

Comment Letter 51

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RECEIVED

Jan. 30, 2009

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DEPARTMENT OF  
COMMUNITY DEVELOPMENT

City of Eureka  
Community Development Department  
Attn: Sidnie Olson, AICP  
531 K St.  
Eureka, CA 95501

Re: Marina Center

Having a retail, residential and community use of the Balloon Tract is a good idea, so to that extent I support parts of the Marina Center.

But if it depends on the paving and building for a Home Depot, I oppose it. Can't we remember that a study was done when the Wal-Mart question was before the community which showed that it would damage family owned local businesses. We haven't grown sufficiently that a massive project like that wouldn't harm local businesses.

51-1  
51-2

With this economy, we also have so many stores cutting back or closing altogether. It doesn't make sense to bring in another massive retail outlet when people are having to so carefully plan how we spend our dwindling dollars. I'd rather parse them out to the many home building centers we already have here, centers that are owned and operated by our community..

51-3

Thank you

*Barbara Clark*

Barbara Clark  
Eureka

## Letter 51: Barbara Clark

- 51-1 The comment expresses concerns about the anchor tenant in the proposed project and cites a previous study related to a proposed Wal-Mart. Please see Master Response 1, under “New Recessionary Conditions,” “The Effect of the Bayshore Mall on Local Businesses,” as well as under The 1999 Bay Area Economics (BAE) report “Economic Impacts Assessment for New Retail Development” regarding a proposed Wal-Mart Store in Eureka.
- 51-2 The comment states that the proposed project could damage locally owned businesses and that the economy could not handle a new retail project. Please see Master Response 1, under “New Recessionary Conditions,” as well as under “The 1999 Bay Area Economics (BAE) Report” regarding a proposed Wal-Mart Store in Eureka.
- 51-3 The comment states that the economic conditions cannot support a new retail project. Please see Master Response 1, under “New Recessionary Conditions,” “Potential Local Store Closures,” as well as under “The 1999 Bay Area Economics (BAE) Report” regarding a proposed Wal-Mart Store in Eureka.

Sidnie Olson

**From:** George and Kyoko Clark [GKCLARK@ARCATANET.COM]  
**Sent:** Friday, January 30, 2009 4:51 PM  
**To:** DEIRcomments  
**Attachments:** Marina Center Comment #1.doc

January 30, 2009

George Clark  
1091 Vista Drive  
Eureka, CA 95503

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

**RE: PROPOSED MARINA CENTER PROJECT  
DEIR PUBLIC COMMENT**

Thank you for taking the time to respond to the questions and comments presented below regarding the proposed Marina Center development project, and for including this document and your responses as a part of the public comment process.

I have lived in Humboldt County since 1975 and my family and I owned and operated a successful business in Old Town Eureka for many years. The Balloon Tract property is Eureka's last largest undeveloped, public zoned open space, it is the only available resource and opportunity to significantly expand Old Town's qualities and attraction for tourists and residents in Eureka: Open spaces, greenbelts, bay views, safe, walkable, tree-lined streets, with diverse, locally owned, mixed-use developments and mixed-income residences. This development model is euphemistically referred to as Small Town America, it offers the quality of life that attracts entrepreneurs, residents and tourists alike, and it was the motivating factor for my family to locate our business in Old Town and to buy our home nearby. Expanding this development model and quality of life discourages urban blight by incentivizing capital investment. It is well known that sales dollars at locally-owned businesses recycle three times longer within a community while historically generating the tax-base required to provide fundamental infrastructure, emergency services and schools for America's cities.

52-1

52-2

5-469

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However, continuing attempts to make Eureka the "retail hub" of Humboldt County have focused primarily on attracting outside retailers, in fact, during Wal-Mart's bid to locate on the Balloon Tract, a Bay Area Economic study in 1999, found that Eureka was already "...saturated with national retailers...". What we've learned is that this development model has failed to generate the jobs, sales, and tax revenues commensurate with the public costs associated with big box development. For example, Eureka now shares the familiar signs of urban blight experienced by many other rural cities that have focused on attracting low-wage national retailers while neglecting local ownership, light industry and manufacturing. The Marina Center would continue this neglect by limiting locally-owned businesses and by proposing zone changes that reduce light industrial and manufacturing potential. The failure of this development model is evident in Eureka's plummeting average income that is now half the state average, placing huge burdens on social services. Accompanying low-wages in Eureka is the high property crime rate that is now 2 1/2 times the state average and twice the national average. Eureka's wastewater system has languished for 3 decades and updates could soon be estimated to cost 30 to 40 million dollars, (the Martin Slough Interceptor Project). Eureka struggles to fund only 2 full-time traffic police while fatalities for pedestrians, cyclists and motorists are among the highest in California. Our local K-12 schools are loosing facilities or closing down entirely. Low wages, poverty, blight, and unaffordable housing are contributing to Eureka's declining population.

52-3

52-4

The DEIR narrowly defines urban blight by omitting references to the evidence listed above. In addition, there are many more empty store-fronts in Eureka than what is reported in the DEIR, probably due to the rapid economic decline currently taking place. There should be a more current and complete analysis provided by an independent professional. Empty storefronts are another indication of the failure of saturating a community with national retailers, this becomes more apparent during economic downturns. By nature, big box outlets are more susceptible to international fluctuations in oil prices and unstable, rouge nations where labor costs are forcefully repressed. Having displaced local competition the full economic impacts of big box development is revealed as they close in the thousands, leaving huge economic holes in rural communities that could take many decades to recover.

52-5

52-6

In many sections the DEIR fails to consider a "tipping point" to which the Marina Center contributes in creating severe negative impacts on local businesses, traffic, the environment and other areas. In Appendix K, for example, the DEIR observes that small independent businesses persist despite the local construction of national-retail malls, the loss of natural resource industries and national economic downturns. Therefore, the DEIR concludes that there's "no significant impact" expected from adding even more big box stores and national retailers in the Marina Center Project. Few subjects are better researched and understood than the significant and negative impact big box stores have on local independent businesses. Just because a cancer patient is still alive provides irrational justification for increasing tobacco use. Again, the DEIR makes the observation in section IV.O-1 that severe traffic problems already exist on Broadway due to design deficiencies, and since the Marina Center Project mitigation measures, "do not add additional design problems", there's "no significant impact" on traffic. This kind of logic is irrational. Eureka and Cal-Trans have been unable to resolve severe traffic problems for 30 years on Broadway without a 101 highway bypass. Until then, there is no safe way to add 15,666 vehicle trips each day to this area.

52-7

52-8

Finally, an unprecedented economic downturn accelerated in 2008 with a collapsing housing market that closed down some of the world's largest financial institutions, millions of Americans are still being thrown into joblessness, bankruptcy and foreclosure. Most economists are warning that this is only the beginning of a long economic crisis. Despite a 50% drop in gasoline prices in the autumn of 2008, equally inflated consumer goods and services have not followed-suit. The entire socio-economic statistical data relied upon in the DEIR, as referenced in Appendix K and elsewhere, is premised upon the continuing economic and population growth indicators from 2004, extrapolated to 2010, 2015, and 2025. Therefore, the new economic reality requires that all effected sections of the DEIR be completely rewritten or risk remaining completely inaccurate. Also, the DEIR is predicated on population increases, yet, a 2005 census already shows a population decrease of 800 for the City of Eureka, a figure that will likely worsen with the economy. Many thousands of additional national retail stores are slated to close in 2009, some have closed locally just since the release of the DEIR. Some of the DEIR sections affected by these changes and requiring substantial rewriting include, but are not limited to:

52-9

- URBAN DECAY
- POPULATION AND HOUSING
- LAND USE PLANNING
- ALTERNATIVES
- POTENTIAL AREAS OF CONTROVERSY
- OBJECTIVES
- PUBLIC SERVICES
- TRANSPORTATION
- CUMMUALTIVE IMPACTS

The following questions are listed in random order, some are combined together due to their related topic. If any question is not completely answered, (with more than “yes” or “no”) please state the reason(s).

Question #1: Urban Blight

CBRE’s definition of urban blight is too narrowly defined as, “vacant lots with garbage, weeds and homeless encampments”, in effect, the Marina Center property. Will the EIR broaden its definition and address the reality of this development’s impacts on Eureka’s more serious symptoms of blight: Skyrocketing property crime, underfunded and closing schools, numerous empty storefronts, failing wastewater systems, underfunded police and emergency services, falling incomes and the decreasing population that results?

52-10

Eureka’s largest parking lots, (not the vacant lots like the Balloon Tract), account for many of the police calls to report crimes. How will the Marina Center mitigate this problem on its large parking areas?

52-11

Will the Marina Center hire its own security officers?

Question #2: Leakage Analysis

CBRE’s definition of leakage analysis is too narrowly defined as “lost sales capacity that can be recaptured by...the Marina Center Project”. This is a highly speculative assumption with supporting statistics provided by...Home Depot. CBRE claims that 5 local contractors spend, on average, \$75,000 at Home Depot each year, but this may not change if the construction jobs are nearer to those Home Depot’s, hundreds of miles from Eureka! Will the EIR broaden its definition of leakage analysis to demonstrate, in projected detail, how the expected tax revenue from this project will exceed the public costs to Eureka and Humboldt County?

52-12

Will these revenue estimates be reduced by the lost tax revenues from competing businesses anticipated to lose customers due to the Marina Center development?

52-13

Similarly, will the EIR extrapolate these anticipated sales tax revenues into the future to further demonstrate that they will exceed all of the ongoing public costs to Eureka and Humboldt County that are associated with this development: in infrastructure, emergency, police and social services?

52-14

Are there redundant services and retail establishments included in this development that are being, or could be, provided by locally owned businesses? Was this considered in the section on alternatives?

52-15

Question #3: Aesthetics

The Marina Center proposal boasts of its visual resources on Humboldt Bay, yet, all of the commercial buildings, and most of the others, all face either away from the bay or towards each other in a traditional “mall” setting. What are the mitigation efforts to actually build the project to acknowledge the bay such as NW windows?

52-16

There is a large fish processing plant near this development and, being on the bay, more could follow. What mitigating efforts has the Marina Center proposed to cope with the tremendous odors and other potential quality of life detractions that accompany future harbor-related development?

52-17

How will potential industrial rail service of 100 trains per day effect this development, the traffic situation, bike and pedestrian trails?

52-18

Question #4: Population and Housing

Will the EIR recalculate its conclusions to account for decreasing populations in Eureka? How will it accomplish this?

52-19

The DEIR calculations are premised upon Eureka’s outdated 2005 housing element. Since 2005, citizens have moved out, schools have closed, and the State of California has a new category of housing called extremely low-income. In fact, once Eureka’s General Plan and Housing Element are updated they will be required to ensure that affordable housing categories are constructed. How will the EIR address these issues?

52-20

The Marina Center is claiming that it will create 1,092 new jobs without any linkages to the housing needs of these new, low-income, employees. Will the EIR include jobs-housing linkages like other California cities that add \$2 to \$10 per square foot to a fund to build affordable housing?

Question #5: Utilities and Service systems

The DEIR claims that Eureka’s wastewater treatment plant operates at 70% capacity, yet, there is no documentation in the DEIR appendix, nor is any professional research available to corroborate this assumption from the City of Eureka. This kind of speculation will further place thousands of citizens, livestock and wildlife at risk as millions of gallons of sewage continue to escape into Eureka’s marshes, forests and gulches with each heavy rain. Will the EIR correct this erroneous assumption regarding wastewater capacity by providing the actual research required by an independent professional to determine capacity?

52-21

The DEIR claims that Eureka’s wastewater treatment plant operates within its permit issued by the Regional Water Quality Control Board, yet, fails to mention the large penalties imposed upon Eureka for chronic violations that occur primarily due to the systems inability to process wastewater during heavy rain events. For 30 years Eureka has planned the construction of the Martin Slough Interceptor to correct this and to replace its 18 aging lift stations, but Eureka lacks the tens of millions of dollars needed for construction. Will the EIR and Marina Center calculate its estimated wastewater requirements for the purpose of ensuring that tax-revenues from this project’s build-out are adequate to fund the additional demand on Eureka’s system, as well as, the project’s demands on other city and county services?

52-22

Question #6: Traffic

Too many of the intersections studied in the DEIR remain close to the project area failing to account for the increased traffic that will undoubtedly affect many more streets such as Buhne, Harris, Harrison, and Wabash. Will the EIR complete the research required that analyzes the total impact of traffic on these streets and other ancillary neighborhood connections?

52-23

The Marina Center Project is being proposed within Eureka’s most severe and chronic traffic area. Both Eureka and Cal-Trans have been unable to cope with increasing accidents and fatalities in this area for the last 30 years without a complete by-pass on highway 101. It is far too speculative to assume that a few traffic alterations, already researched by Eureka and Cal-Trans, will now suffice. “Unacceptable levels of service” identified in the DEIR, mostly fall within the jurisdiction of Eureka and Cal-Trans without considering the costs and who pays. The DEIR itself claims that there are intersections where mitigation is infeasible and significant, therefore, will the EIR consider a vastly scaled-down version of this development that replaces the largest contributors to traffic, with developments with less impact?

52-24

Will the EIR include a section on public transportation offered within the project and mitigation plans to reduce traffic volume?

52-25

Question #6: Traffic

Cal-Trans calculates an increase in traffic, without this project, by 33% by 2025. Will the EIR work with Cal-Trans to determine the costs of mitigating all traffic issues under consideration, and who will pay these costs, will the EIR extrapolate the results to 2025 or longer?

52-26

Will the EIR computer simulations (and transportation section) be recalculated and programmed to include volatile variations in fuel prices as we’ve already experienced in 2008?

52-27

Will the EIR call for a “Standards of Service Level” to be established by Humboldt County for Broadway? This would eliminate the speculation and ambiguity of traffic impacts expressed in the DEIR. “Acceptable traffic speeds of 9mph” are not acceptable. It will increase the number of cars on the road, cause more accidents and impair emergency vehicle access.

52-28

The project applicant is only required to pay its fair-share with, “no funding in place to ensure mitigation that is required to avoid impacts”, (Page 50). Will the applicant please list its anticipated monetary fair-share contributions and apply them to each mitigation required?

52-29

Will the EIR incorporate quality of life issues for pedestrians, cyclists, tourists and residents and how they are to be affected by traffic?

Question #7: Hazardous Materials

Will the EIR provide more detailed and complete information on how remediation of toxic materials on this site will be mitigated and reduced to less than significant levels?

52-30

Will the EIR include research identifying the sources of furans and dioxin in sediments and fish on this project’s property?

52-31

Will the EIR update the Health Risk Assessment to include exposure pathways from the project, proposed uses, residential use and its construction?

52-32

What are the ecological risks associated with this project?

52-33

Will the EIR utilize updated toxicity values adopted by the EPA for the chemicals listed on this site?

52-34

How will the EIR ensure that there is enough accurate data for the CWQCB to concur? What are the “other overseeing agencies...” that will review this data?

52-35

Question #8: Air Quality

## Comment Letter 52

What mitigation measures will be utilized to reduce particulate matter created by construction, reported to violate the Federal Clean Air Act, exceeding NCUAQWD allowances by 200%? 52-36

### Question #9: Land Use

The Marina Center project is dominated by big box national retailers, commercial and office developments and does not address the adequate affordable housing required for the proposed increase of over 1,000 new jobs. Its facilities are tossed together and do not compliment each other. Will the EIR abandon its erroneous use of the term Smart Growth which calls for a balanced mix of jobs, housing, and services within a walkable area? 52-37

How does the Marina Center enhance coastal recreation opportunities as a "priority"? 52-38

Which coastal-dependent uses does the Marina Center development support?

What coastal-dependent industry is the Marina Center proposing?

What are the "higher wetland uses" the DEIR refers to that allows this project's wetlands to be filled? 52-39

### Question #10: Alternatives

Will the EIR provide an analysis of coastal-preferred uses for this area to be developed? 52-40

What provisions of law require that this property be developed in order to facilitate a complete toxic abatement? 52-41

Many citizens in Eureka would like to see very limited development that capitalizes on this areas unique natural resources by restoring the slough and wetlands and providing for visitor-serving recreational uses. Has the Marina Center applicant considered the open areas at either end of Eureka, on highway 101, for various parts of its developments, as opposed to keeping all aspects of the project intact? Which parcels did it consider, and is the applicant willing to make an offer or wait until they're available? 52-42

## Letter 52: George and Kyoko Clark

- 52-1 The comment states preference for a particular pattern of development. The comment is noted.
- 52-2 The comment states that sales at locally owned businesses recycle three times longer than sales at national retailers. The comment is noted. Please see Master Response 1, under “National Stores vs. Local Stores.”
- 52-3 The comment states that efforts to make Eureka the retail hub of Humboldt County have focused on national retailers. The comment is noted.
- Please see Master Response 1, under “Jobs / Wages Impacts,” as well as under “New Recessionary Conditions,” as well as under “The 1999 Bay Area Economics (BAE) Report” regarding a proposed Wal-Mart Store in Eureka.
- 52-4 The comment states that national retailers have failed to generate jobs, sales, and tax revenues commensurate with public costs associated with big box development. The comment is noted.
- Please see Master Response 1, under “Jobs / Wages Impacts” and “National Stores vs. Local Stores.”
- 52-5 The comment states that the Draft EIR should have a more inclusive definition of “blight” and that a urban decay analysis should be prepared by an independent consultant. The comment is noted.
- Please see Master Response 1, under “Vacancy in the City of Eureka.”
- 52-6 The comment states that national retailers are at a disadvantage for several reasons. The comment is noted. Please see Master Response 1, under “National Stores vs. Local Stores.”
- 52-7 The comment states that the Draft EIR fails to consider the “tipping point” to which the proposed project would contribute to negative impacts on local businesses. The comment is noted.
- Please see Master Response 1, under “Potential Local Store Closures.”
- 52-8 The comment questions the threshold for impact significance related to traffic on Broadway. Please see response to comment 31-1 and Master Response 6, which discuss the 33 percent cumulative increase in traffic on Broadway with or without the proposed project, as well as the identified mitigation measures that would reduce almost all significant impacts to less-than-significant levels.

- 52-9 The comment relates to the recent economic downturn as related to the proposed project. Please see Master Response 1, under “New Recessionary Conditions.”
- 52-10 The comment implies that the definition of “urban blight” should be broader and include several significant environmental impacts generated by “this development,” including impacts to public services and utilities and service systems, as well as non-environmental impacts that are often associated with the environmental impact of urban decay. Please note that the proposed project is found to have less-than-significant impacts on public services or utilities and service systems. The comment is noted.
- 52-11 The comment expresses concern about security at the project site. Please see response to comment 16-178, which address police service and site security.
- 52-12 The comment requests clarification regarding the potential tax revenues and public costs associated with the retail component of the proposed project. Please see Master Response 1, under “Fiscal Impacts to the City of Eureka and Other Jurisdictions.”
- 52-13 The comment requests clarification regarding the potential tax revenues and public costs associated with the retail component of the proposed project. Please see Master Response 1, under “Fiscal Impacts to the City of Eureka and Other Jurisdictions.”
- 52-14 The comment requests clarification regarding the potential tax revenues and public costs associated with the retail component of the proposed project. Please see Master Response 1, under “Fiscal Impacts to the City of Eureka and Other Jurisdictions.”
- 52-15 The comment asks whether any of the retail services that would be provided in the proposed project would be “redundant” or could instead be provided by locally owned businesses. Please see Master Response 1, specifically “National Stores vs. Local Stores” and “Potential Local Store Closures.”

The comment also asks whether Alternatives considered redundant services or locally owned businesses. Locally owned businesses that provide the same goods and services as the anticipated tenants would generate almost identical environmental effects. Therefore, exploration of such an alternative would not be productive.

- 52-16 The comment asks why views from internal project buildings are not considered in the aesthetics analysis.

As described on Chapter IV.A, the proposed project would create view corridors through the project site from the Fourth Street extension, between the proposed buildings along Waterfront Drive, and from the proposed multi-use trail along Waterfront Drive, all of which would augment coastal views. The proposed project design is preliminary and is subject to review by the Design Review Committee prior to approval. The proposed buildings along Waterfront Drive would, at a minimum, include northwestern facing windows.

52-17 The comment expresses concern about odors from nearby uses affecting the project site. Please see response to comment 16-92, which discusses odors from the nearby uses.

52-18 The comment questions how potential reactivation of the railroad right-of-way would affect the proposed project.

The Draft EIR (Impact O-7, page IV.O-45, and Mitigation Measures O-7a, O-7b and O-7c, page IV.O-47) identifies and mitigates the safety and access concerns that would exist if a freight or passenger line were to operate along the western property boundary under project development.

52-19 The comment queries whether and how the Draft EIR's analysis and findings consider Eureka's recent population declines. Under CEQA, analysis of a project's environmental impacts should be performed based on the physical environmental conditions as they existed at the time the notice of preparation (NOP) was published (CEQA, Section 15125). In accordance with these guidelines, as shown in Table IV.1-1, the Draft EIR primarily uses 2005 population estimates from the California Department of Finance for its analysis of the project's expected population and housing impacts. Furthermore, the very minor change in the City's current population (which in 2009 is estimated to be 26,002 residents and equivalent to a population loss of 344 individuals) represents only a 1.3 percent population decrease which would not alter the analysis's less-than-significant population impact findings.

52-20 The comment states the opinion that the "2005" Housing Element is outdated and queries how the Draft EIR's analysis and findings consider the forthcoming update to the Eureka's General Plan and Housing Element. Under CEQA, analysis of a project's consistency with applicable general and regional plans should be based on those plans applicable at the time the notice of preparation (NOP) was published (CEQA, Section 15125(d)). In accordance with these guidelines, the Draft EIR evaluated the project's consistency with the City of Eureka's Housing Element (adopted in May 2004) which as of April 2009, continues to be the applicable planning document for housing within the City. The 2004 Housing Element will remain the most applicable Housing Plan for the City until an updated Housing Element is adopted by the Eureka City Council.

52-21 The comment questions the wastewater treatment plan operational capacity. Please see response to comment 9-34, as well as responses to comments of Letter 80, which address wastewater services and capacity. Please also see Chapter 2 of the Final EIR, which includes staff-initiated text changes to the Draft EIR regarding wastewater treatment and NPDES permit applications.

52-22 The comment questions the wastewater treatment plan operational capacity. As stated on Draft EIR page IV.Q-1, the Elk River Wastewater Treatment Plant (WWTP) operates at 100 percent capacity during peak wet weather events. As stated on Draft EIR page IV.Q-2, during periods of high influent flows, the overflow is directed from the effluent holding pond to a temporary holding marsh. Please see response to comment 9-34, as well as

responses to comments of Letter 80, which address wastewater services and capacity. Please also see Chapter 2 of the Final EIR, which includes staff-initiated text changes to the Draft EIR regarding wastewater treatment and NPDES permit applications.

Draft EIR Chapters IV.M, Public Services; IV.N, Recreation; and IV.Q, Utilities and Service Systems analyze the proposed project's demand on city services.

The proposed project would be required to pay its fair share toward infrastructure improvements related to wastewater and stormwater collection systems.

52-23 The comment expresses concern about the impact of the project on the other streets and neighborhoods. The one intersection where the impact is significant and cannot be mitigated is Wabash Avenue and Koster Street, a stop sign controlled intersection. As explained in the traffic study, this intersection is too close to Wabash Avenue and Broadway to signalize and no other mitigation appears physically or technically feasible, including redirection of traffic through traffic controls. See also to response to comment 32-9, which address traffic on corridors outside of the immediate project vicinity.

52-24 The comment questions ether the Draft EIR considers reduction in the size of the project to reduce traffic-related impacts.

Reducing the size of the proposed project would reduce the traffic volume to and from this location. However, equivalent economic growth would still be expected to occur at alternate locations, most likely along U.S. 101, as evidenced in Traffic Impact Study (TIS) Table VI and mapped in Figure 14 (pages 43 and 46 of the TIS, respectively). Reducing the size of the project would not significantly reduce future traffic volumes along Broadway and it would be more difficult to divert U.S. 101 traffic to Waterfront Drive. Moreover, a reduced project would also reduce the amount of the project's "fair share" contribution to regional transportation improvements, which would hamper further the City's and Caltrans's ability to fund transportation improvements that are needed with or without the project. The Draft EIR at pages IV.O-51 through -54 identifies the only transportation-related impacts that may remain significant and unavoidable. See also to response to comment 31-1, which notes 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 almost all of those impacts to less-than-significant levels.

Also, a Reduce Project Alternative is analyzed in Chapter VI.

52-25 The comment asks whether the Draft EIR includes a section on public transportation within the project. Public transportation as mitigation is not considered to be as effective as the vehicle traffic improvements identified in the traffic study. There would be a need to capture perhaps 20 to 30 percent of project vehicular traffic instead on public transportation. Eureka's commercial centers, including Downtown, along with typical residential densities of mostly single-family housing all contribute to a low potential for

increased transit ridership because transit ridership increases typically require higher residential densities and concentrations of commercial activity.

There would be opportunities for local transit agencies to eventually plan and develop transit stops and transfer points near or within Marina Center, but such strategies would come as future opportunities occur and not before, and not as mitigation for traffic growth due to development at the project site. Increased transit ridership is likely when the average employee density exceeds 50 employees per acre, and the average residential density is above 20 dwelling units per acre, and these are far above the observed and anticipated employment and residential densities locally. According to the U.S. Census Bureau, the City of Eureka has a total area of 14.4 square miles, of which 9.4 square miles, or 6,016 acres, is land. As stated in the General Plan (page 13), very little vacant developable land remains within Eureka's city limits. Using the total acreage provided by the U.S. Census Bureau, the 11,765 housing units (2005) are spread among 6,016 acres of land, for a residential density of 1.95 units per acre.

- 52-26 The comment asks whether the [Project Applicant] would work with Caltrans to determine costs of mitigation.

The traffic impact study and the mitigation measures outlined in the Transportation chapter of the Draft EIR show which mitigation measures must be constructed by the Project Applicant, and others where the Project Applicant is responsible for a fair share of the costs. While the Project Applicant is only required to pay its fair share, and there may be no program in place or funding otherwise identified to ensure completion of all mitigation measures, to ensure that the key improvements are completed within the necessary time period to avoid the impact, mitigation measures would be installed by the Project Applicant under a reimbursement agreement with the City or other method for receiving credit against future improvements. Apart from that reimbursement or credit process, fair share is generally calculated simply by evaluating the proportion of traffic growth resulting from a proposed project to the total traffic growth projected in the future year. For example, if traffic increases by 1,000 vehicles per hour at a study intersection requiring mitigation, and if a project's contribution to those 1,000 additional entering vehicles is 400 vehicles per hour, then 40 percent of the mitigation costs are the responsibility of the developer and 60 percent are the responsibility of others. A similar process would be developed with Caltrans to identify the project's fair share contribution and ensure that transportation improvements are completed in a timely manner. The EIR's traffic analysis is a starting point for this fair share contribution analysis, but the project's ultimate fair share contribution cannot be calculated unless and until the timing and phasing of the development is identified, regional contributions to traffic are updated, and the costs associated with each improvement are finalized.

- 52-27 The comment questions whether the traffic analysis needs to incorporate fluctuations in fuel prices.

While variations in fuel prices have affected traffic levels, the effect is only one of a few percent. If fuel prices increase, we would expect traffic volumes to grow at a slightly lower rate than 1.5 percent per year in the corridor. In such event, traffic would flow only slightly better than is forecast in the traffic study.

- 52-28 The comment asks whether the Draft EIR would call for “Standards of Service Level” to be established by Humboldt County for Broadway. The comment also states that “acceptable traffic speeds of 9 mph” are not acceptable.

Broadway is a State Highway under Caltrans jurisdiction. Caltrans has concluded that a level of service of LOS D or better is acceptable on Broadway within the City of Eureka. The 9 mph speed criterion is the LOS D arterial speed criterion for streets with a 30 mph speed limit. The City of Eureka and the County of Humboldt, along with Caltrans, have defined LOS D operations on U.S. 101 as acceptable. It should be noted that the 8.2 mph average speed occurs only between Fourth Street and Washington Street in the p.m. peak hour in 2025, with an average travel time of 150 seconds. If the average speed were 15 mph (LOS C) in this section, the average travel time would be 85 seconds, or 65 seconds less. There is no evidence to suggest that these minor differences in speed and travel time would have any effect on the number of vehicles or accidents along this roadway segment. With or without the project, higher future traffic volumes projected on U.S. 101 could impede the speed of emergency services, but not to a significant extent—as stated in response to comment 16-178, the proposed project would not have a significant impact on response times. The improved traffic signal system and emergency vehicle preempt should actually improve future emergency response times with the project than a non-improved signal system without emergency vehicle preemption.

- 52-29 The comment references page IV.O-50 of the Draft EIR – which is a list of cumulative projects – and asks the Project Applicant to list the proposed project’s anticipated fair share contributions for each mitigation measure.

While unclear, presumably the comment is asking about Mitigation Measures O-8a and O-8b, as the analysis on page IV.O-54 concludes that the Project Applicant is only required to pay its “fair share” for the improvements identified therein. Mitigation Measures O-8a and O-8b are necessary to address full build-out of the project along with cumulative projects in the region under traffic conditions anticipated in 2025. Given that the improvements are not necessary for some time in order to avoid the impact, it is impractical to develop a precise calculation of the project’s fair share at this time. For example, the capital costs of undertaking the improvements and regional transportation needs could change dramatically between now and when the fair share contribution must be paid. In any event, this limit arises from the constitutional principle of “rough proportionality,” and the inability of the City to impose mitigation beyond the project’s fair share. (*Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.Fourth 342 (“Any mitigation measure must be ‘roughly proportional to the impacts of the project.’”) (citing CEQA Guidelines Section 15126.4(a)(4)(B)).)

Here, the project's fair share contributions to the traffic improvements would be derived based on the percentage of vehicle trips through a given intersection or roadway segment resulting from the project. And despite the proportional share limitation, the Project Applicant has agreed to install many of the improvements for which the project is not solely responsible, subject to credit or reimbursement towards future transportation or other fees. Consequently, the project-level measures are enforceable and would be installed by the Project Applicant with construction of the project. (See, e.g., Mitigation Measures O-1c through O-1k.) CEQA does not require that the Project Applicant or Lead Agency specify the precise, fair share amounts at the EIR stage. It is enough to show the commitment to mitigate the impact or, if mitigation not feasible, to make the finding that the impact is significant and unavoidable.

52-30 The comment requests further detail regarding remediation of the project site.

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

52-31 The comment questions whether the Draft EIR would include research identifying furans and dioxins in sediments and fish on the project's property.

The Draft EIR has recognized and identified the potential dioxin and furan contamination that is present at the proposed project site. The remediation action plan developed for the project site would contain a comprehensive plan for protecting human health and the environment. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S.

Please see responses to comments 6-3, 23-4, and 23-5, which state that dioxins in sediment samples from onsite ditches and the Clark Slough remnant are discussed on Draft EIR page IV.G-6. Further, Mitigation Measure G-1b states that prior to commencement of construction activities, the Project Applicant must complete characterization and remediation of all contaminants to the satisfaction of the RWQCB. This includes dioxin. Moreover, dioxin sampling is included in the SIRAP referenced above, which has been approved by the RWQCB.

Please also see response to comment 22-18, which discusses dioxins generally, the levels of dioxins found at the project site, and the additional testing that would be performed as part of the SIRAP.

52-32 The comment asks whether the 1996 and 2000 Health Risks Assessments would be updated to include additional information.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S. As stated in these sections, there were several site investigations completed both before and after the two Health Risk Assessments. Exposure pathways are considered in the remediation plan.

52-33 The comment asks what are the “ecological risks” associated with the project.

“Ecology” is the interdisciplinary study of organisms and their interaction with the environment, and it’s often included as a subset of Biology. However, the comment is written under the heading of “Hazardous Materials.” Impacts G-1 through G-9 (pages IV.G-19 through IV.G-26) discussed potential impacts related to hazards and hazardous materials. In addition, potential impacts to wetlands and associated habitats are discussed under Impacts D-1 through D-8 on pages IV.D-18 through IV.D-34. Note that the contamination on the project site is an existing condition, and that the proposed project would excavate and remove contaminated hot spots, as well as remove exposure pathways. For more details, please see Master Response 4 and new Appendix S.

52-34 The comment asks whether the Draft EIR would update toxicity thresholds adopted by the EPA. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S. These sections discuss toxicity thresholds.

52-35 The comment asks how the Draft EIR would ensure that there is enough data for the Water Quality Control Board to agree with its findings.

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 of this document. The RWQCB would be the Lead Agency overseeing the remediation efforts, and it may involve other or coordinate with other agencies, such as the Department of Toxic Substances Control or the local health department. The RWQCB would ensure that the Project Applicant provides enough information prior to approval of the remediation plans.

52-36 The comment asks what mitigation measures would be used to reduce particulate emissions.

The wetlands construction equipment emissions used for the health risk assessment are addressed on pages 12 and 13 in Appendix E. The analysis of the health related impacts associated with emissions from construction equipment uses a threshold level because the operational period for the construction equipment is relatively short (on the order of months) and not applicable to a long term, 70 year, health risk assessment. The estimated emissions, as summarized in Table 3 on page 13 of Draft EIR Appendix E, are well below the North Coast Unified Air Quality Management District (NCUAQMD) thresholds. It should be noted that the mass construction emissions estimates for the basin wide discussion presented under Impact C-2, are also below the identified significance thresholds.

52-37 The comment questions the amount of affordable housing and the mix of uses, and claims that the project is not “smart growth” which calls for a balanced mix of jobs, housing, and services within a walkable area.

Please see response to comment 16-7 and Chapter III of the Draft EIR, which states that the project would include up to 72,000 square feet of residential space in 54 multi-family housing units that would include up to 12 one-bedroom units (approximately 1,000 square feet per unit) and 28 two-bedroom units (approximately 1,286 square feet per unit), four larger two-bedroom units (1,500 square feet per unit) and three three-bedroom units (2,000 square feet per unit). These residential units are planned to present an assortment of sizes and pricing to offer a diverse array of housing opportunities for the areas residents ranging from the affordable, entry-level one bedroom units to the higher-end three bedroom units. Also, many of the jobs provided by the project's retail, industrial, and office user's can provide employment opportunities to many currently unemployed and employed residents within the market area. Therefore, many of the individuals to be employed by retail and other businesses within the project likely already reside within existing housing. The housing offered as part of the project would thus contribute to housing opportunities in the market area.

As stated in the response to comment 17-4 the proposed project is a classic urban in-fill, mixed-use development embodying the major principles of smart growth, including redevelopment of a blighted, urban brownfield, a pedestrian-friendly design, multi-story, high-density residential uses located in close proximity to significant employment sectors of the project and the Downtown/Old Town Core Areas. Additionally, a significant area of the project is devoted to open space. The project site is close to 40 acres in size and contains industrial, office, commercial, residential, and natural resource-based zoning that is consistent with adjacent zoning of the area. The larger scale commercial zones are adjacent to arterial transportation corridors and similarly zoned properties to the east and south, the multi-story office and residential buildings are placed close to the waterfront where workers and residents can enjoy the Marina views and use the newly created biking and walking trails which connect to the underutilized boardwalk areas of Old Town. The light industrial portions of the project are adjacent to existing warehouses occupied by a fish processing plant, a beer distributor, a pipe supply company, and other light manufacturing businesses. The areas of the project site that have the capability to reestablish biologically superior, tidally influenced estuarine wetlands have been zoned for resource conservation. Developments of this nature are typically placed in areas of "land use transition" as the urban core develops into higher and better uses than their historical single use zoning allowed, much as the City of Portland has done in its previously industrial areas. The mix of uses as proposed in this development is entirely appropriate and consistent with this pattern of development while complementing the zoning and uses allowed on adjacent properties.

52-38 The comment questions how the proposed project would increase recreational opportunities and what coastal-dependent uses the project would include.

As stated on Draft EIR page III-14, the proposed project would include an 11.89-acre wetland reserve. As stated in Master Response 3, the project site does not abut the Bay, and it is therefore questionable that coastal-dependent uses could be developed at the

project site. The proposed project does not include coastal-dependent uses. Please also see Master Responses 3 and 5, which address the prioritization of uses within the coastal zone.

52-39 The Draft EIR does not contain the term “higher wetland uses” cited in quotation marks in the comment. However, as stated on page IV.I-14, the proposed wetland restoration area would have a net positive effect on the quality of the wetlands at the project site; unlike the existing degraded and scattered wetlands, the restored wetlands would perform all the functions of a healthy wetland. Please also see Master Responses 3 and 5, which address the prioritization of uses within the coastal zone.

52-40 The comment asks whether the Draft EIR would provide an analysis of coastal-preferred uses at the project site.

Please see Chapter VI, Alternatives, as well as responses to comments 16-239 and 16-242. An alternative containing uses similar to the described “coastal-preferred uses for the area to be developed” could be the Coastal Dependent Industrial Zoning Alternative. Please also see Master Responses 3 and 5, which address the prioritization of uses within the coastal zone.

52-41 The comment asks what provisions of law require that the property be developed in order to facilitate a complete toxic abatement.

The comment appears to be asking whether there is any law in California that would compel the development in order to facilitate the remediation, which is one of the identified project objectives. The Draft EIR at page VI-3 explains that one of the basic project objectives is to: “Facilitate brownfield redevelopment and urban infill development of property in the redevelopment area in the City of Eureka.” This is not a requirement of California law as the comment seems to suggest, but rather is a policy objective of the Project Applicant and the City in order to help promote cleanup efforts and infill development. These sorts of policy objectives help guide the City in its consideration of alternatives to the proposed project. The Lead Agency need only evaluate a reasonable range of alternatives. (CEQA Guidelines Section 15126.6(a).) An alternative may be excluded from consideration if it fails to meet most of the basic project objectives. (*Id.*, Sections 15126.6(a)-(c).)

Here, the Draft EIR considered a reasonable range of alternatives and concluded that most of those alternatives would at least partially meet the basic project objective of facilitating brownfields redevelopment or urban infill. (Draft EIR, pages VI-16 through VI-31.) A number of other alternatives are considered and rejected because they would not adequately fulfill this and other project objectives, among other deficiencies. (Draft EIR, pages VI-1 through VI-15.)

52-42 The comment notes that that many citizens would rather see limited development that capitalizes on the area’s unique natural resources by restoring the slough and wetlands

and providing for visitor-serving recreational uses. The comment asks if the Project Applicant has considered splitting up the project and developing portions of it within the open areas at either end of Eureka.

Expressing preferences among land uses is generally a policy matter for the City Council, and is not necessarily a CEQA matter. That said, the Draft EIR did evaluate a number of alternatives to the project, including off-site alternatives, a reduced-footprint alternative, and an alternative that would create more wetlands and open-space onsite for recreational and habitat uses. (Draft EIR, pages VI-4 through VI-34.) Many of the alternatives are considered but rejected in the initial screening because those alternatives are infeasible, failed to meet the project's basic objectives, or did not reduce one or more of the project's environmental effects. An alternative that splits the project into pieces and develops open space north and south of the project site would undoubtedly increase the project's environmental effects by fragmenting coastal habitat and causing additional vehicle trips among the various project components.

The project site was chosen because it is already surrounded by existing development and the needs to be remediated to accommodate any future uses, including recreational and habitat uses. It is questionable whether such remediation would occur in the event that the project was developed in several, disparate locations. Moreover, the project site is within walking distance to the City's Old Town/Downtown areas, and would avoid some vehicle trips among and between these various uses. The proposed project also satisfies the commenter's goals of restoring sloughs and wetlands and increasing recreational opportunities by cleaning up the property, restoring the Clark Slough remnant and 11.89 acres of estuarine wetlands, and installing recreational paths connecting the area to the underutilized portions of the adjacent board walk. So in addition to having fewer adverse impacts than the proposed alternative, the project as proposed makes sense.

Sidnie Olson

**From:** Jim & Donna [dancebirds@sbcglobal.net]  
**Sent:** Friday, January 30, 2009 5:16 PM  
**To:** DEIRcomments  
**Subject:** Comments on Pedestrian Safety

I have reviewed the traffic analysis portion of the Marina Center draft EIR. There are two deficiencies that I would like to call your attention to:

1. Although pedestrian crosswalks are provided across Broadway (101) at 5th, 6th and 7th, the traffic flow analysis does not indicate that signal synchronization that allows ample time for safe crossing was factored in. Specifically, there was no analysis of how traffic turning onto Broadway would affect pedestrian crossing on the "downstream" crosswalk. It is possible, for example, it might be possible that traffic turning right from 6th onto Broadway could endanger pedestrians crossing at 5th unless right turns are restricted.

53-1

2. The Draft EIR States that cyclists intending to use the east bound bike lane on 7th from Marina Center will need to use the crosswalk at 6th, and take the sidewalk to 7th. There is no analysis on how cyclists walking bikes on the sidewalk between 6th and 7th will affect pedestrian safety. Riding bicycles on the sidewalk is illegal.

53-2

In order to address these two deficiencies more thorough traffic analysis is required. Such an analysis will be possible within two months when CalTrans releases its new traffic simulation software that will be made available to the city, with staff training.

53-3

By using the new software, the city will be better able to assess the effects on traffic, pedestrian and bicycle safety likely to be caused by the proposed Marina Center.

Jim Clark  
Eureka Traffic Safety Commissioner

## Letter 53: Jim Clark

- 53-1 The comment states that the traffic impact analysis does not indicate whether pedestrian crosswalk signalization would allow enough time to cross Broadway.

Pedestrian crosswalks on Broadway and if the signal synchronization has factored in the timing for the pedestrian crossings at Fifth, Sixth, and Seventh Streets, and how the traffic turning onto Broadway would affect pedestrian crossing on the downstream crosswalk.

Please also see response to comment 33-3 regarding pedestrian circulation and safety across Broadway. Pedestrian crossing times are completely factored into the analysis of intersection operations. No crosswalk is to be provided at Seventh Street across Broadway, nor across the southern leg of Broadway at Sixth Street. Currently, westbound right turns on Sixth Street to northbound Broadway are permitted and occur. The project makes no changes to this movement, or to the existing pedestrian crossings at Broadway and Fifth Street.

- 53-2 The comment states that there is no analysis of how cyclists walking bikes on the sidewalk between Sixth Street and Seventh Street would affect pedestrian safety. Please see response to comment 33-3, which discusses the bike path in this area.

- 53-3 The comment states that a more thorough traffic analysis must be done with new traffic simulation and analysis software.

The traffic analysis for the project used Synchro 6 (and later Synchro 7) plus SimTraffic, a micro-simulation software that provides very detailed analysis of vehicle and pedestrian operation. This was done at the request of Caltrans. The model of traffic operations showed exceptional ability to estimate and replicate existing traffic operations. The software almost completely incorporates signal timing operations and traffic flow theory based on the long-accepted CORSIM model developed by the Federal Highway Administration. The Caltrans software does provide additional capabilities, once calibrated, for simulation of bicycle and transit operations that is unavailable to users of SimTraffic. Nevertheless, neither the Caltrans simulation software nor the Synchro-SimTraffic software used for the traffic analysis in the Draft EIR has the ability to assess the differences in accident potential. Please see also response to comment 5-4 regarding the accident and safety analysis.

Sidnie Olson

**From:** Gregory Conners [greg@pci-insurance.com]  
**Sent:** Tuesday, January 27, 2009 8:50 AM  
**To:** DEIRcomments  
**Cc:** lglass@foggy.net  
**Subject:** "Marina Center" EIR

Dear Sidney,

Please expand the traffic study for the proposed development on Eureka's "Balloon Track" to include neighborhood laterals. Personally, I use Herrick to F to downtown, Harrison Avenue, Myrtle Avenue, and Arcata anytime I can avoid travel on Broadway. Many local drivers use 14<sup>th</sup> Street to West Avenue. Every one of these "shortcuts" to Highway 101 will gain use if this project is approved as submitted. Hopefully, the impact on the traffic through Eureka's neighborhoods—and the resulting impact on the neighbors—will be thoroughly considered in your studies of this project.

54-1

Earlier in the process I wrote with my concerns about tsunami and liquefaction hazards specific to this parcel of land. These issues are potentially life-and-death. Traffic may also become life-and-death and times, but affects everyone on a daily basis. It may simply be that this piece of property is poorly located for this project.

54-2  
54-3  
54-4

Best regards,

Greg

Gregory Conners  
Agent/Broker 0488272  
P.O. Box 575, Fortuna, CA 95540-0575  
Telephone (707) 725-3400  
Fax (707) 725-0292

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## Letter 54: Gregory Connors

54-1 The comment states that the impact of this project on the other City streets and the traffic being diverted to the neighborhoods should be studied. Please response to comment 32-9 and Master Response 7, which address trip distribution.

54-2 The comment expresses concerns related to seismic events affecting the proposed project.

The Draft EIR identifies the risk to human life in the unlikely event that a tsunami of sufficient magnitude occurs (Draft EIR, at IV.H-22 and -23). The Draft EIR concludes that the risk to human life would be low due to a number of factors, including the Redwood Coast Tsunami Work Group maps, which show the project site as having a “moderate” risk of inundation (Figure IV.H-2), the shape and bathymetry of Humboldt Bay and the protection provided by the Samoa Peninsula, the infrequency of tsunami events, the elevation of the proposed project (10 to 12 feet above MSL), and other natural barriers protecting Humboldt Bay. The Draft EIR nonetheless includes mitigation measures, including structural measures and emergency evacuation measures that would reduce the risks of tsunami hazards to a less-than-significant level. For further discussion regarding the tsunami hazards see response to comment 3-14. For further discussion regarding the liquefaction hazards, see response to comment 16-34.

54-3 The comment states that traffic issues are life and death. The comment is noted.

The proposed project’s potential impacts to traffic-related hazards are discussed on page IV.O-43, under Impact O-4. As stated, after implementation of identified mitigation measures, accidents would be expected to be reduced by 15 percent.

54-4 The comment states that the property may be poorly located for this project. The property, however, is an excellent urban infill location for a mixed-use project. This area of the City is in transition, and the housing, jobs, and services it provides in the Downtown core would continue to upgrade the area. In any event, the comment does not propose an alternative location that would reduce the project’s environmental effects. As such, the comment raises land-use planning and policy issues for the City Council consideration, and not CEQA issues. Therefore, no further response or analysis is required.

JOHN D. COOK  
ATTORNEY AT LAW  
1190 VISTA DRIVE  
EUREKA, CALIFORNIA 95503  
TELEPHONE (707) 442-4518

RECEIVED  
FEB 02 2009  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Jan 29, 2009

City of Eureka  
Community Development Dept.  
Attn: Sidnie J. Olsen, 41 PF, P.O. Box  
5314 St.  
Eureka, Ca. 95501

Dear Sir:

I wish to recommend that you adopt Robin Arkelij's proposed Marina Center Development without further delay.

Why someone would be interested in investing millions of dollars at these trouble ferocious times in such a project I do not know unless it is purely civic pride & good citizenship. Please do not kick this gift horse out.

It goes without saying that government has been completely ineffective in developing waterfront blighted areas of any magnitude & this is best left to free enterprise.

Thank you for your consideration

Yours truly  
John D. Cook

55-1

## Letter 55: John Cook

- 55-1 The comment expressing support for the proposed project is noted. As stated in Chapter I, Introduction, the proposed project requires several approvals from the City of Eureka and other public agencies. The EIR is a document used as a resource to aid in that decision-making.

Sidnie Olson

**From:** Merry Coor [merryallthetime@yahoo.com]  
**Sent:** Wednesday, January 28, 2009 9:21 PM  
**To:** DEIRcomments  
**Subject:** smart growth/no growth

Dear fine folks.  
I am a business owner in Old Town Eureka. It has taken many years for Old Town to get over the Mall. Now, we are doing fairly well in Old Town, though sometimes it is a struggle. Many businesses have come and gone in the 16 years that I have opened.

I think it would be crazy to build any more retail space. There are enough product and retail stores here in Humboldt County. Building many box stores are not going to make life better here, it would destroy most if not all the shops in Old Town and in Down Town, they would make smaller businesses fail, and increase unemployment. 56-1

Doing nothing on the balloon tract is doing something. What's the hurry? 56-2

Think of doing something that would help the ecology. Think green, smart. Remember, you don't have to do anything to the balloon tract. Doing nothing, that is a decision too.

Merry Coor  
Talisman Beads

## Letter 56: Merry Coor

56-1 The comment questions the demand for additional retail space in Humboldt County, as well as states that the proposed project would increase unemployment and cause business closures. Please see Master Response 1, specifically the “Potential Local Store Closures” and “Jobs / Wages Impacts” discussions.

56-2 The comment questions whether “doing nothing” is an option for the project site.

As stated in Chapter VI, Alternatives, 24 separate alternatives are screened for consideration, including a No Project Alternative, which would be closest to the comment’s suggestion of “doing nothing.” In addition, Horticultural Gardens, Wetland Restoration and Public Park, and No Fossil Fuel alternatives are screened for potential impacts, achievement of objectives, and feasibility. As stated on Draft EIR page VI-16, the No Project Alternative is selected for analysis, as required by CEQA.

The City of Eureka, the Lead Agency for the proposed project, is required to analyze the proposed project. The Project Applicant has submitted a development proposal. Pursuant to CEQA, the Lead Agency is required to analyze the development proposal for potential environmental effects.

**Sidnie Olson**

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**From:** ken d [kfd50@sbcglobal.net]  
**Sent:** Thursday, January 29, 2009 10:50 AM  
**To:** DEIRcomments  
**Subject:** Marina Center

I am all for the proposed Marina Center. I moved here in 1975 and have obviously observed the blight and discusting conditions that prevailed in that area since then, basically. The City of Eureka should go on record in full support of this project and do what ever they can to assist in getting it through the permit process. Anything and everything should be done to improve the appearance of the 101 corridor and obviously the Marina Center would go a long way towards that objective.  
Thank you  
Kenneth Daer

57-1

## Letter 57: Kenneth Daer

- 57-1 The comment expressing support for the proposed project is noted. The proposed project's impacts to urban decay are discussed in Chapter IV.P of the Draft EIR and in Master Response 1.

Sidnie Olson

From: Jeff Davis [outsidethelens@hotmail.com]  
Sent: Saturday, January 31, 2009 2:53 PM  
To: Sidnie Olson  
Subject: Marina Center Comments  
Attachments: Marina Center Comments.doc

Please see attached

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [See how it works.](#)

To: Sidnie L. Olson, AICP  
Principal Planner  
City of Eureka

From: Jeff Davis  
Concerned Citizen  
PO Box 6814  
Eureka, Ca 95502

Re: Comments on the proposed Marina Center Project

Date: January 31, 2009

*Hazards & Hazardous Materials*

The Balloon Track is an abandoned waterfront rail yard that has been the victim of toxic pollution for over a century. Currently considered a brownfield site, this tidal marsh was filled and used by Northwestern Pacific Railroad to serve petroleum companies. For decades this land was abused, defiled and degraded; countless chemicals were dumped, leaked, spilled, drained, and seeped into the soil and groundwater. How was this century-long assault on our environment tolerated? Why is the city of Eureka not holding Union Pacific Railroads accountable for the pollution of these wetlands? Before any development is considered, this land should be treated and all hazardous materials should be removed. Regardless of what is build atop, it is essential that this site be adequately decontaminated.

58-1  
58-2

Some of the toxic materials detected at this site include: arsenic, benzene, cadmium, chloroform, total chromium, copper, diesel fuel, bunker C oil, lead, methylenechloride, nickel, tetrachloroethylene, zinc, and numerous other hydrocarbons and petrochemicals. These are dangerous carcinogens, environmental hazards that we cannot afford to ignore. The EPA describes bunker C oil as, "...a heavyweight material that is difficult to pump and requires preheating for use. This fuel oil may be heavier than water, is not likely to dissolve, is difficult or impossible to disperse, and is likely to form tar balls, lumps, and emulsions. It has a low volatility and moderate flash point". The EPA continues to state that, "Crude oils and semi-refined products, such as diesel and bunkering oils, may contain cancer-causing polycyclic aromatic hydrocarbons and other toxic substances". Bunker C Oil degrades slowly in the environment and is only one example of the numerous petrochemicals that pollute the site of the proposed Marina Center. What other chemicals presently infect this site? The environmentally damaging chemicals that contaminate the groundwater, surface water and soil of the Balloon Track demand our attention, containment and comprehensive cleanup.

58-3

Arsenic is a potent poison, a known carcinogen whose exposure is potentially fatal. OSHA warns that, "Chronic exposure to arsenic can lead to dermatitis, mild pigmentation keratosis of the skin, vasospasticity, gross pigmentation with hyperkeratinization of exposed areas, wart formation, decreased nerve conduction velocity, and lung cancer. Acute exposures can cause lung distress and death". Benzene, another carcinogen present on the Balloon Track, has serious health effects including leukemia. According to OSHA,

5-495

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“Long-term exposure may affect bone marrow and blood production. Short-term exposure to high levels of benzene can cause drowsiness, dizziness, unconsciousness, and death”.

Lead is a neurotoxin that accumulates in the soft tissues and bone over time. Similar to mercury, this heavy metal does not breakdown in the environment. Lead has serious impacts on wildlife ecology and nearly caused the extinction of the California condor. “OSHA has established the reduction of lead exposure to be a high strategic priority. It is a major public health risk. Lead poisoning is the leading environmentally induced illness in children. At greatest risk are children under the age of six because they are undergoing rapid neurological and physical development”. The EPA states “ Lead exposure can harm young children and babies even before they are born. Even children who seem healthy can have high levels of lead in their bodies”. What level of toxic waste should our children be exposed to? The terms “less-than-significant” and “should not pose an unacceptable health risk” are peppered throughout the DEIR. Who determines which health risks are acceptable? Who determines for our community the “significance” threshold? Considering that a non-profit children’s museum would be built on this land, it is essential that a thorough and comprehensive cleanup be performed.

Exposure to any one of these hazardous materials is cause for concern. What are the effects when these chemicals are mixed together? How do these deadly chemicals act, react and interact when exposed to one another? This Draft Environmental Impact Report lacks analysis of the toxins, the mitigations are vague and unacceptable, and the language and tone of much of the DIER and many reports (funded by Security National) seems bias. Who decided what to include and what to ignore? Why is the DEIR written using Security National’s language? Why were the studies funded by Humboldt BayKeeper not included in this DIER? These reports found high concentrations of contaminants on this site and dioxins in soils, sediments and wildlife. In order for this Draft Environmental Impact Report to be legitimate, re-examinations needs to take place and additional objective studies and samples are required.

Hydrology And Water Quality

“Two muted tidal remnants of the Clark Slough in the western portion of the property are connected to the bay by culverts under the railroad track. Tidal exchange within these slough remnants was verified by HBG based on field observations from 2005, 2006, and 2007 that indicate a daily rise and fall of water elevations” (Page 7, Appendix G, Biological Assessment Marina Center Project Balloon Track Property, Eureka, Huffman-Broadway Group, Inc, March 2008). It has been proven that these wetlands are tidally influenced. How far does this influence extend? The Clark Slough originally ran deep into Eureka, nearly reaching the Eureka Inn. There are reports that indicate this tidal exchange is occurring at sites much further inland. Why are these active and functioning systems merely being referred to as “remnants”? The hazardous wastes mentioned in the previous section are being transported and absorbed into Humboldt Bay through this continual tidal exchange. How does capping this polluted site mitigate the impact of long-term toxic seepage and perpetual tainting of our bay? Once again the DEIR lack through analysis and mitigation

measures are not adequate. Preserving the ecosystems of Humboldt Bay is in the best interest of our community.

Biological Resources

Nearly all of the 8.67 acres subject to jurisdiction as wetlands under the California Coastal Act would be permanently loss under this proposed project. Why is the term “restoring” being used to describe the process of completely destroying present wetlands and then digging a trench nearby? What are the benefits of destroying actual wetlands and creating artificial ones? Why accept a counterfeit? We would be permanently losing our wetlands in exchange for parking lots and anchor stores.

The investigation and documentation of the toxins that pollute the Balloon Track site are incomplete. It is important to gather and test soil, surface water, and groundwater samples throughout the entire cleanup effort. It is common for surprises to be encountered during the process of renovating a contaminated brownfield site. The full extent of the environmental damage and the long-term effects of the toxic materials that scar the Balloon Track are unknown. Restoring this site will require careful consideration and detailed planning due to the lands unique history. Proper cleanup of this site would include fully identifying, investigating and completely removing all present toxins.

Numerous techniques should be used to neutralize these threats. Bioremediations are natural techniques used to restore the environment. They use plants, bacteria, fungi and microorganisms to remove contaminates and help return the land to its original condition. The DEIR should further examine and recommend several additional bioremediation techniques. Soil extraction and treatment is necessary in certain hotspots and other heavily polluted areas. This soiled soil should not be incinerated onsite. Caution must be taken not to disperse these hazardous chemicals into the air and atmosphere during the removal process. Several groundwater and surface water decontamination treatments are necessary. After the toxins identified in the DEIR are removed, the area should be tested and rested until the hazardous substances are absent. The cleanup of this degraded site should not be rushed; we cannot afford to cut corners on this effort. Our community has a wonderful opportunity to repair, restore and revitalize this one-of-a-kind waterfront property.

“Among its legacies, Love Canal will likely long endure as a national symbol of a failure to exercise a sense of concern for future generations”(Verhovek). A surface clean and capping of this land will not be adequate as a cleanup technique. Burring toxic waste beneath the neighborhood did not work well for the people of Love Canal and should not be accepted by the people of Eureka. We should learn from the past and not repeat similar mistakes. The long-term impacts of this site have not been adequately analyzed or elevated. Before construction begins these toxic wastes should be removed, not enclosed and preserved. Failure to thoroughly and completely clean this site would have repercussions for generations. This challenge should be fully addressed and engaged. It is a problem that has waited for a century to be resolved, now is the time to act. The people of Eureka should not be satisfied with anything less than a complete and comprehensive cleanup.

5-496

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58-10 cont.

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58-15

**Comment Letter 58**

**Comment Letter 58**

*Land Use & Planning/Public Services*

Much of this site is currently zoned for public use and is meant to provide for the public. The proposal rezones this public land to industrial and mixed commercial/residential. This land was intended for public services such as hospitals, fire halls, treatment centers, and schools. Instead the applicant is attempting to create a large shopping complex with a big box anchor, while avoiding the adequate restoration of the site. Who is determining what is the highest and best use for this land? Who is ensuring that the Public Trust Responsibilities are being met? There are huge potentials and countless possibilities for this waterfront property. Whose criteria are being used to determine the "highest and best use" for this land?

58-16

Would a Home Depot store better serve our community than a public transit center, a renewable resources research center, a marine lab or aquarium, a maritime museum, an environmental quality monitoring center, a community swimming pool or a local seafood market? We should use this land in the best interest of our community and our community's future. Our local economy needs long-term solutions and increased tourism. I don't believe that a Home Depot, which is closing stores and laying off workers, is the solution nor will it attract tourists or sightseers. We should base our decisions on community benefits, not corporate interests. The Discovery Museum would make a great addition to our waterfront. This children's museum has received much attention, but only accounts for 2.5% of the total development area (not including the 1,590 parking spaces). This property is zoned for the use of the people, not the profit of corporate executives. How can wetlands zoned public be permanently destroyed and replaced by a shopping center?

*Cultural Resources*

This region has a rich history and the evidence is all around us. The Balloon Track site was a rail yard for nearly a century; it is very probable that there are railroad artifacts present. The railroad industry played a key role in our local development and history. The buildings may be gone but there potentially are historically significant findings yet to be discovered. What efforts are being made to locate and preserve these treasures from our past?

58-17

Eureka was settled in 1850, but native people had inhabited this area long before that time. "...The prehistoric Wiyot community of 'Djerochichichiwil' near or within the northeasterly portion of the project site, is considered by the Wiyot Tribe to be a significant and highly sensitive cultural resource associated with the Wiyot cultural history and identity"(IV. E-10). Another ancient village, 'Moprakw', is located in the vicinity of the proposed project site. The mitigation measures suggested are disrespectful, insulting, and unacceptable. There needs to be much more testing prior to construction. Unearthing a potentially sensitive site during construction could be disastrous. Why weren't any of the cultural resources reports and investigations included in the technical

58-18

appendices of the DEIR? I applaud the City of Eureka for returning a portion of Indian Island back to the Wiyot Tribe. Eureka should use tact and show respect when considering the sensitive cultural resources present at the Balloon Track site.

58-18 cont.

*Air Quality /Transportation*

The proposed Marina Center project would contribute substantially to an existing air quality violation. We must not lower our standards, but demand that the applicant raise their standards. We cannot afford to compromise the quality of the air that we breathe. This proposed project is estimated to emit thirty-eight tons of particulate matter every year that can be inhaled and cause adverse health effects. This is more than twice the "significance threshold". Even worse, four hundred forty-six tons of Carbon Monoxide would be emitted per year. This is nearly four and a half times the "significance threshold". This is simply unacceptable. How could this project proceed with these blatant violations?

58-19

This proposed project would create significant traffic congestion. We are in a critical point in time where we as a people should move away from our over-consumption of fossil fuels and the damages that they inflict. The Balloon Track is an ideal location for a train/light rail station. This region would be able to significantly reduce the number of cars on the road by investing in a sustainable transit system. This proposed project takes our community in the wrong direction. We must systematically reduce our dependency on oil, not increase our consumption habits.

58-20

*Conclusion*

The impact of not properly cleaning this site could be devastating. Due to the history and current state of the property, cleaning costs could be much higher than anticipated. Luckily there are numerous programs, grants and funds available for brownfield renovation. Does the Balloon Track qualify as a superfund site? Would other government agencies we will to step in and ensure that this site is adequately cleaned? Now is the time to plan smart and plan ahead. Our community can no longer afford to further contaminate our bay, marshes and sloughs. We owe it to our children and all future generations to remove and reverse the environmental damage caused by the dangerous toxins that pollute the Balloon Track. We have the opportunity and ability to correct these mistakes and guide our community towards a better, more sustainable future.

58-21

After researching I have found that it is crucial that the proposed site be thoroughly cleaned and all hazardous materials be removed prior to construction. We as a city cannot afford to overlook and ignore the long-term environmental impacts of this project by focusing on the short-term benefits. I recommend that the Balloon Track site be cleaned and restored, free of all toxins, prior to any development. Regardless of what is built atop, it is essential that this land be properly cleaned before construction. The decisions that we make today will ripple through time. This property can only attain its true highest and best use after being cleaned and restored. We should not allow these hazardous substances to continue to leach into and contaminate our bay.

58-22

## Comment Letter 58

### *References*

"Hazard Recognition." Arsenic. OSHA. 6 Nov. 2008

<<http://www.osha.gov/sltc/arsenic/recognition.html>>.

"Health and Safety Topics." Benzene. OSHA. 6 Nov. 2008

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"Lead in Paint, Dust, and Soil." Basic Information. EPA. 6 Nov. 2008

<<http://www.epa.gov/lead/pubs/leadinfo.htm#facts>>.

"Types of Petroleum Oils." Types of Petroleum Oils. EPA. 6 Nov. 2008

<<http://www.epa.gov/emergencies/content/learning/oiltypes.htm>>.

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Verhovek, Sam H. "After 10 Years, the Trauma of Love Canal Continues". New York Times 5 Apr. 1998.

## Letter 58: Jeff Davis

58-1 The comment regarding the history of contamination on the property is noted. The purpose of an EIR is not to determine legal liability with respect to past contamination. Please see Master Response 4 and Appendix S for further details on past testing and plans for site remediation.

58-2 The comment states that the contamination on the project site should be remediated before any development can move forward. The comment is noted.

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

58-3 The comment questions what other chemicals affect the project site.

Please see Master Response 4 and Appendix S for further details on the levels and locations of contaminants present on the project site.

58-4 The comment questions which agencies determine acceptable levels of contaminants. The comments also asks how levels of significance are determined.

The Regional Water Quality Control Board is the lead regulatory agency and will need to approve the final remediation action plan for the property. The City, as Lead Agency under CEQA, makes the final decisions regarding significance conclusions in an EIR.

58-5 The comment states that the effectiveness of site remediation will be important. The comment is noted.

58-6 The comment states that the Draft EIR lacks an analysis of toxins and mitigation measures identified are vague. The comment is noted.

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

58-7 The comment questions how the Draft EIR was prepared and whether the Project Applicant had information withheld from the document.

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 city staff. The document is a tool prepared by city staff to inform the ultimate decision makers, the City Council, regarding the proposed project.

The City ultimately decides what studies and data are to be included in the Environmental Impact Report.

- 58-8 The comment asks why some studies of the project site are not included in the Draft EIR.

For further discussion regarding the dioxins and furans, please see response to comment 6-3, which states where dioxin samples were taken from the project site. Please also see Master Response 4 and Appendix S for a discussion of studies and investigations performed at the project site.

- 58-9 The comment discusses existing conditions at the project site and does not address the proposed project.

The contamination present at the project site is an existing condition that is not introduced by the proposed project. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 of this document.

- 58-10 The comment questions the efficacy of placement of clean cover material over the project site in preventing seepage of chemicals into the bay.

Placement of clean cover material over the project site is meant to remove exposure pathways. For further discussion regarding the Remedial Action Plan for the proposed project, including control of off-site drainage and chemical migration, please see Master Response 4 and Appendix S.

- 58-11 The comment states that nearly all 8.67 acres of wetlands would be permanently lost, and that the Draft EIR uses the term “restoring” wetlands to describe a process where all wetlands are destroyed and then a trench is dug nearby. The comment questions the benefits of creating artificial (counterfeit) wetlands. The comment expresses an undesirability of permanently losing wetlands to parking lots and anchor stores.

The wetlands at the project site totals 8.67 acres and includes 7.61 acres of palustrine emergent seasonal wetlands and 1.06 acres of estuarine emergent wetlands within a remnant of Clark Slough. It should be noted that the existing wetlands onsite are almost entirely man-made, and consist of depressions, ditches, and compacted low-lying areas created by industrial and railroad activities, providing limited functions and values commonly associated with natural wetlands. As stated in response to comment 1-2, the proposed project would result in permanent filling of approximately 6.15 acres of wetlands that are found at the project site. Mitigation includes establishment of a wetland restoration area of 11.89 acres containing 8.98 acres of estuarine wetlands (6.46 acres of these estuarine wetlands would be created as a result of the proposed project). Although there are some impacts that would be classified as permanent impacts, after implementation of the project and the creation of contiguous estuarine wetlands at the south end of the project site at an acreage exceeding the extent of the existing combined degraded seasonal and estuarine wetlands (permanent filling of 6.15 acres of wetland, creation of 6.46 new acres of wetland, resulting in a mitigation ratio of 1.05:1), it can be stated that the proposed

project would have a beneficial impact on wetlands and for wildlife in the area. This sort of wetland creation and restoration is commonly implemented by wetland specialists (including hydrogeologists and biologists) and has proven effective in creating or improving wetland habitats.

- 58-12 The comment states that hazardous materials investigations are not complete.

For further discussion regarding the Remedial Action Plan for the proposed project, including more information regarding the levels and locations of contamination on the property and the numerous investigations undertaken, please see Master Response 4 and Appendix S.

- 58-13 The comment states that proper cleanup of the project site requires detailed planning and full identification and removal of contaminants. The comment is noted

For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and Appendix S, which is the Supplemental Interim Remedial Action Plan (SIRAP) that has been conditionally concurred by the Regional Water Quality Control Board staff. Note that the SIRAP includes excavation and removal of soils at contaminated hotspots.

- 58-14 The comment recommends bioremediation techniques. The comment is noted. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4.

- 58-15 The comment regarding placement of clean fill material over the project site is noted.

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

- 58-16 The comment advocates for a public transit center, a research center, or other uses. The comment questions who is determining the highest and best use for the land.

The Draft EIR analyzes potential environmental impacts from the proposed project. “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.” Alternatives to the proposed project, some of which includes the uses suggested, are discussed in Chapter VI. As stated in Master Response 3, the land is not owned by the City of Eureka. The City of Eureka, as Lead Agency for environmental review, is required to analyze the potential environmental effects of the proposed project.

The comment also questions who is ensuring Public Trust Responsibilities. As stated on Draft EIR pages IV.E-4, the Public Trust Doctrine is a common law right and obligation held by governments to protect the public interests in navigable waterways, their beds, banks, and certain uses. Please see response to comment 8-1, which states that the extent

of public trust lands is still under investigation. Please also see Master Responses 3 and 5 regarding uses permitted by the Local Coastal Program and the Coastal Act.

- 58-17 The comment questions what efforts are being made to preserve the railroad history of the project site.

As described on Draft EIR page IV.E-17, due to the extensive ground disturbing activities which occurred in the area during the late eighteenth to mid-twentieth centuries, the potential for encountering significant historic-era subsurface deposits associated with the railroad yard and switching station is low. The technical analysis completed for the Draft EIR (Roscoe et al., 2006) indicated that the most likely location within the project area to contain historic-era artifacts would be within the same areas determined to be sensitive for prehistoric archaeological resources. Therefore, implementation of revised Mitigation Measures E2a-b would reduce potentially significant impacts to historic-era artifacts to a less-than-significant level. Please also see Master Response 9, which provides the text of the revised mitigation measures.

- 58-18 The comments stating that the mitigation measures identified in the Draft EIR (Measures E2a-b on Draft EIR page IV.E-17 – 18) are insufficient are noted. With regard to requests for additional subsurface testing, please see Master Response 9. The cultural resources technical report is not included as an appendix to the Draft EIR because it is considered confidential. However, City staff, the Project Applicant, and those with a direct need-to-know about the location of archaeological sites, have access to this report.

- 58-19 The comment states that the project should not be approved given the significant air quality impacts that would result. Comment noted.

- 58-20 The comment expresses an opinion about traffic impacts, and suggests that a better use of the project site would be a train / light rail station.

Section IV.O (Transportation) of the Draft EIR describes impacts of the proposed project, identifies measures to mitigate those impacts, and makes findings as to whether the impact after mitigation would be less than significant, or significant and unavoidable. Chapter VI of the Draft EIR identifies and describes alternatives to the proposed project, including an Intermodal Bus Terminal Alternative. That alternative, a public project, would be economically prohibitive, and is not carried forward for detailed analysis.

- 58-21 The comment asks what government agencies would ensure that the site is adequately cleaned up. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4 and new Appendix S, which address regulatory agencies that would oversee cleanup.

- 58-22 The comment regarding the removal of all contaminants prior to construction is noted. For further discussion regarding the Remedial Action Plan for the proposed project, please see Master Response 4. The cleanup of the project site would occur as Phase 1 of the project, prior to any development.

Sidnie Olson

**From:** George Davis [c54fun1997@yahoo.com]  
**Sent:** Wednesday, January 28, 2009 11:04 AM  
**To:** DEIRcomments  
**Subject:** Marina Center Draft EIR Comments

It appears that there is no accomodation for high density/low income housing within this development. Since the State and Federal governments seem to pushing communities to define housing for extremely low, low and moderate income levels, the Marina Center seems to be a perfect location (urban, close to services, transportation, etc.) for this type of housing accomodation. Why has this subject been ignored in the draft EIR?

59-1

My other concern is traffic in/around the Marina Center and the pollution caused by said traffic. Broadway and Waterfront Drive seem inadequate to handle the expected additional traffic.

59-2

Thank You,  
George/Nancy Davis  
439 Westgate Drive  
Eureka, CA 95503

## Letter 59: George Davis

- 59-1 The comment suggests that the project site is a good location for low income housing development and inquires why the Draft EIR does not evaluate the site's use for high density / low income housing. As discussed in the response to comment 48-5, the project is not required by any applicable state or city regulation to include any low income housing; and, development of market rate housing is necessary to meet the project's key objective to "develop an economically viable mixed use project."
- 59-2 The comment expresses concern about the transportation impacts of the proposed project and any associated impact on air quality. The comment is noted. The transportation impacts of the proposed project are detailed in Chapter IV.O of the Draft EIR.

(City of Eureka)

Thurs Jan 29<sup>th</sup> 09

To Whom it May Concern.

I Came to Eureka As a U.S. marine man 17<sup>th</sup> 1942 fell in Love With my Wife, And the City of Eureka, in that Order! And it has been my Home until, to this Day! Except, 2 1/2 years in the Pacific and San Diego!

I Bought this lot and helped build this Home Almost 56 years ago, my entire Working years. Were within the City limits of Eureka! including 5 years, managing a Business At 6<sup>th</sup> + Broadway - So, I Think I can Truly Say, my love for Eureka has been well returned, - having raised 4. Successful, <sup>children</sup> and a wonderful marriage, to my late wife of 65+ years.

My Point. - The only thing Eureka has going for it right now is Arkley Marine Center. I have never met Rob Arkley. But, I can see downtown Eureka today Compare it to Ten years ago and be thankful that he came back here to live, and believe when their Center gets going the rest of our Waterfront, will follow up, and utilize the land they have options on. - and, build something in front of these huge hoist on the waterfront!

Its time for Eureka to get behind the Arkleys and get something done, instead of trying to protect things that dont need protecting, and get that awful parcel of old infested property cleaned up.

William M. Davis  
Eureka Citizen + Proud of it  
Over 65 years  
Lot 7, Block 2  
Bill Addison

RECEIVED  
JAN 29 2009  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT

60-1

## Letter 60: William Davis

60-1 The comment in support of the proposed project is noted.