning requirements without proper assessment.

1- 3 { Another major concern is sensitive natural communities and wetlands in general. Not all of the sensitive natural communities were mapped; therefore, not all impacts were assessed. In addition, wetlands were assessed as seasonal, rather than perennial, and incorrect buffers applied. In addition, work within wetlands is not in compliance with the McKinleyville Community Plan.

Please see my questions, comments, and concerns below.

Background and Need

The purported need for the project is to provide housing opportunities with a focus on individuals with disabilities. However, the We Are Up webpage says that they are building a community for people “with and without disabilities,” and the document’s need statement also mentions seniors, college students, and medical personnel. This brings into question the focus of this development, as I would interpret the combination of this information to mean that the proposed new development would be open to all, not just for those with disabilities. **What will prevent this project from going beyond its intended scope as a community for those with disabilities?**

1-4 Another concerning aspect of this project that does not appear related to the original purpose and need is the development’s intended use as a center for special events such as weddings, community gatherings, and public classes. Based on the number of features planned and intent of the project, this development is oversized. The project appears to be trying to fit everything into a property that is in a sensitive location, within a residential area (only the parking lot is commercial), and down a private street. **A development to provide housing and community for those with disabilities does not require it to be an event center or community center for the public.** In fact, these uses will likely be a disruption to the planned community residents. There are plenty of other venues within and around McKinleyville that serve this need and trying to incorporate all these facilities and uses is a large contributor to the impacts associated with the project. In conclusion, **the project need does not include an event center, and an event center clearly goes beyond the intended purpose of the project.** Further, **it is inappropriate for an event center to be located in and adjacent to a residential community.**

Project Description

1-5 While the project description provides a lot of information, some of it is misleading. For example, the first statement in this section is that development and construction would be limited to the western portion of the project area, other than wetland creation, habitat restoration, and riparian enhancement. However, the project description later states that there may be **fences outside of this western portion, as well as access roads, trails, wildlife viewing areas, etc.** There is also a barn and associated road located along much of the southern portion of the project area. **These would all be considered development and would not be confined to the western portion of the property.** This document needs to be updated to accurately reflect the development of this area.

1-6 In addition, the project description characterizes vegetation within the project area as non-native grasses and other low-habitat value vegetation, **which is a misrepresentation of the habitat.** The majority of the area is wetlands, which serves an important ecological role, and is host to variety of wildlife, including special status species such as egrets, blue herons, and kites. There are also sensitive natural communities present, including willows and Sitka spruce, as well as others that were not appropriately mapped (see the biological resources section below).

1-7 } The use of the term “community” can be confusing in this document—sometimes it appears to be a discussion of the planned community, and other times it can be read to be referring to the public as a whole. For example, the project summary says that they are building community spaces to be used by residents for community engagement. Please confirm what this means. There is a community center, but is that intended only for residents, or the public at large, since it would likely be used for special events?

In addition, there are certain topics that are not fully developed, resulting in inadequate assessment of resources, which leads to many questions and concerns, including on the adequacy of this document. Information that needs further detail includes the following:

1-8 } • *Community Center:* As mentioned above, the term “community” is confusing and not well defined. This section says that the community would be used by residents, staff, and others. This is not exclusive. Who are “others”? Can the public at large use this facility? And can the center be used by the community—i.e., the public—for anything? If this is the case, there may be many more impacts associated with this project than presented in the document, particularly relating to transportation and biological resources, if anyone in the public can use the property and associated planned developments, such as trails. This also leads to security concerns for the development and its adjacent properties. A thorough description of who, how, and when needs to be developed.

1-9 } This section of the project description also mentions classes may be open to the community with up to 50 guests. Impacts from classes, including VMT, are not assessed anywhere in this document. As a reasonably foreseeable consequence of the project, it should be considered an integral component of the project and analyzed.

1-10 } This section also mentions that events would be held in the community center and “its outdoor areas”. Where is the outdoor portion of the event center located on the property? This could have a variety of impacts, including exposing sensitive wildlife, the planned community, and neighboring residents to excessive noise, yet nowhere in the document is projected noise from outdoor events assessed.

1-11 } • *Living Units and Vehicle Trips:* This section and sections on air quality and transportation do not take into consideration special events, classes (with up to 50 guests), workshops, etc., which should be included if they are considered part of the operation of this facility.

1-12 } • *Garden:* The garden includes features such as walkways and a storage shed/barn, which can increase impervious surface. However, the size and location of these features are not on existing plans or described further in the document. Will these new impervious surfaces be located near sensitive wetlands or natural communities? These should be addressed, and impacts assessed.

1-13 } • *Barn:* The project says that livestock may have access to wetland areas for part of the year. However, impacts of livestock on wetlands and water quality are not assessed in this document. This section also says that sensitive natural communities would be fenced

1- 13 } off. However, other than one location, this fencing is not on project plans, and impacts from fencing and fencing installation is not addressed—based on the location of the fencing, this would require access roads in wetlands, as well as fill from the fence posts in the wetlands. In addition, not all sensitive natural communities have been mapped, as discussed in the biology section below. Also, what is to keep these animals from escaping the property or entering the planned residential areas?

1- 14 • *Orchard*: This says that fruit trees would be planted onsite. However, there is already an orchard onsite. Is this a separate orchard? It says that it would be in proximity to the garden, which is not on the map. This needs to be added to plans, and impacts assessed.

1- 15 • *Special Events*: This section implies that events would be held outdoors, but it does not say where. Depending on location, this can have implications for biological resources, and should be assessed. This section also discusses parking on a gravel road in the barn area. As mapped and described, this road is only 10 feet wide, and there are no parking areas. How will people park here? What other impacts will this have? How will people know of these parking facilities? In addition, what is the purpose of the road extending so far east of the barn? This needs information needs to be addressed, and any additional parking areas or other features need to be added to plans, and impacts assessed.

1- 16 • *Walking Trails*: This section mentions that there may be walking trails throughout the project area. However, locations of these trails and their sizes are not on the plans, though they may include wetland fill. In addition, the ancillary features such as benches, picnic facilities, nature viewing areas, etc. are also not included in the plans. As most of the project area consists of wetlands, this would likely result in wetland impacts. These need to be added to plans, and impacts assessed.

1- 17 • *Wetland Creation*: The plans showing wetlands and wetland impacts are not adequate. They do not show the required buffer, or other impacts such as from fencing, access roads, trails, ancillary trail features, etc., which would likely increase impacts to wetlands. The plans need to be updated and impacts assessed.

1- 18 • *Riparian Enhancement*: Based on the maps, riparian enhancement areas are within wetlands. How does this mitigate or compensate for impacts to wetlands? If this is out-of-kind mitigation, higher ratios should be used.

1- 19 • *Fencing and Gates*: While these features are important, not all of these are included in the project plans, as noted above. Therefore, potential impacts, such as to wetlands, cannot be assessed. In addition, type of fence proposed is not discussed, which is important for areas in the eastern portions of the property, as fences can impact wildlife movement. Information on these features needs to be provided and added to plans, and impacts assessed.

1- 20 • *Drainage and Stormwater*: This section says that excess stormwater at the northwest corner of the property would be collected and treated in vegetated swales and/or bioretention facilities before being discharged into the MCS D drainage inlet along

Weirup Lane. These features are not on the plans; moreover, this entire area is parking, so it is unclear how there would be space for treatment areas.

- 1- 21 • *Grading and Fill:* Fill lines are not mapped on the plans and may result in impacts outside of the proposed footprint for construction. These need to be added to plans, and impacts assessed.
- 1- 22 • *Construction Phasing:* This section does not have a timeline. Impacts from construction could greatly affect neighbors, especially if this is a multi-year project. There are those sensitive to noise who live adjacent to or near the project site, including those who work from home, have children, or have other noise sensitivities. However, elements of this document rely on this being “short-term”. A detailed construction scenario/schedule needs to be developed.
- 1- 23 • *Other:* Dimensions of features, such as for buildings, are not within the project description, nor are building colors or materials, which limits assessment of the project, including conflicts with zoning, such as height restrictions, or impacts to viewsheds.

1- 24 A project description should contain enough information so that the impact analysis provides a meaningful assessment of the project’s impacts. If there is insufficient information in the project description, the impact analysis may be misleading or incomplete, and may not provide the information necessary to determine project impacts. Based on the information discussed above, the project description is incomplete, which makes it impossible for the CEQA document to disclose and assess the impacts of the project. As a result, the document does not meet the standard required by CEQA. The IS/MND needs to be updated, environmental impacts properly assessed, and recirculated for public comment.

Aesthetics

In the aesthetics section of the document, questions a and c, the document assesses impacts to views of the project area. However, this section attempts to downplay and minimize the scenic quality of the property. This section does not fully assess impacts to the public and does not provide enough information to back up its assertions.

1- 25 To begin, the IS/MND describes the visual setting as essentially a vacant lot with some buildings, with “non-native grasses and other low-habitat value vegetation on the majority of the site.” The quality of habitat and whether species are native is not relevant to aesthetics unless it is out of character of the area. The meadow is highly scenic, including views of grasslands, wetlands, riparian vegetation (including the willows surrounding the pond), an old barn, plentiful wildlife, and minimal views of existing development. The meadow has been identified by project neighbors as a visual resource, where adjacent homes design their backyards and interior spaces to better see and enjoy the meadow views. Just take a look at the photos of the area on We Are Up’s own Facebook page, which emphasizes the scenic value of the property, and the importance for community members to have views of this scenic landscape.

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The document notes that the project is concentrated in the western 1/3 of the property, closer to existing development, though this is not wholly accurate (see the project description section above). While not highly visible to the general public, portions of the property can be seen from Central Avenue and Grocery Outlet, in addition to the nearby residences. However, the project may make the property more publicly visible as the project includes the construction of a 4-story building. The proposed building size is highly out of character with McKinleyville, and it's deeply concerning that it will set precedence for other building allowances in our small rural community. While the height of the proposed 4-story building has not been properly disclosed, the residential zoning in this location only allows building heights of 35 feet, and buildings in commercial zones in the vicinity don't have structures that are more than one to two stories; this building will likely be highly visible from Central Avenue and would provide an obtrusive and non-typical visual change to the visual character and quality of the area and to the skyline. This change needs to be assessed in the document. In addition, information needs to be included on building dimensions, colors, and materials to fully assess visual impacts.

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While it is appreciated that the neighboring properties on Hideaway Court are acknowledged, the IS/MND does not provide enough information to back up its assertion that townhomes would only partially shield the existing viewshed from these residences. The document states that townhomes would be lower than existing homes, leaving the viewshed intact. However, the document does not state how much lower the townhomes are than the existing residences, nor the heights of the townhomes. In addition, the ground slopes downwards in this area towards the east. Would this area have to be leveled and raised for construction of the townhomes? If so, how much? Because of the slope, the house closest to Weirup Lane does not have much of a drop to the meadow, probably not more than a few feet. If there is only a difference of a few feet between the meadow and the homes, such as 4-6 feet, but townhomes are 14 feet high, how would this leave "the majority of the viewshed intact"? Information needs to be provided on the dimensions of the townhomes, including height of the roof, and amount of fill, and impacts to viewsheds need to be assessed.

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Figure 1 below is the existing view from my home. There would be an entire house placed 10 to 15 feet behind my fence; this would entirely block the view. As a long term and highly exposed viewer of the site, it would drastically change the visual character and quality of the surrounding environment and have a significant impact on residents. Has there been any consideration to having all buildings on the western portion of the project site being two-story in order to reach the desired number of housing units? This would avoid the need to build townhomes on the northern property line. We Are Up has previously acknowledged the importance of having views of the meadow, and we as neighbors deeply care about the view. There would be minimal to no visual obstruction to meadow views with this alteration, and those within the planned community would be able to have views of the meadow as well. This would also enhance privacy for both the planned community and existing neighbors.



Figure 1. View from existing property along Hideaway Court that would be blocked by the new development.

Air Quality

1- 30 { Under the “Operational” section of question b, the document mentions the project will generate emissions from **prescribed burns**, but no further information is provided, and there is no information on prescribed burns in the project description. What will be burned? How often? Are there measures that would be followed to reduce impacts from these burns?

1- 31- The same section mentions that project operational emissions were estimated—but I don't see prescribed burns in the appendix. **Were emissions from prescribed burns estimated?**

1- 32 Question c mentions that project construction activities may occur over two *or more* construction seasons, and then says that the project would not result in prolonged construction equipment use. **How is this conclusion drawn if the estimated length of construction is not known, as it can take two or *more* years?**

1- 33 An updated project description as well as air quality analysis is needed.

Biological Resources

Sensitive Natural Communities

1-34 In support of this project, an Aquatic Resources Delineation and Sensitive Habitat Report was prepared. Sensitive natural communities were reportedly mapped according to CDFW protocols. However, not all natural communities were mapped within the project area.

1-35 CDFW mapping standards call for minimum mapping units (MMUs) for sensitive natural communities as ¼ acre for regional-scale projects. CDFW guidance notes that project-level MMUs are smaller, with very small MMUs for sensitive herbaceous communities. Essentially, there is no MMU for sensitive natural communities.

1-36 Within the project area, just south of the house at 1694 Hideaway Court, there is a thick patch of *Scirpus microcarpus* (small-fruited bullrush). A wetland delineation was conducted at the edge of this patch (see Figure 2). In addition to being part of a wetland, and a wetland obligate species, the *Scirpus microcarpus* Herbaceous Alliance has a state rarity of S2, which means it is imperiled in the state. Based on the alliance membership rules in the California Manual of Vegetation, and the ranking of this community, this area should have been mapped and assessed as a sensitive natural community.



Figure 2. *Scirpus microcarpus* sensitive natural community that was not mapped and assessed.

1- 37 In addition, there are areas of thick *Juncus* that would likely fall into the *Juncus (effusus, patens)* - *Carex (pansa, praegracilis)* Herbaceous Alliance (Soft and western rush-Sedge marshes). This alliance has a state ranking of S3S4. S3 alliances are vulnerable in the state and are protected by CDFW as a sensitive natural community. However, this potential natural community was not assessed in the environmental document or supporting documents.

1- 38 Also, the riparian willow patch around the pond was not mapped or assessed.

1- 39 Missing these sensitive natural communities calls into question the adequacy of the Aquatic Resources Delineation and Sensitive Habitat Report as a supporting document. These sensitive natural communities, and any others that were missed, need to be mapped and assessed for impacts.

1- 40 In addition, as there is inadequate information on project features in the environmental document, such as locations of trails and ancillary features, locations of outdoor activities, and assessment of animals grazing in wetlands, impacts cannot be properly analyzed. As mentioned in the project description section, these need to be added to plans, and impacts assessed.

1- 41 The document's determination that of a less than significant impact on sensitive natural communities may not be valid depending on mapping and assessment. The environmental document needs to be updated and recirculated.

Wetlands

1- 42 The document prepared to assess sensitive natural communities also mapped wetlands. As with the natural communities, I have concerns about this supporting document, and the information and conclusions in the environmental document, particularly as the mapping provided was not sufficient to clearly review wetlands, associated data points, and impacts from development. In addition, wetland buffers are not provided on any of the maps.

1- 43 Wetland delineations are generally conducted during the growing season, as plant communities can shift, with wetland plant species dominant during the wetter parts of the year and upland plants dominant during the drier parts. Wetland hydrology may not be evident later in the year.

1- 44 The wetland delineations for this project were conducted in September, November, and December of 2021, and January of 2022. This is outside of the growing season. Monitoring wells were installed to better determine hydrology, but these were only in a few select locations, and did not constitute all areas of development. In addition, of these wells, only data from two locations are analyzed. Therefore, hydrology may not have been adequately assessed in some project locations.

1- 45 The delineation report also does not relay existing conditions—the project area was mowed around September of 2021, likely before surveys. Though there are no representative photos at the time of delineations in the report, the site photos from January 2022 show the condition of

the property. How were plants, and associated plant cover, appropriately assessed in these conditions?

1-46 { In addition to the above, there were **very few paired data points for the size of the property**, particularly in the western portion of the project—the area affected by development. There were only nine sets of points taken on a 15.4-acre property. While additional soil pits were dug, few of these were near the areas to be developed.

All of the above, in addition to the conditions of drought when most data were collected, suggests that the delineations may not be sufficient to accurately determine wetland boundaries.

1-47 { Another concern relates to the **groundwater monitoring**, which was conducted in areas mapped as uplands to determine if groundwater levels were within 12 inches of the soil surface for 14 consecutive days, which would indicate wetland hydrology. **However, the report states that only two of the locations were analyzed for groundwater depth**—while this included areas near the western portion of the project, there was no analysis of the area near construction along the northern property line. Additionally, the environmental document says that the groundwater monitoring results did not show groundwater data within 12 inches of the surface for 14 consecutive days for *any* of the plots, and therefore upland plots did not meet any parameters to be considered a wetland. **However, based on the supporting document, this is inaccurate and untrue since one location, MW-7, has water within 12 inches of the soil surface for over 14 days (February 7th through 21st, 2023), and may have been within this range longer if the study was extended, or if it is taken into consideration that the water level was within one foot of the surface between January 17th through February 21st, with exception of January 31st, where it was at 1.01, just barely over 12 inches.** In addition, the “upland” plot near this location did have a dominance of wetland plants. If this area has wetland hydrology, and vegetation that can act as hydrophytes, **this area should be mapped as a wetland, rather than an upland.** In addition, the environmental document says this area would be used to mitigate for wetland impacts. **If this area is a wetland as the data in the report shows, it cannot be used for wetland creation and mitigation.**

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1-50 { The document also states that the **pond on the property is not a jurisdictional feature because it is a stormwater facility.** This appears to conflict with a post on the We Are Up Facebook page (see Figure 3), where the **previous owner noted that this was constructed by her dad as a duck pond, implying that it was not originally intended as a stormwater feature.** In addition, **based on personal communication, this is not a facility operated or maintained by either MCSD or Humboldt County.** While the environmental document claims a jurisdictional exemption for artificial wetlands under II.3(d)(iii) of the 2021 Procedures for Discharges of Dredged or Fill Material to Waters of the State, this exemption is for artificial wetlands over 1 acre in size, which is not the case for this feature—this feature is less than 0.1 acre. **This feature should be analyzed under Section II.3(c),** which states that artificial wetlands include those that resulted from historic human activity, are not subject to ongoing operation and maintenance, and have become a relatively permanent part of the natural landscape. A 2019 waterboard staff report clarifies that, by way of example, this category includes situations where water flow is permanently

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1- 51 } redirected as a result of human activity. These wetlands may not be natural wetlands because they result from human activity and they were not formed by modifying waters of the state, but nevertheless take on the function of natural wetlands such that they should be considered waters of the state.

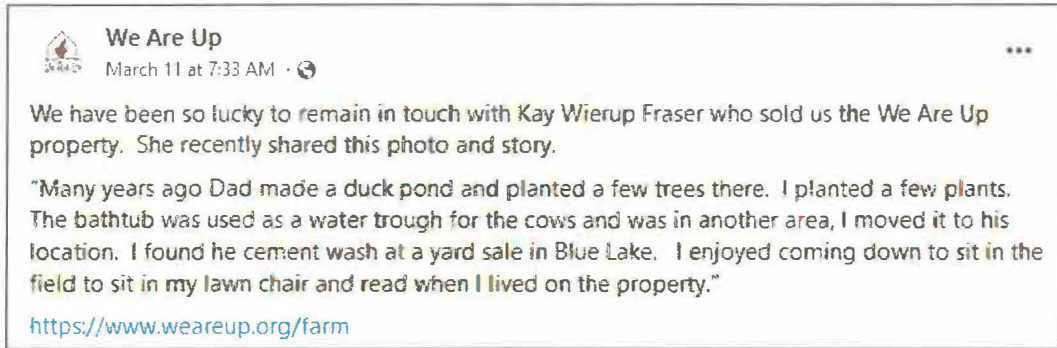


Figure 3. We Are Up Facebook post recalling that the “stormwater facility” was actually created as a duck pond.

1- 52 } In conclusion, just because areas receive water from stormwater does not mean they are stormwater facilities. This pond was not constructed as a stormwater facility and is not operated or maintained as one (also demonstrated by the thick patch of riparian vegetation surrounding the it as seen in Figure 4). This feature has been around since before 1989, as shown in aerial imagery (see Figure 6 under Hydrology and Water Quality) demonstrating how established and permanent the feature is with the surrounding landscape. Therefore, this feature needs to be mapped, assessed, and mitigated as a state-jurisdictional human-induced artificial wetland under Section II.3(c). In addition, the surrounding vegetation should be mapped as a sensitive natural community and riparian vegetation.



Figure 4. Thick willow patch surrounding the pond that provides habitat for wildlife.

1-53 In addition to the above, the project is not consistent with local policies for protecting wetlands, including those within the Humboldt County General Plan and the McKinleyville Community Plan.

1-54 A main component of wetland protection is buffers. According to the Humboldt County General Plan, seasonal and perennial wetlands require different sized buffers. The environmental document implies that the wetland in the project area is seasonal, and requires only a 50-foot buffer, without directly saying it or providing a rationale for this call. However, at least portions of the wetlands are perennial, and should receive the 150-foot buffer.

1-55 The USACE Wetland Delineation Manual covers seasonal wetlands in the “types of problem areas” section. This is because seasonal wetlands may have indicators of all three parameters during the wetter portion of the growing season, but normally lack wetland indicators of hydrology and/or vegetation during the growing season. Wetland delineations for the project were conducted outside of the growing season in a drought year. Few data points were taken, which were located on the outside edges of the wetlands and may not have as high of water tables. Still, two of these points (WIT6 and WIT7) had indicators of all three wetland parameters, including water within 12 inches of the soil surface. This indicates that these areas are perennial. In addition, the property has generally gotten mowed by a tractor once a year in August/September. However, even during the height of the dry season, the tractors had to avoid certain areas because they were too wet to mow. This includes the *Scirpus microcarpus* area behind 1694 Hideaway Court. The couple of times tractors tried to mow these areas, they got bogged down and stuck due to the highly saturated soils. All of the above indicates that portions of the wetland on the property are perennial and should get a 150-foot buffer. Areas that are seasonal should also be re-assessed, as delineations were on outer edges of wetlands in drought years. In addition, as portions of the area are perennial, if only one buffer size is applied, the most protective restrictions for this sensitive resource should be used—the 150-foot buffer. In conclusion to the above, the environmental document assumes that the wetland on the property is seasonal and uses a 50-foot buffer to assess impacts, which is incorrect, especially for certain portions of the project site.

1-62 The McKinleyville Community Plan was partly created due to concerns about loss of resource areas and contains additional policies relating to wetlands. However, these were not assessed within the environmental document.

1-63 The first one of concern is that on existing parcels, development shall be permitted where the least environmentally damaging alternative of development techniques is employed (see Section 3422, Policy 14). However, it does not appear that alternatives to minimize or avoid wetland impacts were considered. These can include installing a bridge instead of a storm drainpipe where the barn access road crosses the wetland. It would also be possible to avoid impacts to wetlands at the north by building at least one less townhome, pushing these features to the west, or removing townhomes from the northern property line and building additional two-story units on the western property line, which would also serve to reduce visual impacts to residents. It would also be possible to reduce impacts further by downsizing the scope of the project by

1-66 removing unnecessary components unrelated to the project need, such as a large community center hosting big public events.

The second and more important component of the McKinleyville Community Plan is in reference to development within buffers. Section 3422, Policy 17 says the following:

If the entire parcel is within the Wetland Buffer Area, the **buffer may be reduced to allow principally permitted** uses when:

- A. The prescribed buffer would prohibit development of the parcel for the **principal permitted use for which it is designated**; or
- B. The applicant for the proposed development demonstrates, to the satisfaction of the County and to the Department of Fish and Game, **that the principally permitted use** will not result in significant adverse impacts to the wetland habitat and will be compatible with the continuance of such habitats. Any such buffer reduction may require mitigation measures, in addition to those specified below, to ensure new development does not adversely affect the wetland habitat values.

1-67 This section of the plan allows for development within the buffer area. But this only allows for development within the buffer if there is not sufficient area outside the buffer. In addition, development within the buffer can only be for the principally permitted use of the property. A principal use is the specific and primary use of land which is compatible with the purpose of the zone, and which is permitted in the zone. The project closest to the wetlands is in the R-1 zoning, which has a principal permitted use of one family dwelling, one accessory dwelling unit, and rooming and boarding of not over two persons not employed on the premises. The proposed project is not a principally permitted use—it requires a conditional use permit and other special permits. In addition, there is sufficient area outside the buffer, where the existing duplex is located, to accommodate the principally permitted use. Therefore, according to the McKinleyville Community Plan, this development should not be allowed within the buffer of the wetland, and since the property can likely accommodate the principally permitted use outside the buffer, there should be no construction within the buffer at all.

1-68 In addition, Section 3422, Policy 19 of the McKinleyville Community Plan states that no land use or development shall be permitted in wetland buffer areas which degrade the wetland or detract from the natural resource value. If there is work in the buffers, this needs to be assessed, since developments such as high-use trails may impact the use of the area by wildlife, which is part of the natural resource value.

1-69 The project description and supporting documents do not provide enough information to assess wetland impacts. The wetland buffers are not depicted on any maps, and the incorrect buffer width was used for some of the wetland areas. There is no information on other features that could permanently or temporarily impact the wetlands, such as temporary access roads, trails, fences, wildlife viewing areas, and other features. Fences already shown within wetland do not have their impacts assessed (there would be fill relating to posts). A portion of the proposed

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1-70 } mitigation area is within a wetland area, mistakenly designated as upland. This area cannot be used for mitigation. Temporary impacts to wetlands are mentioned in the environmental document but never quantified or discussed in any detail.

1-72 } For the currently proposed mitigation, part of the area scoped for mitigation is within what should be considered a wetland, as discussed above. In addition, a part of "mitigation" for wetlands would include planting of riparian vegetation. This planting is scoped within the wetland. As this mitigation does not create any new wetland, it is not adequate. And if conversion of wetlands is considered, it would be out-of-kind mitigation and should have higher mitigation ratios.

1-73 } Overall, the project does not provide enough information to assess wetland impacts. Wetland delineations were conducted outside the growing season, and the additional groundwater monitoring may have not been enough to characterize water levels in areas to be developed.

1-74 } Moreover, it appears that the environmental document did not correctly interpret results in the delineation report. The entire area was also mischaracterized as a seasonal wetland, and the incorrect buffers applied. The project is not compliant with the policies in the McKinleyville Community Plan, which requires review of least environmentally damaging alternatives, restricts use within buffers to principally permitted uses if there is not enough area outside the buffer, and requires that developments within the buffer shall not detract from the natural resource value of the wetland. Mitigation areas for the project are within existing wetland areas or propose to plant riparian vegetation within wetlands.

1-76 } Therefore, this project did not adequately assess impacts to wetlands, conflicts with local policies, and does not provide appropriate or adequate mitigation for wetland impacts. As a result, the supporting studies and the environmental document need to be updated, including updated mapping based on the existing data collected. The pond should be assessed as a state jurisdictional artificial wetland or water with riparian vegetation, and the proper buffers should be applied to perennial wetlands and provided on maps. All developments that may be part of the project need to be mapped, impacts assessed, and all measures to avoid and minimize impacts considered. In addition, appropriate and sufficient mitigation needs to be developed to result in a no net loss of wetlands, accommodate for temporal loss of wetlands, and reduce impacts to less than significant. The project also needs to be brought into compliance with the McKinleyville Community Plan, which only allows for the principally permitted use within buffer areas. Afterwards, the IS/MND needs to be recirculated for public review.

1-79 } *Other*

1-80 } Mitigation measure BIO-1 mentions that lighting shall be minimized if any construction occurs at night. Would there be construction at night? This conflicts with other parts of the document that says work would be limited to before 7:00 p.m. Night work would be hugely disruptive to residents, and these effects have not been assessed. Night work should not be permitted in this location. This measure should be updated, and information on nightwork should be clarified.

1-81 Under BIO-4, the description says that removal of riparian habitat along Mill Creek shall be avoided if feasible. Elsewhere in the project, it says there would be no work within riparian vegetation. So, is there potential for work in riparian vegetation? This affects determination of impacts and measures for other species. Update the document to clarify whether there would be impacts to riparian vegetation. If there are impacts to riparian vegetation, these should be assessed and mitigated.

Hydrology and Water Quality

1-82 Under the Hydrology and Water Quality section, there are questions relating to the consistency in the analysis, and to the conclusions drawn.

First, in question c(i), it says that the project would not result in a change of the existing drainage pattern. However, in the following question, c(ii), it says that the project would alter existing drainage patterns. The document is inconsistent and unclear. Please confirm whether the project would change the existing drainage patterns.

1-83 Second, c(iv) has a question on whether the project would impede or redirect flood flows. It appears this topic was not fully assessed, and conflicts with itself—it first says the project does not include any features that would impede or redirect flood flows, and then says that any potential impact on the impediment or redirection of flood flows would be less than significant. Please clarify.

1-84 The McKinleyville Community Plan has a policy to provide maximum protection to the floodplain of Mill Creek, as it acts as a storage area for peak flows, as well as providing capacity (see Section 3310). The plan also mentions there is a potentially serious flooding problem where Mill Creek crosses Bartow Road, which is near the project area. See Figure 5 for an image of the area during a storm.



Figure 5. Meadow flooded after a storm. The barn would be to the right in this photo.

1-84 While the environmental document acknowledges that the project is within the FEMA 100-year flood zone, it does not address the placement of the fill within the floodplain, which includes the barn and the barn access road. It appears that there would be an encroachment in the floodplain, which means that constructed features could result in the blockage, diversion, or displacement of floodwaters. While the barn is an encroachment, the fill in the wetland where it drains towards Mill Creek is a big concern, as it could potentially block water flows, increasing the risk of flooding nearby.

1-85 The wetlands and connectivity of wetlands is visible on aerial imagery—see Figure 6. Though this is an older image, these patterns are consistent with what occurs today. There is a lot of water in the area of proposed fill during winter. Due to the lack of assessment, this section has not demonstrated that there is a “less than significant impact” to the impediment or redirection of flood flows.



Figure 6. 1989 Google Earth aerial of the property, showing wetland connectivity in the area, including the wet areas within and near proposed developments. The drainage patterns are similar to today. Note the pond in the upper left as reference.

1-86 As mentioned in the wetlands section, has a short bridge been considered in this location to reduce impacts to wetlands, and to lessen the risk to impeding flood flows? If not, this should be considered. If it has, an explanation as to why this minimization measure was not included as part of the project would be needed.

My question on d follows the above, regarding portions of the project being within the flood zone. The document notes that materials used for operation and maintenance of the facility could involve hazardous materials but assumes that materials would be properly stored. Would

1-87 these hazardous materials be stored within the barn, which is in the flood zone? If so, how would they be stored to ensure hazards wouldn't be released in the case of a flood event?

1-88 In addition, the project description discusses the use of domestic animals that would be within the floodplain and would potentially be allowed within the wetlands. However, the environmental document does not discuss pollution associated with animal waste, which can affect water quality due to high nutrient loading and soil compaction.

1-89 The environmental document needs to be updated for consistency and clarity. In addition, impacts to the floodplain need to be analyzed, and measures to minimize or mitigate impacts needs to be provided. In addition, more detail and assessment on the storage of hazardous materials and potential for pollutants in the floodplain is needed. The environmental document then needs to be recirculated for public review.

Noise

1-90 Under the "Operational" section of question a, the environmental document states that the noise limit within residential zones is 65 dBA between 6:00 a.m. and 10:00 p.m. However, the document concludes that because the project would obtain a conditional use permit, it would be exempt from these standards, and therefore would not result in a significant impact.

1-91 However, under CEQA, project impacts and their significance should be assessed prior to consideration of permit conditions. See CEQA Guidelines 15126.4(a)(1)(A), which states that "the discussion of mitigation measures shall distinguish between the measures which are proposed...to be included in the project and other measures proposed by the lead, responsible, or trustee agency...if required as conditions of approving the project." This is also similar to the findings in *Lotus v. Department of Transportation* determination, where an EIR was rejected because the inclusion of environmental commitments as part of the project description, without analyzing the impacts of the project prior to the inclusion of these measures, was improper. Failing to identify and analyze impacts subverts the purposes of CEQA by omitting material necessary to informed decision-making and informed public participation. It precludes both identification of potential environmental consequences arising from the project and measures to mitigate impacts.

1-92 In addition, goal N-G2 in the Humboldt County General Plan is to have land uses arranged to reduce annoyance and complaints and minimize the exposure of community residents to excessive noise. A policy backing this up (N-P4) is to protect persons from existing or future excessive levels of noise which interfere with sleep, communication, relaxation, health, or legally permitted use of the property.

1-93 This project is within and adjacent to residential zones and is planning to build a residential community. Noise limits in these areas are 65 dBA between 6:00 a.m. and 10:00 p.m. However, the project is planning to have events such as weddings, where noise from bands can be between 90 and 105 dBA. This is in the range of motorbikes, ambulance sirens, and pile drivers. This

1-93

would have a significant impact on existing neighbors and residents of the planned community, especially considering that there are estimated to be 24 events a year—and there could be more—which is at least every other weekend. There are residents in the area that are sensitive to noise, and others that work from home or have young children, and impacts like these would be extremely disruptive, and even more so if the permit allows excess noise to extend past 10:00 p.m. In addition, the planned community is for those with disabilities, many of whom have auditory sensitivities, such as those with autism. Placing excess noise in such a location would essentially have a disproportionate and adverse impact on an underserved community. Such events would also interfere with communication, relaxation, health, and people's enjoyment of their homes, and could potentially affect wildlife that call the meadow home.

1-94

Overall, the environmental document does not sufficiently address noise impacts. It does not describe proposed noise levels or times and does not analyze impacts from excess noise or conflicts with zoning—it just assumes that getting a permit will make this less than significant. This is not in compliance with CEQA. In addition, proposed noise from events, particularly weddings, is not in compliance with existing zoning noise restrictions, or the goals and policies of the General Plan. And although it relies on a conditional use permit, it does not explain how this permit would reduce the noise impacts caused by project operations on existing and future neighbors, and on wildlife. If impacts from noise cannot be mitigated to less than significant, an EIR should be prepared.

1-95

In conclusion, in compliance with CEQA, potential impacts of the project should be disclosed and assessed prior to the consideration of permits. Information should be provided on the noise exceptions the project is pursuing, including variances on times of day and anticipated noise levels. The analysis should be updated and should include an assessment on conflicts with zoning and the goals and policies of the county, in addition to noise impacts to existing and future residents of the area, and on wildlife. If assessed properly, it is likely that planned events would cause significant impacts. Measures should be included in the project to minimize and mitigate impacts, and the document recirculated. And if impacts from noise cannot be mitigated to less than significant, and EIR would need to be prepared. However, I urge the planning commission not to provide a conditional use permit that allows excessive noise in residential areas. Even if minimized, they are likely to negatively impact residents.

Land Use and Planning

1-96

Question b under the section on land use and planning discusses conflicts with existing policies. The project does conflict with zoning policies and regulations—the document mentions that a Special Permit would be obtained—however, the document does not explain why a special permit is needed. What are the conflicts, and would they have significant impacts? Similar to what was discussed in the noise section, to comply with CEQA, conflicts with the existing zoning should be disclosed, and impacts should be assessed prior to application of the permit. Obtaining a permit does not mean that there would be no impacts.

1-97 The document in general is not clear on the land use designation and the applicable zonings. Based on online information, the project spans two parcels, one of which has a land use designation of Commercial Services (CS) and is zoned Community Commercial (C-2)—this corresponds just to the parking lot of the planned community center. The main portion of the project area is designated as Residential Medium Density (RM) and Residential Low Density (RL 1-7) and is zoned as Residential One-Family (R-1) and Streamside Management Areas and Wetlands (WR). However, based on how the report is written, it seems to imply that the whole area is C-2, which has different policies and regulations as compared to R-1-WR.

1-98 My first question relates to the consistency of the RM land use designation with the R-1 zoning. Based on Table 4-H in the Humboldt County General Plan, the zoning consistency matrix, RM is not consistent with R-1. How can the area have a land use designation not consistent with the zoning?

1-99 I have concerns with conflicts with the zoning regulations and policies, which may result in impacts. However, first it would be good to know what they are, as land use designations and zoning are derived from land use goals, policies, and standards, and partially serve as a protection for those living in these areas.

1-100 One example is noise, as discussed previously—the noise limits for residential zones were put in place to minimize exposure of residents to excessive noise. However, the planned project will conflict with this policy to protect residents, which could result in significant effects to neighbors and residents in the planned community.

1-101 Another conflict lies in putting a 4-story building in a residential area where the maximum height allowed is 35

1-102 Or putting a community event center with large, public events and classes on a private road in a residential community, an area reserved for residential development, not public events or commercial services.

1-103 The planned development is not consistent with the residential land use designations or zonings. These inconsistencies would change the character of the area, and conflict with regulations and policies, which could have detrimental environmental effects. This was not assessed in the document.

1-104 It is concerning that the project has several conflicts with regulations and policies but does not discuss them to determine if they are significant. If we don't know what exemptions the project is asking for, how do we know what the impacts are and if they have been appropriately addressed?

1-105 For compliance with CEQA, this section of the environmental document needs to be updated to disclose any conflicts the proposed project has with land use plans, policies, and regulations in order to provide for informed decision-making and public input. The significance of impacts

1-105 } needs to be identified and analyzed, and avoidance, minimization, or mitigation measures included. The document then needs to be re-circulated for public review.

Transportation

1-106 } The section on transportation, question a, briefly discusses traffic impacts associated with special events at the project site, which draws the conclusion that traffic backups at the Sutter/Weirup intersection would be potentially significant. However, this brief writeup does not discuss impacts to other roads that feed into Weirup Lane, or what it would do to mitigate those impacts. In addition, it does not discuss potential impacts of the proposed mitigation measure (traffic control) on traffic on Sutter; these impacts should be considered under CEQA (see CEQA Guidelines 15126.4(a)(D)).

1-107 } Sandpiper Lane and Hideaway Court both feed into Weirup Lane and would be impacted by any congestion on Weirup. If there is a large backup along Weirup, how are residents in these feeder streets supposed to get in or out? This is currently a quiet, private road, with low traffic flow. Based on the proposed project, there is now going to be regular traffic and times of high congestion.

1-108 } In regard to the mitigation measure: it is only a short distance between Sutter Road and Central Avenue. Having traffic control on this section would affect traffic for everyone living off of Sutter and could potentially impact traffic along Central as well. However, this is not addressed in the environmental document.

1-109 } For a part of the mitigation measure for traffic, it says that events would be managed to prevent all event visitors from attempting to exit the site simultaneously or within a short period of time. There is not sufficient information here—how will events be managed to accomplish this, and how would this affect neighbors? A detailed description is needed.

1-110 } Moving on to question b—in response to this question, the environmental document states that the project would generate 99 total daily trips, just under the OPR Technical Advisory significance threshold of 110 trips. However, this figure does not account for planned special events hosted onsite, which it defers to a conditional use permit, or for the other classes it plans to have, which were not assessed in any way—these classes are anticipated to have up to 50 people and would be in addition to special events.

1-111 } As events are a part of the planned project, and classes open to the public are a reasonably foreseeable outcome of this project, these trips should be analyzed as part of the project. The project should not defer assessment of impacts just because it is getting a permit (see comments in the noise section). It's hard to imagine how, if the analysis is appropriately conducted, the project would not result in a significant impact.

} In addition to traffic impacts, parking is also of a concern at this location. While not covered in the transportation section, this seems like an appropriate place to discuss this topic.

1-112 In the project description, it is estimated that approximately 215 people are expected for special events, in addition to classes that can host up to 50 people, which may be held more regularly. While not everyone is expected to drive, there are only 35 parking spaces permanently available. While there are up to 86 potential spaces taking into consideration out-of-way gravel roads and pullouts (which are shown on plans to be only 10 feet wide with no parking areas), and potential weekend use of the MCSD lot, these are a good distance away from the community center and, in all likelihood those attending events would see that the main parking area is full, and look for the easiest and closest accessible parking—along Weirup Lane and side streets, like Hideaway Court. Weirup Lane, Hideaway Court, and Sandpiper Lane are all private roads. In addition to infringing on residents, this could also result in access issues on Weirup Lane, as passing is difficult if cars are parked on both sides of the road. This could also affect emergency access, which has not been addressed.

1-113 Overall, transportation impacts from the proposed project are not fully addressed or mitigated, and would have an impact on both access and transportation to residents living off of Weirup Lane. Other methods should be included to reduce impacts. Due to the size of the housing development, stop signs for those leaving the property should be required, and at minimum, safety signs and wayfinding devices should be included to limit impacts to residents living on or off of Weirup Lane.

1-114 As noted above, special events are not part of the need for this project and are accommodated at other venues within and near McKinleyville. In consideration of the significant impacts to neighborhoods, special events of this size should not be allowed in this area; it is not suited to this amount of traffic, and would affect nearby neighbors, and potentially those living off of Sutter as well.

1-115 In conclusion, transportation impacts are inadequately analyzed and mitigated, as were impacts to VMT. In addition, the parking areas discussed in the project description are not adequate to prevent impacts to Weirup Lane and surrounding streets. If the project is not downsized, impacts to traffic would need to be reanalyzed, and mitigation measures added to sufficiently reduce impacts to less than significant. If that is not feasible, an EIR should be prepared. However, as special event centers are available nearby, this should not be included within the scope of the project. Removing this from the scope would drastically reduce traffic impacts.

Tribal Cultural Resources

1-116 The section on tribal cultural resources indicates that there would be less than significant impacts with mitigation for both questions on the CEQA checklist. This includes causing a substantial adverse change in significance of a tribal cultural resource listed or eligible for listing in the CRHR or in a local register, as well as causing a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency. Is there a site that is eligible for the CRHR or other register? Will there be a substantial change to a significant tribal cultural resource? The environmental document does not answer these questions on what these

significant impacts are, or how they would be mitigated. The document should be updated to clarify potential impacts and mitigation of impacts.

Mandatory Findings of Effects

1-117

My comment for this section pertains to question b. As defined in the document, **cumulative impacts** are impacts that can be minor, but could be collectively significant. However, the document concludes that **because the project would mitigate impacts to a less than significant, they would not contribute to any significant impact.** This is inherently not correct based on the definition above. Even if mitigated, impacts are impacts, and even small ones can add up to be significant. A proper assessment of cumulative impacts should be conducted.

Conclusion

Overall, this is a large development in a **sensitive area.** The planned project relies on a variety of permits in what appears to be an **attempt to get around zoning protections,** limitations, and environmental restrictions, which were put in place to protect residential areas and environmental resources, without proper disclosure of information or analysis.

While the goal of developing a housing community for those with disabilities is important, and would fill a gap in need, this project **would have significant impacts,** many of which stem from the **outsized nature of the development,** especially related to the proposed special events. These activities are not a part of the need for this project, or a need within the area—there are community centers in and around McKinleyville that already serve the same purpose, including the McKinleyville Activity Center, Azalea Hall, Dows Prairie Grange, the Teen and Community Center, the Arcata Community Center, and others, and there are already established venues for other events like weddings, that wouldn't cause traffic and parking issues on a private road, create excessive noise in residential areas, or require a new development with impacts to environmental resources like wetlands, constructing in a floodplain, and requiring permits to get out of zoning restrictions.

I urge the planning department to **downsize the scope of** this project to lessen environmental impacts, and restrict the project to a housing community, not a development that is open to the public and has to rely on permits to get around zoning and environmental protections. In addition, the **footprint should be downsized** to find alternatives that are compliant with the McKinleyville Community Plan, that avoid wetland or wetland buffer impacts, including assessing options such as a short bridge on the road over the wetland, and reducing or removing buildings along the northern property line.

In conclusion, the purpose of this IS/MND is to assess potentially significant impacts. However, this document does not provide enough information to fully assess project impacts. In addition, many impacts were not fully addressed, adequately addressed, or even addressed at all—relying on permits to not fully analyze impacts such as those from noise, and not appropriately analyzing

1-119

1-119

wetland impacts or mapping sensitive natural communities, and not assessing conflicts with local goals, policies, or land uses or zoning restrictions. This report should be updated and recirculated after providing adequate information and properly analyzing the project. For the project as described, it may not be possible to mitigate impacts to less than significant levels, in which case an EIR should be prepared.

This proposed Mitigated Negative Declaration should not be adopted.

Respectfully,

Kellie Eldridge

Kellie Eldridge
1690 Hideaway Court
McKinleyville, CA 95519

RECEIVED

By djohnston at 11:33 am, Apr 24, 2023

Michelle & David Eldridge

109 Carlisle Place
Benicia, CA 94510
Re: 1690 Hideaway Ct.
Mckinleyville CA 95519

April 19th, 2023

COUNTY OF HUMBOLDT PLANNING AND BUILDING DEPARTMENT

3015 H STREET
EUREKA, CA 95501

2-1

First: Let me state that nature and open space are important to me. I am saddened at the possibility of losing this beautiful meadow with the impacts to the wetland ecosystem and to the wildlife that calls it home. **The transition from grassy meadow to multi-unit housing development and large 4-story community center does not seem compatible with this location.**

2-2

Second: I am **concerned that the letter received by nearby residents does not represent the true scope and nature of the project.** There is a brief mention of community events, which is a gross understatement. The letter glosses over the project and leaves out the main factors that could have a significant impact on the daily lives of neighbors. Because of this, the people in the neighborhood will not look further into the project to see its impacts.

2-3

Third: The documentation states that the project area is **zoned R-1.** The RM land use designation **is not consistent** with R-1 per your own documents. For CEQA the project should be consistent with existing zoning, as stated at the very beginning of the document under “CEQA Requirements”. However, the project will be seeking approval with **conditional / special use**

2-4

permits to disregard the current zoning and noise laws that are in existence in this area—all without explaining any zoning conflicts or the potential impacts of the conflicts. Obtaining a permit does not mean there are no impacts. The project needs to disclose any zoning conflicts, potential impacts, and avoidance, minimization, and mitigation measures to reduce any impacts.

Fourth: The information in the document and the appendices is **not clearly presented.**

- 2-5** Information cannot be correlated between the maps, tables, and text. This is particularly true for impacts, as **there are no buffers drawn,** and the maps are hard to interpret and do not show all planned developments for the project. We are unable to assess the impacts without being able to follow the studies and without proper impact maps. **In addition, the document has not fully and accurately mapped and characterized the wetlands and sensitive natural communities within this area.** There seems to be a lack of data overall, particularly in the upland area behind Hideaway, which is planned for development. Examples of issues include data in the supporting
- 2-6** documents **showing high water tables in areas that are mapped as uplands,** and not mapping all sensitive natural communities, such as the area behind 1694 Hideaway Court. **Data needs to be more thoroughly reviewed, and more study needs to be done.** In addition, the area behind 1694 Hideaway Court, which **should be mapped as a sensitive natural community,** is wet year-round, and has been getting bigger over time. It is perennial, not seasonal as implied in the report; tractors cutting grass nearby during the “dry” season have become bogged down, requiring extrication. **Therefore, this area should have a setback of 150 feet, not the 50 feet assumed in the document.** **In addition, the project is not compliant with the wetland policies in**
- 2-7** **the McKinleyville Community Plan.** One of these policies restricts work within buffer areas; development is only allowed in the buffer if the entire parcel is in the buffer and does not allow for development of the principally permitted use. Since a single-family residence can be built outside the buffer, no work should be conducted within the buffer. **Overall, the environmental**
- 2-8** **document and supporting studies need to be updated** to address the issues noted above, and then **recirculated** to the public.

My concerns include the following:

- 2-9** 1. Special Events: As some background, I lived in a home that housed 5 girls/adults with developmental disabilities for 10 years. They preferred the quiet environment with known routines. Changes to their routines, however minor, were upsetting to them, resulting in anxiety and nervous behavior. Loud noise was triggering for some. **The development is planning to have special events, which are likely to be disruptive as well as noisy, which is counter to the intent of the project.** There are less disruptive ways to fundraise.

2. Noise (N-S7): In the document, it states that the noise times and levels will not be exceeded. In another section it states that a special use permit will be requested to exceed the limits in N-S7. This is for the 24 (and potentially more) special events that will be hosted at the site each year, which is essentially every other weekend. **The document does not say what exceptions it wants—the noise times or the noise levels, or by how much.** The document **should have disclosed these variances** and been assessed for impacts—which are likely to be significant— and to **provide avoidance, minimization, and mitigation measures.**

2-10

This is a rural, suburban neighborhood. **It is not appropriate to be playing loud music after 10 pm and it is not suitable to have this type of noise within residential areas.**

2-11

Furthermore, it **undermines the purpose of this planned community.** The noise would be disruptive to the clients in this housing project. **This might be an equity issue,** as this will be an underserved community that will be disproportionately impacted by the noise and crowds.

2-12 **No special use permits should be provided for excess noise.**

3. Traffic: **Special events will significantly increase traffic for the surrounding neighborhoods.** However, **traffic impacts were not fully assessed or documented—the document only stated that there could be backups at the Sutter/Weirup intersection but didn't do more.** It did not **study effects to the immediate neighborhood,** or impacts to traffic on Sutter or Central, including from the proposed mitigation measure. We cannot comment on the impacts without any information. **The environmental document needs to be updated with a full analysis on impacts to all roads it would potentially affect, including side streets,** and should also study the ability to enter and leave the area easily and have timely access to emergency services, since traffic congestion can cause access issues. **Additional measures need to be included to fully address impacts and reduce to a less than significant level.**

2-13

2-14 *Suggestion:* A stop sign when leaving 144 Weirup would allow breaks in traffic so that neighbors could enter the traffic que.

4. Parking: Event goers are more likely to park in adjacent streets rather than driving further to permitted parking, especially since other parking areas wouldn't be easily visible. It is a question of distance and convenience. *Parking on both sides of Weirup will prevent 2-way traffic.* Parking and parking impacts need to be further addressed and mitigated.

2-16 *Suggestions:* Place cones on both sides of Weirup to prevent parking. Place cones on neighboring streets telling people where the allowed parking is available. Have patrols that look for blocked driveways, streets and intersections.

2-17 ^{5.} Scenic Vista / Privacy: *The height of the community center is not in compliance with the local R-1 zoning.* This could be corrected by *building the community center on the C-2*

2-18 *land that is part of the property* and redesigning more housing into the RM land use designation area to the west. That could negate the need for townhouses in the area behind Hideaway.

2-19 We purchased our home on Hideaway Ct. 13 years ago. *We paid extra for the view. We were also told that the land in the meadow could not be developed because it was a wetland.* The previous owner, Gary, said that they had applied for a permit to build a home that was denied because it was a wetland. *What changed?* One home cannot be built, but over 50 can? This will have a huge negative impact. We will lose our scenic vista and property values will decrease.

2-20 We cannot fully assess the impact because *no information was given about the townhomes being built behind our homes.* We would like the *building height, including the roof, as well as door and window placement, and dimensions.* In addition, we need to know the height of fill in the areas that the homes will be built on. *Trails or roads going to the townhomes are not shown on the plans.* Will there be additional roads or trails going to the townhomes? Will they be looking directly into our homes/bedrooms? None of this information was made available to us. It appears that the impact for us will be significant.

Suggestions:

2-21

Add additional 2nd story units on the western buildings and forgo the townhomes. This compromise would go a long way to appeasing the existing neighbors. It would also make additional wetland testing along Hideaway unnecessary and building costs would be lower, as well as mitigation costs for building within the 150-foot wetland buffer.

Or, as a less desirable option, compensate existing homeowners for loss of the view.

That would make us financially whole so that we could move to a home of equal value.

2-22

6. Wetlands, pond and willows: The pond area on the property is being called a stormwater detention basin. However, this pond was constructed as a duck pond, has been around a long time, and has never been maintained. The pond is frequented by wildlife and surrounded by riparian willows. It has become part of the landscape. How can this just be called a detention basin? Why is this not being protected?

2-23

Perhaps instead of this project trying to be everything for everyone, it should focus on the clients it is trying to support. Consideration should be given to downsizing the project to minimize impacts on the clients (noise, crowds), ecosystem, and existing neighborhoods.

The fact that the zoning does not support such a large building and will require special permits means that such a structure was not intended to be built in this area. In addition, a special permit to exceed the noise and time regulations again illustrates that the special events do not fit with the neighborhood. What is the purpose of zoning and regulations if people can just get permits to violate them.

Much more study is needed for this project to fully assess and mitigate for impacts. This Mitigated Negative Declaration should not be adopted.

2-24

MICHELLE & DAVID ELDRIDGE

Michelle Eldridge
David Eldridge



April 10, 2023

County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501

Dear Planning Department:

We recently received a “CEQA Notice of Intent to Adopt a Mitigated Negative Declaration” and respectfully submit the following response to the information contained therein.

As I have lived directly adjacent to the property at 144 Weirup Lane, and the Proposed Project for years, I have a unique appreciation for this land for what it truly is: an established and complex, ecosystem, complete with established wetlands, riparian landscape and a year-round permanent flowing water source, Mill Creek, coursing through its boundaries. From direct observation, I know what this precious water resource, and its surroundings, means for the survival of numerous creatures, large and small, who make their home here:

3-1

Black-tailed deer can be seen in the evening resting along my fence, their horns barely visible in the thick brush. Red-shoulder hawks, turkey vultures, ravens, and other raptor species circle overhead, joining various species of owls, in the search for voles and other rodent prey in the grassy open field. Blue and Great White Heron strut the entire length of the property taking advantage of the wetlands that they need to thrive. Smaller bird species including flickers, woodpeckers, and jays nest in the stands of second-growth of redwoods bordering the property. Additionally, migratory waterfowl can be seen on a seasonal basis, when the Creek overflows, and much of the property becomes a shallow lake. Nighttime brings a symphony of thousands of amphibians romantically calling to each other in the dark. We have even seen a black bear nimbly scamper from the property, over the fence, into our backyard!

3-2

The proposed “development” of such a rare and special tract of land, after decades in a natural state, seems to follow a familiar pattern: The ambitious new owner, (often unaware of, or worse, unsympathetic to, the pre-existing ecological value of their newly-acquired property), seeks to maximize its commercial potential by seeking approval for its severe alteration or even destruction from the governing local and State authorities. They seek exemptions, permits, or other forbearances, secured by promises to “mitigate” the negative effects in order to “preserve” or even “enhance” what has already been perfected by Nature. The “benefits” (as this Proposal suggests) of “social interaction, community development, *and events* (emphasis added.)” are never guaranteed, nor can they be. And of course, once *one third* of the property is built upon, there is no barrier at all for the remainder to be similarly “developed”

As the it is currently proposed, fifty “living units” of undefined dimensions and location, accompanied by “approximately 73 stalls for parking”, new access roads, a “community center” , a “greenhouse”, and “shelters and pens” for livestock is a large project, and it is highly likely that the level of resulting proposed human activity in the so-called “western third” of **the property will have a severe detrimental, and irreversible collateral effects on the ecosystem of the entire property, as it is all inextricably connected.**

3-3

Rather than **mitigation of environmental impact**, the Project ensures exponentially **3-4** increased automobile traffic, (with attendant noise, pollution, and engine leakage of oil and other fluids into the Creek), light pollution created by “related lighting,” and noise pollution created by the largest “improvement,” a community center” (for which a “noise exemption” is already being sought for commercial events like weddings and the like.)

3-5

The “wetland creation” and “riparian planting” promised in the “Project Description” as “mitigation” are ironically unnecessary because Nature *already* has amply provided for *both* at 144 Weirup Lane, without turning a single shovel! As Rachel Carson said, “*The more clearly we can focus our attention on the wonders and realities of the universe about us, the less taste we shall have for its destruction.*”

Instead, the public is being asked to believe that “approximately” fifty new buildings with over seventy parking spaces, a commercial “events” center, resident and visitor traffic twenty-four hours a day, “stormwater features” and “pens” for livestock (with all their associated waste issues) and other unspecified “associated site improvements”

3-6

will all be **created and maintained without impacting or dislocating the existing native species of flora and fauna forever.** The document’s fanciful claim that “Wetland and streamside habitat areas near the Project would **be created and enhanced (emphasis added)”** only reinforces this misconception. Nature is best at creating habitat while

3-7

Man’s record is abysmal.

For all these reasons, and on behalf of the thousands of non-speaking constituents-without-a-vote who already live on this enchanted piece of property, I respectfully urge the Planning and Building Department to take the most appropriate action possible by **3-8 disallowing the planned Project,** in order for the land to remain the precious environmental legacy that it already is, *just as it is.* As Gaylord Nelson said it better than I ever could:

“The ultimate test of man’s conscience may be his willingness to sacrifice something today for future generations whose words of thanks will not be heard.”

Sincerely,



Daniel Escajeda, MD

County of Humboldt
Planning and Building Department
3015 H Street
Eureka, CA 95501



4-1 We are **objecting to the proposed plan** PLN-2022-18047 CUP/SP – “We Are Up Project”. We feel this will create a negative impact on our neighborhood.

4-2 Parking is already a problem with just the few cars that visit the site. We hate to think of the future. They park on Weirup which is where many residents of Hideaway court park their extra vehicles. Hideaway court has **very limited parking**, any guests of each residence must park on Weirup.

4-3 It will also create **more congestion** at the Sutter and Weirup intersection which is already a problem.

4-4 This area is one of the few undeveloped areas in McKinleyville. It is home to many species of birds that live and nest there. We have Blue Heron, Mallards, Flickers, Robins, Wren, Kites, and Hawks to name a few. Daily we see between four to twelve deer. We have also seen a couple bear, coyote, and fox. **The symphony of frog noises will be sorely missed by all.**

4-5 Please **deny this** project as it is detrimental to the neighborhood.

Thank you for your consideration,

John and Candace Boak

A handwritten signature in blue ink that reads "Candace Boak" followed by the date "4/17/2023".

1682 Hideaway Ct

McKinleyville, CA 95519

RECEIVED

By djohnston at 9:40 am, Apr 25, 2023

4/23/2023

County of Humboldt Planning and Building Department
3015 H Street
Eureka, CA 95501

To whom it may concern,

5-1 This letter serves as a written comment to the proposed IS/MND for the “We Are Up Project” located at 144 Weirup Lane. My wife and I are owners and residents of 1701 Hideaway Court, which is nearby the proposed project area and have lived here since 2009 when this neighborhood was built. We are raising our two children here and have enjoyed the peace and quiet of Hideaway Court, which is appropriately named. The seclusion and natural beauty of the neighborhood and the open field just south of us were two major factors that drew us here. When purchasing our home, it was told to us and to our neighbors that this field would never be built upon due to the wetlands and conditions of the soil.

We have grave concerns regarding the project, specifically the community center and its impact on the neighborhood. The initial study attempts to downplay the noise level, traffic and parking volumes that the four-story community center would produce. Additionally, the maintaining of livestock and construction of public walking trails are also of serious concern.

5-2 Regarding noise, the typical limit on noise is stated to be no later than 10:00 PM, but there are exceptions with a special use permit to bypass this. The initial study document references weddings will be a common use case many times throughout and other events that may occur as frequently as two or more times per month. Having events so close by playing loud, amplified music will be a nuisance to the 20+ families on Hideaway Court and the equal or greater number of residents in the nearby Sandpiper Apartments, many with younger children. In the spring and summer months when the weather is fairer, it is acknowledged that events may occur outdoors, which would further increase the noise level produced by public events hosted at the community center.

5-3 Additionally, for a housing project that is stated to be primarily for persons on the autism spectrum and other people with developmental disabilities, it seems baffling that the project stakeholders are focusing this community center as a public events space. It is well known high and intense noises can have a severe impact on people living with autism.

Construction noise is also a serious concern, considering the wide range of construction hours (7:00 am to 7:00 pm) and length of time necessary to complete a project of this size. Construction would generate constant noise and dust from the heavy equipment, trucks, and machinery for months, possibly years.

5-4 Regarding **traffic and parking**, the initial study document states that there will be up to 86 parking spaces for public events that would serve 215 guests. 35 of these 86 parking spots would be paved and the other 51 would exist along gravel roads surrounding the property. Overflow parking is proposed to be hosted at the small McKinleyville Community Services District parking lot, which is approximately 850 feet away and contains just over 20 spaces. **We believe it is a gross underestimation of the number of attendees to any of these public or private events and when the inevitable need for overflow parking arises, most attendees will park along Weirup Lane and Hideaway Court** out of convenience, because they are much closer to the community center and are on paved roads. This will negatively affect the residents of Hideaway Court with increased traffic, lack of parking spots in front of our homes, and cause annoyance with guests arriving and leaving all at once, which impacts residents' ability to enter or leave the cul-de-sac street as well as possible hindrance to emergency services should the need arise. The smaller sized Arcata Community Center has a very large parking lot that is regularly packed with vehicles during large events. The proposed parking plan for the We Are Up Community Center is simply too small and inadequate to accommodate the large events they are intending to host.

5-5 Regarding the proposed **walking trails**, we see this as a potential for an increase in **vagrancy, crime, and drug use**. While the site trails are not intended to be used by the general public, there is nothing to prevent anyone from utilizing them. Many of the parks and trails in McKinleyville attract vagrants who engage in illicit activities, such as drug use, illegal camp sites, theft, and an overall increase in crime. These are common occurrences at Pierson Park and Hiller Park in McKinleyville, as well as many parks or areas with trails in Arcata, such as the Arcata Community Center, Arcata Marsh, and Redwood Park, just to name a few.

5-6 Regarding livestock, the proposal states that there will be an unspecified number of livestock animals living on the property including cattle, sheep, goats, chickens and other domestic animals. **Raising and maintaining these types of animals so close to residential properties has the potential to negatively impact the quality of the air** and produce nuisance noise levels from said animals.

5-7 In conclusion, while the "We Are Up" housing project is a noble one to provide autistic and developmentally **disabled people affordable housing**, the project stakeholders are attempting to **trojan horse a huge community center into the plan**. In the CEQA Notice of Intent letter's project description, the community center is barely mentioned. One would think it was simply a central gathering place for residents of the proposed housing, yet when examining the IS/MND document, the size and scope of this community center is brought to light. **This bait-and-switch of a community center is not needed nor wanted in our neighborhood**. We're aware of many fundraising efforts done by the We Are Up group that have raised thousands of dollars toward the construction of the "secure and affordable" housing,

yet there was no mention of this mega-sized, for-profit, public events community center in the fundraising goal. The proposed 13,000 sq/ft first floor alone is approximately 4,200 sq/ft larger than the Arcata Community Center, which already boasts a massive footprint and is commonly booked for concerts and a magnet for vagrants. No other community center-type building in the vicinity, such as the Azalea Hall or the Arcata Community Center, is built so close to residential properties.

5-8 Not one resident we have spoken to in our Hideaway Court neighborhood is for this project and it is causing much distress in terms of future disruption to our peace and quiet. We urge the Humboldt County Planning Department to NOT approve this project, or at the very least to require the elimination or drastic downsizing of the community center building to be appropriately sized for the sole use of the We Are Up housing residents and not a for-profit, public events venue, which is contrary to the stated goals of the non-profit group to provide safe and affordable housing for autistic and I/DD people.

Thank you for your time and consideration.

Respectfully,

Erik and Kala Mendes
1701 Hideaway Court
McKinleyville, CA 95519

From: [Dina Wilde](#)
To: [Johnston, Desmond](#); [Madrone, Steve](#); [Dan Escajeda](#); [Dina Wilde](#)
Subject: We Are Up Project
Date: Tuesday, April 25, 2023 8:51:55 PM
Attachments: [We Are Up Letter.pdf](#)

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hello, Mr. Johnson:

Please find attached my letter regarding: CEQA notice of Intent to Adopt a Mitigated Negative Declaration “ We Are Up Project” - PLN-2022-18047 CUP/SP

I sincerely hope you will consider my response to the proposed We Are Up project.

Respectfully,

Dina

--

Dina L. Wilde M.A., Sp. Ed. K - 12 (and beyond...)

[970-218-4097](tel:970-218-4097)
1dinawilde@gmail.com

We all benefit, as a society, when we lead people of all abilities toward their dreams.

~Dina

County of Humboldt
Planning and Building Department
Attention: Desmond Johnston, Planner

Regarding: CEQA notice of Intent to Adopt a Mitigated Negative Declaration
“ We Are Up Project” - PLN-2022-18047 CUP/SP

6-1

I am an expert in the area of disabilities, including Autism Spectrum Disorder (ASD). As a credentialed individual, who has worked with all disabilities and ages as a private consultant and educator over the past two decades, I believe that the proposed community, which this project is declaring it will serve, will in fact, be compromised by the underlying intent of *We Are Up* to make money as quickly as possible to fund their vision:

I initially was excited about this project as it was first presented to the public at an open house event on the property on July 24, 2022. As a professional in the field of disabilities, I was considering volunteering my experience and expertise toward the *We Are Up* project. However, upon having read the *We Are Up Project Initial Study & Proposed Mitigated Negative Declaration dated 23 March 2023*, I was disillusioned when I read the following passages:

It [The Community Center] would also serve the community at large as space available for rent for events such as rotary meetings, weddings, and other gatherings. Many of these uses would also provide income for the non-profit, thus decreasing its need for grants or other and ongoing public funding. (Emphasis added here and below.)

We expect to have a variety of classes, workshops, and activities for residents primarily on Monday - Friday during typical business hours. Classes would be designed primarily by and for residents, but would include such things as computer skills, yoga, art, music, movement, life skills, cooking, etc. and may be open to the public. These classes may, in time, be available to others from the community at large with about 50 guests the expected maximum. Events such as those listed above would be held in the community center, its outdoor areas, and in the greenhouse. There would be guests walking between the onsite locations.

Special Events Special event hosting, such as weddings, community gatherings such as fundraising, rotary, or similar events would occur onsite, with approximately 24 per year and approximately 215 people expected for each. Events would be hosted year-round; however, winter events would primarily be held indoors. In the event that amplified music might be utilized at gatherings, it would cease by 10 PM -

6-2 What *We Are Up* is proposing disregards the safety and peace of the residents they say they are going to serve, many of whom have sensory and anxiety issues. This version of the project contradicts not only the original goals posted on the *We Are Up* Facebook page and website, but leaves an open door for *whom* the long-term housing units will be made available.

The FB page states:

“We Are Up strives to give young adults with disabilities and seniors a safe, secure place to live...” (April 17th, 2023).

The website states:

6-3 We Are Up will provide an innovative, integrated, community-based, and long-term place for adults with autism and other disabilities to call home.

Contribute - Support We Are Up

The We Are Up non-profit is on a mission to empower adults on the autism spectrum and those with physical, intellectual and/or developmental disabilities by providing an innovative, integrated, community-based, and long-term place to call home.

Join the We Are Up community - Adult with autism or other disability? Senior? College student? Visiting health care professional? Please check back in soon. We will open applications as housing becomes available

The original charter of providing long-term housing for those with disabilities, is taking on the complexion of a community-at-large facility. The project is now opening its housing to college students and traveling health-care professionals. With the housing shortage experienced by Cal Poly Humboldt, what's to prevent this project from filling their apartments with college students?

Could this project be a Trojan Horse - a real estate venture masquerading as a benevolent non-profit? I am shocked by the flagrant disregard for the sensory issues that seniors and those with disabilities often have. Events hosted in the Community Center with “approximately 24 events per year (every other weekend), “amplified music” and “...guests walking between onsite locations” does not sound safe or secure.

6-4 Not only will the *We Are Up* residents not be able to enjoy a peaceful, safe or secure environment, but the adjacent neighborhood on Hideaway Court will also be impacted. It would also seem that Health and Safety Code 46000 and the Humboldt County General Plan 3.6:

6-5 Noise Code would be violated:

Health and Safety Code 46000. ... (f) All Californians are entitled to a peaceful and quiet environment without the intrusion of noise which may be hazardous to their health or welfare. (g) It is the policy of the state to provide an environment for all Californians.

[https://humboldt.gov/DocumentCenter/View/1362/Appendix-C-Sample-Noise-Ordinance-Language-PDF#:~:text=In%20residential%20zones%2C%20the%20noise,standards%20above%](https://humboldt.gov/DocumentCenter/View/1362/Appendix-C-Sample-Noise-Ordinance-Language-PDF#:~:text=In%20residential%20zones%2C%20the%20noise,standards%20above%20)

<https://humboldt.gov/DocumentCenter/View/58835/Section-36-Noise-Revised-DEIR-PDF>

6-6

It appears that *We Are Up* wants to pursue an event venue (weddings, etc.) with a permit to allow for the increased noise in order to avoid the work of writing grants and organizing donor events in order to: “**...provide income for the non-profit, thus decreasing its need for grants or other and ongoing public funding.**”

Certainly housing is in short supply, but subjugating residents and neighbors to untenable noise levels (and a host of other issues including traffic congestion and light pollution, to name but a couple), is irresponsible and self-serving.

6-7

I implore *We Are Up* to reconsider their plan, and to truly serve those with disabilities, use the Community Center for activities that benefit the residents of *We Are Up*, and keep the housing structures on the western perimeter of the property, so as not to impose undue noise or disruption of privacy for the mutual benefit of *We Are Up* residents and current neighbors, alike.

If *We Are Up* wants to contribute in a positive way to our community, they will need to be thoughtful, respectful landlords and neighbors first.

Sincerely,

Dina L. Wilde, M.A, Sp. Ed. K - Adult

From: [internetcomelately](#)
To: [Johnston, Desmond](#)
Subject: IS/MND "WeAreUpProject"
Date: Tuesday, April 25, 2023 11:27:23 AM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

4/25/23

Dear Desmond,

This letter reflects the concerns I have as the homeowner of 1697 Hideaway Court McKinleyville CA.

The neighborhood is currently a very safe, quiet, crime free environment. Children are safe to ride their bicycles, packages can be left on doorsteps, families with school age children and senior citizens live harmoniously together.

7-1 IS/MND "WeAreUpProject" would be a disaster. Crime follows increased traffic flow. The community center and public walking areas would make this area an easy target replicating the problems seen in Eureka and Arcata.

Please consider, if you lived in a safe, quiet, crime free neighborhood would you destroy this? If it were your neighborhood, how would feel if the children could not be left to ride their bicycles, if everyone was subjected to noise, parties, events, livestock and transient persons?

7-2 Please do not let IS/MND "WeAreUpProject" be approved.

Sincerely,

Jacqueline Stoltz

1697 Hideaway Court
McKinleyville CA 95519

Sent from my Galaxy

From: [Andrea Armas](#)
To: [Johnston, Desmond](#)
Subject: We Are Up IS/MND
Date: Wednesday, April 26, 2023 9:04:40 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Mr. Johnston,

8-1 As a property owner and resident of Hideaway Ct in McKinleyville, I adamantly oppose the proposal made by the above-mentioned for 144 Weirup Lane and might I say that collectively, all the property owners I've spoken to on my street strongly agree.

8-2 Our court is just like it sounds, a hideaway; we are all neighborly, respectful, look out for each other and feel this proposed community center and event venue will make our neighborhood undesirable, less safe and lower our property values. It's quiet and safe for our kids and peaceful for all. It seems as though this is being presented as one thing but the intention is another.

Kindly consider the residents of Hideaway Ct, many of which have lived here for over a decade when the subdivision was built.

Thank you,
Andrea Armas
1685 A Hideaway Ct
McKinleyville, Ca 95519

From: [Shelly Lyell](#)
To: [Johnston, Desmond](#)
Subject: Re: Comments Re: We Are Up
Date: Thursday, April 27, 2023 2:46:15 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Shelly Lyell
1715 Hideaway Court McKinleyville, CA 95519

April 26, 2023

County of Humboldt Planning and Building Department

Dear Sirs,

9-1 I am writing to state my opposition to the We Are Up project, specifically the over sized community center planned for Weirup Road.

I attended the neighborhood welcoming and information gathering session that they presented several months ago and embraced the ideal of the project at the time. Given the changes and details that were barely revealed in the latest notification I can no longer support this project as is.

9-2 The lack of consideration to wetland, wildlife, zoning, and surrounding neighborhood impact are a few of my concerns. I am disappointed that the way this was originally presented to our community seems almost deceptive compared to what is proposed now. Additionally, there are too many important details that are vague or missing. This enormous community center of over 44,000 sf that is being suggested and the resulting change to the surrounding community is unreasonable.

9-3 Building a safe and nurturing environment for those who struggle with development issues AND building this extra large community center for special events is incongruent at best. The

9-4 noise, parking, traffic and disruptive nature of such a center makes Weirup Road an inappropriate location for this center for the existing neighborhood and the proposed community of people it will serve.

9-5 Lastly, I would like to add that just because this project can legally be approved by adding language that would allow conditional use, special permits to disregard the current zoning, and noise laws in existence in this area, it most certainly does not make it the right thing to do.

I believe we live in a country that needs to care more about each other, less division and less only out for myself behaviors. I believe in a situation where we can help serve this underserved segment of the community without disregard to other segments of our community.

9-6 Thank you for hearing my comments and please do not approve this community center as proposed.
Sincerely,

Shelly Lyell

Sent from my iPhone

On Apr 27, 2023, at 10:58, Johnston, Desmond <djohnston@co.humboldt.ca.us> wrote:

Hello Ms. Lyell,

I am unable to open the attachment, either because it is in a format that my computer cannot open or it is a damaged file.

Can you convert it to a PDF and resend?

Regards,

<image001.png> | **Desmond Johnston, Senior Planner**
[Planning and Building Department](#)
707.441.2622

From: Shelly Lyell <shellbell0077@gmail.com>

Sent: Thursday, April 27, 2023 9:04 AM

To: Johnston, Desmond <djohnston@co.humboldt.ca.us>

Subject: Comments Re: We Are Up

April 26, 2023

County of Humboldt

Planning and Building Department

3015 H Street

Eureka, CA. 95501

To the Humboldt County Planning and Building Department:

Since I last wrote to the Department, I have had the opportunity to read the “We Are Up Project-Initial Study and Proposed Mitigated Negative Declaration” prepared by GHD, a private company working on behalf of We Are Up, and would respectfully wish to address its findings. But before doing so, my background:

I have served Humboldt County as a physician for the last ten years, the last three of which have been particularly challenging due to COVID concerns. I took part in a community vaccination program personally vaccinating hundreds of persons during two clinics held at Mad River Hospital. My wife is Director of Special Education for the Trinidad School District, with a deeply empathetic understanding of this community. While waiting to receive her final teaching license in California, she was a Director and coordinator of “California Mentor” a California corporation providing in-home services to the disabled.

When we came to the area, we spent the better part of a year renting a one-bedroom apartment until we could find a home in proximity to both our workplaces, in a quiet, uncongested location (as I often sleep during the day, due to late night call). We therefore have experienced how difficult the housing market is within the county, even for abled persons. Finally 1686 Hideaway Court was presented to us, and the idyllic open environment to the south with wildlife, lush trees, and other vegetation made this a perfect spot not just to live, but to retire one day. Because it featured a permanent stream, Mill Creek, established wetlands, and complex wildlife habitat, we were assured that this area would remain undeveloped.

10-1

If there was a drawback to Hideaway Court it was that it is a cul-de-sac with extremely limited street parking, with most residents parking cars on the street after returning home in the evenings. But we figured we could, in a pinch, direct our visitors to park along Weirup Lane if necessary, as is the customary practice for the neighborhood.

Therefore, we are intimately connected to, if not by ownership, then by proximity, to the proposed Project Area. Having observed it over several seasons under its prior ownership, our appreciation for the setting has only grown, and as I wrote earlier, the diverse wildlife and scenic value are worthy of preservation in their own right.

As part of my research, prior to reviewing the Study, I searched the CA.gov website and found the “Site Check Report” described as a “tool” “provided as a public service” whereby owners of a property can assess whether their sites meet development requirements under the “California Environmental Quality

10-2 Act” or “CEQA.” That report specifically states “The site cannot contain wetlands.” It does. And, “the site cannot have any value (emphasis added) as a wildlife habitat.” It certainly does. Anyone who has seen the property instantly realizes that the property is rich in wildlife, wetlands and natural resources such as Mill Creek, a permanent flowing stream that sustains that wildlife.

Small wonder that it has remained undeveloped to the present time: were property not to contain a running stream, wetlands and wildlife habitat, it would likely already have been developed with no legal restrictions at all, save those of a typical housing development, and without controversy.

10-3 But the new owner seeks to skirt the California Environmental Quality Act (which applies to the property) by seeking a loophole that allows development by “mitigation” efforts, that destroy the natural resources of the land and substitute a man-made, artificial “do-over” that will permanently change the ecology of the area for generations.

As someone living literally north of the planned Project, reading the Study in depth, it’s truly unfortunate that our home, and those of our neighbors nearest to the Project are scarcely considered. One would think that it would be otherwise, considering the inevitable adverse impact the Project will have not just us, but the neighborhood at large.

10-4 In fact, the cover page photograph of the Study deceptively shows almost no existing homes bordering the land. Thereafter, a reference to the existing houses appears just *twice*, once on page 1-10 “house at 1682 Hideaway Court” and on page 3-2: “Townhome elements would partially shield the existing view...from three nearby residences along Hideaway Court.” This is another deception: the current drawings for the proposed Project show buildings to be constructed along the *entire* southern boundary of Hideaway Ct. not just “the first three residences.”

10-5 The people living in those homes, are referred to in the Study as “sensitive receptors” a dehumanizing term devoid of respect:

“The nearest *sensitive receptors (emphasis added)* to the Project site include residential housing, with the nearest residence is (sic) located on Hideaway Court *within approximately 35 feet of the Project.*”

That term, “sensitive receptor,” is used six times in the Study.

The author asserts that thirty-five feet is all the perimeter necessary for a “sensitive receptor” to not be adversely affected by construction dust, noise, pollutants and the like. But none of those real-world realities of a multi-year, massive construction project, carry a tape measure. The paragraph “C” dealing with us “sensitive receptors” thus ends with a whimper:

“Therefore, Project operation will not expose nearby sensitive receptors to” before stopping abruptly.

Perhaps the author, (whose primary job is to obtain project approval, after all) finally ran out of material on the subject, or just realized he was making unsupportable claims about people he did not actually know. As defined “sensitive receptors” includes seniors, those with medical conditions likely to be adversely affected, and children, all of whom are represented among the people who live in the neighborhood.

10-6 Sadly, the Study *later* states in paragraph d) that the “Project emissions or odors caused by construction would not adversely affect a substantial amount of people.” While a final admission that we residents

are at least *people is progress*, the truly bad news is that our number is not judged “substantial” enough to be of any great concern. But *four of the five residents in those “three houses”* mentioned as being closest to the project are the homes of seniors, at least two of which have chronic illnesses for which a major construction project over an indefinite number of years, will pose foreseeable “adverse” effects, and that while a “school” is not present, children certainly call the neighborhood home. Exactly how many human beings, much less “sensitive receptors” are required to constitute a “substantial number?”

The Community Center

10-7 As proposed, the four-story, “approximately 33,000 SF” “Community Center” described on page three would be one of the tallest buildings in the County, and inconsistent both with the aesthetics of the existing parcel and the peaceable enjoyment of not just residents on Hideaway Court, but the surrounding neighborhood community at large. The “approximately 24” special events anticipated each year attended by “approximately 215 people expected for each” is concerning on a number of levels.

10-8 With all due respect to the Study’s author, the parking necessary to host “weddings and other events” is inadequate. The term “approximately” is liberally applied here and for good reason: the owner already has had to approach the Mckinleyville Community Services District operations director for “email permission” to use *their* parking area for “overflow” parking, which would not be necessary if there already was sufficient parking in the plan. And as has been mentioned, street parking on Hideaway Court is *already* limited. Commonsense dictates that attendees at the many large functions planned who are unable to find site parking will alternately cruise the neighborhood’s private streets seeking to park there regardless of the fact that these parking areas are now commonly and historically used by neighborhood residents.

10-9 Another concern is event management. While the document states that “...all aspects of the Project would adhere to relevant sections of the County Code...this includes *public order, noise, and safety*” *(Emphasis added)* the fact remains, that is it unclear and undetermined how this compliance is to be enforced. In situations where alcohol is typically consumed, especially at weddings, and the other “large gatherings”, commonsense again dictates that disregard for the expected “relevant sections” of the County Code will occur, and Mckinleyville, an unincorporated area, lacks its own police force.

10-10 Finally, there is the subject of traffic management. Weirup Lane is a privately maintained two lane road. The ingress/egress of up to 200 visitors with their vehicles during events poses a potentially unacceptable risk to the safety of the residents and their children in the adjoining neighborhoods. Again, the associated traffic and noise pollution of amplified music alone on weekends will not respect a thirty-five-foot boundary.

10-11 In sum, the massive four story Community Center is a hugely disrupting enterprise that will disrupt the lives of the neighborhood while demanding immediate and long-term destruction of the existing habitat. It places a huge commercial building in an area where previously only homes have existed, and anticipates events where crowd and traffic control will be nonexistent.

Considering the consequent substantial destruction of sensitive habitat, loss of wetland, and the disturbances to the lives of those living in existing homes bordering the Project, its construction on “the western third ” of the parcel, seems like pounding a square peg into round hole.

“Habitat Enhancement”

10-12 As discussed in my first letter, the promise of “Wetland Creation” is ironic, as the wetlands are already in place, and healthy as Nature sees fit. Under Section 1.8 the claim is made that the “project” is “self-mitigating” but this is based on speculation and no assurances can be made that this will be the final result.

10-13 The statement that the “Project would not directly or indirectly impact anadromous waterways” is incorrect. The Project, with all its associated excavations, water diversions, and surface pollutant run-off, will unavoidably have both a permanent direct and indirect adverse impact on Mill Creek, an existing anadromous waterway which the report’s own analysis concludes has a “high potential” of supporting Coast Cutthroat Trout, Northern California Steelhead, and Summer-run Steelhead all either threatened or species of special concern.” (See “Environmental Analysis” page 3-29,30) And “there is designated Fish Habitat for Coho Salmon and Chinook Salmon within the Project Area.” (Page 3-14) How does this square with “habitat preservation?”

10-14 As we particularly enjoy birds, it was compelling and enlightening information from the Study’s Environmental Analysis that there are no less than twenty special status bird species with a “moderate to high potential” of currently thriving within the Project area, up to and including the Bald Eagle. In addition, there are eighteen additional species considered “Species of Special Concern.” Again, commonsense dictates that the Project will negatively impact these, either directly or indirectly, by encroachment on existing nesting areas and flyways, nighttime noise and light pollution, vehicular, human and domestic animal traffic...forever.

10-15 The Project proposes to mitigate the adverse impact on these bird species by employing a “qualified” biologist to conduct a one day “preconstruction survey” just seven days prior to construction for nests, but nest monitoring thereafter would consist of just once per week “to determine if nests are being disturbed.” It would seem that the substitution of a “construction worker” trained in the identification of 28 different species of endangered birds “within seven days of construction” to take over the biologist’s role speaks volumes about the seriousness the Project has attached to habitat protection of these 38 bird species, because it states essentially that the function and years of training of the biologist can be readily replaced by a quickly administered tutorial to an unspecified construction worker onsite.

In a similar vein, I would respectfully wish to address the frogs and amphibians on the property.

10-16 I have a degree in Zoology so I know by background that amphibians worldwide are endangered. What “mitigation” does the Study plan to protect them?

In similarity to the endangered bird survey, the Study proposes that the trusty (and soon to be very busy) “qualified biologist” would appear on the property “seven days prior to construction” to survey for amphibians. The expectation that the “biologist” with as yet unspecified qualifications would “relocate any specimens that occur within the work-impact zone to nearby suitable habitat.” (Emphasis added.) To which I reply, “Really?”

10-17 The thought of some well-intentioned biologist, qualified or not, trying to relocate hundreds, if not thousand of frogs on hands and feet is hilarious in itself, but the Study continues:

10-17

“A construction worker training on identification of special status amphibians will occur within seven days of the start of construction.” And **“In the event that a special status amphibian is observed in an active construction zone, the contractor would halt construction activities in the area and the frog and/or salamander would be moved by a qualified biologist to a safe location in a similar habitat outside of the construction zone.”**

The report’s own Environmental Analysis shows a “high potential” for the Northern Red-legged frog, a recognized special status amphibian to live in the wetlands that pervade the site. (On this point, we can certainly agree: they are innumerable!) The notion of construction being immediately “halted” while a “qualified biologist” is summoned (probably from off-site) to remove the tiny amphibian to a “safe location” is, well, completely disconnected from reality.

From these examples, I would simply conclude, (as I did in my previous letter), that rather than the “ecological uplift” the Project purports will occur, these so-called “mitigation” procedures are scant guarantee or assurance that the final Project will do anything but *forever irrevocably destroy land supporting endangered plants, wetlands, and sensitive species from bees to Bald Eagles*. One can be thankful that the California Environmental Quality Act was wisely passed by the State’s representative years ago to address, by law, this very situation.

10-18

Summary and Recommendations

1. Undeniably, “We Are Up” is an organization whose lofty goals that are universally commendable, and admirable.
2. But, no matter how well intentioned these goals may be, by law they must be balanced by the reality that the organization has deliberately chosen a complex and unique ecosystem on which to construct a very large, multi-use, campus including a “Community Center” that is as sprawling as it is tall. The massive planned construction required by the Project over a number of years will cause damage to the existing ecosystem that is not “insubstantial” (as the Study’s Environmental Analysis claims) but *severe* and *permanent* for generations.

10-19

3. “We Are Up’s” own Environmental Analysis confirms that numerous endangered or sensitive species make their home on the site. By any reasonable estimate, all will be either directly or indirectly adversely impacted by both the multi-year construction process, and years after construction ceases, by continuing operations and events, with attendant noise and light pollution, and the presence of exponentially increased vehicular and human traffic by visitors on the site until late at night.

10-20

4. The means of protecting some of the existing species during construction borders on the absurd, frankly. No better example than the plan to mitigate construction impact on frogs and salamanders, (as anyone who has tried to catch a frog can attest.) It bears repeating that notion that a tiny red-legged frog will halt a bulldozer in its tracks while an off-site “qualified biologist” is urgently summoned to “move it to a suitable habitat” is the stuff of fairy tales, putting it kindly.

10-21

10-22 5. Humans fair no better under the Study. Pollution in the forms of vagrant dust, odors, fumes, construction noise respects no property line. A *substantial number* of people, living in the adjacent neighborhood, will be in its path, for years, before completion. This population includes seniors, persons with medical vulnerabilities, and children.

10-23 6. Long after construction is completed the large events at massive Community Center will, by their inherent nature, be an inescapable factor in *regularly disrupting the peaceful enjoyment of the surrounding neighborhood, with automobile traffic, amplified music, lights, and trampling footsteps occurring during large "special events" planned during weekdays, and potentially all day on weekends.* One should recall that the number of participants (*two hundred and fifteen*) and frequency of large events (at this point *twenty-four*) are merely estimates.

10-24 7. Already scarce resident parking will be even more impacted as visitors unable find spaces within the complex, drive up and down the private lane and side streets, adversely impacting the safety, security and peaceable enjoyment of an already existing community, not just "three houses on Hideaway Court."

Prior to reaching the point we now find ourselves, it would have behooved the new owner to perhaps knock on a few doors, and do some community outreach to not just "the three houses" on Hideaway, but the *entire* existing neighborhood north of the property.

10-25 This is because we "sensitive receptors" have a great deal at stake. Loud noise, vibration, odors, fugitive dust, and airborne pollutants during the years of construction will affect not just sensitive plants and animals, but *human beings as well. These are, after all, our homes, too!*

10-26 In my last letter, I stated that I felt strongly that there are compelling arguments for allowing the property to be left *as is*. However, I recognize the owner will likely disregard that opinion and choose to rely on the Initial Study to justify proceeding anyway. (In fact, personal communications with a Humboldt business leader revealed that the owner told them they "frankly didn't care" about the potential reservations of the neighborhood, regrettably.)

But as their own document under "CEQA Requirements" states in the very first paragraph:

"CEQA encourages lead agencies and applicants to modify their projects to avoid adverse impacts" (Emphasis added.)

10-27 *Short of an abandoning of the Project, I now believe that the time for such modification is at hand.*

Clearly such modification cannot occur in the vacuum of that currently separates the parties. How then to proceed to close this gap? I respectfully submit that:

10-28 1. The first step to be taken is one that has been absent from the earliest stages to now: communication. Regardless of where one lives in the area bordered by Hideaway Court

to the south to Sutter Road, the multiyear construction and sheer scale of the proposed Project may pose unacceptable health and safety hazards, and *will inevitably* alter

10-28 residents lives forever. They therefore, deserve, at a minimum, to meet with the proponents of the Project personally in a suitable forum to voice concerns, communicate issues, and receive timely information.

10-29 2. The scale of the Project would be modified to incorporate the input from the existing community.

10-30 3. It may be helpful to have a moderator present to ensure all opinions and points-of-view are heard respectfully and objectively.

10-31 4. If the parties fail to reach either resolution or agreement on substantive issues, mediation or arbitration should be considered to resolve them as fair a manner possible, taking into account all points of view to equitably reach consensus without resorting to much more costly means of achieving resolution.

I wish to thank members of the Department for their time and consideration,

Sincerely yours,

Daniel Escajeda, MD

1686 Hideaway Court, Mckinleyville, CA 95519

Telephone (303)666-9466

From: [McClenagan, Laura](#)
To: [Johnston, Desmond](#)
Subject: FW: Planning Department Comment Letter for We Are Up Project
Date: Monday, May 01, 2023 10:12:15 AM

Please find the public comment below for We Are Up PLN-2022-18047

From: Brian Battilocchi <bbattilocchi1976@gmail.com>
Sent: Friday, April 28, 2023 11:20 PM
To: PlanningBuilding <planningbuilding@co.humboldt.ca.us>
Cc: Madrone, Steve <smadrone@co.humboldt.ca.us>
Subject: Planning Department Comment Letter for We Are Up Project

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

To whom it may concern,

As a concerned homeowner of over 13 years within the Hideaway Court neighborhood, we are asking for you to look a little deeper into the newly proposed We Are Up project. As there are several concerns that have not been addressed.

11-1

First. The meadow/wet land behind our house located at 1694 Hideaway Ct. is not a seasonal wet land. It is wet year round. In particular a underground spring. The spring has been seeping over the last 14 years to expanded to where it is almost to the center of the meadow.

11-2

There are several animals that call the meadow home, from the deer, fox, racoons, ducks, egrets, the occasional bear and many others that only come out at night, that we do not see. Not to mention the redtail hawks, kite hawks, humming birds and several others that come to hunt and feed. Development of this area will cause a huge disturbance to this fragile ecosystem.

11-3

Second. The project was portrayed to be housing unit with a community center along with greenhouses and a small orchard for handicap and autistic adults. Now the project want to put up a four story community center that may be open to the public. Walking trails into the fragile wetland areas and now possibly a venue to rent out for weddings and other fundraising events. In all the years of living in McKinleyville (47 plus) we have never seen a four story building. There is no clear understanding of what this project will be. Is it a housing/ community unit for autistic and handicap adults or a for profit event center in disguise.

11-4

Third. There is no clear plan at what they will do with all the excess traffic, parking issues, excessive noise. As a small little neighborhood with no outlet it is a concern. Our road is a small almost one lane road. If there was to be an emergency or fire. What would happen if emergency vehicles could not get through. Not to mention all the noise from the events they have planned for every other weekend according to their web sight.

Fourth. Property value. When we purchased this house we paid more to have the beautiful view of

11-5 a meadow. This meadow was portrayed to be undevelopable due to being a wet land. We have no back privacy fence for this reason, as do none of the other four houses on this side of the road. This project will cause our house to lose privacy and value, do to no fault on our part . How is that fair?

11-6 We understand that there is a large need for this kind of housing and it is a great idea, but there has to be a better place to put this project. Nobody has taken in account the people that live here. The owner (Mary Keehn) of the property has been nothing but dismissive of all our concerns and called us Nimby's. For someone who want to be a part of the community she sure doesn't seem to like the community and is just for profit.

We have several other concerns but in all reality who wants to read a 10 page email. So we will leave you with just a few of ours

Thank you for looking into this matter and we look forward to hearing from you.

Sincerely,
Brian and Lynette Battilocchi