



# COUNTY OF HUMBOLDT

For the meeting of: 6/26/2025

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File #: 25-804

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**To:** Planning Commission

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**SUBJECT:**

We Are Up, Inc., Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment

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

Record Numbers: PLN-2024-19020

McKinleyville Area

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.

**RECOMMENDATION(S):**

That the Planning Commission:

1. Adopt the resolution (Attachments 1) which does the following:
  - a. Finds 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; and
  - b. Finds the proposed project complies with the General Plan and Zoning Ordinance; and

- c. Approves the We Are Up, Inc., Planned Unit Development Permit, Conditional Use Permit, Special Permit, and Lot Line Adjustment subject to the conditions of approval (Attachment 1A).

#### DISCUSSION:

##### **Project Location:**

This project is in the McKinleyville area, on the east side of Central Avenue, approximately 400 feet south of the intersection of Central Avenue and School Road, on the properties known as 1515, 1529, and 1551 Central Avenue, and the property known as 144 Weirup Lane.

##### **Present General Plan Land Use Designation:**

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

##### **Present Zoning:**

Residential One-Family, with a Streamside Management Areas and Wetlands combining zone (R-1-WR), approximately 15 acres, and Community Commercial with a Noise combining zone (C-2-N), approximately 0.26 acres, and Community Commercial with a Noise and Wetlands combining zone (C-2-N-WR) approximately 1.74 acres.

##### **Environmental Review:**

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.

##### **State Appeal:**

Project is NOT appealable to the California Coastal Commission.

##### **Major Concerns:**

Wetlands, access, and noise.

##### **Monitoring Required:**

Restoration Monitoring.

##### **Executive Summary:**

The current proposal is a significant revision to a previously approved and subsequently withdrawn project (PLN-2022-18047) from We Are Up, Inc. On July 20, 2023, the Planning Commission adopted a Mitigated Negative Declaration and approved a Conditional Use Permit and Special Permit for 50 units of housing, a community center, agricultural uses, and special events. The project was appealed to the

Board of Supervisors based on concerns regarding noise from special events and traffic on Weirup Lane. In response to the appeal, the applicant withdrew the project to make revisions and address those concerns.

Following the withdrawal, the applicant purchased three additional parcels along Central Avenue, adding them to the project site. Central Avenue now provides primary access to the community center, which reduces the amount of traffic on Weirup Lane. The project layout has been revised, moving the community center further away from residences on the north and closer to Central Avenue. Relocating the community center, the location for special events, significantly reduces the potential for noise impacts. Additionally, special events will follow specific operating guidelines regarding the number of events and time of operation and must adhere to the noise level standards adopted in the General Plan. Weirup Lane will also have a gate that will close during special events to prevent event traffic from impacting the neighborhood. A sound wall along the southern property line is proposed, as recommended in an updated noise study, which would keep all project noise within adopted standards.

The revised project increases the total number of housing units from 50 to 70 units. The community center will be taller, consistent with the Community Commercial Zone along Central Avenue, reducing the building footprint. The reconfiguration will also result in fewer impacts on wetlands on APN 509-181-061 which will primarily be used for open space with some agricultural uses.

#### **Residential Use:**

The project proposal is for 70 units of various types and sizes ranging from 550 to 1,200 square feet to house approximately 100 to 120 residents. Most residents served will be from special needs populations. The residential units will be dispersed on two (Parcels A and B) of the four parcels shown on the Lot Line Adjustment Map (**Attachment 1F**). A total of 40 units will be on the upper three floors of the community center, 13 units will be attached cottages and 17 units will be apartments in two-story style buildings. A summary of the units is shown in the table below:

<b>Residential Units</b>	<b>Studio</b>	<b>One BR</b>	<b>Two BR</b>	<b>Three BR</b>	<b>TOTAL</b>
<b>Attached Cottages</b>	0	7	6	0	13
<b>Courtyard Apartments</b>	0	8	9	0	17
<b>Community Center</b>	7	16	11	6	40
<b>2<sup>nd</sup> Floor</b>	(3)	(4)	(3)	(1)	(11)
<b>3<sup>rd</sup> Floor</b>	(2)	(6)	(4)	(1)	(13)
<b>4<sup>th</sup> Floor</b>	(2)	(6)	(4)	(4)	(16)
<b>TOTAL</b>	<b>7</b>	<b>31</b>	<b>26</b>	<b>6</b>	<b>70</b>

The 13 units in the Attached Cottages area depicted on the site plan (**Attachment 1C**) and will collectively total approximately 14,500 square feet. All the cottages will contain full kitchens,

bathrooms, living spaces, and laundry facilities.

The 17 residential units in Courtyard Apartments will occur in four, three-story buildings at no more than 40 feet in height and total approximately 22,500 square feet in area. All units in the Courtyard Apartment will contain full kitchens, bathrooms, living spaces, and laundry facilities.

Each Community Center dwelling unit will feature an accessible full kitchen, an accessible bathroom, and living space, while each residential floor will contain shared laundry facilities for residential use. Of the Community Center's 40 total units, four of the units (three studio units and a one-bedroom unit) will be reserved for the guests of We Are Up residents to rent for short stays of less than one month at a time. 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. Two units on the fourth floor will be reserved for the two managers living on site.

#### **Community Center:**

The four-story mixed-use community center will have a total floor area of approximately 76,000 square feet with a footprint of approximately 20,000 square feet and reach approximately 65 feet in height. In addition to the residential units described above, the upper floors of the community center will have rooms for staff and residents including office uses, library, bookkeeping, laundry and computer areas. The ground floor which is intended to be used by residents and the community and large, will have a commercial kitchen and provide spaces for training, meetings, social events, classes, arts and crafts, and a space for a gift shop or other retail use. Portions of the community center will have roof top gardens. Floor plans for the community center were provided by We Are Up Inc. **(Attachment 1D).**

#### **Agricultural Operations:**

The project site will feature an orchard, in-ground and raised planter beds, a barn, and various farm animals such as chickens, sheep, goats, or cattle. The agricultural operations will produce food and provide an educational venue for residents and community members. The project also includes a 2,880 square foot greenhouse generally used for hydroponic growing of vegetables, flowers, and herbs. The greenhouse area will also provide a teaching venue for residents and community members and will be accessible to various mobility levels. The greenhouse will have a restroom and washing area and use fans for ventilation. Accessory to the greenhouse is an equipment shed and a

buried, 1,200-gallon reservoir.

### **Primary and Special Events:**

Per the project operations plan, events fall into two categories: primary events and special events. Primary events include community meals and gatherings, conferences, meetings, or other events. These may occur indoors, outdoors, or both. The size of primary events is limited to 150 persons including all guests, employees, and volunteer staff. Primary events may occur any day of the week between 8:00 AM and 11:00 PM indoors and 8:00 AM and 10:00 PM outdoors. There is no limit on the number or frequency of primary events.

Special events may include weddings but could also include events involving education, community, fundraising, or other similar meetings or events. Per the operations plan, special events will either be indoor or outdoor. 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. The special events will be between 150 and 400 persons, including all guests, employees, and volunteer staff. Up to 20 indoor and 15 outdoor events (35 total) will be allowed per year with no more the 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. 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. Special events are a type of temporary use per HCC 314-62.1.1 and require a Conditional Use Permit.

### **Outdoor Recreation:**

Walking paths to be enjoyed by residents and guests will be located throughout the property between the residences, community center, greenhouse, and farm. Outdoor recreation activities developed near the community center may include badminton, volleyball, basketball or other similar activities.

### **Employees:**

Eight full-time employees are expected for support, programming and maintenance purposes. Two of these employees will live on site. At full build out and operation of the project an additional six employees may be hired for a total of up to 14 employees.

### **Utilities and Services:**

The referral response from the McKinleyville Community Services District recommended approval with no further comment (**Attachment 5D**). The referral response from Pacific, Gas, and Electric states the project will have no impact on facilities (**Attachment 5F**). The referral response from the Division of Environmental Health requested an operations plan for solid waste storage for the community center and residential areas to ensure adequately sized containers and accessible locations (**Attachment 5B**). The project is conditioned requiring a solid waste management plan.

**Stormwater and Drainage:**

A Stormwater Control Plan (**Attachment 4D**) dated April 4, 2025 prepared by Standing Wave Engineering 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.

**Quasi-Public Use:**

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.

**Conditional Use Permit:**

The Conditional Use Permit would authorize the indoor and outdoor special events described above. The Use Permit also would allow the Quasi-Public Use of various residential units for special needs populations in the R-1 zone. Project conditions (**Attachment 1A**) include limits on the size and frequency of special events and include project design features to control noise and minimize impacts on neighboring parcels.

**Special Permit:**

The Special Permit authorizes the wetland relocation and enhancement. The Special Permit also provides an exception to the 35-foot height limit (HCC 314-6.2) for the courtyard apartments allowing structures to be up to 40 feet. 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). Additionally, 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). 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. 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 height exception for the barn and the size exception for the barn and greenhouse are consistent overall with the Quasi-Public use of the project and do not conflict with other applicable goals and policies or adjacent land uses.

**Planned Unit Development Permit:**

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. The PDP will also grant a reduction of building setbacks to internal parcel 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.

#### **Lot Line Adjustment:**

The lot line adjustment between the four parcels will result in the following:

Existing APN	Existing Street Address	Existing Size	Proposed Parcels	Proposed Size
509-181-003	1551 Central Avenue	0.14 acres	Parcel A	1.99 acres
509-181-012	1529 Central Avenue	1.06 acres	Parcel B	1.27 acres
509-181-005	1515 Central Avenue	0.73 acres	Parcel C	1.72 acres
509-181-061	144 Weirup Lane	15.45 acres	Parcel D	12.4 acres

The resultant parcels are also depicted in the Lot Line Adjustment Site Plan (**Attachment 1F**). The proposed parcel configurations are intended to facilitate funding for various components of the project. Parcel A will include the community center; Parcel B will contain the courtyard apartments and cottages; Parcel C will contain parking and access; and Parcel D will contain the agriculture and open space portions of the project.

Public Works requested standard conditions of approval for the lot line adjustment (**Attachment 5C**) regarding monumentation, graphical exhibits, and informational notes which have been added to the permit conditions of approval. There are two previous development plans on file for a portion of the project area, APN 509-181-061. One development plan condition from PMS-10-01 restricts construction to Monday through Friday from 7:00 AM to 6:00 PM and Saturday 9:00 AM to 5:00 PM with no construction on Sunday. This restriction has been added to the conditions of approval.

#### **General Plan Consistency:**

The project site is within the McKinleyville Community Plan area and designated Residential Low Density, 1-7 units per acre (RL1-7), Residential Medium Density (RM), and Commercial Services (CS). The project uses are consistent with the General Plan Land Use designations and conform to relevant policies of the McKinleyville Community Plan. The 30 residential units for the courtyard apartments and the cottages comply with the density standards for the RL1-7 and the RM land use designations.

For the community center, which is within the CS land use designation, the proposed project is consistent with the uses in Table 4-C of the Land Use Element of the General Plan. 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.

The residential density was calculated in accordance with General Plan Standard H-S4. Through the Planned Unit Development Permit, allowable density was calculated across the entirety of the project parcels. The total number of units for the project is 70, which is below the 150 units that could potentially be allowed.

### **Zoning Consistency:**

The project site is zoned Residential One-Family (R-1), with a Streamside Management Areas and Wetlands combining zone (WR), approximately 15.4 acres, and Community Commercial (C-2), approximately 1.9 acres. Some of the areas zoned C-2 have the Noise (N) and WR combining zone.

The proposed project is not among the lists of principally permitted uses in the R-1 zone (HCC 314-6.2) however since the project is considered a Quasi-Public Use as described above, it is allowable in the R-1 zone with a Conditional Use Permit (HCC 314-85.1).

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. Supportive housing is also allowed on the upper floors in a C-2 zone per HCC 314-61.2.3. The commercial kitchen is considered an accessory use.

The WR Combining Zone (HCC 314-38.1) applies to areas subject to the Streamside Management Areas and Wetlands Ordinance and applies to the project's proposed development affecting wetlands and riparian areas. Development within streamside management areas including restoration, relocation, and enhancement requires a Special Permit (HCC 314-61.1.5) which is included in the project.

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.

### **Biological Resources:**

The applicant provided a Wetlands Habitat Mitigation and Monitoring Plan dated March 24, 2025 prepared by GHD (**Attachment 4A**). The plan delineates four areas as well as a McKinleyville



Community Services District stormwater facility. Area-1 is approximately 8.68 acres; Area-2 approximately 0.1 acres; Area-3 approximately 0.03 acres; and Area-4 approximately 0.05 acres. The stormwater facility is approximately 0.03 acres. The stormwater facility is considered jurisdictional based on previous review and consultation with the State Water Board. Additionally, Area-4 is an isolated, artificially created wetland of little ecological value in a residentially developed, regularly mowed, and maintained yard. This area was likely artificially developed due to stormwater from the adjacent uphill dwellings draining toward and collecting in this feature. The volume of runoff was artificially magnified from the directional drainage on the site, thereby artificially creating hydrology that created the wetland. This area is not considered a relatively permanent part of the natural landscape and consultation with the North Coast Regional Water Quality Control Board concluded that Area-4 was not jurisdictional and was therefore not considered in the project impact analysis. Area-4 is also not considered a wetland under McKinleyville Community Plan policy 3422 (12) because it is a "...man-made drainage device, construction or system."

There are approximately 8.84 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. Riparian habitat adjacent to Mill Creek will also be restored through 0.15 acres of riparian plantings. The riparian area will be further enhanced by removal of invasive plant species such as Scotch broom and Eucalyptus. 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. After implementation of the relocation and enhancement portion of the project no development is proposed to occur within wetland areas. An additional 6,600 square feet of riparian area on the property will be enhanced to mitigate for temporary impacts to 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.

An Aquatic Resources Delineation and Sensitive Habitat Report dated May 21, 2024 conducted by GHD was also provided (**Attachment 4A, Appendix C**). The report identified two sensitive communities within the project area: A Sitka Spruce alliance of approximately 0.75 acres and a Coast Willow alliance of approximately 0.85 acres. These sensitive communities are along the northeast, eastern, and southeastern edges of Parcel D which will be dedicated to open space. These sensitive communities will not be impacted by the proposed development.

Project lighting will be installed on all buildings and in improved parking areas. Driveway and parking area lights will be poles mounted at maximum 16 feet above ground, downcast, with fixtures shielded with hoods. Lighting at the eastern side of the buildings will 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 will be designed to be consistent with the recommendations of the International Dark-Sky Association. This will

ensure lighting is contained within the Site and does not cause significant lighting and glare impacts for surrounding land uses and sensitive habitat areas.

Comments for the California Department of Fish and Wildlife (CDFW) (**Attachment 5E**) indicate approval of the proposed Wetland Habitat Mitigation and Monitoring Plan (**Attachment 4A**). CDFW commented on the previous project and those recommendations have been carried over and are included in the current proposed project. For example, pre-construction surveys or scheduled avoidance windows are required for various species such as bats, nesting birds, amphibians, and special status bumble bees prior to any ground disturbance. Permit conditions of approval will also require the recordation of a development plan restricting open space, wetland, and sensitive community areas from development.

**Access:**

The main entrance is from APN 509-181-005 across from the Anna Sparks Way intersection on Central Ave which serves the Mill Creek Marketplace. There is a secondary access point to the Project site on APN 509-181-061 via Weirup Lane, south of Sutter Road. The primary access will be aligned with Anna Sparks Way.

A transportation analysis conducted by W-Trans evaluated transportation impacts, vehicle miles traveled, levels of service, and parking (**Attachment 4B**). 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. The applicant agrees with the conditions of approval proposed by Public Works (**Attachment 5C**), including upgrading the existing traffic signal and constructing an ADA accessible bus stop at the main entrance on Central Avenue. The analysis also concluded that the 178 proposed parking spaces are sufficient to accommodate the parking demands of the Project. Additional conditions of approval requested by Public Works include pavement markings at the Central Avenue access point.

**Parking:**

A total of 178 parking spaces will be provided. Eight total spaces (four, two-car garages) are proposed accessory to the Attached Cottages. A total of 44 paved parking spaces are proposed accessory to the Attached Cottages and Courtyard Apartments, including 5 ADA spaces. The Community Center will be surrounded by approximately 98 paved parking spaces, of which approximately 35 to 42 spaces are anticipated to be utilized for residential, staff, and guest use. At least 2 of these parking spaces will be reserved for electric car charging. To the south of the storage shed, there will be up to eight parking spaces for vehicles operated by support staff when delivering supplies and picking up produce, or as temporary overflow spaces for occasional events. A strip of lawn space will be located directly adjacent to the southern portion of the greenhouse and can be used to accommodate up to 16

parking spaces for occasional vehicles operated by support staff when delivering supplies and picking up produce, or as overflow spaces for temporary onsite events. Four additional paved parking spaces, including one accessible space, will be located near the entry to the Greenhouse.

Parking is summarized within the table below:

<b>Location</b>	<b>Regular Spaces</b>	<b>ADA Spaces</b>	<b>TOTAL</b>
Cottage Garages	8		8
Cottages and Apartments	39	5	44
Community Center	89	9	98
Storage Shed (unpaved)	8		8
Greenhouse Area (unpaved)	19	1	20
<b>TOTAL</b>	<b>163</b>	<b>15</b>	<b>178</b>

Onsite bicycle storage for up to 12 bikes will also be provided adjacent to the Community Center building, while a protected bicycle storage room within the Center will hold an additional 12 bikes.

#### **Noise:**

The Applicant provided a Noise and Vibration Assessment dated April 29, 2025 prepared by Illingworth & Rodkin, Inc. The Assessment evaluated the compatibility of proposed residential uses, community center, agricultural uses, and special events with nearby sensitive receptors. The Assessment describes the fundamentals of environmental noise and vibration and provides a summary of a noise measurement survey.

The report found that noise impacts from large special events would be below the General Plan limit of 65 decibels for temporary uses (General Plan Standard N-S7) for homes to the north of the project. While Temporary events in conformance with an approved Conditional Use Permit are excepted from having to comply with these noise standards, the project has been designed to meet them. A residence to the south would experience a noise level of 68 decibels, which is three decibels above the threshold set by the N-S7 standard. Therefore, to reduce noise levels at that location, the report recommends adding a project design feature in the form of an approximately 210-foot-long, six-foot-tall noise barrier fence. Construction of the fence is necessary to achieve compliance with the N-37 standard and has been incorporated into the proposed project as a design feature and is also included in the conditions of approval.

#### **Tribal Consultation and Historical Resources:**

The project was referred to the Northwest Information Center, the Blue Lake Rancheria, Wiyot Tribe, and the Bear River Band of the Rohnerville Rancheria. A Cultural Resource Survey dated November 2021 was conducted by Roscoe and Associates. Two addendums were also conducted by Roscoe and Associates dated October 2022 and May 2025. The surveys found isolated lithic artifacts and

concluded the scattered quantity to not be significant. Consultation with the Blue Lake Rancheria, Wiyot Tribe, and the Bear River Band of the Rohnerville Rancheria Tribal Historic Preservation Officers resulted in a request for the standard inadvertent discovery protocol.

An existing gable roof wooden barn with a lean-to attachment of an architectural and construction common throughout Humboldt County was evaluated for significance. The building has been substantively modified from its original design and is in advanced disrepair. The survey concluded that the building lacks integrity of location, design, setting, materials, workmanship, feeling, and association and is therefore ineligible for listing under CEQA and the California Register of Historical Resources.

### **Environmental Review:**

The project is exempt from further environmental review pursuant to Public Resources Code section 21083.3 as implemented by section 15183 of the State CEQA Guidelines, Projects Consistent with a Community Plan or Zoning.

Prior to identifying the current CEQA exemption cited above for the project, in March 2023, a mitigated negative declaration (MND) was prepared and circulated by the County for public review and comment. The MND was associated with the review, adoption and ultimate approval of the original We Are Up Project PLN-2022-18047. After receiving an appeal, the applicant withdrew the application to revise the project and address public testimony and other comments. Applicant met with neighbors and substantially revised the project and site plan to address concerns to the maximum extent feasible and submitted a new application on June 27, 2024. In November 2024, the County released a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the revised project. Notifications to area tribes were sent on November 7, 2024 in accordance with AB52.

After the release of the NOP, the County and the applicant considered whether the project would qualify for the exemption set forth in Public Resources Code section 21083.3 as implemented in CEQA Guidelines section 15183, in lieu of preparation of an EIR. This consideration was conducted partially in response to recently published case law (*Hilltop Group, Inc. v. County of San Diego* (2024) 99 Cal.App.5th 890 (*Hilltop*)). The County is not prohibited from relying on the exemption because it began preparing an EIR (*Del Cerro Mobile Estates v. City of Placentia* (2011) 197 Cal.App.4th 173, 179-83).

Unlike with categorical exemptions for which various exceptions may apply, the exemption pursuant to Section 21083.3 is absolute, if a project fits within its terms. An agency's statutory exemption determination must be upheld where supported by substantial evidence (*Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1311).

Under this framework, Public Resources Code section 21083.3 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general

plan policies for which an EIR was certified shall not require additional environmental 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 streamlines the review of such projects and reduces the need to prepare repetitive environmental studies. Agencies may also condition their approval of a project otherwise subject to Public Resources Code section 21083.3 to ensure the peculiar effects a project remain less than significant (*Hilltop*, supra, 99 Cal. App. 5th at p. 923).

Moreover, Public Resources Code section 21083.3 (a) provides:

“If a parcel has been zoned to accommodate a particular density of development or has been designated in a community plan to accommodate a particular density of development and an environmental impact report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.”

Based on review of the initial study in the Environmental Streamlining Checklist and General Plan Consistency Analysis (**Attachment 3**) and supporting technical studies, the County finds the project is eligible for the exemption and streamlined CEQA process provided in Public Resources Code section 21083.3 and CEQA Guidelines section 15183 for projects consistent with a community plan, general plan, or zoning for which environmental impact reports have previously been prepared and certified.

After consideration of the Project’s potential peculiar effects and consistency with the development density established by the existing zoning, community plan, and general plan policies, standards, and designations described above, staff concludes the 2017 General Plan and McKinleyville Community Plan Program Environmental Impact Reports and the Housing Element Addendum adequately address issues related to the project, such that no further environmental review is required.

Substantial evidence establishes that there are no project-specific effects that are peculiar to the project or project site. 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. Any certain effects have been analyzed and determined to be less than significant due to the project’s conditional approval and mitigation resulting from the General Plan Program Environmental Impact Report, Housing Element Addendum Update, and McKinleyville Community Plan Program Environment Impact Report. As proposed and conditioned, the project will be compliant with applicable General and Community Plan policies, Humboldt County Zoning Regulations and standards, regulatory compliance and permit conditions, and uniformly applicable development standards that apply to development projects throughout the County.

The policies, standards, design features, and conditions that the Project must comply with are identified in **(Attachment 3B)** and the conditions of approval **(Attachment 1A)**.

**Indemnification Agreement:**

It is standard practice for the County of Humboldt to request an indemnification agreement from applicants for large projects or those with potential controversy. Because the project was previously appealed, an indemnification agreement has been requested and is included in the conditions of approval.

**Public Comment:**

Two meetings to receive input from neighboring property owners were held on December 11, 2024, and March 14, 2025. One concern expressed by those in attendance was the potential noise impacts from events. The project was substantially revised by moving the location of the community center to the south and closer to the commercially zoned portions of the project site. The project also includes a design feature to construct sound fence/wall to buffer noise to the southern residence.

Another concern raised at the community meetings was the potential visual impacts of the project. The project proposal incorporates extensive landscaping as shown on the site plan, **(Attachment 1C)**. To minimize visual impacts to residences on parcels neighboring the project to the north, the one cottage unit closest will be limited to a single story at approximately 24 feet in height.

Concern regarding traffic impacts on Weirup Lane were also raised. Per the project operations plan, the gate at Weirup Lane will be closed during all Special Events.

The Planning and Building Department also received 26 letters in support of the project which are included **(Attachment 6)**.

**OTHER AGENCY INVOLVEMENT:**

The project was sent to responsible agencies and all responding agencies have either replied with no comments, comments, or recommended approval or conditional approval **(Attachment 5)**.

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

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

**ATTACHMENTS:**

1. Draft Resolution
  - A. Conditions of Approval

- B. Operations Plan
- C. Site Plan
- D. Community Center Floor Plans
- E. Concept Images
- F. Lot Line Adjustment Site Plan with Setbacks
- 2. Location Map
- 3. Environmental Streamlining Checklist and General Plan Consistency Analysis
  - A. Appendix A Land Use Consistency Chart
  - B. Appendix B Applicable Standards, Policies, Measures, and Conditions
- 4. Applicant's Evidence in Support of the Required Findings
  - A. Wetland Habitat Mitigation and Monitoring Plan
  - B. Transportation Analysis
  - C. Noise Study
  - D. Stormwater Control Plan
  - E. Agricultural Land Evaluation and Site Assessment
  - F. Screening Results for Criteria Pollutants
  - G. NRCS SoilWeb Soils Report
- 5. Referral Agency Comments and Recommendations
  - A. County of Humboldt Building Inspection Division
  - B. County of Humboldt Division of Environmental Health
  - C. County of Humboldt Department of Public Works
  - D. McKinleyville Community Services District
  - E. California Department of Fish and Wildlife
  - F. Pacific Gas and Electric
- 6. Public Comment (31 Letters of Support)
  - A. Additional Public Comment Received June 13, 2025

**Applicant:**

We Are Up, Inc.  
Mary Keehn  
144 Weirup Lane

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**File #:** 25-804

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McKinleyville CA 95519

**Owner:**

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**Agent:**

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Please contact Steven A. Santos, Senior Planner, at [sasantos@co.humboldt.ca.us](mailto:sasantos@co.humboldt.ca.us) or (707)268-3749 for questions about this scheduled item.