

MEMORANDUM

To: Sidnie Olson, Senior Planner

Thru: Brent C. Siemer, City Engineer

From: Gary D. Boughton, Deputy City Engineer



Date: April 11, 2006

RE: Marina Center
APNs 001-014-002
003-021-009
003-031-006, 012
003-041-001, 005, 006

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APR 11 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Per our discussion the other day, Please find the following documents:

1. A 11"x17" photocopy of Sewer Map #16 showing the vacation of a portion of 2nd Street between Broadway and Commercial Street along with a portion of Broadway between the south line of 2nd Street and the north line of the alley in Block 4. Also please find a copy of Resolution No. 6935 (recorded on January 8, 1979 as Book 1539 of Official Records, Page 246, H.C.R.) detailing the vacation and the reservation of an easement for City water lines.
2. Two 11"x17" photocopies of portion of Sewer Map #20 showing the 20" pressure sanitary sewer cross town interceptor through the southerly portion of the Balloon Track parcel of land. I have not been able to find a recorded deed for the shown 20-foot wide easement. Possibly Union Pacific files may have the easement.
3. Sheets 26 and 27 of Drawing P3-1 showing the 20" pressure sanitary sewer interceptor as Record Drawing per Winzler & Kelly.

These are provided in an effort to bring to light some issues of the project which may affect the possible options available or not available.

The pressure sanitary sewer interceptor appears to be such that it could be designed around.

However, the vacation of Broadway and Second Street may be items which the developer may wish to look at immediately.

cc: Brent C. Siemer, City Engineer
David W. Tyson, City Manager

RETURN TO: City Clerk
P.O. Box 1018
Eureka, CA 95501

560
RECORDED AT REQUEST OF
City Clerk
VOL. 1539 OFFICIAL RECORDS PG 246
JAN 8 1 30 PM 1979
HUMBOLDT COUNTY RECORDS
GRACE JACKSON, RECORDER
Grace Jackson
FEE \$ *none*

RESOLUTION NO. 6935

RESOLUTION OF THE COUNCIL OF THE CITY OF EUREKA
ORDERING THE VACATION OF SECOND STREET BETWEEN
THE WEST LINE OF COMMERCIAL STREET AND THE WEST
LINE OF BROADWAY, AND BROADWAY BETWEEN THE NORTH
LINE OF THE ALLEY IN BLOCK 4 OF THE COMMERCIAL
ADDITION AND THE SOUTH LINE OF SECOND STREET IN
THE CITY OF EUREKA

WHEREAS, the Council of the City of Eureka on December 5, 1978,
duly passed and adopted Resolution of Intention No. 6927 wherein the
Council declared its intention to order the vacation of portions of
Second Street and Broadway in the City of Eureka, County of Humboldt,
State of California, more particularly described as follows:

PARCEL ONE (Second Street)

BEGINNING at the northwest corner of Second and Commercial
Streets of the City of Eureka;

1. thence along the west line of Commercial Street
south $10^{\circ} 46'$ east 60.8 feet;
2. thence at right angles south $79^{\circ} 14'$ west to the
west line of Broadway, if the same were extended
north from the north line of Clark's Addition of
Eureka as the same is shown on the map of the
Third Enlargement of Clark's Addition filed in the
offices of the County Recorder of Humboldt County,
California, in Book 9 of Maps, page 1;
3. thence north 61.8 feet, more or less, to the north
line of Second Street, if the same were extended
westerly from Commercial Street;
4. thence north $79^{\circ} 14'$ east along said north line of
Second Street to the point of beginning;

PARCEL TWO (Broadway)

A strip of land 70 feet wide, the east line of which is
the west line of Block 4 of the Commercial Addition to
the City of Eureka, as shown on the map thereof on file
in the Recorder's Office of Humboldt County in Book 11
of Maps, page 27, and bounded on the north by a line
parallel to and 60.8 feet south, measured at right angles,

from the north line of Second Street extended westerly, and bounded on the south by the westerly extension of the north line of the alley in said Block 4 of the Commercial Addition, and bounded on the west by a line parallel to and 70 feet westerly, measured at right angles, from the west line of said Block 4 of the Commercial Addition;

and

WHEREAS, in the opinion of the Council public convenience and necessity require the reservation and exception to the City of Eureka, pursuant to the provisions of 8330 of the Streets and Highways Code of the State of California, permanent easement and right-of-way for the uses and purposes enumerated in said 8330, reserving to the City of Eureka the permanent easement and right-of-way to maintain, operate, replace, remove, renew and enlarge lines of pipe for the transportation or distribution of water and incidental purposes, including access thereto, and to protect the same from all hazards in, upon and over the following described portions of said streets proposed to be vacated:

PARCEL ONE (Second Street Easement)

BEGINNING at the southeast corner of parcel one, said point also being the intersection of the south line of Second Street and the west line of Commercial Street;

1. thence north $10^{\circ} 46'$ west 30.4 feet to a point on the centerline of Second Street;
2. thence south $79^{\circ} 14'$ west 227.99 feet along the centerline of Second Street;
3. thence south $41^{\circ} 26' 25''$ west 49.61 feet to a point on the south line of Second Street if extended westerly;
4. thence north $79^{\circ} 14'$ east 267.19 feet along the south line of Second Street to the point of beginning.

PARCEL TWO (Broadway Easement)

Reserving an easement for maintenance and reconstruction of a water main and appurtenances over all of Parcel Two described above, excepting therefrom the following described portion:

BEGINNING at the northwest corner of parcel two, said point also being the intersection of the south line of Second Street, if extended westerly, and the west line of Broadway;

1. thence south 25.00 feet along the west line of Broadway;
2. thence north $41^{\circ} 26' 25''$ east 40.08 feet to a point on the south line of Second Street if extended westerly;
3. thence south $79^{\circ} 14'$ west 27.00 feet along the south line of Second Street, if extended westerly to the point of beginning.

and

WHEREAS, said vacation shall be done and made in the manner and in accordance with the provisions of the Street Vacation Act of 1941 of the State of California, as amended, and subject to the following conditions:

a) That said public utility easement terminate in the event the existing water line is removed or taken permanently out of service.

b) That sidewalk improvements shall not be constructed across the vacated ends of the street rights-of-way, considering the possibility of further street vacations as proposed in the Eureka Core Area Development Plan; and

WHEREAS, the City Clerk did transmit to the Department of Public Works a certified copy of said Resolution No. 6927 and said Department of Public Works did upon receipt of said resolution cause to be posted, in the manner required by law, notice of the passage of said resolution; and

WHEREAS, said Resolution No. 6927 came on for public hearing before the Council of the City of Eureka on January 2, 1979, in accordance with the date, time and place fixed therefor in said resolution, and no persons protested or objected to the proposed vacation; and

WHEREAS, from all the evidence submitted, the Council of the City of Eureka finds that said rights-of-way, hereinabove described, are unnecessary for present or prospective street purposes;

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Council of the City of Eureka, as follows:

1. That said rights-of-way, hereinabove described, be and the same are hereby vacated subject to the conditions stated herein;

2. That the City Clerk of the City of Eureka be, and is hereby authorized and directed to cause a certified copy of the within resolution and order to be recorded in the Office of the County Recorder of the County of Humboldt.

Passed, approved and adopted by the Council of the City of Eureka, County of Humboldt, State of California, on the 2nd day of January, 1979, by the following vote:

AYES:	MEMBERS	Howard, Cobine, Reardon, Mengel
NOES:	MEMBERS	None
ABSENT:	MEMBERS	Goodwin

s/ Sam J. Sacco
MAYOR OF THE CITY OF EUREKA

ATTEST:

s/ Patricia A. Banducci
City Clerk of the City of Eureka

CERTIFICATE OF CITY CLERK

STATE OF CALIFORNIA,)
County of Humboldt,) SS
City of Eureka.)

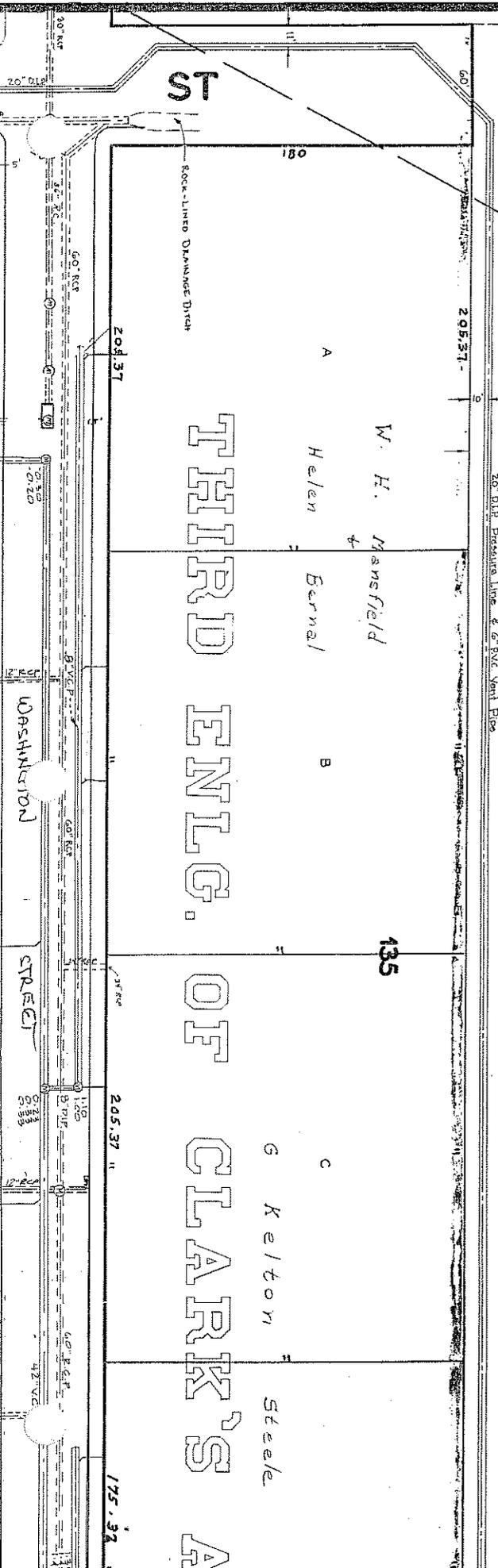
I, PATRICIA A. BANDUCCI, City Clerk of the City of Eureka,
hereby certify:

That the attached is a full, true and correct copy of
Resolution No. 6935 as regularly passed and adopted by
the City Council of said City on the 2 day of
January; 19 79, as appears of record in my
office.

WITNESS my hand and the official seal of the City of
Eureka this 3 day of January, 1979.

Patricia A. Banducci
City Clerk of the City of Eureka

(SEAL)



ST

THIRD ENLG. OF CLARK'S A

A
W. H. Mansfield
Helen Bernal

B

135

C
Keltom

Steele

205.37

205.37

205.37

175.32

WASHINGTON

STREET

60\" B&F

60\" B&F

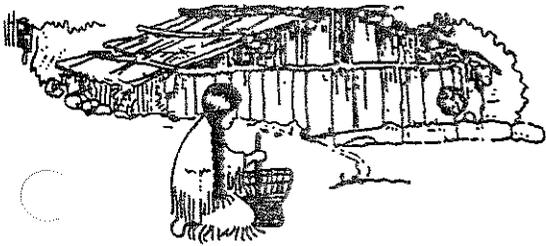
42\" V&V

20\" DIP Pressure Line & 6\" PVC Vent Pipe

Rock-lined Drainage Ditch

N. W. P. R. R.

Parton
Sawdust #20



Wiyot Tribe

April 10, 2006

Sidnie L. Olson
Senior Planner
City of Eureka
531 K Street
Eureka, CA 95501

RECEIVED
APR 11 2006
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Re: Marina Center Notice of Preparation

Dear Ms. Olson,

The Wiyot Tribe has received the Notice of Preparation for the proposed Marina Center project. Thank you for including the Wiyot Tribe on the distribution list.

The Wiyot Tribe does believe there may be cultural resources present on the proposed project site, and thus requests that the City of Eureka enters into formal consultation with the Wiyot Tribe, as established in SB 18.

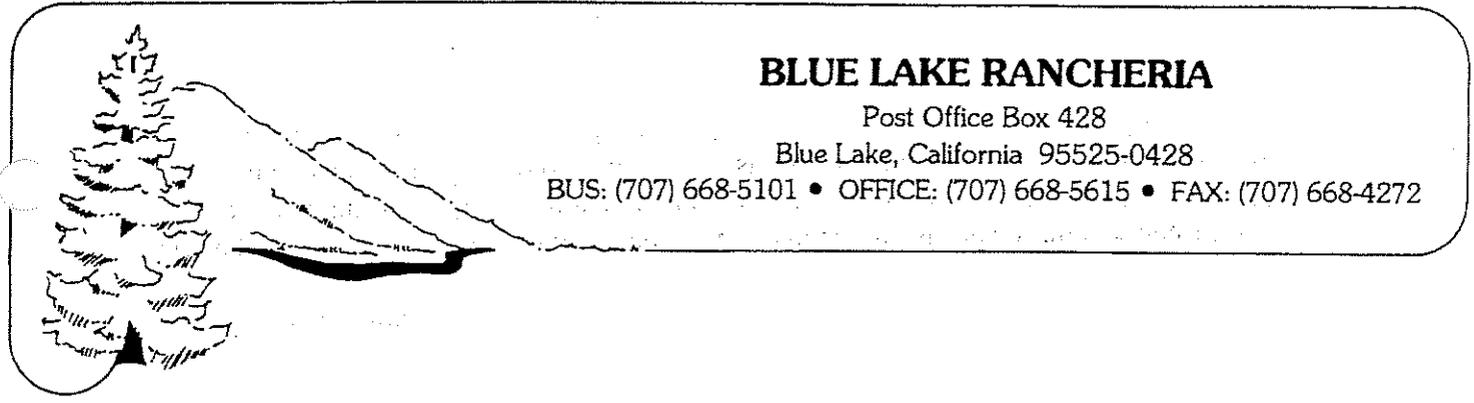
The Wiyot Tribe is also very invested in the water quality of Humboldt Bay. Under our Clean Water Act (Section 106) water quality monitoring program, the Wiyot Tribe samples the waters of Humboldt Bay regularly. Given the Wiyot Tribe's concern for the water quality of Humboldt Bay, the tribe is also interested in the aspects of this project that relate to hydrology and the environmental clean-up of the site.

The Wiyot Tribe looks forward consultation with the City of Eureka regarding this project. Please feel free to contact me at 707-733-5055 or via email at andrea@wiyot.us if you have further questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Davis".

Andrea Davis
Environmental Director



BLUE LAKE RANCHERIA

Post Office Box 428

Blue Lake, California 95525-0428

BUS: (707) 668-5101 • OFFICE: (707) 668-5615 • FAX: (707) 668-4272

April 13, 2006

Kevin Hamblin, Planning Director
Eureka Community Development Dept.
City of Eureka
531 'K' Street
Eureka, CA 95501

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APR 17 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT

RE: SB-18 Request for Consultation

Dear Mr. Hamblin,

As required by Senate Bill 18 the Blue Lake Rancheria must file a written request for future consultation with local governments regarding protection of "cultural places". The Blue Lake Rancheria (Tribe) officially requests consultation with the City of Eureka in accordance with Government Code §65352.3. The purpose of this consultation is to preserve, or mitigate impacts to, cultural places that may be affected by a general plan or specific plan amendment or adoption. The Tribe requests that the City of Eureka consult with the Tribe before designating open space per Government Code §65092 which includes notice of a public hearing, at least 10 days prior to the hearing. The purpose of this consultation is to protect the identity of the cultural place and to develop treatment with appropriate dignity of the cultural place in any corresponding management plan (Government Code §65562.5). Thank you and I look forward to working with the City of Eureka regarding the requirements of SB-18.

Sincerely,

Paul Angell
Tribal Historic Preservation Officer
Blue Lake Rancheria

Notice of Preparation

PG+E

PA-95
848-97

SEE
ATTACHMENTS
RECEIVED

State Clearinghouse (Agency)
1400 Tenth Street, Suite 212 (Address)
Sacramento, CA 95814

APR 17 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Please see the attached distribution list for Agencies sent a copy of

Subject: Notice of Preparation of a Draft Environmental Impact Report

Lead Agency:	Consulting Firm (if applicable):
Agency Name City of Eureka	Firm Name ESA
Street Address 531 "K" Street	Street Address 225 Bush Street, Suite 1700
City/State/Zip Eureka, CA 95501	City/State/Zip San Francisco, CA 94104
Contact Sidnie L. Olson	Contact David Full or Jamie Schmidt

The City of Eureka will be Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description and location are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Sidnie L. Olson at the address shown above; or at the email address shown below. We will need the name for a contact person in your agency.

Project Title: Marina Center Mixed-Use Project EIR

Project Location: Eureka Humboldt
City (nearest) County

Project Description: (brief)

The proposed project would construct a mixed-use development on the site that would include approximately 333,700 sq. ft. of Retail/Service/Furniture/Restaurants; 28,000 sq. ft. of Nurseries/Garden; 104,000 sq. ft. of Office; 12,500 sq. ft. of Restaurant; 40 Multi-Family Residential dwelling units; 12,000 sq. ft. of Museum; and 36,000 sq. ft. of Light Industrial use. The new buildings would be between one- and four-stories. The project would include about 1,647 parking spaces, including about 310 spaces in a 3 level parking structure. The project would also include extensions of 2nd Street and 4th Street to serve the site and would provide vehicular access from Broadway or Washington Streets. The project would also include the construction of a landscaped pedestrian and bicycle path parallel to Waterfront Drive.

Date | April 3, 2006 | Signature | 

Title | Senior Planner

Telephone | (707) 441-4265
email | solson@ci.eureka.ca.gov

Map / Plan Review Routing Sheet

Address / Location: BALLOON TRACT
 Requesting Agency: BETWEEN BROADWAY & WASHINGTON
CITY OF EUREKA
 Date Received: 4/10/06

Electric ADE: L. KRYLA Date: 4-11-06
 Comments: - PROVIDE 10' PUES FRONTING ALL EXISTING PUBLIC STREETS.
PUES WILL BE REQUIRED ON INTERIOR PROPERTIES DEPENDING
ON WHERE ELECTRICAL FACILITIES ARE LOCATED.
- COULD BE SOME CONFLICT WITH NEW BUILDINGS ADJACENT
TO EXISTING OYGENEAD POWER LINES ALONG BROADWAY. WILL
NEED TO ADDRESS DURING ELECTRIC DESIGN PHASE.

Gas ADE: John Cordova Date: 4-11-06
 Comments: 10' PUES & clear routes for all Distribution & Service
facilities.

Land Department: D. Young Date: 4-10-06
 Comments: PLEASE RESPOND WITHIN
30 DAYS

Senior New Business Rep.: Alex Mossman Date: 4/12/06
 Comments: n/d



DEPARTMENT OF PUBLIC WORKS
COUNTY OF HUMBOLDT

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707/FAX 445-7409

ARCATA-EUREKA AIRPORT TERMINAL
MCKINLEYVILLE

AVIATION 839-5401

PUBLIC WORKS BUILDING
SECOND & L ST., EUREKA

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	PARKS	445-7651
ENGINEERING	445-7377	ROADS & EQUIPMENT MAINT.	445-7421
	ARCHITECT	445-7493	

CLARK COMPLEX
HARRIS & H ST., EUREKA

LAND USE 445-7205

April 28, 2006

Ms. Sidnie L. Olson
Community Development Department
531 K Street
Eureka, CA 95501-1146

RE: MARINA CENTER, APN 003-041-007

Ms. Olson:

Thank you for the opportunity to comment on the above project. This project does not significantly affect any facilities maintained by the Department of Public Works. It is hoped that the City of Eureka will address the cumulative impacts of traffic in the same manner that the City has requested to County to do so.

If you have any questions please free to call me at (707) 445-7205.

Sincerely,

Robert W. Bronkall, PE, LS
Associate Engineer
Land Use Division

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MAY 01 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE

SAN FRANCISCO, CA 94102-3298



April 25, 2006

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APR 28 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENTSidnie Olson
City of Eureka
531 K Street
Eureka, CA 95501

Dear Ms. Olson:

Re: SCH 2006042024; Marina Center Mixed-Use Project EIR

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin Boles".

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division



Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor



Dan Skopec
Acting Secretary
Cal/EPA

April 25, 2006

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APR 27 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Ms. Sidnie Olson
Senior Planner
City of Eureka
531 K Street
Eureka, California 95501-1146

Dear Ms. Olson:

The Department of Toxic Substances Control (DTSC) has reviewed the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) dated April 3, 2006 for the Marina Center Mixed-Use Project (SCH #2006042024). As you may be aware, DTSC oversees the cleanup of hazardous substance release sites pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any remediation of hazardous substance releases that might be required as part of the project.

The NOP states that previous investigations have shown that the site is impacted by petroleum hydrocarbons and metals in soil. The Draft EIR will rely on historical land use data, the results of site investigations which have already been performed, and other public records to identify and evaluate on-site contamination that could pose a threat to the occupants of the developed site or its neighbors. If further site characterization is necessary, DTSC recommends that soil and groundwater on the project site be sampled and analyzed for any contaminants of potential concern that are identified in the course of the abovementioned records review prior to the completion of the Draft EIR. The results of all site investigations should be summarized in the Draft EIR.

The NOP also states that a risk assessment for the proposed project will be presented in the Draft EIR. Any screening levels that are used in determining whether detected contaminants pose a potential, significant human health or environmental risk should be identified as part of the discussion of the risk assessment. Project planners are referred to the California Human Health Screening Levels (CHHSLs) and the US-EPA Preliminary Remediation Goals (PRGs) as potentially-applicable screening levels. Resources for conducting risk assessments may be obtained at the DTSC website (www.dtsc.ca.gov) or from the US-EPA (www.epa.gov).

Ms. Sidnie Olson
April 25, 2006
Page 2

If remediation activities are to be implemented as part of the project, these activities should be discussed in the Draft EIR along with the cleanup levels that will be applied and the anticipated regulatory agency oversight. Potential impacts associated with the remediation activities should also be addressed by the Draft EIR. If the remediation activities include soil excavation, the Draft EIR should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any applicable local standards which may be exceeded by the excavation activities, including dust and noise levels; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should there be an accident during cleanup.

DTSC can assist your agency in overseeing characterization and cleanup activities through our Voluntary Cleanup Program. A fact sheet describing this program is enclosed. We are aware that projects such as this one are typically on a compressed schedule, and in an effort to use the available review time efficiently, we request that DTSC be included in any meetings where issues relevant to our statutory authority are discussed.

Please contact Eileen Belding at (510) 540-3844 if you have any questions. Thank you in advance for your consideration of our comments.

Sincerely,

Mark Piros

Mark Piros, P.E., Unit Chief
Northern California - Coastal Cleanup Operations Branch

Enclosure

cc: without enclosure

Governor's Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, California 95812-3044

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

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APR 27 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT



California Environmental Protection Agency
Department of Toxic Substances Control



The Voluntary Cleanup Program

The California Environmental Protection Agency's Department of Toxic Substances Control (DTSC) has introduced a streamlined program to protect human health, cleanup the environment and get property back to productive use. Corporations, real estate developers, and local and state agencies entering into Voluntary Cleanup Program agreements will be able to restore properties quickly and efficiently, rather than having their projects compete for DTSC's limited resources with other low-priority hazardous waste sites. This fact sheet describes how the Voluntary Cleanup Program works.

Prior to initiation of the Voluntary Cleanup Program, project proponents had few options for DTSC involvement in cleaning up low-risk sites. DTSC's statutory mandate is to identify, prioritize, manage and cleanup sites where releases of hazardous substances have occurred. For years, the mandate meant that, if the site presented grave threat to public health or the environment, then it was listed on the State Superfund list and the parties responsible conducted the cleanup under an enforcement order, or DTSC used state funds to do so. Because of staff resource limitations, DTSC was unable to provide oversight at sites which posed lesser risk or had lower priority.

DTSC long ago recognized that no one's interests are served by leaving sites contaminated and unusable. The Voluntary Cleanup Program allows motivated parties who are able to fund the cleanup -- and DTSC's oversight -- to move ahead at their own speed to investigate and remediate their sites. DTSC has found that working cooperatively with willing and able project proponents is a more efficient and cost-effective approach to site investigation and cleanup. There are four steps to this process:

- Eligibility and Application
- Negotiating the Agreement
- Site Activities
- Certification and Property Restoration

The rest of this fact sheet describes those steps and gives DTSC contacts.

The Voluntary Cleanup Program

Step 1: Eligibility and Application

Most sites are eligible. The main exclusions are if the site is listed as a Federal or State Superfund site, is a military facility, or if it falls outside of DTSC's jurisdiction, as in the case where a site contains only leaking underground fuel tanks. Another possible limitation is if another agency currently has oversight, e.g., a county (for underground storage tanks). The current oversight agency must consent to transfer the cleanup responsibilities to DTSC before the proponent can enter into a Voluntary Cleanup Program agreement. Additionally, DTSC can enter into an agreement to work on a specified element of a cleanup, if the primary oversight agency gives its consent. The standard application is attached to this fact sheet.

If neither of these exclusions apply, the proponent submits an application to DTSC, providing details about site conditions, proposed land use and potential community concerns. No fee is required to apply for the Voluntary Cleanup Program.

Step 2: Negotiating the Agreement

Once DTSC accepts the application, the proponent meets with experienced DTSC professionals to negotiate the agreement. The agreement can range from services for an initial site assessment, to oversight and certification of a full site cleanup, based on the proponent's financial and scheduling objectives.

The Voluntary Cleanup Program agreement specifies the estimated DTSC costs, scheduling for the project, and DTSC services to be provided. Because every project must meet the same legal and technical cleanup requirements as do State Superfund sites, and because DTSC staff provide oversight, the proponent is assured that the project will be completed in an environmentally sound manner.

In the agreement, DTSC retains its authority to take enforcement action if, during the investigation or cleanup, it determines that the site presents a serious health threat, and proper and timely action is not otherwise being taken. The agreement also allows the project proponent to terminate the Voluntary Cleanup Program agreement with 30 days written notice if they are not satisfied that it is meeting their needs.

Step 3: Site Activities

Prior to beginning any work, the proponent must have: signed the Voluntary Cleanup Program agreement; made the advance payment; and committed to paying all project costs, including those associated with DTSC's oversight. The project manager will track the project to make sure that DTSC is on schedule and within budget. DTSC will bill its costs quarterly so that large, unexpected balances will not occur.

Once the proponent and DTSC have entered into a Voluntary Cleanup Program agreement, initial site assessment, site investigation or cleanup activities may begin. The proponent will find that DTSC's staff includes experts in every vital area. The assigned project manager is either a highly-qualified Hazardous Substances Scientist or Hazardous Substances Engineer. That project manager has the support of well-trained DTSC toxicologists, geologists, industrial hygienists and specialists in public involvement.

The project manager may call on any of these specialists to join the team, providing guidance, review, comment and, as necessary, approval of individual documents and other work products. That team will also coordinate with other agencies, as appropriate, and will offer assistance in complying with other laws, such as the Resource Conservation and Recovery Act.

Step 4: Certification and Property Restoration

When remediation is complete, DTSC will issue either a site certification of completion or a "No Further Action" letter, depending on the project circumstances. Either means that what was, "The Site," is now property that is ready for productive economic use.

To learn more about the Voluntary Cleanup Program, contact the DTSC representative in the Regional office nearest you:

Southern California

Tina Diaz
1011 North Grandview Avenue
Glendale, California 91201
(818) 551-2862

Central California

Megan Cambridge
8800 Cal Center Drive
Sacramento, CA 95826-3200
(916) 255-3727

North Coast California

Lynn Nakashima Janet Naito
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2737
(510) 540-3839 (510) 540-3833

Central California - Fresno Satellite

Tom Kovac
1515 Tollhouse Road
Clovis, California 93612
(209) 297-3939

(Revised 11/2001)



VOLUNTARY CLEANUP PROGRAM APPLICATION

The purpose of this application is to obtain information necessary to determine the eligibility of the site for acceptance into the Voluntary Cleanup Program. Please use additional pages, as necessary, to complete your responses.

SECTION 1 PROONENT INFORMATION

Proponent Name	

Principal Contact Name	
_____	Phone () _____
Address	

Proponent's relationship to site	

Brief statement of why the proponent is interested in DTSC services related to site	

SECTION 2 SITE INFORMATION

Is this site listed on Calsites? <input type="checkbox"/> Yes <input type="checkbox"/> No			
If Yes, provide specific name and number as listed			

Name of Site			

Address	City	County	ZIP

(Please attach a copy of an appropriate map page)			

SECTION 2 SITE INFORMATION (continued)

Current Owner

Name _____

Address _____

Phone () _____

Background: Previous Business Operations

Name _____

Type _____

Years of Operation _____

If known, list all previous businesses operating on this property _____

What hazardous substances/wastes have been associated with the site?

What environmental media is/was/may be contaminated?

- Soil Air Groundwater Surface water

Has sampling or other investigation been conducted? Yes No

Specify _____

If Yes, what hazardous substances have been detected and what were their maximum concentrations?

SECTION 2 SITE INFORMATION (continued)

Are any Federal, State or Local regulatory agencies currently involved with the site? Yes No
 If Yes, state the involvement, and give contact names and telephone numbers

Agency	Involvement	Contact Name	Phone

What is the future proposed use of the site? _____

What oversight service is being requested of the Department?

- PEA RI/FS Removal Action Remedial Action RAP Certification
 Other (describe the proposed project) _____

Is there currently a potential of exposure of the community or workers to hazardous substances at the site?

- Yes No If Yes, explain _____

SECTION 3 COMMUNITY PROFILE INFORMATION

Describe the site property (include approximate size) _____

Describe the surrounding land use (including proximity to residential housing, schools, churches, etc.) _____

Describe the visibility of activities on the site to neighbors _____

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700
 EUREKA, CA 95502-3700
 PHONE (707) 445-6412
 FAX (707) 441-5869
 (Teletypewriter #707-445-6463)



*Flex your power!
 Be energy efficient!*

May 1, 2006

1-HUM-101-78.026
 Eureka Marina Center NOPEIR
 SCH# 2006042024

Sidnie Olson, Senior Planner
 Community Development Department
 City of Eureka
 531 K Street
 Eureka, CA 95501

RECEIVED

MAY 03 2006

DEPARTMENT OF
 COMMUNITY DEVELOPMENT

Dear Ms. Olson,

Thank you for giving us the opportunity to comment on the Notice of Preparation for the Environmental Impact Report for the Eureka Marina Center. The project proposes to construct a mixed-use development would include 40 Multi-Family Residential dwelling units, approximately 333,700 sq. ft. of Retail/Service/Furniture/Restaurants, 28,000 sq. ft. of Nurseries/Garden, 104,000 sq. ft. of Office, 12,500 sq. ft. of Restaurant, a 12,000 sq. ft. Museum, and 36,000 sq. ft. of Light Industrial use. We have the following comments:

- This project has the potential create significant transportation impacts to State Route 101. These impacts must be identified in the traffic impact study and appropriately mitigated.
- The project description states that the vehicular access to the project will be provided from Broadway or Washington Streets and will be served via a proposed extension of 4th Street. Maps and a traffic model showing an access plan have been presented in the media as well as at public events. However, we have not received any such plans for review. Early consultation on proposed access plan is highly recommended, as any access to Route 101 (as well as any traffic mitigation measures) proposed for this project must be approved by Caltrans. To this end we would like to schedule a focused scoping meeting with city staff and the applicant's traffic consultant, in order to confirm elements to be included in the traffic impact study. Please call me to schedule a time for the meeting.
- To assist the applicant's traffic consultant with the preparation of the traffic impact study, we have provided intersection signal plans and timing records for the following intersections: State Route 101 and Henderson St., Wabash Ave/Fairfield Ave, 14th St, Washington St, 6th St, 5th & E, and 4th & E Streets. (See the letter sent to Mr. Au, dated April 6, 2006.)
- We have also provided the applicant's traffic consultant with a link to the Caltrans Guide for Preparation of Traffic Impact Studies (Guide) and mailed a copy of the District 1 Traffic Signal Supplement to the Guide. The City may reference the Guide on-line at:

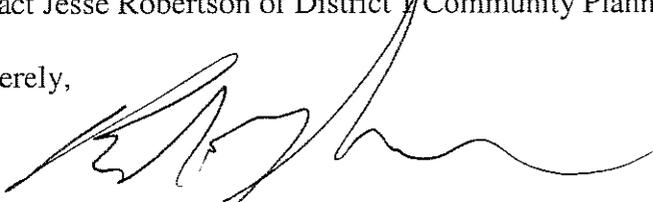
Ms. Sinie Olson
05/01/06
Page 2

<<http://www.dot.ca.gov/dist1/d1transplan/tisguide-Dec02.pdf>>.

- For traffic signal analysis and design, the project proponent is advised to use the Manual of Uniform Traffic Control devices (MUTCD) 2003 and the MUTCD 2003 California Supplement.
- Any work within the Caltrans right of way will require an encroachment permit. Requests for Caltrans Encroachment Permit application forms can be sent to the Caltrans District 1 Permits Office, P.O. Box 3700, Eureka Ca 95502-3700, or requested by phone at (707) 445-6342. The Caltrans Permit Manual is also available online in pdf format at: <http://www.dot.ca.gov/hq/traffops/developserv/permits/pdf/manual/manual.pdf>

If you have questions or need further assistance, please contact me at the number above or contact Jesse Robertson of District 1 Community Planning at (707) 441-2009.

Sincerely,



Rex A. Jackman, Chief
System & Community Planning
Caltrans, District 1

Enclosures: 1. Letter to Mr. Stephen Au, dated April 6, 2006

 2. District 1 Traffic Signals Supplement to the Caltrans Guide for the
 Preparation of Traffic Impact Studies

cc: Scott Morgan, State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P. O. BOX 3700

EUREKA, CA 95502-3700

PHONE (707) 441-2009

FAX (707) 441-5869

(Teletypewriter #707-445-6463)

*Flex your power!
Be energy efficient!*

April 6, 2006

1-HUM-101-77.9
Eureka Marina Center
TIS PreparationStephen Au, Senior Transportation Engineer
TJKM Transportation Consultants
5960 Inglewood Drive, Suite 100
Pleasanton, CA 94588

Dear Mr. Au,

To assist you with your work on the Traffic Impact Study for the proposed mixed-land use development at Eureka Marina Center/Balloon Track, in the City of Eureka, we have enclosed timing records and intersection signal plans for the following intersections: State Route 101 and Henderson St., Wabash Ave/Fairfield Ave, 14th St, Washington St, 6th St, 5th & E, and 4th & E Streets. Also enclosed is the District 1 Traffic Signal Supplement to the Caltrans Guide for Preparation of Traffic Impact Studies. A pdf version of the Caltrans Guide for Preparation of Traffic Impact Studies is available on-line for your reference at:
<<http://www.dot.ca.gov/dist1/d1transplan/tisguide-Dec02.pdf>>.

If you have questions or need further assistance, please contact me at the number above or contact Lezlie Kimura of District 1 Community Planning at (707) 441-4542.

Sincerely,

ORIGINAL SIGNED BY:

Jesse Robertson
Associate Transportation Planner
District 1 Community Planning

Caltrans - District 1
TRAFFIC SIGNALS ON STATE HIGHWAYS
SUPPLEMENT TO GUIDE FOR THE PREPARATION OF TRAFFIC IMPACT STUDIES

FOR NEW OR EXISTING TRAFFIC SIGNALS SERVING PROPOSED AND EXISTING DEVELOPMENTS.

The traffic study for signalized intersections should typically include:

- Project impacts and proposed mitigation and improvements.
- WARRANTS. Signal warrant worksheets and analysis for new signals.
- INTERSECTION AND CAPACITY OPERATIONAL ANALYSIS.
 - Project trip generation and distribution, traffic and geometric characteristics, including vehicle traffic and pedestrian volumes, lane usage, capacity and level of service (LOS) analysis (HCM operational method) for the various traffic scenarios. The traffic scenarios should typically include existing conditions, proposed project only, existing plus project, cumulative conditions, etc. Annual daily traffic (ADT), morning (AM) and evening (PM) peak hour information should be provided. The analysis should address vehicle queues and storage lengths, accident and safety data, safety, sight distance, turning movement conflicts, truck turn movements, critical speeds (85th percentile) of approaching vehicles, congestion, right of way protection/dedication needs, impacts to adjacent driveways and intersections, parking, bicycle paths, etc.
 - Proposed signal phasing operation, indicating protected and permitted movements. Pedestrian signal phasing, crosswalks, sidewalks, and other facilities should be addressed.
 - Site plan and conceptual geometric layout plans of the signalized intersection, showing intersection and facility geometrics, right of way, channelization and all existing and proposed lanes for new signals or existing signals requiring modification, including both sides of the highway. Lane, shoulder, sidewalk and right of way widths may need to be addressed.
- SYSTEM AND PROGRESSION OPERATIONAL ANALYSIS. Coordinated signal timing plans of all signals that may be connected into a coordinated traffic signal system. This should include coordination and intersection analysis and optimized timing, travel speeds, intersection spacing distances, time-space diagrams, cycle lengths and offsets for both AM and PM peak hours. Pedestrian signal phasing and timing should typically be included in the analysis. Evaluation of traffic flow and progression of existing and proposed scenarios should be addressed.
- SOFTWARE. Synchro software may be used for intersection analysis. Synchro computer models may be used to develop and optimize coordinated signal timing plans and system analysis. Caltrans should be consulted whether software data files should be provided with the traffic study. The Ideal Saturation Flow rate for District 1 shall be 1750 vphpl, unless otherwise approved by Caltrans Traffic Operations.
- INSTALLATION. The expected dates of project (normally full build) construction, and how the project and mitigation is to be financed and implemented. If a staged or phased project, the date of each phase should be provided. The responsible party for installing, operating and maintaining the traffic signals and funding energy costs should be stated.

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

MAILING ADDRESS:

710 E STREET • SUITE 200

P. O. BOX 4908

EUREKA, CA 95501-1865

EUREKA, CA 95502-4908

VOICE (707) 445-7833

FACSIMILE (707) 445-7877



May 23, 2006

RECEIVED

MAY 24 2006

DEPARTMENT OF
COMMUNITY DEVELOPMENT

Sidnie Olson AICP
City of Eureka
Community Development Department
531 K Street
Eureka, CA 95501

SUBJECT: Request for Comments on Environmental Impact Report *Notice of Preparation* for General Plan and Zoning Amendments for Facilitating *Marina Center Residential/Commercial/Industrial/Public Assembly Mixed-use Development*, Former Union Pacific Railyard and Adjoining Parcels, City of Eureka, Humboldt County, California (APNs 001-014-02, 003-021-09, 003-031-03, -05, -06, -07, 003-041-05, -06, -07, and 003-051-01); Sierra National Holding Company, LLC, Petitioner/Applicant

Dear Ms. Olson:

First, thank you for your granting a time extension to our office for the transmittal of preliminary comments regarding the preparation of the draft environmental impact report (DEIR) for the above-referenced coastal development project. The project entails the reclassification of property currently planned and zoned Public/Quasi-Public (P/QP), and Light Industrial (LI) to Waterfront Commercial (WFC), General Services Commercial (GSC), Professional Office (PO), and Light Industrial (LI), with corresponding changes in zoning from Public (P) and Limited Industrial (ML) to Waterfront Commercial (CW), Commercial Services (CS), Office and Multi-Family Residential (OR) and Limited Industrial (ML) over the whole of the approximately 40-acre property, consisting of a currently moribund railroad switching and maintenance yard and adjoining active commercial-industrial sites in northwest Eureka. Once the changes to planning and zoning designations are certified, physical development at the site would comprise over 500,000 square-feet a mixed-use complex of commercial retail sales and services, professional office space, multi-family residential, museum, and light manufacturing uses, with attending off-street parking areas, street rights-of-way, and open space / restoration areas.

Given their location within the California Coastal Zone, the proposed changes to land use and zoning designations of the property will require certification by the Coastal Commission of the changes as part of a Local Coastal Plan (LCP) amendment. The Commission's standard of the review for the amendments to the land use plan designation is whether the proposed changes meets the requirements of, and are in conformity with, the policies of Chapter 3 of the California Coastal Act (PRC §30200 *et seq.*). The Commission's standard of review for the amendments to the zoning designations is whether the proposed changes conform with, or are adequate to carry out, the provisions of the certified land use plan (as amended).

The subsequent site improvements under the new designations will require the issuance of conditional use and coastal development permits, and other authorizations by the City. Pursuant

to Coastal Act Section 30603(a)(2), any site developments approved by the local government located within 100 feet of any wetland would be appealable to the Commission. The Commission's standard of review for hearing any such appeal, should one be filed, would be whether the development conforms to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

Scope of Agency Comments

Pursuant to Section 15082(b) of the CEQA Guidelines (14 CCR 15000 *et seq.*), the Coastal Commission as a consulted agency is to provide the lead agency with "...specific detail about the scope and content of the environmental information related to the ... agency's area of statutory responsibility." In addition to providing this information, the consulted agency must identify if it will be a "responsible" or "trustee" agency (or both) for the project. This designation will depend upon the physical location of the project site being studied.

The entirety of the project site is located within the California Coastal Zone as defined in Chapter 2.5 of the California Coastal Act (PRC §30150 *et seq.*) and within the City of Eureka's certified coastal development permit jurisdiction and is subject to the policies and standards of the City's LCP. Accordingly, the Commission will function as both a trustee and responsible agency. The role of trustee agency is based upon the Commission's explicit jurisdiction by law over natural resources held in trust for the people of the State of California that could be affected by the project. The function of responsible agency derives from the role of the Commission in: (a) certifying LCPs for areas within the coastal zone under local governments' jurisdiction; (b) issuing coastal development permits (CDPs) within areas of Commission jurisdiction; or (c) hearing appeals on CDPs issued by local governments for certain classes of developments in specified areas.

Under Sections 15251(c) and (f) of the CEQA Guidelines, the Secretary of Resources has certified the California Coastal Commission's regulatory program as a "functionally equivalent process" to CEQA. Accordingly, for purposes of considering the proposed changes to the site's land use and zoning designations, and for hearing any future appeal of the project should one be filed, the adopted final EIR would be used as technical background document in assessing environmental effects in terms of the amendment's and future planned unit development project's consistency with the City's LCP and/or the Coastal Act. In keeping with this approach, the comments provided below have been structured as to how the EIR should address issues of consistency with relevant LCP and Coastal Act coastal resource and environmental policies for the project. Pertinent LCP and Coastal Act sections are cited, quoted or paraphrased accordingly.

Scope of Project

The project includes the redesignation of property to Professional Office (PO) land use designation. Although the PO classification is listed and discussed alongside other commercial designations in Section 1 of Part I of the City's certified Land Use Plan (LUP), specific detail as to the purpose of the designation or the principally and conditionally permitted uses allowed under the designation is not correspondingly enumerated in the Section B.4 of the LUP's

Appendix B which sets forth the various land use categories within the City's Local Coastal Program portion of its General Plan. Thus, to resolve this internal inconsistency within the LUP such that the PO designation would be an established designation for which portions of the Marina Center project site might be redesignated, we recommend that the subject LCP amendment include text modifications to the LUP, specifically in the form of insertion of the PO designation and identification of its purpose, and principal and conditional uses within Table B-1 of Section B.4 of LUP Appendix B.

Environmental Review

The following comments are provided for lead and responsible agency consideration in developing the environmental review document and reviewing the environmental effects associated with this development project:

Aesthetics

Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30251 requires that "... the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance." Permitted development is to be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize alteration of natural landforms, to be compatible with surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. LUP View Corridors Policy 1.H.1 states, "The City shall promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting and effective street tree maintenance." In addition Section 156.054 of the Zoning Regulations of the City for the Coastal Zone (herein "Coastal Zoning Regulations" or "CZR) establish numerous criteria for reviewing the potential effects of new development on visual resources.

Comments

The EIR coverage of visual resources impacts should assess whether the siting --- through the imposition of the various requested plan and zoning designations --- and design of the site improvements --- as detailed in any subsequent coastal development permit application --- comply with the above-cited criteria, respectively. Mitigation measures to reduce any significant adverse effects to less-than-significant levels, including height and size restrictions, exterior treatments to the structures, landscaping, and creation of view corridors should similarly be identified.

Air Quality

Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30253 directs, in applicable part:

New development shall:

- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

Comments

The EIR should document how the proposed development project, with the attachment of specified mitigation measures would be consistent with any requirements imposed by the North Coast Unified Air Quality Management District.

Biological Resources

Applicable Coastal Act and LCP Policies and Standards

Section 30121 of the Coastal Act defines “wetlands” as:

‘Wetland’ means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

Within the context of when the Commission may consider appeals of coastal development permits issued by local governments involving wetland environmentally sensitive habitat areas, Section 13577 of the Commission’s administrative regulations (14 CCR 13001 *et seq.*), in applicable part, further defines “wetlands” as:

(1) ...Land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

- (A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;
- (B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; **or**
- (C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

(2) For the purposes of this section, the term “wetland” shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

- (A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; **and**
- (B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands. [Emphases added]

Section 30233 of the Coastal Act states, in applicable part

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, **where there is no feasible less environmentally damaging alternative**, and where feasible mitigation measures have been provided to minimize adverse environmental effects, **and shall be limited to the following**:

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- (3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.
- (4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.
- (5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.
- (6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- (7) Restoration purposes.
- (8) Nature study, aquaculture, or similar resource dependent activities...

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary... [Emphases added.]

Coastal Act Section 30240 directs:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The central precepts of these policies and standards also appear within the *Aquatic Resources and Marine, Wetland, and Riparian Habitat* Section of the LUP and in Section 156.052 of the City's Coastal Zoning Regulations.

Comments

The City should review the wetlands delineation report to ascertain whether the study has adequately addressed the presence of wetland areas on the site, if any, based upon definitions cited above. Concurrent biological assessments of the environmental sensitivity of the delineated areas should also be prepared detailing the functions, characteristics, and values each perform, including but not limited to, fish and wildlife habitats, natural water quality improvement, flood storage, shoreline erosion protection, and opportunities for recreation and aesthetic appreciation. Mitigation measures that would reduce impacts of the project to less than significant levels, including the establishment of non-development buffer areas around the perimeter of delineated wetlands, should be evaluated. In addition to the potential physical effects the development may have on biological resources, the environmental document should also discuss any potential conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, such as the Commission, particularly as relates to the enumerated permissible uses for the filling, diking, and/or dredging of wetlands, and whether there is a less environmentally damaging feasible alternative to the filling/dredging/diking, as required by Coastal Act Section 30233(a) and equivalent provisions within the City's LCP. Finally, with regard to consistency with the provisions of Coastal Act Section 30240 and related LUP and CZR requirements for protecting adjacent ESHA through the appropriate siting and design of new development, the EIR should identify appropriate mitigation measures for protecting any ESHA found on or in proximity to the project site, including but not limited to the imposition of buffer areas between the environmentally sensitive areas and proposed site improvements. The environmental document should also include factually based site- and project-specific information of the ability of any proposed buffer of less than 100 feet in width to protect the resources within the adjoining habitat area.

Cultural Resources

Applicable Coastal Act and LCP Policies and Standards

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Archaeological Resources section of Part II of the LUP includes the following policies regarding the protection of cultural resources:

- 5.F.2 The City shall solicit the views of the Native American Heritage Commission and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.

- 5.F.5 The City shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a citywide cultural resource data base.
- 5.F.6 The City shall require that discretionary development projects are designed to avoid potential impacts to significant cultural resources whenever feasible. Unavoidable impacts, whenever feasible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological or historical consultants, depending on the type of resource in question.

Comments

Based on information derived from site reconnaissance studies and through requisite consultations with knowledgeable parties, including SHPO, local tribal entities, and individuals, the environmental analysis should identify the known or potential presence of archaeological or paleontological resources on the project site and identify reasonable mitigation measures for reducing development impacts, associated with both the imposition of the proposed plan and zoning designations, and the direct and cumulative impacts from physical development at the site.

Geology and Soils / Hazards and Hazardous Materials

Applicable Coastal Act and LCP Policies and Standards

Section 30253 of the Coastal Act states:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Coastal Act Section 30232 directs:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Parallel provisions to these policies and standards also appear within LUP *Seismic Hazards, Geologic Hazards, Fire Safety, Flooding, and Hazardous Materials and Toxic Contamination* Sections 7.A.1 through 7.E.4 of the LUP and in Section 156.053 of the City's Coastal Zoning Regulations.

Comments

The project site, as with much of the City, is located in a highly geologically active area subject to exposure to a variety of natural hazards including seismic shaking, liquefaction-related subsidence and ground failure, tsunami inundation, and flooding. In addition, any structural development of the site would be subject to variable risks of fire and hazardous materials contamination, depending upon the type and scale of development thereupon. The EIR should evaluate the degree of exposure to the natural and man-made hazards inherent with the project site and its location, and associated with the proposed development. Mitigation measures to reduce any significant adverse impacts to less than significant levels should also be identified.

Hydrology and Water Quality

Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 continues on to direct:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Equivalent provisions are set forth within the LUP's *Stormwater Drainage and Aquatic Resources and Marine, Wetland, and Riparian Habitat* Sections.

Comments

Facilitating planned unit development of mixed-use commercial-industrial-residential uses on the site through changes in the land use and zoning designations and the subsequent construction of new and additional streets, parking lots, landscaped areas, and other structural improvements could cause an increase in nonpoint-source pollution (i.e., entrained petroleum hydrocarbons from lubricants and fuels, brake lining particulate, pesticide and herbicide residues, heavy metals, pathogens --- bacteria and viruses, nutrients, sediment, and litter). The analysis for the plan and zoning amendments should adequately address up-front these potential environmental

impacts and identify appropriate water quality best management practices (BMPs) to prevent impacts to receiving coastal waters both on- and off-site.

Land Use and Planning

Applicable Coastal Act and LCP Policies and Standards

Coastal Act Section 30250(a) directs, in applicable part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

Coastal Act Section 30252 continues on to state:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Moreover, Section 30255 of the Coastal Act directs that:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

City of Eureka LUP Policy 3.F.2 states:

The City shall work with the North Coast Railroad to determine if feasible locations for switching operations can be located outside the city, allowing the current balloon track area to be used for industrial or commercial development purposes.

In addition, Section One of the City's Land Use Plan (LUP) titled *Land Use and Community Design* contains numerous policies that relate to the proposed plan and zoning redesignations and site development. The policies most germane to the proposed development project include the following:

LUP Policy 1.A.2 states:

Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.

LUP Policy 1.L.1 states, in applicable part:

The City shall discourage new commercial development within the city that will adversely affect the economic vitality of the Core Area...

LUP Policy 1.L.8 states:

The City shall require major commercial development projects to either be located in areas served by public transportation or in areas to which the existing public transportation service can be feasibly extended.

LUP Policy 1.L.12 states:

The City shall promote the concentration of automobile-oriented retail development in the ASC designated area at the west end of 6th and 7th Streets. In particular, the City will support the establishment and retention of auto dealerships in this area. The City shall also discourage the establishment of new dealerships outside of this area.

LUP Policy 1.M.5 states:

If efforts to develop a multi-purpose terminal at Dock B are unsuccessful, the City will support the development of a non-coastal industrial park in the Dock B area, including the "balloon track" and the Wright-Schuchart site. In developing such an industrial park, the City would retain the Dock A area for possible long-term cargo terminal development.

LUP Policy 1.M.8 states:

The City shall require that new industrial and heavy commercial development projects have convenient and safe access to major transportation facilities (highways, railroads, waterfront facilities) to minimize unnecessary and disruptive traffic through residential and other sensitive sections of the city.

LUP Policy 1.N.9 states:

The City shall strive to provide high quality public facilities, utilities, and services throughout the urbanized area of Eureka and shall ensure that such facilities, utilities, and services are compatible with surrounding development.

Comments

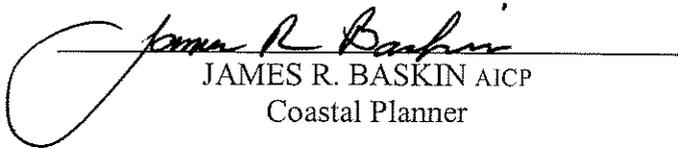
As set forth in LUP Policy 3.F.2 cited above, it is clear that the City's General Plan acknowledged a phase out of the former railroad uses on the proposed project site to be replaced with other commercial and/or industrial development. While such visioning may have been included within the City's long range planning program, the City must nonetheless ensure that any such change in use be consistent with all provisions within the LCP. The policies and standards enumerated above categorically set out the more salient issues that need to be addressed as part of the environmental review of the proposed LCP amendment and development project. To this end, the EIR should address the following questions:

- Are adequate community services, public utilities, and other support infrastructure available to serve the proposed uses at their proposed locations?
- Will the proposed development integrate in a non-conflicting manner with established and/or planned surrounding uses?
- Will the project result in displacing or thwarting the development of other requisite, needed, or planned-for higher priority uses to other locations or timelines that could more effectively be provided for at the proposed project site and/or in a more expeditious timeframe?

In developing coverage of these land use issue areas, please also refer to the above comments regarding applicable LCP land use plan policies and standards as may also relate to the protection of biological resources, especially the limited uses and instances for which dredging, diking, and filling of wetlands may be authorized.

Thank you for the opportunity to provide comments as part of the scoping for the environmental analysis. Please call if you have any questions regarding this letter.

Sincerely,


JAMES R. BASKIN AICP
Coastal Planner

RSM/JRB:jb/lt