



We Are Up Project

**Final Initial Study & Proposed Mitigated
Negative Declaration – SCH No. 2023030707**

We Are UP

May 16, 2023

County of Humboldt
PLN-2022-18047 CUP/SP
APN 509-181-057



Final Initial Study & Proposed Mitigated Negative Declaration – SCH No. 2023030707

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1. Purpose of the Final ISMND

This Final Initial Study/Mitigated Negative Declaration (ISMND) for the We Are Up Project consists of comments received on the Public Circulation ISMND, the We Are Up’s responses to comments, and revisions to the ISMND via errata. The ISMND identified likely environmental consequences associated with the Project, and recommended mitigation measures to reduce potentially significant impacts.

2. Environmental Review Process

The County of Humboldt (County), serving as the California Environmental Quality Act (CEQA) Lead Agency, prepared a ISMND for We Are Up Project (hereafter referred to as the Project). The ISMND was submitted to the State Clearinghouse for review by state agencies, and to agencies with jurisdiction by law over resources affected by the Project on March 28, 2023. The public circulation period was from March 28, 2023, through April 26, 2023.

In accordance with the requirements of CEQA, the County provided a Notice of Intent to Adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, Humboldt County Clerk, and State Clearinghouse. The County posted the ISMND on its website at <https://humboldt.gov/155/Current-Planning> and made a hardcopy available for public review at the Humboldt County Planning and Building Department at 3015 H Street, Eureka. The County published a Notice of Intent to Adopt in the Times Standard on January 21, 2023. The Notice of Intent to Adopt was posted at the Humboldt County Clerk’s office for a period of at least 30 days.

The Humboldt County Planning Commission will hold a meeting in the Board of Supervisors' Chambers on Thursday July 6, 2023, at 6:00 p.m., to consider adoption of the Final ISMND and approval of the Project. Noticing and review periods required by CEQA have been satisfied. The ISMND was completed under the direction and supervision of the County with support from their consultant team and reflects the County’s independent judgement and analysis of the potential environmental effects of the Project.

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3. Comments and Responses

During the public comment period for the ISMND, the County received 218 formal comments on the Project from the public. A list of the comment letters and comments received is shown below in Table 3-1 (either by agency/organization or last name of the individual). In addition, the Project received 86 general letters of support. This Final ISMND includes responses to comments received for the letters shown in Table 3-1. Support letters responses are addresses in Section 3.3 below.

Table 3.1 Public and Agency Comments Received on the ISMND

Letter	Last Name or Agency	First Name	Letter Date	Pages	Number of Comments
1	Eldridge	Kellie	April 24, 2023	23	119
2	Eldridge	Michelle and David	April 19, 2023	5	24
3	Escajeda	Daniel	April 10, 2023	2	8
4	Boak	John and Candace	April 17, 2023	1	5
5	Mendes	Erik and Kala	April 23, 2023	3	8
6	Wilde	Dina	April 25, 2023	3	7
7	Stoltz	Jacqueline	April 25, 2023	1	2
8	Armas	Andrea	April 26, 2023	1	2
9	Lyell	Shelly	April 26, 2023	2	6
10	Escajeda	Daniel	April 26, 2023	7	31
11	Battilocchi	Brian and Lynette	April 28, 2023 (Late)	2	6

3.1 Master Responses

Review of comments made on the ISMND indicated that some comments were made frequently (type of comment), demonstrating a common concern. To allow presentation of a response that addresses all aspects of these related comments, select Master Responses have been prepared. Master Responses are intended to allow a well-integrated response addressing all facets of a particular issue, in lieu of piece-meal responses to each individual comment, which may not have portrayed the full complexity of the issue. The use of a Master Response is in no way intended to minimize the importance of the individual comments. Master Responses are summarized in Table 3.2.

Table 3.2 Summary of Master Responses

Response	Topic
1	Statements of Opinion For or Against Project and Project Planning and Statements Unrelated to Environmental Issues as Defined Under CEQA
2	Substantial Evidence, Speculation, and Unsubstantiated Opinion
3	ASD and/or I/DD and Equity/Noise/Safety
4	Community Outreach
5	Townhomes Modifications
6	Project Downsizing
7	Building Details

Master Response 1 Statements Unrelated to Environmental Issues as Defined Under CEQA

Per CEQA Guidelines Section 15204(a), in reviewing draft ISMNDs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is

made in the ISMND. Furthermore, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

In several cases, comments include an opinion on the Project, questions about the Project's planning process, and requests that the project be eliminated from consideration. Such comments provide valuable input to the County of Humboldt's process of considering approval of a project, and the comment letters will be submitted to the Planning Commission as part of the approval process. Where the comments address the merits of the project and do not necessarily pertain to environmental issues, no further response to comments is provided. Such comments are not comments on the ISMND, but comments on the approval of the project, a process that will occur after CEQA documentation is considered for adoption. Nevertheless, if CEQA documentation is adopted for the project, the County of Humboldt will consider the recommendations in these comment letters as well as the information presented in the CEQA documentation or elsewhere in the record, and make its decision regarding approval of the project and or consideration of project alternatives.

Master Response 2 Substantial Evidence, Speculation, and Unsubstantiated Opinion

Pursuant to CEQA Guidelines Section 15064, the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. An effect on the environment shall not be considered significant in the absence of substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts (CEQA Statute Section 21082.2(c), Guidelines Section 15384(b) and 15604 (f)(5)). Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence (CEQA Statute Section 21082.2(c), Guidelines Section 15384(a) and 15604 (f)(5)).

Furthermore, CEQA Guidelines Section 15088 (Evaluation of and Response to Comments) states, "The level of detail contained in the response, however, may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information or does not explain the relevance of evidence submitted with the comment."

Master Response 3 ASD and/or I/DD and Equity/Noise/Safety

We Are Up is creating a community ecosystem that weaves together diverse people and activities to create a functioning whole where everyone can thrive. The housing, agricultural activities, community center, and preservation of the open space are all integral to the success of the We Are Up project, each with a part to play in the success of the whole. The mix of residents has been carefully designed with 1/3 people with ASD and I/DD, 1/3 seniors, 1/3 a mix of students in related fields of study who can support and perhaps gain valuable insights, and visiting medical professionals who are so needed by our community but often cannot find housing, all will play a part in building a vibrant community of support.

Statistics show that more than half of young adults with autism have not interacted with a friend in over a year. Eight percent of adults with developmental disabilities in California are living with aging parents who, in coming decades, will no longer be able to care for their adult children. The estimated unemployment rate for adults with autism is a staggering 90% even among those with a college degree. We Are Up aims to change these statistics by creating a community of supports. Seniors also suffer loneliness and long for meaningful engagement, they have much wisdom to offer their communities. The project has received broad support across political, socioeconomic, and age barriers. Over 300 people have volunteered or donated in some manner.

We Are Up is an integrated whole, designed to give opportunities to residents to live their best lives and be included in the fabric of society. People with ASD and I/DD and seniors may not find this the place for them and have every right to find another housing solution that fits their needs. For many, however, this will allow for growth, opportunity, and inclusion for many young adults who very much enjoy music, dancing, learning, and helping others.

The goals of the community center are:

- A space to bring people together in a variety of ways to foster inclusion.
 - Group homes are no longer supported by the regional center and are deemed isolating.
 - Stating that people with autism do not like loud noises is simply not true. It is true that many people (with and without autism) do not like unexpected loud noises but love music. The project does not intend to have intermittent loud noise, rather music so our kids, grandchildren, and guests can dance, sing, and enjoy a full life.
 - A place to help each other, learn job skills, and contribute.
- A space for activities such as life skills, job training, classes such as computer, art, or other interests of the residents.
 - These skills allow residents to learn job and life skills.
 - A commercial kitchen to provide some of these skills.
- A space to provide an income stream for the organization so that We Are Up can eventually move toward self-sufficiency for itself and its residents without relying on as much public support.
 - Events that are open to community not only provide financial support but give residents job opportunities, social interactions, in a safe supervised location.

Master Response 4 Community Outreach

We Are Up had hoped to have better communication with neighbors. We Are Up has replied to every letter written. A community Meet and Greet was held in the summer of 2022 that was open to the public to explain the Project to the community. Diagrams of the footprint and explanations of the agricultural programs planned were available. The prior owner, Kay Weirup-Fraker, a woman in her mid-80’s, fully supports the We Are Up vision. There were also concerns that the property values will decline however, the opposite may be true as seniors and parents with adult children with special needs have already approached We Are Up wondering if single-family homes might be available so they could access supports in the planned community center, suggesting that demand will increase.

We Are Up have given much thought and already redesigned several times to make many concessions in the design, making less impact on the neighbors and the property as a whole, including the wetlands. The most significant include:

- Extensive and costly wetland studies. This site is loved, with over 80% of the site being kept as open space as a community benefit and also decreasing impacts to wetlands.
- Building 50 instead of the 70 units the County said they would allow even though that larger number of units is much needed and would help the project financially.
- Purchasing land from a supportive neighbor to the north and completing a lot line adjustment at a cost of \$130,000 to provide more smooth ingress and egress and additional parking, reducing potential impacts to Weirup Lane and reducing wetland impacts.

- Enlarging the community center. While the Hideaway neighbors object to this, it allows much of the housing to be above the center, lessening the need to have three-story townhomes in front of their houses or within additional wetlands of the property.
- Limiting the number of guests allowed to attend events to a smaller number where onsite parking will accommodate guests.
- Willingness to include a stop sign before the Weirup Lane and Hideaway Court intersection.
- On the day of special events, We Are Up may provide a parking/event organizer to help maximize on-site parking.

Master Response 5 Townhomes Modifications

In conversations with architects and developers We Are Up have been told that a minimum of 50 units of housing is an ideal to number strive for when building a vibrant community. It also allows a scale that will allow a nonprofit to continue to function sustainably over many years while still providing needed services to residents. This site is unique in its beauty, but also in its proximity to essential services for residents who may not drive. Because of the substantial wetlands on site, the project has been accomplished as infill to existing large infrastructure bordering the property such as Grocery Outlet and Auto Zone. Because of these limitations and the design work to preserve as much of the open space as possible, over 80% will remain open as a community benefit. Many iterations of the plans have been developed and rejected with the current plan the most likely for success, least impactful for wetlands and for impacting neighbors.

Master Response 6 Project Downsizing

There are no unnecessary components to the project. Housing alone will not solve the need for care that is experienced by adults with ASD and I/DD. This is a vulnerable group that is often left out of equity discussions and community involvement. By making an inclusive community with the amenities of agricultural activities, and a community center designed and built in, many will benefit. The greater community will have lower long-term costs of support, and parents will have peace of mind and residents will have better lives. As described in Master Response 3, We Are Up has designed an integrated community of care that serves not only those with ASD & I/DD but provides personal growth, supports and income opportunities to them and the other proposed residents. It is a replicable model that lowers cost for society at large and provides a lifetime of care. It is innovative and has extremely broad support, even outside of Humboldt County.

Master Response 7 Building Details

The height and scale of the Community Center allows for more housing in that one building rather than having multiple taller buildings elsewhere on the project. This building is adjacent to the large grocery store, creating infill development rather than spreading taller buildings around the parcel. The max height of the townhomes, being located within the RL land use area, is 35 feet. The max height of the community center, being located within the RM land use area, is 45 feet, with approximately 1/3rd the Community Center building being considered a basement.

3.2 Public Comments Received During Circulation

This section includes copies of the comment letters and e-mails received during the 30-day public review period for the ISMND. Responses to each comment are provided after each letter. One letter is included that was received outside the 30-day review period and is indicated as “Late”.

Letter 1 – Kellie Eldridge – April 24, 2023

Page 1

Response to Comment 1-1*Impact assessment and analysis*

The comment regards disagreements that sufficient analysis was conducted within the ISMND. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinion. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-2*Community center need*

The comment regards concerns over the impacts and overall size of the community center. The community center is an integral part of the Project. Please see Master Response 6 regarding desires for downsizing. Please also see Master Response 3 regarding disruption to residents. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-3*Sensitive Natural Communities and Wetland impacts*

The comment regards sensitive natural communities (SNC) mapping and unreported impacts. Please see Response to Comment 1-34, 1-36, and 1-37 regarding SNC mapping and impacts. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-4*Project residents and the community center*

The comment regards concerns about the potential of future residents not being used for those with I/DD. The housing units within the Project would be prioritized for those with autism and/or I/DD, and for seniors. Regarding students, Section 1.2 of the ISMND states that the Project would be an integrated community by also providing some housing and credits opportunities for college students in related fields of study and visiting medical professionals. The comment additionally raised concerns regarding the community center and its effects on those with disabilities. Please see Master Response 3 for equity regarding those with I/DD.

Additionally, the commenter is concerned over the impacts and overall size of the community center. The community center is an integral part of the Project. Please see Master Response 6 regarding desires for downsizing.

No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-5*Concern over development outside of western portion of property*

The comment regards characterization of development being located on the western third of the Project Area. As per the ISMND Section 3.1 – Aesthetics and Appendix A – Figure 2, the development is concentrated along the western 1/3rd of the Project Area. The Project Area is approximately 1,270 feet wide, therefore a third is approximately 423 feet. The barn ends at approximately 400 feet from this area, staying within the western 1/3rd. The only portion that may not be located within the western third is that spur of the barn road, however the barn road will be located on uplands. Trails and wildlife viewing areas would be constructed by mowing and perhaps placing wood chips on the ground, but these features would be done only in mapped upland areas. Seasonal trails may be within mapped wetlands through mowing;

however, no woodchips or other fill would be implemented. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-6

Disagreement on habitat representation

The comment regards that characterizing the overall vegetation habitat as non-native grasses and low-value habitat is a misrepresentation of the habitat. Appendix D (Botanical Memorandum Rev1) of the ISMND includes Attachment B (Plant Species Observed). This list includes all species observed within the Project Area during the site visit surveys conducted April 12, June 2, and September 15, 2022. Of the 120 species identified, 37, or 30.8%, were native. The characterization of non-native grasses is consistent within the wetland mapped onsite as well, as the vegetation was primarily characterized by redtop (*Agrostis stolonifera*, invasive non-native), reed fescue (*Festuca arundinacea*, invasive non-native), common velvetgrass (*Holcus lanatus*, invasive non-native), Italian rye grass (*Festuca perennis*, invasive non-native), slough sedge (*Carex obnupta*, native), and mountain bog sedge (*Scirpus microcarpus*, native). No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-7

“Community”

The comment regard a request for clarification of the use of the term “community.” Community within the ISMND refers to the combination of the We Are Up residents and the outside public. The Project intends to facilitate supportive relationships between the residents and the outside public, hence the use of the term “community.” Please see Response to Comment 1-8 below for additional details. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-8

Community center use

The comment regards a request for clarification on who can utilize the community center. We are using the term community to mean “a group of people with common interests living in a particular area” – in this case, primarily residents of We Are Up and Humboldt County residents. “Others” as used here refers to community members who do not live on site. These groups might include community organizations like Rotary, individuals with relationships to We Are Up, or someone from the public who may want to have a wedding on site. We Are Up is a 501c3 with a strong Board (Please see Master Response 3 regarding the Board). We have by-laws and a legal responsibility to not only protect residents but provide opportunities for them to live a full and productive life.

Response to Comment 1-9

Community center classes VMT impacts

The comment regards classes and potential VMT impacts. The classes mentioned within the ISMND are currently intended primarily for residents only, which would generate no additional trips. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-10

Special events

The comment regards clarification on outdoor special event spaces. The majority of the special events hosted at We Are Up would be located indoors at the community center, limiting noise to adjacent neighboring residents. When an event would be hosted outdoors, it would be primarily immediately south of the community center within a paved patio area. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-11

Living units and Vehicle Trips

The comment regards trips generated by special events and classes. Please see Response to Comment 1-9 regarding trips generated from classes. Please see Response to Comment 1-11 regarding trips generated from Special Events. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-12

Garden features

The comment regards the potential of impervious surfaces regarding the storage shed and barn features. The barn dimensions are located within Section 1.5 – Agricultural Elements and Appendix A Figure 2 of the ISMND at 30' x 40'. Please see Master Response 7 for additional building details and features. Impervious surfaces are discussed within the ISMND as a whole within Section 3.10 c ii. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-13

Livestock and Fencing

The comment regards concerns of potential livestock and fencing impacts to wetlands and asserts these impacts are not addressed within the document. The fencing initially will be on the southern property boundary, around the orchard, and nearby garden areas which are all mapped as uplands and do not require special permits. Fencing outside uplands areas, such as that required to protect riparian enhancement plantings will be installed to keep any livestock out of the riparian area, protecting the riparian planting and the existing riparian vegetation and Mill Creek. This will ensure that water quality of Mill Creek is also protected. Fencing will also be installed to ensure livestock are prevented from leaving the property.

Year-round livestock will occur on uplands areas, mainly around the proposed barn. During the summer and fall months, some livestock may utilize the wetlands areas. Livestock will not be allowed to enter SNCs (which will be fenced), including the *Scirpus microcarpus* area (See Response to Comment 1-36 below). The Conditional Use Permit that will be issued for the project will contain conditions on grazing in wetlands and SNCs. Historically there has been cattle grazing on the property. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-14

Orchard

The comment regards clarification on the Project fruit orchard. This orchard was donated and planted in 2022. Additional orchards would be planted within the same general vicinity and within areas mapped as upland. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-15*Outdoor special events and parking*

The comment regards a request for the location of outdoor events. Please see Response to Comment 1-10 for the location of the outdoor events.

The comment also requests where the parking for special events would be located, and how would they be operated. The parking locations are discussed in Section 1.5 – Special Events. Parking areas are wholly located within mapped upland areas. Parking along the gravel road on the southern portion of the property would be perpendicular to the road. The eastern road from the barn helps facilitate additional parking, as well as the use of the upland portion of the property. Those utilizing special events would be informed of this area when signing up for the venue. In the event of the party visitors potentially exceeding 35 vehicles, the use of this area would be required. On the day of the event, We Are Up may provide a parking/event organizer to help maximize on-site parking. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-16*Walking trails*

The comment regards concerns about potential wetland fill and additional wetland impacts. The ISMND Section 1.5 – Walking Trails discusses the use of trails within the Project Area. Trails between Project components (Townhomes, community center, etc.) would be created by simple mowing of the vegetation to create a trail. These trails would be wholly located on upland areas and may use wood chips or similar materials placed on the path to help identify the trail and to minimize maintenance needed. Trails may be created within areas mapped as wetlands through the use of mowing, however these portions would be seasonal and would not include wood chips or other materials placed on the path to prevent wetland fill. The creation of ancillary trail features (Benches, waste receptacles, etc.) would only be considered within the above-mentioned upland areas. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-17*Wetland impacts*

The comment regards that Appendix A – Figure 2 of the ISMND is inadequate due to lack of wetland buffers and fencing, trails, or auxiliary trail features. Please see Master Response 1 on the sufficiency or insufficiency of figures within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-18*Riparian mitigation areas*

This comment regards a request for clarification on riparian mitigation areas. The southern riparian enhancement area is located within mapped upland habitat (See Figure 3 of Appendix C of the ISMND for mapped upland and wetlands). The other three areas are indeed located within mapped wetlands. As per Mitigation Measure BIO-7, the riparian replanting mitigation area is at a ratio of no less than 0.5:1. This ratio may increase after consultation with the jurisdictional regulatory agencies NCRWQCB and USACE as part of the Section 401 and 404 permitting processes. The riparian enhancement is proposed with regard to Project wetlands buffer encroachment, not Project wetlands fill. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-19

Fencing

This comment regards fencing. Please see Response to Comment 1-13 regarding fencing within the Project Area. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-20

Stormwater drainage

This comment regards vegetated swales and bioretention facilities. These features are located within Figure 2 of Appendix A of the ISMND as “STORMWATER TREATMENT FACILITIES” and is mapped as a blue coloring. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-21

Figure fill lines

The comment regards a request for fill line within plans. Please see Master Response 1 on the sufficiency or insufficiency of figures within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-22

Construction schedule

This comment regards a request for a detailed construction schedule. As per ISMND Section 1.6 – Project Construction, the construction would be broken into two phases. Phase 1 includes only the greenhouse and associated features and would commence in summer or fall 2023. Phase 2 would include the rest of the Project elements, and would commence in 2024, however the exact start date is dependent on funding. Once Phase 2 begins, the construction would take approximately 20-30 months. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-23

Building features

The comment regards a request for additional building details. Please see Response to Comment 1-27. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-24

ISMND update

This comment regards a request to update the ISMND. Please see Master Response 1 regarding sufficient or insufficient information. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-25

Visual setting

This comment regards the aesthetic description of the Project Area. Please see Response to Comment 1-6 regarding the use of the term “non-native grasses and other low-habitat value vegetation.” The Project

intends to retain the majority of the area as-is due to its quality. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-26

Development coverage

The comment regards description of development locations and visibility. As per the ISMND Appendix A – Figure 2, the development is concentrated along the western 1/3rd of the Project Area. Additionally, the ISMND does not claim that the Project Area is not visible from Central Avenue or the Grocery Outlet as the comment suggests, but only states that “views from the public are currently limited due to the Grocery Outlet development and the existing duplex.” No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-27

Out of character development

This comment regards the height of the community center and its character status within McKinleyville. Please see Master Response 7 for the height details of the community center building. Humboldt County regulation HCC Section 314-6.2 states the max height within the R-1 area is of 35 feet. A special permit is required to exceed the height limit, per HCC 314-99.1.1. As currently designed, the max height of the community center is no greater than 45 feet, with approximately 1/3rd being considered a basement. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-28

Townhomes

The comment regards a request for additional details of the townhomes. Please see Master Response 6 for additional details. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-29

Northern townhomes to western townhomes

The comment regards a suggestion to move the townhomes to the duplex/triplex housing. The suggestion has been considered within the planning process but has been deemed ineffective at meeting the 50 living units design. Please see Master Response 5. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-30

Prescribed burns

The comment regards a request for additional details on the prescribed burn mentioned in the ISMND Section 3.3 b – Operations. The type of burning that would occur is only occasional burning of on-site yard waste as defined within a Standard Burn Permit from the NCUAQMD. A Residential Burn Permit from Calfire would also be needed due to the Project being located within a State Responsibility Area (SRA). Due to the infrequency, and the limited scope of size (4ft x 4ft allowed) of the burn, this type of burning would be de minimis. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-31*Prescribed burns*

The comment regards a request for emission details from on-site burning. Please see Response to Comment 1-30. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-32*Construction length*

This comment regards clarification on the construction length. Please see Response to Comment 1-22 for discussion on construction length. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-33*Update ISMND*

This comment regards the updating of the Project Description. Please see Master Response 1 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-34*Sensitive natural community mapping*

This comment regards that not all sensitive natural communities (SNC) were mapped within the Project Area. As per the ISMND Appendix D – Aquatic Resourced Delineation and Sensitive Habitat Report Rev2, specifically Section 3.3 – Vegetation Mapping and Assessment, the vegetation community onsite was assessed in the field and classified at the alliance level according to the Manual of California Vegetation (Sawyer et al. 2009) using the Rapid Assessment method on September 14, 2021. CDFW considers alliances with a NatureServe State Rank of S1 to S3 to be Sensitive Natural Communities. Vegetation Rapid Assessment forms (Appendix D of the Aquatic Resourced Delineation and Sensitive Habitat Report Rev2) were used to characterize the dominant vegetation and evaluate habitat quality, and this assessment provided the basis for designating vegetation as SNCs per CDFW should it qualify. Two SNCs were identified using the methodology mentioned: Sitka Spruce Alliance and Coastal Willow Alliance. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-35*CDFW minimum mapping units*

The comment regards CDFW minimum mapping unit standards. Per the CDFW page on Natural Communities:

Our mapping standards call for a minimum mapping unit (MMU) of not greater than 10 acres for upland communities, but usually 1 or 2 acres, with wetlands and other special types such as sensitive natural communities being mapped at a MMU of ¼ acre. These MMUs are used for regional-scale projects and are based on the available imagery or other data and the budget or speed at which the mapping must be done. For project-level review maps, the MMUs will likely be smaller; higher resolution imagery and the ability of ecologists to visit all or most of the stands on the ground can allow a higher resolution map. MMUs may also vary by lifeform, with even very small MMUs for sensitive herbaceous communities, for example, *Selaginella bigelovii* stands on a rock

outcrop. They may also be smaller for types of concern such as invading *Arundo donax* stands that will need treatment, depending on the purpose of the map. **MMUs will depend on the needs or requirements of the lead and trustee agencies and the needs for impact assessment and mitigation planning.**

No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-36

Scirpus microcarpus SNC mapping

This comment regards concerns that SNCs were not properly mapped in the wetland areas. A wetland delineation point (W1T6W) was performed within this area. The *Scirpus microcarpus* Herbaceous Alliance is defined where “*Scirpus microcarpus* is dominant or co-dominant in the herbaceous layer with *Agrostis stolonifera*, *Argentina egedii*, *Carex spp.*, *Epilobium spp.*, *Geum macrophyllum*, *Glyceria elata*, *Holcus lanatus*, *Oenanthe sarmentosa*, *Oxypolis occidentalis*, *Rumex conglomeratus*, *Scirpus congdonii* and *Viola macloskeyi*.” The vegetation observed at this location was 50% *Scirpus microcarpus*, 30% *Festuca arundinacea*, 15% *Juncus hesperius*, and 5% *Lotus corniculatus* (See ISMND Appendix C – Aquatic Resources Delineation and Sensitive Habitat Report Rev2, specifically Appendix B - Wetland Delineation Datasheets for W1T6W).

This SNC occupies less than 0.1 acres onsite and does not meet the general minimal mapping unit size for SNCs as defined by CDFW. Please see Response to Comment 1-35 for more on minimum mapping units. This area was mapped as a wetland and is protected by local, state, and federal law. This area will not be impacted from the proposed development and will be fenced as described in Response to Comment 1-13. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-37

Juncus SNC mapping

The comment regards concerns that a possible SNC was missed from mapping. The *Juncus* (effusus, patens) - *Carex* (*pansa*, *praegracilis*) Herbaceous Alliance requires: *Carex amplifolia*, *C. densa*, *C. gynodynamis*, *C. pansa*, *C. pansa*, *C. praegracilis*, *C. serratodens*, *C. subbracteata*, and/or *C. tumulicola*. None of these species were identified within the Project Area (See Attachment B – Plant Species Observed of Appendix D – Botanical Memorandum Rev1), therefore the SNC is not within the Project Area. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-38

Detention pond

This comment regards the mapping and determination of the on-site stormwater detention/treatment pond. The area the commenter is addressing is assumed to be the stormwater feature (0.1 acres) as shown in Figure 3 of the Aquatic Resources Delineation. This feature is fed by an approximately 12-inch diameter PVC pipe that discharges into this feature on the north side of this feature. The discharge emanates from two drop inlets along Weirup which is stormwater that originates from MCSD properties, streets, and surrounding residences to the north of the Project property.

This feature is not a natural feature and was dug for the purposed of detaining/treating stormwater. The hydrology of this feature is completely dependent on stormwater. This feature is surrounded by uplands on the north, west and east sides.

For purposes of the Aquatic Resources Delineation and the IS/MND it was assumed that this stormwater feature would not be regulated by the RWQCB nor the USACE and thus was not considered in the wetland creation ratios/square footage. Stormwater features constructed for the purposes of stormwater treatment and detention/retention are not generally regulated by the RWQCB nor the USACE. Permit applications have been submitted to the RWQCB and USACE as jurisdictional wetlands will be filled and mitigated for (created onsite) as part of the Project. If these agencies do determine that this stormwater feature is a jurisdictional wetland, then it will be mitigated onsite at a minimum of 1.3:1 ratio as described in the ISMND under Mitigation Measure BIO-6. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-39

Aquatic Resources Delineation and Sensitive Habitat Report

The comment regards the adequacy of the Aquatic Resources Delineation and Sensitive Habitat Report. Please see Master Response 1 regarding the sufficiency or insufficiency of the ISMND. Please also see Response to Comment 1-36 and 1-37. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-40

Project Features

The comment regards Project information within the ISMND. Please see Master Response 1 regarding the sufficiency or insufficiency of the ISMND.

In addition, please see Response to Comment 1-19 and Master Response 7 regarding fencing locations. For location of outdoor special events, please see Response to Comment 1-10. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-41

ISMND assessment and analysis

The comment regards disagreement that sufficient analysis was conducted within the ISMND. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinion. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-42

Aquatic Resources Delineation and Sensitive Habitat Report figures

The comment requests for wetlands buffers within the Aquatic Resources Delineation and Sensitive Habitat Report figures. This request is not necessary, please see Master Response 1 on the sufficiency or insufficiency of figures within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-43

Wetland delineation seasonal timing

This comment regards timing of the wetland delineation. The Aquatic Resources Delineation occurred between September 2021 to February of 2023 (over an 18-month period). The site was visited numerous times during dry periods and wet periods. Plant communities were observed in the fall, winter, spring and

summer. Dozens of soil pits were dug in both uplands and wetlands observing both hydric soil indicator and wetlands hydrologic indicators or lack thereof. All work associated with plant data collection occurred during the growing season.

Groundwater monitoring wells were installed in January of 2022, but not monitored in the 2021/2022 rain year due to below average rainfall. The wells were monitored in the 2022/2023 rain year (1/17/2023 through 2/21/2023).

Nine paired transect plot were conducted, upland plots were documents, and as stated above dozens of soil pits were dug to examine soil and hydrological conditions in both wetland and uplands. The Aquatic Resources Delineation followed required protocol set by the RWQCB and the USACE.

No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-44

Wetland delineation monitoring well locations

The comment regards concerns with the time of the Aquatic Resources Delineation and the monitoring well data. Please see Response to Comment 1-43. As stated above, ten groundwater monitoring wells were installed and monitored in the winter of 2023. Some wells were installed in areas to determine upland/wetlands status (primarily MWs 1, 2, 3 and 4). Other wells were installed to determine the depth of the water table for excavation depths for the wetland creation areas (primarily MWs 5, 6, 7, 8, 9 and 10). Data from all wells were reported in the Aquatic Resources Delineation and were used to determine wetlands/uplands status and to inform the Wetland and Habitat Mitigation Monitoring Plan, and will in the future, inform the wetlands creation design (Plan and Specifications for construction). No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-45

Wetland delineation existing conditions

The comment regards concerns about the existing conditions at the site during the first site visit associated with the Aquatic Resources Delineation. Please see Response to Comment 1-43 and 1-44. The site was partial mowed during the first site visit in September of 2021. As stated above the site was visited over an 18-month period, with observation of plants, soils and hydrology occurring over that time resulting in refinements of the wetland/upland boundary. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-46

Wetland delineation data point locations

The comment regards concerns regarding the Aquatic Resources Delineation, plot number and soil pits. Please see Response to Comments 1-43, 1-44 and 1-45. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-47

Wetland delineation groundwater monitoring

The comment regards concerns regarding the groundwater well monitoring data and conclusion on wetlands hydrology. Please see Response to Comment 1-44 which regard monitoring well data and which wells were used for which purpose.

Monitoring wells 1-4 were used to confirm upland conditions (in collaboration with soils and plants). In addition, seven “hydrology pits” were dug and groundwater was monitored as shown in Table 5 of the Aquatic Resources Delineation. These “hydrology pits” confirmed the monitoring well data of MWs 1-4. The groundwater data collected from the “hydrology pits” with regard to the upland determination was collaborated with soil observations as shown in Table 7 of the Aquatic Resources Delineation.

Please see Response to Comment 1-48 regarding MW-7.

No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-48

Wetland delineation MW-7

The comment regards the groundwater data associated with MW-7 and commented on the dominance of wetlands plants in the area of MW-7.

The data show that MW-7 had a groundwater within 12 inches of the surface for 14 consecutive days, from 2/7/2023 to 2/21/2023, which COULD qualify if for wetlands hydrology IF this occurred five years out of ten. The monitoring event on 2/14/2023 occurred after a fairly significant rainfall during the morning of that day. Soils were logged when monitoring wells were installed. The boring log for MW-7 depict a soil color of 10YR 2/2 with no redoximorphic features from 0 to 12 inches below the ground surface and a soil color of 10YR 4/4 with 25% redoximorphic features from 1 to 2 feet below the ground surface. These soils colors do not meet a hydric soil indicator and are no considered hydric soils. In additional, transect W1T8, uplands soils pit (W1T8-U) which was near MW-7 had a chroma of 3 and did not have redoximorphic features starting until nine inches below the ground surface. These soils colors do not meet a hydric soil indicator and are no considered hydric soils.

In additional, transect W1T8, uplands vegetation plot (W1T8-U) which was near MW-7 had a dominance of wetlands plant based on the “dominance” method. The dominant wetlands plant was a non-native invasive grass (*Agrostis stolonifera*) had 80% absolute cover. In these cases where the soils are not hydric and the vegetation plot passes the dominance test, then calculating the Prevalence Index (PI) is appropriate. PIs greater than 3 are not considered to be wetlands vegetation. The PI for W1T8-U was 3.11, which correlate with the soil finding. This area is not a wetland.

It is true that that wetlands hydrology was not encountered in any upland “plots” nor in any of the hydrology pits dug in uplands. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-49

Upland and wetland areas

The comment regards that wetland areas have been labeled as upland and may not be suitable for wetlands creation. Please see Response to Comments 1-47 and 1-48. This area is deemed an upland, and thus wetlands creation in this area is appropriate. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-50

Historical purpose of on-site pond

The comment regards the historical purpose of the on-site stormwater detention/treatment pond, and that the stormwater manmade feature should be considered a jurisdictional feature. Please see Response to Comment 1-38. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-51

Wetland jurisdictional exemption

The comment regards that the stormwater manmade feature should be considered a jurisdictional feature. Please see Response to Comment 1-38. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-52

On-site pond and wetlands

The comment regards that the stormwater manmade feature should be considered a jurisdictional feature. Please see Response to Comment 1-38. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-53

Wetland policies

The comment regards wetland policies within the Humboldt County General Plan and the McKinleyville Community Plan. As per the ISMND Section 3.4 e, the Project is consistent with all applicable provisions of both the McKinleyville Community Plan and the Humboldt County General Plan. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-54

Perennial and seasonal wetland

The comment regards that perennial wetlands are located within the Project Area. Please see Response to Comment 1-58 regarding perennial and seasonal wetlands. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-55

USACE seasonal wetlands

This comment regards the timing of the wetlands analysis. Please see Response to Comment 1-43. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-56

Wetland delineation seasonal timing

This comment regards the timing of the wetlands analysis. Please see Response to Comment 1-43. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-57

Wetland delineation data point quantity

This comment regards the adequacy the wetlands analysis. Please see Response to Comment 1-43. Data points (transects with upland and wetlands pits) are always collected on the wetland/upland edge in order to

map the edge of the wetland/upland boundary. Many soil pits, as previously address in Response to Comments, excavation occurred within upland and within wetland areas and are shown on Figure 3 of the Aquatic Resources Delineation. Please see Master Response 1 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-58

Wetland delineation W1T6 and W1T7

The comment regards transects W1T6 and W1T7 with regard to perennial wetlands. Setbacks for wetlands are described in the 2017 Humboldt County General Plan (GP). Specifically, setbacks from wetlands are addressed in Policy BR-10. The commenter is correct that wetlands plots (W1T6-W and W1T7-W) conducted on November 11, 2021, had groundwater at 12 and 11 inches respectively. This was not the driest time of year, and likely groundwater in mid to late October would have groundwater below 12 inches. Policy BR-10 states that development should be setback 50 for seasonal wetlands and 150 feet from perennial wetlands. The GP does not define “seasonal” nor “perennial” wetlands.

Generally perennial wetlands are defined as wetlands that have ponded water (lakes, year-round ponds, running seeps) year-round with emergent wetlands vegetation (pond lilies, etc.). Season wetlands are generally wetlands that do not have ponding/standing water year-round. Although a small portion of Wetlands 1 may be moist year-round, they likely do not qualify as “perennial” wetlands.

The project is filling wetlands and, in some cases, encroaching on buffers (no wetland buffers occur if wetlands are partially filled) which is allowable per the County of Humboldt. In order to mitigate for this buffer encroachment, the Project is mitigating wetlands fill at a 1.3:1 ratio for direct impacts (wetlands to uplands) and 0.5:1 for indirect impacts (reduced buffer/buffer encroachment) by planning riparian plant species juxtaposed to existing riparian vegetation associate with Mill Creek, with a total mitigation package of 1.8:1. The ISMND has two mitigation measures that protect and mitigated for wetlands, those being BIO-6 dealing with avoidance, and BIO-7 dealing with wetlands loss and buffer encroachment. Impacts to wetlands are judged to be less than significant after implementation of BIO-6 and BIO-7. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-59

Perennial wetlands and buffers

The comment regards buffers, seasonal and perennial wetlands. Please see Response to Comment 1-58. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-60

Request for seasonal wetlands to be reassessed

The comment regards buffers, seasonal and perennial wetlands. Please see Response to Comment 1-58. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-61

Request for 150ft wetland buffer

The comment regards buffers, seasonal and perennial wetlands. Please see Response to Comment 1-58. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-62*McKinleyville Community Plan and wetlands*

The comment regards that the McKinleyville Community Plan was not used for assessment regarding wetlands. Please see Response to Comment 1-53. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-63*Alternatives*

The comment regards the consideration of alternatives to minimize wetland impact. We Are Up has considered many different iterations of the Project to make concessions in design in order to make less impact on the neighbors and the property as a whole, including the wetlands. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-64*Barn Bridge*

The comment suggests adding a bridge along the barn road to avoid the need of a culvert. A bridge has been considered during the design process, but it has been considered inappropriate as it presents more risk of falls, is more expensive to build and maintain, and according to provided technical studies, not needed to protect wetland. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-65*Northern townhomes*

The comment regards a suggestion of modifying the northern townhomes. Please see Master Response 5. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-66*Project components*

The comment regards a suggestion to remove unnecessary project components. Please see Master Response 6 regarding downsizing. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-67*McKinleyville Community Plan*

The comment regards the McKinleyville Community Plan Section 3422 Policy 17. Please see Response to Comment 1-58 regarding wetland buffers and development. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-68*McKinleyville Community Plan*

The comment regards the McKinleyville Community Plan Section 3422 Policy 19. Please see Response to Comment 1-58 regarding wetland buffers and development. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-69

Wetland buffers

The comment regards wetland buffers within figures, and buffer width. Please see Response to Comment 1-17 and 1-42 regarding buffers in figures. Please see Response to Comment 1-58 regarding buffer widths. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-70

Claim that mapped upland is wetland

The comment regards mitigation areas being within wetlands. Please see Response to Comment 1-18 and 1-48 regarding mitigation areas. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-71

Temporary wetland impacts.

The comment regards temporary impacts within the ISMMD are not quantified or discussed. Section 3.4 c discusses wetland impacts, including temporary. Table 3.4-2 includes current estimated impacts to wetlands and is broken down into permanent and temporary. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-72

Claim that mapped upland is wetland

The comment regards mitigation areas being within wetlands. Please see Response to Comment 1-18 and 1-48 regarding mitigation areas. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-73

Wetland delineation

The comment regards dissatisfaction of the wetland delineation. Please see Master Response 2 regarding sufficient or insufficient information. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-74

Aquatic Resources Delineation and Sensitive Habitat Report

The comment regards the interpretation of the Aquatic Resources Delineation and Sensitive Habitat Report within the ISMND. Please see Master Response 2 regarding sufficient or insufficient information. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-75

Wetland impacts

The comment regards the characterization of wetlands within the Project Area. Please see Response to Comment 1-58 regarding perennial and seasonal wetlands. Please see Response to Comment 1-63 regarding alternative consideration. Please see Response to Comment 1-18 and 1-48 regarding mitigation areas. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-76

ISMND update.

This comment regards a request to update the ISMND and the Aquatic Resources Delineation and Sensitive Habitat Report. Please see Master Response 2 regarding sufficient or insufficient information. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-77

Wetland mitigation

The comment regards the sufficiency of wetland mitigation. Please see Response to Comment 1-18 and 1-48 regarding mitigation. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-78

McKinleyville Community Plan policy

The comment regards wetland policies within the McKinleyville Community Plan. Please see Response to Comment 1-53. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-79

ISMND recirculation

The comment requests recirculation of the ISMND. Please see Master Response 2 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-80

Night construction

The comment regards clarification on night construction. Mitigation Measure BIO-1 states “Project-related construction lighting shall be minimized if any construction occurs at night, either contained within structures or limited by appropriate reflectors or shrouds and focused on areas needed for safety, security or other essential requirements.” As per the ISMND Section 3.13 a), construction would cease by 7:00 p.m., however dusk could occur before 7:00 p.m. in which case the measures in BIO-1 would trigger. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-81

Riparian work

The comment regards clarification on riparian work. No work is planned within the existing riparian corridor. Invasive removal is occurring juxtaposed to existing riparian vegetation. No riparian vegetation will be impacted by the Project. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-82*Drainage patterns*

The comment regards clarification whether the project would change existing drainage patterns. The ISMND Section 3.10 discusses that due to the construction of the project the onsite drainage patterns will be altered. However, by installing Low Impact Design features at the site and mimicking the sites predevelopment hydrology to the maximum extent practicable the drainage pattern changes onsite have been analyzed to be less than significant. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-83*Flood flows*

The comment regards clarification on whether the project would impact flood flows. Two project elements appear to be within the 100-year floodplain: the gravel access road east of the barn, and a portion of the wetland mitigation areas along the southern boundary of the site. The gravel access road will have a negligible impact on the 100-year floodplain. Furthermore, over 3,000 square feet of wetland mitigation area is estimated to be installed within the 100-year floodplain which will increase the storage capacity of the site to carry peak flows. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-84*Mill Creek Floodplain*

The comment regards concerns that there hasn't been a proper assessment of impacting flood flows. Two project elements appear to be within the 100-year floodplain: the gravel access road east of the barn, and a portion of the wetland mitigation areas along the southern boundary of the site. The gravel access road will have a negligible impact on the 100-year floodplain. Furthermore, over 3,000 square feet of wetland mitigation area is estimated to be installed within the 100-year floodplain which will increase the storage capacity of the site to carry peak flows.

The barn and the wetland fill for the gravel access road west of the barn are not within the 100-year floodplain. Additionally, storm drain piping will be placed beneath the fill for the access road, which will provide continued connectivity between the site and Mill Creek.

No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-85*Mill Creek and flood flows*

The comment regards the Project barn and concern over blocking of flood flows. The barn itself is located just outside of the FEMA 100-year flood zone. Please see Response to Comment 1-84 above regarding Project features within the flood zone.

Response to Comment 1-86*Barn Bridge*

The comment suggests adding a bridge along the barn road to avoid the need of a culvert. Please see Response to Comment 1-64 regarding bridges. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-87*Barn hazardous material storage*

The comment regards concerns of storage of hazardous materials within the barn due to its location within the Mill Creek FEMA 100-year flood zone. The barn is not located within the 100-year floodplain. Additionally, the barn is not a storage facility. It will be used for livestock – primarily sheep and chickens. We Are Up will be working with 4-H and FFA youth to integrate their animal projects and inclusive activities/engagement with our residents. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-88*Domestic animal waste*

The comment regards livestock use within the Project Area. Please see Response to Comment 1-13. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-89*Hydrology and Water Quality*

The comment regards to the ISMND and its impact analysis. Please see Master Response 2 regarding sufficient or insufficient information. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-90*Noise impacts*

The comment regards Project noise impacts and conditional use permits. Based on the distance of the proposed outdoor events near the southwest corner of the site, from the residences on Hideaway Court, approximately 520 feet, which is roughly similar to the distance of the nearest home to Central Avenue, it is not expected that there is a potential for significant impact related to noise. Additionally, proposed outdoor special events will not occur more than 12 times per year and will conclude by 10 PM. No further assessment is necessary.

Response to Comment 1-91*CEQA and permit conditions*

The comment regards CEQA impacts prior to the implementation of permits. Please see Response to Comment 1-90 regarding special events and CUP. The comment also addressed *Lotus v. Department of Transportation*. The Project has not included mitigation measures within its project description. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-92*Humboldt County General Plan N-G2*

The comment regards Humboldt County General Plan noise goals, policies, and standards. We Are Up also has the goal of reducing annoyance and complaints from its neighbors. As per the ISMND Section 3.13, excessive noise generation would cease at 10 P.M as per current County standards.

Response to Comment 1-93*Special event noise*

The comment regards special event noise and potential impacts on neighbors. We Are Up does not state that noise from special events would be 90-105 dBA as the comment suggests. The majority of the special events hosted at We Are Up would be located indoors at the community center, limiting noise to adjacent neighboring residents. When an event would be hosted outdoors, it would be primarily immediately south of the community center within a paved patio area. For regards of ASD and/or I/DD residents, please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-94*Suggestion for an EIR*

The comment regards noise impacts and suggests the inclusion of an EIR. Please see Master Response 1 regarding the suggestion of an EIR, and please see Master Response 2 on the sufficiency or insufficiency of noise impacts within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-95*Noise impacts*

The comment regards noise impacts and permitting. Please see Response to Comment 1-90. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-96*Special permit*

The comment regards clarification on the special permit. As per the ISMND Section 1.8, the special permit (SP) for the Project is required for the creation and enhancement of wetland and streamside habitat areas. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-97*Zoning and land use*

The comment regards clarification of land use and zoning designations. As described in the ISMND Section 3.11, the Project Area spans land use of Commercial Services (CS), Residential Medium Density (RM), and Residential Low Density (RL 1-7). The Project Area zoning spans Residential One-Family (R-1), Streamside Management Areas and Wetlands (WR), and Community Commercial (C-2).

The Project Area will span one parcel with the lot-line adjustment that is discussed throughout the ISMND, land use designations and zoning in those respective areas remain the same.

The comment is correct that the area of the lot-line adjustment, the northwest parking portion, is currently zoned C-2 with a CS land use designation. The Project Area spans 15.4 acres, with the majority being within the RL1-7 land use. However, the majority of the development is concentrated within the RM and C-2 land use, hence the emphasis within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-98*Land use designation and zoning*

The comment regards the Humboldt County land use and zoning designation. Please see Master Response 1 regarding comments unrelated to the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-99*Zoning regulations and policies*

The comment regards concerns with zoning regulation and policies. Please see Master Response 2 regarding substantial Evidence, Speculation, and Unsubstantiated Opinion. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-100*Residential zoning and noise*

The comment regards noise limits within residential zones, and its impacts to residents and neighbors. Impacts to noise is addressed within the ISMND and are judged to be less than significant. Please see Master Response 3 regarding We Are Up residents and noise. Please see Response to Comment 1-93 regarding noise from special events. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-101*Community center*

The comment regards the height of the community center within a residential area. Please see Response to Comment 1-27. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-102*Residential area and community center*

The comment regards the community center its appropriateness within a residential area. The community center would be located within an area with a land use of RM. Table 4-B within the Humboldt County General Plan states appropriate use within this section as, but not limited to, Multi-Family Residential, Group Residential, Planned Developments, Community Assembly, Neighborhood Commercial, and Similar Compatible Uses. The community center would fall within these uses. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-103*Land use and zoning*

The comment regards the community center and consistency with land use and zoning. Please see Response to Comment 1-27, 1-100, and 1-102. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-104*Regulations and policies*

The comment regards conflicts with regulations and policies. Please see Response to Comment 1-27, 1-100, and 1-102. Please also see Master Response 2 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-105

ISMND recirculation

The comment requests recirculation of the ISMND. Please see Master Response 2 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-106

Traffic mitigation impacts

The comment regards impacts on roads that feed into Weirup Lane (Hideaway Court and Sandpiper Lane). Under normal operating use, the Project and its residents would not contribute to significant use on Weirup Lane, or the roads that feed into it. During a special event, this may potentially be significant due to queuing at the Weirup/Sutter intersection, which could also affect Hideaway Court and Sandpiper Lane. The Mitigation Measure TR-1 addresses this potential with a series of measures that could be utilized depending on the Humboldt County Department of Public Works determination.

The comment referenced CEQA Guidelines 15126.4(a)(D) regarding Mitigation Measure TR-1.

If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (Stevens v. City of Glendale (1981) 125 Cal.App.3d 986.)

The measures within Mitigation Measure TR-1 would not constitute significant impacts, and therefore were not additionally discussed.

Additionally, We Are Up has agreed to a comment suggestion to implement a stop sign for those leaving the development before the Weirup Lane and Hideaway Court intersection (See Response to Comment 1-113). No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-107

Traffic congestion

The comment regards traffic congestion on Sandpiper Lane and Hideaway Court. Under normal operations, the Project would not contribute to significant use on Weirup Lane, or the roads that feed into it. Within the ISMND, Table 3.17-1 identifies the number of daily trips expected from the Project, which concluded that approximately 49.5 1-way trips, or 99 round trips. These would be spread out throughout the day and would not result in significant traffic congestion.

Please see Response to Comment 1-106 regarding special event traffic.

Additionally, We Are Up has agreed to a comment suggestion to implement a stop sign for those leaving the development before the Weirup Lane and Hideaway Court intersection (See Response to Comment 1-113). No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-108

Traffic mitigation impacts

The comment regards Mitigation Measure TR-1. Please see Response to Comment 1-106 regarding significance of the mitigation measure. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-109

Special event departures

The comment regards clarification on Mitigation Measure TR-1. The special event management within Mitigation Measure TR-1 would vary depending on the event type, number of participants, and the number of vehicles. At minimum it would be communicating with eventgoers through verbal/written instructions, and at most may include a parking/event organizer.

Additionally, We Are Up has agreed to a comment suggestion to implement a stop sign for those leaving the development before the Weirup Lane and Hideaway Court intersection to ease congestion (See Response to Comment 1-113). No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-110

Daily trips

The comment regards to special events and classes and Section 3.17 b of the ISMND. The classes mentioned within the ISMND are currently intended for residents only, which would not generate additional trips.

The OPR Technical Advisory sets a significance threshold of 110 average daily trips whereby anything less is presumed to be a less than significant impact on Vehicle Miles Traveled. Because this project would result in less than 110 average daily trips the analysis was focused on daily trips. However, this project will also reduce vehicle miles traveled. When looking at vehicle miles travelled three several facts are important to consider. One is that this facility will house 50 percent or more low-income residents, second the proposed Project is within a Housing Opportunity Zone (and in an infill area and will be within a quarter mile (about 5 minutes walking time) of a variety of urban services, including a grocery store, health care facilities, a hardware store, several restaurants, several pharmacies, convenience stores, a bank, a fitness club, a nature trail, a movie theater, and a bus stop.) and lastly only 21 of the 69 residents will drive since most seniors and I/DD tenants will depend on public transit. The site will connect to existing pedestrian and bicycle facilities. Based on these facts the Project will have low vehicle miles travelled due to its location in McKinleyville and surrounding mixed existing uses.

A commenter suggests that the analysis of daily trips for the project does not account for the special events and that accounting for the trips associated with special events would likely put the total daily trips over the OPR Technical Advisory significance threshold of 110 trips. With regard to special events, it is assumed that weddings will occur 10 approximately times out of the 24 yearly events. With regard to vehicle trips, these events will not generate additional trips regionally because even though these events would happen at We Are Up, they are not uniquely generated by

We Are Up, meaning they would have taken place at other locations and thus new (County wide) trips are not generated by weddings at We Are Up. In addition, there are few facilities in McKinleyville that have wedding venues. It is likely that residents of McKinleyville would use We Are Up for their wedding venue rather than going to a more distance locations, which could actually reduce regional VMTs.

With regard to the remaining 14 events (over 50 nonresidents/visitor) those would be specific to We Are Up’s mission or the facility rented by a user and would be considered trip generating. It is assumed that these 14 events would be an average of 120 people each, resulting in 16,800 new one-way trips per year, or 4.6 one-way trips per day on average (this is conservative as a vehicle occupancy was not considered). Adding 49.5 to 4.6 is a sum of 54.1 one-way trips per day, or 108.2 total trips per day, which is below the threshold of 110 total trips. Under normal operating use, the project and its residents would not contribute to significant use on Weirup Lane, or the roads that feed into it. Classes held on-site will be for residents only and will not generate additional traffic. During a special event, this may potentially be significant due to queuing at the Weirup/Sutter intersection, which could also affect Hideaway Court and Sandpiper Lane. The Mitigation Measure TR-1 addresses this potential with a series of measures that could be utilized depending on the Department of Public Works determination. The mitigation measure itself would not result in a significant impact. A commenter suggests that a stop sign should be placed at the intersection of Weirup Lane (a private road) at Hideaway Court for vehicles leaving the project. While not related to a significant impact, the Applicant accepts this recommendation and agrees for it to be made a condition of approval.

No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-111

Special event transportation impacts

The comment regards special events and trip impacts. Please see Response to Comment 1-110. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-112

Project parking

The comment regards concerns of potential off-site parking during special events. As mentioned in the ISMND section 1.5 - Special Events, there are currently enough parking spaces for the potential 215 people for special events. We Are Up carefully considered the number of guests and reduced the desired number to one that would allow on-site parking. We Are Up has purchased and completed a lot line adjustment for a piece of property to the northwest to allow for more parking on-site. Additionally, in the event of overflow parking is needed, the McKinleyville Community Services District has graciously offered use of their 22-space lot during weekends and events outside of MCSD business hours. Parking along Weirup Lane, Hideaway Court, or Sandpiper Lane would be unnecessary, but is also not prohibited. Please see Response to Comment 1-15 for additional information on on-site parking.

Additionally, the ISMND section 3.17 d addresses emergency access, and has concluded that no potentially significant impact would occur. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-113

Stop Sign

This comment regards a suggestion of the inclusion of a stop sign for those leaving the We Are Up development. The idea of a stop sign is a good one and will be incorporated at the exit of the property onto Weirup before the Weirup Lane and Hideaway Court intersection. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-114

Special events

The comment claims special events should not be allowed within the Project Area. Please see Response to Comment 1-102 regarding allowable use within the Project Area. Please see Response to Comment 1-106 and 1-107 regarding special event traffic impacts. Please also see Master Response 6 regarding necessary elements. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-115

Suggestion for an EIR

Please see Master Response 1 regarding the suggestion of an EIR, and please see Master Response 2 on the sufficiency or insufficiency of impacts within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-116

Request for clarification of tribal cultural resources

The comment regards tribal cultural resources. The Project had a Cultural Resources Investigation (CRI) done for the Project Area and the County, as the Lead Agency, has consulted with the Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria, Cher-ae Heights Indian Community of the Trinidad Rancheria, and the Wiyot Tribe through the Assembly Bill 52 process. No site listed or eligible for CRHR or any other register was observed, or is known, to occur onsite. As mentioned in the ISMND Section 3.18, inadvertent discovery protocols were recommended and were incorporated as Mitigation Measure CR-1 and CR-2. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-117

Cumulative Impacts

The comment regards claims that Project cumulative impacts would add up to be significant. The Project includes elements that may have a potentially significant environmental impact have included mitigation measures to reduce those impacts to less than significant.

Within CEQA, cumulative impacts can be defined as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” This could include effects from a single project, or from several projects within the vicinity. The ISMND Section 3.21 discusses

both individual effects, and effects from other projects. When considering the Project's potentially significant impacts and their associated mitigation measures, as well as other incremental impacts and other projects listed in Table 3.21-1, it has been concluded the Project would create a less than significant cumulative impact.

Please see Master Response 2 on the sufficiency or insufficiency of impacts within the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-118

Project downsizing

The comment regards a request for the Project to be downsized. Please see Master Response 6 regarding downsizing. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 1-119

ISMND recirculation

The comment regards a request for the ISMND to be updated and recirculated. Please see Master Response 2 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 2 – Michelle and David Eldridge – April 19, 2023

Page 1

Response to Comment 2-1*Project compatibility*

The comment regards concerns that the project is incompatible with the area. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinion. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-2*Nearby residents and notification*

The comment regards the scope and nature of the Project. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinion. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-3*R-1 zoning*

The comment regards consistency within the R-1 zoning. Please see Response to Comment 1-99 regarding zoning regulations and policies. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-4*Conditional Use Permits / Special Use Permits*

The comment regards the conditional use and special use permits and their details. Existing land use designations and zoning are consistent with each other, and the project components are consistent with these with a conditional use permit and special permits as authorized by the Zone Code. Please see Response to Comment 1-91 regarding CEQA and permit conditions. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-5*Wetland buffer*

The comment regards wetland buffers and the document being unclear. Please see Response to Comment 1-17, 1-54, and 1-61 regarding wetland buffers within figures. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-6*Wetland and SNC mapping*

The comment regards SNC mapping. Please see Response to Comment 1-34, 1-36, and 1-37 regarding SNC mapping. Please see Response to Comment 1-58 regarding perennial and seasonal wetlands. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-7*McKinleyville Community Plan wetland policies*

The comment regards wetland policies within the McKinleyville Community Plan. Please see Response to Comment 1-53 regarding wetland policies. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-8

ISMND recirculation

The comment requests recirculation of the ISMND. Please see Master Response 2 regarding the sufficiency or insufficiency of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-9

Special events and ASD / I/DD

The comment regards special event noise and the We Are Up residents. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-10

Noise impacts

The comment regards noise impacts and the conditional use permit. Please see Response to Comment 1-90. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-11

We Are Up equity

The comment regards special event noise and the We Are Up residents. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-12

Special and conditional use permit

The comment regards a general statement against the special and conditional use permit. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinion. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-13

Traffic impacts

The comment regards special events and traffic impacts. Please see Response to Comment 1-106 and 1-107. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-14

Stop sign

This comment regards a suggestion of the inclusion of a stop sign for those leaving the We Are Up development. The idea of a stop sign is a good one and will be incorporated at the exit of the property onto Weirup before the Weirup Lane and Hideaway Court intersection. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-15

Parking impacts

The comment regards special events and parking impacts. Please see Response to Comment 1-112. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-16

Parking suggestions

The comment regards a suggestion to place cones along Weirup during special events to prevent parking. We Are Up carefully considered the number of guests and reduced the desired number to one that would be accommodated by onsite parking. We Are Up has purchased and annexed property with the support of our adjacent neighbor to the north to allow for more parking. Cones on neighboring streets and patrols seems excessive and is not needed. Additionally, Weirup Lane is a private road that the neighbors, including We Are Up, pay to maintain and use. Please see Response to Comment 1-112 for more details on special event parking. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-17

R-1 zoning and community center height

The comment regards the community center height and the R-1 zoning. The Community Center has been designed to be in compliance with zoning regulations and is permissible with a special permit. Please see Response to Comment 1-99 regarding zoning regulations and policies. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-18

Community center suggestion

The comment regards a suggestion to redesign the community center and move the northern townhomes. The Project has been designed to minimize traffic problems by allowing people to pull in and pick up or drop off guests easily. Additional land has been purchased and a lot line adjustment completed to allow for more parking and less congestion (additional land on the northwest side of the property). The location of the Community Center lessens traffic and impact to wetlands that might be needed from additional roads, and its location allows residents and guests to be easily dropped off. The size allows for maximum housing above the community center and lessens the height of other buildings allowing for the desired 50 units without three story townhomes in front of the Hideaway neighbors. It was done, in part, to lessen the impact on their views. Please see Master Response 5. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-19

Historical development

The comment regards the assumption that no development would be able to occur within the Project Area. Please see Master Response 1 regarding statements unrelated to CEQA. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-20*Request for additional townhouse details*

The comment regards a request for additional details regarding Project elements. Please see Master Response 5 and Master Response 7 regarding the townhouses. General trail details are within the ISMND Section 1.5 – Walking Trails, and would be located between homes, the community center, greenhouse, garden, and throughout the Project Area. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-21*Townhouse suggestions*

The comment regards a suggestion to move the townhomes to the duplex/triplex housing. The suggestion has been considered within the planning process but has been deemed ineffective at meeting the 50 living units design. Please see Master Response 5. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-22*Detention pond*

This comment regards the mapping and determination of the on-site stormwater detention/treatment pond. Please see Response to Comment 1-38. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-23*Project downsizing*

The comment regards general project downsizing. Please see Master Response 6. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 2-24*ISMND adoption*

The comment regards a request for the ISMND to not be adopted. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 3 – Daniel Escajeda – April 10, 2023

Page 1

Response to Comment 3-1*Existing biological condition*

The comment regards the general biological condition of the Project Area. Please see Master Response 1 regarding statements unrelated to environmental issues. We Are Up will be retaining over 80% of the property as undeveloped, minimizing potential impact to existing biological resources. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-2*Future development*

This comment regards concerns of future development along the eastern portion of the Project Area. See Master Response 1 regarding concerns outside of the current proposed Project. The CEQA process for development that We Are Up is currently following would be required to be followed should further development of the parcel is planned. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-3*Project impacts on site*

The comment regards impacts on the Project Area. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinions. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-4*Environmental impact mitigation*

The comment regards lack of mitigation on the Project Area. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinions. As per the ISMND, the Project would implement mitigation measures regarding Air Quality, Biological resources, Cultural Resources, Energy Resources, Geology and Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Tribal Cultural Resources, and Transportation to reduce potential impacts to less than significant. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-5*Wetland and riparian mitigation*

The comment regards wetland mitigation as unnecessary. The Project would be required to have mitigation measures for wetland creation, as approximately 0.28 acres would be permanently impacted, and 0.19 acres would be temporarily impacted. Impacts to wetlands will be mitigated at a 1.8:1 ration. Please see Master Response 1 regarding statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-6*Native flora and fauna*

The comment regards the suggestion that Project implementation would impact flora and fauna. The ISMND Section 3.4 regards the potential impacts to biological resources within the Project Area. And impact to special status plants and wildlife have been deemed as less than significant with the inclusion of

Mitigation Measure BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-7

Wetland creation and enhancement

The comment regards the characterizing of wetland and riparian mitigation. Please see Master Response 2 regarding substantial evidence, speculation, and unsubstantiated opinions. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 3-8

ISMND adoption

The comment regards a request for the ISMND to not be adopted. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 4 – John and Candace Boak – April 17, 2023

Page 1

Response to Comment 4-1

Objection to the Project

The comment regards a general opposition to the Project. Please see Master Response 1 regarding statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 4-2

Parking impact

The comment regards limited parking along Weirup Lane. Please see Response to Comment 1-112 regarding on-site parking. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 4-3

Traffic impact

The comment regards a concern traffic congestion at the Weirup/Sutter intersection. Please see Response to Comment 1-106 and 1-107. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 4-4

Existing biological condition

The comment regards the general biological condition of the Project Area. Please see Master Response 1 regarding statements unrelated to environmental issues. We Are Up will be retaining over 80% of the property as undeveloped, minimizing potential impact to existing biological resources. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 4-5

ISMND adoption

The comment regards a request for the ISMND to not be adopted. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 5 – Erik and Kala Mendes – April 23, 2023
Page 1

Response to Comment 5-1*Historical development*

The comment regards the assumption that no development would be able to occur within the Project Area. Please see Master Response 1 regarding statements unrelated to CEQA. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-2*Special event noise*

The comment regards a concern of the special event music and noise impacts. Please see Response to Comment 1-93. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-3*Noise impact and ASD / I/DD*

The comment regards special event noise and the We Are Up residents. Please see Master Response 3. Please also see Response to Comment 1-32 for construction length. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-4*Special event guests, traffic, and parking*

The comment regards traffic and parking for special events. Please see Response to Comment 1-15 and 1-112 regarding parking for special events. Please see Response to Comment 1-106 and 1-107 for traffic for special events. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-5*Safety concern*

The comment regards the potential of increased vagrancy, crime, and drug use. As per the ISMND section 1.5 – Walking Trails, the trails are intended for We Are Up residents, resident visitors, limited community members, and staff. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-6*Domestic animal impact*

The comment regards concerns of air and noise impacts from domestic animals. The livestock would be primarily sheep and chickens. Please see Response to Comment 1-13 regarding animal impacts. Additionally, the Project would conform to the Humboldt County regulation 314-43 – Animal Keeping, which addresses the allowable number of animals, as well as the setback requirements within 314-43.3.6. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-7*Community center*

The comment regards the need for the community center within the Project. The community center is an integral part of the Project. Please see Master Response 3 regarding ASD and I/DD residents and see

Master Response 6 regarding desires for downsizing. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 5-8

ISMND adoption

The comment regards a request for the ISMND to not be adopted. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 6 – Dina Wilde – April 25, 2023

Page 1

Response to Comment 6-1*Project intent*

The comment regards the underlying intent of the Project. We Are Up is creating a replicable model of care that has exceptional support by the Redwood Coast Regional Center, national and state officials, parents, and the public. Past models of individuals with disabilities all being housed together in group homes are now very much out of favor and even considered incarceration by some. People with disabilities have struggles but, like all of us, have the right to live a full and integrated life of their choice. The “intent to make money as quickly as possible” is far from the goal. The goal is to allow our residents to live a full life, as part of an inclusive group. We do not want our loved ones to be reliant on public funds or difficult to obtain and often fickle grants. We want to lower costs to the public, provide long term stability, and give the opportunity for better outcomes. By providing some income generating ventures, We Are Up will be able to provide exceptional programs, needed supports, job training, and supplemental income for residents. See Master Response 3 for additional details. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 6-2*Safety and peace of Project residents*

The comment regards Project residents and their peace and safety. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 6-3*Project residents*

The comment regards the concern that future residents might not be those with ASD / I/DD. We Are Up is a 501c3 non-profit with legally binding by-laws to prevent these and similar issues from occurring. This structure, which includes an active Board of Directors who have been chosen for their expertise, willingness, ability to guide We Are Up, and hold its mission for years to come, was chosen, in part to safeguard the mission of the organization. It exists because parents of people with special needs fear for the wellbeing of their children after they are no longer alive and able to care for them. Some of the qualifications We Are Up Board members possess (past and present) include: parents of individuals with ASD & I/DD, Health Care professional, E.O. for Open Door Clinics, Regional Center Executive Director, Area 2 Board on Developmental Disabilities Executive Director, State Council of Developmental Disabilities employee and volunteer, Special Education credentialed teacher, Director of Humboldt County Special Olympics , an Attorney with extensive pro bono work for a variety of causes, Director House and Garden, Founder Cypress Grove, and faculty at HSU. We Are Up plans to foster the mission of inclusion, safety, and opportunity for people with disabilities and seniors. Please see Master Response 3 regarding ASD and/or I/DD. Guests of residents or of the organization may walk between onsite locations such as from the greenhouse to kitchen or classes within the community center. We do not see this as unsafe. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 6-4*Neighbors and residents*

The comment regards the safety and peace of We Are Up residents and their neighbors. Please see Master Response 3 regarding We Are Up residents. Please also see Response to Comment 5-5 regarding safety

of the neighborhood. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 6-5

Noise impacts

The comment regards Health and Safety Code 46000 and Humboldt County General Plan Section 3.6. Policies within the Humboldt County General Plan are consistent with the Health and Safety Code 46000. The ISMND Section 3.13 addresses noise impacts, including policies within the Humboldt County General Plan. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 6-6

Special events and funding

The comment regards special event revenue. Please see Master Response 1 regarding Statements Unrelated to Environmental Issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 6-7

Project redesign

The comment regards a request for a project redesign. Please see Master Response 6 regarding desires to downsize. Please also see Master Response 1 regarding statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 7 – Jacqueline Stoltz– April 25, 2023

Page 1

Response to Comment 7-1*Traffic and crime*

The comment regards a concern that increased traffic would increase crime. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 7-2*ISMND adoption*

The comment regards a request for the ISMND to not be adopted. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 8 – Andrea Armas– April 26, 2023
Page 1

Response to Comment 8-1*Opposition to the Project*

The comment regards general opposition to the Project. The comment regards a general opposition to the Project. Please see Master Response 1 regarding statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 8-2*Safety and peace of neighboring residents*

The comment regards neighboring safety and property values. Please see Master Response 1 regarding statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 9 – Shelly Lyell– April 26, 2023

Page 1

Response to Comment 9-1*Opposition to the Project*

The comment regards general opposition to the Project. The comment regards a general opposition to the Project. Please see Master Response 1 regarding statements unrelated to environmental issues, and Master Response 6 regarding desires to downsize. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 9-2*Project impacts*

The comment regards vague details within the ISMND. Please see Master Response 1 regarding the sufficiency or insufficiency of the ISMND, and Master Response 6 regarding desires to downsize. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 9-3*Special events and ASD / I/DD*

The comment regards special event noise and the We Are Up residents. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 9-4*Community center location*

The comment regards the appropriateness of the community center within the Project Area. Please see Response to Comment 1-102 regarding a community center within a residential area. Please also see Master Response 3 regarding the community center and those with ASD and/or I/DD. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 9-5*Conditional use and special use permits*

The comment regards the legality and ethical use of conditional use and special use permits. Please see Response to Comment 1-27, 1-97, 1-100, and 1-102 regarding community center zoning and permitting. Please also see Response to Comment 1-93 regarding special event noise. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 9-6*ISMND adoption*

The comment regards a request for the ISMND to not be adopted. Please see Master Response 1 regarding comments unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Letter 10 – Daniel Escajeda– April 26, 2023

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Response to Comment 10-1*Historical development*

The comment regards the assumption that no development would be able to occur within the Project Area. Please see Master Response 1 regarding statements unrelated to CEQA. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-2*CEQA, wetlands, and wildlife*

The comment regards the presence of wetlands within a project site, and its possibility within CEQA. CEQA does allow construction within wetlands through a variety of means. The process that the We Are Up project is utilizing and addressing CEQA is called a Mitigated Negative Declaration. This means that the project would potentially significantly impact an environmental resource, however through the use of a mitigation measure, such as Mitigation Measure BIO-7: Compensate for Loss of Wetlands, it would become less than significant. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-3*CEQA and mitigations*

The comment regards mitigation measures. The use of mitigation measures are not “loopholes” as the comment suggests. They are required to substantially lessen or avoid the significant adverse effects of the project on the physical environment and are commonly used in Mitigated Negative Declarations. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-4*Neighboring properties*

The comment regards the cover page photograph within the ISMND. Please see Master Response 1 regarding statements unrelated to CEQA. Additionally, the comment regards the conceptual figure and incorrectly states that building development would occur across the entirety of Hideaway Court. As per the ISMND Section 3.1, building development would only partially impact the view of the three most western homes in regard to the wetland viewshed. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-5*Sensitive receptors*

The comment regards offense at the term “sensitive receptors.” The term “sensitive receptors” is a legally defined term within CEQA. Please see Master Response 1 regarding statements unrelated to CEQA.

Additionally, the comment pointed out an error within the ISMND section 3.3 c of a sentence that ends unexpectedly. This is detailed and corrected within Section 4 – Errata below.

Response to Comment 10-6*Sensitive receptors and significance*

The comment regards clarification on sensitive receptors and criteria of significant impact. The ISMND Section 3.3 c regard sensitive receptors and has concluded that a less than significant impact would occur.

The significance criteria are established by the applicable air quality management district, or the North Coast Unified Air Quality Management District (NCUAQMD) in this instance. The NCUAQMD monitors air quality; enforces local, State, and federal air quality regulations for counties within its jurisdiction; inventories and assesses the health risks of Toxic Air Contaminants (TACs); and adopts rules that limit pollution. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-7

Community center aesthetic

The comment regards the consistency of the community center aesthetics. Please see Response to Comment 1-27 regarding the character of the development. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-8

Parking and overflow

The comment regards special events and parking. Please see Response to Comment 1-112 regarding on-site parking. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-9

Event management

The comment regards event management and public order, noise, and safety. We Are Up plans to be a good neighbor. We Are Up has stated that events will end by 10:00 PM and music will not be louder than allowed by code. Rather than allowing anyone who may want to attend an event, We Are Up has limited the number of attendees. There is a sheriff substation in McKinleyville and, like all people, if special event attendees should break the law, they would be accountable. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-10

Special event impacts

The comment regards special events and traffic impacts. Please see Response to Comment 1-106 and 1-107 regarding traffic impacts.

The comment also mentioned special event noise. Please see Response to Comment 1-93. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-11

Opposition to Project

The comment regards general opposition to the Project. The comment regards a general opposition to the Project. Please see Master Response 1 regarding statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-12

Wetland mitigation

The comment regards wetland mitigation and assurances. The Project, as part of the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB), has developed a Wetlands

Habitat Mitigation and Monitoring Plan (WHMMP) to satisfy water quality permit requirements. The purpose of the WHMMP is to provide detailed methods for creation and monitoring the success of wetlands and riparian habitat to compensate for impacts to USACE jurisdictional three-parameter wetlands resulting from Project implementation in compliance with the ISMND. This includes agency-required 5 years of sampling and monitoring to help ensure success, including monitoring reports and annual submits to the agencies. This Project is mitigating at a 1.8:1 ratio (wetland creation and riparian planting). No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-13

Mill Creek impacts

The comment regards the Mill Creek waterways and impacts to anadromous species. The ISMND Section 3.4 states that “although these fish species have a moderate to high potential to occur within the Project vicinity, no in-water work is currently proposed. The Project activities are unlikely to impact these species.” Even though the likelihood to impact these species are low, Mitigation Measure BIO-4: Avoidance and Minimization Measures to Protect Special Status Fish and EFH and Mitigation Measure BIO-6: Avoidance and Minimization Measures to Protect Juxtaposed Wetlands would be implemented to further reduce potential impacts. In addition, no work is proposed in the riparian corridor, and the Project would expand the width of the riparian corridor which would increase the width of the Streamside Management Area. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-14

Special status bird impacts

The comment regards concerns about Project impacts to special status bird species. Many observations of birds are located within urban and developed areas on McKinleyville, California. The existing landscape within and surrounding the Project is presently fragmented by urban residences, commercial businesses, and roads. Although the 20 special status bird species have a moderate to high potential to occur within the Project area, many of these species are more likely to flyover the Project area rather than nest within it. The Project area does not provide either foraging or nesting habitat for the Bald Eagle. Additionally, trees and willows are located to the northeastern and southeastern portions of the site, and development is only proposed in the western 1/3rd of the Project area. There are extents of forested and riparian habitat along Mill Creek and outside of the Project area that are available for species to occupy. Additionally, wetland mitigation that will occur would improve the ecological function of the area through establishment of riparian plantings and the removal of invasive species. The ISMND Mitigation Measure BIO-2 addresses avoidance and minimization measures to protect special status and nesting birds. Please see Response to Comment 10-15 for additional details regarding bird surveys. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-15

Preconstruction bird survey

The comment regards concerns about the protocol for nesting bird surveys and the required qualifications of the biologist conducting them. Pre-construction nesting bird surveys comply with Fish and Game Code and the Migratory Bird Treaty Act. These nesting bird surveys apply to all native bird species. The qualified biologist that performs these has an educational background in ornithology and has completed prior nesting bird surveys with approval from CDFW. The qualified biologist is familiar with nesting strategies and ecology of local bird species. Only wildlife biologists meeting the minimum requirements listed above are

considered qualified to perform these surveys. These surveys occur if ground disturbance or vegetation removal occurs during Project construction within the nesting bird season, which is defined as March 15 – August 15. If a nest is present, a no-work buffer is placed around the nest (buffer size is dependent on species) until the qualified biologist has deemed the nest is inactive during the once per week site visits. There is concurrence between the qualified biologist and CDFW regarding nests. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-16

Amphibian avoidances and mitigation measures

The comment regards concerns about the mitigation for amphibians and the required qualifications of the biologist to conduct surveys and relocations. The Northern Red-legged frog is a CDFW Species of Special Concern and is not state or federally-listed as threatened or endangered. An Incidental Take Permit through CDFW and/or a Section 10(a) Recovery Permit or a Section 7 would not need to occur. Hence, minimization measures are alternatively recommended for the Project to reduce the impacts to the three Species of Special Concern amphibians. The planting of riparian vegetation and removal of nonnative invasives would improve the ecological function of the existing riparian habitat, as well as a “frog pond” that is being created near the expanded riparian habitat.

The qualified biologist has an educational background in wildlife and have direct experience with relocations of amphibians. They also have knowledge on the ecology and habitat requirements of the species. Only the qualified biologist would be authorized to handle the species. The qualified biologist has concurrence with the CDFW regarding relocation efforts if the species is present at the Project site. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-17

Contractor training

This comment regards construction worker training and special status amphibian. Please Master Response 1 and 2 regarding comments that do not provide substantial evidence and does not comment on the adequacy of the ISMND. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-18

Disagreement on mitigation measures

The comment regards a general disagreement that mitigation measures are sufficient. Please see Response to Comment 3-4 regarding mitigation measures and environmental impacts. We Are Up will be retaining over 80% of the property as undeveloped, minimizing potential impact to existing biological resources. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-19

Community center

The comment regards the impacts of the community center. Please see Response to Comment 1-2. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-20

Project site and special status species impacts

The comment regards concerns that the Project would impact endangered or sensitive species within the Project Area. The ISMND Section 3.4 addresses the potential for special status species to occur within the site, and the potential impact the Project would have on the species. Instances where a likely to occur sensitive status species may be impacted are addressed through mitigation measures, which the Project has implemented through Mitigation Measure BIO-1 through BIO-7. Through wetland mitigation, wetlands could be created that enhance habitat for native species. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-21

Disagreement on mitigation measures

The comment regards mitigation measures for amphibians. Please see Response to Comment 10-16. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-22

Project impacts on neighboring residents

The comment regards adjacent sensitive receptors to the Project. Please see Response to Comment 10-6. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-23

Special event impacts

The comment regards noise, traffic, and lights of special events. Please see Response to Comment 1-93 regarding special event noise. Please also see Response to Comment 1-106 and 1-107 regarding special event traffic. Additionally, the majority of the special events hosted at We Are Up would be located indoors at the community center, limiting noise and lights to adjacent neighboring residents. When an event would be hosted outdoors, it would be primarily immediately south of the community center within a paved patio area, also reducing lights to the adjacent neighbors. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-24

Special event parking

The comment regards offsite parking during special events. Please see Response to Comment 1-112. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-25

Community outreach

The comment regards a suggestion for community outreach. Please see Master Response 4. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-26

Project and public opinion

The comment regards public opinion of neighbors. Please see Master Response 4 regarding community outreach performed and see Master Response 1 for statements unrelated to environmental issues. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-27*CEQA and project modifications*

The comment regards the CEQA process and project modification. We Are Up has continuously modified the project design after community outreach (See Master Response 3). Additionally, We Are Up will implement some comments received during the ISMND public comment period such as a stop sign for those leaving the property before the Weirup Lane and Hideaway Court intersection. As the project continues, further modifications may still occur. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-28*Community outreach*

The comment regards a suggestion of additional community outreach. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-29*Project downsizing*

The comment regards a suggestion to downsize the Project. Please see Master Response 6. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-30*Community engagement*

The comment regards a suggestion of moderation during community outreach. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 10-31*Community engagement suggestion*

The comment regards a suggestion of mediation or arbitration during community outreach. Please see Master Response 3. No further analysis is necessary and no revisions to the ISMND are required to be made.

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Response to Comment 11-1

Perennial/Seasonal wetland

The comment regards the wetland behind 1694 Hideaway Court. Please see Response to Comment 1-58 regarding perennial and seasonal wetlands. The comment also regards the existing biological condition. Please see Master Response 1 regarding statements unrelated to environmental issues. We Are Up will be retaining over 80% of the property as undeveloped, minimizing potential impact to existing biological resources. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 11-2

Project impacts

The comment regards the impacts from Project development on the ecosystem. Please see Response to Comment 3-4. We Are Up will be retaining over 80% of the property as undeveloped, minimizing potential impact to existing biological resources. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 11-3

Project intent

The comment regards the underlying intent of the Project. Please see Response to Comment 6-1 regarding project intent. Please also see Master Response 3 regarding those with ASD and/or I/DD. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 11-4

Traffic, parking, noise

The comment regards concern for excess traffic, parking, and noise, and its impact on emergency access. Please see Response to Comment 1-106 and 1-107 regarding traffic impacts. For parking impacts, please see Response to Comment 1-112. Please see Response to Comment 1-93 for noise impacts.

The comment also addressed concerns regarding emergency access. As per comment 1-112 mentioned above, special events would not need to park along Weirup Lane. This would thus not impact emergency access for vehicles. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 11-5

Historical development

The comment regards the assumption that no development would be able to occur within the Project Area. Please see Master Response 1 regarding statements unrelated to CEQA. No further analysis is necessary and no revisions to the ISMND are required to be made.

Response to Comment 11-6

Project location

The comment regards the location of the project and its appropriateness. Please see Response to Comment 1-102 regarding a community center within a residential area. No further analysis is necessary and no revisions to the ISMND are required to be made.

3.3 Letters of Support

The received 86 general letters of support can all be responded to as a single response. We Are Up is incredibly grateful of your kind words and support for the vision of We Are Up. Please see Master Response 1 regarding statements unrelated to CEQA.

4. Errata

The purpose of this errata is to document revisions to the ISMND that are intended to clarify project details since it was submitted to the Office of Planning and Research State Clearinghouse on March 28, 2023, and publicly circulated between March 28, 2023, and April 26, 2023.

The errata include excerpts of text from the ISMND that are proposed for modification and does not include the entire ISMND. Specifically, the entire subsection that contains the text proposed for modification is copied into the errata, and newly proposed text in the errata is **underlined and bolded**, deleted text from the original ISMND is stricken with ~~single strikethrough~~, and unchanged text remains in normal font. Only the subsections of the original ISMND that are proposed for modification are copied into the errata.

3.3 Air Quality

Section c) Expose sensitive receptors to substantial pollutant concentrations? (Less than Significant with Mitigation)

Sensitive receptors include school-aged children (schools, daycare, playgrounds), the elderly (retirement community, nursing homes), the infirm (medical facilities and offices), and those who exercise outdoors regularly (public and private exercise facilities, parks). The nearest sensitive receptors to the Project site include residential housing, with the nearest residence is located on Hideaway Court within approximately 35 feet from the Project. There is not a school within close proximity to the Project.

BAAQMD's Basic Construction Measures included in Mitigation Measure AIR-1 (BMPs to Reduce Air Pollution) minimize idling times for trucks and equipment to five minutes (as required by the California Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, included in Title 13, Section 2485 of California Code of Regulations [CCR]) and ensures construction equipment is maintained in accordance with manufacturer's specifications.

Project construction activities may occur over two or more construction seasons, starting in late 2023, 2024 or 2025. The Project would not result in prolonged construction equipment use. Due to distance to the nearest potential receptor, the limited duration and activity for construction, and the implementation of Mitigation Measure AIR-1, which would control fugitive dust, the Project would not result in the exposure of sensitive receptors to substantial pollutant concentrations. Therefore, with implementation of Mitigation Measure AIR-1, the construction-related impact would be less than significant with mitigation.

Following construction, the Project will not include any stationary sources of air emissions or new emissions that will result in substantial long-term operational emissions of criteria air pollutants that will substantially affect sensitive receptors. Therefore, Project operation will not expose nearby sensitive receptors to **substantial pollutant concentrations, and a less than significant impact would occur.**