

AGENDA SUMMARY

RE:	MARINA CENTER Report on the CEQA process and Final EIR	For Agenda Date: October 6, 2009 Agenda Item No.:
RECOMMENDATION:		
1. Receive report from Staff and the EIR Consultant regarding the Final Environmental Impact Report and the CEQA process for the Marina Center Project		
SUMMARY		
<p>The applicant for the Marina Center project proposes the phased redevelopment of a 43 acre brownfield site located in the coastal zone near the Downtown core area of the city. Phase 1 would include remediation of the brownfield and development of a wetland reserve. In subsequent phases, the Marina Center project would include a mixed use development containing commercial, light industrial and residential uses.</p> <p>A Draft and a Final Environmental Impact Report (EIR) have been prepared under the California Environmental Quality Act (CEQA) for the proposed Marina Center project. Phase 1 of the Marina Center project would require approval of a coastal development permit, however, prior to taking action on the coastal development permit for Phase 1 the City Council must first certify the Final EIR for the Marina Center project. The purpose of the report is to prepare the City Council for certification of the Final EIR by providing information on the process, content and organization of the Final EIR and the procedures required for certifying the Final EIR. In addition, the report will brief the City Council on the primary issues raised in comments on the Draft EIR and how the responses to those comments were addressed in the Final EIR. Finally, the report will provide the City Council with an opportunity to question the Staff and the EIR consultant regarding specific processing or procedural questions for certifying the Final EIR.</p> <p>The report is not intended to address the merits of the proposed Marina Center project.</p> <p>The coastal development permit for Phase 1 of the proposed Marina Center project is tentatively scheduled for a public hearing before the City Council on October 20, 2009.</p> <p style="text-align: center;">(continued on next page...)</p>		
FISCAL IMPACT: No impacts to the City General Fund have been identified as a result of this project application.		
DH SIGN:	 Kevin R. Hamblin Director of Community Development	CM SIGN: _____ David W. Tyson City Manager
REVIEWED BY:	DATE:	INITIALS:
City Attorney	10/30/2009	SS
COUNCIL ACTION:		
Ordinance No. _____	Resolution No. _____	

REPORT SUMMARY

The project applicant, Clean Up Eureka VI (CUE VI), has submitted to the City of Eureka a request for entitlements necessary for the phased redevelopment of a 43 acre brownfield site located in the northwest corner of the city. The brownfield was the site of the former Union Pacific Railroad switching and maintenance yard and is known locally as the "balloon track." The 43 acre site is generally bounded by the Union Pacific Railroad tracks and Waterfront Drive to the north and west, Washington Street to the south, and Broadway (Highway 101) to the east. The property is located in the coastal zone.

CUE VI proposes the phased construction of Marina Center, a mixed use development. Phase 1 would include further interim remediation of the brownfield to meet federal and state cleanup standards and it would include development of a wetland reserve area. In subsequent phases, the Marina Center project would include a mixed use development project containing retail, garden retail, office, restaurant, museum, multi-family residential, and light industrial. A Final Remedial Action Plan would be prepared and implemented prior to development of the Marina Center project.

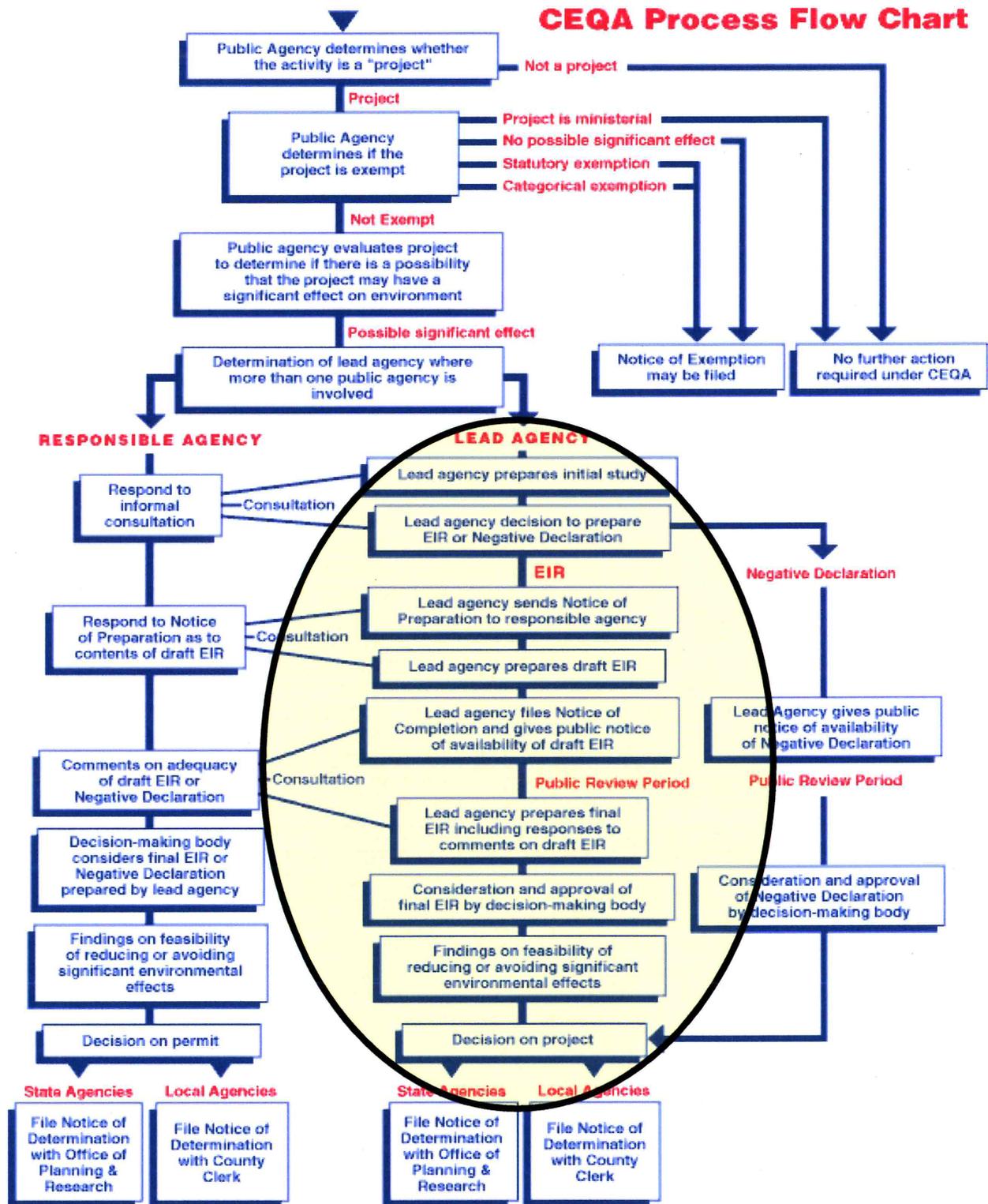
Entitlements from the City that are necessary for Phase 1 of the proposed Marina Center project include a coastal development permit and a grading permit. Subsequent phases of the Marina Center project would require at least amending the City's adopted and certified Local Coastal Program to change the zoning and general plan designations on the property, a second coastal development permit, a conditional use permit, and design review.

The proposed Marina Center is a "project" as defined by, and is subject to the requirements of, the California Environmental Quality Act (CEQA). For the purposes of CEQA, the term "project" refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment. Therefore, although entitlements for the Marina Center project are being requested in phases, the EIR analyzes the potential impacts of the whole Marina Center project at build-out. As the principal public agency responsible for approving the Marina Center project, the City of Eureka is the "Lead Agency" in overseeing and administering the CEQA review process.

The EIR itself is a factual informational document, prepared in conformance with CEQA, and written for the purpose of making the public and decision-makers aware of the environmental consequences of the Marina Center project. For any consequence or project impact that is considered "significant," the EIR identifies mitigation measures, where feasible, to reduce or avoid the significant impact. The EIR also considers the objectives of the project and identifies whether there might be alternative ways of accomplishing those objectives while substantially reducing the project's impacts.

On the following page is a process flowchart issued by the State of California Office of Planning and Research, which outlines the steps for processing a project under CEQA. The portion of the process that directly relates to EIR preparation and review is highlighted in the oval.

CEQA Process Flow Chart



Before any action is taken to approve the first phase of the Marina Center project, the City must certify that it has reviewed and considered the information in the EIR and that the EIR has been completed in conformity with the requirements of CEQA. Certification of the EIR does not approve or deny the Marina Center project.

As provided by CEQA Guideline § 15084, the City executed a third party contract with CUE VI to govern the preparation of the Marina Center EIR by an independent contractor. Environmental Science Associates (ESA) of San Francisco was chosen as the independent contractor to prepare the EIR. The City of Eureka is responsible for directing ESA and for the adequacy and objectivity of the EIR.

On April 3, 2006, the City of Eureka sent a Notice of Preparation (NOP) for the Marina Center EIR to 56 governmental agencies and organizations and persons interested in the project. In addition to sending the NOP, on April 13, 2006, the City of Eureka held two scoping meetings (one for agencies and one for the public) to discuss and receive comment on the scope, focus, and content of the EIR.

On November 21, 2008, the City sent a Notice of Availability (NOA) to agencies and interested parties and posted the NOA on the City's website; the NOA was also published in numerous local newspapers. The NOA identified the period during which comments would be received on the draft EIR, which was 62 days from December 1, 2008 through January 31, 2009. Copies of the draft EIR were sent to the following locations for public review: Humboldt County Library, Main Branch; Humboldt County Branch Libraries in Arcata, Blue Lake, Ferndale, Fortuna, Garberville, Hoopa, McKinleyville, Rio Dell, Trinidad and Willow Creek; Humboldt State University Library; College of the Redwoods Library; Humboldt Community Services Development Department

Following the close of the public comment period on the Draft EIR, the City of Eureka prepared the Final EIR. The Final EIR must be certified by the Eureka City Council prior to any decision to approve or carry out Phase 1 of the Marina Center project. Certification of the Final EIR is **not** project approval.

To certify the Final EIR, the City Council of the City of Eureka must determine that:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the City Council of the City of Eureka, and that the City Council reviewed and considered the information contained in the Final EIR; and
3. The Final EIR reflects the City of Eureka's independent judgment and analysis.

Where the Marina Center EIR identifies for any phase under consideration by the City Council one or more significant environmental effects, the City of Eureka must make one or more of three findings on each significant effect. The three findings are:

1. Changes have been incorporated in the project to avoid or substantially lessen the identified significant environmental effect;
2. The changes are within the jurisdiction of another agency and the changes have been or should be adopted by that other agency; or
3. Specific considerations which make infeasible the alternatives are identified in the Final EIR.

In addition to the process described above, the verbal report will provide information regarding the comments received on the Draft EIR and how the Final EIR addresses those comments.