



# COUNTY OF HUMBOLDT

For the meeting of: 7/20/2023

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File #: 23-1035

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

SUBJECT:

**We Are Up, Conditional Use Permit and Special Permit**

Assessor Parcel Number (APN) 509-181-061 (formerly 509-191-030 and 509-181-057), and APNs 509-191-031, 509-191-048, and 509-221-006.

Record No.: PLN-2022-18047

McKinleyville area

A Conditional Use Permit to allow a Quasi-Public use including 50 units of housing, a community center with commercial kitchen, a greenhouse, barn, orchard and associated site improvements, including an access road, walking trails, wetland creation, riparian planting, and community access, and indoor and outdoor events with associated parking. The Project would create functional and community spaces to be used by We Are Up residents and for classroom purposes and include garden space and shelters/pens for livestock to provide opportunities for resident enrichment and education. Special Permits are requested for an exception to the height standards, to allow the building height to be up to 45 feet, and for creation and enhancement of wetland and streamside habitat areas.

RECOMMENDATION:

That the Planning Commission:

1. Adopt the resolution (Resolution 23-\_\_). (Attachment 1) which does the following:
  - a. Adopt the Mitigated Negative Declaration prepared for the We Are Up Project; and
  - b. Find the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Approve the Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Exhibit 1A); and

DISCUSSION:

Project Location: The project is in the McKinleyville area at the south end of Weirup Lane; 144 Weirup Lane.

General Plan Land Use Designation: McKinleyville Community Plan; Residential Low Density, 1-7

units per acre (RL1-7), approx. 13.5 acres; Residential Medium Density (RM), approx. 1.5 acres; and Commercial Services (CS), approx. 0.4 acres.

Zoning: Residential One-Family, with a Streamside Management Areas and Wetlands combining zone (R-1-WR), approx. 15 acres, and Community Commercial (C-2), approx. 0.4 acres.

Environmental Review: A CEQA Mitigated Negative Declaration.

Major concerns: Wetlands, access, parking, noise.

### Executive Summary:

Project construction would be limited to the western one-third of the project site. Development would take place over two phases: Phase 1 in 2023 with construction of the greenhouse, access drive and related utilities. Phase 2 would add the balance of project features beginning in 2024 over 20 to 30 months. Mitigation work, including wetland creation, habitat restoration, and riparian enhancement would be carried out on the balance of the property.

**The main project elements are summarized below.**

### Community Center

The Project would construct a three to four level community center for use by We Are Up residents, staff, and others. The community center would be used by residents for classes, projects related to onsite gardens, livestock, and greenhouse production, shared meals, meetings, and events. The first floor of the building would be approximately 13,000 SF and would consist of a large multifunctional meeting room including an approximately 1,800 SF commercial kitchen. The second-floor mezzanine would be approximately 8,200 SF of a mixed public use. The third and fourth floors would consist of approximately 11,800 SF each for residential use, for a total of 44,800 SF of floor area in the community center. The maximum height of the building would be 45' and possibly less since the first floor will be partially below grade.

The community center would serve the residents by providing a site for regular classes, a site for value added product production, income generation, and important socialization opportunities for residents. It would also serve the community at large as space available for rent for events such as rotary meetings, weddings, and other gatherings. Many of these uses would also provide income for the non-profit, thus decreasing its need for grants or other and ongoing public funding.

These classes may, in time be available to others from the community at large with about 50 guests the expected maximum. Events such as those listed above would be held in the community center, its outdoor areas, and in the greenhouse.

### Living Units, Occupants and Staffing

The project includes a residential complex consisting of 50 living units to accommodate approximately 69 occupants. Living units would include up to 24 one-bedroom units ranging in size from 580 to 640 square feet (SF) and up to 19 two- bedroom units ranging in size from 820 to 880 SF, including five

one-bedroom, single-story townhome-style bungalows. In addition, there would be seven studios, for a total residential floor area outside the community center of 10,264 SF.

### Special Events

Special event hosting, such as weddings, community gatherings such as fundraising in support of the project, rotary, or similar events would occur onsite, with approximately 24 per year ranging from 51 to 215 people expected for each. A weekly dinner, breakfast, or similar event would also be held with up to 112 guests. The events would be an integral component of the project, proving both funding, and opportunity for residents to interact with the broader community. Events would be hosted year-round; however, during winter the larger special events would primarily be held indoors. In the event that amplified music might be utilized at gatherings, it would cease by 10 PM. The Community Center would have enough restrooms that portable toilets are not expected to be utilized. Canopies or similar temporary structures may be used. Special events, and all aspects of the Project, would adhere to relevant sections of the County Code. This includes, but is not limited to, public order, noise, and safety.

### Greenhouse, Garden, Barn and Orchard

A greenhouse is proposed in Phase 1 to be used primarily for hydroponic growing of plants, as an educational/teaching venue for residents, community members, and an occasional gathering place for community events. The greenhouse would be 2,880 SF and located at the SW corner of the project site, and will include a restroom and equipment shed. A garden would be maintained and utilized by We Are Up residents, volunteers, or staff. The garden would consist of raised plant beds, in-ground beds, walkways, and a storage shed/barn.

An approximately 30'x40' barn would be established along the southern portion of the site and would house chickens, sheep, goats, cattle, and/or other domestic animals, as permitted by the County Code. Animals would graze in the upland area year-round and may have access to wetland areas seasonally from May through November. The animals housed onsite may include animals from local youth agriculture programs such as FFA. Mill Creek riparian and sensitive natural areas would be fenced off from livestock animals. Fruit trees would be planted near the garden, livestock pens, structures, and/or greenhouse. Produce from the trees would be harvested and used by We Are Up residents.

### Walking Trails

Simple mowed walking paths would be created and maintained to be used by We Are Up residents, resident visitors, and maintenance staff walking between homes, the community center, greenhouse, garden, and throughout the project site. The trails may use wood chips or similar materials placed on the path to help identify the trail and to minimize maintenance needed. Ancillary trail features may include benches, bike racks, waste receptacles, dog waste facilities, picnic facilities, hitching posts, and other features. Ancillary trail features, such as nature viewing areas, may be constructed in select locations adjacent to the path alignment.

### Wetland Impacts, Creation, and Riparian Enhancement

There are 8.68 acres of three-parameter wetlands within the project boundary. Construction would require filling approximately one-quarter acre of wetlands. Wetland fill would be mitigated at a 1.3:1

ratio. Additionally, impacts to riparian buffers around wetlands would be mitigated with riparian plantings at a 0.5:1 ratio. for a total wetland and buffer mitigation ratio of 1.8:1. The new wetlands would be installed within the existing upland areas located in the south-central area of the project site. Riparian plantings would be installed along the southeastern corner and eastern portions of the project site adjacent to existing riparian vegetation associated with Mill Creek. This area would be enhanced by planting native riparian vegetation and removing nonnative invasives. Up to three non-native Eucalyptus trees are expected to be removed.

### Lighting

The project would include lighting to improve safety in key locations. Lighting would be installed at the exterior of buildings and throughout the parking area in association with the project and would comply with County and ADA requirements. Approximately 14 luminaires at driveway and parking areas would be mounted on poles approximately 16 feet above the ground. Luminaries would be downcast, and fixtures would be equipped with hoods. Lighting at the eastern side of the buildings would be minimized to mitigate light encroachment into the undeveloped areas to the east. Outside light fixtures would be cut-off fixtures and would be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent properties.

Exterior lighting is proposed to be designed to protect wildlife and night-time views, including views of the night sky. The project would be designed to be consistent the recommendations of the International Dark-Sky Association, which includes standards for fixtures, shielding, placement, height, and illumination levels. To comply with these requirements, lighting for the Project would be the minimum lumens necessary, directed downward, shielded, and pedestrian level when feasible. This would ensure lighting is contained within the site and does not cause significant lighting and glare impacts for surrounding land uses and sensitive habitat areas.

### **Analysis**

#### General Plan and Zoning Consistency

The project site is within the McKinleyville Community Plan area and designated Residential Low Density, 1-7 units per acre (RL1-7), approx. 13.5 acres; Residential Medium Density (RM), approx. 1.5 acres; and Commercial Services (CS), approx. 0.4 acres.

The project uses are consistent with the General Plan Land Use designations and conform to relevant policies of the McKinleyville Community Plan, as enumerated in the Findings of Fact contained in the draft resolution for the Planning Commission's consideration. The project site is zoned Residential One-Family (R-1), with a Streamside Management Areas and Wetlands combining zone (WR), approx. 15 acres, and Community Commercial (C-2), approx. 0.4 acres.

#### Type of Use

- The proposed project is not among the list of uses permitted in the R-1 Zone (HCC § 314-6.2).
- § 314-85, Quasi-Public Structures and Uses - Quasi-public uses shall be permitted in the R-1 Zone subject to a Use Permit.

- § 314-152, Quasi-Public Use defined - A use operated by a private non-profit organization.
- The project proponent is an Internal Revenue Code 501(c)(3) Non-Profit entity.

Regarding events, staff consulted with Humboldt County Sheriff's Office regarding the number of guests in attendance that constitute an "event," as the zone code does not provide direction here. The Sheriff's Office does not have a standard either, but looks to the permit if there is one (per Lt. J. Taylor, 7/12/2023). For the purposes of this project and based on past experience, staff concludes that more than 50 guests shall constitute an event.

#### Streamside Management Areas and Wetlands Combining Zone (WR)

The WR combining designation (HCC §314-38.1) applies to areas subject to the Streamside Management Areas and Wetlands Ordinance (SMAWO) and governs the project's proposed impacts to wetlands, riparian areas, and Streamside Management Areas (SMAs) through acquisition of a special permit (HCC §314-61.1.5). One-quarter acre of wetlands and riparian areas were mapped by the project biologist, and the delineation and report provided to CDFW. County staff walked the site with CDFW biologists and the project biologist to observe wetlands. CDFW staff accepted the findings of the wetland and biological assessments and proposed mitigation. The mitigation measures were included in the biological resources section of the IS/MND. CDFW provided an informal follow-up requesting mitigation for special status bees which was incorporated into the IS/MND (**MM BIO-5**) but made no further comment. The report and proposed mitigation are consistent with the requirements of the SMAWO. Based on this, Planning staff concludes the project is eligible for a Special Permit under the SMAWO.

#### Building Height

- The community center, at 4 stories, is proposed to be 45 feet in height.
- Under HCC §314-6.2 the max building height in the R-1 Zone is 35 feet.
- § 314-102.1.3, Height and Size Limitations and Modifications - Any building may be erected to a height greater than the maximum height of the zone in which it is located provided that a Special Permit is obtained.
- §. 314-99.1.1, Exceptions to Height Standards - Max bldg height in the R-1 Zone may be exceeded with a Special Use Permit with a condition ensuring long term housing affordability.
- The project as proposed would be inherently affordable as it is non-profit and would have ASD and I/DD residents.

The community center is envisioned as an architecturally attractive building in a rustic barn-style seen in rural areas of the County. The building is shown with a gable roof to resemble the character of the existing barn presently located within the proposed building's footprint, and would capture the pastoral aesthetic that will be retained across most of the site. Preliminary designs are shown on the Massing Study, Attachment 3. The proposed building, located in the line of sight between the homes on Hideaway Court and Grocery Outlet, may also remove some or all of the present view of the back of Grocery Outlet from the Hideaway Court homes.

Staff concludes that the 10-foot exception to the height limitation is acceptable.

### Site Access

The project site is accessed from Sutter Road, then Weirup Lane, a private road. Traffic during events may cause congestion at the Sutter Road/Weirup Lane intersection, and along Weirup Lane. County Department of Public Works (DPW) recommended a mitigation measure (**MM TR-1**) that has been included in the IS/MND and MMRP (Attachment 1E) that give DPW discretion to determine whether there is a congestion problem associated with periodic events, and to:

1. Require an Annual Encroachment Permit for temporary traffic control measures at the Sutter/Weirup intersection at Permittee's expense;
2. Reduce the size of events held onsite to reduce congestion to acceptable levels; and
3. Manage events to prevent all event visitors from attempting to exist the site simultaneously or within a short period of time.

Based on this, DPW staff determined that the potential for significant impact related to traffic congestion is reduced to a less than significant level.

### Parking

- A total of 132 parking spaces are proposed on-site. The applicant has arrangements with off-site properties to utilize their parking spaces during off-peak hours if necessary, but these spaces are not needed and planning staff is recommending that they not be included in the project approval.
- Two-thirds of residents will not drive cars. Spaces set-aside for residents are 24. Up to 12 employees, including part-time, may be on-site at a given time. There may be up to 10 daily visitors and deliveries, for a total of 46 spaces.
- A maximum of 215 persons are proposed to attend events. Assuming an average of two guests per vehicle, which is the standard used in the past for event venues of a similar scale in the County, 108 spaces would be needed for special events.
- Smaller weekly events with up to 112 guests would need 56 spaces. If all residents, visitors, deliveries, and large and small event guests were to be on-site at one time, 164 spaces would be needed, representing a shortfall of 32 spaces. A condition of approval is proposed to prohibit simultaneous events which will ensure that the parking needs of the facility are met at all times.
- Parking standards for uses such as theaters and stadiums call for one space or every four seats, plus one space for every two employees (HCC §314-109.1.3.3.4). This standard, plus residents, visitors and deliveries, (large events = 54 spaces, employees = 6 spaces, and 24 residents and 10 visitors/deliveries) would yield a need for 94 spaces, which is below the number proposed by the applicant.
- The Zoning Code does not specify a number of parking spaces required for this type of use and

leaves the determination to the discretion of the Director of Planning (HCC §314-109.1.2.9). Staff concludes adequate provisions for daily and event parking are proposed for the project.

### Offsite Parking

The applicant made arrangements with adjacent and nearby property owners for a total 68 off-site spaces on three separate nearby properties, which are:

1. McKinleyville Community Services District, APN 509-191-031 - 22 spaces approx. 150 feet away.
2. State Farm Insurance, APN 509-221-006 - 11 spaces approx. 650 feet away.
3. Jackson & Eklund CPA, APN 509-191-048 - 35 spaces approx. 430 feet away.

These off-site parking areas are not necessary to support the parking needs of the project but could be utilized to help address neighborhood concerns relative to traffic on Weirup Lane. The parking plan is shown as Attachment 1D.

### Noise

According to the General Plan Noise Element, Table 13-A, the prominent noise sources in McKinleyville are U.S. 101 and Central Avenue traffic noise, Eureka/Arcata Airport (and aircraft overflight), and the gun club at the airport.

Proposed events with amplified speaking and music, up to 24 per year, can be expected to generate noise above ambient level till 10 PM at which time all events are proposed and conditioned to have concluded. Outdoor events, up to 24 per year, if they include amplified music would likely be more audible to nearby residential receptors.

The General Plan sets performance standards for Short-term Noise, per Noise Element Standard N-S7, which is 65 dBA from 6:AM to 10 PM in the R-1 Zone. The General Plan allows an exception to this standard however, for temporary events in conformance with an approved Conditional Use Permit. Staff believes the exception can be justified due to the relative infrequency of the proposed outdoor events, most of which would be hosted south of the community center. Moreso, the nearest residential receptors will be on-site, which include special needs persons and seniors, for whom the overall project is intended to serve. This particular population is likely to be more sensitive to noise than the general population. The project owners intend to conduct the project in a way that cares for and enriches the residents, as described in the Plan of Operations. Further, this facility would be located immediately adjacent to existing commercial uses such as a grocery store, gas station, and a bar that offers live music until late at night. The noise associated with special events is unlikely to contribute to noise impacts to the residential community that are above the existing baseline environment.

Additionally, a condition of approval is recommended consistent with similar event projects approved by the Planning Commission that requires the Permittee to report to the Planning Director annually for three years to discuss effectiveness of conditions of approval, the parking plan, mitigation measures, and any complaints, and address any neighborhood issues that may have arisen.

### Biological Resources

As discussed in the wetlands section of the IS/MND a wetland delineation with biological resources assessment (Sensitive Habitat Report and Botanical Memorandum) was prepared for the project. Wetlands were mapped and special status surveys were conducted in consultation with CDFW, RWQCB, and COE staff. Under the McKinleyville Community Plan Section 3422(7), 8.68 acres of 3-parameter wetlands were identified, one-quarter acre of which would be impacted by the project. Mitigation measures are proposed to compensate for loss of wetlands and for potential impacts to special status species (Mitigation Measures BIO-1 through 7) and are included in the MMRP. CDFW comments on the habitat enhancement plan in response to referrals and following the site visit (Attachment 6B) were incorporated into the Site Plan and the mitigation measures.

CDFW recommendations (1/24/2023) were:

1. To be consistent with the theme of concentrating development and associated impacts, consider moving the barn westward toward the apple orchard and greenhouse. If crossing the swale is still necessary, consider installing an open-bottom culvert, bridge, or similar feature that maintains habitat connectivity (rather than storm drain piping).

Response: The Applicant modified the Site Plan and moved the barn 100 to 150 feet to the west. The Applicant considered installing a bridge but found this cost-prohibitive.

2. CDFW would like to review design plans for wetland creation and LID bioswales to ensure features provide good habitat for northern red-legged frog (*Rana aurora*; California Species of Special Concern) and other amphibians.

Response: The Applicant's biologist modified the wetland restoration plan with a design with altered depths to facilitate conditions for northern red-legged frog and other native species, and to reduce habitat for non-native bullfrogs.

3. In similar situations, some project proponents have proposed a conservation easement for a portion of their parcel, which provides long-term protection of the resources while reassuring the public of that intent.

Response: The Applicant considered this but sees the Conditional Use Permit and associated Site Plan approval as sufficient and does not foresee any changes.

4. In addition to the eucalyptus tree near the proposed barn site, we noticed Scotch broom (*Cytissus scoparius*) along the southern edge of the parcel, as well as another mature eucalyptus that may be on the adjoining parcel. It would be nice to incorporate Scotch broom removal into the invasive species management component of the project and explore the possibility of removing that second eucalyptus tree.

Response: The request has been incorporated into the mitigation measures for removal of three non-native shrubs and grasses, including Scotch broom.



5. Several bumble bee species are currently candidates for listing pursuant to CESA and are therefore afforded the full consideration of listed species under CEQA. While we wait for the Fish and Game Commission's decision, we would like to proceed with caution. Not all projects warrant targeted surveys or even habitat assessments, but CDFW encourages a thorough evaluation of the presence and potential impacts to sensitive bumble bees, with reference to CNDDDB occurrences, range maps, survey data (e.g., Bumble Bee Watch). I had caught a couple of minor inconsistencies in table 3.4-1, which I pointed out to GHD.

Response: The requested evaluation has been incorporated into the biological mitigation measures.

All changes to the biological mitigation measures were made after referral comments were received from CDFW and prior to circulation of the IS/MND. CDFW made no comment on the IS/MND.

#### Cultural and Tribal Resources

A Cultural Resources Survey (CRS) was conducted in November 2021, and an addendum covering the added parking area followed in October 2022. The CRS identified the wooden barn with the gable roof, but concluded that it had been significantly modified from its original design, is in an advanced state of disrepair, and does not meet additional criteria for listing as a historical resource.

Invitations to consult under AB52 were sent to local tribes in December 2022. No tribes requested consultation under AB52.

Standard project referrals to all agencies were sent 2/8/2023 and the Blue Lake Rancheria, the Bear River Band, and Wiyot Tribe requested the standard inadvertent discovery protocol. This has been included among the CEQA mitigation measures (**MM CR-1**) and among the conditions of approval Notes (**#2**). Additionally, the Blue Lake Rancheria and the Wiyot Tribe requested that the selection of native plants for the wetland and riparian area creation and enhancement areas provide for the protection and enhancement of ethnobotanical resources. These measures were incorporated into the restoration plan.

#### California Environmental Quality Act (CEQA)

A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated that identified 14 potentially significant impacts with recommended mitigation. The mitigation measures relate to stormwater management, temporary construction-related air pollution, biological resources (wetlands and special status species), cultural and paleontological resources, greenhouse gas emissions, and traffic congestion. There were no significant impacts identified in other areas, and no impacts that could not be fully mitigated. The IS/MND was circulated for the requisite 30-day public review period. No agencies commented on the IS/MND.

#### Public Comments on the CEQA IS/MND

Ten letters/emails of comment on the IS/MND were submitted during the public review period; one letter was received shortly after close of the public review. Ten of the letters/emails are from residents

or property owners on Hideaway Court, adjacent to the north side of the project. These letters/emails are attached to the staff report with individual comments separately numbered for a total of 218 comments (Attachment 7). The CEQA document preparer addressed each of the 218 comments individually, with responses contained in an 83-page supplemental document titled Final IS/MND (Attachment 9). Several comments were either repeated in subsequent letters or were of related concerns. The subject matter of comments may be grouped and are summarized in eight categories below with staff responses.

- 1. Comment:** Opinions on the project, questions about the planning process, and requests that the project be eliminated from consideration.  
**Response:** Such comments are not comments on the IS/MND and are not responded to further here. Such comments may provide input to the Commission's consideration of the merits of a project, and the comment letters are attached to the staff report for Planning Commission review and consideration in relation to a decision on the request for project entitlements (Attachment 7). A summary of each comment, and a response, is provided by the CEQA document preparer and contained in Attachment 9.
- 2. Comment:** Insufficient analysis was conducted.  
**Response:** Per CEQA Guidelines Section 15064, the decision 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)).

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

- 3. Comment:** The project is incompatible with the neighborhood, and with persons with ASD and I/DD because of Equity/Noise/Safety due to varying age groups in residence, and that future residents will not have ASD or I/DD.  
**Response:** The proposal would create 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 project, each with a part in the success of the whole. The mix of residents has been 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 gain valuable insights, and visiting medical professionals who are presently lacking in the region and often cannot find housing. All of this is intended to create a vibrant community of support.

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 90% including among those with a college degree. The project seeks 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 local people have volunteered or donated at some level.

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 not correct. While many people with and without autism do not like unexpected loud noises, most enjoy music. The project does not intend to have intermittent loud noise, rather music so children, 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.

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

**4. Comment:** The proponent has not worked the local community and neighbors.

**Response:** Public Outreach was conducted by the applicant. The applicant states that they replied to each letter written, and 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. A number of seniors and parents with adult children with special needs have approached We Are Up asking if residential space wondering if single-family homes might be available so they could access supports in the planned community center, suggesting that demand will increase. The Applicant states they have given much thought and 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. The natural appearance of the site is valued as part of the project, with over 80% of the site being kept as open space as a community benefit and also decreasing impacts to wetlands.

Reducing to 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 improved ingress and egress and additional onsite 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 housing dispersed across the site. Limiting the number of guests allowed to attend events to a smaller number. Willingness to include a stop sign before the Weirup Lane and Hideaway Court intersection. No further analysis is necessary and no revisions to the ISMND are required to be made.

**5. Comment:** The project is too big for the site and the neighborhood.

**Response:** The Applicant states that architects and developers advise that a minimum of 50 units of housing is required when building a vibrant community, a scale that allows a nonprofit to function sustainably over many years while providing needed services to residents. This site is unique in its proximity to essential services for residents who may not drive. Because of the substantial wetlands on site, the project has been designed 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 were developed and rejected with the current plan the most likely for success and least impactful for wetlands and for impacting neighbors.

The Applicant states 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 would have peace of mind and residents will have better lives. The Applicant states that this is a replicable model, demonstrated elsewhere, that lowers cost for society at large and provides a lifetime of care. No further analysis is necessary and no revisions to the ISMND are required to be made.

**6. Comment:** Sensitive Natural Communities (SNCs), special status species, grasses, and wetlands were incorrectly mapped and/or identified.

**Response:** Per the IS/MND Appendix D - Aquatic Resource Delineation and Sensitive Habitat Report Rev2, 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 were used to characterize the dominant vegetation and evaluate habitat quality, and this assessment provided the basis for designating vegetation as SNCs per CDFW. Two SNCs were identified using the methodology: Sitka Spruce Alliance and Coastal Willow Alliance.

Appendix D (Botanical Memorandum Rev1) of the IS/MND 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 redbtop (*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).

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 and were monitored in the 2022/2023 rain year (1/17/2023 through 2/21/2023). Nine paired transect plot were conducted, upland plots were documented, and the pits were examined for 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.

7. **Comment:** Traffic impacts are not adequately addressed or mitigated.

**Response:** 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

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 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 IS/MND are required to be made.

8. **Comment:** Tribal Cultural Resources - Is there a site that is eligible for California Register of Historical Resources (CRHR) or other register, and will there be a substantial change to a significant tribal cultural resource?

**Response:** A Cultural Resources Survey was prepared in consultation with local tribes, reviewed by the tribes, and summarized in the IS/MND. The site nor any finds are eligible for CRHR or other register, and there will be no substantial change to a significant tribal cultural resource. No further analysis is necessary and no revisions to the IS/MND are required to be made.

#### Comments Received after Publication of the Hearing Notice

One comment letter was received from a neighbor following publication of the hearing notice and before the close of the staff report deadline:

**Kellie Eldridge, 6/23/2023** (Attachment 10, Comments Following Publication Hearing Notice). The commenter, who also provided 119 of the 218 comments on the IS/MND, restates a number of concerns, asks if the IS/MND will be recirculated, and also complained that an event was recently held, apparently without permit. The commenter also asked if the townhome units near

Hideaway Court will be two-story, and if the owner is permitted to install a garden and fencing at this time, and states that one or more trees may have been removed.

**Response:** Staff advised Ms. Eldridge that staff believes the IS/MND is legally adequate and will not be recirculated, and that her comment letter would be provided to the Planning commission.

Staff was unaware of a recent event and asked the Applicant to explain. The Applicant states that supporters and donors were invited to the site to thank them and to answer questions as a matter of continued public outreach. Neighbors were welcome to attend and some did. Staff does not see this as something subject to County approval, and does consider the effort to be beneficial. Staff advised the Applicant not to do further physical work on the property, even though a garden and fence are allowed by right in the R-1 Zone, other than standard maintenance, until the We Are Up application has been taken to decision-makers for action. Staff confirmed with the Applicant that the townhome units are proposed to be single-story, as they are described in the IS/MND.

### Comments in Support of the Project

Eight seven (87) letters in support of the project and of grants to support the project (Attachment 8) were submitted to the Planning & Building Department, written by: members of the larger community, State Assemblymember Jim Wood, local non-profit organizations, several local environmental advocacy groups, Cal Poly Humboldt, the Wiyot and Yurok Tribes and other local tribe entities, College of the Redwoods, Congressman Jared Huffman, Life Plan Humboldt, the Redwood Coast Regional Center, the Far Northern Regional Center, local attorneys, Humboldt County Office of Education, CASA, Open Door Community Health Center, and many other business leaders and owners, teachers, and parents and grandparents of individuals with special needs.

### OTHER AGENCY INVOLVEMENT:

CalFire responded to the early referral that should the project involve commercial timber operations, or conversion of timberlands to non-timber growing, a CalFire harvest plan or permit is required. While there are native trees on the property, most will be left in place as part of the natural habitat community that is being maintained. Willow associated with a non-jurisdictional drainage pond, and up to three non-native Eucalyptus will be removed as part of the habitat enhancement. CalFire subsequently provided another comment stating that no permit or plan or plan is anticipated to be required; the CalFire comment is included in the Conditions Informational Notes to assure long-term compliance should a question arise (Note # 7).

County staff walked the site with CDFW staff and the project biologist on January 11, 2023 to view the wetlands and habitat values and receive an overview of the mitigation plan. CDFW staff expressed satisfaction with the plan.

The project was referred to responsible agencies and all responding agencies have either not

responded, responded with no comment, or recommended approval or conditional approval.  
(Attachment 6A)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special Permits.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Resolution
  - A. Conditions of Approval
  - B. Operations Plan
  - C. Site Plans
  - D. Parking Plan
  - E. Mitigation Monitoring and Reporting Program
2. Location Maps
3. Massing Study - 3D Concepts
4. CEQA Initial Study and Mitigated Negative Declaration
5. Applicant's Evidence in Support of the Required Findings
6. Referral Agency Comments and Recommendations
7. Public Comments on the CEQA IS/MND
8. Letters in Support of the Project
9. Final Mitigated Negative Declaration
10. Comments following Publication of the Hearing Notice

Applicant:

Mary Keehn  
4635 Fieldbrook Road, #109  
McKinleyville, CA 95519

Owner:

Same as Applicant

Agent:

Misha Schwarz, GHD Inc.  
PO Box 1010  
Eureka, CA 95501



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**File #: 23-1035**

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Please contact Des Johnston, Planner, at [djohnston@co.humboldt.ca.us](mailto:djohnston@co.humboldt.ca.us) or 707-441-2622 if you have questions about this item.

## SUPPLEMENTAL INFORMATION #1

For Planning Commission Agenda of:  
July 20, 2023

- Consent Agenda Item
- Continued Hearing Item
- Public Hearing Item** **No. G1**
- Department Report
- Old Business

### Re: **We Are Up CUP and SP**

Case Numbers PLN-2022-18047

Assessor Parcel Number 509-181-061

Attached for the Planning Commission's record and review are the following supplementary information items:

1. Attachment 1 - Revisions to Staff Report  
The attached revisions to the staff report clarify that:
  - A. Dinners or breakfasts for visiting guests will not accommodate 112 guests at a sitting, but up to 112 guests over the course of one week. Page 3-17, the first full paragraph is revised as follows:

#### Special Events

Special event hosting, such as weddings, community gatherings such as fundraising in support of the project, rotary, or similar events would occur onsite, with approximately 24 per year ranging from 51 to 215 people expected for each. ~~A weekly dinner, breakfast, or similar event would also be held with up to 112 guests.~~ The events would be an integral component of the project, proving both funding, and opportunity for residents to interact with the broader community. Events would be hosted year-round; however, during winter the larger special events would primarily be held indoors. In the event that amplified music might be utilized at gatherings, it would cease by 10 PM. The Community Center would have enough restrooms that portable toilets are not expected to be utilized. Canopies or similar temporary structures may be used. Special events, and all aspects of the Project, would adhere to relevant sections of the County Code. This includes, but is not limited to, public order, noise, and safety. **Dinner or breakfast guests may total up to 112 visitors over a one-week period, not a part of special events.**

- B. Riparian areas will not be impacted, but there will be an impact to buffer areas around some wetlands. Page 3-17, last paragraph is revised as follows:

#### Wetland Impacts, Creation, and Riparian Enhancement

There are 8.68 acres of three-parameter wetlands within the project boundary. Construction would require filling approximately one-quarter acre of wetlands.

Wetland fill would be mitigated at a 1.3:1 ratio. Additionally, impacts to **reduced wetland-riparian** buffers around wetlands would be mitigated with riparian plantings at a 0.5:1 ratio, for a total wetland **creation** and buffer mitigation ratio of 1.8:1. The new wetlands would be installed within the existing upland areas located in the south-central area of the project site. Riparian plantings would be installed along the southeastern corner and eastern portions of the project site adjacent to existing riparian vegetation associated with Mill Creek. This **riparian** area would be enhanced by planting native riparian vegetation and removing nonnative invasives. Up to three non-native Eucalyptus trees are expected to be removed.

- C. Consistent with the above, this revision clarifies that while several acres of wetlands were identified, and one-quarter acre of the mapped wetlands would be impacted, there will be no loss of riparian areas. Page 5, second full paragraph of the staff report is revised as follows:

Streamside Management Areas and Wetlands Combining Zone (WR)

The WR combining designation (HCC §314-38.1) applies to areas subject to the Streamside Management Areas and Wetlands Ordinance (SMAWO) and governs the project's proposed impacts to wetlands, riparian areas, and Streamside Management Areas (SMAs) through acquisition of a special permit (HCC §314-61.1.5). One-quarter acre of **mapped** wetlands and riparian areas were mapped by the project biologist **will be impacted**, and **The** delineation and report provided to CDFW. County staff walked the site with CDFW biologists and the project biologist to observe wetlands. CDFW staff accepted the findings of the wetland and biological assessments and proposed mitigation. The mitigation measures were included in the biological resources section of the IS/MND. CDFW provided an informal follow-up requesting mitigation for special status bees which was incorporated into the IS/MND (MM BIO-5) but made no further comment. The report and proposed mitigation are consistent with the requirements of the SMAWO. Based on this, Planning staff concludes the project is eligible for a Special Permit under the SMAWO.

- D. There will be up to 24 residents who may drive vehicles, per the IS/MND Transportation section, not 21. Response to Comment No. 7, first paragraph, Page 12 of the staff report is revised as follows:

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 **24** ~~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.

2. Attachment 2 – Revision to Draft Resolution

The attached revised Draft Resolution corrects that, consistent with the IS/MND Transportation section, there will be 24 residents that may drive vehicles, not 21. Finding No. 5, Evidence k) of the Draft Resolution is revised as follows:

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 ~~24~~ 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

3. Attachment 3 – Additional Comments

Three (3) letters/emails commenting on the proposal were received on July 18, 2023.

- Attachment 3A – Email from Marilyn Page requesting that the Planning Commission approve the project.
- Attachment 3B – Email from Carol McFarland and Don Nielsen requesting that the Planning Commission approve the project.
- Attachment 3C – Letter from the Beth Burks, Executive Director of Humboldt County Association of Governments requesting that the Planning Commission approve the project.

**To:** Planning Commission  
**From:** Planning and Building Department  
**Agenda Section:** Public Hearing

SUBJECT:

**We Are Up**

Assessor Parcel Number (APN) 509-181-061 (formerly 509-191-030 and 509-181-057), and APNs 509-191-031, 509-191-048, and 509-221-006.

Record No.: PLN-2022-18047

McKinleyville area

A Conditional Use Permit for a Quasi-Public use would include 50 units of housing, a community center with commercial kitchen, a greenhouse, barn, orchard and install associated site improvements, including an access road, walking trails, wetland creation, riparian planting, and community access, and indoor and outdoor events with associated parking. The Project would create functional and community spaces to be used by We Are Up residents and for classroom purposes and include garden space and shelters/pens for livestock to provide opportunities for resident enrichment and education. A Special Permit is also requested for an exception to the height standards, pursuant to Section 314-99 of the Humboldt County Code to allow for the building height to be up to 45 feet in height, and for the creation and enhancement of wetland and streamside habitat areas.

RECOMMENDATION:

That the Planning Commission:

1. Adopt the resolution (Resolution 23-\_\_). (Attachment 1) which does the following:
  - a. Adopts the Mitigated Negative Declaration that was prepared for the We Are Up Project; and
  - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance; and
  - c. Approves the Conditional Use Permit and Special Permit subject to the recommended conditions of approval (Exhibit 1A); and
  - d. Approves the Operations Plan (Exhibit 1B), and Site Plans (Exhibit 1C).

DISCUSSION:

**Project Location:** The project is located in the McKinleyville area at the south end of Weirup Lane; 144 Weirup Lane.

**General Plan Land Use Designation:** McKinleyville Community Plan; Residential Low Density, 1-7 units per acre (RL1-7), approx. 13.5 acres; Residential Medium Density (RM), approx. 1.5 acres; and Commercial Services (CS), approx. 0.4 acres.

**Zoning:** Residential One-Family, with a Streamside Management Areas and Wetlands combining zone (R-1-WR), approx. 15 acres, and Community Commercial (C-2), approx. 0.4 acres.

Environmental Review: A CEQA Mitigated Negative Declaration.

Major concerns: Wetlands, access, parking, noise.

Executive Summary:

Project construction would be limited to the western one-third of the project site. Development would take place over two phases: Phase 1 in 2023 with construction of the greenhouse, access drive and related utilities. Phase 2 would add the balance of project features beginning in 2024 over 20 to 30 months. Mitigation work, including wetland creation, habitat restoration, and riparian enhancement would be carried out on the balance of the property.

**The main project elements are summarized below.**

### Community Center

The Project would construct a three to four level community center for use by We Are Up residents, staff, and others. The community center would be used by residents for classes, projects related to onsite gardens, livestock, and greenhouse production, shared meals, meetings, and events. The first floor of the building would be approximately 13,000 SF and would consist of a large multifunctional meeting room including an approximately 1,800 SF commercial kitchen. The second-floor mezzanine would be approximately 8,200 SF of a mixed public use. The third and fourth floors would consist of approximately 11,800 SF each for residential use, for a total of 44,800 SF of floor area in the community center. The maximum height of the building would be 45' and possibly less since the first floor will be partially below grade.

The community center would serve the residents by providing a site for regular classes, a site for value added product production, income generation, and important socialization opportunities for residents. It would also serve the community at large as space available for rent for events such as rotary meetings, weddings, and other gatherings. Many of these uses would also provide income for the non-profit, thus decreasing its need for grants or other and ongoing public funding. These classes may, in time be available to others from the community at large with about 50 guests the expected maximum. Events such as those listed above would be held in the community center, its outdoor areas, and in the greenhouse.

### Living Units, Occupants and Staffing

The project includes a residential complex consisting of 50 living units to accommodate approximately 69 occupants. Living units would include up to 24 one-bedroom units ranging in size from 580 to 640 square feet (SF) and up to 19 two- bedroom units ranging in size from 820 to 880 SF, including five one-bedroom, single-story townhome-style bungalows. In addition, there would be seven studios, for a total residential floor area outside the community center of 10,264 SF.

### Special Events

Special event hosting, such as weddings, community gatherings such as fundraising in support of the project, rotary, or similar events would occur onsite, with approximately 24 per year ranging from 51 to 215 people expected for each. A weekly dinner, breakfast, or similar event would also

be held with up to 112 guests. The events would be an integral component of the project, providing both funding, and opportunity for residents to interact with the broader community. Events would be hosted year-round; however, during winter the larger special events would primarily be held indoors. In the event that amplified music might be utilized at gatherings, it would cease by 10 PM. The Community Center would have enough restrooms that portable toilets are not expected to be utilized. Canopies or similar temporary structures may be used. Special events, and all aspects of the Project, would adhere to relevant sections of the County Code. This includes, but is not limited to, public order, noise, and safety.

#### Greenhouse, Garden, Barn and Orchard

A greenhouse is proposed in Phase 1 to be used primarily for hydroponic growing of plants, as an educational/teaching venue for residents, community members, and an occasional gathering place for community events. The greenhouse would be 2,880 SF and located at the SW corner of the project site, and will include a restroom and equipment shed. A garden would be maintained and utilized by We Are Up residents, volunteers, or staff. The garden would consist of raised plant beds, in-ground beds, walkways, and a storage shed/barn.

An approximately 30'x40' barn would be established along the southern portion of the site and would house chickens, sheep, goats, cattle, and/or other domestic animals, as permitted by the County Code. Animals would graze in the upland area year-round and may have access to wetland areas seasonally from May through November. The animals housed onsite may include animals from local youth agriculture programs such as FFA. Mill Creek riparian and sensitive natural areas would be fenced off from livestock animals. Fruit trees would be planted near the garden, livestock pens, structures, and/or greenhouse. Produce from the trees would be harvested and used by We Are Up residents.

#### Walking Trails

Simple mowed walking paths would be created and maintained to be used by We Are Up residents, resident visitors, and maintenance staff walking between homes, the community center, greenhouse, garden, and throughout the project site. The trails may use wood chips or similar materials placed on the path to help identify the trail and to minimize maintenance needed. Ancillary trail features may include benches, bike racks, waste receptacles, dog waste facilities, picnic facilities, hitching posts, and other features. Ancillary trail features, such as nature viewing areas, may be constructed in select locations adjacent to the path alignment.

#### Wetland Impacts, Creation, and Riparian Enhancement

There are 8.68 acres of three-parameter wetlands within the project boundary. Construction would require filling approximately one-quarter acre of wetlands. Wetland fill would be mitigated at a 1.3:1 ratio. Additionally, impacts to reduced wetlands buffers around wetlands would be mitigated with riparian plantings at a 0.5:1 ratio. for a total wetland creation and buffer mitigation ratio of 1.8:1. The new wetlands would be installed within the existing upland areas located in the south-central area of the project site. Riparian plantings would be installed along the southeastern corner and eastern portions of the project site adjacent to existing riparian vegetation associated with Mill Creek. This riparian area would be enhanced by planting native riparian vegetation and removing nonnative invasives. Up to three non-native Eucalyptus trees are expected to be removed.

## Lighting

The project would include lighting to improve safety in key locations. Lighting would be installed at the exterior of buildings and throughout the parking area in association with the project and would comply with County and ADA requirements. Approximately 14 luminaires at driveway and parking areas would be mounted on poles approximately 16 feet above the ground. Luminaries would be downcast, and fixtures would be equipped with hoods. Lighting at the eastern side of the buildings would be minimized to mitigate light encroachment into the undeveloped areas to the east. Outside light fixtures would be cut-off fixtures and would be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent properties.

Exterior lighting is proposed to be designed to protect wildlife and night-time views, including views of the night sky. The project would be designed to be consistent the recommendations of the International Dark-Sky Association, which includes standards for fixtures, shielding, placement, height, and illumination levels. To comply with these requirements, lighting for the Project would be the minimum lumens necessary, directed downward, shielded, and pedestrian level when feasible. This would ensure lighting is contained within the site and does not cause significant lighting and glare impacts for surrounding land uses and sensitive habitat areas.

## **Analysis**

### General Plan and Zoning Consistency

The project site is within the McKinleyville Community Plan area and designated Residential Low Density, 1-7 units per acre (RL1-7), approx. 13.5 acres; Residential Medium Density (RM), approx. 1.5 acres; and Commercial Services (CS), approx. 0.4 acres.

The project uses are consistent with the General Plan Land Use designations and conform to relevant policies of the McKinleyville Community Plan, as enumerated in the Findings of Fact contained in the draft resolution for the Planning Commission's consideration. The project site is zoned Residential One-Family (R-1), with a Streamside Management Areas and Wetlands combining zone (WR), approx. 15 acres, and Community Commercial (C-2), approx. 0.4 acres.

### Type of Use

- The proposed project is not among the list of uses permitted in the R-1 Zone (HCC § 314-6.2).
- § 314-85, Quasi-Public Structures and Uses – Quasi-public uses shall be permitted in the R-1 Zone subject to a Use Permit.
- § 314-152, Quasi-Public Use defined – A use operated by a private non-profit organization.
- The project proponent is an Internal Revenue Code 501(c)(3) Non-Profit entity.

Regarding events, staff consulted with Humboldt County Sheriff's Office regarding the number of guests in attendance that constitute an "event," as the zone code does not provide direction here. The Sheriff's Office does not have a standard either, but looks to the permit if there is one (per Lt. J. Taylor, 7/12/2023). For the purposes of this project and based on past experience, staff concludes that more than 50 guests shall constitute an event.



### Streamside Management Areas and Wetlands Combining Zone (WR)

The WR combining designation (HCC §314-38.1) applies to areas subject to the Streamside Management Areas and Wetlands Ordinance (SMAWO) and governs the project's proposed impacts to wetlands, riparian areas, and Streamside Management Areas (SMAs) through acquisition of a special permit (HCC §314-61.1.5). One-quarter acre of mapped wetlands mapped by the project biologist will be impacted. The delineation and report provided to CDFW. County staff walked the site with CDFW biologists and the project biologist to observe wetlands. CDFW staff accepted the findings of the wetland and biological assessments and proposed mitigation. The mitigation measures were included in the biological resources section of the IS/MND. CDFW provided an informal follow-up requesting mitigation for special status bees which was incorporated into the IS/MND (MM BIO-5) but made no further comment. The report and proposed mitigation are consistent with the requirements of the SMAWO. Based on this, Planning staff concludes the project is eligible for a Special Permit under the SMAWO.

### Building Height

- The community center, at 4 stories, is proposed to be 45 feet in height.
- Under HCC §314-6.2 the max building height in the R-1 Zone is 35 feet.
- § 314-102.1.3, Height and Size Limitations and Modifications – Any building may be erected to a height greater than the maximum height of the zone in which it is located provided that a Special Permit is obtained.
- §. 314-99.1.1, Exceptions to Height Standards – Max bldg height in the R-1 Zone may be exceeded with a Special Use Permit with a condition ensuring long term housing affordability.
- The project as proposed would be inherently affordable as it is non-profit and would have ASD and I/DD residents.

The community center is envisioned as an architecturally attractive building in a rustic barn-style seen in rural areas of the County. The building is shown with a gable roof to resemble the character of the existing barn presently located within the proposed building's footprint, and would capture the pastoral aesthetic that will be retained across most of the site. Preliminary designs are shown on the Massing Study, Attachment 3. The proposed building, located in the line of sight between the homes on Hideaway Court and Grocery Outlet, may also remove some or all of the present view of the back of Grocery Outlet from the Hideaway Court homes.

Staff concludes that the 10-foot exception to the height limitation is acceptable.

### Site Access

The project site is accessed from Sutter Road, then Weirup Lane, a private road. Traffic during events may cause congestion at the Sutter Road/Weirup Lane intersection, and along Weirup Lane. County Department of Public Works (DPW) recommended a mitigation measure (**MM TR-1**) that has been included in the IS/MND and MMRP (Attachment 1E) that give DPW discretion to determine whether there is a congestion problem associated with periodic events, and to:

1. Require an Annual Encroachment Permit for temporary traffic control measures at the Sutter/Weirup intersection at Permittee's expense;
2. Reduce the size of events held onsite to reduce congestion to acceptable levels; and
3. Manage events to prevent all event visitors from attempting to exist the site simultaneously or within a short period of time.

Based on this, DPW staff determined that the potential for significant impact related to traffic congestion is reduced to a less than significant level.

### Parking

- A total of 132 parking spaces are proposed on-site. The applicant has arrangements with off-site properties to utilize their parking spaces during off-peak hours if necessary, but these spaces are not needed and planning staff is recommending that they not be included in the project approval.
- Two-thirds of residents will not drive cars. Spaces set-aside for residents are 24. Up to 12 employees, including part-time, may be on-site at a given time. There may be up to 10 daily visitors and deliveries, for a total of 46 spaces.
- A maximum of 215 persons are proposed to attend events. Assuming an average of two guests per vehicle, which is the standard used in the past for event venues of a similar scale in the County, 108 spaces would be needed for special events.
- Smaller weekly events with up to 112 guests would need 56 spaces. If all residents, visitors, deliveries, and large and small event guests were to be on-site at one time, 164 spaces would be needed, representing a shortfall of 32 spaces. A condition of approval is proposed to prohibit simultaneous events which will ensure that the parking needs of the facility are met at all times.
- Parking standards for uses such as theaters and stadiums call for one space or every four seats, plus one space for every two employees (HCC §314-109.1.3.3.4). This standard, plus residents, visitors and deliveries, (large events = 54 spaces, employees = 6 spaces, and 24 residents and 10 visitors/deliveries) would yield a need for 94 spaces, which is below the number proposed by the applicant.
- The Zoning Code does not specify a number of parking spaces required for this type of use and leaves the determination to the discretion of the Director of Planning (HCC §314-109.1.2.9). Staff concludes adequate provisions for daily and event parking are proposed for the project.

### Offsite Parking

The applicant has also made arrangements with adjacent and nearby property owners for a total 68 off-site spaces on three separate nearby properties, which are:

1. McKinleyville Community Services District, APN 509-191-031 – 22 spaces approx. 150 feet away.
2. State Farm Insurance, APN 509-221-006 – 11 spaces approx. 650 feet away.
3. Jackson & Eklund CPA, APN 509-191-048 – 35 spaces approx. 430 feet away.

These off-site parking areas are not necessary to support the parking needs of the project but could be utilized to help address neighborhood concerns relative to traffic on Weirup Lane. The parking plan is shown as Attachment 1D.

### Noise

According to the General Plan Noise Element, Table 13-A, the prominent noise sources in McKinleyville are U.S. 101 and Central Avenue traffic noise, Eureka/Arcata Airport (and aircraft overflight), and the gun club at the airport.

Proposed events with amplified speaking and music, up to 24 per year, can be expected to generate noise above ambient level till 10 PM at which time all events are proposed and conditioned to have concluded. Outdoor events, up to 24 per year, if they include amplified music would likely be more audible to nearby residential receptors.

The General Plan sets performance standards for Short-term Noise, per Noise Element Standard N-S7, which is 65 dBA from 6:AM to 10 PM in the R-1 Zone. The General Plan allows an exception to this standard however, for temporary events in conformance with an approved Conditional Use Permit. Staff believes the exception can be justified due to the relative infrequency of the proposed outdoor events, most of which would be hosted south of the community center. Moreso, the nearest residential receptors will be on-site, which include special needs persons and seniors, for whom the overall project is intended to serve. This particular population is likely to be more sensitive to noise than the general population. The project owners intend to conduct the project in a way that cares for and enriches the residents, as described in the Plan of Operations. Further, this facility would be located immediately adjacent to existing commercial uses such as a grocery store, gas station, and a bar that offers live music until late at night. The noise associated with special events is unlikely to contribute to noise impacts to the residential community that are above the existing baseline environment.

Additionally, a condition of approval is recommended consistent with similar event projects approved by the Planning Commission that requires the Permittee to report to the Planning Director annually for three years to discuss effectiveness of conditions of approval, the parking plan, mitigation measures, and any complaints, and address any neighborhood issues that may have arisen.

### Biological Resources

As discussed in the wetlands section of the IS/MND a wetland delineation with biological resources assessment (Sensitive Habitat Report and Botanical Memorandum) was prepared for the project. Wetlands were mapped and special status surveys were conducted in consultation with CDFW, RWQCB, and COE staff. Under the McKinleyville Community Plan Section 3422(7), 8.68 acres of 3-parameter wetlands were identified, one-quarter acre of which would be impacted by the project. Mitigation measures are proposed to compensate for loss of wetlands and for potential impacts to special status species (Mitigation Measures BIO-1 through 7) and are included in the MMRP. CDFW comments on the habitat enhancement plan in response to referrals and following the site visit (Attachment 6B) were incorporated into the Site Plan and the mitigation measures.

CDFW recommendations (1/24/2023) were:

1. To be consistent with the theme of concentrating development and associated impacts, consider moving the barn westward toward the apple orchard and greenhouse. If crossing the swale is still necessary, consider installing an open-bottom culvert, bridge, or similar feature that maintains habitat connectivity (rather than storm drain piping).  
Response: The Applicant modified the Site Plan and moved the barn 100 to 150 feet to the west. The Applicant considered installing a bridge but found this cost-prohibitive.
2. CDFW would like to review design plans for wetland creation and LID bioswales to ensure features provide good habitat for northern red-legged frog (*Rana aurora*; California Species of Special Concern) and other amphibians.

Response: The Applicant's biologist modified the wetland restoration plan with a design with altered depths to facilitate conditions for northern red-legged frog and other native species, and to reduce habitat for non-native bullfrogs.

3. In similar situations, some project proponents have proposed a conservation easement for a portion of their parcel, which provides long-term protection of the resources while reassuring the public of that intent.

Response: The Applicant considered this but sees the Conditional Use Permit and associated Site Plan approval as sufficient and does not foresee any changes.

4. In addition to the eucalyptus tree near the proposed barn site, we noticed Scotch broom (*Cytissus scoparius*) along the southern edge of the parcel, as well as another mature eucalyptus that may be on the adjoining parcel. It would be nice to incorporate Scotch broom removal into the invasive species management component of the project and explore the possibility of removing that second eucalyptus tree.

Response: The request has been incorporated into the mitigation measures for removal of three non-native shrubs and grasses, including Scotch broom.

5. Several bumble bee species are currently candidates for listing pursuant to CESA and are therefore afforded the full consideration of listed species under CEQA. While we wait for the Fish and Game Commission's decision, we would like to proceed with caution. Not all projects warrant targeted surveys or even habitat assessments, but CDFW encourages a thorough evaluation of the presence and potential impacts to sensitive bumble bees, with reference to CNDDDB occurrences, range maps, survey data (e.g., Bumble Bee Watch). I had caught a couple of minor inconsistencies in table 3.4-1, which I pointed out to GHD.

Response: The requested evaluation has been incorporated into the biological mitigation measures.

All changes to the biological mitigation measures were made after referral comments were received from CDFW and prior to circulation of the IS/MND. CDFW made no comment on the IS/MND.

### Cultural and Tribal Resources

A Cultural Resources Survey (CRS) was conducted in November 2021, and an addendum covering the added parking area followed in October 2022. The CRS identified the wooden barn with the gable roof, but concluded that it had been significantly modified from its original design, is in an advanced state of disrepair, and does not meet additional criteria for listing as a historical resource.

Invitations to consult under AB52 were sent to local tribes in December 2022. No tribes requested consultation under AB52.

Standard project referrals to all agencies were sent 2/8/2023 and the Blue Lake Rancheria, the Bear River Band, and Wiyot Tribe requested the standard inadvertent discovery protocol. This has been included among the CEQA mitigation measures (**MM CR-1**) and among the conditions of approval Notes (**#2**). Additionally, the Blue Lake Rancheria and the Wiyot Tribe requested that the selection of native plants for the wetland and riparian area creation and enhancement areas provide for the protection and enhancement of ethnobotanical resources. These measures were incorporated into the restoration plan.

## California Environmental Quality Act (CEQA)

A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated that identified 14 potentially significant impacts with recommended mitigation. The mitigation measures relate to stormwater management, temporary construction-related air pollution, biological resources (wetlands and special status species), cultural and paleontological resources, greenhouse gas emissions, and traffic congestion. There were no significant impacts identified in other areas, and no impacts that could not be fully mitigated. The IS/MND was circulated for the requisite 30-day public review period. No agencies commented on the IS/MND.

## Public Comments on the CEQA IS/MND

Ten letters/emails of comment on the IS/MND were submitted during the public review period; one letter was received shortly after close of the public review. Ten of the letters/emails are from residents or property owners on Hideaway Court, adjacent to the north side of the project. These letters/emails are attached to the staff report with individual comments separately numbered for a total of 218 comments (Attachment 7). The CEQA document preparer addressed each of the 218 comments individually, with responses contained in an 83-page supplemental document titled Final IS/MND (Attachment 9). Several comments were either repeated in subsequent letters or were of related concerns. The subject matter of comments may be grouped and are summarized in eight categories below with staff responses.

1. **Comment:** Opinions on the project, questions about the planning process, and requests that the project be eliminated from consideration.

**Response:** Such comments are not comments on the IS/MND and are not responded to further here. Such comments may provide input to the Commission's consideration of the merits of a project, and the comment letters are attached to the staff report for Planning Commission review and consideration in relation to a decision on the request for project entitlements (Attachment 7). A summary of each comment, and a response, is provided by the CEQA document preparer and contained in Attachment 9.

2. **Comment:** Insufficient analysis was conducted.

**Response:** Per CEQA Guidelines Section 15064, the decision 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)).

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

3. **Comment:** The project is incompatible with the neighborhood, and with persons with ASD and I/DD because of Equity/Noise/Safety due to varying age groups in residence, and that future residents will not have ASD or I/DD.

**Response:** The proposal would create 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 project, each with a part in the success of the whole. The mix of residents has been 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 gain valuable insights, and visiting medical professionals who are presently lacking in the region and often cannot find housing. All of this is intended to create a vibrant community of support.

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 90% including among those with a college degree. The project seeks 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 local people have volunteered or donated at some level.

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 not correct. While many people with and without autism do not like unexpected loud noises, most enjoy music. The project does not intend to have intermittent loud noise, rather music so children, 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.

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

**4. Comment:** The proponent has not worked the local community and neighbors.

**Response:** Public Outreach was conducted by the applicant. The applicant states that they replied to each letter written, and 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. A number of seniors and parents with adult children with special needs have approached We Are Up asking if residential space wondering if single-family homes might be available so they could access supports in the planned community center, suggesting that demand will increase. The Applicant states they have given much thought and 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. The natural appearance of the site is valued as part of the project, with over 80% of the site being kept as open space as a community benefit and also decreasing impacts to wetlands.

Reducing to 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 improved ingress and egress and additional onsite 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 housing dispersed across the site. Limiting the number of guests allowed to attend events to a smaller number. Willingness to include a stop sign before the Weirup Lane and Hideaway Court intersection. No further analysis is necessary and no revisions to the ISMND are required to be made.

**5. Comment:** The project is too big for the site and the neighborhood.

**Response:** The Applicant states that architects and developers advise that a minimum of 50 units of housing is required when building a vibrant community, a scale that allows a nonprofit to function sustainably over many years while providing needed services to residents. This site is unique in its proximity to essential services for residents who may not drive. Because of the substantial wetlands on site, the project has been designed 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 were developed and rejected with the current plan the most likely for success and least impactful for wetlands and for impacting neighbors.

The Applicant states 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 would have peace of mind and residents will have better lives. The Applicant states that this is a replicable model, demonstrated elsewhere, that lowers cost for society at large and provides a lifetime of care. No further analysis is necessary and no revisions to the ISMND are required to be made.

**6. Comment:** Sensitive Natural Communities (SNCs), special status species, grasses, and wetlands were incorrectly mapped and/or identified.

**Response:** Per the IS/MND Appendix D – Aquatic Resource Delineation and Sensitive Habitat Report Rev2, 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 were used to characterize the dominant vegetation and evaluate habitat quality, and this assessment provided the basis for designating vegetation as SNCs per CDFW. Two SNCs were identified using the methodology: Sitka Spruce Alliance and Coastal Willow Alliance.

Appendix D (Botanical Memorandum Rev1) of the IS/MND 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).

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 and were monitored in the 2022/2023 rain year (1/17/2023 through 2/21/2023). Nine paired transect plot were conducted, upland plots were documented, and the pits were examined for 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.

7. **Comment:** Traffic impacts are not adequately addressed or mitigated.

**Response:** 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 24 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

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 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 IS/MND are required to be made.

- 8. Comment:** Tribal Cultural Resources – Is there a site that is eligible for California Register of Historical Resources (CRHR) or other register, and will there be a substantial change to a significant tribal cultural resource?

**Response:** A Cultural Resources Survey was prepared in consultation with local tribes, reviewed by the tribes, and summarized in the IS/MND. The site nor any finds are eligible for CRHR or other register, and there will be no substantial change to a significant tribal cultural resource. No further analysis is necessary and no revisions to the IS/MND are required to be made.

#### Comments Received after Publication of the Hearing Notice

One comment letter was received from a neighbor following publication of the hearing notice and before the close of the staff report deadline:

**Kellie Eldridge**, 6/23/2023 (Attachment 10, Comments Following Publication Hearing Notice). The commenter, who also provided 119 of the 218 comments on the IS/MND, restates a number of concerns, asks if the IS/MND will be recirculated, and also complained that an event was recently held, apparently without permit. The commenter also asked if the

townhome units near Hideaway Court will be two-story, and if the owner is permitted to install a garden and fencing at this time, and states that one or more trees may have been removed.

**Response:** Staff advised Ms. Eldridge that staff believes the IS/MND is legally adequate and will not be recirculated, and that her comment letter would be provided to the Planning commission.

Staff was unaware of a recent event and asked the Applicant to explain. The Applicant states that supporters and donors were invited to the site to thank them and to answer questions as a matter of continued public outreach. Neighbors were welcome to attend and some did. Staff does not see this as something subject to County approval, and does consider the effort to be beneficial. Staff advised the Applicant not to do further physical work on the property, even though a garden and fence are allowed by right in the R-1 Zone, other than standard maintenance, until the We Are Up application has been taken to decision-makers for action. Staff confirmed with the Applicant that the townhome units are proposed to be single-story, as they are described in the IS/MND.

### Comments in Support of the Project

Eight seven (87) letters in support of the project and of grants to support the project (Attachment 8) were submitted to the Planning & Building Department, written by: members of the larger community, State Assemblymember Jim Wood, local non-profit organizations, several local environmental advocacy groups, Cal Poly Humboldt, the Wiyot and Yurok Tribes and other local tribe entities, College of the Redwoods, Congressman Jared Huffman, Life Plan Humboldt, the Redwood Coast Regional Center, the Far Northern Regional Center, local attorneys, Humboldt County Office of Education, CASA, Open Door Community Health Center, and many other business leaders and owners, teachers, and parents and grandparents of individuals with special needs.

### OTHER AGENCY INVOLVEMENT:

CalFire responded to the early referral that should the project involve commercial timber operations, or conversion of timberlands to non-timber growing, a CalFire harvest plan or permit is required. While there are native trees on the property, most will be left in place as part of the natural habitat community that is being maintained. Willow associated with a non-jurisdictional drainage pond, and up to three non-native Eucalyptus will be removed as part of the habitat enhancement. CalFire subsequently provided another comment stating that no permit or plan or plan is anticipated to be required; the CalFire comment is included in the Conditions Informational Notes to assure long-term compliance should a question arise (Note # 7).

County staff walked the site with CDFW staff and the project biologist on January 11, 2023 to view the wetlands and habitat values and receive an overview of the mitigation plan. CDFW staff expressed satisfaction with the plan.

The project was referred to responsible agencies and all responding agencies have either not responded, responded with no comment, or recommended approval or conditional approval. (Attachment 6A)

RECOMMENDATIONS:

Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Conditional Use Permit and Special Permits.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission could elect to add or delete conditions of approval. The Planning Commission could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Resolution
  - A. Conditions of Approval
  - B. Operations Plan
  - C. Site Plans
  - D. Parking Plan
  - E. Mitigation Monitoring and Reporting Program
2. Location Maps
3. Massing Study – 3D Concepts
4. CEQA Initial Study and Mitigated Negative Declaration
5. Applicant’s Evidence in Support of the Required Findings
6. Referral Agency Comments and Recommendations
7. Public Comments on the CEQA IS/MND
8. Letters in Support of the Project
9. Final Mitigated Negative Declaration
10. Comments following Publication of the Hearing Notice

Applicant: Mary Keehn, We Are Up

Owner: Mary Keehn, We Are Up

Agent: Misha Schwarz, GHD Inc.

Please contact Des Johnston, Planner, at [djohnston@co.humboldt.ca.us](mailto:djohnston@co.humboldt.ca.us) or 707-441-2622 if you have questions about this item.

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF HUMBOLDT**

**Resolution Number 23-**

**Record Number PLN-2022-18047**

**Assessor's Parcel Numbers: 509-181-061, 509-191-031, 509-191-048, and 509-221-006.**

**Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approves the We Are Up Conditional Use Permit and Special Permit.**

**WHEREAS, We Are Up, a 501(c)(3) non-profit**, submitted an application and evidence in support of approving a Conditional Use Permit and a Special Permit for Record No, PLN-2022-18047.

**WHEREAS**, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

**WHEREAS**, a Mitigated Negative Declaration was prepared for the proposed Conditional Use Permit and circulated for public review pursuant to Section 15073 of the CEQA Guidelines; and

**WHEREAS**, Attachment 5 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Record Number: PLN-2022-18047); and

**WHEREAS**, the Humboldt County Planning Commission held a duly-noticed public hearing on July 20, 2023, and reviewed, considered, and discussed the application for the Conditional Use Permit and Special Permit, and reviewed and considered all evidence and testimony presented at the hearing.

**Now, THEREFORE BE IT RESOLVED**, that the Planning Commission makes all the following findings:

**FINDING:**

**Project Description:** A Conditional Use Permit for a Quasi-Public use would include 50 units of housing, a 45-foot high community center with commercial kitchen, a greenhouse, barn, orchard and install associated site improvements, including an access road, walking trails, wetland creation, riparian planting, and community access, and indoor and outdoor events with associated parking. The Project creates functional and community spaces to be used by We Are Up residents and for classroom purposes and include garden space and shelters/pens for livestock to provide practical opportunities for resident enrichment and education. A Special Permit for an exception to the height standards, pursuant to Section 314-99 of the Humboldt County Code to allow for the building height to be up to 45 feet in height, and for the fill, creation and enhancement of wetland and streamside habitat areas. Phase 1 includes construction of the greenhouse, access drive road, and related utilities. Phase 2 includes the balance of project features. Up to 24 special events will be held annually with up to 215 guests, outdoor and indoor, that may include amplified music. Smaller weekly events will be held with up to 50 guests.

**EVIDENCE:**

Project File: PLN-2022-18047

**2. FINDING:** **CEQA** : As required by the California Environmental Quality Act, the project was found subject to CEQA and a Mitigated Negative Declaration was prepared by the Planning and Building Department, Planning Division which evaluated the project for any adverse effects on the environment.

- EVIDENCE:**
- a) The CEQA document includes an analysis of the subject Conditional Use Permit and Special Permit. The Initial Study and Draft Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2023030707, was circulated from March 28, 2023 to April 26, 2023.
  - b) The IS/MND included fourteen mitigation measures which have been incorporated into a Mitigation Monitoring and Reporting Plan which is being adopted as part of the project.

**3. FINDING** **ENVIRONMENTAL IMPACTS FOUND NOT TO BE SIGNIFICANT- NO MITIGATION REQUIRED.** The following impacts have been found to be less than significant and mitigation is not required to reduce project related impacts: Aesthetics, Agriculture and Forestry Resources, Energy, Hazards and Hazardous Materials, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Recreation, Utilities and Service Systems, and Wildfire.

- EVIDENCE**
- a) There is no evidence of an impact to any of the above reference potential impact areas based on the project as proposed at this proposed location.
  - b) Initial Study/Mitigated Negative Declaration circulated for public review March 28, 2023 to April 26, 2023.

**4. FINDING** **ENVIRONMENTAL IMPACTS MITIGATED TO LESS THAN SIGNIFICANT** – The Initial Study identified potentially significant impacts to Hydrology and Water Quality, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Transportation and Circulation, and Tribal Cultural Resources, which could result from the project as originally submitted. Mitigation Measures have been required to ensure potential impacts are limited to a less than significant level.

- EVIDENCE**
- a) **Hydrology and Water Quality:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for hydrology and water quality:

**EPA 1 – Stormwater Pollution Prevention Plan (SWPPP)**

The Project will obtain coverage under State Water Resources Control Board (Water Board), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activities (General Permit). The County will submit permit registration documents (notice of intent, risk assessment, site maps, SWPPP, annual fee, and certifications) to the Water Board. The SWPPP will address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP will include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner will oversee

implementation of the Project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.

- b) **Air Quality:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for air quality:

MM AQ-1: BMPs to Reduce Air Pollution

The contractor shall implement the following BMPs during construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction as necessary.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The NCUAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

- c) **Biological Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for biological resources:

MM Bio-1 Avoidance and Minimization Measures to Protect Special Status Mammals

- Removal of confirmed or presumed-occupied bat roost habitat (the buildings planned for demolition) would occur only during seasonal periods of bat activity (when bats are volant, i.e., able to leave roosts) between March 1 and April 15 or September 1 and October 15, when evening temps rise above 45 F, and when no rainfall greater than ½ inches has occurred in the last 24 hours.
- If trees or structures cannot be removed during the volant period, i.e., Project activities occur during the bat maternity season which generally occur April 16th through August 30th, a qualified biologist shall conduct surveys within suitable habitat for special status bats. Survey methodology shall include visual examination with binoculars and may optionally utilize ultrasonic detectors to determine if special status bat

species utilize the vicinity.

- Surveys shall be conducted by a qualified biologist within seven days prior to construction in any areas where potential maternity roosts may be disturbed/removed. The preconstruction surveys for bats may coincide with pre- construction surveys for other animals. Surveys shall include a visual inspection of the impact area and any large trees/snags with cavities or loose bark or crevices within infrastructure. If the presence of a maternity roost is confirmed, an appropriate buffer distance would be established in consultation with CDFW to ensure that construction noise would remain below disturbance thresholds for bats. If no bat utilization or roosts are found, then no further study or action is required. If bats are found to utilize the BSA, or presence is assumed, a bat specialist should be engaged to advise the best method to prevent impact.
- 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.
- Potential locations for White-footed Vole nesting will be inspected within the BSA within a week of construction commencing. This includes under rocks and logs within the Project vicinity.
- All trees planned for removal will be marked and a qualified biologist will thoroughly inspect them for signs of the species' inhabitation within a week of removal.

d) MM BIO-2: Avoidance and Minimization Measures to Protect Special Status and Nesting Birds

- If feasible ground disturbance and vegetation clearing would be conducted during the fall and/or winter months and outside of the avian nesting season (which is generally assumed to occur between March 15 – August 15) to avoid any direct effects to special-status and protected birds.
- If ground disturbance or vegetation clearing cannot be confined to the fall and/or winter outside of the nesting season, a qualified biologist would conduct pre- construction surveys within the vicinity of the Project Area to check for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species. The biologist would conduct at minimum a one-day pre-construction survey within the seven-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the nesting season, a qualified biologist would conduct a supplemental avian pre-construction survey before Project work is reinitiated.
- If active nests are detected within the construction footprint, or within 500 feet of construction activities (taking into account private property), the biologist would flag a buffer around each nest. Construction activities would avoid nest sites until the biologist determines that the young have fledged, or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within up to 500 feet of the construction area, buffers would be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis

in consultation with the CDFW and, if applicable, with USFWS. Buffer sizes would consider factors such as (1) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; (2) distance and amount of vegetation or other screening between the construction site and the nest; and (3) sensitivity of individual nesting species and behaviors of the nesting birds.

- If active nests are detected during the survey, the qualified biologist would monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified biologist, disturb nesting activities (e.g., excessive noise), would be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified biologist would immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed or nesting activity has ceased, placement of visual screens or sound dampening structures between the nest and construction activity, reducing speed limits, replacing and updating noisy equipment, queuing trucks to distribute idling noise, locating vehicle access points and loading and shipping facilities away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.
- A construction worker training on identification of special status birds and nests will occur within seven days of the start of construction.

e) MM BIO-3: Avoidance and Minimization Measures to Protect Special Status Amphibians

- A qualified biologist would perform a pre-construction survey for the amphibian species within seven days prior to commencement of ground disturbance. The survey shall be limited to the BSA. Suitable habitat would be determined by the qualified biologist. The biologist would relocate any specimens that occur within the work-impact zone to nearby suitable habitat.
- In the event that a special status amphibian is observed in an active construction zone, the contractor would halt construction activities in the area and the frog and/or salamander would be moved by a qualified biologist to a safe location in similar habitat outside of the construction zone.
- A construction worker training on identification of special status amphibians will occur within seven days of the start of construction.
- Work crews shall inspect open trenches, pits, and under construction equipment and material left onsite in the morning and evening to look for amphibians that may have become trapped or are seeking refuge.

f) MM BIO-4: Avoidance and Minimization Measures to Protect Special Status Fish and EFH

- Any Project-related construction materials or soil from grading and digging will be restricted from entering Mill Creek to reduce impacts of sedimentation or turbidity.



- Removal of riparian habitat along Mill Creek shall be avoided if feasible. If riparian habitat removal cannot be avoided, riparian habitat would be replanted at ratios acceptable to jurisdictional resource agencies.

g) MM BIO-5: Avoidance and Minimization Measures to Protect Special Status Bees

- A qualified biologist will perform a pre-construction survey for the bee species within seven days prior to commencement of ground disturbance. The survey shall be limited to the BSA and may occur at the same time as surveys for other species. The biologist will search for bees and potential nesting sites.
- If possible, ground disturbance, mowing, and vegetation clearing will occur from October to February, which is outside of the flight season for bumble bees.
- If possible, the Project will not use pesticides. If necessary, the application will be direct and as local as possible to reduce drifting. The pesticide would ideally be applied when plants are not in bloom, in winter or fall, and/or at dusk or night when bees are not flying.
- If a bee or nest is observed, CDFW will be notified, and a no-work zone buffer may be established.

h) MM BIO-6: Avoidance and Minimization Measures to Protect Juxtaposed Wetlands

The project shall implement the following avoidance and protection measures for juxtaposed Waters of the United States and Waters of the State that would not be impacted (filled or excavated) during Project construction:

- The project shall attempt to avoid or minimize impacts to wetlands/waters to the greatest extent feasible in the final design plans.
- Juxtaposed wetlands (not proposed for filling) shall be clearly identified in the construction documents and reviewed by the County prior to issuing for bid to ensure they are clearly marked as equipment exclusion zones during construction.
- Suitable perimeter control measures, such as silt fences, or straw wattles shall be placed below all construction activities at the edge of surface water features to intercept sediment before it reaches the waterway. These measures shall be installed prior to any clearing or grading activities.

i) MM BIO-7: Compensate for Loss of Wetlands

The project shall avoid fill of wetlands to the extent feasible. If fill cannot be avoided, then the project shall compensate for the loss of seasonal wetland habitat so that there is no net loss in wetlands at a ratio of 1.8:1. The project shall compensate for impacts to identified wetlands through creation of wetland at a ratio of no less than 1.3:1 and restoration of riparian habitat (planting) at a ratio of no less than 0.5:1. A Mitigation and Monitoring Plan shall be prepared in coordination with the NCRWQB and the USACE. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with the NCRWQCB and USACE.

Mitigation would occur onsite. The Plan shall be acceptable to the regulatory agencies with jurisdiction over wetlands and waters and include

the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; plant storage; irrigation requirements; success criteria; monitoring schedule; and remedial measures.

- j) **Cultural and Tribal Cultural Resources:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for cultural and tribal cultural resources:

**MM CR-1: Inadvertent Discovery of Archaeological Material**

A pre-construction meeting shall be held with field contractors, where the protocols for inadvertent discovery (described below) would be communicated. The following provides means of responding to the circumstance of a significant discovery implementation of the proposed undertaking. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, work shall be stopped within 66 feet of the discovery, per the requirements of CEQA (Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action. Tribal representatives shall be notified.

- k) **MM CR-2: Inadvertent Discovery of Human Remains**

If human remains are discovered during project construction, work will stop at the discovery location, within 66 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (PRC, Section 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the Coroner determines that the remains are of Native American origin, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC, Section 5097). The Coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in PRC, Section 5097.98.

- l) **Geology and Soils:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for geology and soils:

**MM GEO-1: Inadvertent Discovery of Paleontological Resources**

In the event that fossils are encountered during construction (i.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants), construction activities shall be diverted away from the discovery within 50 feet of the find, and a professional paleontologist shall be notified to document the discovery as needed, to evaluate the potential resource, and to assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and

allow work to continue, or recommend salvage and recovery of the material, if it is determined that the find cannot be avoided. The paleontologist shall make recommendations for any necessary treatment that is consistent with currently accepted scientific practices. Any fossils collected from the area shall then be deposited in an accredited and permanent scientific institution where they will be properly curated and preserved.

- m) **Greenhouse Gas Emissions:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for greenhouse gas emissions:

**MM GHG-1: Design for Conversion to All Electric Appliances**

The Project's commercial kitchen and laundry facilities shall be designed and constructed to allow for future conversion to all electric appliances. Design shall include, at a minimum, the appropriate electrical wiring to convert the laundry facilities, commercial kitchen range, stove, and other gas-fueled appliances to all-electric options as they become feasible and available.

- n) **Transportation and Circulation:** Potentially significant impacts will be mitigated to a less than significant level with the implementation of the following mitigation measures for transportation and circulation:

**MM TR-1: Traffic Congestion**

If the Humboldt County Department of Public Works determines that there is a congestion problem associated with the periodic events hosted at the project site, We Are Up shall complete one or more of the following measures to reduce congestion to acceptable levels:

- Apply for and obtain an Annual Encroachment permit from the Humboldt County Department of Public Works that authorizes the use of temporary traffic control measures (including, but not limited to, flaggers) at the Sutter/Weirup intersection. All temporary traffic control shall be installed and staffed by qualified traffic control personnel. All temporary traffic control measures are to be put in place by the applicant at We Are Up's expense.
- Reduce the size of events held onsite to reduce congestion to acceptable levels.
- Manage events to prevent all event visitors from attempting to exit the site simultaneously or within a short period of time.

**5. FINDING**

**CEQA Public Comments:** There have been a significant number of comments from the public on the project and the Mitigated Negative Declaration and no comments from public agencies. These comments have been considered and none of these comments change the conclusions of the Mitigated Negative Declaration.

**EVIDENCE**

- a) Comments that are opinions on the project, requests that the project be eliminated from consideration, possible effects on property values, and

questions on the planning process outside of CEQA, are not germane to CEQA or the Initial Study/Mitigated Negative Declaration.

- b) Comments stating that the analysis was insufficient or did not identify impacts as significant. Per CEQA Guidelines Section 15064, the decision 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)).
- c) Comments regarding visual impacts and air quality. The project site is not located near a designated scenic highway or scenic vista. Project buildings are proposed to be architecturally pleasing, and the majority of the project site is being retained in its natural condition. The project operation will not expose nearby sensitive receptors to substantial air pollutant concentrations and will be less than significant.
- d) Comments regarding light pollution. The project is conditioned to follow International Dark Sky Association Standards that exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.
- e) Comments regarding noise pollution. Project activities are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards. All special events are conditioned to conclude by 10 PM. The project is conditioned to require ongoing reporting to the Planning Director so that potential nuisance issues can be addressed.
- f) Comments regarding drainage. The project is conditioned to remain in compliance with the requirements of the State Water Resources Control Board (SWRCB). SWRCB Order WQ 2019-0001-DWQ prescribes Best Practicable Treatment or Control measures to control runoff and erosion, including monitoring of erosion control measures during and after design storm events, and repair or replacement, as needed, of ineffective erosion control measures immediately.
- g) Comments that the project is incompatible with the neighborhood, and with persons with ASD and I/DD because of Equity/Noise/Safety due to varying age groups in residence, that future residents will not have ASD or I/DD, and that public access to the new trails and outdoor areas will increase vagrancy, crime and drug use.  
The proposal would create a community ecosystem that brings 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 project, each with a part in the success of the whole. The mix of residents has been 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 gain valuable

insights, and visiting medical professionals who are presently lacking in the region and often cannot find housing. All of this is intended to create a vibrant community of support. Many people with and without autism do not like unexpected loud noises, most enjoy music. The project does not intend to have intermittent loud noise, rather music so children, grandchildren, and guests can dance, sing, and enjoy a full life. The project trails and outdoor areas are for for We Are Up residents, resident visitors, invited guests, limited community members and staff. Camping, sleeping rough, vagrancy or illegal drugs are not permitted.

- h) Comments that the proponent has not worked the local community and neighbors. Public Outreach was conducted by the applicant. The applicant states that they replied to each letter written, and 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. A number of seniors and parents with adult children with special needs have approached We Are Up asking if residential space wondering if single-family homes might be available so they could access supports in the planned community center, suggesting that demand will increase. The Applicant states they have given much thought and 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. The natural appearance of the site is valued as part of the project, with over 80% of the site being kept as open space as a community benefit and also decreasing impacts to wetlands.
- i) Comments that the project and particularly the community center is too big and/or project features should be reconfigured to be further away from existing residences. The Applicant's architects and developers advise that a minimum of 50 units of housing is required when building a vibrant community, a scale that allows a nonprofit to function sustainably over many years while providing needed services to residents. This site is unique in its proximity to essential services for residents who may not drive. Because of the substantial wetlands on site, the project has been designed 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 were developed and rejected with the current plan the most likely for success and least impactful for wetlands and for impacting neighbors.
- j) Comments that Sensitive Natural Communities (SNCs), special status species, grasses, wetlands and buffers were incorrectly mapped, identified, and/or mitigated and the plan is not compliant with the SMA polices of the McKinleyville Community Plan.

Per the IS/MND Appendix D – Aquatic Resource Delineation and Sensitive Habitat Report Rev2, 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 were used to characterize the dominant vegetation and evaluate habitat quality, and this assessment provided the basis for designating vegetation

as SNCs per CDFW. Two SNCs were identified using the methodology: Sitka Spruce Alliance and Coastal Willow Alliance.

Appendix D (Botanical Memorandum Rev1) of the IS/MND 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 reedtop (*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).

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 and were monitored in the 2022/2023 rain year (1/17/2023 through 2/21/2023). Nine paired transect plot were conducted, upland plots were documented, and the pits were examined for soil and hydrological conditions in both wetland and uplands. The Aquatic Resources Delineation followed required protocol set by the RWQCB and the USACE. The biological studies, wetland delineation, and mitigation plan have been reviewed by CDFW who have responded positively.

As a conditionally permitted quasi-public use, the project and wetlands restoration plan is compliant with the McKinleyville Community Plan (MCP) wetlands policies and with the special use permit (HCC §314-61.1.5) may be undertaken within wetland buffer areas as there is no other alternative and, while most wetlands and buffers will be unaffected, any impacts to wetlands and buffers will be fully mitigated to the satisfaction of responsible resource agencies which may exceed the requirements of the MCP.

- k) Comments that traffic impacts and parking are not adequately addressed or mitigated.

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 24 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

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 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.

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. The project provides adequate on-site parking with 132 dedicated spaces per HCC §314-109.1.2.9. Off-site parking that has been proposed are not

necessary to support the project but help alleviate neighbor concerns relative to traffic on Weirup Lane.

- l) Comment requesting clarification on Tribal Cultural Resources. A Cultural Resources Survey was prepared in consultation with local tribes, reviewed by the tribes, and summarized in the IS/MND. Neither the site nor any finds are eligible for California Register of Historic Resources or other register, and there will be no substantial change to a significant tribal cultural resource.

### **FINDINGS FOR CONFORMANCE WITH THE GENERAL PLAN**

#### **5. FINDING**

#### **EVIDENCE**

The proposed development is in conformance with the County General Plan.

- a) In the Residential Medium Density (RM) land use category at the westerly end of the project site, where the community building and 45 of the 50 residential units are proposed, multi-family residential units, common-walled units, apartments, group residential, transitional housing, and community care facilities are allowable uses. In the Residential Low Density (RL 1-7) land use category on the balance of the project site, where the five townhomes are proposed, single family residential and townhouses are allowable uses (Part 2, Chapter 4, Land Use Element, Table 4-B). The northwest corner of the project parcel is designated Commercial Service (CS) and will be used for parking. The proposed uses conform to the General Plan Land Use designations.

- b) The proposed project is consistent with the Conservation and Open Space Element - Biological Resources as evidenced by compliance with the following polices and standards:

Streamside Management Areas (BR-P5, P6) and Wetland Identification (BR-P7): A Project-specific wetland delineation was prepared that identified wetlands and formed the basis on an avoidance and mitigation plan. 8.68 acres of 3-parameter wetlands were identified, and one-quarter acre will be filled. All impacted wetlands and buffer areas will be mitigated at ratios acceptable to the responsible resource agencies.

Biological Resource Maps (BR-P11): a Biological Resources Assessment to assess the potential presence of any candidate, sensitive, or special status species within the Project area was prepared and mitigation measures identified that ensure all potential impacts will be reduced to a less than significant level.

The Project as conditioned and mitigated does not conflict with local policies or ordinances protecting biological resources. The Project will not permanently impact riparian or wetlands habitats, and all impacts will be mitigated to a less than significant level. As a result, the Project will not conflict with any local policies or ordinances protecting biological resources.

Agency Review (BR-P12): Consistent with this policy, the county has consulted with the California Department of Fish and Wildlife. The initial consultation was in January 2023 and recommendations were received and incorporated into the project. CDFW subsequently did not comment on the IS/MND.



- c) The Goals and Policies of the Conservation and Open Space Element pertaining to Cultural Resources have been complied with based on the referral of the project to the Northwest Information Center (NWIC), the Bear River Band of Rohnerville Rancheria, the Blue Lake Rancheria, and the Wiyot Tribe. A Cultural Resources Survey was prepared for the Project. The cultural resources study concludes that the Project is not expected to impact significant historic or prehistoric archaeological. To address the unlikely event that buried cultural resource deposits are discovered during Project activities, the inadvertent discovery protocol is included among the mitigation measures and as an ongoing condition of project approval.
- d) The project is consistent with the Conservation and Open Space Scenic Resources policies as the only applicable policy is related to restricting light and glare. The project is proposed and conditioned to follow International Dark Sky Association Standards that exceed the requirements of Scenic Resources Standard SR-S4, Light and Glare, that lighting be fully shielded, and designed and installed to minimize off-site lighting and direct light within the property boundaries.

The project site is not located near any designated scenic highway or scenic vista.

- e) The project is consistent with the Water Resources Element through compliance with the following goals and policies:
- Project Design (WR-P12). The project will not detract from the function of rivers, streams, ponds, wetlands or their setback areas.
  - Storm Drainage (WR-G10). The project is required to design and maintain stormwater at pre-development levels including stormwater detention if and as required under McKinleyville Community Plan Policy 3310(5) and MS4 requirements to effectively manage surface runoff.
- f) The project is in compliance with the Noise Element as project special events outdoors will generally take place near the southwest corner of the site, approximately 500 feet away from residents who have expressed concern about noise. This is a similar distance that the nearest neighbor on Hideaway Court is from Central Avenue. Outdoor events will be relatively infrequent, not more than 12 times per year, are proposed and conditioned to end by 10 PM, and are not expected to generate significant noise levels that will exceed the Humboldt County General Plan Noise Element standards.
- g) The project complies with the Safety Element of the General Plan as follows:
- The subject property is within a mapped Moderate Fire Hazard severity area and within the Arcata Fire Protection District, approximately  $\frac{3}{4}$  of a mile from the McKinleyville Station, and within the State Responsibility Area. According to the Humboldt County Geographic Information System (GIS) the southeast one-third of the project location is within the 100-year floodplain of Mill Creek. No structures are proposed in this low-lying area of the site.

## FINDINGS FOR CONFORMANCE WITH THE MCKINLEYVILLE COMMUNITY PLAN

- 6. FINDING** The We Are Up project is in conformance with the McKinleyville Community Plan.
- EVIDENCE**
- a) The project site is designated and zoned for residential use and is presently under-utilized infill. The site is constrained by 8.68 acres of 3-parameter wetlands spread across the site. The proposed project utilizes available upland areas while protecting and enhancing most of the property as wetlands and riparian habitat and retaining these areas as part of the outdoor experience for residents. The proposed project balances the planned urban use of the land while supporting the natural environment.
  - b) Section 2400 of the McKinleyville Community Plan includes a goal of providing sites for all types of residential development, specially including special needs group residences such as the proposed We Are Up project. Additionally, the Plan seeks to promote *“simplification, flexibility, and diversity of housing and zoning regulations to allow for the construction... of varying types of housing developments to meet the needs of all socio-economic sectors in the community.”*

## FINDINGS FOR CONSISTENCY WITH ZONING

- 7. FINDING** The proposed development is consistent with the purposes of the existing R-1-WR and C-2 Zones in which the site is located.
- EVIDENCE**
- a) The Residential One-Family (R-1) Zone District is intended to apply to areas devoted to single family residences.
  - b) The Streamside Management Areas and Wetlands “WR” combining zone applies to areas defined as such by the Streamside Management Areas Ordinance (HCC §314-38) under which wetlands, wet areas, buffers and riparian areas may be modified with a special permit (HCC §314-61.1.5) subject to the appropriate Findings as enumerated in the Findings for a Special Permit Related to the Fill or Modification of Wetlands and Riparian Areas.
  - c) The Community Commercial (C-2) Zone District provides for retail and professional businesses as principally permitted, as well as social halls, fraternal and social organizations, and clubs. These uses all have paved parking for patrons, and parking lots are a primary component. Project parking is a use consistent with the C-2 zoned area of the property.
  - d) The location and height of all project elements meet the setback and building height requirements for the R-1 and CS zones, with the exception of the height of the community center building, which may be permitted consistent with the Findings for a special permit for an exception to the maximum height.
  - e) The proposal allows for offsite parking on APNs 509-191-031, 509-191-048, and 509-221-006 though not needed to meet parking standards as adequate parking is proposed on-site.

## **FINDINGS FOR THE CONDITIONAL USE PERMIT**

- 8. FINDING** The proposed project may be permitted in the R-1 Zone with a conditional use permit.
- EVIDENCE**
- a) The project is located in the Residential One-Family (R-1) Zone.
  - b) The proposed project is not a principally permitted use in the R-1 Zone, but may be permitted as a Quasi-Public Use (HCC § 314-6.2), which is defined as a use operated by a private non-profit organization (HCC § 314-152).
  - c) The Applicant, We Are Up, is an Internal Revenue Code §501(c)(3) non-profit organization.
  - d) The project application was referred to County departments, to local, state, and federal agencies, and to property owners within 300 feet. Based on comments received, on requirements of the County Code, and upon precedence of similar projects approved by the County, conditions of approval have been recommended to enhance the project's land use compatibility and health, safety and welfare, and mitigation measures have been recommended to ensure that all impacts will be reduced to a less-than-significant level.

## **FINDINGS FOR THE SPECIAL PERMIT FOR AN EXCEPTION TO THE MAXIMUM BUILDING HEIGHT**

- 9. FINDING** The proposal for the community center building to exceed the maximum building height limit in the R-1 Zone by ten feet is permissible.
- EVIDENCE**
- The community center building is proposed to be 45 feet in height, which exceeds the maximum allowable height in the Residential One-Family Zone (R-1 Zone) of 35 feet. An exception to the height standard may be granted with the Special Permit that is requested per Section 314-99.1.1.1 of Humboldt County Code.
- The Applicant requests a special permit for an exception to the maximum height limit in order to consolidate major components of the project within the Residential Medium Density (RM) land use designation, which allows for higher densities and community care facilities, and to achieve a minimum efficient economy of scale while maximizing retention of wetlands and natural features of the site.
- The proposed community building is at the western edge of the project site thereby lessening to the extent feasible views of the building from neighboring residential properties.
- The proposed community building is proposed to be an architecturally attractive structure, and would be approximately 100 feet from the back of the existing Grocery Outlet. Grocery Outlet and AutoZone are within a line of sight from the neighboring residences; the proposed community center building location is between Grocery Outlet and the neighboring

residences, and would likely partially obscure the view of Grocery Outlet from neighboring residences with a more attractive structure.

**FINDINGS FOR THE SPECIAL USE PERMIT RELATED TO THE FILL OR MODIFICATION OF WETLANDS AND RIPARIAN HABITAT**

- 10. FINDING** The proposal to fill or modify wetlands, wetland buffers, and riparian areas is permissible.
- EVIDENCE**
- a) The project will fill and/or modify approximately one-quarter acre of wetlands and impact additional area of wetland buffers.
  - b) Development affecting wetlands, other wet areas and buffers may be permitted with a special permit (HCC §314-61.1.5).
  - c) A wetland delineation and biological assessments were prepared in consultation with CDFW, and were incorporated into the CEQA IS/MND with mitigation to ensure replacement and restoration of wetlands and any affected buffer and riparian areas.
  - d) County staff visited the project site with CDFW staff on the project biologist on January 11, 2023, after which the Site Plan and draft mitigation measures were modified to address CDFW recommendations.
  - e) The project will be fully compliant with the County Streamside Management and Wetlands Ordinance (HCC §314-61) and with the policies of the McKinleyville Community Plan relating to Sensitive and Critical Habitats (Policies 3422 and 3423).
- 11. FINDING** The project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
- EVIDENCE**
- a) The site is located on paved privately-maintained road that can safely accommodate the level of traffic.
  - b) Water and sewer service will be provided by the McKinleyville Community Services District.
- 12. FINDING** The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.
- EVIDENCE** The parcel was not included in the housing inventory of Humboldt County's 2019 Housing Element and is zoned heavy industrial.

**DECISION**

**NOW, THEREFORE**, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopts the Mitigated Negative Declaration, SCH No. 2023030707, for the We Are Up Conditional Use Permit and Special Permit; and
- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit and Special Permit for an exception to the R-1 Zone height limit and for fill or modification of wetlands, for the We Are Up Project, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on July 20, 2023.

The motion was made by COMMISSIONER \_\_\_\_\_ and second by COMMISSIONER \_\_\_\_\_ and the following ROLL CALL vote:

AYES: COMMISSIONERS:  
 NOES: COMMISSIONERS:  
 ABSENT: COMMISSIONERS:  
 ABSTAIN: COMMISSIONERS:  
 DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

\_\_\_\_\_  
 John Ford, Director  
 Planning and Building Department

**From:** [Planning Clerk](#)  
**To:** [Johnston, Desmond](#)  
**Subject:** FW: Hearing for We Are Up McKinleyville Area  
**Date:** Tuesday, July 18, 2023 8:38:23 AM

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Public Comment

Laura McClenagan

-----Original Message-----

From: marilynpageviolin@gmail.com <marilynpageviolin@gmail.com>  
Sent: Monday, July 17, 2023 3:48 PM  
To: Planning Clerk <planningclerk@co.humboldt.ca.us>  
Cc: mary@weareup.org  
Subject: Hearing for We Are Up McKinleyville Area

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

To be read at the Planning Commission Meeting on Thursday, July 20, 2023 concerning the We Are Up project in the McKinleyville Area Record Number PLN-2022-18047 filed 12/23/2022 Assessor's Parcel Number 509-181-061

My sixteen year old grandson has autism. He has a curious mind, he can locate almost any place you can name on the globe, and he loves classical music. Mahler is one of his favorite composers and he can pull up a picture of Mahler on the computer.

Bur my grandson cannot speak, he communicates by the written word, and he will never be able to live totally on his own.

The We Are Up project will be a huge benefit to people such as my grandson. The model looks to serve so many others in our community as well.

It's new, it's different, and it may make some people uneasy, but I think it will prove to bring great benefit to McKinleyville and to our whole region. It could very well be the kind of project that others will want to learn about to adopt in their own communities.

This project deserves to get the help it needs to succeed. It is visionary in scope, and yet practical in application. I wholeheartedly support We Are Up and it's vision for a better future for so many deserving people.

Sincerely,  
Marilyn Page

To: Planningclerk@co.humboldt.ca.us

Re: Record No. PLN-2022-18047 (filed 12/23/2022) APN 509-181-061

From: Carol McFarland and Don Nielsen, Arcata, CA

When we learned that "We Are Up" would be building an inclusive, inter-generational community for people like our adult disabled child, we felt that it would not only help us; but we realized that We Are Up would become a model for other such innovative institutions and an absolute plus for our community and beyond. That is to say, a sorely-needed bridge toward assuring parents and guardians that we could feel more secure in thinking our loved ones would not be left without competent and nourishing support..

Thus far, everything presented by Mary Keehn and those working with her to make We Are Up possible have demonstrated competency, insight, and the kind of planning that lays the groundwork for a successful living and working situation for the disabled so that they can gain independence and a sense of participating in work and educational opportunities suited to their interests and skills.

As long-term residents and inheritors of our grandparents' small farm on the Arcata Bottom, we are retired and blessed with good health; but were concerned as to how to provide for our disabled child when we pass. Knowing that those who come to live at We Are Up will engage in Community Supported Agriculture's learning and work opportunities and be helped to explore further activities for themselves in such a well-planned center is an achievable dream.

We fully support the vision of Mary Keehn and the volunteers and those who have joined this worthy project. We urge those with concerns to participate in planning with Ms. Keehn to make this unique project see its full potential.

Please give this worthy project the approval it deserves.



**HCAOG**  
*Regional Transportation  
Planning Agency*

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Eureka, CA 95501  
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*Members:*

*City of Arcata  
City of Blue Lake  
City of Eureka  
City of Ferndale  
City of Fortuna  
City of Rio Dell  
City of Trinidad  
County of Humboldt*

July 18, 2023

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

RE: We Are Up Conditional Use Permit

Dear Planning Commissioners:

The Humboldt County Association of Governments enthusiastically supports the proposed We Are Up project. As the Regional Transportation Planning Agency, HCAOG encourages the development of infill housing in locations close to transit lines and services while affirmatively furthering fair housing.

In December 2022, HCAOG partnered with We Are Up to apply for the Regional Early Action Planning (REAP) Round 2 grant program. If awarded, the REAP grant will help fund the pre-development phase of We Are Up's innovative project to offer permanent housing, income job opportunities, and mutual support systems for low- and moderate-income adults with and without disabilities. A core tenet of this project is to "build community" and help transform the concept of "affordable housing."

HCAOG encourages land use planning and projects that accommodate reducing driving and expanding transit ridership. The proposed project is consistent with HCAOG's land-use policies in support of infill development and reduction of vehicle miles travelled through transit-oriented development (*Varieties in Rural Options of Mobility 2022-20242*, Policy Land-1, Policy Land-2, Policy Land-4, Policy Land-5, Policy Land-6, Policy Land-10). From a walkability perspective, the site is prime for infill because it is within walking distance of a grocery store, health care facilities, a pharmacy, a bank, entertainment venues, a health club, a bus line, designated recreational trails, and other services.

HCAOG encourages approval of this project.

Sincerely,

Beth Burks, AICP  
Executive Director