

CONDITIONS OF APPROVAL
PLN-2024-19020

Approval of the Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment are conditioned on the following terms and requirements:

A. Indemnification Agreement

1. Within 20 calendar days, the Permittee shall sign and return the Indemnification Agreement by and between Humboldt County and We Are Up, Inc.

B. Pre-Construction Surveys and Construction Operations

1. Hours of construction for all site improvements shall be restricted to Monday through Friday from 7:00 AM to 6:00 PM, Saturday from 9:00 AM to 5:00 PM, with no construction activity on Sunday. All proposed uses must comply with the noise standards identified in Table 13-C (Page 13-6 Noise Element) of the General Plan.
2. Project-related construction lighting shall be minimized. Any security lighting associated with the construction shall either be contained within structures or limited by appropriate reflectors or shrouds and focused on areas needed for safety, security or other essential requirements.
3. Removal of bat roost habitat (e.g. structure demolition or tree removal) may occur only between March 1 and April 15 or September 1 and October 15, when evening temps rise above 45 F, and when no rainfall greater than one-half inches has occurred in the last 24 hours.

If trees or structures cannot be removed during the volant period (when bats are able to leave roosts) then a qualified biologist shall conduct surveys within suitable habitat for special status bats. Survey methodology shall include visual examination with binoculars and may optionally utilize ultrasonic detectors. Surveys shall be conducted within seven days prior to construction in any areas where potential maternity roosts may be disturbed/removed. If the presence of a maternity roost is confirmed, an appropriate buffer distance would be established in consultation with CDFW to ensure that construction noise would remain below disturbance thresholds for bats. If no bat utilization or roosts are found, then no further study or action is required. If bats are found to utilize the

study area, or presence is assumed, a bat specialist should be engaged to advise on the best method to prevent impact.

4. Potential locations for White-footed Vole nesting will be inspected within the project area within a week before construction commences. This includes under rocks and logs within the project vicinity. All trees planned for removal will be marked and a qualified biologist will thoroughly inspect them for signs of inhabitation within a week prior to removal. If Voles are detected no disturbance shall occur until consultation with CDFW to ensure construction will remain below disturbance thresholds for Voles.
5. To avoid any direct effects to special-status and protected birds, ground disturbance and vegetation clearing shall be conducted during the fall or winter months and outside of the avian nesting season, which is generally between March 15 and August 15. If ground disturbance or vegetation clearing cannot be confined to the nesting season, the Permittee shall ensure that a qualified biologist conducts pre-construction surveys within the project area for nesting activity of native birds and to evaluate the site for presence of raptors and special status bird species. The biologist must conduct, at minimum, a one-day pre-construction survey within the seven days prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for seven days or longer during the nesting season, a qualified biologist must conduct a supplemental avian pre-construction survey before Project work is reinitiated.

If active nests are detected within the construction footprint, or within 500 feet of construction activities, the biologist shall flag a buffer around each nest. Construction activities shall avoid nest sites until the biologist determines whether the young have fledged or nesting activity has ceased. If nests are documented outside of the construction disturbance footprint, but within up to 500 feet of the construction area, buffers will be implemented as needed in consultation with the California Department of Fish and Wildlife and other appropriate agencies. If active nests are detected during the survey, the biologist shall monitor all nests at least once per week to determine whether birds are being disturbed. If signs of disturbance or distress are observed, the biologist must immediately implement adaptive measures to reduce disturbance.

A construction worker training regarding identification of special status birds and nests shall occur within seven days of the start of construction.

6. A qualified biologist shall conduct a survey for special status reptiles such as the northwestern pond turtle within two days prior to commencement of construction or ground disturbance activities. If northwestern pond turtle is found, consultation with CDFW shall be required, as well as the development of a relocation plan for northwestern pond turtle encountered during construction. If no special status reptiles are detected during surveys, no further measures are needed.
7. A qualified biologist shall conduct a survey for amphibian species within seven days prior to commencement of ground disturbance. Suitable habitat shall be determined by the biologist. The biologist shall relocate any specimens that occur within the disturbance area to a nearby suitable habitat. If a special status amphibian is observed in an active construction zone, the contractor must halt construction activities in the area and the frog and/or salamander would be moved by a biologist to a safe location in similar habitat outside of the construction zone.

Construction worker training regarding identification of special status amphibians shall occur within seven days of the start of construction. Work crews shall inspect open trenches, pits, and beneath construction equipment and material left onsite in the morning and evening for amphibians that may have become trapped or are seeking refuge.

8. Any Project-related construction materials or soil from grading and digging will be restricted from entering Mill Creek to reduce impacts of sedimentation or turbidity. Removal of riparian habitat along Mill Creek is not permitted.
9. A qualified biologist shall perform a survey for special-status bee species within seven days prior to commencement of ground disturbance. If possible, ground disturbance, mowing, and vegetation clearing will occur from October to February, which is outside of the flight season for bumble bees. If a special-status bee or nest is observed, CDFW shall be notified, and a buffer established.

If possible, the project will not use pesticides. If necessary, the application will be direct and as local as possible to reduce drifting. The pesticide should be applied when plants are not in bloom, in winter or fall, and/or at dusk or night when bees are not flying.

10. Prior to any grading or construction, training shall be provided to field contractors and workers regarding the protocols for inadvertent discovery. The following

procedure shall be used if/when cultural materials such as chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities:

- a. Work shall be stopped within 50 feet of the discovery, per the requirements of CEQA (Revised Guidelines, Title 14 CCR 15064.5 (f)).
- b. Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action in consultation with the Tribal Historic Preservation Officers for the Blue Lake Rancheria, Wiyot Tribe and the Bear River Band of Rohnerville Rancheria.
- c. If human remains are discovered during project construction, work will stop at the discovery location, within 66 feet, and any nearby area reasonably suspected to overlie adjacent to human remains (PRC, Section 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the Coroner determines that the remains are of Native American origin, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC, Section 5097). The Coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in PRC, Section 5097.98.

11. The following noise control measures are required during all phases of construction:

- a. All equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and appropriate for the equipment.
- b. The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.
- c. At all times during project grading and construction, stationary noise-generating equipment shall be located as far as practicable from sensitive

receptors and placed so that emitted noise is directed away from residences.

- d. Unnecessary idling of internal combustion engines beyond 5 minutes shall be prohibited.
 - e. Construction staging areas shall be established at locations that will create the greatest distance between the construction related noise sources and noise-sensitive receptors near the project site during all project construction.
 - f. Haul truck deliveries are subject to the same hours specified for construction equipment.
 - g. Neighbors located adjacent to the construction site shall be notified of the construction schedule in writing.
 - h. The construction contractor shall designate a noise disturbance coordinator responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and implement reasonable measures as warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.
12. Dust control practices shall achieve compliance with North Coast Unified Air Quality Management District fugitive dust emission standards. The following practices shall be followed during construction:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered two times per day in areas of active construction as necessary.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- d. All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- f. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- h. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.
- i. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 24 hours.

C. Conditions That Must Be Satisfied Prior to Issuance of a Building Permit

- 1. The Permittee shall provide an operations plan for solid waste storage for both the assembly and residential areas and update the site plan to show the designated solid waste storage area(s) to the satisfaction of the Division of Environmental Health. The storage / enclosure areas should be adequately sized to accommodate separate containers for solid waste, source-separated recyclables, and source-separated organics for SB 1383 compliance. Access should be adequate for local solid waste franchise haulers to enter and safely exit.
- 2. The Permittee shall provide three copies of a Development Plan to the Planning and Building Department for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - a. Mapping:
 - 1. Topography of the land in 10-foot contour intervals; and
 - 2. Building envelopes and the location of all necessary easements, including utility easements as necessary; and

3. Location of mapped wetlands and wetland mitigation areas as shown in Figure 2.1 on page 28 of Attachment 4A except wetlands approved to be filled and man-made drainage features). Mapping shall also show riparian planting areas and Streamside Management Areas (SMA). Wetlands, SMAs and sensitive community areas shall be labeled “unbuildable”; and
 - a. Details showing conformance with provisions of the State Fire Safe Regulations, including but not limited to:
 - b. Road and driveway access standards, including emergency access road such as road width, roadway surface, roadway grades, roadway structures, etc.
 - c. Signing and building numbering standards such as road name signs, building address signs, etc.
 - d. Emergency water standards such as placement of fire hydrants, 2,500-gallon individual emergency water supply, etc.
 - e. Fuel modification standards such as setbacks for structure defensible space of at least 30 feet, greenbelts, etc.

3. Notes to be placed on the Development Plan:

- a. The project site is not located within an area where known archaeological sites have been identified. However, as there exists the possibility that undiscovered archaeological resources may be encountered during construction activities, the following post-review, inadvertent archaeological discovery measures are required under state and federal laws:
 1. If cultural materials for example: chipped or ground stone, historic debris, building foundations, or bone are discovered during ground-disturbance activities, all ground disturbing work shall be stopped within 50 feet of the discovery, per the requirements of CEQA (Guidelines § 15064.5(f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior’s Standards and Guidelines, has evaluated the materials and offered recommendations for further action in consultation with the Tribal Historic Preservation Officers for the Blue Lake Rancheria, Wiyot Tribe and the Bear River Band of Rohnerville Rancheria.
 2. If human remains are discovered during project construction, work will stop at the discovery location, within 66 feet, and any nearby area

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

4. The project is in a designated non-attainment area for the state's health-based particulate matter (PM10) air quality standard. As such, the project:
 - a. Shall not include open fireplaces;
 - b. Should use clean fuels (electricity or natural gas), when feasible for heating; and
 - c. If wood heating must be used such as wood stoves, only U.S. Environmental Protection Agency certified heating appliances shall be permitted.
5. Hours of construction activity shall be limited to Monday through Friday from 7:00 AM to 6:00 PM and Saturday from 9:00 AM to 5:00 PM with no construction activity on Sunday.
6. Invasive plant species shall not be used in landscaping. Native plants appropriate to coastal northern California, which provide aesthetic and habitat values while requiring minimal watering and maintenance should be used.
7. Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superseded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed.

8. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review and recording fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors will be required.
9. In accordance with the Noise (N) combining zone, the building plans for the residential units in the community center with direct views of Central Avenue traffic shall show they will be equipped with a mechanical ventilation system capable of supplying adequate fresh air to the units when windows and doors are closed for noise control.
10. Consistent with the requirements of the statewide Construction General Permit, the Permittee shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce impacts on surface water quality through the project construction period. The SWPPP shall be prepared by a qualified stormwater professional and shall include the minimum best management practices as required.
11. The building plans for the commercial kitchen and laundry facilities shall be designed and constructed to allow for future conversion to all electric appliances. Design shall include, at a minimum, the appropriate electrical wiring to convert the laundry facilities, commercial kitchen range, stove, and other gas- fueled appliances to all-electric options as they become feasible and available.

D. Conditions That Must Be Satisfied Prior to Issuance of a Certificate of Occupancy

1. The Permittee shall install the parking pavement markings for the access point on Central Avenue to the satisfaction of Public Works.
2. The Permittee shall construct the proposed bus stop as depicted on the site plan in accordance with the terms described on page 3 of Attachment 5C.
3. The Permittee shall have completed the proposed parking areas including ADA spaces and charging station(s) associated with the structure receiving the certificate of occupancy.

E. Conditions That Must Be Satisfied Prior to Conducting Special Events of Any Size

1. The Permittee shall cause to be constructed and approximately 210-foot noise barrier fence along the south property line adjacent to the neighboring residence as described on pages 26 - 27 of the We Are Up Project Noise and Vibration Assessment dated April 29, 2025 (Attachment 4C).
2. Because the project has the potential to cause traffic congestion on Central Avenue during special events, the Permittee must complete the traffic signal system at the intersection to the satisfaction of Public Works with the installation of a new pole and mast arm on the southeast corner and a new mast arm on the existing northwest traffic pole to reduce the congestion at the intersection, along with pedestrian improvements along the frontage. The Permittee shall obtain an encroachment permit for frontage improvements including installation of a traffic pole. Improvements 1a through 1e as described on page of Attachment 5C are also required.

F. Requirements to Complete the Lot Line Adjustment

1. The Permittee shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Lot Line Adjustment have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Lot Line Adjustment to satisfy this condition. Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property is acquired as a result of a Lot Line Adjustment and said property has delinquent taxes, the property cannot be combined for tax purposes. This means, that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by lot line adjustment but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

2. A Notice of Lot Line Adjustment shall be recorded for each resultant parcel. The following information must be submitted to the Planning Department for review prior to recordation:
 - a. A copy of the existing deeds and the deeds to be recorded for the adjusted parcels. If the property is not changing ownership, only the existing deeds are required.
 - b. A Preliminary Title Report regarding ownership of the parcels involved. The title report documents must be current at the time of submittal.
 - c. A completed "Notice of Lot Line Adjustment and Certificate of Subdivision Compliance" form for each parcel.
 - d. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors.
3. When the parcels being adjusted are not held in common ownership, copies of the executed deeds (signed but not recorded) prepared by a qualified individual must be submitted for review by the Planning and Public Works Departments.
4. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors as required by the County Assessor's Office shall be paid to the County Planning Division, 3015 H Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division."
5. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments.

G. Ongoing Requirements for the Life of the Project

1. The Permittee is required to pay for permit processing on a time and material basis as set forth in the latest schedule of fees and charges as adopted by the ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision and upon file close out and during any post approval monitoring and inspection. All outstanding Planning fees to cover the processing of the application to decision shall be paid to the Humboldt County Planning Division, 3015 H Street, Eureka.

2. The project shall be developed and operated in accordance with the approved Project Description, Site Plan, Plan of Operations, and the March 24, 2025 Wetland Habitat Mitigation and Monitoring Plan (Attachment 4A).
3. The gate at Weirup Lane shall be closed during all special events to prevent use of Weirup Lane for access or egress during events. Special events involve over 150 persons including guests, employees, staff, and volunteers.
4. Special events may not exceed 400 persons, including guests, employees, staff, and volunteers. Special event size shall be reduced proportional to available and adequate parking if parking is allocated to other project uses during the scheduled event. The transportation analysis (Attachment 4B) assumes three persons per vehicle. Therefore, event population must be reduced by three for each unavailable space.
5. For indoor events, amplified music will take place inside the community center. Outdoor events will restrict amplified music to adopted noise standards, which are discussed further below. Up to 20 indoor and 15 outdoor events (35 total) will be allowed per year with no more than six indoor and three outdoor (nine total) special events will be allowed in a single month. 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. Noise from special events shall not exceed 65 decibels at exterior project property lines.
6. If cultural resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, ground-stone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

7. Livestock is permitted subject to compliance with Humboldt County Code Section 314-43.3, Animal Keeping. The Sitka Spruce and Coast Willow Alliance Sensitive Natural Communities identified in Attachment 4A Appendix C shall be fenced to prevent damage by livestock.
8. The four guest units in the community center shall be reserved only for guests of the residents of We Are Up. These units shall be reserved only for those visitors who are there to provide mental, emotional, physical, or other forms of support to the overall health, well-being, and special needs of the long-term residents. These units shall not be held out for residential use or otherwise be used as a form of dwelling or short-term rental unit. In addition, these units shall not be made available for rent by the general public or visitors associated with special events such as weddings. The four reserved units may be used as additional space for We Are Up's long-term residents.

Informational Notes:

1. A Record of Survey as outlined in the Business and Professions Code of the State of California may be required pursuant to Section 8762 of the Land Surveyors Act which states in part, a Record of Survey shall be filed upon "...the establishment of one or more points or lines not shown on any subdivision map, official map, or record of survey...".
2. The Lot Line Adjustment shall expire three years after the effective date. This approval may be extended in accordance with the Humboldt County Code.