

MARINA CENTER EIR

Summary of Master Responses

Master Response 1: Urban Decay Analysis

Comments state that the urban decay analysis is inadequate. Urban decay is “a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake.” Signs of urban decay include the physical deterioration and disrepair of buildings and increases in crime, graffiti, trash, and vandalism. The degree to which urban decay may occur is dependent upon many factors, including the inclination and ability of a property owner to maintain his or her property. Therefore, the closure of stores due to competition does not, in itself, equate to urban decay.

CEQA requires analysis of economic impacts only to the extent that physical urban decay would occur. Fiscal impacts such as changes to the City’s General Fund and changes to the job and wage markets are not physical impacts that require analysis under CEQA.

Master Response 2: Air Quality Health Risk Assessment

The comments state that the Health Risk Assessments (HRA) prepared for the proposed project are inadequate. At least two comments indicate that the HRA fails to analyze prevailing wind patterns for localized effects in relation to specific demographics or land uses such as schools, hospitals, and senior centers. However, a meteorological data set that includes the prevailing wind patterns, temperature, and air inversion modeling was incorporated into the air dispersion modeling and risk analysis performed for the site.

Master Response 3: Local Coastal Program Policy Issues

The comments state that the proposed project is inconsistent with the Local Coastal Program. The Draft EIR acknowledges the project’s inconsistencies with the existing land uses of the Local Coastal Program, and the project description states that the project includes an amendment to the adopted Local Coastal Program in order to facilitate the proposed development.

Master Response 4: Site Remediation Plans and Project Phasing

Many of the comments express concern that the Draft EIR lacks sufficient detail regarding the proposed remedial action plan, how it would be phased, and the environmental effects of the clean up. The Supplemental Interim Remedial Action Plan (SIRAP), included as Appendix S to the EIR, provides information on how the interim remediation would proceed and how the remediation would resolve two concerns related to contamination at the site.

First, there has been concern that stormwater leaving the site is carrying contaminated soils or sediments. The SIRAP would resolve this by eliminating the flow of stormwater

off the site by re-grading the site, and by increasing the capacity of the property to absorb rainfall by overlaying the site with porous fill material which would allow more rain to infiltrate into the ground. Implementation of the SIRAP would also eliminate the ditches and pipes that carry stormwater offsite.

Second, there have been concerns that people and wildlife may be exposed to elevated levels of contaminants in surface soils and sediments, particularly in the wetlands. Implementation of the SIRAP would resolve this concern by excavating hotspots in which there are elevated levels of contaminants, and properly disposing of this material offsite. To be sure that people and wildlife are not exposed to contaminants that are not excavated, most of the site would be covered with clean material excavated from the expanded wetlands area or imported from offsite. The clean cover material would form a protective barrier that prevents people and wildlife from coming into contact with any remaining contaminants underneath.

Final site remediation will be addressed in future phases when the Marina Center development is approved and the site design is finalized. Because the site plan and footprint of development may change once reviewed and approved by the City Council, it is impractical to develop more specific final remedial activities at this time.

Master Response 5: Coastal Commission Wetland Fill Policies

The comments express concern that the proposed project's filling of wetlands is not in compliance with the Coastal Act. The Draft EIR acknowledges that the project is not fully consistent with certain policies in the California Coastal Act for fill of wetlands. The Legislature anticipated situations where strict adherence to one section of the Coastal Act might impede attainment of the Act's broader goals and provided a mechanism for resolving policy conflicts. The mechanism specifically includes balancing considerations of policy inconsistencies with what is most protective of significant coastal resources.

The existing wetlands on the site were largely created incidental to, and as a result of, past human activities on the site; are contaminated with elevated levels of substances harmful to human health and wildlife; are usually dry and subject to vegetation removal to protect against fires; and are scattered, such that they have limited habitat value. The project proposes to restore wetlands onsite in a quantity slightly greater than that which presently exists and to enhance their value by not only consolidating them but also by improving their hydrologic connectivity with Humboldt Bay and providing them with an upland buffer.

Because the project would attain a key goal of the Coastal Act to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment, the EIR concludes that the project's non-compliance with wetland fill policies would not constitute a significant adverse environmental impact.

Master Response 6: Cumulative Conditions on Broadway

Comments state that traffic congestion on Broadway is already an issue and project-generated traffic would add substantially to the already degraded conditions. In addition,

comments request additional information on the implementation of mitigation measures on Broadway, especially related to financing and phasing.

Traffic count data for the years 1994 to 2004 was collected for Broadway. Although from year to year the growth is uneven, the annual average growth is 1.5 percent per year. Using a 1.5 percent growth factor, by the year 2025 a 33 percent increase in traffic would be expected on Broadway with or without the proposed project. The Draft EIR acknowledges that conditions on Broadway will continue to deteriorate; however, implementation of the system of mitigation measures listed in the Draft EIR would significantly reduce those impacts with or without the proposed project.

With regard to implementation of the mitigation measures, the Project Applicant is required to pay only a 'fair share' of the cost of constructing the mitigation measures. There currently is no program in place or funding otherwise identified for construction of the mitigation measures. To ensure that the improvements are nevertheless completed the mitigation measures would be installed by the Project Applicant under a reimbursement agreement with the City and/or Caltrans or other method for receiving credit against future improvements.

Master Response 7: Trip Distribution

Comments raise concerns regarding trip distribution and the possibility that alternate roadways which could be used to access the project site are not properly analyzed. The list of 27 study intersections was developed through consultation with the City and Caltrans District 1. As outlined in the Draft EIR, it was determined that the intersections of Fourth and H Streets, Fourth and I Streets, Fifth and H Streets, and Fifth and I Streets were the busiest in Downtown, so that if project impacts were insignificant at these intersections, intersections farther east would have even less effect and need not be studied. And, to the south on Broadway, the intersection of Harris Street/North Bayshore Mall/Broadway was determined to be the most southern intersection to be affected. The analysis showed that intersections beyond these were not significantly affected by the project and, therefore, it was not necessary to study them.

There are several intersections located between the study intersections, most of which are secondary (i.e., Broadway and Grant Streets, Broadway and Cedar Streets, and Fifth and A Streets), meaning that they are local access streets with relatively low traffic volumes. The study intersections fairly represent the "worst case" for such minor intersections, and if the study intersections were shown in the modeling results to continue to perform adequately, the secondary intersections would be anticipated to perform adequately as well. On this basis, not all intersections along U.S. 101 were included as study intersections.

Comments point to specific corridors and intersections that are not expressly identified for analysis in the Draft EIR, such as the 6th and 7th Streets couplet, F Street, Herrick Avenue, and Myrtle Avenue. A review of the results of the 2030 traffic model show that relatively few project-generated trips would be expected to use those routes and intersections, and none would be expected to experience greater than 50 additional

trips per peak hour. In addition, the added trips would not result in significant changes in levels of service for any of the intersections. Consequently, the project's impact to other intersections beyond those studied would be less than significant and no additional mitigation is warranted. It should also be noted that the expected volume increases are all within the existing capacity of local streets.

Master Response 8: Visual Impacts from Humboldt Bay and Waterfront Drive

Comments raise concerns with respect to visual viewpoints of and through the project site from the west (Humboldt Bay and Waterfront Drive). Although the project proposes structures that would alter the visual character of the site as viewed from the west, because of the existing brownfield conditions of the site, and the surrounding urban context with commercial and industrial buildings of various height, bulk, mass, and scale, the change is not considered significant.

Master Response 9: Wiyot Cultural Resources

Comments suggest that an archaeological investigation should be performed prior to project approval and that mitigation in the Draft EIR is not sufficient. In response to the comments, the mitigation measures were modified to provide a greater level of protection. The modified mitigation requires that a qualified archeologist conduct subsurface investigations for ground-disturbing activities in areas of high sensitivity, and the mitigation prescribes steps that must be taken should resources be encountered.