



PLANNING APPLICATION FORM
Humboldt County Planning Department
 Current Planning Division 3015 H Street Eureka, CA 95501-4484
 Phone (707) 445-7541 Fax (707) 268-3792



PLN-2022-18047-APPEAL

INSTRUCTIONS:

1. Applicant/Agent complete Sections I, II and III below.
2. It is recommended that the Applicant/Agent schedule an Application Assistance meeting with the Assigned Planner. Meeting with the Assigned Planner will answer questions regarding application submittal requirements and help avoid processing delays. A small fee is required for this meeting.
3. Applicant/Agent needs to submit **all** items marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be processed under Business name, if applicable.)

AGENT (Communications from Department will be directed to agent)

Business Name: _____
 Contact Person: Daniel Escajeda
 Mailing Address: 1686 Hideaway Court
 City, St, Zip: McKinleyville, CA 95519
 Telephone: 303-666-9466 Alt. Tel: _____
 Email: boulderdoc@hotmail.com

Business Name: _____
 Contact Person: _____
 Mailing Address: _____
 City, St, Zip: _____
 Telephone: _____ Alt. Tel: _____
 Email: _____

OWNER(S) OF RECORD (If different from applicant)

Owner's Name: _____
 Mailing Address: _____
 City, St, Zip: _____
 Telephone: _____ Email: _____

Owner's Name: _____
 Mailing Address: _____
 City, St, Zip: _____
 Telephone: _____ Email: _____

LOCATION OF PROJECT

Site Address: 144 Weirup Lane
 Community Area: McKinleyville

Assessor's Parcel No(s): _____
 Parcel Size (acres or sq. ft.): _____

Is the proposed building or structure designed to be used for designing, producing, launching, maintaining, or storing nuclear weapons or the components of nuclear weapons? YES NO

SECTION II

PROJECT DESCRIPTION

Describe the proposed project (attach additional sheets as necessary): Formal appeal to We Are Up PLN-2022-18047 Assessor's Parcel Number: 509-181-061 due to incomplete CEQA documentation. Please see attached letter with specific details.

SECTION III

OWNER'S AUTHORIZATION & ACKNOWLEDGEMENT

I hereby authorize the County of Humboldt to process this application for a development permit and further authorize the County of Humboldt and employees of the California Department of Fish and Wildlife to enter upon the property described above as reasonably necessary to evaluate the project. I also acknowledge that processing of applications that are **not** complete or do not contain truthful and accurate information will be delayed and may result in denial or revocation of approvals.

Daniel Escajeda
 Applicant Signature

8-3-2023
 Date

If the applicant is not the owner of record: I authorize the applicant/agent to file this application for a development permit and to represent me in all matters concerning the application.

 Owner of Record Signature

 Date

 Owner of Record Signature

 Date



Submitted 8/3/2023
as part of formal
appeal application with
check in the amount of \$2,036

Dear Planning Commission,

We are neighbors of the Weirup Lane Property, and have many concerns about the proposed project. The CEQA document did not disclose adequate information for public review and input, provided inadequate assessment of resources and impacts, and did not identify or sufficiently mitigate significant impacts. Our concerns all tie back to the community event center. The issues are environmental impacts, visuals, noise, parking and traffic, and inconsistencies between the CEQA document and what is told publicly. This development is also not compatible with the quiet, rural neighborhood it is planned in.

Overview

- The project is set within a quiet, residential neighborhood, down a privately-maintained road with relatively narrow street, where the road is frequently partially blocked with water trucks. In addition to natural areas, the area is zoned residential, and the planned development claims to be for housing for those with autism and other disabilities, who are often sensitive to noise and disturbances.
- The project proposes an event center that is 4 stories tall, the first two being for public use. The first floor alone is over 13,000 sq ft, and the second is 8,200 sq ft. Compare this to the Arcata Community Center, which is only 8,800 square feet. The top two floors are residential, with over 6,000 sq ft of common areas – enough space for 5 3-bedroom homes. Note, there are no buildings of this size in McKinleyville, and the maximum building height in this zone is 35 feet.
- The majority of the first floor appears to have high ceilings, making the structure higher than necessary.
- Special events are anticipated 24 times a year, which is essentially every other weekend.
- Events would host over 200 people, with only 35 permanently available parking spaces. Additional parking spaces are hundreds of feet away and, in one instance, across Sutter, which is a busy road with no crosswalks nearby.
- The project plans to host things such as weddings, which can be as loud as pile driving. This type of noise is not permitted in residential areas, and they are asking for an exception, though what exception is requested is not disclosed.

Disclosure of Information

- Not enough information was provided for the public to fully assess impacts. For example, no dimensions were provided, including for the 4-story building. No renderings were provided, or any detail on what this project would look like. There are features that are discussed in the CEQA document, that are not on maps, some of which may be within wetlands. The term “community” is also inconsistently used to mean the area as a whole, or the community that is being developed. No information was provided on what noise exceptions were being provided.

Traffic/Parking

- As stated above, there are only 35 spaces for over 200 people, with additional parking hundreds of feet away, including across Sutter, which may have safety issues.
- The neighborhood has limited parking for residents, and Weirup is not wide enough for parking on both sides. In addition, water trucks fill up at the hydrant near the beginning of Weirup, and takes up the majority of the road. The road is also privately-maintained. There should be no parking of event visitors along this road.
- The project will generate significant amounts of traffic. Mitigation measures (having someone to control traffic, and “preventing visitors from leaving simultaneously” are not sufficient, and do not address residents being able to leave side streets, or emergency access. This is of

particular concern due to the number of events planned. If a water truck is present, traffic would likely back up down Sutter, and potentially down Central. A full traffic study was not conducted.

- Though there are additional offsite parking areas, due to the nature of the area and people, once the main lot is full, people will park along Weirup, hindering access.
- Issues with traffic were exemplified by a recent event at the site, where there was parking on site and at least at two offsite locations, with someone directing traffic. There were still cars parked all along Weirup, creating pinch points in which cars would not be able to easily pass, potentially causing issues for access, including emergency access (see attached picture). This event was much smaller than those planned.

Noise

- The events would have noise in excess of residential standards, though it is in a residential zone, adjacent to residential housing, and plans to develop a residential community geared to those with sensitivities to noise.
- The CEQA document does not assess noise impacts. It relies on getting a CUP to be exempt from noise standards, but this does not excuse it from reviewing impacts. There have been lawsuits about this type of thing.
- The CEQA document does not disclose how loud events would be, or how long they would last. However, events can include weddings, in which sounds can be as loud as ambulance sirens or pile drivers, and there are approximately 24 events a year (maybe more), which would be essentially every other weekend. This would be a significant impact to neighbors and residents of the planned community, and would negatively affect people's enjoyment of their homes.

Visuals

- The proposed 4-story building is out of character with the area, and McKinleyville in general, as there are no other buildings of this size. Though it will be publicly visible, impacts were not assessed. In addition, no information was provided on what this would look like, including dimensions. This is unusual for a development of this size, and something so oversized and out of character.
- Currently, the homes along the northern property line have amazing views, which would be blocked by this project. The CEQA document has unsubstantiated claims that views would only be partially blocked, though the minimum information, like building heights, was not provided. In addition, though the document says the buildings would only be one story, publicly project proponents say these may be two stories, which would be exponentially more harmful to our homes.

Environmental

- There were several sensitive natural communities that were not mapped in the project area. Of particular concern is the *Scirpus microcarpus* marsh, which is a native wetland community that is imperiled in California. There are portions of this project that will impact this community, and others that are very close. As this community was not mapped, it was not addressed in the environmental document, and therefore impacts not assessed. No buffer has been provided to protect this important wetland community.
- Some wetland features were not properly assessed or mapped, including a potential ephemeral stream. In another cases, there is an area that is called an upland and slated to be mitigated, but data shows that it is a wetland.

- The McKinleyville Community Plan states that the floodplains of Mill Creek would get maximum protection. However, though the project has components within the 100-year base floodplain, it did not assess impacts.
- The project, and particularly the wetlands, were not reviewed for consistency with the McKinleyville Community Plan which, among other things, only allows for the construction of the principally permitted use within wetland buffers, and only if the principally permitted use cannot be developed outside the buffer. This is not the case for the project requiring a CUP.

Inconsistencies

- Construction Phasing: Document says greenhouse to start in 2023, and the rest to start in 2024. Publicly they say that the project would be done in phases, with houses being constructed along northern property line last.
- Building heights: The CEQA document says properties along the northern property line would be one story, and would only partially obstruct neighbors. However, no rationale was provided, no heights were given. However, publicly, We Are Up proponents say that buildings may be 1 to two stories.
- Community/purpose&need: The project is for those with autism and those with disabilities. However, this appears to be constantly changing (students, nurses seniors, etc). Last mentioned, it was only 1/3 those with disabilities, 1/3 students, 1/3 seniors.

Conclusion and Requests

In conclusion, while a gathering place for residents and small classes are not a concern, the community event center associated with this housing development is not compatible with the neighborhood. It is a residential area, and the project plans to build a residential community for those that are sensitive to noise and disruption. This type of area is not compatible with frequent large, noisy events associated with the events planned at this location. It is also down a street that is not suitable for the amount of traffic generated by the event center, which would reduce access for residents, and provide complications for emergency access. The oversized center would have significant impacts to parking, traffic, noise, visuals, and environmental resources. Because of this, the following is requested:

- Do not allow an event center at this location. It is not compatible with the area. Removing the event center from the project would remove impacts associated with parking, traffic, and noise. The project footprint could also be reduced, to reduce environmental impacts and visual impacts.
- Provide design renderings of the project, and require a design review
- Provide a buffer for the *Scirpus microcarpus* sensitive natural community
- Reduce housing along the northern property line, particularly the housing in this area that is within the wetland, which is near the sensitive natural community. This will protect the wetland, and reduce visual impacts. Additional housing could potentially be placed as second stories on the western property line, or in the event center space.
- Guarantee that any houses constructed along the northern property line would be one story, as discussed in the environmental document, with the lowest roofline feasible
- Assurances that houses along the northern property line would be constructed last
- Due to safety, security and privacy concerns, guarantee that the trails on the property would be for residents only

These concerns and more are also documented in our responses to the environmental document, which are incorporated by reference.

[If the event center cannot be removed from the project:

- full traffic study
- prevent parking on neighborhood streets, and other parking measures
- limit events to 5/year
- do not allow noise in excess of residential standards, or require these events to be hosted indoors
- Limit events to 100-150 people
- Keep events to the western side of the property]