



COMMUNITY DEVELOPMENT SERVICES  
PLANNING DIVISION  
COUNTY OF HUMBOLDT

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<http://co.humboldt.ca.us/CDS/Planning>

January 30, 2009

David Tyson, Manager  
City of Eureka  
531 K Street  
Eureka, CA 95501

Subject: Marina Center Draft Environmental Impact Report

Dear Mr. Tyson:

Thank you for the opportunity to provide comments on the Marina Center Draft Environmental Impact Report (SCH # 2006042024). Our page-specific comments are attached. Comments from the Department of Public Works are being forwarded under separate cover.

Thank you conducting an open and thoughtful review process. We would like to assist your efforts in any way possible. Questions your staff may have on our comments may be addressed to Michael Wheeler at 268-3730 or [mwheeler@co.humboldt.ca.us](mailto:mwheeler@co.humboldt.ca.us). I will also make myself available to elaborate upon or discuss our comments at your request.

Sincerely,

*Original Signed*

Kirk Girard  
Director

Enclosure: Page-specific comments

**County of Humboldt**  
**Department of Community Development Services**  
**Page-Specific Comments on the Marina Center Draft Environmental Impact Report**  
**(SCH # 2006042024)**  
**January 30, 2009**

**Page III-4, Paragraph 4.** The project seeks to maximize the view from the project site to Clark Slough, the small boat basin, Humboldt Bay, and the Waterfront, but makes no mention of impacts to existing coastal views. The DEIR should include discussion on the effects on views to the project from coastal resources.

**Page III-6, Residential Uses.** For a mixed-use project of this scale, the proposed residential component is not in balance with other uses. The average residential density of the developed part of the City is calculated to be approximately 9.5 units per acre<sup>1</sup>. This compares to the proposed residential density of slightly more than one unit per acre on the project site, about 16% of the average for the City.

There do not appear to be areas within the City to accommodate the housing needs of those employed on the project site, so the result will be a project that must rely on residential development outside of the City to support the proposed new uses. The residential land inventory in the City's 2004 Housing Element shows there is a potential of only 308 units on vacant land to accommodate the City's 544 new units needed during the 2001 – 2007 time period. This places an undue portion of the requisite residential development (with its attendant service and infrastructure requirements) as a burden on the County and adjacent communities, which must provide the necessary residential support for the project.

The project is labeled "smart growth" and infill development, however, it does not include an appropriate mix of uses that would limit and self-mitigate traffic impacts and related environmental effects. The proposed project would require most of the housing for the employees of the proposed new commercial and industrial establishments to be located offsite, and may increase traffic and the need for additional public services in the unincorporated County without assessing or providing any mitigation to offset the resultant increased demand and costs for services and infrastructure. This is a significant impact that is not addressed or mitigated in the DEIR. Additionally, the project as proposed is contrary to addressing the City's fair share housing requirements, as it makes no effort to address the housing needs for low and very low income housing needs that would be generated by the project. State law requires an adequate residential land inventory to meet Fair Share Housing requirements. The DEIR should determine if an adequate inventory is available under current conditions and projected conditions through 2025 and evaluate project alternatives at this location accordingly. If the relative lack of housing proposed at this location will require or accelerate annexation of additional lands or place a housing burden on adjacent jurisdictions, the environmental effects of this displacement should be analyzed.

**Page III-14, Project Phasing and Development Agreement.** The project description is incomplete, as it does not include any details of project phasing. A project of this magnitude will likely require phasing of mitigations in relation to planned buildout. Phasing agreements and mitigation requirements may be reflected in a development agreement, however, the details of the development agreement are unknown at this time. A project phasing plan, with associated mitigations, triggered by ministerial development milestones or discretionary review of subsequent phases, is necessary for complete impact analysis. If

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<sup>1</sup> According to the County's GIS system, there are approximately 1,240 developed acres within the City of Eureka. This includes areas set aside for residential, commercial and industrial development, roads, sidewalks, schools, and playgrounds. And Table IV.L-1 of the DEIR reports there are 11,765 dwelling units within the city.

this detail is anticipated in the development agreement, the agreement should be available for review during the DEIR review process. If not, the development agreement could require a subsequent environmental review.

**Page IV.A-7, Impact A-3.** While the project is brownfield redevelopment, it does convert a vacant and largely vegetated parcel into a developed mix of commercial, residential and industrial uses in buildings up to 5 stories high. The discussion on visual impacts of the proposed development and the potential for improving the aesthetic of the development in relation to the current open space views seems to be limited to a general discussion of the potential for landscaping. Additional design mitigations or project alternatives may be feasible to retain some of the open space character this location provides to the Broadway and Waterfront Drive corridors and the Bay. As previously mentioned, there is little analysis of existing coastal views into the site and how these would be protected or enhanced under project development. The visual simulation depictions of Figures IV.A-4 A and B and Figures IV.A-5 A and B show that the project buildings would block bay views within the project development site. Finally Figures IV.A-6A and B show that the project development would block views of the forested hillsides from within the project site. The County recognizes the beneficial aesthetic effects of redevelopment of this site but nonetheless they anticipated affects should be fully described and made a part of the project.

**Page IV.A-16, Conclusion and Mitigation.** The project may require visual mitigation, as it would result in substantial changes in visual character due to construction of new buildings and parking facilities (see above). Appropriate mitigation could include, setbacks, design review or vegetative screening of the project site through appropriate landscaping.

**Page IV. C-20, Second Paragraph.** The DEIR states that relatively small projects will not individually have an overall affect on global climate change. Admittedly, thresholds of significance for climate emissions have not been firmly established under CEQA but the California Attorney General has taken the position in several instances that jurisdictions have an obligation (particularly for General Plan Amendments) to implement all feasible mitigations to reduce greenhouse gas emissions consistent with the legislature's determination of environmental significance and AB32 goals. While project emissions will not be significant in relation to state or world sources, they could be locally significant in relation to greenhouse gas emission strategies adopted by jurisdictions within the County. Patterns of development, job-housing balance and retail sales distribution will be significant factors in mitigating local emission greenhouse gases. The DEIR should estimate green house gas emissions associated with the proposed project and implement feasible mitigations.

**Page IV. C-21, Third Paragraph.** The DEIR states: "It is not possible to know at this time whether the project tenants would have longer or shorter commutes relative to their existing homes; whether they would walk, bike, and use public transportation more or less than under existing circumstances; and whether their overall driving habits would result in higher or lower tailpipe emissions." The DEIR should use an estimate of the required sales volume per square feet of anchor retail floor space to estimate the population base necessary to support the project and distribute average daily trips and emissions to population centers accordingly. Using existing development patterns, the DEIR should also project the anticipated geographic distribution of employee housing needed to support new jobs created by the project or transferred to the project from other locations within the County. The centralization of jobs and retail will result in an increase in overall daily traffic volumes and emission rates as trips to distributed neighborhood commercial areas and town centers are replaced by trips to Eureka.

**Page IV.D-4, Second Paragraph.** The biological survey for mammals fails to mention that there was any effort to survey for bats. There are some special status bats species that could be present in the area. According to information on page IV.G-4 there are several metal frame warehouses on the property.

These could potentially harbor some bat species. The biological surveys and discussion section in the DEIR should be augmented to address this issue.

**Page IV.E-10, Second Paragraph and Mitigation Measure E-2a (Page IV.E-17).** This section describes the need to have a procedure to handling inadvertent archaeological discoveries, but also concludes that there is a known, highly sensitive cultural site (Wiyot Tribe village site) within the project area. While monitoring and data recovery may be acceptable as mitigation for potential inadvertent discovery of unknown sites, it would not necessarily be an acceptable method for mitigating the potential impacts of known sites. The first approach in CEQA mitigation should be to avoid the impact to a known sensitive resource. Efforts should focus on delineation of the site and avoidance and/or capping to protect the resource rather than a priori disturbance and after the fact data recovery. We recommend consultation with the State Office of Historic Preservation on proper methods for mitigation of known cultural sites.

**Page IV.I-11, Second Paragraph.** The DEIR's discussion of Smart Growth principles is comprehensive but the analysis of these principles in relation to project characteristics is general in nature. The affect of large format retail on regional traffic patterns and countywide average daily traffic volume is not discussed in relation to the project. Large format retail requires a large market area for financial support. The proposed Home Depot Center or subsequent large format retail tenants will draw customers from other decentralized retail locations in the County, such as those in Fortuna and McKinleyville. The affect of the project may be a decrease in the Smart Growth characteristics of these communities; for example their utilization of investments in infrastructure, efforts to improve the jobs-housing balance, improve walkability and enhance town center characteristics. The project may also increase overall countywide average daily traffic volume as residents in these communities drive from neighborhood and local retail centers to a large format retail center. Additionally, if the project creates a further imbalance between jobs and housing within Eureka or within the County, the net affect could be an increase in the demand for housing in the unincorporated area or other jurisdictions resulting in a distributed pattern of development and a related increase in overall countywide average daily traffic volume. The DEIR should use an estimate of the required sales volume per square feet of anchor retail floor space to estimate the population base necessary to support the project and distribute average daily trips accordingly. Using existing development patterns, the DEIR should also project the anticipated geographic distribution of employee housing needed to support new jobs created by the project or transferred to the project from other locations within the County. In addition to analyzing environmental affects, these data can be used as a basis for a fiscal impact analysis on surrounding jurisdictions.

**Page IV.I-12, Last Paragraph.** The project relationship to the surrounding community is not fully disclosed. According to the circulation analysis, the project would generate significant amounts of new traffic on Broadway and proposes to force 20% of Broadway traffic onto Waterfront Drive. Because of the poor level of service for traffic on Broadway, it is anticipated that there would be increased usage of alternate routes throughout the City and County; for example F Street to Fairway to Herrick. The DEIR fails to analyze or mitigate this impact but this affect is occurring at present and is likely to increase dramatically over the next twenty years based on the DEIR traffic analysis.

Also not fully discussed in this section, is the use of coastal property for large format retail in relation to competing land uses such as coastal dependent industrial, visitor serving recreation, commercial and housing. The alternative analysis discusses these issues in relation to the primary project objectives as opposed to consistency with Local Coastal Plans and the Coastal Act.

**Page IV.I-14.** We urge the City to discuss the potential filling of wetlands on the property with staff of the Coastal Commission to determine if the balancing provisions of the Coastal Act (Public Resources Code Section 30007.5.) are applicable.

**Page IV.I-16, Policy 1.A.2.** Project Compliance Discussion. It is stated that “there are no coastal-dependent developments competing for this or any similar parcels of land in the area.” The proposed development may foreclose future opportunities for coastal-dependent developments in the area. The DEIR could prepare this analysis based on a review of documents that have analyzed the potential future demand for coastal uses on Humboldt Bay, such as the Port of Humboldt Bay Harbor Revitalization Plan, February 2003.

**Pages IV.I-17 through IV.I-23.** - Discussion of Core Area, Concentrated Mixed-Use Core Policies, Waterfront Policies, Core-Area Residential Policies, Core Public-Open Space Policies, View Corridor Policies, Architectural/Landscape Policies, etc.) All of these policies, which the City has developed for the Concentrated Mixed-Use Core, are cited as being “Not Relevant” because the project site is not located in the identified “Core” of Eureka. Alternatively, the project could be viewed, given the fact that it involves an amendment to the General Plan, as a potential expansion of the Core area. Alternatively, the Core policies could be analyzed as a means to evaluate the compatibility of the project with the identified Core. At a minimum, this analysis would inform the DEIR land use compatibility finding and may result in changes to the project that would enhance the projects compatibility with the desired characteristics of central Eureka.

**Pages IV.I-26 and IV.I-27.** Policies 1.L.4 and 1.M.2, are important land use considerations. 1.L.4 was intended to protect the integrity of existing commercial centers out of a concern that static retail growth combined with new retail development would create dislocation and urban decay. Commercial development designed to support increases in population growth or new housing development may not cause dislocation affects but large format “category killers” (ERA letter of October 17) such as Home Depot or Best Buy must dislocate existing retailers in a low retail sales growth area for profitable operation. The conclusions of the applicants’ analysis of economic impact and urban decay (CBRE 2006) would at least provide a starting point for discussion of this land use policy. 1.M.2 was intended to reserve land for industrial growth and job creation. An analysis of the projected long-term demand for this land use in the City would assist in evaluating the compatibility of the project with this policy.

**Page IV.I-30, Public and Quasi-Public Facilities.** City policies related to this category are deemed “Not Relevant” as they relate to the location of public facilities. The project proposes to rezone public land in the City and develop it for non-public uses. To evaluate land use compatibility, the policies of this section should be assessed, comparing the existing potential for public facilities at this location in relation to the proposed project.

**Page IV.I-31, Production of New Housing Policies.** The proposed project may not be consistent with Goal 1.A. as it does not numerically provide or promote the development of new housing in proportion to Eureka’s fair share requirements and residential inventory requirements. The amount of housing to be provided by the project is out of balance with the housing demands created by the project and the need for an adequate residential inventory within the City of Eureka.

The proposed commercial and industrial developments will create numerous employment opportunities for new workers which will require more housing, and the amount of housing provided would not fulfill this need. This will result in workers having to commute from outlying areas, and will generate significant traffic and traffic safety impacts in those areas where the workforce for the proposed project will reside. These potential impacts should be analyzed in the DEIR, and appropriate mitigation measures implemented to reduce those potentially significant impacts to the maximum extent feasible.

To meet Goal 1.A., the project should balance housing opportunities and commercial development, and provide sufficient residential development to meet the increased demands on housing that would result from the project. The residential land inventory within the City should be assessed through 2025 to

determine if there is adequate land to accommodate residential needs. If a potential shortfall exists, the General Plan amendment and the proposed project should be re-reviewed for compatibility with this goal.

Also to ensure compatibility, housing types should include a mix of units to accommodate households at the various income levels expected from the proposed commercial and industrial establishments.

**Page IV.I-34 and IV.I.35, Goal 3.A, Policy 3.A.5 and 3.A.10.** Taken together this goal and these policies are intended to address the need to stay ahead of traffic demands through planning, funding and implementation of improvements. They are deemed “Consistent” or “Not Relevant” to the proposed project. Policy 3.A.10 requires the City to work with HCAOG, Caltrans and the County, to review options for long-term solutions to congestion on U.S. 101. The proposed project will add an additional 15,669 weekday vehicle trips to a congested Broadway/U.S. 101 corridor. The project will therefore consume existing capacity of transportation facilities placing renewed urgency and importance on the need to cooperatively design and fund new capacity or changes in design to accommodate growth. If existing capacity is consumed (albeit potentially better regulated through signaling) without identifying and funding new capacity or alternative transportation necessary to mitigate cumulative impacts and provide for future growth, the project will not be sufficiently mitigated or consistent with this goal and these policies. The project’s relationship to this goal and these policies should be more thoroughly discussed to make a land use compatibility determination.

**Page IV.I-80, Last Paragraph.** Potential land use inconsistencies are not deemed significant environmental impacts because of a conclusion that the inconsistent land use policies were not “adopted for the purpose of avoiding or mitigating an environmental effect.” In the case of general plan and other land use policies, adopted policy alternatives that reduce impacts can be considered “mitigations” and should be monitored for consistency with environmental determinations (CEQA Guidelines Section 15097). For example, the current Eureka General Plan includes a discussion (Page 13 and 14) of the affects of declining retail activity in the downtown area based on competition from outlying retail areas including Bayshore Mall, Henderson Center and the Westside Industrial Area. It concludes that continued competition may undermine the attractiveness of the downtown area for tourism. In this light, Policy 1.L.4: “The City shall encourage consolidation and upgrading of established commercial centers over the development of new shopping center within the Planning Area.” can be considered a policy alternative designed to mitigate the potential blighting affects in the downtown area. Using similar reasoning, Policies 3.A.5, 3.A.6 and 3.A.10 (relating to mitigations to address cumulative traffic impacts) should be considered land use policies or alternatives adopted for the purpose of avoiding or mitigating an environmental effect.”

**Page IV.I-81, Cumulative Impacts.** To adequately assess cumulative impacts, the DEIR should consider other potential development projects, particularly retail projects, in the planning stages in the County, including the County’s General Plan Update, the Forster-Gill General Plan amendment and the City of Fortuna’s General Plan Update. Proposals within these project areas should be considered in the “immediate vicinity” of the proposed project because the traffic impacts and retail market territory will overlap.

**Page IV.L-5, Impact L-1.** The discussion fails to note that while the project would contribute to the City of Eureka’s fair share of housing, it would not meet the goal of providing housing sufficient for project demands. The project would also result in lost jobs in the County and shift existing County employment to the City without providing sufficient housing. This result would mean a greater number of commuters going into the City, exacerbating an already stressed traffic situation on U.S. 101.

**Page IV.O-9 and following.** The County Department of Public Works will be providing comments on the circulation analysis under separate cover, however, in our Department’s experience with similar

projects of a regional nature, we believe that the traffic analysis is too focused and does not include a sufficient number of intersections in the analysis. The intersections of Hwy 255 with 4<sup>th</sup> and 5<sup>th</sup> Streets should have been addressed as well as the previously mentioned alternative route through the County of F Street to Fairway to Herrick. The project could also result in significantly increased traffic on the Arcata-Eureka U.S. 101 alternative of Samoa Blvd. to Hwy 255 through Manila and over the Samoa Bridge. The shortcoming in scope of the traffic analysis (City scale versus regional scale) fails to reveal potentially significant impacts to road infrastructure within the County.

**Page IV.P-3., Fourth Paragraph.** The discussion regarding the lack of a potential impact of the project on existing retail trade rests in part on the assumptions of the applicant's 2006 impact analysis (CBRE - as updated in November 2008). The analysis concludes the addition of the proposed retail volume may result in dislocation and vacancies; but a low vacancy rate and alternative demands for closed stores will prevent urban decay. The continued downturn of the economy has overtaken this conclusion (even with the 2008 update). Unfortunately; vacancy data, demand for vacant property, income levels, and retail sales growth must be reassessed prior to final adoption of the EIR.

**Page IV.P-4, Cumulative Impacts, Impact P-2.** With respect to home improvement stores there should be an assessment of customer base for this type of store, the square footage of commercial space currently available for this existing business and current existing or planned square footage for this type of store. Assuming Home Depot remains the permanent anchor tenant in the proposed project, dislocations will likely occur in local hardware stores, particularly when combined with the opening of a Lowe's in Fortuna (as analyzed in CBRE 2006). If dislocations are projected, the analysis should evaluate specific store closure and the potential for re-use of those buildings at those locations. In some cases, local hardware stores are anchor tenants of neighborhood commercial centers which could affect the viability of surrounding businesses.

While changes of tenancy in the anchor retail location would require additional environmental review, the entitlements for large format retail construction will result in a reasonably foreseeable and probable change in tenancy over the life of the constructed improvements. Limiting analysis to the array of retail uses described in CBRE 2006 Table 2 and deferring analysis of the probability of re-tenancy may not be consistent with the cumulative impact analysis required by Title 14, Article 20, Section 15355 (b). The Lead Agency project description should also be modified to reflect the probability of re-tenancy over the useful life of the proposed improvements.

**Page IV-Q-1, Utilities and Service Systems-Wastewater.** The Elk River Wastewater Treatment Plant is an important regional asset because it serves approximately 35 percent of the County's current population and is intended to serve a substantial portion of the County's potentially developable land. The City of Eureka collection systems is equally important to the region for the same reason. The environmental setting does not fully describe the contract between the City of Eureka and the Humboldt Community Services District for wastewater collection and for treatment at the Elk River Wastewater Treatment Plant. The environmental setting should describe the City's plans to expand the Elk River Wastewater Treatment Plant to accommodate development within the boundaries of HCSD and the City. The environmental setting should also describe any capacity problems that may be experienced by the City of Eureka collection system. To the extent that the City system is experiencing collection problems, such problems should be described in relation to the location of the Marina Center and the timing of any planned improvements in relation to the proposed Marina Center build-out schedule.

**Page IV-Q-4 through 5, Utilities and Service Systems-Wastewater.** The analysis of wastewater impacts does not describe the potential affects on the wastewater collection system from the proposed

project. This section should describe current and historic wastewater flows from the project site and compare such flows to the proposed Marina Center project.

This section compares the assumed wastewater flows of the Marina Project to total permitted peak dry weather flows. It would be more appropriate to compare project wastewater flows to available permitted average dry weather capacity, minus capacity allocated to HCSD. It may also be appropriate to compare assumed project wastewater flows to the available average dry weather capacity upon renewal of the NPDES, minus capacity allocated to HCSD. Wastewater system capacity should be analyzed in relation to planned and proposed projects, including the Ridgewood Village project and the Humboldt County General Plan Update.

**Page VI-3, Basic Objectives.** Objective 1: “Strengthen Eureka as the retail and employment center of Humboldt” Unfortunately, given the job transfer and retail dislocation characteristics of the proposed project, the proposed project will weaken the retail and employment position of other cities and the unincorporated areas of the County. The DEIR should carefully analyze physical changes to the environment that may result from this transfer, for example greenhouse gas emissions.

**Page VI-4, List of Potential Alternatives.** The alternatives should include a Marina Center project with greater residential development. By placing a greater amount of residential development (200+ units) near to where these newly created jobs will be, there would be less traffic generated by the project. This would also allow create an opportunity for the City to have a wider mix of housing types, including low income and very low income housing. It would also provide residential development opportunities in proximity to the waterfront and Old Town Eureka. A critical mass of residential development along the waterfront would increase the desirability and long-term economic viability of these important regional assets. The accompanying hazardous materials risk assessment (SHN 2006) indicates residential development is a feasible alternative at the site.