

COPY



**CEQA
NOTICE OF DETERMINATION
Environmental Impact Report**

CITY OF EUREKA

The City of Eureka, as the Lead Agency, is filing this Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

To:	Office of Planning Research P.O. Box 3044 1400 Tenth Street, Room 121 Sacramento, CA 95812-3044 <i>fax: 1-916-323-3018</i>	County of Humboldt County Clerk 825 5 th Street Eureka, CA 95501
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FROM: City of Eureka, Lead Agency
Community Development Department
Sidnie L. Olson, AICP, Principal Planner
531 K Street
Eureka, CA 95501-1165
(707) 441-4265
solson@ci.eureka.ca.gov

931364
CAROLYN CRNICH
Humboldt County Clerk
NOV 04 2009
FILED
BY Z. Holman
FILED

SCH# 2006042024

Project Title: *Marina Center Mixed Use Development, Phase 1*

Project Applicant: CUE VI, LLC

Case No: CDP-09-0004

Project Location: Assessor Parcel Numbers: 001-014-002; 003-021-009; 003-031-003; 003-031-008; 003-031-012; 003-031-013; 003-041-005; 003-041-006; 003-041-007; and 003-051-001 // Sections 21 & 22, T5N, R1W, HBM //

General Plan & Zoning Designation: Limited Industrial (LI/ML); Service Commercial (HSC/CS); Public (PQP/P)

Project Description: The coastal development permit under consideration by the City Council is only for Phase 1 of the Marina Center project; Phase 1 is described in more detail below. Phase 1 would involve all or a portion of Assessor Parcel Numbers: 001-014-002; 003-021-009; 003-031-008; 003-041-005; 003-041-006; 003-041-007; and 003-051-001

The future phase(s) of the Marina Center project would include approximately 313,500 sq. ft. of Retail/Service/ Furniture including 28,000 sq. ft. of Nurseries/Garden; 104,000 sq. ft. of Office; 72,000 sq. ft. of Multi-Family Residential (54 dwelling units); 70,000 sq. ft. of Light Industrial use; 14,000 sq. ft. of Restaurant; and 12,500 sq. ft.

Museum. The new buildings would be between one and five-stories. The future phase(s) would include approximately 1,590 parking spaces, including about 462 spaces in a four-level parking structure.

The project site is located in the City of Eureka on a 43 acre brownfield site that is generally bounded by Waterfront Drive to the north and west, Washington Street to the south, and Broadway (Highway 101) to the east. Assessor Parcel Numbers: 001-014-002; 003-021-009; 003-031-003; 003-031-008; 003-031-012; 003-031-013; 003-041-005; 003-041-006; 003-041-007; and 003-051-001.

The future phase(s) would include pedestrian and roadway improvements, including a proposed extension of Fourth Street into the site, connecting to and terminating at Waterfront Drive; and the proposed extension of Second Street into the site, connecting to and terminating at the Fourth Street extension. Additional access would be provided via driveway access from the Sixth Street and Broadway intersection. The future phase(s) would also include the construction of a landscaped pedestrian and bicycle path parallel to Waterfront Drive, as well as landscaping throughout the site. On-site landscaping would incorporate native plants, ranging from restored slough and wetland aquatic plants to upland trees, shrubs, and grasses indigenous to the region.

The four parcels which roughly make up the tract of land know as the Balloon Track have an existing general plan land use designation of Public/Quasi Public (PQP) with a corresponding zoning designation of Public (P). Five of the existing remaining parcels have an existing land use designation of Light Industrial (LI) with a corresponding zoning designation of Limited Industrial (ML). The last two parcels have an existing land use designation of Highway Service Commercial (HSC) with a corresponding zoning designation of Service Commercial (CS).

The future phase(s) of the project include amendment of the certified Local Coastal Program (LCP) to a combination of designations that include General Service Commercial (GSC), Professional Office (PO), Waterfront Commercial (WFC), Limited Industrial (LI), and Water Conservation (WC). The LCP amendments would include amendments to both the Land Use Plan, which is the relevant portion of the local general plan, and the Implementation Plan, which includes the zoning ordinance and zoning district maps.

The proposed project design would draw from the site's maritime and industrial heritage, as well as from the contemporary influences of the Eureka waterfront, Old Town and downtown areas. Development of the site would seek to maximize views of Clark Slough, as well as Humboldt Bay, the small-boat marina, and the developing waterfront west of the site.

Phase 1

Phase 1 of the Marina Center project would include implementation of the Supplemental Interim Remedial Action Plan (SIRAP) which received concurrence in June 2009 from the California Regional Water Quality Control Board, North Coast Region (RWQCB). The SIRAP was prepared under the direction of the RWQCB in compliance with Cleanup and Abatement Order No. R1-2001-26; the SIRAP is Attachment 'S' of the certified EIR.

Phase 1 would include the removal of various debris piles, old foundations and other structures and remnants that remain on site as a result of the past use of the site as a railroad maintenance facility, including:

- Scrap metal and piles of old railroad ties that are present at various locations across the site.
- The remains of an above ground storage tank.
- A sump measuring approximately 3 feet in diameter by approximately 4 feet deep.
- An old oil/water separator used as part of the former oil-collection system for the site.
- A communication tower.
- A turntable used to maneuver railroad engines.

Phase 1 would remediate soils in five focused areas by excavating the contaminated soils and then back-filling with clean material. The focused areas for excavation and back-fill are highlighted in the Figure 1.

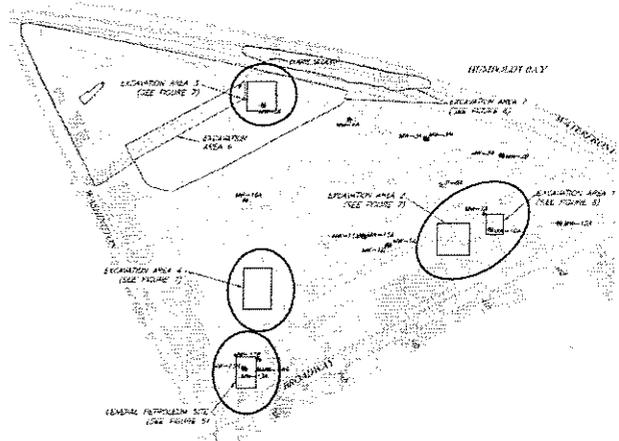


Figure 1
Location of Excavation Areas

Phase 1 includes the restoration of wetlands surrounding Clark Slough. The restoration would be accomplished by excavating and re-contouring a portion of the area surrounding Clark Slough to create new seasonal and muted tidal wetlands. In addition, debris that has accumulated within Clark Slough and concrete rip-rap that has been placed along the banks of Clark Slough in this area will be removed. The wetland restoration area is highlighted in Figure 2.

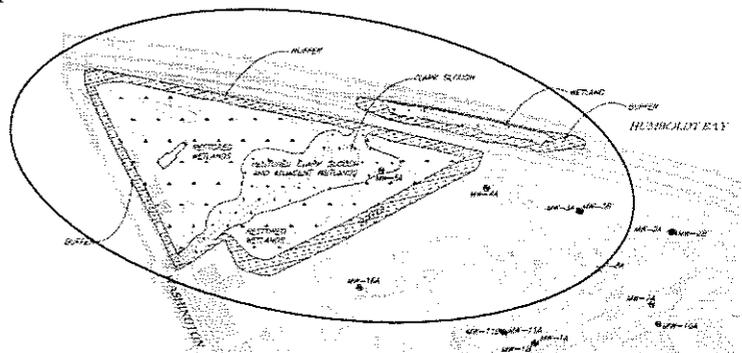


Figure 2
Location of Wetland Remediation and Restoration Area

Phase 1 includes grading of the site to alter the flow of storm water on the site to promote natural infiltration of storm

water and reduce or eliminate storm water from leaving the site. As part of the site grading work, cover material will be imported and placed over the site to provide additional storm water infiltration capacity at the site and eliminate potential pathways between the existing site soils and human and environmental receptors. Although the final thickness of the cover material is not known at this time, it is anticipated that a cover of approximately two feet thick will be placed over the site. If appropriate, impermeable materials may be used to capture and detain stormwater to be directed into the municipal stormwater system. The approximate area proposed for grading and cover is highlighted in Figure 3.

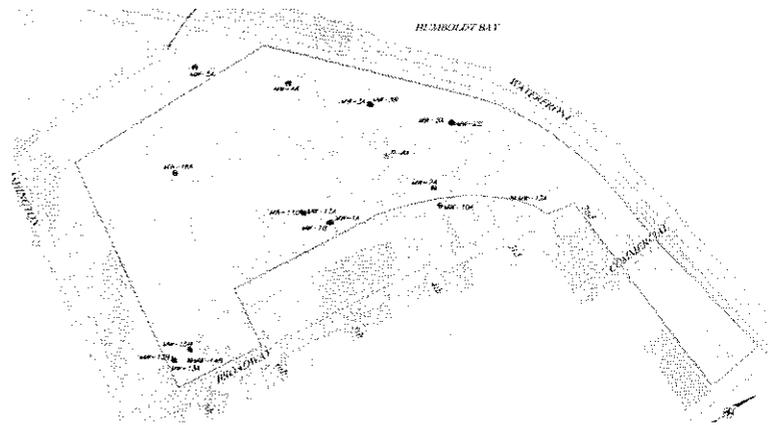


Figure 3
Approximate Area of Grading and Cover

Date of Project Application: March 7, 2006

Lead Agency/Contact: City of Eureka, Community Development Department; Sidnie L. Olson, AICP, Principal Planner; 531 K Street, Eureka, CA 95501-1165; phone: (707) 441-4265; fax: (707) 441-4202; e-mail: solson@ci.eureka.ca.gov

Date of Project Approval: November 3, 2009

Findings: This is to advise that, on November 3, 2009, the City Council of the City of Eureka, as the Lead Agency, approved the project described above, and made the following determinations and findings regarding the project.

1. The City Council found that the proposed project in its approved form will not have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA and on October 27, 2009, pursuant to the provisions of CEQA, the City Council of the City of Eureka adopted Resolution 2009-50 certifying the Environmental Impact Report.
3. Mitigation measures were made a condition of project approval.
4. The City Council adopted a Mitigation Monitoring and Reporting Program (MMRP) for reporting on or monitoring the changes which it either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.
5. Findings were made pursuant to the provisions of CEQA (CCR §15091).

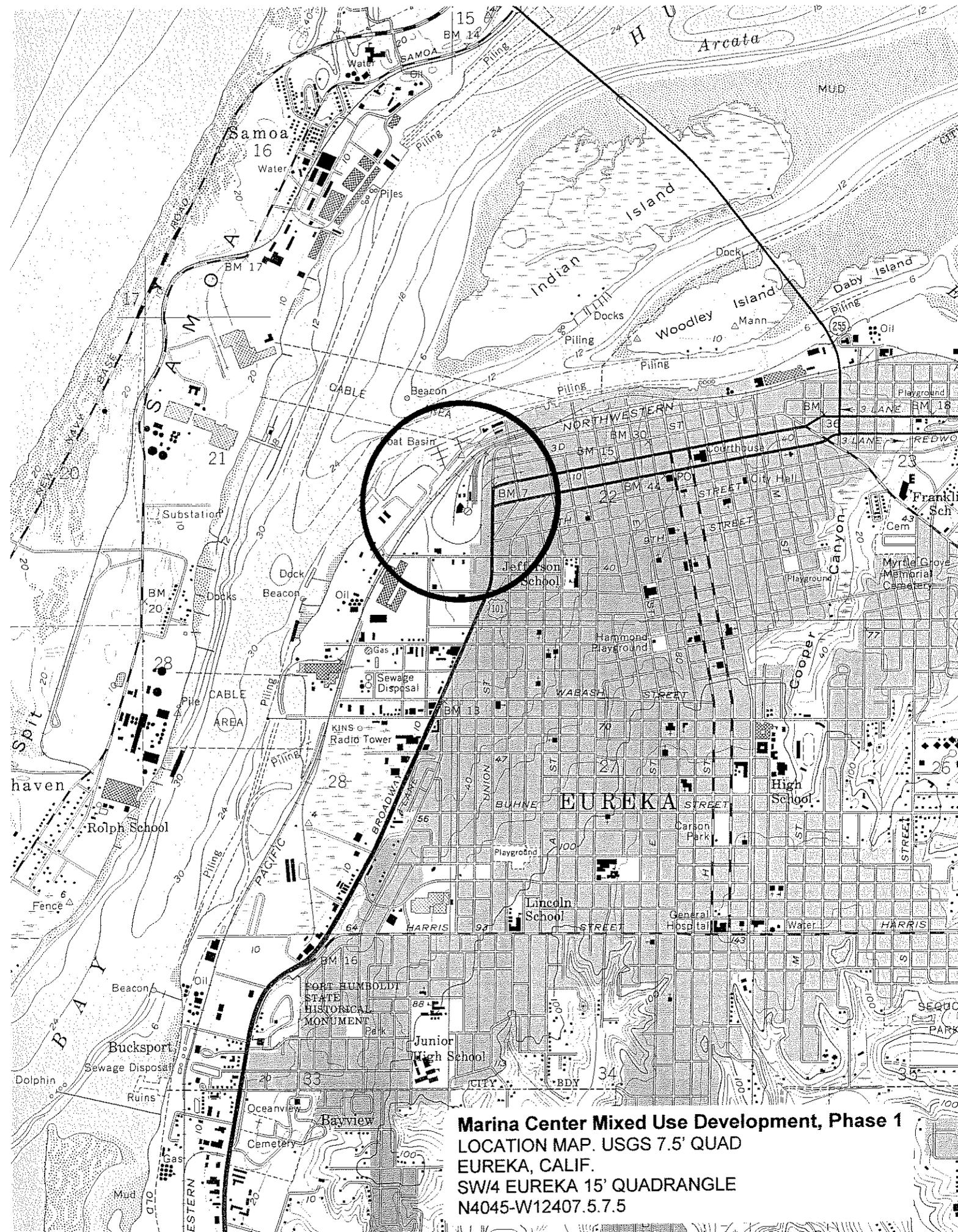
6. A Statement of Overriding Considerations was not adopted for this project.
7. The City Council found that the project site is not within two nautical miles of a public airport or public use airport, and they determined that the project will not result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

This is to certify the City Clerk of the City of Eureka is the custodian of the documents or other material which constitute the record of proceedings upon which the City Council's decision was based; and that the Environmental Impact Report and the record of project approval are available to the general public for review during regular office hours at the City of Eureka, Community Development Department, second floor, 531 K Street, Eureka, CA 95501.



Sidnie L. Olson, AICP
Principal Planner
City of Eureka

November 4, 2009
Date



Marina Center Mixed Use Development, Phase 1
LOCATION MAP. USGS 7.5' QUAD
EUREKA, CALIF.
SW/4 EUREKA 15' QUADRANGLE
N4045-W12407.5.7.5



State of California—The Resources Agency
 DEPARTMENT OF FISH AND GAME
2009 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# **376064**
 STATE CLEARING HOUSE # (if applicable)
2006042024

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY City of Eureka DATE 11-4-2009
 COUNTY/STATE AGENCY OF FILING Humboldt DOCUMENT NUMBER 931364
 PROJECT TITLE Marina Center Mixed Development, Phase 1
 PROJECT APPLICANT NAME CWEVI LLC PHONE NUMBER 707 (441) 4265
 PROJECT APPLICANT ADDRESS 533 Fifth St CITY Eureka STATE CA ZIP CODE 95501

PROJECT APPLICANT (Check appropriate box):
 Local Public Agency School District Other Special District State Agency Private Entity

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report	\$2,768.25	\$ <u>2768.25</u>
<input type="checkbox"/> Negative Declaration	\$1,993.00	\$ _____
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$ _____
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs	\$941.25	\$ _____
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$ <u>50.00</u>
<input type="checkbox"/> Project that is exempt from fees		
<input type="checkbox"/> Notice of Exemption		
<input type="checkbox"/> DFG No. Effect Determination (Form Attached)		
<input type="checkbox"/> Other _____		\$ _____

PAYMENT METHOD:
 Cash Credit Check Other _____
 TOTAL RECEIVED \$ 2818.25

SIGNATURE X J Halman TITLE Dep Clerk
NT Return

WHITE - PROJECT APPLICANT YELLOW - DFG/ASB PINK - LEAD AGENCY GOLDEN ROD - COUNTY CLERK FG 753.5a (Rev. 7/08)

Official Receipt Carolyn Crnich, Recorder Phone: (707) 445-7593 Fax: (707) 445-7324	Humboldt County Recorder Courthouse Fifth Floor 825 Fifth Street Eureka, CA 95501-1172	Date: Nov 4, 2009 Time: 10:25 Receipt: 29523 Clerk: LH
Transaction: 2009-165811-1	CLERK FEES	
Fish & Game Fees		2818.25

Fees paid by SN PROPERTIES with check	CUSTOMER COPY	Sales Tax	0.00
		Total received	2818.25