

Ocean West Manufactured Home Park Expansion
Case Numbers CUP-18-034, SP-18-040, NOM-18-012
Assessor Parcel Numbers 510-171-039, -040, and -060

RECOMMENDED COMMISSION ACTION:

1. Describe the application as a public hearing.
2. Allow the staff to present the project.
3. Open the public hearing and receive testimony,
4. Consider the Comments to the IS/MND (SCH #2020029032),
5. Close the public hearing and adopt the Resolution to:

1) Find that there is no substantial evidence that the project will have a significant impact on the environment and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Section 15074 and 15097 of the CEQA Guidelines, 2) make all of the required findings for approval of the Ocean West Manufactured Home Park Expansion, 3) Find that the Initial Study/Mitigated Negative Declaration (SCH #2020029032) and findings reflect the independent judgment of the County, and 4) approve the project subject to the recommended conditions.

EXECUTIVE SUMMARY:

Expansion: The applicant is proposing a 5.06-acre expansion of Ocean West Manufactured Home Park. Specifically, the project proposal is to expand at the western boundary (4.50-acres) and eastern boundary (0.56-acre) of the existing mobile home park. The western expansion proposes twenty-two (22) new home spaces and the eastern expansion proposes three (3) new home spaces. The total number of spaces within the park would increase from 130 to 155.

History: In 1976 a mobile home sales lot on the 4.5-acre expansion area was approved under Conditional Use Permit CUP-34-76. In 1977, Phase I of Ocean West was proposed on the north side of Widow White Creek and approved in 1978 under Conditional Use Permit CUP-37-77. In 1980 Phase II of Ocean West (located on the south side of Widow White Creek) was applied for and approved under Conditional Use Permit CUP-68-80.

Notice of Merger: The expansion involves the merger of two vacant parcels, a 4.5-acre parcel (APN 510-171-039) and a 0.56-acre parcel (APN 510-171-060) with the existing 25.32-acre (APN 510-171-040) Ocean West parcel.

Eastern Expansion Area:

Baseline Conditions: The eastern expansion area is a 0.56-acre vacant parcel, located at the northeast corner of the existing park. McKinleyville Ave is abutting the parcel to the east, a Dollar General is located to the north, and the existing park is on the west and south sides of the parcel. It is comprised of grassland. This parcel is also zoned Neighborhood Commercial (C-1), Airport Safety Review (AP), and Noise Impact (N). It is not in the Streamside Management Areas and Wetlands (WR) zone.

Proposed Development: The applicant is proposing to build three (3) new manufactured home pads within the eastern expansion area, with three off-street parking spaces per home. The existing street will be extended for the three new homes, and will be a dead-end road.

Western Expansion Area:

Baseline Conditions: The western expansion parcel is 4.5 acres, currently vacant, and comprised of trees and grassland. Highway 101 Northbound and the Murray Road off-ramp bounds the

parcel to the west, and Murray Road is to the north. The existing Ocean West Park is located on the south and east sides of the parcel.

The parcel is zoned Neighborhood Commercial (C-1), which comprises uses that provide convenient sales and service facilities to residential neighborhoods. It is also zoned Airport Safety Review (AP). It is zoned Noise Impact (N) due to its proximity to US Highway 101, Murray Road, and McKinleyville Avenue. It is also zoned Streamside Management Areas and Wetlands (WR) due to the location of Widow White Creek within the northeast portion of the parcel.

The western expansion area is situated at a 97-foot elevation above mean sea level in the Widow White Creek drainage system. Adjacent zoning and land uses include Residential Multiple Family (R-3), Neighborhood Commercial (C-1), and Single Family Residential (R-1).

Wetland and Habitat Protection Policies

The east side of the western expansion parcel contains the Streamside Management Area (SMA) of Widow White Creek, a class 1 perennial stream that flows into Norton Creek which flows into the Mad River near its confluence with the Pacific Ocean. Widow White Creek has been impacted by surrounding development and the natural conditions along the stream course have been completely altered or eliminated. Historically, Widow White Creek has been habitat to the Federally Threatened Coast Cutthroat Trout but due to impacts of surrounding development, their presence in Widow White Creek has not been documented within the last 40 years (CNDDDB).

The McKinleyville Community Plan defines the setback from a perennial stream within the Urban Development Area as 50 feet from the stream transition line on either side of the creek. The McKinleyville Community Plan defines the Stream Transition Line as that line closest to a stream where riparian vegetation is permanently established. The 50 foot setback is referred to as the "buffer" throughout this report. The Streamside Management Area is defined as the area up to the edge of riparian dripline on either side of the creek. The SMA of Widow White Creek within the expansion area covers a total of approximately 1 acre of riparian vegetation. The SMA is dominated by non-native planted trees and shrubs, non-native herbaceous species with low cover reflecting past disturbance and shaded conditions. The west side of the creek has approximately 4,228 square feet of one (1) and three (3) parameter wetland located within the SMA. The wetland and riparian habitat on the west side of the creek has been degraded due to the adjacent development of Ocean West and the installation of landscaping that stretches to the stream transition line.

Proposed Development: The applicant is proposing to build twenty-two (22) new manufactured home pads within the western expansion area, with three off-street parking spaces per home. To connect this expansion area to the rest of the park, and for the expansion area to have access to the entrance/exit onto Murray Road, the applicant is proposing to extend an existing road. The road would result in approximately 209 sq ft of a one-parameter wetland being filled and 4,261 square feet of encroachment into the Streamside Management Area (SMA). This is discussed further below.

Road Proposed within Streamside Management Area and Wetlands

The applicant requests approval to develop the access road and part of the recreation trail within the Streamside Management Area buffer zone, filling approximately 209 square feet of one-parameter wetland area and converting approximately 4,261 square feet of Streamside Management Area. The County may grant approval to this request if it determines, based on factual findings that *it will not result in a significant adverse impact to fish, wildlife, riparian habitat, or soil stability*". The MCCP (titled *Wetland Areas*, section 14 on pg. 49) allows for development within wetlands for parcels created before the MCCP was adopted by the Board of Supervisors in 2002. This particular parcel was created in the early 1980's. This section of the MCCP also requires that the applicant conduct an alternatives analysis to report on what the least environmentally damaging alternative would be. The applicant provided an analysis of three (3)

alternatives:

- Alternative 1: Road alignment encroaching further into the delineated wetland and SMA
- Alternative 2: Road alignment shifted away from Widow White Creek and closer to an existing home (#64)
- Alternative 3: Bridge over Widow White Creek extending Seawood Cove Drive to the western expansion area

Alternative 1 would result in approximately 332 square feet of impacts to one-parameter wetlands, 3,000 square feet of wetland buffer, and 3,231 square feet of the SMA. The channel itself would not be impacted by this alignment.

Alternative 2 would result in approximately 82 square feet of impacts to one-parameter wetlands, 2,700 square feet of wetland buffer, and 3,049 square feet of the SMA. The channel itself would not be impacted by this alignment.

Alternative 3 would not require fill of wetland, but would impact more SMA overall compared with the other two alternatives due to the need of armoring the active channel of the Creek with riprap or other hard surface to prevent erosion and destabilization of the bridge. It would require alteration of the active stream channel of Widow White Creek, cut and fill to create a suitable grade, and large footings for bridge abutments. It would impact 2,962 square feet of wetland buffer, 3,802 square feet of SMA, and 351 square feet to the Widow White Creek channel.

Overall, alternative 2 was found to have the least relative impact, therefore this alternative was chosen for the proposed road alignment. After revising the plans to allow for more recreational space to meet the requirements of 1,500 square feet of recreational space per acre for manufactured home park expansions, the applicant revised the Riparian and Wetland Mitigation Plan. Adding the additional trail to the plan resulted in 127 square feet of additional filled wetland, 1,270 square feet of additional construction within the wetland buffer, and 1,212 square feet of impacted SMA over what Alternative 2 details above.

The majority of the 4,261 square feet of Streamside Management Area proposed for conversion is degraded habitat due to incremental development over the years including a manicured lawn, non-native planted landscaping trees and other landscaping features such as a gravel path and small foot bridge. The applicant proposes to mitigate for the loss of 209 square feet of one-parameter wetland and 4,261 square feet of Streamside Management Area. The County requires this compensatory mitigation at a rate of 3:1 which means that for every square foot of wetland loss, 3 square feet of mitigation area would be established. This calculates out to 627 square feet of restoration area, which the applicant is proposing to meet by restoring 630 square feet of three-parameter wetland. The applicant's proposed on-site mitigation plan includes the restoration of 18,750 square feet of riparian habitat which will include removal of all non-native species and replacement with native species. In addition to restoration of the Streamside Management Area, the applicant proposes a split rail fence to cordon off this delicate area from foot traffic. A bench will be placed just outside the newly restored area for viewing and observation by park residents.

Effects to the Whole Ocean West Park:

Design Review/Control

The existing parcel (-040) has a Design Control (D) Combining Zone, and the project is consistent with the Design Control standards (314-19.1). The height, bulk, and area of buildings within the expansion area are to be consistent with the existing buildings. All setbacks from property lines of the expansion should be consistent with the existing setbacks. The external colors, textures, and materials of the proposed homes within the expansion area should be consistent with the existing homes, as well as the type, pitch, and material of roofs. The type, size, and location of signs should

be consistent with the existing signs in the park. Some of the landscaping in the existing park will be altered for the Proposed Mitigation Measures, Monitoring, and Reporting Program. The required consistency between the design of the existing park and the design of the expansion areas are included in condition of approval #12.

Circulation: There is one driveway, 50 feet wide for ingress and egress to the existing Ocean West parcel off of the public right of way, Murray Road. A proposed emergency vehicle access point is located on Murray Road approximately 100 feet from the end of the offramp from Highway 101 onto Murray Road. A second ingress/egress for emergency access is located off of McKinleyville Avenue at the southeastern corner of the existing park (-040). The proposed emergency exits on both Murray Road and McKinleyville Ave will be ADA compliant, included in the conditions of approval. The eastern expansion requires the extension of an existing park road (Blue Water Cove), which will be 32 feet wide. Within the proposed expansion areas, the roads are 32 feet from curb to curb for all proposed streets, except for the portion of the road extension through the Streamside Management Area (SMA), which will be 24 feet wide. The western expansion does not have access via Murray Road, and requires that a new roadway is constructed for ingress/egress off the Ocean West Drive. This 24 foot (24') wide road is proposed to be placed within the protective riparian and wetland buffer of Widow White Creek. In addition, construction of the road and the proposed recreation trail at this location would require the filling of approximately 209 square feet of wetland habitat.

Recreation Area

Zoning Ordinance Section 314-107.1.2 (Ord. 1086, Sec. 19, 7/13/76) requires a “minimum recreation area of 1,500 net square feet per acre of manufactured home park that shall be provided and improved in conjunction with the development”. This means that the thirty (30.38) acre mobile home park would require a total of 45,570 square feet of recreation space. The previously approved Conditional Use Permit (CUP-37-77) required that a recreation building or clubhouse be constructed as part of the community. The tables below itemize each recreation feature currently existing that will be kept, and proposed features in the community. These numbers are from the Ocean West Expansion Landscape and Site Amenities Master Plan (within the Revised Ocean West Expansion Site Plans), dated August 2021.

List of existing recreational spaces that will be kept:

5,223 sq. ft	Existing trail
1,198 sq. ft	Existing overlooks and benches
6,150 sq. ft	Existing clubhouse
12,571 sq. ft	Total Existing Recreational Space

List of proposed recreational spaces:

4,889.2 sq. ft	Completion of loop trail
2,452.4 sq. ft	New Creek Trail and Overlooks
2,561.1 sq. ft	Cypress trail
7,782.8 sq. ft	Trailside Buffer Plantings
97.6 sq. ft	Pine Avenue Overlook
4,953.3 sq. ft	Dog park
922.2 sq. ft	Dog park LID plantings
4,917.3 sq. ft	Community Garden and Orchard
1,222.9 sq. ft	Park Walkway
2,959.7 sq. ft	Picnic Areas
32,758.5 sq. ft	Total Proposed Recreational Space
45,329.5 sq. ft	Total existing and proposed recreational space

Parking

Section 314-107.1.5 of the zoning ordinance requires two (2) spaces per homesite and one (1)

guest parking space for every two (2) home sites, accomplished through parking bays containing at least four (4) parking spaces per bay. Such bays shall be located no more than 200 feet (200') apart. Curbside parking is also allowed provided the streets meet the minimum width of either 32 or 40 feet. Streets within the expansion areas are proposed to be 32 feet, except in the street connecting to Ocean West Drive, part of which is within the Streamside Management Area, which will be 24 feet wide. 32 feet street width can accommodate one side of curbside parking. No parking signs will be installed on the new proposed connection street and other streets less than 32 feet wide. 24 feet street width does not accommodate curbside parking. The streets in the previously approved portion of the park are approximately 32 feet in width allowing for curb parking on one side of the street. The applicant proposes to meet the guest parking requirement by adding an extra parking space on each home site space for a total of three (3) spaces on each homesite. The total count of guest parking spaces would be 25 on home sites, which exceeds the minimum number required, but these spaces are not accessible as parking on demand within parking bays. There are also 3 additional proposed curbside parking spaces on the eastern expansion, and 11 additional proposed curbside parking spaces on the western expansion.

Noise

Both parcels proposed for expansion are subject to MCCP section 3240 Noise, and the Noise Impact (N) combining zone for the purpose of addressing the potential effects of noise on public health, safety, and welfare. The primary and permanent sources of noise to the project area will come from US Highway 101, Murray Road, and McKinleyville Avenue. On the western boundary of the project area, the parcel begins approximately 25 feet from Murray Road offramp and approximately 57 feet from the nearest travel lane of Highway 101 North. At approximately 106 feet from the centerline on Highway 101 at Postmile 94.2 (which is approximately 2.4 miles north of the project location), the outdoor Community Noise Equivalent Level (CNEL) is 69.6 dBA. The standard for Acceptable CNEL and Day-Night Level (Ldn) is 55 dBA for outdoor noise and 45 dBA for indoor noise level within a residential area. To achieve acceptable levels of indoor and outdoor CNEL in both expansion areas, 6' feet perimeter fencing is proposed along the western perimeter of the entire manufactured home park. An acoustic analysis study completed by Veneklasen Associates in May 2021 after construction of the fence. The study demonstrates outdoor noise levels do not exceed CNEL of 61 dBA within the park. With the filling of the air gaps between the planks and between the borrom of the fence and the ground, the fence should attenuate noise to at or below CNEL 60 dBA. Typical construction attenuates noise by 15 dBA, therefore indoor noise levels should be below CNEL 45 dBA throughout the park.

The project area is approximately 1 mile from the California Redwood Coast – Humboldt County Airport and located within compatibility Zone D. Noise impacts associated with the airport are not anticipated to be excessive, however, **condition of approval #5** will require the property owner to disclose to all prospective park tenants that there is potential for some overflight noise. Noises generated by the proposed project will result in a temporary increase during construction because the proposed project may require the use of heavy equipment (excavator, grader, loader and backhoe). The construction does not include equipment that would result in ground borne vibration.

Drainage/Low Impact Development (LID): Because both expansion areas would result in more than 5,000 square feet of impervious surface, it is required to comply with the County's Stormwater Permit (also called the MS4 program). A preliminary drainage report was prepared by Omsberg and Preston and reviewed by Department of Public Works Land Use Division and North Coast Regional Water Quality Control Board. Condition of approval #7 requires that the applicant submit a complete stormwater management plan for approval. In addition, the project will comply with Section 3310.5 of the McKinleyville Community Plan which states: "Development shall only be allowed in such a manner that the downstream peak flows will not be increased." This means that the project shall be designed to retain and filter stormwater before it is slowly released into Widow White Creek. In order to be in compliance with the MS4 program and the McKinleyville Community

Plan, the applicant has proposed Low Impact Development techniques and the project will be required to be modified as necessary in order to ensure compliance. The project is proposed to have bioretention basins for stormwater catchment and filtration. The County is required to ensure the development is compliant with the State Water Quality Control Board MS4 Storm Water Program. Prior to the issuance of a grading permit, the applicant is required to submit a Stormwater Management Plan to the Department for approval. The Stormwater Management Plan will be evaluated for the adequacy of Low Impact Development techniques and the types and quality of controls used for the purification of stormwater runoff and to limit downstream peak flow in Widow White Creek.

General Plan and McKinleyville Community Plan

The site is within a developed part of McKinleyville. Land use designations on adjacent and nearby properties include a combination of low density and medium density residential along with some neighborhood commercial. The proposed expansion road within the 100-year flood zone will be graded roughly two feet above the calculated 100-year base flood elevation. Emergency access is proposed near the Highway 101 offramp on Murray Road. There are no mapped archaeological resources and no known cultural resources. A six-foot (6') wooden fence was built to reduce noise from Highway 101 to acceptable levels inside and outside of homes within the park.

The project is consistent with the Humboldt County General Plan, the McKinleyville Community Plan, and the Humboldt County Zoning Ordinance for the following reasons: 1) the project proposes infill development and use of the property as a manufactured home park, which is conditionally permitted in the Neighborhood Commercial (C-1) zone with the approval of the Conditional Use Permit. 2) The applicant has submitted evidence to support the granting of a Special Permit for road construction within the Streamside Management Area.

Public Comments

Public comments were received, reviewed, and addressed. All public comments are addressed in this staff report and in the revised site plan, which has a reduction of proposed new homes from 30 in the original proposal and MND, to 25 proposed new homes. Most, if not all, public comments received were from current residents of Ocean West.

There was a public meeting held at the McKinleyville High School Gymnasium on Thursday, March 12th, 2020 at 6pm to provide attendees an overview of the project, describe the permit process to date, gather public input and answer questions, and review the next steps in the decision-making process.

There was a second public meeting held virtually on Zoom on Wednesday, August 18, 2021, at 5:30pm to provide the public an overview of the new site plans and gather public comments and questions.

The comments received via email and during both community meetings were compiled and are summarized below.

- Tree removal was a common concern for residents. Residents said that the trees to be removed, specifically those on the southern portion of the western expansion (-039) are of concern due to their use for carbon sequestration, wind breaks, aesthetic value, and habitat for birds. These trees will not be removed and will be kept so they can continue to provide these services for residents. There will be 27 trees to be removed for the proposed access road and recreation path. 24 trees will be removed for restoration of riparian habitat alongside Widow White Creek. The tree removal report lists the types of trees and condition/health of each tree proposed for removal. 51 trees in total are proposed to be removed for the project. Both the Riparian and Wetland Mitigation Plan, prepared by SHN,

and the Mitigation Measures, Monitoring, and Reporting Plan detail the tree re-planting plan. 185 trees will be planted to reforest the mitigation area following tree removal.

- Multiple residents expressed their support of more affordable housing in Humboldt County, especially for seniors.
- Concerns for lack of adequate recreation space were raised however these are addressed through the recreation space plan. Currently, there is approximately 12,571 square feet of recreational space in the park. Multiple segments of trails, a dog park, picnic and orchard area, and a community garden are proposed in the Landscape and Site Amenities Master Plan for a combined total of 45,330 square feet of recreation space throughout the park.
- Concerns about emergency access were raised by community members. Residents expressed concerns about the lack of ADA-compliant access (existing stairs) and locked gates at both existing emergency exits. The emergency exit located on the northwestern side of the western expansion on Murray Road will be ADA-compliant for pedestrian access, with a Knox box for emergency personnel to provide emergency vehicle access. The emergency exit at the southeastern corner of the existing park onto McKinleyville Ave will be maintained, ADA compliant for pedestrian access, and have a Knox box for emergency vehicle access. These are addressed in the site plan and conditions of approval.
- Concerns were raised about the proposed access road to the western expansion being located in the 100-year FEMA flood zone. These concerns have been addressed through the site plan and preliminary drainage report. The road will be graded to be 2 feet above the calculated 100-year base flood elevation. This fill will not impact the base flood elevation, nor will it impact any adjacent improvements.
- Concerns about drainage issues of the newest two homes (#118 and #122) were raised however these issues have been corrected on-site.
- Residents wanted to know if there is an alternative access point to avoid the access road going through the SMA. Some residents expressed that a bridge would be less impactful over the long term than the proposed road alignment. An alternative analysis was conducted by SHN, in which the proposed road alignment was found to be the less impactful option- less impactful than a bridge. The access road is necessary due to the potential access point from the western expansion point on Murray Road not being feasible to be used as a regular entrance/exit due to its proximity to the on and offramp of Highway 101.
- Residents asked if the applicant could buy out lot #64 to build the road through this area, which would avoid impacts to the SMA. The applicant has stated that they generally try to not relocate residents.
- Residents expressed concern about the existing entrance/exit in the park on Murray Road. They said there are safety issues at this point, and that this is the only entrance/exit of the park. The park is only required to have one entrance/exit by County zoning ordinance, and the applicant has stated that they generally only have one entrance/exit point in their parks to reduce through traffic throughout the park, for a quieter experience within the park. Additionally, the County Public Works Department encourages less openings onto arterial roads and any new openings in the western expansion area would present a hazard condition due to the proximity to the Highway 101 off-ramp.

- Residents expressed concerns over the rents for the expansion areas. The current homes are rent controlled through County Measure V. The new homes will initially not be subject to Measure V.
- Concerns about too many homes and density were raised and resulted in the applicant revising the original site plan and reducing the proposed number of new homes from 30 to 25.
- Residents expressed concerns during the March 2020 community meeting that the permit process seemed rushed with the meeting occurring during the IS/MND circulation public comment period. The applicant has revised the plans since that meeting, and a second community meeting was held to introduce residents to the new, updated plans and receive their comments about them. The applicant submitted the original application in July 2018.
- Concerns about lack of street signs. These concerns are addressed through condition of approval #19. Residents have said that lack of street signs throughout the park make navigating the park confusing for guests and emergency personnel. The applicant will install street signs on each internal street corner.
- Concerns about narrow streets and lack of guest parking. Residents have expressed concerns about lack of guest parking for care givers who are frequent visitors of the park due to the residents being 55 years old and over. There is currently a gravel parking lot that provides parking for guests and overflow parking for residents in the location of the proposed dog park and orchard area. Seven parking spots are proposed for this recreation space that can be utilized for guests or residents. Each new proposed home will have three parking spaces in their driveway (two for residents and one for guest). The western expansion will have eleven (11) curbside parking spots for guests, and the eastern expansion will have three (3) curbside parking spots for guests. All streets within the western and eastern expansion areas will be 32' wide from curb to curb, except for the proposed access road that will be built within the Streamside Management Area which will be 24' wide. Curbside parking on one side of the street is permitted for streets 32' wide. The original site plan had 24' streets for all expansion areas, therefore the new site plan addresses these concerns for parking and street width. The site plan also shows 82 curbside parking spaces in the existing park, where streets are 32' wide.
- Concerns about the new parking plan blocking mailboxes. These concerns are addressed through the condition of approval #21 requiring either the installation of neighborhood box units instead of individual mailboxes, or postal workers would need to deliver primarily by foot throughout the park instead of driving between each individual mailbox. Both methods are common in other neighborhoods.
- Concerns about wildlife within the Streamside Management Area were raised and are addressed in the Riparian and Wetland Mitigation Plan, and the Proposed Mitigation Measures, Monitoring, and Reporting Program which are included in the conditions of approval. Residents said they have seen raptors, fox, great blue herons, and cutthroat trout in the park and Widow White Creek. Raptors are not identified as special status species. However, identified in the Mitigation Measures and Monitoring program, brush clearing and tree removal should not be within the bird breeding season, and if it is, the applicant shall consult with CDFW to assess the potential for take of active bird nests. There are no listed mammal species with moderate or high potential to occur within the project area. Historically, Widow White Creek has been habitat to the state-identified sensitive and vulnerable Coastal Cutthroat Trout but due to impacts of surrounding development, their presence in Widow White Creek has not been documented within the last 40 years (CNDDDB). The potential of occurrence is low. To protect fish in Widow White Creek, erosion

control measures are included as condition of approval #28. The restoration plan includes restoring the SMA of the creek by removing some unhealthy and non-native trees and re-planting native trees.

- Concerns of the eastern expansion were expressed, specifically the loss of open space, grade differences, proximity to existing homes, and drainage. The recreation plan addresses the loss of open space with more trails, a garden, and other amenities. Open space is not a requirement for manufactured home parks. The drainage and grade differences will be considered in construction and grading plans.
- Concerns about existing utilities were expressed. Residents said that the infrastructure is inadequate to serve more homes, and that the PG&E transformer needs to be replaced due to occasional park-wide power outages. The proposed homes will be served by community water and sewer provided by the McKinleyville Community Services District, which has recommended conditional approval of the project. The District requires approval of water and sewer mainline design and inspection during installation. The new homes will be connected to PG&E separately from the existing homes. The proposed homes will not impact the existing utilities or public services to existing homes and residents.
- Concern has been raised over the potential inadequacy of the wooden fence along the western property boundary to sufficiently provide sound mitigation from Highway 101. The applicant submitted a 24-hour noise study prepared by an acoustical engineer demonstrating that the wooden fence mitigated noise at or below the level considered acceptable in the county's general plan (60 db CNEL). The study showed that the fence mitigated noise to an acceptable level within a residential zone provided that gaps in and under the fence were filled. Staff verified that these gaps were closed..
- Residents expressed concern about runoff of pollutants from the proposed access road into Widow White Creek. Because both expansion areas would result in more than 5,000 square feet of impervious surface, it is required to comply with the County's Stormwater Permit (also called the MS4 program). The applicant is required to submit a Stormwater Management Plan which will be evaluated for the adequacy of Low Impact Development techniques and the types and quality of controls used for the purification of stormwater runoff and to limit downstream peak flow in Widow White Creek. Residents expressed concern about the pervious pavement, the need for maintenance of the pervious pavement, and questioned who will be responsible for ensuring that the park complies with a regular maintenance schedule of maintaining the pavement. NCRWQCB also expressed concern about this issue- commenting that pervious asphalt has very high failure rates due to lack of or poor maintenance, and that the park needs to show that they have the ability and the funding to maintain the pervious asphalt long-term. The applicant has submitted a maintenance plan for the pavement. **Condition of approval #10** states that the applicant shall follow the provided maintenance plan for all pervious pavement, and if the pavement becomes clogged and ineffective, the applicant shall replace it.
- Residents expressed concern about ground water monitoring, drainage, and the infiltration rate. These concerns are addressed through the Preliminary Stormwater Control Plan. Bioretention basins are proposed in order to comply with MS4 permit requirements. The infiltration rate and drainage are discussed in further detail below.
- Residents expressed concern of proposed trails in the setback area of Widow White Creek. These concerns have been addressed through the mitigation monitoring plan, specifically erosion control measures. Erosion control measures contained in the Sensitive and Critical Habitat Standards of the General Plan (Chapter 10 Standard BR-S9- Erosion Control) will be followed and are included in the conditions of approval. To reduce the impact to the SMA from the existing and proposed trails, condition of approval #29 is included which requires

the applicant to have marked trails with short fencing to clearly demarcate trails. Signs will be posted to stay on the trail to reduce impacts to native plants.

- There was concern over the impact to the privacy of residents located along the proposed trail, and for this reason the applicant is proposing to keep the fencing in its current locations.
- Residents wanted to ensure that the existing greenbelts were kept, and with the exception of the road connection to the eastern lots, the greenbelts are remaining.
- Residents expressed concern over the removal of the existing gazebo. The gazebo will be removed, but various other recreational areas will be added and improved. Sitting areas include 7 existing benches throughout the trail areas, and 4 proposed benches and 3 picnic areas with benches/tables.
- Residents want the culture, aesthetics and neighborhood feeling of the Park to be maintained and believe the new additions should be designed to blend into the existing environment rather than looking like a last minute add-on to an existing and well-established Park. The existing park is in the Design Control zone, meaning the new homes should be consistent with the height, bulk, and area of buildings within the existing park.

CEQA

This project is subject to the California Environmental Quality Act (CEQA). CEQA's stated objectives are the following:

1. Disclose to decision makers and the public significant environmental effects of proposed activities;
2. Identify ways to avoid or reduce environmental damage;
3. Prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures;
4. Foster interagency coordination in review of projects; and
5. Enhance public participation in the planning process.

After preliminary review, it was determined that this project was not exempt from CEQA and an Initial Study (IS) was conducted. The purpose of the Initial Study is to decide whether to prepare an EIR or Negative Declaration, and to avoid unnecessary EIR's through mitigation. While the IS prepared for this project relies on expert opinion supported by facts, technical studies, and other substantial evidence, an Initial Study is not intended to nor required to provide the level of detail required in an EIR (CEQA Sec. 15063).

After project modification and application of mitigation measures, there are no significant environmental impacts associated with the project that are not mitigated to a less than significant level. Furthermore, there is no substantial evidence that the project as revised will have a significant effect on the environment, and therefore a Mitigated Negative Declaration (MND) is the appropriate environmental review for this project. All mitigation measures have been made part of the Conditions of Approval.

Environmental review for this project was conducted and based on the results of the environmental review and consideration of public comments, staff finds that all aspects of the project have been considered in the Mitigated Negative Declaration (SCH #2020029032) prepared for the proposed project and circulated for a 30-day public review and comment period was from February 17 to March 17, 2020.

Invitation for AB 52 consultation was initiated in July 2021 and completed in October 2021, and no tribes responded requesting consultation.

PUBLIC AGENCY REFERRAL: The project was referred to relevant public agencies in late 2018 and early 2019, and any comments were considered in preparation of the IS. The IS/MND was circulated to relevant public agencies in February and March 2020. The project was re-referred with changes in proposed plans to relevant agencies in mid-2021.

The North Coast Regional Water Quality Control Board (NCRWQCB) sent comments which are addressed with a revised Preliminary Stormwater Control Plan by Omsberg & Preston dated September 2021. To obtain a 401 Water Quality Certification and a Stormwater Permit, the Stormwater Control Plan must meet the treatment standards of the LID Design Standards of Stormwater Provisions. The original proposal was for infiltration basins, but the applicant revised the proposal to meet treatment standards by having bioretention basins instead. The proposed 2:1 slopes were revised to address comments that the basins were too steep, and are now proposed as 3:1 slopes. The NCRWQCB suggested fencing around the basins for public safety reasons, and while this was not addressed in the Preliminary Stormwater Control Plan, it is included in the conditions of approval. The design of the bioretention basins should reduce drawdown time to reduce standing water and therefore reduce vectors being drawn to the basins in order to be compliant with local Vector Control District requirements, which is included in the conditions of approval. Comments regarding potential erosion to the basin and Widow White Creek from potential for large storms surpassing the 100-year storm are addressed in the Preliminary Stormwater Control Plan. All bioretention basins will be designed to have an additional 0.5 feet of freeboard to any critical features and given the depth of seasonal groundwater and well infiltrating soils, it is unlikely the basins will overflow during storm events exceeding the 100-year event. To address comments of potentially high groundwater, the Preliminary Stormwater Control Plan includes groundwater tests through four monitoring wells (one on the eastern expansion site and three on the western site) installed from 10.1 feet below ground surface to 8.7 feet below ground surface. These four wells were measured on February 12, March 18, and March 26, 2020, and all tests on all wells were dry and no water was detected. These tests address comments of potentially high groundwater. The NCRWQCB commented that pervious asphalt needs to be well maintained to ensure that it does not clog and become ineffective in infiltrating stormwater. The applicant has provided a maintenance checklist and schedule that will be followed, as conditioned in the conditions of approval. If pervious pavement becomes clogged, replacement of the clogged pavement is necessary. Sediment should not be deposited onto the pavement. Regular maintenance of pervious pavement is included in the conditions of approval. This is included in the 401 water quality certification process by Regional Water Board staff. NCRWQCB commented that construction impacts to the water quality of Widow White Creek is possible due to the proximity of the creek to the proposed road. The applicant must identify measures to avoid and minimize potential construction-stage impacts to the creek by reducing the temporary disturbance envelope as much as possible to minimize intrusion into the riparian area, and stage construction so that construction of this road will only occur during dry season. These measures are outlined in the conditions of approval. Prior to the issuance of a grading permit, the applicant shall submit 2 copies of a storm water control plan demonstrating compliance with the County's Storm Water Permit for post-construction storm water runoff.

CDFW commented that by proposing off-channel riparian revegetation and invasive removal, the project would not need an LSAA (Lake and Streambed Alteration Agreement). Because the habitat is not connected to the stream, it would not require an LSAA. The original Riparian and Wetland Mitigation Plan, dated February 2019, proposed "Large Woody Debris (LWD) consisting of a log, approximately 15 feet long, will be placed at the downstream entrance of the channel, so as to minimize bank erosion and to promote water movement into the channel to prevent sedimentation." However, after receiving CDFW comments on in-stream alteration or work needing an LSAA, the Report was revised in February 2020 to only perform off-channel alterations and mitigations.

Public Works sent a referral letter, which is attached. All recommendations are included in the conditions of approval, including the need for ADA compliant emergency exits and sidewalk.

The Arcata Fire Protection District commented that a separate access for emergency vehicles onto McKinleyville Avenue should be maintained at the southeastern corner of the existing parcel (-040). Vegetation clearing, pavement connecting the end of the internal road and McKinleyville Ave, a Knox box, and ADA compliance of this emergency exit are included in the conditions of approval.

STAFF RECOMMENDATION: Based upon the on-site inspection, a review of Planning Division reference sources, comments from all involved referral agencies, public comments, and conditions of approval, Planning staff finds that the project will not result in a significant impact on the environment if mitigation measures are incorporated and conditions of approval are met. The applicant has submitted evidence in support of making all of the required findings for approval. Staff recommends conditional approval of the project.

ALTERNATIVES: The Planning Commission could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. Modifications may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Commission is unable to make all of the required findings. Planning Division staff has stated that the required findings in support of the proposal have been made. Consequently, Planning staff does not recommend further consideration of either alternative.

Staff prepared an environmental analysis which included the preparation of an IS/MND pursuant to the CEQA Statute (Public Resources Code 21000–21189) and Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000–15387). The Commission could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potentially significant unmitigable impacts.