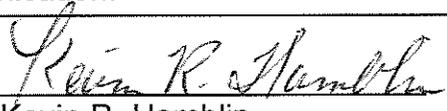


## AGENDA SUMMARY

RE:	MARINA CENTER Final EIR	For Agenda Date: October 20, 2009
		Agenda Item No.:
<b>RECOMMENDATION:</b>		
<ol style="list-style-type: none"> <li>1. Receive staff report</li> <li>2. Staff respond to questions of Council</li> <li>3. Receive public input</li> <li>4. After deliberation direct staff to schedule the following items:               <ol style="list-style-type: none"> <li>a. Certification of the Final EIR</li> <li>b. A public hearing to consider and approve the coastal development permit</li> </ol> </li> </ol>		
<b>SUMMARY OF THE ISSUE:</b>		
<p>On October 6, 2009, the Council received the Final EIR for the Marina Center project which includes the phased redevelopment of a 43 acre brownfield site known as the Balloon Track. 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>On October 6, 2009, following the staff report and public comment, the City Council requested that staff agendize an item for this October 20, 2009 regular City Council meeting for the Council to receive public input on the Final EIR. The Final EIR consists of the Draft EIR, comments and recommendations received on the Draft EIR, a list of persons, organizations, and public agencies commenting on the Draft EIR, the responses to significant environmental points raised in the comments on the Draft EIR, and other information added by the City.</p> <p style="text-align: center;">(continued on next page...)</p>		
<b>FISCAL IMPACT:</b> 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
<b>REVIEWED BY:</b>	<b>DATE:</b>	<b>INITIALS:</b>
City Attorney	SS	10-14-09
<b>COUNCIL ACTION:</b>		
Ordinance No. _____	Resolution No. _____	

**SUMMARY OF THE ISSUE:** cont...

The Final EIR contains two volumes - Volume 1 is the Final EIR, Volume 2 is the Technical Appendices. An electronic copy of both volumes is available at all Humboldt County libraries and including Humboldt State University and College of the Redwoods libraries. The City Clerk has a hard copy of Volume 1, and a hard copy of Volume 1 can be viewed at the Community Development Department front counter. Persons desiring to purchase an electronic and/or a hard copy of either or both volumes can contact the Community Development Department by emailing their request to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or by calling 707-441-4160.

**CERTIFICATION OF THE FINAL EIR:**

Prior to approving any discretionary permits for the proposed Marina Center project (e.g., coastal development permit for Phase 1), the City Council must certify the EIR. Certification of the EIR does not obligate the City Council to approve the coastal development permit for Phase 1 or any subsequent future phases. In order to certify the EIR, the California Environmental Quality Act (CEQA) requires that the City Council make three specific findings. The three findings and a brief discussion of each are found below. Staff believes that the City Council can make the necessary findings to certify the EIR and a more detailed discussion of the findings will be contained in the subsequent staff report for certification of the EIR.

The City Council may choose to certify the EIR at a separate meeting from that at which the coastal development is considered, or the Council may certify the EIR concurrent with action on the coastal development permit. The advantage to certifying the EIR at a separate meeting from action on the coastal development permit is that it focuses the discussion on the adequacy and completeness of the EIR, rather than dividing the discussion between the adequacy of the EIR and the merits of the Phase 1 coastal development permit. The advantage to certifying the EIR concurrent to action on the coastal development permit is that it consolidates discussion and expedites final action on the project.

CEQA Findings for Certification**1) *That the EIR has been completed in compliance with CEQA***

One of the basic purposes of CEQA is to inform governmental decision makers and the public about the potential significant environmental effects of proposed activities. In order to achieve this purpose, CEQA specifies criteria and timelines for the preparation, contents and circulation of an EIR.

The basic steps in the EIR process include the following:

- a. the city determines that an EIR is required
- b. a Notice of Preparation is sent to responsible agencies

- c. the draft EIR is prepared
- d. the draft EIR is circulated for comment
- e. the Final EIR is prepared
- f. the City Council considers and certifies the EIR

To date steps 'a' through 'e' have been completed.

**2) *That the EIR was presented to the decision making body of the Lead Agency (the City Council), and that the decision making body reviewed and considered the information contained in the EIR***

To assist the City Council in determining the adequacy of the EIR, CEQA Guidelines Section 15151 provides the following:

An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

The EIR was presented to the City Council on October 6, 2009. The Council's individual and group review and discussion of the EIR will support a finding that the Council reviewed and considered the information contained in the EIR. Further, the Council's desire to hear the views of the public on the EIR supports this finding as well.

**3) *That the EIR reflects the City Council's independent judgment and analysis***

As allowed by CEQA, the EIR was prepared by ESA (Environmental Science Associates), a consulting firm with expertise in environmental analysis. City staff served as the EIR project manager and wrote portions of the EIR and reviewed and edited the entire EIR. City staff's extensive involvement in the preparation of the EIR supports the finding that the EIR reflects the independent judgment of the city.

**PROJECT APPROVAL:**

Upon certification of the EIR, the City Council can take action on the coastal development permit for Phase 1. As stated above, the action on the coastal development permit can occur at a subsequent meeting after certification of the EIR, or concurrent to certification of the EIR. In

the subsequent staff report for the coastal development permit, city staff will be recommending that the City Council approve the coastal development permit for Phase 1 of the proposed Marina Center project. Below is a brief discussion of the findings that must be made by the City Council to approve the coastal development for Phase 1, a detailed discussion will be included in the staff report for approval of the coastal development permit.

Eureka Municipal Code, Section 156.107, specifies that the City Council may only approve the coastal development permit for Phase 1 upon making the finding that the project conforms to the policies of the adopted and certified Local Coastal Program.

The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The Local Coastal Program is divided into two components: the first component is the Land Use Plan, which is basically the General Plan in the coastal zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the Implementation Plan, which includes zoning regulations and the zoning map for land in the coastal zone, and specific coastal zone ordinances necessary to implement the policies of the Land Use Plan.

The Land Use Plan is divided into eight elements or sections:

- SECTION 1 LAND USE AND COMMUNITY DESIGN
- SECTION 2 HOUSING
- SECTION 3 TRANSPORTATION AND CIRCULATION
- SECTION 4 PUBLIC FACILITIES AND SERVICES
- SECTION 5 RECREATIONAL AND CULTURAL RESOURCES
- SECTION 6 NATURAL RESOURCES
- SECTION 7 HEALTH AND SAFETY
- SECTION 8 ADMINISTRATION & IMPLEMENTATION

The majority of the goals and policies in these sections are intended to guide the type, location, intensity, and quality of future development. Because Phase 1 involves only remediation and creation of the wetland reserve, most of the goals and policies will not be relevant. However, to the extent that goals and policies are relevant to Phase 1, they will be discussed in the staff report for the coastal development permit.

As indicated above, the Implementation Plan includes the zoning maps and ordinances. A proposed development must be compared to the allowed uses within the zone district in which the project site is located. The proposed Phase 1 remediation and wetland reserve are allowed under the existing zoning designations. Future phases of the Marina Center project would be

preceded by a Local Coastal Program amendment to modify the existing general plan and zoning designations to allow the intended future uses.

**SUMMARY**

Staff is requesting that the City Council provide direction as to when the Council would like the EIR agendaized for certification, and when the Council would like to schedule the public hearing for the coastal development permit for Phase 1.