

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

Resolution Number: 25-

Record Number: PLN-2024-19020

Assessor's Parcel Numbers: 509-181-003, 509-181-005, 509-181-012, 509-181-061

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the We Are Up Inc. Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment.

WHEREAS, We Are Up, Inc., provided an application and evidence in support of approving a Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment for 70 units of housing, a community center, agricultural uses, outdoor recreation uses, open space, and special events; and

WHEREAS, the Environmental Streamlining Checklist and General Plan Consistency Analysis, reflects the independent judgment of the lead agency in evaluating the project pursuant to Public Resources Code section 21083.3 and CEQA Guidelines section 15183, the Humboldt County General Plan, the McKinleyville Community Plan, and the Humboldt County Zoning Code; and

WHEREAS, the Planning Division, pursuant to Section 202 of Resolution 77-29 of the Humboldt County Board of Supervisors, has determined that impacts from projects of this sort were analyzed and addressed during preparation of the Programmatic Environmental Impact Reports for the 2017 Humboldt County General Plan Update, the 2002 McKinleyville Community Plan (MCCP), and the 2017 MCCP Amendments, and the CEQA Addendum prepared for the 2019 Housing Element Update consistent with the criteria outlined within section 15183 of the CEQA Guidelines; and

WHEREAS, the project as conditionally approved will not result in new or more severe significant impacts on the environment not previously considered in the environmental documents prepared and adopted for the General Plan Update, including the Housing Element Addendum, and the McKinleyville Community Plan; and

WHEREAS, the project will undertake all applicable and feasible measures specified in the General Plan Update, Housing Element and McKinleyville Community Plan environmental documents, will comply with the applicable development and zoning standards required by the County Code, and will adhere to uniformly applicable development standards, conditions of approval, and regulatory permit conditions.

WHEREAS, the lead agency has determined the project can be found statutorily exempt from additional environmental review pursuant to California Code Regulations Title 14 § 15183(a) as it is consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report has already been certified; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on June 26, 2025, and reviewed, considered, and discussed the application for a Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment 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:

1. FINDING: **Project Description:** A Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment for an infill mixed use development consisting of 70 residential units, a community center, a greenhouse, barn, garden space, orchard, livestock, walking trails, outdoor recreation activities, wetland fill and wetland creation, planting of riparian vegetation, indoor and outdoor special events, access road, parking, and other ancillary site improvements such as lighting and drainage. The project also includes demolition of structures and modification of height and setback standards to support the quasi-public use. There will be no more than 35 special events per year which will not exceed 400 persons at one time. The lot line adjustment between four parcels will result in the following: APN 509-181-003 from 0.14 acres to (Parcel A) 1.99 acres; APN 509-181-012 from 1.06 acres to (Parcel B) 1.27 acres; APN 509-181-005 from 0.73 acres to (Parcel C) 1.72 acres; and 509-181-061 from 15.45 acres to (Parcel D) 12.4 acres. Parcels are served with water and sewer by the McKinleyville Community Services District.

EVIDENCE: a) Project File: PLN-2024-19020

2. FINDING: **CEQA.** The project is statutorily exempt from additional environmental review pursuant to California Code Regulations Title 14 section 15183(a) as it is consistent with the development density established by existing zoning, community plan, or general plan policies for which an environmental impact report has already been certified.

EVIDENCE: a) Environmental Streamlining Checklist and General Plan Consistency

Analysis (Attachment 3).

b) Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183:

Projects consistent with the development density established by the existing zoning, community plan, or general plan policies for which an EIR was certified “shall not require additional review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” This CEQA exemption allows the County, as lead agency, to avoid repeating analyses that were already provided in previously certified Environmental Impact Reports (EIRs) when considering the potential impacts of a proposed project that is consistent with those prior planning decisions.

While agencies have discretion regarding which streamlining process to utilize, they are required to limit their environmental review of a project when a program EIR has been certified for a general plan and a later project is consistent with the general plan. (*Hilltop Group Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890, 912)

Once a lead agency determines a project is eligible for the streamlined environmental review process in section 15183, it must limit its examination of a proposed project’s effects to those circumstances enumerated in subdivision (b)(1) through (4). This examination of potential, project-specific environmental effects include only those which:

1. Are peculiar to the project or the parcel on which the project is located;
2. Were not analyzed as significant effects in a prior EIR on the zoning action, community plan, or general plan with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts that were not discussed in the prior EIR prepared for the general plan, community plan, or zoning action with which the project is consistent; or
4. Were previously identified in a prior EIR as significant effects, which, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have

a more severe adverse impact than what was discussed in the prior EIR.

However, if project impacts are not peculiar to the project or project site, had been addressed in a prior EIR, or can be substantially mitigated by imposition of and compliance with uniformly applicable development policies or standards, then the County need not prepare an additional EIR or other CEQA document for the project based solely on those impacts. (*See Hilltop, supra*, 99 Cal.App.5th at p. 916 [“[e]ven if evidence in the record demonstrates the existence of project-specific environmental effects, an environmental impact” “shall not be considered peculiar to a project if uniformly applied development policies or standards will substantially mitigate the effect”].)

- c) The project is consistent with the development density established by zoning, community plan, and general plan policies for which an EIR was certified:

The development density specified in the McKinleyville Community Plan (MCCP) was evaluated in a Programmatic Environmental Impact Report (PEIR) certified by the Humboldt County Board of Supervisors on December 10, 2002 (SCH #98082024).

That same development density was used in the PEIR prepared for the 2017 Humboldt County General Plan Update (GPU), which includes all the required elements specified in Section 65302 of the Government Code.

The GPU and the GPU PEIR also analyzed corresponding amendments to the MCCP (2017 MCCP Amendments). The GPU PEIR was certified with adoption of the GPU on October 10, 2017 (SCH #2007012089) (Resolutions 17-94, 17-95, 17-96).

The GPU’s Housing Element was updated in 2019, and the residential density and housing needs were analyzed and addressed in the corresponding CEQA Addendum (HE Addendum) that tiered from the GPU PEIR (Resolution 19-84).

For portions of the site designated for residential uses under the RM and RL 1-7 land use designations and R-1 zoning, the project proposes developing courtyard apartments, attached cottage residential units, outdoor assembly areas, and an orchard and

garden. The proposed courtyard apartments will include 17 apartments, multi-family style common-walled residential units, while the attached cottages will include 13 townhome-style common-walled residential units. Both types of residential uses are allowed under the RM designation and will comply with the allowed density of 7-30 dwelling units per acre. The residential uses are consistent with the allowable residential use types permitted under the RL 1-7 designation, and the proposed number of units will not collectively exceed the 1-7 du/acre allowed density.

Because the project will be operated by a private non-profit organization the project's proposed supportive and transitional residential housing units are consistent with the R-1 zoning designation as a Quasi-Public Use. The attached cottage units are proposed to be constructed at up to 30 feet and height consistent with the R-1 zone's height limitation. The Special Permit included in the project includes exceptions to height standards for the courtyard apartments from 35 feet to 40 feet. HCC 314-99.1.1 allows height in the R-1 Zone to be exceeded with a Special Use Permit when associated with long term housing affordability.

For portions of the project site designated for commercial uses under the CS land use designation and C-2 zoning designation, the project proposes developing a mixed-use community center which will provide professional offices for support staff, retail sales, community assembly space, and dwelling units above the ground floor. Because the site is within a Housing Opportunity Zone under the M CCP, apartments are allowed in the C-2 zone above the ground floor. The community center will be 65 feet, which is below the 75-foot maximum allowable height. For these reasons, these uses are consistent with the types of commercial uses allowed under the CS land use and C-2 zoning designations.

Through the Planned Unit Development Permit, residential units will cluster in the northwestern portions of the site adjacent to existing commercial and urban uses leaving most of the site as open space which will help reduce and avoid impacts to the biological resources and wetlands consistent with the Conservation Element of the General Plan and the Streamside Management Area Ordinance.

The project is consistent with the uses and development intensities forecasted and planned for in the GPU, M CCP, and HE Update. The Project's 70 supportive units, which will be developed in a

designated Housing Opportunity Zone within an Urban Development Area and fall within the 186 multifamily units targeted in the Quantified Objectives of the Housing Element Update.

- d) There are no project-specific effects that are peculiar to the project or site:

The site is zoned both commercial and residential and abuts a busy commercial thoroughfare to the west and single-family residential development to the north, east and west. The property is typical of larger properties in McKinleyville that abut Central Avenue and the project is typical of similar mixed-use developments. The project will not result in any new or more severe potentially significant adverse effects on the environment not previously considered in the environmental documents prepared for the General Plan Update, including the Housing Element Addendum, and the McKinleyville Community Plan.

With respect to the temporary noise impacts, the project includes a design feature and approval condition to reduce noise levels to the nearest sensitive residential receptor through the construction of a sound wall or fence which will reduce noise levels to meet the General Plan (N-S7) noise standards and will be less than significant.

For these reasons, the project will not have significant impacts that are peculiar to the project itself or to the project site and is therefore consistent with the General Plan, McKinleyville Community Plan, the Housing Element, and the Humboldt County Code.

- e) There are no environmental impacts not previously analyzed as significant in the General Plan and McKinleyville Community Plan PEIRs or Housing Element Addendum:

The project is consistent with the residential and commercial land uses and intensities contemplated in the General Plan, McKinleyville Community Plan, and House Element and the project would be built to the currently planned density for the area.

The project is also consistent with applicable General Plan and McKinleyville Community Plan policies and standards, as well as the zoning designations and regulations prescribed by the Humboldt County Zoning Code. In addition to compliance with these policies and regulations, the project is conditioned to comply with uniformly

applicable development standards, standard best management practices, regulatory program permit conditions, and conditions of approval. For these reasons, there are no significant environmental impacts that were not previously analyzed in the General Plan and McKinleyville Community Plan PEIRs or the Housing Element Addendum.

- f) There are no potentially significant off-site and/or cumulative impacts that were not analyzed in the prior General Plan and McKinleyville Community Plan PEIRs:

Since adoption, no substantial changes have occurred to the project site or its surroundings. The residential and commercial uses that border the site were previously evaluated in the General Plan and McKinleyville Community Plan PEIRs.

The project, as described in the site and operations plans, are consistent with the use characteristics and limitations of the development considered by and analyzed in the General Plan and McKinleyville Community Plan PEIRs and the Housing Element Addendum, including for the surrounding project area. The proposed development would be built to the currently planned density for the area and fall within the growth that was forecast for build out under the General Plan and McKinleyville Community Plan, and Housing Element Update.

The General Plan and McKinleyville Community Plan PEIRs considered the incremental impacts of projects with uses common to those proposed by We Are Up, Inc. The Housing Element Addendum found that the General Plan PEIR adequately analyzed the cumulative impacts of residential development in Housing Opportunity Zones, such as that proposed by the project. The 2017 McKinleyville Community Plan Amendments similarly concluded that the General Plan PEIR adequately analyzed the cumulative impacts associated with the types of residential and commercial development proposed by the Project in McKinleyville's Urban Development Areas.

- g) There is no substantial new information that results in more severe impacts than those anticipated by the General Plan and McKinleyville Community Plan PEIRs:

Since adoption, no substantial changes have occurred to the project site or its surrounding area. The residential and commercial uses that border the Project site were previously evaluated in the General Plan and McKinleyville Community Plan PEIRs. The site remains largely undeveloped and surrounding uses remain residential and commercial in nature. Both the site and the surrounding area fall within an Urban Development Area under the McKinleyville Community Plan. The site is included in the area's Housing Opportunity Zone, which seeks to encourage residential development on currently undeveloped infill lots. Therefore, the proposed residential and commercial uses are of the type and nature contemplated by the General Plan and McKinleyville Community Plan, and Housing Element Update, and analyzed in the corresponding PEIRs and Addendum.

Additionally, the 2017 General Plan and McKinleyville Community Plan Amendments and the 2019 Housing Element Update have not been invalidated by any judicial proceeding, so their policies and standards continue to be implemented by the County with full force and effect. For these reasons, there is no substantial new information that would result in more severe impacts that were not known at the time the County certified the General Plan and McKinleyville Community Plan PEIRs or Housing Element Addendum.

- h) The Project will undertake all applicable mitigation measures specified in the General Plan and McKinleyville Community Plan PEIRs, comply with development and zoning standards required by the Humboldt County Code, and adhere to uniformly applicable development standards, conditions of approval, and regulatory permit conditions:

The project is subject to all applicable mitigation measures adopted pursuant to the Mitigation Monitoring and Reporting Program for the General Plan and McKinleyville Community Plan PEIRs, in addition to the uniformly applied development standards, best management practices, and regulatory conditions prescribed by the General Plan and McKinleyville Community Plan, and Humboldt County Code.

The project incorporates project design features, adheres to uniformly applicable development standards, and complies with regulatory permit conditions imposed by responsible agencies as

well as all conditions of Project approval imposed by the County (Attachment 1A).

The combination of applicable mitigation measures, uniform development standards, conditions of approval, and regulatory permitting conditions would reduce all potentially significant project impacts to less-than-significant levels. For these reasons, preparation of an EIR or other subsequent CEQA document is not required

CONFORMANCE WITH THE GENERAL PLAN

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

EVIDENCE: a) The project is consistent with the Land Use Element:

In the Residential Medium Density (RM) land use category, 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, single family residential and townhouses are allowable uses per Table 4-B of the Land Use Element. For the portion of site designated Commercial Service (CS), retail uses, classes and supportive housing on the upper floors are consistent with the uses in Table 4-C of the Land Use Element. All of these uses are proposed in portions of the site that correspond to the appropriate land use designation.

The project is adequately serviced by public services such as water, wastewater, and transportation.

The community center will be within the CS portion of Parcel A, which is approximately one acre, which means the floor area ratio will be approximately 1.65, which is below the maximum of 3.0 for the CS land use designation.

b) The project is consistent with the Community Infrastructure and Services Element:

The proposed mixture of residential, community, commercial, agricultural, open space, and supportive uses will be adequately served by existing utility infrastructure and service providers, including McKinleyville Community Services District, PGE, and Arcata

Fire Protection District.

c) The project is consistent with the Circulation Element:

The proposed uses will be adequately supported by a mixture of transportation options that will not significantly burden or adversely affect surrounding roadways or infrastructure. It is anticipated that most residents will not drive or own a car and will access their general needs by walking or bicycling to services and stores within a few blocks of the site with access from existing sidewalks. Bicycle use is encouraged by providing onsite bicycle parking and a protected bicycle storage room in the community center building. Nearby public transportation provided by Redwood Coast Transit is also available, including an existing bus stop within 600 feet of the main entrance on Central Avenue.

To reduce potential congestion and facilitate vehicle accessibility and pedestrian walkability, improvements will be made to the existing traffic signal system at the intersection of Anna Sparks Way and Central Avenue including upgrades to existing pedestrian improvements along the frontage to reduce congestion and facilitate accessibility and walkability.

A transportation analysis concluded there will be no significant impact on vehicle miles traveled. The analysis concludes that at full buildout the project will generate an estimated average of 191 trips per day for all proposed uses including special events. This represents a 67% reduction in vehicle miles traveled compared to other similar types of allowed development. Therefore, the vehicle miles traveled resulting from the project are consistent with applicable standards. The project's potential impact on levels of service was also found to be consistent with applicable standards.

d) The project is consistent with the Housing Element:

The proposal includes construction of up to 70 supportive units of varying sizes and types on a mostly vacant, underdeveloped, infill site situated within an Urban Development Area and Housing Opportunity Zone.

The majority of the 70 units will be affordable to lower-income households and will serve a residential population exclusively comprised of people with intellectual disabilities, seniors, and

students in related fields of study. Promoting affordable supportive housing is a priority of the goals, policies, and standards of the Housing Element.

As documented in the 2019 Housing Element Update and the Annual Reports of building permit activity, the County continues to strive to meet its fair share of the Regional Housing Needs, particularly for lower income households. The proposed project will help the County meet its fair share housing needs through construction of 70 multifamily units, many of which will be studio and one-bedroom apartments, which are the most affordable housing types for low-income households. The project helps achieve policies H-P2 (Flexibly Apply Development Standards to Low Income Housing); H-P12 (Housing and Support Services for Elders and Disabled Persons); H-P17 (Promote Infill, Reuse, and Redevelopment); H-P18 (Housing Opportunity Zones); HP-21 (Siting of Multifamily Housing Developments); and H-P35 (Supportive Housing).

- e) The project is consistent with the Conservation and Open Space Element - Biological Resources as evidenced by compliance with the following policies 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, relocation and mitigation plan. Approximately 8.84 acres of wetlands were identified. All impacted wetlands and buffer areas will be mitigated at ratios established by the responsible resource agencies.

Biological Resource Maps (BRP11) – An Aquatic Resource Delineation and Sensitive Habitat Report assessed 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 is consistent with local policies and ordinances protecting biological resources, and riparian and wetlands habitats. 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. Additional consultation occurred on May 19, 2025.

Goals and policies pertaining to Cultural Resources have been satisfied through referral and consultation with Northwest Information Center, the Bear River Band of Rohnerville Rancheria, the Blue Lake Rancheria, and the Wiyot Tribe. A Cultural Resources Survey with addendums 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 standard inadvertent discovery protocol is included as an ongoing condition of project approval.

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. Driveway and parking area lights would be poles mounted at maximum 16 feet above ground, downcast, with fixtures shielded 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 will be mounted, aimed, and shielded so that direct light is not cast onto adjacent properties. Exterior lighting will be designed to protect wildlife and night-time views, including views of the night sky. The Project would be designed to be consistent with the recommendations of the International Dark-Sky Association. 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.

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

f) The project is consistent with the Noise Element:

The proposal complies with Standard N-S4 (Noise Study Appendix). The applicant retained a qualified expert who prepared a noise study that measured and modeled the Project's potential CNEL and Lmax levels and recommended applicable design features to ensure the

project's anticipated noise levels are consistent with applicable policies regarding nearby sensitive residential receptors to the south of the project site.

The noise study analyzes and documents how the Project's noise impacts fall below the threshold noise limits set in the County General Plan Noise Element, including Standard N-S7 (Short-term Noise Performance Standards), which identifies threshold noise limits for temporary events. The noise generated by the Project's proposed Special Events and other operational uses were analyzed and compared to Standard N-S7's threshold limits. The noise study concluded that, with the proposed sound wall / fence, the operational noise levels to the nearest sensitive receptor will remain less-than-significant and within the maximum short-term noise standards set forth in Standard N-S7. Specifically, the noise at the nearest sensitive receptor will not exceed 65 dBA, which is the maximum set forth in this standard for short term noise. While this standard excepts temporary events in conformance with an approved Conditional Use Permit from complying with these standards, the temporary events are nonetheless still proposed to be at or below the standards.

Under the proposed Conditional Use Permit outdoor events will be required to comply with the noise limits identified in the Noise Study, will not be permitted to have loud amplified music and must end by 10:00 PM.

g) The project is consistent with the Water Resources Element:

Project approval is conditioned on complying with best management practices, including those related to erosion and sediment discharge, and any others that require compliance with the County's NPDES Permit.

A Stormwater Control Plan (Attachment 4D) evaluated existing site conditions and proposes improvements to meet Municipal Separate Storm Sewer System (MS4) and Low Impact Development (LID) requirements and standards. The project will include approximately 3.86 acres of impervious development and approximately 2.57 acres of pervious area in the development footprint. Multiple stormwater detention basins in four detention management areas totaling approximately 0.88 acres will be constructed to accommodate expected storm events and site drainage.

h) The project is consistent with the Safety Element:

The Project complies with Standard S-S1 (Geologic Report Requirements) and Policy S-P11 (Site Suitability) because the Project has prepared a soils report, which indicated that the site is suitable for the proposed development and will not create or significantly contribute to geologic instability.

The site is within a mapped Moderate Fire Hazard severity area and within the State Responsibility Area. The project is consistent with Policy S-P15 (Conformance with State Responsibility Areas Fire Safe Regulations), which requires defensible space, fire resistant building construction and landscaping and adequate emergency access. The site is within the Arcata Fire Protection District, approximately three-quarters of a mile from the McKinleyville Fire Station.

According to the Humboldt County Geographic Information System 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.

CONFORMANCE WITH THE MCKINLEYVILLE COMMUNITY PLAN

4. FINDING: The We Are Up Inc. 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 8.84 acres of wetlands. 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 and enhancing the natural environment.
- b) Section 2400 of the McKinleyville Community Plan includes a goal of providing sites for all types of residential development, including special needs group residences such as the proposed We Are Up Inc. project. Additionally, the M CCP 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.”

The We Are Up project provides supportive housing to an underserved population.

- c) Section 3422 of the McKinleyville Community Plan specifies that on existing parcels only certain types of development is allowed within Wetland Areas and only where the least environmentally damaging alternative of development techniques is employed and where mitigation measures have been provided to fully offset any adverse effects. The plan further identifies that no development that degrades the wetland or detracts from the natural resource values shall be permitted in Wetland Areas on newly created parcels. Of the four parcels involved in the project, only one was created in its current configuration after adoption of the McKinleyville Community Plan.

After implementation of the project no development will occur within wetland areas. The primary wetland feature on the property, an 8.68-acre (377,918 square foot) wetland, will be retained except for 0.14 acres (6,207 square feet) on the outer edges which will be relocated and enhanced in the upland areas near the center of the existing wetland feature. Three additional small, isolated pocket wetlands, totaling 0.16 acres (7,387 square feet), will also be relocated and enhanced within the upland areas near the center of the existing large wetland. A total of 15,834 square feet of new wetland area will be created in this area of the property which will enhance the existing wetland area and the natural resource value of the property. An additional 6,600 square feet of riparian area on the property will be enhanced to mitigate for temporary impacts to these wetlands from construction activities and temporary roads. Relocation, consolidation and enhancement of wetland areas is a common practice that has been shown to increase habitat and natural resource values of wetland areas. The project will result in enhanced natural resource values of the wetland and open space area of the property

CONSISTENCY WITH ZONING

- 5. FINDING:** The proposed development is consistent with the purposes of the existing R-1-WR, C-2, C2-N, and C2-N-WR 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. However, as a Quasi-

Public Use per HCC 314-152, the We Are Up Inc. project is allowed in the R-1 zone with a Conditional Use Permit which is included in the project.

- b) The Streamside Management Areas and Wetlands WR combining zone applies to areas defined by the Streamside Management Areas Ordinance (HCC 314-38) under which wetlands or streamside management areas may be modified with a Special Permit (HCC 314-61.1.5). The project includes wetland relocation, restoration and enhancement and includes a Special Permit allowing modification with an overall 1.65:1 enhancement ratio including the riparian vegetation planting.
- c) The height of all project elements meets the requirements for the R-1 and C-2 zones, except for the height of the courtyard apartments which are in R-1 and the height of the barn, which as an accessory structure in a R-1 District is limited to 26 feet in height without approval of a Special Permit. The project includes a Special Permit to provide an exception to the 35-foot height limit (HCC 314-6.2) for the courtyard apartments allowing structures to be up to 40 feet and to allow the barn to be 30 feet in height. HCC 314-102.1.3, Height and Size Limitations and Modifications, allows a building to 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. Both the courtyard apartments and the barn would exceed the minimum setbacks from adjacent residential properties.
- d) The location of all project elements meets the setback requirements for the R-1 and C-2 zones, except for the internal setbacks between Parcel C which is dedicated to parking with Parcels A and B which will be developed with the community center and residential units. The Planned Unit Development Permit allows the modification of the setback standard. The reduction in building setbacks will be to zero for structures adjacent to the parking areas. No setback reductions are applied to the parcel boundaries along the exterior perimeter of the project. The setback reductions are only to parcel lines interior to the overall project site. Applicable setbacks between structures will be maintained.
- e) The community center and associated uses are in the C-2 zone. The proposed retail and classes (commercial instruction) are principally permitted in C-2. The residential units on the upper floors are principally permitted because the parcel is within a Housing

Opportunity Zone and is consistent with the commercial residential provisions of HCC 314-56. The commercial kitchen is considered an accessory use to the principle uses. The internal roads and parking areas are consistent with the C-2 zone because they support the principally permitted use. Supportive housing is also allowed on the upper floors in a C-2 zone per HCC 314-61.2.3.

- f) The Noise Impact (N) Combining Zone establishes regulations to maintain low exposure levels to airport and major road noise within single-family homes, multi-family buildings, and structures designed for transient habitation. The Community Center building will be developed according to the N Combining Zone's development standards by employing corresponding features and treatments to ensure the upper residences and other habitable areas achieve acceptable internal noise levels.

A Noise and Vibration Assessment concluded that noise levels generated by large Indoor Special Events would be compatible with adjacent land uses. Noise from large Outdoor Special Events was determined to be compatible with neighboring uses with the Project's proposed construction of a noise barrier fence / wall along a portion of the southern property line.

- g) Supportive housing located within one-half mile walking distance of a public transit stop is not subject to minimum parking requirements per HCC 314-61.2.4. There is an existing bus stop within 600 feet of the project entrance which will be improved for accessibility by the project.

A Transportation Analysis determined that a total of 178 parking spaces would adequately serve the project. This includes 142 paved parking spaces, eight garage spaces, and 28 unpaved spaces. Of the 178 parking spaces, a total of 15 would be ADA accessible.

- h) The parcels meet the minimum lot size standards which are 2,000 square feet for the C-2 zone and 5,000 square feet for the R-1 zone. That smallest parcel will be 1.27 acres.

PLANNED UNIT DEVELOPMENT PERMIT

6. FINDING:

The proposed project is eligible for a Planned Unit Development Permit under HCC 314-31.

- EVIDENCE:** a) The Planned Unit Development Permit (PDP) is applicable when there is a public interest and any of the following criteria are met: 1) More than four dwelling units are proposed; 2) The development proposal is in a residential zone and includes residential and non-residential development; or 3) The development proposal would provide a better means of carrying out the intent of the General Plan (HCC 314-31.1.2).

The We Are Up proposal is in the public interest because it provides supportive housing of more than four residential units on Parcel B, zoned R-1 and Parcel A zoned C-2.

The PDP allows clustering of housing units in three areas so that the majority of the site can be dedicated to open space.

The PDP allows a reduction of building setbacks to property lines. The reduction in building setbacks will be to zero for structures adjacent to the parking areas. The setback reduction only applies to structures adjacent to Parcel C, resulting from the proposed lot line adjustment, which is dedicated to parking and access. No setback reductions are applied to the parcel boundaries along the exterior perimeter of the project. The setback reductions are only to parcel lines interior to the overall project site. The setbacks between structures are still compliant with applicable standards. The reduced setbacks to the parcel dedicated to parking and access facilitates the lot line adjustment which is necessary to secure funding to carry out the project's public interest purpose.

CONDITIONAL USE PERMIT

- 7. FINDING:** We Are Up, Inc. is a private non-profit organization and the proposed supportive housing units are permitted as a Quasi-Public Use in the R-1 Zone with a Conditional Use Permit. The special events are temporary uses that are allowed with a Conditional Use Permit.

- EVIDENCE:** a) As defined in HCC 314-152, a Quasi-Public Use is "A use operated by a private non-profit educational, religious, recreational, charitable, fraternal, or medical institution, association, or organization, and including but not limited to such uses as churches, private schools, universities, community recreational, educational and social facilities, meeting halls, private hospitals and the like." The We Are Up project qualifies as a Quasi-Public Use because it is operated by a non-profit public benefit corporation registered in California and is

a 501(c)(3) non-profit under the Internal Revenue Code. We Are Up, Inc., will operate and provide recreational, education, and social facilities.

- b) Special events are a type of temporary use per HCC 314-62.1.1 and require a Conditional Use Permit. Special events may occur any day of the week between 8:00 AM and 11:00 PM for indoor events and 12:00 PM and 10:00 PM for outdoor events. During all special events, a gate at Weirup Lane will be closed to prevent guests and staff from using that access point to minimize impact on residents living along that road. The construction of a sound fence/barrier will ensure that all noise at the property line will meet standard N-S7 in the Noise Element.
- c) The four units reserved for guests are integral to the supportive housing services provided by We Are Up. The guest units are distinguished from dwelling units as defined in HCC 314-139 in that they are not designed to be and are conditioned not to be ever used as a residence in which an individual can “live”. The guest units are distinguished from residential use types as defined in HCC 314-177 as they are part and parcel of We Are Up’s primary purpose as an institutional living arrangement involving a special kind of care. The ability of long-term residents to reserve guest units provides an essential function for the project in providing the ability for family, loved ones, and other guests to be present and support the residents who are members of the special needs community. The project is further conditioned to limit the four units to guests of residents and will not be available to the general public or visitors associated with special events such as weddings. The County has a legitimate government interest in allowing guests of residents to temporarily reserve these four units for visitation purposes because it is in the best interest of the residents, whom are all members of a special needs community, to have convenient access for opportunities to interact with individuals within their family, support, and social network.

SPECIAL PERMIT

8. FINDING:

The proposed 40-foot height for the courtyard apartments exceeds the height limit of 35 feet and therefore requires a Special Permit. The relocation, restoration, and enhancement of wetlands is permissible with a Special Permit. The proposed 30-foot height of the barn exceeds the height limit of 26 feet requiring a Special

Permit. The increase in size of the barn and greenhouse from 1,500 square feet to 2,112 and 2,880 square feet respectively requires a Special Permit.

- EVIDENCE:**
- a) An exception to the height standard may be granted with the Special Permit that is required pursuant to HCC § 314-99.1.1.1. The exception to the R-1 Zone's maximum allowed height allows consolidation of residential units within the 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 on site. The height exception for courtyard apartments results in a smaller building footprint enabling the avoidance of wetlands and dedicating more land to open space.

The Special Permit also provides an exception to the height of the barn, a detached accessory structure from 26 feet to 30 feet (HCC 314-102.1.2.1.2). The height exception for the barn is consistent with the Quasi-Public use of the project and does not conflict with other applicable goals and policies or adjacent land uses.

- b) Development affecting wetlands, other wet areas and buffers may be permitted with a Special Permit per HCC 314-61.1.5.

As conditioned, the project will comply 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). There are approximately 8.8 acres total wetlands within the project parcels. The project proposal includes restoration, relocation, and enhancement including converting 0.36 acres of upland area on Parcel D into three-parameter wetlands. The relocation and creation of wetlands will offset the filling of approximately 0.31 acres of existing three-parameter wetlands. Upon completion, the total wetland and riparian creation and enhancement ratio is 1.6:1.

Comments from CDFW, US Army Corp of Engineers, and North Coast Regional Water Quality Control Board regarding the Wetlands Habitat Mitigation and Monitoring Plan have been incorporated into the project.

- c) The Special Permit provides an exception to the maximum gross floor area for two detached accessory structures, the barn and green

house from 1,500 square feet to 2,112 and 2,880 square feet respectively (HCC 314-102.1.2.2.2). The size exception for the barn and greenhouse are consistent overall with the Quasi-Public use of the project and does not conflict with other applicable goals and policies or adjacent land uses.

LOT LINE ADJUSTMENT

9. FINDING: The Lot Line Adjustment complies with the Subdivision Map Act and local subdivision regulations.

EVIDENCE: a) All four parcels involved in the Lot Line Adjustment were created in compliance with the Subdivision Map Act and the governing rules that existed at the time of their creation.

APNs 509-181-003, 509-181-005, and 509-181-012 were determined to be legal parcels created by deed executed prior to the establishment of the County's subdivision regulations.

APN 509-181-061 was determined to be a legal parcel created by Parcel Map 3555, recorded December 10, 2012 (Book 35 of Parcel Maps, pp. 48–49) (PMS-10-01)

b) The lot line adjustment will result in the parcel sizes described below:

509-181-003 (Parcel A) from 0.14 acres to 1.99 acres.

509-181-012 (Parcel B) from 1.06 acres to 1.27 acres.

509-181-005 (Parcel C) from 0.73 acres to 1.72 acres.

509-181-061 (Parcel 2) from 15.45 acres to 12.4 acres.

The resultant parcels meet the minimum lot sizes for the R-1 and C-2 zones which are 5,000 and 2,000 square feet respectively.

HEALTH SAFETY AND WELFARE

10. 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 project is located on a paved, publicly maintained road that can safely accommodate the level of traffic.

- b) Water and wastewater are provided by the McKinleyville Community Services District
- c) Wetland relocation and enhancement will result in a net environmental benefit.
- d) Limits on noise levels and the construction of a sound wall will ensure compatibility with adjacent uses.
- e) The installation of a gate at Weirup Lane will ensure compatibility with adjacent uses during special events.
- f) The traffic signal on Central Avenue will be upgraded.
- g) The closest bus stop will be upgraded to be more accessible.
- h) Adequate parking is provided on site to serve proposed uses.

HOUSING INVENTORY

11. 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:

- a) The parcels were not included in the housing inventory of Humboldt County's 2019 Housing Element.

DECISION

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

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment for We Are Up, Inc. subject to the conditions of approval attached hereto as Attachment 1.

Adopted after review and consideration of all the evidence on **June 26, 2025**.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____ and the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John H. 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 H. Ford, Director
Planning and Building Department