

January 30, 2009

City of Eureka  
Community Development Department  
Attn: Sidnie L. Olson, AICP Principal Planner  
531 K Street  
Eureka, CA 95501  
[DEIRcomments@ci.eureka.ca.gov](mailto:DEIRcomments@ci.eureka.ca.gov)



**RE: Marina Center Mixed Use Development Project**

Dear Ms. Olson:

This letter is submitted on behalf of the Environmental Protection Information Center (EPIC). EPIC is a Humboldt County based non-profit organization that actively works to protect and restore forests, watersheds, coastal estuaries, and native species in northwest California. EPIC was established in 1977 by local residents in Humboldt County. EPIC works to ensure that state and federal agencies follow their mandate to uphold environmental laws and protect endangered species.

EPIC joins in the comments submitted on behalf of the Northcoast Environmental Center, Humboldt Baykeeper and Californians for Alternatives to Toxics. We find serious flaws in the Draft Environmental Impact Report ("DEIR"), as documented by these many comments. We urge the City to reject the DEIR, and deny any amendments to its General Plan, zoning ordinance and Local Coastal Plan.

Our comments focus in particular on land use and public trust issues.

**Land Use Issues Are Not Adequately Evaluated.**

The City of Eureka and its citizens are being asked to buy a pig in the poke – a scheme of development, the actual contents and timing of which are not disclosed. Yet the applicant seeks fundamental changes to the governing law and constitution for the City, through amendments to the General Plan, the Local Coastal Plan, and the zoning ordinance, to satisfy its scheme. In this disastrous economy, where banks, major employers, and real estate are collapsing every day, the City of Eureka should be very careful about such a proposition. In the absence of specifics as to what will in fact be built, the likelihood of the project moving forward in whole or in part is at best, very speculative. The project applicant wants approval of a scheme to adjust to its liking an important and unique resource area within the City and Coastal Zone, and if it gets that approval, only then will it decide what happens and when. Because the DEIR lacks specifics, the impacts analysis is deficient.

The DEIR does identify intended types of developments, but fails to provide the kind of specific information that informs an adequate analysis of potential impacts, and

fair opportunity for public review. For example, while the DEIR speaks of anchor stores, it does not identify them. Only when one gets near the end of the DEIR is a Home Depot store referenced. Only when one searches in Appendices is there reference to a Home Depot. But other than that, the DEIR lacks the kind of information that would provide an ability to understand what will be included in the proposed Marina Center. This hinders an adequate scope of analysis.

A project of this magnitude must be disclosed in detail in order to understand its potential for significant impacts. While there are a number of elaborate studies attached to the DEIR, they provide little to shed light on the actual agenda of the applicant.

The need for specifics is required all the more because of the tumultuous downturn in our economy. The effects of this project on the economy of the citizens of Eureka and Humboldt County will be disastrous. The economic analysis, dated November 2006, is now clearly outdated given the deep recession plaguing our state and this country. The City of Eureka and Humboldt County are not immune from this adverse economic situation. According to the study, the project as a whole could divert a maximum of \$49.3 million in sales from existing Humboldt County retailers, and \$30.5 million from City of Eureka retailers. While the study attempts to rationalize these impacts over the long term, it nonetheless acknowledges that if stores cannot withstand the downturn in sales, they may be forced out of business. This includes stores providing home furnishing and appliance, apparel, eating and drinking, building materials, speciality stores, garden supplies and other retail stores.

These projections were made based upon a very different economy than now exists. The City cannot ignore the effect of this devouring project on the good people of Eureka and their businesses and any earlier projections must now be reconsidered as the effects will only be magnified. This project is not about benefitting the hard-working people in this community who are struggling to maintain their livelihoods and the local economy, but rather fulfilling the whim of the project applicant – who proposes only design, with no real substance. This project will hurt the economy by taking away jobs and businesses. The City cannot ignore this. (Two prime examples of such new economic information relevant to this project and to the area: Home Depot has eliminated some 7000 jobs and is closing stores; while both the Humboldt Redwood Company and Green Diamond Resource Company are laying off workers due to the downturn in the economy.)

Given the widely understood acknowledgment that the economic downturn will be with us at least through 2010, the City should not accept on face value that this project will proceed as proposed. In all likelihood, some or all of it will be abandoned, and corners will be cut to save money for the applicant. The City must ensure against this by requiring, up front, commitment from the project proponent as to what actual facilities will be constructed, to be occupied by what stores and businesses, and when. To accept less is to invite a bait-and-switch that could affect the future of Eureka and Humboldt County for decades or longer.

The project is also a poor design in its attempt to place divergent land uses within the project site. One needs only to look at the area surrounding the project site to understand that this is not a location for residential uses. It is next to a lumber mill, other industrial uses, and a busy highway. Moreover, locating some of the proposed uses on this site is contrary to the Coastal Act. The DEIR provides no justification for this mixed-use scheme.

The project proposes a four story parking garage – a first for Eureka. Its size and location is entirely inconsistent with the prevailing land uses in the area, and will have a negative visual and aesthetic impact on the community.

According to the DEIR the project applicant’s objectives begin with a desire to complement the existing Downtown and Old Town uses. This project will not do that – it will compete with those uses, and undermine provisions of the City’s General Plan to ensure that the Core of the city – the Downtown area – be the focus for development. Let’s be clear about what the Marina Center project is – a mall, just like the other malls which are struggling to survive, and which contributed to the demise of the Downtown Core area. This project is not consistent with the City’s General Plan, and should be rejected.

As a general matter, the DEIR’s Table IV.I-2 Policy Consistency Analysis is hardly an “analysis.” It provides pages of policies and framework, with little or no analysis as to the project’s relationship to those policies, or the potential for impact. Most often, a summary conclusion is provided, without the kind of critiques necessary to understand if compliance is present.

This is particularly true with regard to the list of Land Use goals and policies for the Core area, wherein the DEIR repeatedly states are “not relevant.” Those provisions **are directly relevant** because they establish that the Core area is where development is to occur — not on the outskirts, not in the Coastal zone, and not as a satellite island next to a lumber mill. This project is in direct contradiction to all of these policies. The City has declared that it wants the Core Area to be revived, to be the center of development, including the Waterfront area within the Core – to prevent any further decay as has already occurred as a result of past mall-type development. This project violates those provisions – because it takes the very kind of development needed and called for by the General Plan for the Core Area, and places it outside the Core area. And as the economic information reveals, this project will have an adverse impact. This project will cause further decay and blight, and the host of impacts associated with such decay.

This project will also harm views of the waterfront, and will create a massive presence that will directly impact the existing nature of the waterfront area along Waterfront Drive to the west of the project site.

It is a leap of logic to treat this as a residential project so as to find consistency with the residential neighborhood goals and policies of the City’s General Plan. The project will create an isolated residential development in the midst of industrial and

residential uses. It will not be a neighborhood as contemplated by the plan. While the notion of such a mixed use development may work in an urban city like Emeryville, it is not what the City of Eureka needs. The city's policy prohibits new residential uses within or directly adjacent to industrial areas. The project violates this, as the parcels proposed for redesignation as Office Residential are adjacent to the industrial areas within the project site. The project violates the policy to locate higher density residential development in Downtown and Old Town, by instead placing it in and adjacent to industrial uses outside of those areas. The City needs more low income housing. The City needs vibrant residential neighborhoods. This project offers neither.

The project is also inconsistent with the commercial development policies because it will adversely affect the economic vitality of the Core Area. It will be an isolated and sprawling commercial activity along a major road, instead of development in the Core Area. It does nothing to consolidate and upgrade existing commercial centers.

The project violates the policy to protect industrially designated land from residential, commercial and other unrelated and incompatible uses, by seeking to change zoning to allow mixed use with combines incompatible uses.

The project also violates the policy to locate museums and cultural facilities within or adjacent to the Core Area.

The project tips its hand of support to the North Coast Railroad Authority, by maintaining adequate right-of-way along the rail corridor in anticipation of future rail service. It is not secret that the project applicant is actively supporting such rail service, and the NCRA intends to extend its service to Eureka. However, the DEIR provides no analysis of the potential land use conflicts associated with reinstatement of rail service and the proposed project.

The DEIR claims that the project will improve access to Humboldt Bay, but provides no facts or data to support that conclusion. We contend just the opposite will occur, as the project will obscure views and appreciation of the Bay and its resources.

The project violates the City's policies limiting development within wetlands, by allowing wetlands in the Coastal Zone to be filled.

The project violates policies governing hazardous materials and toxic contamination, because there is no plan or design provided which documents that those policies will be satisfied. Instead, the DEIR promises that some site remediation plan will be completed in the future by the Regional Water Quality Control Board. But that plan does not now exist, and thus cannot be relied upon as a basis to claim consistency with the provisions governing presence, exposure, transport, and disposal of hazardous materials. In the absence of a plan to review, the DEIR cannot claim compliance with these policies, nor can it adequately analyze the potentially significant effects of the known presence of those materials on the site, in relation to the project.

The DEIR provides some noise analysis data, which documents noise at times that

are not relevant. For example, the presence of an active lumber mill adjacent to the site provides a significant noise source – yet the data was collected after 5:00 p.m., when the noise is not nearly as significant. Residential and office uses are incompatible with such noise. The project cannot claim consistency with the City’s policy that incompatible uses shall not be allowed to encroach on existing noise-producing uses.

According to the DEIR, the Westside Industrial Area Study identifies the Balloon track as an industrial site. The project conflicts with this by its mixed use proposal to allow professional, retail and residential uses. As noted above, the project is not consistent with the Eureka Development plan as it proposes development outside of the Core Area, thereby undermining the revitalization of that area. Nor is this project “infill,” as it is intended to act as a universe unto itself, at the expense of the rest of the community.

The DEIR’s project description lists several entitlements and approvals sought by the project applicant, yet those approvals are not integrated into the analysis of impacts provided in Chapter IV. This leaves the reader in a quandry as to what is the relationship between the project elements and approvals, and the Chapter IV analysis of impacts. The project description also indicates that the project is expected to be constructed in phases – yet the project phasing has yet to be identified. It promises a Development Agreement, but it is unclear whether there would be one or many such agreements for each phase of development.

Development Agreements are negotiated tools used to ensure that once agreement is reached, no new rules, regulations, and official policies governing the permitted uses of the land, governing density, and governing design, improvement, and construction standards and specifications, will apply to the development of the property. While the DEIR discloses that Development Agreement(s) will follow, it fails to disclose the effect of such a tool, and what it could mean for the project site and area. It is not outlined, detailed, or discussed within the EIR. While it is something that may follow approvals, it too is subject to CEQA, yet it is not discussed in the DEIR as a future action, in the context of a cumulative effect or otherwise. And because a Development Agreement locks in the standards, policies and rules which will apply to the project into the future — acting as an assurance that nothing more will be required of the project applicant regardless of changed circumstances — it has the potential to result in significant effects. Under these circumstances, the terms of a proposed Development Agreement must be disclosed in this DEIR, as it is part of the overall project. Its impacts need to be disclosed and evaluated.

Because the project is only in design, with no commitment as to full build-out, it is incumbent upon the City to require a more robust analysis of alternatives in order to prevent significant environmental effects, including (1) no full build-out, (2) limited singular use such as a light industrial or public use, and (3) a project which does not include existing wetland and public trust lands.

### **Public Trust Issues Are Not Adequately Evaluated.**

While the EIR mentions the public trust doctrine, it does little to analyze the impact of development on state-owned public trust lands. It concedes the potential for such ownership, but fails to provide adequate information as to the trust lands, advising that an investigation is underway. This is insufficient. The public has a right to know the potentially significant effect from this project on sovereign lands and public trust resources. The clarity as to ownership is key when addressing land use issues, claimed wetland mitigation, and overall impacts to the trust resource. It is not appropriate to refer the reader to other areas in the impacts analysis, because none of those areas effectively evaluate the potential for significant environmental impact on trust lands and resources.

A few fundamental principles govern this concern. The reclamation of tidelands subject to the public trust does not, without more, terminate the trust; filling alone does not remove the trust. (*City of Berkeley v. Superior Court* (1980) 26 Cal.3d 515, 535 [*“City of Berkeley”*].)

While the state may transfer ownership of tidelands, such alienation is “in strict subordination” to public uses. (*People v. California Fish Co.* (1913) 166 Cal.576, 593.) “Although these powers include disposal of trust lands in such manner as the interests of navigation, commerce, and fisheries require, tidelands subject to the trust may not be alienated into absolute private ownership; attempted alienation of such tidelands passes only bare legal title, the lands remaining subject to the public easement.” (*City of Long Beach v. Mansell* (1970) 3 Cal.3d 462, 482.)

“The common law public trust here described is to be distinguished from the constitutional prohibition set forth in article XV, section 3. The former does not of itself forbid the alienation of tidelands but merely insures that when such lands are subject to the trust (i.e., have not been removed therefrom by proper legislative determination), they remain so subject even after alienation. The constitutional provision, on the other hand, flatly forbids alienation of certain tidelands-i.e., tidelands within two miles of an incorporated city-Whether or not they are trust lands at the time of alienation.” (*Ibid.*)

Moreover, key to the scope of the public’s right in tidelands is “the right to preserve the tidelands in their natural state as ecological units for scientific study.” (*City of Berkeley*, 26 Cal.3d at 521.)

“There is a growing public recognition that one of the most important public uses of the tidelands-a use encompassed within the tidelands trust-is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area. It is not necessary to here define precisely all the public uses which encumber tidelands.”

(*Marks v. Whitney* (1971) 6 Cal.3d 251, 259-260; see also *National Audubon Society v.*

*Superior Court* (1983) 33 Cal.3d 419, 434-435; *Center for Biological Diversity v. FPL Group, Inc.* (2008) 166 Cal.App.4th 1349, 1360-61.)

The EIR fails to provide an evaluation of the potential effects of the proposed project on the outstanding public trust resources and the alteration of those lands from their natural state, including the loss of open space and scenery. It fails to even accurately disclose the extent of the public trust resources and obligations. This must be provided in order to address the impacts to the trust from filling of wetlands, affecting tidelands, loss of open space and scenery. The EIR also does not evaluate the effects of the proposed removal of Public/Quasi Public land use designation on the public trust resources. Nor does the EIR evaluate the ongoing injury to the public trust from the presence of hazardous and toxic materials, and fails to outline how those materials will in fact be removed or remediated so as to protect public trust areas. While the EIR implies that the site will not be cleaned up but for the project, it fails to define how, when and in what manner the site will be cleaned up – leaving to speculation that anything will occur and whether it will be effective.

#### **Cumulative Impacts Are Not Adequately Addressed.**

The DEIR fails to evaluate the potential for cumulative effects related to this project. EPIC understands that the City of Eureka is considering the opening First Street between H and I, which would have the effect of creating a transportation network from the north end of town, at Target, all the way to the south end of town along Waterfront Drive. The potential for this opening to converge with the traffic levels and patterns anticipated to result from the project must be analyzed to understand what effects this may have on the overall transportation route along the Humboldt Bay.

The California Department of Transportation lists in its official 2008 State Transportation Improvement Program (STIP) the extension of Waterfront Drive from Del Norte Street to Hilfiker Lane. This identified extension could have cumulative effects relevant to both the construction phase of the project, as well as the underlying transportation analysis for the project. Yet it is not included for analysis. The 2008 STIP also lists railroad crossing improvements at Waterfront Drive and 1<sup>st</sup> Street. This project too could result in cumulative construction impacts, but does not appear to be referenced in the DEIR.

The DEIR advises that the project will be designed to accommodate STAA trucks, yet the DEIR fails to mention or analyze as a cumulatively related Caltrans project entitled “Richardson Grove Operational Improvement Project” which is currently under public review through circulation of a Draft EIR. The claimed need for the project is to accommodate STAA trucks, providing an express connection between that project and this development, yet the project is not even mentioned in this DEIR. To the extent one project intends to facilitate the movement of goods, and this project intends to create a market for goods, some analysis must be provided.

And as noted above, the DEIR does not include the potential for impacts

associated with the contemplated Development Agreement(s). Giving away the right to regulate land use carries with it the potential for conflicts and impacts to the environment, particularly for a project as large as this and to be located in such an important unique and natural resource area.

### Conclusion

EPIC urges the City to reject the DEIR as inadequate in its analysis of impacts, and deny the project including any amendments to its General Plan, zoning ordinance, and Local Coastal Plan.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Scott Greacen', with a long horizontal line extending to the right.

Robert Scott Greacen  
Executive Director

Enclosures:

CalTrans 2008 State Transportation Implementation Plan (STIP) list for Humboldt  
County  
CNN Money: Home Depot Cutting 7,000 jobs  
Times-Standard: Layoffs in Scotia follow cuts at Korb  
email from Sidnie Olson, City of Eureka, clarifying dates of review period for Marina  
Center DEIR



## Home Depot cutting 7,000 jobs

### No. 1 home improvement retailer exiting its EXPO high-end business.

By Parija B. Kavilanz, CNNMoney.com senior writer  
Last Updated: January 26, 2009: 12:23 PM ET

NEW YORK (CNNMoney.com) -- Home Depot, the No. 1 home improvement retailer, announced Monday that it is shutting down its high-end decor EXPO business and shrinking its support staff, with both moves resulting in a reduction of 7,000 jobs.

Atlanta-based Home Depot ([HD](#), [Fortune 500](#)) said the staff cuts impact 2% of its total workforce. The company said the the latest job cuts will not affect any customer service positions in its Home Depot stores.

"Exiting our EXPO business is a difficult decision, particularly given the hard work and dedication of our associates in that business and the support of our loyal customers," Home Depot CEO Frank Blake said in a statement. "At the same time, it is a necessary decision that will strengthen our core Home Depot business."

The company said in a statement that its EXPO business has not performed well financially and is not expected to anytime soon.

"Even during the recent housing boom, it was not a strong business. It has weakened significantly as the demand for big ticket design and decor projects has declined in the current economic environment. Continuing this business would divert focus and resources from the company's core [Home Depot] stores," the statement said.

Over the next two months, the closure of 34 EXPO Design Center stores, five YardBIRDS stores, two Design Center stores and a bath remodeling business known as HD Bath will impact 5,000 jobs, the company said.

Additionally, the retailer said it will reduce support staff, impacting about 2,000 employees and resulting in a 10% reduction in the company's officer ranks.

"A leaner organization has to start at the top," Blake said in a conference call with analysts to discuss Monday's announcement.

Home Depot currently operates 2,274 with a total of 300,000 employees.

"Home Depot's news really reflects what is going on at corporations. Companies have to cut expenses and focus on where they think consumer spending is going to be," said Bill Schultz, chief investment officer

with McQueen, Ball & Associates, a firm with over \$750 million in assets, including Target (TGT, Fortune 500), Procter & Gamble (PG, Fortune 500) and PepsiCo (PEP, Fortune 500).

"We really need a turn in the housing market to turn the situation around for Home Depot, Lowe's (LOW, Fortune 500) and plenty of other retailers," he said. "These retailers can't really control sales in this environment. So they have to cut back on expenses."

Schultz said he sold his portfolio's \$1 million shares in Home Depot about a year ago.

"We were very worried about the softness in the housing market. Home Depot is the leader in the market and they were hit early," Schultz said. "We'll probably take a look at Home Depot again, but not just yet."

Home Depot also announced a salary freeze for all of its officers, although the retailer would continue to offer merit increases to non-officer level staff, earned bonuses and the company's existing 401 (k) matching contribution for all employees, including officers.

The company reiterated its previously announced full-year sales and profit guidance. Home Depot expects sales for the year ending this month to drop by 8% and earnings per share from continuing operations to decline by 24%, excluding charges associated with the latest job cuts and store closings

Analysts expect Home Depot to post full-year profit of \$1.73 a share on sales of \$71.5 billion, according to Thomson Reuters.

For 2009, Home Depot said it expects continued weakness in sales but that the retailer does not plan to close any of its namesake stores.

The company said it will cut capital expenditure to approximately \$1 billion and will open 12 stores.

Blake said the company would look for opportunities to open smaller stores that require lower construction costs than its typical more than 100,000 square foot big-box stores.

Company executives also said during the conference call that half of the new stores will open outside the United States, in Mexico and Canada. Home Depot is not planning to expand on its 12 stores in China in 2009.

Home Depot will report its full-year results on Feb. 24.

*Are you optimistic? Are you secure in your job and finances, and looking at the current economic climate as an opportunity? E-mail your story to [realstories@cnmmoney.com](mailto:realstories@cnmmoney.com) and explain why you are optimistic and how you are taking advantage of the situation. You could be included in an upcoming article. ■*

First Published: January 26, 2009: 9:06 AM ET

**Find this article at:**

[http://money.cnn.com/2009/01/26/news/companies/home\\_depot/?postversion=2009012611](http://money.cnn.com/2009/01/26/news/companies/home_depot/?postversion=2009012611)

Check the box to include the list of links referenced in the article.

© 2007 Cable News Network LP, L.P.

# # Times-Standard

## Layoffs in Scotia follow cuts at Korbel

John Driscoll/The Times-Standard

Image: 11/29/09 11:27:45 AM PST

A relentlessly repressed national lumber market continues to take its toll locally, with two sawmills announcing layoffs this week.

Humboldt Redwood Co. met with employees Thursday to inform them of a number of cost-saving measures that would be taken beginning in February, including laying off about 30 workers and shuttering its Scotia fencing operation.

Company CEO Richard Higgenbottom said logging will also be reduced by 15 to 30 percent in 2009 and the sawmill will take five to six weeks of downtime early this year. Higgenbottom said he expected to meet with employees of sister company Mendocino Redwood Co. to announce reductions there.

"The thing that's happening right now ... it's what's happening with the economy," Higgenbottom said.

Higgenbottom said the company is anticipating the downturn to last perhaps two years, with a hope that it might pick up sooner.

The California Redwood Co. announced earlier this week that it would be laying off 21 employees from its Korbel mill, cutting a full shift. Most of that reduction would be from steering away from milling Douglas fir, a commodity directly tied to housing starts, which remain down.

Redwood is most affected by the remodeling market, which is weak. The Harvard University Joint Center

for Housing Studies just released an updated analysis of the remodeling market. The university said that the rate of decline in homeowner spending -- expected to be 12.1 percent by the third quarter -- may have reached the bottom and has flattened out. Remodeling Futures Program Director Kermit Baker said that spending is flat and there are few signs it will rise until the economy improves.

Lumber mills across the West have shut down in recent months, curtailing operations and laying off employees to weather the downturn. Locally, essentially every mill has taken some similar action to reduce supply and cut costs.

Humboldt State University economist Steve Hackett said that a previously much larger local timber economy used to be a roller coaster, and that the community would realize huge employment declines when recessions set in. Today, he said, the economy is more of a mixed bag.

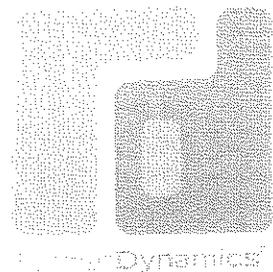
"We're more diversified now, so it's less of an issue," Hackett said, "but it doesn't take away the hurt that people are experiencing in that sector due to layoffs right now."

John Driscoll can be reached at 441-0504

or [jdriscoll@times-standard.com](mailto:jdriscoll@times-standard.com).

Advertisement

PrinterStitial® ads by Format Dynamics.



Print Powered By  Format Dynamics

**Subject:** Marina Center Notice of Availability  
**Date:** Tue, 25 Nov 2008 11:37:26 -0800  
**From:** Sidnie Olson <[SOLSON@ci.eureka.ca.gov](mailto:SOLSON@ci.eureka.ca.gov)>

I previously attempted to email an attachment containing the Notice of Availability for the Marina Center project to those persons requesting a copy of the Notice. Unfortunately, a large number of emails were returned to me, I suspect because of the attachment. I am attempting again to notify the Interested Persons email list, but instead of an attachment I am putting the Notice of Availability in the body of this email (see below). If you were one of the successful recipients of my prior email, my apologies for sending you a second email.

The Draft EIR will be available for public review from December 1, 2008 to January 31, 2009. As indicated in the Notice, beginning December 1, 2008, the Draft EIR will be available at all local libraries, the County Planning Department, City Hall, and the City of Eureka's website [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

Please feel free to forward this information to whomever you feel would be interested.

Regards,  
Sidnie L. Olson

Sidnie L. Olson, AICP  
Principal Planner  
City of Eureka  
Community Development Department  
531 "K" Street  
Eureka, CA 95501  
(707) 441-4265  
[solson@ci.eureka.ca.gov](mailto:solson@ci.eureka.ca.gov)

# **Notice of Availability of Draft Environmental Impact Report MARINA CENTER**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15087 and 15105, the City of Eureka is providing Notice of Availability of a Draft Environmental Impact Report (DEIR) SCH# 2006042024 for the Marina Center Project as described below. All interested persons are invited to comment on the DEIR pursuant to the provisions of CEQA. The comment period is 60 days starting on December 1, 2008, and ending on January 31, 2009. Comments must be in writing, including submittal by email, and must be submitted prior to the close of the comment period to the Community Development Department at the address and email noted below.

**Project Title:** MARINA CENTER

**Project Applicant:** CUE VI LLC

**Project Location:** The project site is located in the City of Eureka on a 43 acre site that is generally bounded by Waterfront Drive to the north and west, Washington Street to the south, and Broadway (Highway 101) to the east. Assessor Parcel Numbers: 001-014-002; 003-021-009; 003-031-003; 003-031-008; 003-031-012; 003-031-013; 003-041-005; 003-041-006; 003-041-007; and 003-051-001.

**Project Description:** The project applicant, CUE VI, LLC proposes a mixed-use development that would include approximately 313,500 sq. ft. of Retail/Service/Furniture including 28,000 sq. ft. of Nurseries/Garden; 104,000 sq. ft. of

Office; 72,000 sq. ft. of Multi-Family Residential (54 dwelling units); 70,000 sq. ft. of Light Industrial use; 14,000 sq. ft. of Restaurant; and 12,500 sq. ft. Museum. The new buildings would be between one and five-stories. The project would include approximately 1,590 parking spaces, including about 462 spaces in a four-level parking structure.

The project would include remediation of the brownfield project site to meet federal and state environmental cleanup and water quality standards.

The project would also include the creation of an 11.89 acre wetland reserve. This area would include landscaped buffers surrounding the slough and created wetlands area providing protection for native wildlife. The proposed habitat area would include a perimeter walkway with a kiosk or interpretive signs at vantage points to view native flora and fauna.

The project would also include pedestrian and roadway improvements, including a proposed extension of Fourth Street into the site, connecting to and terminating at Waterfront Drive; and the proposed extension of Second Street into the site, connecting to and terminating at the Fourth Street extension. Additional access would be provided via driveway access from the Sixth Street and Broadway intersection. The project would also include the construction of a landscaped pedestrian and bicycle path parallel to Waterfront Drive, as well as landscaping throughout the site. On-site landscaping would incorporate native plants, ranging from restored slough and wetland aquatic plants to upland trees, shrubs, and grasses indigenous to the region. Figure III-2 presents an illustrative project site plan.

The four parcels which roughly make up the tract of land known as the Balloon Track have an existing general plan land use designation of Public/Quasi Public (PQP) with a corresponding zoning designation of Public (P). Five of the existing remaining parcels have an existing land use designation of Light Industrial (LI) with a corresponding zoning designation of Limited Industrial (ML). The last two parcels have an existing land use designation of Highway Service Commercial (HSC) with a

corresponding zoning designation of Service Commercial (CS).

The project proposes to amend the certified Local Coastal Program (LCP) to a combination of designations that include General Service Commercial (GSC), Professional Office (PO), Waterfront Commercial (WFC), Limited Industrial (LI), and Water Conservation (WC). The LCP amendments would include amendments to both the Land Use Plan, which is the relevant portion of the local general plan, and the Implementation Plan, which includes the zoning ordinance and zoning district maps.

The proposed project design would draw from the site's maritime and industrial heritage, as well as from the contemporary influences of the Eureka waterfront, Old Town and downtown areas. Development of the site would seek to maximize views of Clark Slough, as well as Humboldt Bay, the small-boat marina, and the developing waterfront west of the site.

**Lead Agency/Contact Person:**

City of Eureka  
Community Development Department  
Sidnie L. Olson, AICP  
Principal Planner  
531 K Street  
Eureka, CA 95501-1165

Phone: (707) 441-4265

Fax: (707) 441-4202

E-mail: [solson@ci.eureka.ca.gov](mailto:solson@ci.eureka.ca.gov)

**Send written comments via 'snailmail' to Sidnie Olson at the address above, submit email comments to**

**[DEIRcomments@ci.eureka.ca.gov](mailto:DEIRcomments@ci.eureka.ca.gov)**

The project file is available for review during regular office hours at the City of Eureka Community Development Department. The Draft Environmental Impact Report is available for review during regular office hours at the City of Eureka Community

Development Department at 531 "K" Street in Eureka, and also at the following locations:

Humboldt County Library, Main Branch  
Humboldt County Branch Libraries in Arcata, Blue Lake,  
Ferndale, Fortuna, Garberville, Hoopa, McKinleyville, Rio  
Dell, Trinidad and Willow Creek  
Humboldt State University Library  
College of the Redwoods Library  
Humboldt County Community Services Development  
Department, 3015 H Street, Eureka

The Draft EIR will also be available at the City of Eureka's website at [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

The potential significant environmental effects anticipated as a result of the project include effects related to air quality and transportation. The following categories of impacts were determined, after any mitigation, to be less than significant: Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology, Soils, and Seismicity, Hazards and Hazardous Materials, Hydrology and Water Quality, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Urban Decay, Utilities and Service Systems.

This is not a notice of public hearing. Future public hearings regarding this project will be duly noticed as required by law.