

Comment Letter 31

Comment Letter 31



January 28, 2009

Eureka Community Development
531 K Street
Eureka, CA 95501

Re: Marina Center Draft Environmental Impact Report—one public comment

Dear Sirs,

I'm submitting the following abbreviated comments on the proposed DEIR for the Marina Center development on the Balloon Tract...anonymously for obvious reasons. I'm fearful of Mr. Arkley's power and reputation of destroying dissenting individuals in this community. In the past he has used his wealth and power to destroy citizens and their businesses. I do not want to be another one of his victims.

Air Quality, Noise, and Transportation/Traffic:

The proposed Marina Center with a large retail anchor like Home Depot means a huge negative impact on these issues. This area was not planned for intense, high frequency access to a large retail establishment. If Marina Center is developed as planned, huge problems will occur in traffic congestion with automobile and truck traffic. This will be a disaster for Eureka.

31-1

While the developer plans street modifications to enhance traffic flow, it will not work. This area currently suffers from intense traffic during day light hours and especially rush hour times. With traffic congestion comes vehicular exhaust, which impacts air quality. Noise is also a byproduct of traffic, and traffic congestion.

Geology, Soils, Seismicity, Hazardous Materials, Mineral Resources, Biological Resources, Hydrology and Water Quality:

The umbrella issue over all of these concerns is pollution. The Balloon tract is a polluted site after over one hundred years of reckless railroad abuse. Toxins lie under the soils and are leaching into the bay. The site contains portions of underground rivers that flow into the Humboldt Bay. The City of Eureka should have forced the railroad to clean up its toxic mess years ago. This is one of Eureka's worst failures and is an embarrassment to all intelligent taxpayers. Why hasn't Eureka forced the railroads to clean this site? This is illogical and speaks to irresponsibility and stupidity in all past city governments.

31-2

Please mandate that both the new owner and the past owner perform a complete cleanup of this site, so there is no chance of any further future pollution leaching into the bay. Capping the site and cleaning up portions of the site is not acceptable.

Seismic action in the future may also affect structures on the site that have been constructed on filled, liquefaction-prone areas. This action may alter the geology allowing more toxins to leach into the bay as plugs. Plugs are known as concentrated areas of pollution often moving underground through water channels and absorption. Again a full cleanup has to be mandatory.

31-3

The site needs a full clean-up from the original owner and the new owner. This may require legal action, as should have been calculated in the past. It is a tragedy that Eureka allowed the railroad to escape this responsibility. It has to be done before anything is built on this site.

Aesthetics:

The proposed development will be contrast to the existing Marina and surrounding architectural resources. The architectural style should be rethought and should include a reference to other architecture in the area, as well as traditional styles in the City of Eureka.

31-4

Coastal Dependency:

As you know, the California Coastal Commission considers the appropriateness of any development bordering the shore of California. They ask the simple question--does any development fit the need of the coastal lands and would any development with a large retail component fit the surrounding marine area?

31-5

Of course the answer is no. Marina Center is not appropriate for a coastal area with a marina and fishing industries. The thought of Home Depot on the precious land on the bay is ludicrous. If Eureka approves this laughable use of this land, the Coastal Commission will subsequently embarrass the city with disapproval.

31-5 cont.

I'm amazed that the City of Eureka has allowed this development to progress this far. Eureka's Marina Center will be a source of embarrassment throughout the state. The City of Eureka will be infamous, as they allowed their last, most precious forty three acre parcel on its bay to be used by Home Depot. (subsequently creating huge environmental and traffic problems)

Cultural Resources:

There is a claim that two Wiyot villages used to be on this site. Shouldn't an archeological investigation take place?...before any pollution mitigation and construction begins?

31-6

Population and Housing:

Housing does not belong on this site which is surrounded by industrial zoned businesses. Please think about land use that is more compatible to surrounding businesses and industries. Also again, without a full cleanup of this site the land has a propensity to be a liability to the city, as it is not suited for residential use.

31-7

The Developer's Agenda for the "Environment, the Economy, and the Community":

Citizens of Eureka understand the history, back story, and hidden agenda associated with Marina Center's developer. He has created his own negative abusive reputation. He has threatened city council persons. He has destroyed small businesses. He has sent profane emails to many members of the media and citizens. He has hired private detectives to track county supervisors and other citizens. He has filed frivolous lawsuits against the county and others. He has verbally assaulted many individuals.

He is known as an alcoholic and he is considered by many to be unbalanced. He is a powerful man obsessed with controlling as much as possible with his vast wealth—which has apparently driven him to mental illness. All of this has been played out in a very public theater, where he has been in the limelight.

He has promoted Marina Center as "good for the environment", "good for the economy", and "good for the community". This marketing is filled with half-truths and puffery without any regard for the truth. Marina Center will not be "good for the environment". It will be built on a toxic foundation with little more than a cosmetic cleanup of the worst areas. It will leave a toxic area still toxic, and eventually the City of Eureka will realize that problem and probably pay for it, using taxpayer dollars. This is an outrage.

31-8

Marina Center will not be "good for the economy". Home Depot will destroy many small businesses in Eureka related to construction, home supplies, and even home services. The developer's hidden agenda, as many people know, is to destroy the Pierson's Building Supply business. Robin Arkley believes that Bill Pierson is his political enemy and is famous for making statements against Mr. Pierson. Mr. Arkley is also famous for his poisonous temper and tactics against his perceived enemies...and Bill Pierson is at the top of his list.

31-9

Marina Center will not be "good for the community". Again, Home Depot will destroy many small businesses. The traffic generated in and out of the development will destroy functional traffic patterns even with the "improvements" they plan to add to the infrastructure. This development will create all types of problems in this community and solve only one problem—putting structures on a long-abused parcel of Eureka waterfront. Marina Center has nothing to do with coastal dependency as directed by the California Coastal Commission. The development symbolizes poor community planning and the rule of a developer's power and wealth over intelligence, and logic in city affairs. This again is an outrage for taxpayers.

31-10

The last marketing piece sent throughout the city weeks ago called "Marina Center UPDATE" symbolizes Security National Corporation's and Arkley's shameless strategy in advertising the development to its audience. It is filled with shameless lies. Look closely at the contents and discover that all of the claims are promoted as an evaluation from an "independent study". They also state that it is the "City of Eureka's independent report".

31-11

This communicates to the reader that the study must be honest and even-handed, when in reality many citizens understand that Security National hired the group that conducted the study. It is labeled as the "City of Eureka's report" which is purposely deceptive. This is a classic example of the "fox guarding the hen

31-12

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house" and communicates the low level of integrity that is associated with Marina Center and Security National Corporation. Every piece of marketing from Security National has been intentionally deceptive.

↑ 31-12
↑ cont.

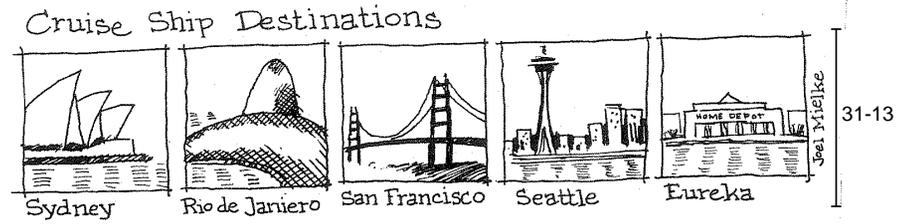
Conclusion:

While everyone agrees that this site should be developed. The current plans for Marina Center discount simple logic and sound city planning. It is a shameful effort to scam the Eureka citizenry. Marina Center will be built on the foundation of toxic lies, deception and greed and Eureka citizens, led by city government will eventually pay the high price of this tragedy.

Can you imagine restoring this site and cleaning the site after Marina Center has been built? The California Coastal Commission will surely condemn this project. If Marina Center is built as proposed it will a huge problem for this city....and an embarrassment.

Sincerely,

A very concerned citizen



Letter 31: Anonymous

- 31-1 The comment has concerns about the impact of the project on traffic congestion and the resulting impacts from vehicular exhaust and noise, and the comment is concerned that the proposed modifications would not mitigate the problems with traffic congestion.

Traffic volumes on U.S. 101 (Broadway) are projected to increase substantially over today's levels, either with or without the project. The proposed project is a part of normal regional growth and does not represent an increase in the total economic growth forecast for Eureka over the next 20 years. Much of the traffic increases that are anticipated in the traffic impact study are to occur from development at various locations along U.S. 101 in Eureka. With the Marina Center it is likely that nearby intersections would experience more growth than otherwise, such as on Broadway between Wabash Avenue and Fourth Street, and on the Fourth/Fifth Streets couplet to I Street. However, mitigations are proposed to accommodate this growth at study intersections with the development of Marina Center. While traffic is expected to increase due to a multitude of other development projects in the vicinity of the proposed project, it is not certain that needed traffic improvements would be made if the project were not approved. For example, commercial and retail growth in Eureka is estimated to result in similar traffic volumes on U.S. 101, with or without proposed project, in the future year of 2025. A light industrial project would result in fewer trips to and from this project site than the proposed project, but other planned commercial and retail development in the U.S. 101 corridor would be expected to result in an approximate 33 percent increase in traffic volumes. Therefore, the needed improvements along Broadway would remain the same, with or without the proposed project. Project mitigations enable continued operation of Broadway at LOS D or better with the project and cumulative traffic growth projected through the year 2025.

The additional projects that may be developed are identified in the traffic impact study, and their impacts are included in the 2025 + Project scenario. The added traffic from the project (plus the additional future traffic from elsewhere) even with the mitigation measures would result in future traffic operations having more delay than at present, but in all but one case (Koster and Wabash Avenue), levels of service remain acceptable. (See Draft EIR, page 46, stating that "Marina Center traffic can be accommodated in addition to traffic increases due to other development through 2025.")

The 33 percent increase in traffic on U.S. 101 will occur with or without the project. The proposed project provides the City of Eureka with a funding source and the impetus for improving the U.S. 101 corridor to accommodate future traffic growth, and these improvements are unlikely to occur without the resources provided by the development of the project.

In any event, Chapters IV.C, Air Quality; IV.K, Noise; and IV.O, Transportation, of the Draft EIR describe impacts of the proposed project, identify measures to mitigate those

impacts, and make findings as to whether the impact after mitigation would be less than significant, or significant and unavoidable. The Draft EIR's analysis shows that after implementation of the identified mitigation measures, all intersections on U.S. 101 in the project area would operate acceptably (i.e., without adverse congestion). All other intersections in the study area would similarly operate acceptably, except Koster Street and Wabash Avenue. The comment raises no specific concerns about the analyses presented in the Draft EIR, and no further response is warranted.

- 31-2 The comment asks that the City of Eureka mandate a complete cleanup of the project site so there is no chance of chemicals leaching into the Bay. The comment is noted.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S.

- 31-3 The comment expresses concern that a seismic event would disrupt confined contaminated soils and cause them to leech into the Bay.

A seismic event even today, with the project site in its current state, would not be an issue because the contaminants are largely bound up in the soil and would not mobilize in even the most significant seismic events. Contaminants from this site would be marginal compared to the natural gas and other waste that would flow to the Humboldt Bay in such a large seismic event. Cleanup of the project site is legally mandated, and is subject to past and current cleanup orders being enforced and monitored by the Regional Water Quality Control Board. Further remediation is being conducted in compliance with State and Federal water pollution and contaminated properties laws, and would include site specific remediation in several zones identified in testing. To the extent that some low-level remnant contaminants remain in situ, a cover of clean soils would be placed on the property to ensure that there are no exposure pathways to surface soils.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4. See also response to comment 16-36 for discussion of liquefaction hazards at the project site.

- 31-4 The comment states that the architectural style of the proposed project should be rethought and include a reference to other styles in the area.

As stated in the outline on page III-18 of the Draft EIR, under *F. Project Entitlements and Approvals*, and reiterated on page IV.A-6 under Impact A-3, the proposed project would be subject to site plan review and architectural review by the City of Eureka. Design features specific to the site plan and buildings would be established at that time. The Design Review Committee will review the site plans and designs to ensure that EMC Section 156.054 (D) goals are met.

- 31-5 The comment stating that the proposed project is not an appropriate use for a coastal area is noted.

As noted in the Draft EIR and in Master Response 3, the project site does not directly border the shore, so the development of coastal-dependent uses may not even be possible at the project site. However, the project site is under the jurisdiction of the California Coastal Commission. Regarding land uses in the coastal zone, please see Master Responses 3 and 5.

- 31-6 The comment questions when further archaeological investigations would take place at the project site.

Draft EIR page IV.E-16 notes that while two Wiyot sites may exist on or near the project area, the archaeological field survey revealed that neither of these potential sites was apparent on the ground surface. With regard to comments about subsurface archaeological testing, please also see Master Response 9.

- 31-7 The comment suggests that housing is an inappropriate use for the project site given surrounding industrial uses, and asks that more compatible land uses be considered. The comment also suggests that without full cleanup the project site has a propensity to be a liability to the city as it is not suited for residential use.

Please see Master Response 4 and responses to comments 16-161, 31-3, and 31-8, concerning the cleanup efforts, available uses of the project site, and responsibilities for cleanup. As proposed in the project description and identified by Mitigation Measure G-1, a remediation plan must be developed and implemented and the Project Applicant must obtain approval for any proposed use and development of the project site from state and federal environmental agencies in order to ensure that the property meets the standards and criteria for commercial and residential uses at the project site. Also, residential uses are entirely appropriate uses for this development site, as they are the sort of denser, urban-type uses that are consistent with the transitional nature of the area located on portions of the project site close to the waterfront where workers and residents can enjoy the Marina views and use the newly created biking and walking trails connected to the underutilized boardwalk areas of Old Town. In any event, the comment does not raise any issues pertaining to the sufficiency of the EIR as an informational document, nor does the comment provide any other mitigation measures or alternatives that would further reduce the project's impacts. The comment instead raises land-use policy and preference issues, and no further response is necessary.

- 31-8 The comment claims that the project would be built on a toxic foundation with little more than cosmetic cleanup of the worst areas, that the cleanup would be incomplete, and that the City would eventually have to pay for it with taxpayer's dollars.

Please see Master Response 4, as well as response to comment 16-161. While the comment is correct that the remediation plan includes the placement of clean materials over the project site to help eliminate exposure pathways to humans and the environment, the plan also involves significant remediation of the project site. Remediation of the project site includes, for example, focused soil remediation at specific hot spots through

excavation, field testing, and offsite disposal of soil and sediments. The project would also more effectively manage stormwater runoff. This combination of cleanup methods has proven effective in a variety of settings, and must be approved by the Regional Water Quality Control Board. Further, cleanup of the project site must be conducted to a level necessary to support each of the proposed uses, including residential and wetland reserve uses. This is part of the project description as well as Mitigation Measure G-1, and thus is a condition of project approval which would be imposed on the Project Applicant and property owner. The financial responsibility for undertaking this cleanup would not fall to the City.

- 31-9 The comment states that the proposed project would “destroy” small businesses in Eureka related to construction, home supplies, and home services. Please see Master Response 1, under “Potential Local Store Closures.”

The comment also makes accusations of the Project Applicant unrelated to the proposed project, its environmental effects, or CEQA. Therefore, no response is provided.

- 31-10 The comment states that the proposed project would destroy local businesses. Please see Master Response 1, under “Potential Local Store Closures,” for a discussion of this issue.

- 31-11 The comment regarding coastal-dependent uses is noted. The project site is in the coastal zone. The project site does not directly border the shore, so the development of coastal-dependent uses may not even be possible at the project site. However, the project site is under the jurisdiction of the California Coastal Commission. Regarding land use policy issues in the coastal zone, please see Master Responses 3 and 5.

- 31-12 The comment claims that the Draft EIR is a promotional piece prepared by the Project Applicant.

The Marina Center Mixed Use Development Project Environmental Impact Report was prepared by Environmental Science Associates, in consultation with other consultants and the City of Eureka. As stated in Chapter I, Introduction, the City of Eureka is the Lead Agency for the proposed project, and as required by CEQA, the completed document represents the judgment of the city. The document is a tool prepared by the city to inform the ultimate decision makers, the City Council, regarding the proposed project.

- 31-13 The comment is a comic strip by Joel Mielke detailing cruise ship destinations, implying that Eureka would not be a typical cruise ship destination due to the presence of a Home Depot. The comment is noted.

The necessary attractions to ensure the success of the cruise ship industry to visit specific locations is outside the scope of the proposed project and CEQA.

Sidnie Olson

From: Anthony & Anne Antoville [a2antoville@gmail.com]
Sent: Thursday, January 29, 2009 4:01 PM
To: DEIRcomments
Subject: DEIR Comments and Attachments-Antoville 1-29-09
Attachments: DEIR Comments Antoville.pdf; ATT13397.htm; AreaPlan07-08-BeginningPart1.pdf; ATT13398.htm

To: Sidnie Olson-
Our DEIR Comments are in the body of the email
Attached: DEIR Comments PDF Copy, Area Plan Area 1 Agency on Aging Updated May 1, 2007
Marina Center Draft EIR Public Comments

Anne Conrad-Antoville and Anthony Antoville
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(707) 442-5300

January 29, 2009

As owners of a Eureka business that provides services to senior and disabled Humboldt County residents, we have the following comments regarding the Marina Center Draft Environmental Impact Report Chapter IV:

Air Quality

We echo the concerns of Californians for Alternatives to Toxics, including the following concerns:

We are concerned that the project will generate 38 tons per year of fine particulate matter (PM10) yet no significant mitigations have been considered in the DEIR
Why have the following significant mitigations such as upgrading pollution output of diesel trucks such as those required by the ports of Los Angeles and Long Beach, installation of solar panels and passive solar design not been considered?
Why has the DEIR ignored technical evidence provided by the EPA regarding the harmful effects of diesel exhaust, as well as technical information from Agency for Toxic Substances and Disease Registry, and peer reviewed publications of the National Institute of Environmental Health Sciences, especially considering potential health risks and increased health costs for the 2010 - 2020 projected increase of 30.7% in Humboldt County's senior population (see attached 2005-2009 Area Plan Area 1 Agency on Aging)?
Why is there no analysis in the data sets that includes the high ranking for Humboldt County for cancer incidence in California?
Why does the DEIR fail to take into account the following in analyzing cumulative impacts: current PM10 contributors including Evergreen Pulp and Fairhaven Co-Generation plant, corridor effects outside the immediate vicinity of the project area, PM10 and other pollutants from the high level of dependence on combustion of wood for heat in Eureka, or reasonable foreseeable projects such as the Marine Terminal?

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G. Hazardous Materials

We echo the concerns of Humboldt Baykeeper regarding hazardous materials at the site and additionally identify Health Risk as being of greater concern to frail individuals including senior citizens, an increasing population group in Eureka, including the following concerns:

Recent sampling by Humboldt Baykeeper found dioxins and furans in site soils, sediments and fishes, the source of these toxics has not been identified in the DEIR
The DEIR HRA used outdated data and limited scope
Why were updated EPA toxicity values not used to determine potential health risks for chemicals of concern at the site?
Why has the increasing and 2010 - 2020 projected increase of 30.7% in Humboldt County's senior population (see attached 2005-2009 Area Plan Area 1 Agency on Aging) not been specifically considered as an at-risk group for Chronic Obstructive Pulmonary Disease (COPD) and Cancer in the DEIR?
Why has the increasing and 2010 - 2030 projected increase of 37.1% in Humboldt County's senior population (see attached 2005-2009 Area Plan Area 1 Agency on Aging) not been specifically considered as an at-risk group for Chronic Obstructive Pulmonary Disease (COPD) and Cancer in the DEIR?
Why did the DEIR Chapter G fail to contain an analysis of hazardous materials risk to wildlife?

32-5
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32-7

Cultural Resources

We request that the City of Eureka respect the Wiyot Tribe by honoring the request of the tribe made in part by the tribe's Cultural Director/THPO Helene Rouvier regarding the ethnographic evidence of one to two Wiyot villages existing within the boundaries of the proposed project including:

32-8

Identification of cultural resources early in the planning process through subsurface testing in sensitive areas
Allow the Wiyot Tribe to monitor construction in other areas during all ground disturbing activities

Transportation

As a Eureka business that serves senior and disabled populations located in the downtown area on the corner of 6th and G Streets, we have the following concerns:

Diversion of traffic into neighborhoods east and south of the project area
Why has no extensive review been made regarding additional traffic along the entire corridors of 6th and 7th Streets as drivers avoid longer delays along Broadway near the project site?
Why have impacts related to on-street parking and pedestrian safety along the entire corridors of 6th and 7th Streets not received greater Accident Analysis as drivers avoid longer delays along Broadway near the project site?
Why has the increasing and 2010 - 2020 projected increase of 30.7% in Humboldt County's senior population (see attached 2005-2009 Area Plan Area 1 Agency on Aging) not been specifically addressed in a wider Accident Analysis?
Why has the increasing and 2010 - 2030 projected increase of 37.1% in Humboldt County's senior population (see attached 2005-2009 Area Plan Area 1 Agency on Aging) not been specifically addressed in a wider Accident Analysis?
What provisions have been made regarding an evacuation when a tsunami event is imminent?
Why has Humboldt County's Office of Emergency Services Response Plan not been referenced?
What input from Humboldt County's Office of Emergency Services has been considered related to tsunami events?

32-9
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32-11

Urban Decay

As business owners of a Eureka business in the downtown area, we have the following concerns regarding Urban Decay:

On January 26, 2009 as reported on MSNBC, Home Depot reported to be laying off 7,000 employees (approximately 2% of its workforce) as well as closing the company's smaller Expo chain. What legal provisions exist to guarantee Home Depot will not back out of the Marina project deal before its completion and to keep its store's doors open once the project has been completed?
The Eureka Mall has now become entirely occupied by regional or national chain stores a direct result of the exodus or shuttering by local retailers once the Bayshore Mall opened in 1987/88. Now that many chain stores (e.g. Old Navy, GAP and most recently Mervyn's) have left vast amounts of the Bayshore Mall retail space vacant and have deprived the area of local tax dollars, what provisions have been considered to prevent a recurrence of a similar scenario?
The City of Eureka has a vested interest in redeveloping the Old Town area (with prime waterfront land along the Boardwalk still vacant after 16 years) as a tourist destination based upon the unique quality of this historic location. How has the City of Eureka measured the loss in prospective revenue generated by tourists who expect to visit our distinctive and rare waterfront treasure but instead will be disappointed by the sight of yet another big box retailer?

32-12
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32-14

Thank you for your thoughtful consideration of this matter.

Respectfully,
Anthony Antoville & Anne Conrad-Antoville

5-414

Letter 32: Anthony and Anne Antoville

Attachments to Letter 32 are presented in Appendix X.

32-1 The comment indicates that additional air quality mitigation measures should be identified, including upgrading diesel truck exhaust systems, installation of solar panels, and passive solar design. See responses to comments 12-8 and 12-9 for responses related to the specific measures identified.

32-2 The comment questions why the Draft EIR did not include technical evidence provided by the Environmental Protection Agency regarding the harmful effects of diesel exhaust and other information from the Agency for Toxic Substances and Disease Registry.

Please see Master Response 2, which discusses the air quality analysis and factors considered.

32-3 The comment questions why there is no data set that includes the high ranking for Humboldt County for cancer incidence. Please see Master Response 2, which explains that Humboldt County does not have a high ranking for risk of cancer.

32-4 The comment asks why other projects and emissions sources are not included in the cumulative analysis. To clarify, closely related past projects identified in the General Plan, Redevelopment Plan, and the reasonably foreseeable projects listed in Draft EIR Table V-1, are considered in the cumulative analysis. Cumulative development is analyzed by adding a regional growth rate and adding the project and foreseeable projects to assess cumulative traffic impacts, as well as air quality and noise impacts that would be associated with the additional traffic. Cumulative traffic, noise, and air quality impacts are identified for the year 2030. These cumulative impacts assumed that even though the project-identified mitigation transportation system improvements identified in this EIR would be implemented, transportation and air quality impacts would be cumulatively considerable and not fully mitigable (see Draft EIR Chapter V.C).

32-5 The comment incorrectly states that the historic sources of contaminants found at the project site have not been identified.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S.

32-6 The comment questions the data used in the hazardous materials analyses and questions why a projected increase in the senior population in the county is not included in the analysis.

For further discussion regarding the subsurface investigations and the Remedial Action Plan for the proposed project, please see Master Response 4. As stated in the response and in new Appendix S, the remediation action plan would ensure that there are no

exposure pathways to contaminants on the project site. Given that no visitors to the project site would have an exposure pathway to the contaminants, the demographics of the visiting population are not relevant.

- 32-7 The comment questions why the Draft EIR did not contain an analysis of hazardous materials effect on wildlife.

The contamination present at the proposed project site is an existing condition and the remediation associated with the proposed project would result in a significant reduction of contaminated materials. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S. For further discussion of the proposed project's potential impacts to biology, please see Chapter IV.D.

- 32-8 The comments requesting subsurface survey of the project area are noted. Following implementation of a subsurface survey program, archaeological and Native American monitoring would occur in areas predetermined as culturally sensitive. Please also see Master Response 9, which includes revised mitigation measures related to subsurface surveys.

- 32-9 The comment questions the adequacy of the traffic impact analysis for Sixth and Seventh Streets. The comment also questions whether the project would cause diversion of traffic into the neighborhoods east and south of the project area, impacts to the on-street parking, pedestrian safety, and accidents on Sixth and Seventh Streets.

The list of study intersections and segments was developed through consultation among City of Eureka, Caltrans District 1, and the traffic and EIR consultants. Subsequently, potential impacts from project traffic were examined at intersections beyond the study area. Utilizing the County's Greater Eureka Area Traffic Model, project trips were traced through much of Eureka and its surroundings. Project trips were distributed onto all streets in the greater Eureka Area. By far the majority of project trips are assigned to U.S. 101 and a few other arterial routes such as Sixth and Seventh Streets east into Downtown. The model does distribute project traffic throughout the City, but because project traffic dissipates beyond the study intersections and those roadways and intersections beyond the study intersections are anticipated to operate at acceptable levels of service, the project would have a less-than-significant impact on those additional segments and intersections and there is no need to extend the analysis further. The project traffic was distributed onto all streets within the Greater Eureka Area Traffic Model, and the volume and location of those trips are portrayed in Appendix H of the Traffic Impact Study (Appendix P of the Draft EIR). As shown there, project trips are shown throughout the city, although the vast majority of project trips are on U.S. 101 east and south of the project site. Project traffic on Sixth and Seventh Streets is relatively small as can be seen in Appendix H, where project trips for both a.m. and p.m. peak hours are shown in plots from the model. As shown on the plots, the number of vehicles contributed from the proposed project to each street is as follows:

Sixth Street east of Broadway:

a.m. peak period: 61 westbound
 p.m. peak period: 62 westbound

Seventh Street east of Broadway:

a.m. peak period: 61 eastbound
 p.m. peak period: 62 eastbound

These volumes are all within the capacity of these streets. Because the project-generated traffic on Sixth and Seventh Streets would be small, the project is not expected to adversely affect the on-street parking and pedestrian access, or to increase the number of accidents on these two roadways.

- 32-10 The comment asks why the projected increase in the City's senior population for 2010 – 2020 and for 2010 – 2030 has not been specifically addressed in the accident analysis. With respect to the aging of population with the potential for increased accident injury and fatality rates, such effects would occur throughout the entire urban area, and any mitigation that results in a lowered accident rate is beneficial. Without the mitigation, but with the higher traffic volumes anticipated with or without the proposed project, the accident severity would be even higher. Therefore, the project has no significant impact on the potential for increased accident severity due to the increasing proportion of senior population to the total population.
- 32-11 The comment asks, in relation to transportation, what provisions are made for evaluation in the event of a tsunami, and why the County's Emergency Services Response Plan has not been referenced. The comment also asks what input from the Humboldt County Office of Emergency Services has been considered related to tsunami events.

Hazards associated with potential tsunami events are addressed in detail in the Hydrology and Water Quality Chapter of the Draft EIR, and specifically pages IV.H-6 through H-9 and H-22 through H-24. In the unlikely event that a tsunami of significant magnitude to flood the project site occurs, specific routes of egress (including vertical egress within buildings) would be identified in the Evacuation and Response Plan identified under Mitigation Measure H-10a. While the specific evacuation routes are not considered as part of the traffic analysis – indeed, egress in the event of a tsunami could occur largely on foot – it is apparent that the available routes for vehicular egress from the project site and the improved traffic operations to accommodate higher volumes of traffic along U.S. 101 would only enhance any plan for evacuation. It should be noted as well that unlike with earthquakes, the warning times associated with tsunami events can be significant, and provide individuals with additional time to evacuate run-up zones.

The comment also asks why the Humboldt County Emergency Services Response Plan has not been referenced and what input from the Humboldt County Office of Emergency Services has been considered related to tsunami events. Humboldt County has been provided the opportunity to comment on the proposed project and Draft EIR, and the

County provided comments on a number of issues related to housing, economic, traffic, visual, biological, and other impacts, but not tsunami hazards. The Humboldt County Emergency Operations Plan is a guidance document addressing the planned response to extraordinary emergency situations associated with natural disasters, technological incidents, and national security emergencies in or affecting Humboldt County. It is not specific to the City of Eureka or to tsunami hazards, though it provides important information about coordinating emergency services and is intended to serve as a secondary “planning reference.” The following reference is added to page IV. H-25 of the Draft EIR:

County of Humboldt, Office of Emergency Services, Humboldt County Emergency Operations Plan, 2002.

Because the Humboldt County Emergency Operations plan does not provide any further detail about tsunami hazards associated with the project site, no further changes to the Draft EIR are necessary.

32-12 The comment asks what legal provisions exist to guarantee the project tenant would not back out of the project. It is beyond the scope of CEQA and this Draft EIR to discuss leases and other agreements between landlords and tenants. The Draft EIR conservatively analyzes the potential impacts of the project as proposed, not the potential impacts of the project if it did not continue operations.

32-13 The comment refers to previous shifts in the local retail market and then asks what provisions are made in the proposed project to keep national retailers in the leasable spaces.

Please see Master Response 1, under “Vacancy in the City of Eureka,” “The Effect of the Bayshore Mall on Local Businesses,” “National Stores vs. Local Stores,” and “Potential Local Store Closures.”

All tenants of the proposed project would sign leases for the spaces they would occupy. If the tenants determine that they would like move out of the spaces leased, they would be free to vacate the space at the end of the lease or, in more extreme circumstances, break the lease. The Project Applicant could not force tenants to remain in retail spaces beyond the terms of the leases. The CBRE Urban Decay analysis considered the potential of Home Depot vacating the project’s anchor store and reported that an empty Home Depot store could be re-tenanted.

32-14 The comment asks whether the Lead Agency has analyzed whether tourists would be discouraged from visiting Eureka as a result of the proposed project. The City has not performed such an analysis, nor does it have plans to do so. Please see Chapter IV.Q and Master Response 1 for additional discussion of impacts related to urban decay.

Comment Letter 33

Comment Letter 33

5-419

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): Charis Arlett

Address: 2602 Spring St. Eureka 95501

E-mail: _____

Report does not address the impact a townhome would have on a business like Home Depot (which sells lots of different chemicals)

33-1

Why aren't we considering retention of all the currently existing coastal wetlands? The Balloon Tract could be cleaned up in the same way Baykeeper negotiated with Simpson to clean up the flea market area.

33-2

Signed: Charis

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): Charis Arlett

Address: 2602 Spring St. Eureka 95501

E-mail: _____

Impact of bicycle & pedestrian travel zones is not analyzed.

33-3

Need significant scientific & factual data regarding the impacts of diesel exhaust

33-4

Report omits analysis of high ranking of Humboldt County for cancer incidence in Calif.

33-5

Report omits current fine particulate matter contribution by Fairview Co-Generation Plant & Evergreen Pulp Mill (when in operation)

33-6

Signed: Charis

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Comment Letter 33

Comment Letter 33

5-420

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): Charis Arlett

Address: 2602 Spring St. Eureka 95501
E-mail: _____

The Wiyot Tribe should be allowed to do
subsurface testing for village sites, before 33-7
any project begins on the site.
Why is land in a coastal zone being
considered for the Marina Center? Why not 33-8
an aquarium like in Monterey?

Signed: Charis

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): Charis Arlett

Address: 2602 Spring St. Eureka, 95501
E-mail: _____

Need to address dioxins & furans in site 33-9
soils more seriously
Report used outdated data for Health Risk 33-10
Assessment
What alternative sites could be considered for 33-11
this project rather than prime coastal property?
Why are we considering substituting locally 33-12
owned businesses for nationwide businesses that will
ship money out of Humboldt County?

Signed: Charis

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Comment Letter 33

5-421

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract

Name (print): Charis Arlett

Address: 2602 Spring St. Eureka 95501

E-mail: _____

Report omits transportation corridor effects
outside immediate vicinity of project area. 33-13

Report omits analysis of fine particulate matter
(PM10) + other pollutants from the combustion
of wood for heat in Eureka. 33-14

Delivery vehicle emission sites in surrounding
areas not addressed. 33-15

No analysis of risk to wildlife done. 33-16

What are the levels of contaminants found
onsite? 33-17

Signed: Charis

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Letter 33: Charis Arlett

33-1 The comment questions the potential effect of a tsunami on the chemicals sold in a large hardware store. Please see response to comment 3-14, which discusses tsunami hazards.

33-2 The comment asking why the City does not consider the retention of all coastal wetlands and comparing the proposed project to another nearby is noted. Note that the proposed project includes a net increase in total wetland acreage, and it would consolidate and improve the value of the wetland on the project site.

Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI of the Draft EIR.

33-3 The comment indicates that impacts on bicycle and pedestrian travel is not analyzed in the Draft EIR.

As discussed on Draft EIR page IV.O-46, under Bicycle Access, the project would complete a portion of the Class I bike trail along Waterfront Drive, and would provide for secured bike parking at the site. Otherwise, the project would have no significant impact on existing bike routes such as the Class II bike lanes on Sixth and Seventh Streets.

An alternate route to get to the eastbound Seventh Street Class II bike lane is suggested by guiding bicyclists to exit the Marina Center site from the Fourth Street access drive, go south on Broadway to Fifth Street, turn left on Fifth Street to go east, turn south on B Street, and then turn onto Seventh Street connecting to the existing Class II bike lanes on Seventh Street. This out of the way problem already exists for the bicyclists traveling from Waterfront Drive wishing to access the existing bike lanes on Seventh Street. They must either go east on Washington Street to Summer Street and then to Seventh Street, or they can go south from Waterfront Drive on Commercial Street to get to the Seventh Street bike lane. Therefore, the project makes some improvements for bicyclists in that it opens a route directly across the project site from Waterfront Drive to Fourth Street and Broadway. It should be noted that in future all vehicles (excepting bicycles) going south or east on U.S. 101 would be routed away from Broadway to Waterfront Drive. Therefore, the vehicular traffic would also be subject to out of the way travel to a greater extent than bicyclists.

As discussed on Draft EIR page IV.O-46, Pedestrian Access, pedestrian circulation along and crossing Broadway is an existing problem arising from the high traffic volumes along Broadway. Raised medians, improved warnings, street narrowing measures, lighting, etc. have all been demonstrated to reduce pedestrian-related accidents. Recommendations to address similar problems have been made in several recent publications including articles in ITE Journal (January 2004 and May 2007), and a handbook jointly published by FHWA, NHTSA and the Pedestrian and Bicycle Center in March 2009 entitled "How to Develop a Pedestrian Safety Action Plan." In these articles it has been noted that installation of unsignalized pedestrian crossings at multi-lane, high-volume arterial urban streets should

be avoided. This is because high traffic volumes offer no safe crossing gaps, even when considering one direction of traffic at a time along with the potential of the multiple threat exposure from having more than one lane in each direction. If median islands are constructed, they should probably be the Danish offset type so that pedestrians walk facing oncoming traffic in the median and they cross half the street at a time. Pedestrians should not be expected to cross two or more lanes, through a stopped or slow-moving queue of vehicles.

Pedestrian push buttons are provided at the signalized intersections, and the timing and phasing at each signalized intersection is programmed for allowing enough time for the pedestrians to clear the roadway. So even with the signals being synchronized, they still would provide adequate time, as calculated based on the vehicular speeds and width of the intersections, for “WALK” and flashing “DON’T WALK” for pedestrians crossing, when the push buttons are utilized. Consequently, the project is not anticipated to have a significant effect on pedestrian circulation and safety along Broadway. Indeed, the transportation improvement measures identified in the Draft EIR should help improve pedestrian circulation and safety above existing conditions.

The project provides a heretofore unavailable route between Fourth Street and Broadway to the Marina on Waterfront Drive. In addition pedestrian sidewalks along both the extension of Fourth Street and Second Street into the project site would provide additional pedestrian circulation opportunities than exist today.

- 33-4 The comment states that the Draft EIR needs specific scientific and factual data regarding the impact of diesel exhaust.

The assessment of health related impacts due to diesel exhaust, as summarized in Appendix E, are based on data calculated from the existing and projected traffic flows using accepted methods established in the California Air Resources Board (CARB) risk assessment tools. The CARB risk assessment tools follow the Health Risk Assessment guidelines and steps outlined by the National Academy of Sciences. The emission components and rates used in the analysis are for pollutants associated with emissions that are designated as hazardous in CARB’s Emission Inventory Criteria and Guidelines Regulations (Title 17, California Code of Regulations, Sections 93300-93300.5), and CARB’s Emission Inventory Criteria and Guidelines Report.

- 33-5 The comment states that the Draft EIR omits the analysis of the high ranking of Humboldt County for cancer risk. Please see Master Response 2, which includes a discussion that Humboldt County does not have a higher risk of cancer risk.
- 33-6 The comment appears to criticize the Draft EIR for not including emissions associated with a nearby pulp mill and co-generation plant as contributing to the project impacts associated with the project. For the purposes of this CEQA document, emissions associated with these facilities are considered part of the baseline conditions. The impacts

attributable to the project are associated with the emissions that would be generated in addition to those that already exist as the baseline conditions.

- 33-7 The comments requesting subsurface survey of the project area by Native American representatives are noted. Please also see Master Response 9.
- 33-8 The comment suggesting alternative uses for the project site is noted. The City of Eureka, as Lead Agency for the proposed project under CEQA, is required to analyze the proposed project at the location proposed, and controlled, by the Project Applicant. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI.
- 33-9 The comment states that the Draft EIR needs to more seriously address dioxins and furans in the project site soil.
- For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S.
- 33-10 The comment states that the Draft EIR uses outdated data for the Health Risk Assessment. For further discussion regarding the Health Risk Assessment, other investigations since the Health Risk Assessment, and the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S.
- 33-11 The comment questions what alternative sites would be suitable for the proposed project. Alternative sites are considered in Alternatives 5 through 14, described on pages VI-6 through VI-9.
- 33-12 The comment questions why national retailers instead of local retailers would be tenants in the proposed project. Please see Master Response 1, under “National Stores vs. Local Stores.”
- 33-13 The comment states that the Draft EIR omits transportation corridor effects outside immediate vicinity of project area. Please see response to comment 32-9, which discusses other transportation corridors outside of the immediate project vicinity and finds to significant effects.
- 33-14 The comment states that the Draft EIR did not consider the air quality impacts related to the combustion of wood for heat. The Draft EIR does not consider non-project related combustion of wood for heat in Eureka; however, pursuant to Draft EIR Mitigation Measure C-2b, wood-burning fireplaces or devices would be prohibited at the project site. For discussion related to sources included in the HRA conducted for the project, please see Master Response 2.
- 33-15 The comment states that delivery vehicle emissions are not addressed in the Draft EIR.

The health risk assessment summarized in Appendix E evaluates the incremental health risk associated with projected mobile sources, including diesel delivery trucks. This analysis is included in the Draft EIR to specifically assess the impacts of diesel and automotive emissions at the project site.

- 33-16 The comment states that no analysis of risk to wildlife is done (presumably from air pollution). The Draft EIR does recognize, evaluate, and mitigate increases in PM10 emissions, but extrapolating this to predicting impacts on wildlife would be speculative because there are no existing indices available to determine of effects on wildlife with this amount of change.
- 33-17 The comment asks what the levels of contaminants are at the project site. A summary of the site conditions and contamination levels is found beginning on page IV.G-4, Chapter IV, Hazards and Hazardous Materials in the Draft EIR. In addition, please see Master Response 4 and new Appendix S, which further discuss contamination levels.

Sidnie Olson

From: Eli Asarian [eliasarian@SoftHome.net]
Sent: Saturday, January 31, 2009 12:57 PM
To: DEIRcomments
Subject: Marina center DEIR comments
Attachments: comments_asarian_eir_marina.doc

[Ms. Olson - Here are my comments on the DEIR, attached as a Word document. In case you cannot read the attachment I've also pasted my comments into this email. Thanks, Eli]

Eli Asarian
1614 West Ave.
Eureka, CA 95501
eliasarian@softhome.net
(707) 443-4743
1/31/2009

Sidnie L. Olson, Principal Planner
Community Development Department
City of Eureka
531 K Street
Eureka, CA 95501-1165
(707) 441-4265
DEIRcomments@ci.eureka.ca.gov

Dear Ms. Olson,

Thank you for the opportunity to comments on the Marina Center Environmental Impact Statement (EIR). I was only able to devote a limited amount of time to reviewing the document, so my comments are limited in scope and I was not able to spend much time editing or polishing these comments.

I am an environmental consultant, with most of my working focusing on water quality and fisheries issues. The comments provided herein are my personal opinions, not representing any agency, institution, or organization.

General Comments

Overall, I think that in its current polluted and abandoned state, the Balloon Track property is not currently contributing much positive to the city of Eureka, and development of the site has definite potential for beneficial effects. The Balloon Track's combination of size and central location are unique in Eureka, making it the premier developable parcel within the city and as such it deserves special attention and long-term thinking.

While I know it is not particularly germane the EIR, I will take this opportunity to express my

2/2/2009

disappointment with the process by which the Balloon Track is being developed. I would have much preferred that the City of Eureka have conducted a community-based planning process to craft a development plan for the site. Instead, a private developer has taken the lead and proposed to implement their own vision for the site, which is probably different from what would have come out of a more inclusive public process.

34-1

There are several aspects of the proposed Marina Center project that I find regrettable and would like to be remedied:

- 1. The project is too focused on commercial uses, particularly big box stores.

Why do we need a Home Depot? Would the project really not be financially feasible without an "anchor" store? In my opinion, locally-owned stores have a much more positive impact on the local economy than box-box stores. While big-box stores do provide employment income to the local community, their profits are removed to corporate headquarters in urban areas outside the county. In addition, compared to locally-owned stores, big-box stores are much less likely to hire local accountants, lawyers, or use local banks.

34-2

- 1. The project does not provide enough residential housing

Despite the fact that "affordable housing" is prominently featured in the glossy Marina Center promotional brochure that I received in the mail this week at my Eureka residence, the proposed project offers only 54 residential units, a very small proportion of the overall project area (the 72,000 square feet of residential buildings is only 12% of the 586,000 square feet of buildings proposed for the site). Located in the center of Eureka with excellent bay views, I think housing should be one of the most abundant land uses in any development at the Balloon Track property. Increasing the amount of residential area on the site, and reducing the commercial area, would create a more balanced community and could reduce the traffic and air quality impacts of the project by providing a more opportunities for residents to walk to work.

34-3

- 1. The proposed project has too much impervious surfaces (pavement and roofs) and inadequate stormwater management.

The proposed project would cover 29 of site's 43 acres (67%) with impervious surfaces. A stormwater management plan has yet to be developed to ensure that pollutants from parking lot storm runoff will not pollute the bay. Additional details on stormwater are including the comments below.

34-4

Alternatives

Please add an alternative that does not include the big-box anchor stores, has less overall commercial area, and includes more residential units at all income levels.

34-5

Hydrology and Water Quality

Page II-23 of the EIR states:

"H-4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a

2/2/2009

5-426

manner which would result in flooding on- or off-site. Nearly 29 acres of the approximately 43-acre site would be converted into impervious surfaces and would result in an increase in peak discharge. An on-site conveyance system would need to be designed and constructed to adequately convey stormwater from the site."

The best way to deal with stormwater is not to "convey stormwater from the site" but infiltrate it into the ground. The proposed approach is outdated 20th century thinking and should not be allowed in a development that purports to be environmentally sensitive. For more information on general modern stormwater principles, see <http://www.oaecwater.org/> and <http://www.humboldt1.com/~water/>. Excellent local examples of stormwater management include the Potawot Health Village (http://www.humboldt1.com/~water/main_pages/PHVP.html).

Unfortunately, despite some progress (i.e. recently-enacted Stormwater Management and Discharge Control Ordinance, and a Construction Site Erosion Control Ordinance) stormwater management is lagging in Eureka, as evidenced by the fact that most of the houses (including one build by a College of the Redwoods community college class) recently built in my neighborhood feature roof gutters that route stormwater drain onto the paved street, rather than onto a pervious surface where it could be infiltrated.

If the proposed project is to move forward, please improve the stormwater management to make it model of excellence rather than yet another source of pollution.

Page II-23 of the EIR states:

"Mitigation Measure H-4a: The project applicant shall prepare a drainage plan indicating the specifics of the project drainage system. The drainage plan shall demonstrate that the culverts are adequately sized and configured to address peak runoff and protect against a 10- year storm event. The drainage plan shall ensure that any increase in stormwater drainage runoff in a 10-year storm event remains below 1 cfs. Alternatively, if the 1 cfs threshold cannot be maintained in a projected 10-year storm event, the drainage plan shall provide a retention/siltation basin that limits stormwater runoff to pre-project flows. The plan shall be submitted to and approved by the City of Eureka, and recommendations from the City shall be adopted by the project applicant prior to issuance of a building permit.

It is unclear if the "stormwater runoff to pre-project flows" refers to just the instantaneous maximum, or also to the shape and duration of the overall hydrograph. For example, if the pre-project peak flow was 3 cfs but that flow only occurred for 1 hour, does that mean that the drainage plan would allow a flow of 3 cfs to occur for 5 hours continuously?

Page II-23 of the EIR states:

"H-5: Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. *Development of the project site could increase the levels of NPS urban pollutants and litter entering Humboldt Bay, resulting in a potential impact.* The recommended mitigation measures would avoid or minimize the potential for runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff."

Mitigation Measure H-5a: The applicant shall treat stormwater at drop inlets that capture runoff from roof drains, paved pedestrian areas, and parking, prior to connection to the City's storm drain system. The project applicant shall prepare and implement a permanent maintenance program for stormwater treatment facilities on the project site.

Mitigation Measure H-5b: The project applicant shall incorporate grassed swales (biofilters) into the

project landscape plan, to the extent feasible, for runoff conveyance and filtering of pollutants. The maintenance of biofilters on the project site shall be the responsibility of the project applicant.

Since the methods to "treat stormwater" are not specified, the EIR's statement that "The recommended mitigation measures would avoid or minimize the potential for runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff." cannot be verified as necessarily true.

The use of grassed swales is an excellent idea, but the EIR only states that they will be used "to the extent feasible." This language is flimsy and means almost nothing (for example, how will "feasible" be determined?). Swales do take up more space than culverts, so are they by default infeasible? Because the project layout is only partially complete, the vagueness is somewhat understandable, but the language could still be strengthened in a reasonable way such as changing "to the extent feasible, for runoff conveyance and filtering of pollutants" to something like "for runoff conveyance and filtering of pollutants from at least 50% of the area of the site."

In looking at the images shown in the Project Description, I do not see any drainage swales, nor retention basins. This is somewhat troubling, because the stormwater management is most likely to be effective when considered from the beginning of the design process, not added later as an afterthought.

Sincerely,

Eli Asarian

34-6

34-7

34-7 cont.

5-427

Letter 34: Eli Asarian

- 34-1 Acknowledging that the comment may not be particularly germane to the EIR, the comment expresses disappointment with the process of development, and would have preferred a community-based process. While community-based development sounds good, it is often detached from market reality and the community often has very disparate views of what sort of development is appropriate in a given location. The sort of development that one would ideally like to see on a property is not always what the market would support. Also, the community had the opportunity to scope the EIR and to propose alternatives. A number of those alternatives helped to inform the process for developing the proposed project. The comment does not raise issues relevant to CEQA, and no further response is necessary.
- 34-2 The comment states a preference for local retailers instead of national retailers. Please see Master Response 1, under “National Stores vs. Local Stores.”
- 34-3 The comment calls on the Project Applicant and City to expand the amount of housing and reduce the amount of commercial uses to help maintain community balance and reduce traffic and air quality impacts.

The comment proposes more housing, while other comments have proposed less. Although the Draft EIR did not specifically evaluate an alternative that would dramatically increase housing, the Draft EIR did evaluate a reasonable range of alternatives, including alternatives that would reduce or eliminate the proposed commercial uses. (Draft EIR, pages VI-4 through -34.) Changing the project to primarily residential uses would likely fail to meet at least two basic project objectives: (i) strengthening Eureka as the retail and employment center of Humboldt County; and (ii) developing an economically viable mixed use project (e.g., retail, office, residential, industrial). A primarily residential project would create imbalances between employment, commercial, and residential areas and services, place housing directly adjacent to industrial uses without buffers, and would have many of the same or greater environmental impacts (e.g., wetlands, hydrology and water quality, and hazards). Because the Draft EIR already evaluates a reasonable range of alternatives and the comment is raising a policy preference for one land use over others, no further evaluation or alternatives are necessary.

- 34-4 The comment stating that a stormwater management plan must be developed for the project site is noted.

For further discussion regarding the stormwater runoff, please see responses to comments 7-8 and 16-45.

- 34-5 The comment requests an alternative without big-box anchor stores, less overall commercial uses, and more residential units at all income levels. Please see responses to comments 16-239 through 16-242, which explain that the Draft EIR includes a reasonable range of alternatives.

34-6 The comment expresses a preference for onsite filtration of stormwater instead of stormwater conveyance through collection systems. The comment is noted.

For further discussion regarding the use of biofiltration as part of the drainage plan, please see response to comment 7-6.

34-7 The comment requests additional details regarding the stormwater management for the project site. For further discussion regarding the stormwater runoff, please see responses to comments 7-8 and 16-45.

Comments: DEIR for the proposed Marina Center Project on Eureka's Balloon Tract ~~PT~~

Name (print): Louise Bacon-Ogden

JAN 20 2009

Address: 2337 B Street

DEPARTMENT OF

E-mail: goldfinch@humboldt1.com

CONTRACT DEVELOPMENT

First, I am not sure that a "created" wetland is an environmentally sound wetland. However, upon reading part IV + reviewing D-3 Table, the enlarged area with a buffer does seem like an improvement. However, I am VERY concerned about the size of the buffer area in comparison with a behemoth parking lot. So many big box stores have an extremely poor maintenance record, "maintaining ONLY their own space." I fear that a congested area on the windy bay will deliver plenty of plastic bags, receipts and packaging into the marsh. Unfortunately, lots of uncaring folks look upon such an area (that will be darkened*) as a great dumping ground for tires, retired Christmas trees, trash or unwanted appliances.

35-1

* darkened area is proper for wildlife but also for miscreants!

Signed: Louise Bacon Ogden

Or send e-mail comments to: DEIRComments@ci.eureka.ca.gov

Letter 35: Louise Bacon-Ogden

- 35-1 The comment states that a created wetland would not be as environmentally sound as the existing wetlands. As discussed on pages IV.D-21 through IV.D-25, the project would have a positive long-term effect by improving the quantity and quality of onsite wetlands, replenishing estuarine wetlands within Humboldt Bay, and enhancing wetland functions and values.

Sidnie Olson

From: Robert Baker [robbaker@suddenlink.net]
Sent: Thursday, January 08, 2009 5:37 PM
To: DEIRcomments
Subject: Marina Center EIR

My Name is Robert Baker and I have concerns about the Marina Center and its EIR. Having worked in Humboldt County retail stores since 1975, in my opinion there would be no decline or increase in jobs or sales, just a shift. From locally owned retailers to out of town corporations. My other concern is, if that shift of sales returns to the local retailer and Home Depot vacates the space it would allow Wal Mart to move in. I also recreate in the local waters and am quite concerned about the quality of the cleanup. I believe that if any of the highly polluted soil is disturbed it needs to be handled in the most environmentally sensitive way. Capping the soil would not do it.

36-1

36-2

Also if there is any significant archeological sites they need to be addressed.
Thank You.

36-3

Letter 36: Robert Baker

36-1 The comment states that the proposed project would only shift jobs and sales and not increase or decrease them. The comment is noted. Please see Master Response 1, under “Jobs / Wages Impacts” and “National Stores vs. Local Stores.”

36-2 The comment states disagreement with the proposed placement of clean cover material over the project site.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S. These sections of the Final EIR describe several remediation measures, including placement of clean cover material over the project site. Note that the hot spots of contamination in the project site soil would be excavated and removed prior to placement of clean cover material over the project site.

36-3 Comments requesting subsurface survey of the project area are noted. Please see Master Response 9, which includes revised Mitigation Measures E-2a and E-2b discussing subsurface surveys.

City of Eureka Community Development Department
Sidnie L. Olson Principal Planner

Dear Ms. Olson:

The fundamental question raised by this proposed project — to develop a strip mall on the city's largest and prime piece of westside waterfront land — is whether such a project can or should legally be built on publicly zoned former salt marsh which has been reserved for public or quasi-public use and which is subject to the Public Trust and to the clear mandates of the Coastal Act which prohibit such development on this kind of land which has been reserved under State law for coastal dependent uses only.

Yet there is no discussion of these essential issues in the draft EIR. Please address in detail these very serious land use matters in the final EIR.

Thank you for your attention now to these crucial waterfront legal political and ecological issues.

Yours truly,
Ken Barr

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4-9-02-2008
DEPARTMENT OF
COMMUNITY DEVELOPMENT

37-1

Letter 37: Ken Barr

37-1 The comment questions whether the proposed project should be built on land zoned for public use and within the coastal zone. Land Use and Planning consistency issues are addressed in Chapter IV.I of the Draft EIR. Please also see Master Responses 3 and 5 regarding the Local Coastal Program and Coastal Act permitted uses. Note that the project site is not owned by the City of Eureka, and several non-coastal-dependent or coastal-related uses are currently permitted to be built pursuant to existing zoning. As stated in the Draft EIR and in Master Response 3, the project site does not directly abut the Bay. Therefore, it is questionable whether coastal-dependent uses could be built at the project site at all.

Letter 38: Mona Beaver

38-1 The comment states that the market for restaurants within the City of Eureka is saturated. The comment suggests new commercial development is not necessary for the project site. As discussed in the Project Description for the Draft EIR, the objectives for the proposed project are to “maintain Eureka’s status as the “hub” of employment, retail commerce and tourism in Humboldt County,” “restore the Balloon Track to productive use” and “develop an economically viable mixed use project.” Commercial development is one component of the mixed uses proposed for the project site. The economic impacts and potential for any adverse environmental impacts are comprehensively analyzed in the Draft EIR in full accordance with CEQA. Please see Chapter IV.P, Urban Decay and the related Technical Appendices K, L, M and N presented in the Volume 2 of the Draft EIR. Please see Master Response 1, under “Vacancy in the City of Eureka.”

38-2 The comment states disagreement with the market-rate housing component of the proposed project. The comment is noted.

As stated in Table IV.I-2 on page IV.I-32, the project would provide a mix of moderately sized one-, two-, and three-bedroom residential units that would accommodate a range of income levels.

38-3 The comment states that the proposed project would not be the highest and best use of the project site. The comment is noted.

The Draft EIR analyzes potential environmental impacts from the proposed project, as required by CEQA. “Highest and best use” is a term used in the real estate appraisal industry to describe the use that would generate the highest return on investment. The Draft EIR does not address “highest and best use,” and potential return on investment is outside the scope of CEQA.

38-4 The comment expresses concern regarding traffic, the degradation of U.S. 101, and spillover on arterials such as Harris Street and Henderson Street.

Project traffic on Harris and Henderson Streets are relatively small, as can be seen in Appendix H of the Traffic Impact Study (Appendix P of the Draft EIR), where project trips for both a.m. and p.m. peak hours are shown in plots from the model.

Henderson Street east of Broadway:

a.m. peak period: 22 westbound
p.m. peak period: 26 westbound

Harris Street east of Broadway:

a.m. peak period: 0 eastbound
p.m. peak period: 0 eastbound

Consequently, the project's contribution to spillover on arterials such as Harris and Henderson is expected to be less than significant.

Also, please see responses to comments 31-1 and 32-9. Response to comment 31-1 states that the 33 percent cumulative increase in traffic on Broadway would occur with or without the proposed project, and that identified mitigation measures would reduce most impacts to less-than-significant levels. Response to comment 32-9 addresses potential traffic impacts to other corridors outside of the immediate project vicinity.

- 38-5 The comment expresses concern regarding placement of clean cover material over the project site. The comment is noted. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S. These sections of the Final EIR describe several remediation measures, including placement of clean cover material over the project site. Note that the hot spots of contamination in the project site soil would be excavated and removed prior to placement of clean cover material over the project site.
- 38-6 The comment expresses concern about the tenanting of retail spaces within the proposed project by national retailers. The comment is noted. Please see Master Response 1, under "National Stores vs. Local Stores" and "Jobs / Wages Impacts."

Sidnie Olson

From: Laura Benedict [benebythesea@hotmail.com]
Sent: Thursday, January 29, 2009 10:03 PM
To: DEIRcomments
Subject: DIER for the proposed Marina Center Project on Eureka's Balloon tract / Hazardous Materials and Land Use

Hello,

I'm deeply concerned that you might approve the Marina Canter Project with the information you've gathered so far. It falls very short of understanding just what you're dealing with. Just recently there was a sampling taken by Humboldt Baykeeper that found dioxins and furans in site soils, sediments and fishes. We have existing aquaculture businesses here that provide 65 - 90 % of all commercially harvested oysters in California, depending on which article you read. Our oysters are being poisoned this very minute by these toxins that are leaching from the Balloon Tract into our bay. That means we are responsible for poisoning Californians and Americans in general - with our knowledge. This is totally unacceptable.

39-1

The Balloon Tract is at sea level, right at the water table. Toxins have been leaking into Humboldt Bay for over a century now. We must do a very thorough survey of just what lies beneath the soil and what's already in the groundwater. And then the soil must be cleaned up, even if it takes a Superfund. Capping it is not an answer at all. That does nothing to address the pollution that exists in that site. It will only allow further pollutants to seep into Humboldt Bay, the Pacific Ocean and the world. And we know it! We can't allow that to happen.

39-2

As far as Land Use is concerned, Coastal Dependent Industry has priority. We have have existing business right now that must be by the bay, oyster aquaculture being a prime example. Non-industrial visitor-serving coastal related recreational development is second. A Home Depot has nothing at all to do with these land uses. Industrial and commerical development could go inland, outside of the tsunami zone where inundation would spread all the toxins in a hardware store throughout the city. That's dangerous!

39-3

Here is this beautiful site, 45 acres right by the bay. Please clean it up and rethink this whole thing. Industrial use of such a site might have made sense 100 years ago when ships were needed to take products to market, but not now. A big box retail outlet that might not last, makes little sense either. If you must develop it, please think about a large park and recreation area that we all can enjoy. That would go a long way in stimulating our economy in a very real and sustained way.

But see to it that it's cleaned up thoroughly first. That's our responsibility to the world. Think globally, act locally? Here's our opportunity to do the right thing.

Thank you,
Laura Benedict
P.O. Box 596
Eureka, CA
95502

Letter 39: Laura Benedict

- 39-1 The comment expresses concern about contaminants on the project site. The comment is noted.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S. See also response to comments 6-3 and 22-18, 23-4, and 23-5, which address dioxin samples that were taken from the project site.

- 39-2 The comment expresses concern about contaminants on the project site and requests additional sampling and soils testing. The comment is noted.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S. These sections detail the numerous site investigations and planned remediation efforts.

- 39-3 The comment questioning the proposed uses in the project are noted. Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI. Regarding the potential for a tsunami to pollute the area due to toxins located in the hardware store, please see response to comment 16-228.

Comment Letter 40

January 30, 2009

Comment Letter 40

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

RECEIVED
JAN 30 2009
DEPARTMENT OF
COMMUNITY DEVELOPMENT

Dear Ms. Olson,

This letter is in response to the DEIR on the Balloon Tract. I have many concerns. First of all there are poisons on the site and there is no plan for cleaning them up or even doing a complete analysis of all the contaminants. There are known dioxins and furans on site. The Health Risk Assessment was done with outdated and limited information. The acceptable levels of chemicals like arsenic have been changed since the information was collected. The levels of dioxins and furans have not been evaluated.

40-1

Since I live in West Eureka, I am very concerned about the effects not only to the waterfront, but also to my neighborhood. There will be a huge impact on the level of traffic not only causing congestion, but making walking it even more difficult to walk anywhere in Eureka. There is a plan for a four story parking garage. This would be an eyesore and a possible magnet for crime for decades. What would we do with it if the proposed Home Depot left town? Will people from small communities who are not used to having to drive in such a structure even use it? I have seen a picture of the proposed development. It looks exactly like a similar development in Los Angeles. It is not in keeping with the atmosphere of Old Town or of Eureka. There goes the tourist industry.

40-2
40-3
40-4
40-5

Furthermore, Home Depot and other retailers in the proposed development are not local. Profits will not stay in Eureka or even Humboldt County. They will be in direct opposition to existing businesses. The owners of Home Depot do not live in Humboldt County. The owners of Pierson's do. Why are we acting against our own citizens?

40-6

Historically the parcel contained a slough and an estuary and wetlands. What is being to restore these? This is historically Wiyot land. What is being done to protect Wiyot artifacts and villages?

40-7
40-8

The plan does not include investigation of any other plan for this area. Is this the only thing we can do? It should include other ideas that I know have been proposed for this area.

40-9

This plan meets the needs of outside interests and a few local people with money. It does not meet the needs of the people of Eureka.

40-10

Sincerely,

Carol Binder

Leila Binder

Carol Binder
Leila Binder
1265 C Street
Eureka, CA 95501
268-1385

5-441

Letter 40: Carol and Leila Binder

- 40-1 The comment states that there is no plan for remediation of the project site, the Health Risk Assessment is out of date, and acceptable levels of contaminants have changed since site investigations were done.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S. As noted in these sections, the Health Risk Assessments of 1996 and 2000 were two of several site investigations.

- 40-2 The comment expresses concerns about traffic impact on the waterfront and the congestion in the neighborhoods, which the comment claims would make walking more difficult.

The main roadway along the waterfront is Waterfront Drive, and it is classified as a Major Collector by the City of Eureka. As such, it is intended to carry high volumes of traffic from traffic generators to the principal arterial system. Because the forecasted 2025 volume for Waterfront Drive on segments is less than 500 vehicles per hour, LOS C and better is anticipated for segments of Waterfront Drive and Railroad Avenue away from stop-controlled intersections. Even with parking and relatively narrow lanes, there is sufficient capacity on Waterfront Drive and Railroad Avenue to move the 500 vehicles per hour (in two directions) along all sections analyzed in the traffic impact study. Therefore, no significant impacts on congestion and pedestrian circulation are anticipated along the waterfront.

In the EIR analysis, the project traffic was distributed onto all streets within the Greater Eureka Area Traffic Model, and the volume and location of those trips are portrayed in Appendix H. As can be seen in Appendix H, project trips are shown throughout the City, although the vast majority of project trips are on U.S. 101 east and south of the project site. These volumes are all within the existing capacity of the City streets.

- 40-3 The comment states that the proposed parking garage would be an “eyesore.” As described on page III-13 of the Draft EIR, the proposed project would include approximately 1,590 parking spaces, 462 of which would be housed in the proposed four-story parking structure. A visual simulation of the proposed parking garage is depicted in Figure IV.A-4b. The parking garage would be designed to accommodate adequate circulation. Finally, the Design Review Committee will review the site plans and designs; however, the police department would still need to provide enforcement.

- 40-4 The comment asks what people would do if Home Depot left town, and whether people from small communities would even use it. Please also see response to comment 16-225. The CBRE Urban Decay analysis considered the potential of Home Depot vacating the project’s anchor store and reported that an empty Home Depot store could be re-tenanted. Although larger spaces are more difficult to re-tenant than smaller spaces, the Home Depot space planned for the project could be divided to accommodate two or more

smaller retailers or other permitted uses. Also, there are many examples of large retail spaces being re-tenanted. A recent article published by Costar discusses alternative tenant uses and strategies for filling retail vacancies, even absent a significant turnaround in the economy. This article cites many prospective non-traditional tenants that are proven alternatives for traditional tenants, including government uses, educational uses, medical uses, recreational/family fun uses, fitness uses, second-hand/overstock uses, and seasonal/temporary uses. In addition, the article cites some traditional tenants that are still in expansion mode and the article lists examples of leases executed by these uses in the past six months nationwide.

While this lease activity is on a national basis, and not specific to Eureka, it nevertheless demonstrates how re-tenanting retail uses, even in large spaces, can be re-tenanted in down periods by non-traditional uses, dispelling the expectation that only traditional retail uses can fill retail vacancies. One example of this in Eureka is Bounce-A-Palooza, a store providing entertainment for young children at the Bayshore Mall. This store is a recent addition to the mall and fills a relatively large space. Kohl's re-tenanted the Mervyn's space and is another example of large spaces in Eureka being successfully re-tenanted. Eureka has further examples of large retail space being filled by alternative uses, such as the former 95,000-square-foot Mall 101 being converted to office space and the former Pay-N-Pak building, measuring 35,000 square feet, now serving as a multi-screen movie theater.

As to whether people from small communities would use the Home Depot, please see response to comment 16-286 which reports that the Home Depot store located in Crescent City, California, is drawing customers from the smaller communities in the surrounding market area. The mere fact that Home Depot is interested in locating in this community evidences its conclusion that there is a market for a Home Depot store.

- 40-5 The comment's opinion of the preliminary project renderings are noted. As stated in the outline on page III-18 of the Draft EIR, under F. Project Entitlements and Approvals, and reiterated on page IV.A-6 under Impact A-3, the proposed project would be subject to site plan review and architectural review by the City of Eureka. Design features specific to the site plan and buildings would be established at that time. The Design Review Committee will review the site plans and designs to ensure that EMC Section 156.054 (D) goals are met.
- 40-6 The comment expresses concern regarding the tenanting of the proposed project with national retailers. Please see Master Response 1, under National Stores vs. Local Stores.
- 40-7 The comment asks what is being done to restore wetlands and Clark Slough.

As stated on Draft EIR page III-14, the project would include the restoration of a wetland enclosing Clark Slough, which traverses the southwestern portion of the project site. Further details of the restoration are provided on page III-14 and in Chapter IV.D, Biological Resources.

- 40-8 The comment questions what is being done to protect Wiyot artifacts and villages. Implementation of revised Mitigation Measures E2a-b would reduce potential impacts to Wiyot artifacts and villages, if any are present in the project area, to a less-than-significant level. Please see Master Response 9 for detailed discussion of mitigation measure revisions.
- 40-9 The comment states that the Draft EIR does not include an investigation of any other plan for the project site. Please see responses to comments 16-239 through 16-242, which discuss the reasonable range of alternatives included in the analysis.
- 40-10 The comment stating that the proposed project does not meet the needs of the people of Eureka is noted. As stated in the project objectives on pages III-15 to III-16, the basic objectives for the proposed project are to maintain Eureka's status as the "hub" of employment, retail commerce and tourism in Humboldt County, to restore the Balloon Track to productive use, and to develop and economically viable mixed-use project. Further detail of each of these objectives is on EIR pages III-15 and III-16.