

## **RESOLUTION NO. 2010-**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA,  
CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL  
MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2,  
2010, AS REQUIRED BY THE PROVISIONS OF THE CHARTER, FOR  
THE SUBMISSION TO THE VOTERS THE MARINA CENTER LOCAL  
COASTAL PROGRAM AMENDMENT BALLOT MEASURE.**

WHEREAS, the City of Eureka ("City") has prepared an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act (Public Resources Code, §§ 21000, et seq., "CEQA") and CEQA Guidelines, which analyzed the potential environmental impacts of the Marina Center Mixed Use Development Project ("Project" or "Marina Center"); and

WHEREAS, on October 27, 2009 the City Council approved Resolution No. 2009-50, certifying the EIR for the Project as complete and in accordance with CEQA; and

WHEREAS, on November 3, 2009, the City Council approved Resolution No. 2009-51, approving a Coastal Development Permit for Phase 1 of the Project, which involved the interim remediation of contamination on the Project site associated with past uses of the site and the construction of a wetlands reserve, making certain CEQA findings for Phase 1 of the Project, and adopting a Mitigation Monitoring and Reporting Program ("MMRP") for Phase 1 of the Project; and

WHEREAS, in addition to Phase 1, the Project, as described and analyzed in the EIR, includes the redevelopment of the approximately 43-acre property, which is generally bounded by Waterfront Drive to the north and west, Washington Street to the south, and Broadway (Highway 101) to the east, with a mixed use development that includes the following: 313,500 square feet of retail space, 104,000 sq. ft of office space, 72,000 sq. ft. of multi-family residential housing (54 dwelling units), 70,000 sq. ft. of light industrial space, 14,000 sq. ft. of restaurant space, 12,500 sq. ft. of museum space, 1,590 parking spaces, and an 11.89-acre wetland reserve ("Property"). The Property includes 11 existing parcels, four of which roughly make up the so-called "Balloon Track"; and

WHEREAS, The Property is located in the coastal zone and is subject to the provisions of the City's adopted and certified Local Coastal Program; and

WHEREAS, the City of Eureka adopted and certified Local Coastal Program is divided into two components: (1) the Land Use Plan (LUP), which outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map; and (2) the Implementation Plan (IP), which includes zoning regulations, the zoning map and specific coastal zone ordinances to implement the policies of the LUP; and

WHEREAS, the Property currently has three LUP (general plan) designations which include Light Industrial (LI), Highway Service Commercial (HSC), and Public/Quasi-Public (PQP). The existing IP (zoning) designations include Limited Industrial (ML), Service Commercial (CS), and Public (P). To allow for the types of uses contemplated for the Marina Center Mixed Use Development Project, the adopted and certified Local Coastal Program ("LCP") must be amended and would require amendments to both the LUP (general plan) and the IP (zoning); and

WHEREAS, the LCP amendment includes, for the approximately 3.54 acres from west of the northerly extension of the west line of Broadway to the proposed Fourth Street extension and between Waterfront Drive and the proposed Second Street extension, an amendment to the LUP (general plan) designation to Waterfront Commercial (WFC) with a corresponding IP (zoning) designation of Waterfront Commercial (CW); and

WHEREAS, the LCP amendment includes, for the approximately 5.91 acres west of Broadway, south and east of the proposed Second Street extension and north of the proposed Fourth Street extension, an amendment to the LUP (general plan) designation to Professional Office (PO) with a corresponding IP (zoning) designation of Office and Multi-Family Residential (OR); and

WHEREAS, the LCP amendment includes, for the approximately 16.65 acres south of the proposed Fourth Street extension to the south property line and between the eastern edge of the proposed wetland restoration area and the west line of Broadway, an amendment to the LUP (general plan) designation to General Service Commercial (GSC) with a corresponding IP (zoning) designation of Service Commercial (CS); and

WHEREAS, the LCP amendment includes, for the approximately 13.13 acres proposed wetland restoration area, an amendment to the LUP (general plan) designation to Water - Conservation (WC) with a corresponding IP (zoning) designation of Conservation Water (WC); and

WHEREAS, the LUP amendment to designate a portion of the Property to Professional Office (PO) requires an amendment to the text of Table B-1 of Appendix B of the LCP; and

WHEREAS, amendment of the LCP will therefore require amendments to the Land Use Plan (general plan) map, text of the Land Use Plan, and amendment to the Implementation Plan (zoning) map; and

WHEREAS, in addition to the necessary amendments to the LCP, development of the Project requires, at a minimum, the following discretionary approvals by the City: Coastal Development Permit; Conditional Use Permit; Subdivision approval; Site Plan Review and Architectural Review; and a Development Agreement. In addition, ministerial Grading permits and Building permits are required; and

WHEREAS, the City Council now desires to submit to the voters of the City the Marina

Center Local Coastal Program Amendment Ballot Measure that, if approved, would adopt the LCP amendments proposed as a part of the Project as further set forth in the ordinances attached to this resolution. In addition, the IP (zoning) amendments include qualifications to the applicable zoning district regulations to limit development to the scope proposed for the Marina Center and analyzed in the EIR; after ten years, the City Council could remove or modify the qualifications, however, as long any additional required CEQA review were performed first. The appropriate CEQA findings for this resolution and the attached ordinances, as well as the adopted Mitigation, Monitoring and Reporting Program (MMRP) are attached hereto;

NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED by the Council of the City of Eureka, that

#### SECTION 1. CEQA

##### **A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Resolution.

##### **B. CEQA Findings**

1. As set forth more fully in Attachment 1 to this Resolution, the City hereby finds that the LCP amendments contemplated by this Resolution and the attached Ordinances are a part of the Project and that the EIR prepared for that Project is the appropriate CEQA document for this Resolution.
2. The City further finds, as set forth more fully in Attachment 1, that no substantial evidence would support the preparation of a subsequent EIR.
3. The City hereby adopts the findings in Attachment 1.
4. That the City hereby adopts the Mitigation Monitoring and Reporting Program in Attachment 1.

#### SECTION 2. General Plan/Local Coastal Program Consistency

The City hereby finds, as set forth more fully in Attachment 2, that the proposed changes to the Local Coastal Program would not create any internal inconsistencies with the General Plan or Local Coastal Program.

SECTION 3. The City Council hereby calls an election, to be held on November 2, 2010, at which it shall submit to the qualified voters of the City of Eureka, the Marina Center Local Coastal Program Amendment Ballot Measure which, if approved, would amend the existing Local Coastal Plan to allow for development of the Marina Center Mixed Use Development Project, subject to the approval of future permits and environmental review, as necessary.

SECTION 4. That the wording of the question for the Marina Center Local Coastal Program Amendment Ballot Measure shall be as follows:

Shall ordinances be adopted amending the City of Eureka Local Coastal Program, including general plan and zoning amendments, to allow retail, office, multi-family residential, light industrial, restaurant, and museum uses on the "Balloon Track" and adjacent properties, as proposed for the 43-acre Marina Center Project; require additional permit approvals for development; prohibit "Discount Superstores;" and authorize the City Council to amend or repeal specific limitations on development after 10 years and following appropriate environmental review?	<b>YES</b>
	<b>NO</b>

SECTION 5. The full text of the measure, including ordinances adopting the Local Coastal Program Amendment and IP (zoning) qualifications, to be voted upon is set forth in Attachment 3 and is hereby incorporated by reference as though fully set forth herein. The full text of the Marina Center LCP Amendment Ballot Measure shall not be printed in the voters guide for the November 2, 2010 election, but copies shall be made available to the public upon request.

SECTION 6. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 15<sup>th</sup> day of June 2010, by the following vote:

AYES: COUNCIL MEMBERS  
NOES: COUNCIL MEMBERS  
ABSENT: COUNCIL MEMBERS

---

VIRGINIA BASS  
MAYOR OF THE CITY OF EUREKA

ATTEST:

---

PAMELA J. POWELL  
CITY CLERK

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

---

SHERYL SCHAFFNER  
CITY ATTORNEY

---

DAVID W. TYSON  
CITY MANAGER

## ATTACHMENT 1

### Section 1

#### ***Introduction***

#### **A. Organization/Format of Findings**

The purpose of these findings (“Findings”) is to satisfy the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines associated with the City of Eureka’s decision to place the Marina Center LCP Amendment Ballot Measure (“ballot measure”) on the November 2, 2010, general election ballot. The Findings are organized into the following sections:

**Section 1, Introduction**, outlines the organization of this document and identifies the location and custodian of the record of proceedings.

**Section 2, Marina Center LCP Amendment Ballot Measure**, describes the location, project overview, project objectives, and permits and approvals that will be required for the Marina Center Mixed Use Development Project (“Project”).

**Section 3, CEQA Guidelines Section 15162 Findings (No Subsequent EIR Required)**, this section describes the requirements for a subsequent EIR where an EIR has already been certified for a project and makes findings that no subsequent EIR is required. The current approvals involve some slight modifications to the Marina Center approvals contemplated in the EIR, including placing the decision to approve the LCP amendment on the ballot for approval by the voters instead of approval by the City Council and the addition of a Q Qualified Combining District.

**Section 4, Less Than Significant Environmental Impacts with Mitigation**, provides a summary of significant environmental impacts for which implementation of identified feasible mitigation measures would avoid or substantially reduce the environmental impacts associated with the Project to less than significant levels. This section provides specific written findings regarding each potentially significant impact associated with the Project. This section also provides a list of those environmental issue areas where no reasonably foreseeable impacts would occur and those impacts determined to be below the threshold of significance without the incorporation of mitigation measures.

**Section 5, Significant Environmental Impacts**, provides a summary of significant environmental impacts for which no feasible mitigation measures are identified or for which implementation of identified feasible mitigation measures would not avoid or substantially reduce the environmental effects to less than significant levels. This section also provides specific written findings regarding each significant impact associated with the Project.

**Section 6, Findings Regarding Project Alternatives**, provides a summary of the alternatives considered for the Project.

**Section 7, Statement of Overriding Considerations**, provides a summary of the Project’s significant unavoidable adverse impacts. In addition, this section identifies the Project’s

## ATTACHMENT 1

substantial benefits that outweigh and override the Project's significant unavoidable impacts, such that the impacts are considered acceptable.

**Section 8, LCP Amendment Consistency with Chapter 3 of the Coastal Act**, provides a summary of the LCP Amendment's consistency with Chapter 3 of the Coastal Act

**Section 9, Mitigation Monitoring and Reporting Program**, includes the Mitigation Monitoring and Reporting Program (MMRP) prepared and certified with the Marina Center EIR, which analyzed each of the potential direct, indirect and cumulative impacts that could result from this Project.

### **B. Statutory Requirements for Findings**

The California Environmental Quality Act (CEQA), Public Resources Code Section 21081, and the *CEQA Guidelines* (14 Cal. Code of Regs. Section 15091) require that a public agency consider the environmental impacts of a project before a project is approved, and make specific findings. *CEQA Guidelines* Section 15091 and Public Resources Code, Section 21081, provide that:

- (a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environment effect as identified in the Final Environmental Impact Report (EIR).
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final environmental impact report.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

## ATTACHMENT 1

- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

### **C. Record of Proceedings**

#### **Context**

The City, acting as the Lead Agency for a project proposed by CUE VI, LLC, prepared (and on October 27, 2009, certified) the Final Environmental Impact Report (EIR) for the Project that analyzes the potential direct, indirect and cumulative impacts of that project. The City thereafter approved a coastal development permit for only the first phase of the Marina Center project, and none of the associated development. The current proposal would approve a Resolution placing on the ballot the question whether to approve only the Local Coastal Program amendments required for the Project, (i.e., the Marina Center LCP Amendment Ballot Initiative); but which would not grant the approvals necessary for construction of the Project. In addition, the ballot measure would propose adding a Q Qualified Combining District in order to ensure that uses at the site are restricted to development that causes no more or more intense environmental impacts than those already examined in the EIR. Thus, the potential environmental impacts of the Marina Center LCP Amendment Ballot Initiative would be substantially the same as those analyzed in the Marina Center Mixed Use Development EIR. Accordingly, no subsequent or supplemental EIR is required and the EIR certified for the Marina Center Mixed Use Development Project including the analysis set forth in Chapter VI of the Draft EIR (2008) combined with those sections of Chapter VI that have been revised and are noted in Chapter 2 of the Final EIR/Response to Comments document (October 2009), is the appropriate CEQA document for the approval of the ballot measure.

#### **Contents**

The City recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up an EIR and the record of proceedings; that experts can disagree; and that the City must base its decisions and these Findings on the substantial evidence in the record that it finds most compelling. For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council's decision to submit the ballot measure to the voters incorporates by reference the City's record of proceedings, in its entirety, for the Marina Center Project. Thus, the record of proceedings for the ballot measure consists of: (1) matters of common knowledge to the City Council, including but not limited to federal, state, and local laws and regulations; and (2) the following documents that are in the custody of the City of Eureka (City):

- Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the City in conjunction with the Marina Center project.
- The Final Marina Center Mixed Use Development Project EIR (dated October 2009), which includes all written comments submitted by agencies or members of the public during the public comment period on the Draft EIR (dated December 2008) and

## ATTACHMENT 1

responses to those comments and all of the documents referenced therein. The Marina Center Mixed Use Development Project EIR certified on October 27, 2009, pursuant to the provisions of CEQA, by the City Council of the City of Eureka through adoption of Resolution 2009-50.

- The Mitigation Monitoring and Reporting Program (MMRP) for the Marina Center Project.
- All findings and resolutions adopted by the City in connection with the Marina Center Project, and all documents cited or referred to therein.
- All final reports, studies, memorandums, maps, correspondence, and all planning documents prepared by the City, or the consultants or responsible or trustee agencies, with respect to: (1) the City's compliance with CEQA; (2) development of the project site; or (3) the City's action on the Marina Center Project.
- All documents submitted to the City by the applicant, by agencies, and by members of the public in connection with development of the Marina Center Project.
- All documents compiled by the City in connection with the study of the Marina Center Project, including alternatives.
- The testimony and evidence presented at public meetings for the Marina Center Project, including the public scoping meeting on April 13, 2006, the Eureka City Council public study session on October 6, 2009, and the Eureka City Council meetings on October 20 and October 27, 2009.
- The testimony and evidence presented at the Eureka City Council considering the Marina Center LCP Amendment Ballot Initiative.
- Other items identified in Public Resources Code section 21167.6(e) as relevant to the Marina Center Project and the ballot measure.

The EIR and the administrative record concerning the Project provide additional facts in support of the findings herein. The location and custodian of the documents and other materials that constitute the record of proceedings is the City of Eureka, Community Development Department, 531 K Street, Eureka, CA 95501.

## ATTACHMENT 1

### Section 2

#### ***Marina Center LCP Amendment Ballot Measure***

##### **A. Overview**

The proposed action is the approval of a ballot measure that would submit the question to voters whether or not to amend the City's certified Local Coastal Program (LCP) to revise text and maps associated with the LCP's Land Use Plan (LUP), which is the relevant portion of the City of Eureka's General Plan, and to revise maps associated with the LCP's Implementation Plan (IP), which includes the zoning ordinance and zoning district maps, with respect to approximately 43 acres generally bounded by Waterfront Drive to the north and west, Washington Street to the south, and Broadway (Highway 101) to the east. In addition, the ballot measure would add a Q Qualified Combining District in order to ensure that uses at the site are restricted to development that causes no more or more intense environmental impacts than those already examined in the EIR. Thus, approval of the ballot measure would allow development substantially similar to the Marina Center Project, though any such development would still need to obtain development approvals, including, but not necessarily limited to a coastal development permit. The ballot measure and subsequent anticipated development are described further below.

##### **B. Project Objectives**

The Project evaluated in the EIR would result in the redevelopment of a 43-acre brownfield site and construction of a mixed-use development project that would include up to 313,500 square feet of retail space, 104,000 sq. ft of office space, 72,000 sq. ft. of multi-family residential housing (54 dwelling units), 70,000 sq. ft. of light industrial space, 14,000 sq. ft. of restaurant space, 12,500 sq. ft. of museum space, 1,590 parking spaces, and an 11.89-acre wetland reserve. The project site is bounded, generally, by Waterfront Drive to the west and north, Washington Street to the south, and Broadway (Highway 101) to the east.

The City of Eureka's basic objectives for the Project as described in the EIR are as follows:

- Strengthen Eureka as the retail and employment center of Humboldt County.
- Develop an economically viable mixed use project (e.g., retail, office, residential, industrial).
- Facilitate brownfield redevelopment and urban infill development of property in the redevelopment area in the City of Eureka.

The Project Applicant's objectives of the proposed project are as follows:

- To maintain Eureka's status as the "hub" of employment, retail commerce and tourism in Humboldt County.
  - Complement the existing Downtown and Old Town uses.
  - Develop an economically viable mixed-use project to include the following components:

## ATTACHMENT 1

- Destination retail (home improvement, sporting goods, apparel, home electronics and import, for example)
- Service retail (pharmacy, banking and financial, hair care, etc.)
- Lifestyle retail (fashion, entertainment, jewelry, housewares, books, domestics, footwear, etc.)
- Offices
- Restaurants
- Children's Educational Museum
- Residential/multi-family to create both lifestyle and live-work opportunities
- Compatible light industrial
- Implement the goals, policies, and objectives of the Redevelopment Plan.
- To restore the Balloon Track to productive use.
  - Remediate contaminated soil to safe levels for project uses.
  - Restore and enhance habitat through long-term protection activities in and adjacent to the slough.
  - Eliminate unauthorized or illegal activities within the Balloon Track, which are detrimental to public safety and a drain on public resources.
  - Implement earth and environmentally friendly design, construction and operational measures, including:
    - Recycling of demolished structures
    - Use of “green” building materials: recycled; local; renewable
    - Energy-efficient HVAC and lighting and control systems
    - Use of natural ventilation and day-lighting
    - Use of efficient plumbing fixtures
    - Promote energy-efficient and environmentally friendly practices during project operation.
- To develop an economically viable mixed-use project.
  - Increase jobs and tax revenues.
  - Maximize development density to the extent economically feasible.
  - Provide a greater variety of goods and services in Humboldt County.
  - Create a full mix of uses to maintain Eureka's status as the “hub” of employment, retail and tourism in Humboldt County.

## ATTACHMENT 1

- Connect the site into the urban street grid to the extent possible, given the limitations of maintaining the railroad right-of-way and ownership of land for possible street extensions.
- Improve vehicular circulation to and through the Balloon Track.
- Encourage pedestrian and bicycle interaction with the existing Downtown/Old Town and waterfront.
- Discourage sprawl by promoting an infill development project.
- Create effective links between the Wharfinger Building, Small Boat Basin, and Old Town areas.

### **C. Project Description**

#### **Project Location and Site Characteristics**

The project site is located within the incorporated City of Eureka, in Humboldt County on the north coast of California approximately 300 miles north of San Francisco and 100 miles south of the Oregon border (latitude 40°48'00"N, longitude 124°10'40"W). The City of Eureka is the county seat and the center of government and commerce for Humboldt County. Humboldt County is bordered on the west by the Pacific Ocean, on the north by Del Norte County, on the east by Siskiyou and Trinity counties, and on the south by Mendocino County. Humboldt County encompasses 2.3 million acres, 80 percent of which is rural forested area. The City of Eureka is situated on Humboldt Bay in the central west portion of the County; it has an estimated population of 26,380 and occupies approximately 10,500 acres. Eureka is the largest city along the 400 miles of highway between Santa Rosa, CA and Medford, OR.

Humboldt Bay is one of California's larger coastal estuaries and the only deep water port between San Francisco and Coos Bay, Oregon. It is about 14 miles long and 4.5 miles wide at its widest point. Humboldt Bay is separated from the Pacific Ocean by long sand spits to the north and south of the entrance to the Bay. The City of Eureka sits on the eastern shore of Humboldt Bay at about its midway point. The Bay wraps around the City with the western and northern Eureka city limits extending into the Bay. The City's eastern and southern boundaries border the unincorporated Humboldt County.

The main north-south highway serving the north coast is U.S. Highway 101 (U.S. 101). At the south end of Eureka, U.S. 101 is a four-lane major arterial running north-south and is known as Broadway. Just to the east of the project site, Broadway turns ninety-degrees and splits into two one-way couplets running east-west through the heart of the City. The couplets are known as Fourth Street (southbound U.S. 101) and Fifth Street (northbound U.S. 101) which continue to the Eureka Slough Bridge, beyond which U.S. 101 is a divided four-lane highway. State Route 299 is the major east-west highway serving the north coast; it intersects with U.S. 101 in Arcata approximately 7 miles north of Eureka and connects to Interstate 5 in Redding, CA, approximately 140 miles east of Arcata.

The City of Eureka is set up in a traditional grid street pattern with the numbered streets running east-west and the alphanumeric streets running north-south; First Street parallels Humboldt Bay

## ATTACHMENT 1

along the northern waterfront. First Street turns into Waterfront Drive west of "C" Street and bends to the south as it continues to parallel the western waterfront along Humboldt Bay. Waterfront Drive forms the western and northern boundaries of the project site. Broadway, for the most part, forms the eastern boundary of the project site and the south boundary is defined roughly by Washington Street. There are several businesses on the west side of Broadway between Fourth and Sixth Streets that are not a part of the project; businesses on the north side of Washington Street between Broadway and Clark Slough also are not part of the project.

The project site consists of 11 parcels, four of which make up the tract of land known as the Balloon Track, so-called because locomotives were brought in on a circular track shaped like a balloon. The Balloon Track property was historically used as a railroad switching, maintenance and freight yard from the late 1880s until the closure of the Union Pacific rail lines in the mid-1980s. The project site has been vacant since the late 1980s and rail service to the north coast has been discontinued. On-site structures and most of the railroad tracks associated with past railroad use have been removed, although some foundations of former structures as well as some tracks located along the northwestern portion of the site are still present. The existing transmission tower in the middle of the property would be removed as part of the Project.

Clark Slough bisects the lower southwest corner of the property. Non-native vegetation is present throughout the project site with a number of compacted gravel roadways that provide access throughout the site. The entire 43-acre site is surrounded by a temporary 8-foot-tall chain link fence.

General land uses in the vicinity include coastal-dependent industrial to the north and northwest; vacant or underutilized lands to the west; coastal-dependent industrial to the southwest; a mixture of industrial and office uses to the south; to the southeast is the Clark District, one of the City's oldest residential neighborhoods; and to the east is a broad mixture of light industrial and commercial uses including Downtown and Old Town Eureka.

### **Project Characteristics**

The proposed approval is a ballot measure, which, if approved by the voters would amend the City's certified LCP, which is incorporated into the City's General Plan, to revise existing LUP and IP and Zoning Map designations. The amendments to the LUP include a text amendment and mapping amendments; amendments to the IP are mapping only. In addition, a Q Qualified Combining District would be added in order to ensure that uses at the site are restricted to development that causes no more or more intense environmental impacts than those already examined in the EIR

### **Existing and Proposed Land Use Plan (LUP) and Implementation Plan (IP) Designations**

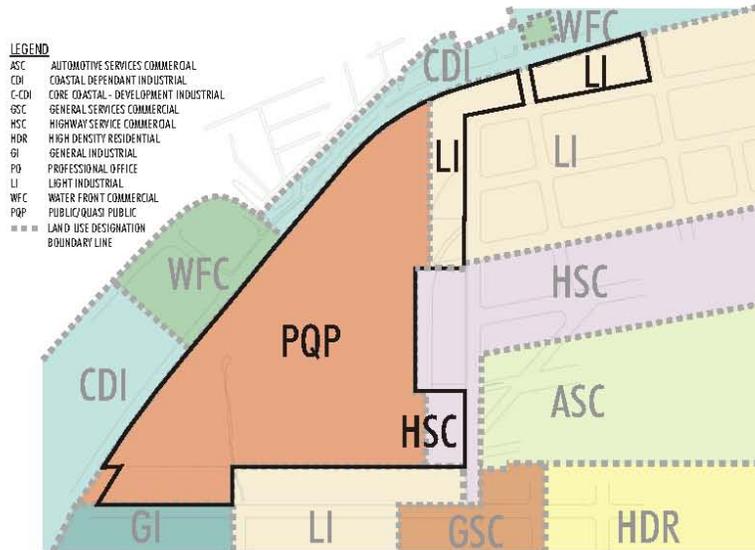
The project site currently has three LUP (general plan) designations: Light Industrial (LI), Highway Service Commercial (HSC), and Public/Quasi-Public (PQP). The ballot measure would replace these existing designations for the project site with the following: General Service Commercial (GSC), Professional Office (PO), Waterfront Commercial (WFC), Limited Industrial (LI), and Water Conservation (WC).

## ATTACHMENT 1

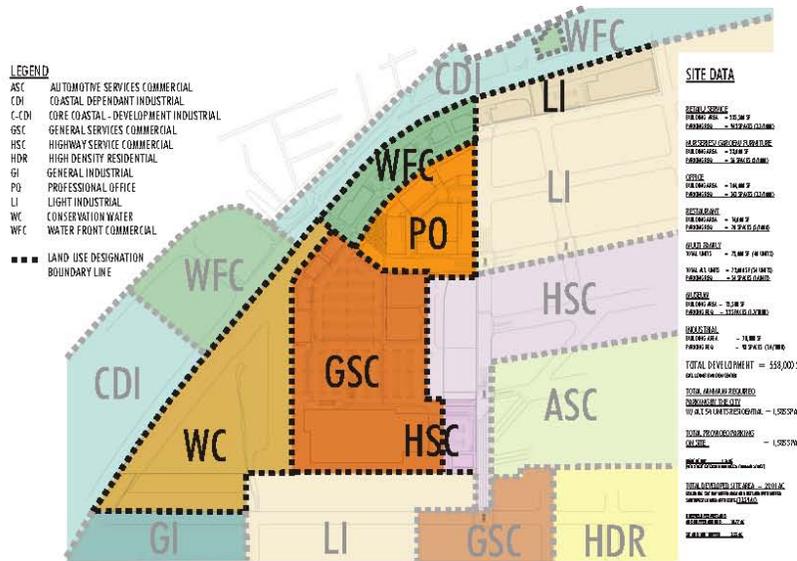
Existing IP (zoning) designations are Limited Industrial (ML), Service Commercial (CS), and Public (P). The ballot measure would replace these existing designations for the project site with the following: Service Commercial (CS), Office and Multi-Family Residential (OR), Waterfront Commercial (CW), Limited Industrial (ML), and Conservation Water (CW). The ballot measure would not change the requirements of any of these designations, but would change where they apply. **Figure 1** shows the existing and proposed LUP designations, **Figure 2** shows the existing and proposed IP designations, and **Table 1** shows the existing and proposed LUP and IP designations by assessor parcel number. Additionally, the ballot measure would add a Qualified Combining District (Q) overlay zone. The Q overlay zone would build on the underlying IP zoning requirements by establishing additional or stricter standards and criteria that would apply in addition to those of the underlying IP zone. The Q overlay zone specifically would restrict development for the area to a project similar to the Marina Center Mixed-Use project, or another, less intense project with fewer environmental impacts.

ATTACHMENT 1

Figure 1: Existing and Proposed LUP Designations (general plan)



Existing Land Use Designations



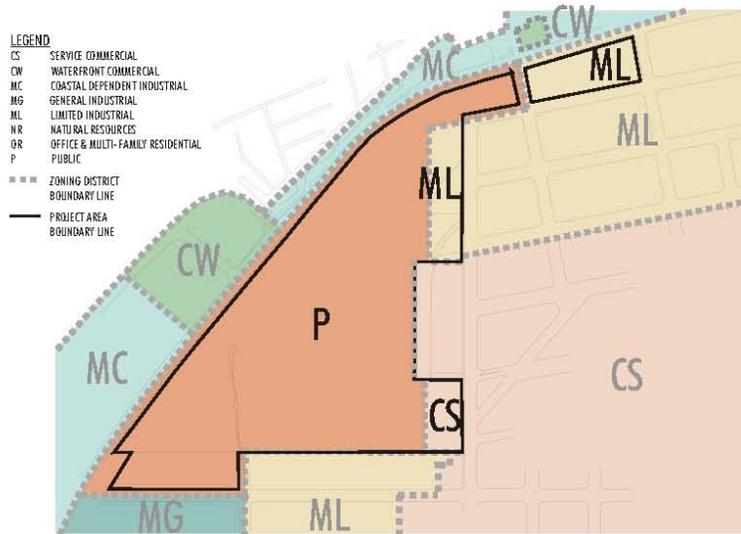
SOURCE: Baysinger Partners Architecture PC, 2008

Marina Center LCP Amendment Ballot Initiative

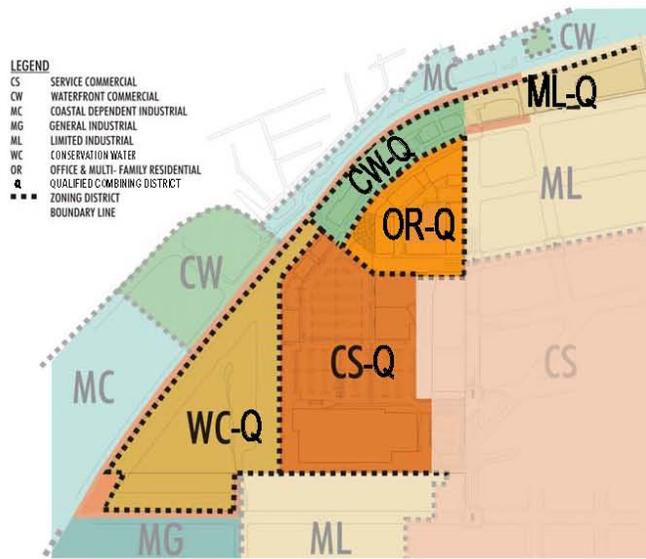
**Figure 1**  
Existing and Proposed  
Land Use Designation Maps

ATTACHMENT 1

Figure 2: Existing and Proposed IP Designations (zoning)



Existing Zoning Designations



Proposed Zoning Designations

SOURCE: Baysinger Partners Architecture PC, 2008

Marina Center LCP Amendment Ballot Initiative

**Figure 2**  
Existing and Proposed  
Zoning District Maps

ATTACHMENT 1

**TABLE 1  
EXISTING AND PROPOSED LUP (GENERAL PLAN) AND IP  
(ZONING) DESIGNATIONS BY ASSESSOR PARCEL NUMBER**

APN	Existing LUP Designations	Existing IP Designations	Proposed LUP Designations	Proposed IP Designations
001-014-002	LI	ML	<i>no change</i>	ML-Q
003-021-009	LI PQP	ML P	LI WFC PO GSC	ML-Q, CW-Q OR-Q CS-Q
003-031-003	LI	ML	PO	OR-Q
003-031-007	LI	ML	PO	OR-Q
003-031-008	LI PQP	ML P	WC GSC PO	WC-Q CS-Q OR-Q
003-031-012	LI	ML	PO	OR-Q
003-031-013	LI	ML	PO	OR-Q
003-041-005	HSC	CS	<i>no change</i>	CS-Q
003-041-006	HSC	CS	<i>no change</i>	CS-Q
003-041-007	PQP	P	WC GSC	WC-Q CS-Q
003-051-001	PQP	P	WC	WC, Q

**LCP Text Amendments**

With regard to the proposed LUP text amendment, applying the land use designation “Professional Office” would require an amendment to Table B-1 of Appendix B of the General Plan Policy Document. Appendix B is titled “Coastal Land Use Policy.” It addresses the coastal planning requirements established by the California Coastal Act. Table B-1 is a matrix that lists the (inland) general plan designations, comparable LUP designations and corresponding Implementation Plan zoning designations. It also lists the purposes, principal uses and conditional uses for each LUP designation.

Under Table B-1, there is no corresponding LUP designation for the (inland) general plan designation of Professional Office (PO). However, the Coastal Zoning Regulations include the Office and Multi-Family Residential zoning district (OR), and pursuant to Table B-1 of the general plan, the corresponding zoning district for the Professional Office land use designation is the OR district.

Table B-1 includes a LUP designation of Core-Residential Office (C-RO), which has as its implementing ordinance the Office and Multi-Family Residential zone (OR). The portion of the City’s core area that is in the coastal zone between roughly “I” and “O” Streets and First and Third Streets has an LUP designation of C-RO with a corresponding zoning designation of OR. However, because the corresponding LUP designation for the OR zone is only in the core area, the OR zone cannot be expanded to lands within the coastal zone but outside the core area.

## ATTACHMENT 1

The proposed amendment to Table B-1 would allow the expansion of the OR zone within the coastal zone and outside the core area of the City through the use of the Professional Office LUP designation. Significantly, the proposed amendment to Table B-1 would not allow a use that is not already allowed in the coastal zone.

The proposed amendment to General Plan Table B-1 with strikethrough/underline is shown below.

TABLE B-1 GENERAL PLAN – LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP) DESIGNATION CORRESPONDENCE					
GP Designation(s)	LCP-LUP Designation(s)	LCP-IP (Zoning) Designation(s)	Purpose(s)	Principal Use(s)	Conditional Uses
PO Professional Office	<del>No corresponding LUP designation</del> PO <u>Professional Office</u>	N/A OR <u>Office/Multi-Family Residential</u>	<del>N/A To provide opportunities for offices of a commercial character to locate outside commercial districts and to provide opportunities for compatible mixed uses such as commercial and single and multiple family dwellings.</del>	<del>N/A Single family residences, multi-family residences, administrative, business, and professional offices.</del>	<del>N/A Hotels, motels, boarding houses, private institutions, retail services compatible with principal uses.</del>

### LCP Map Amendments

Proposed LUP map amendments are shown in Figure 1 (Existing and Proposed LUP Designations (general plan)) and Figure 2 (Existing and Proposed IP Designations (zoning)) and are described in Table 1 (Existing and Proposed LUP (general plan) and IP (zoning) Designations by Assessor Parcel Number).

### Range of Allowed Uses Under Proposed Ballot Measure

If the ballot measure is approved by voters and certified by the Coastal Commission, the land use and zoning designations would change as summarized above and analyzed in the Marina Center EIR. If the LCP is amended, because of the Q zone overlay the uses allowed in each land use and zoning district on the project site would be limited to those uses proposed for the project, rather than the full range of permitted and conditional uses that otherwise would be allowed.

### The Marina Center Mixed-Use Project

Approval of the ballot measure would revise the existing LCP in a manner that would allow for development similar to the Marina Center Mixed-Use Project. The project could include up to approximately 313,500 square feet of retail space, 104,000 sq. ft of office space, 72,000 sq. ft. of multi-family residential housing (54 dwelling units), 70,000 sq. ft. of light industrial space, 14,000 sq. ft. of restaurant space, 12,500 sq. ft. of museum space, 1,590 parking spaces, and an 11.89-acre wetland reserve. New buildings would be between one and five stories.

## ATTACHMENT 1

Potential impacts associated with the Project would be the same or substantially similar to those analyzed in the Marina Center EIR. The Marina Center EIR identified 40 significant environmental effects that would be associated with the Project. The City finds that changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen these significant environmental effects as identified in the Final EIR. In addition, the City has determined that the certified Marina Center EIR identified five significant and unavoidable effects that also would result from the Project and for which a statement of overriding considerations is required. Findings concerning these impacts are set forth in Section 3 and Section 4, below.

### **D. Approvals**

The adoption of these Findings and Statement of Overriding Considerations would place the Marina Center LCP Amendment Ballot Initiative on the November 2010 general election ballot.

If and when a project applicant pursues entitlements from the City to develop the Marina Center or a development project substantially similar to it, such entitlements may include a Coastal Development Permit, Conditional Use Permit, Design Review, Development Agreement(s), Building Permit(s), and an Erosion Control Permit. Any such approvals may require their own findings and perhaps a statement of overriding considerations.

Other approvals for future development could come under the jurisdiction of other agencies, including the following:

- U.S. Army Corps of Engineers
- National Marine Fisheries Service
- United States Fish and Wildlife Service
- Public Utilities Commission
- California Coastal Commission
- California Department of Fish and Game
- California Department of Transportation
- State Land Commission
- North Coast Regional Water Quality Control Board
- North Coast Unified Air Quality Control Board

### **E. Mitigation, Monitoring and Reporting Program**

The Mitigation Monitoring and Reporting Program (MMRP) prepared for the Marina Center Project is included in these Findings Section 9. The MMRP, as applicable to this portion of the Project, will be approved by the Eureka City Council by the same Resolution that adopts these Findings. The mitigation measures set forth in the MMRP are fully enforceable through permit conditions, agreements, or other measures and will be applied to any proposed development on the project site as appropriate.

The MMRP lists each mitigation measure and action to be performed, and specifies the responsible party and timing. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The City finds that the mitigation measures will not have new significant environmental

## ATTACHMENT 1

impacts that have not already been analyzed and incorporates them by reference in these Findings. Some mitigation measures provide mitigation for more than one environmental effect, but the text of each mitigation measure is included only once after the effect with which it is directly associated. After other effects, the mitigation measures are referenced by alphanumeric designation, which are related to the environmental topics discussed in the EIR.

## ATTACHMENT 1

### Section 3

#### ***Subsequent/Supplemental EIR Not Required***

When an EIR has been certified for a project, the CEQA Guidelines section 15162 states that “no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the record,” that one or more of the situations listed in section 15162(a) is applicable.

The decision before the City Council is to place a measure on the ballot that would ask the voters to approve the LCP Amendments contemplated by the Marina Center Project EIR with some modifications. First, as already noted, the decision to approve these LCP Amendments would be by the voters and not by the City Council as contemplated in the EIR. Second, the ballot measure includes the addition of a Q Qualified Combining District to the IP (zoning) amendments in order to ensure that development under the IP designations does not exceed that contemplated in the EIR. As set forth below, these amendments do not trigger the need for a subsequent EIR. Also as shown below, none of section 15162(a)'s reasons for requiring a subsequent EIR are applicable here.

#### Findings:

1. No substantial changes, as defined in section 15162 of the CEQA Guidelines, are proposed in the project which will require major revisions of the certified EIR due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified environmental impact.

Facts in Support of Finding: The following facts indicate that no further CEQA documentation is required.

- A. The City Council certified the EIR on October 27, 2009.
  - B. The placement of the approval of the LCP amendments contemplated by the Project on the ballot instead of approval by the City Council will not have any different or more severe impacts than disclosed in the previous EIR. The change in approval procedures should have no environmental effect whatsoever.
  - C. The addition of the Q Qualified Combining District is specifically designed to ensure that development within the amended IP designations does not exceed that described in the Marina Center EIR. Thus, this change should not have any different or more severe impacts than disclosed in the previous EIR.
2. No substantial changes have occurred with respect to the circumstances under which the project will be undertaken which would require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Facts in Support of Finding: The following facts indicate that no further CEQA documentation is required.

- A. The City Council certified the EIR on October 27, 2009.

## ATTACHMENT 1

- B. The City has no evidence of changed circumstances with respect to the project since October of 2009.
3. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence on October 27, 2009 shows: (i) the project will have one or more significant effects that are not discussed in the EIR; (ii) that mitigation measures previously found to be infeasible would actually be feasible; or (iii) that the significant effects examined in the certified EIR and summarized below will be substantially more severe than shown in the EIR.

Facts in Support of Finding: The following facts indicate that no further CEQA documentation is required.

- A. The City Council certified the EIR on October 27, 2009.
- B. The City has no evidence of new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence on October 27, 2009 shows: (i) the project will have one or more significant effects that are not discussed in the EIR; (ii) that mitigation measures previously found to be infeasible would actually be feasible; or (iii) that the significant effects examined in the certified EIR and summarized below will be substantially more severe than shown in the EIR.

For these reasons, the City will not require preparation of a subsequent EIR.

## ATTACHMENT 1

### Section 4

#### ***Effects Determined to Be Mitigated to Less than Significant Levels***

The Marina Center EIR identified certain significant or potentially significant effects of full development of the Marina Center project that also could result from only approval of the land use amendments contemplated by the project, and recommends specific mitigation measures that would reduce such impacts to a less-than-significant level. Based upon substantial evidence in the record, the City finds that for each of the significant or potentially significant impacts associated with the project and identified in this Section 3, changes or alterations have been required or incorporated into the project that avoid or substantially lessen those effects. As a result, adoption of the mitigation measures set forth below (which are repeated in the Mitigation Monitoring and Reporting Program, which is Section 9 of these Findings) will reduce the identified significant or potentially significant effects to a less-than-significant level. Each finding is numbered to correspond to the impact number from the Marina Center EIR to maintain consistency with previous findings documents.

The following impacts were determined in the EIR to result in less than significant impacts and no mitigation measures were recommended. Such impacts, which are not discussed further below, include: Impact A-1, A-2, A-3, A-5, B-1, B-2, B-3, B-4, C-4, C-5, D-6, E-1, E-3, F-4, F-5, G-3, G-5, G-6, G-7, G-8, H-2, H-8, H-9, I-1, I-2, I-3, I-4, J-1, J-2, K-5, K-6, L-1, L-2, L-3, L-4, M-3, M-4, M-5, M-6, N-1, N-2, O-2, O-3, O-5, P-1, P-2, Q-1, Q-2, Q-3, Q-4, Q-5, and Q-6.

#### **A. Aesthetics**

4. Significant Effect A-4: The EIR evaluates the impacts of the project on light and glare that could affect day or nighttime views in the area of the project site. Development on the project site could introduce a considerable amount of light and glare to a project site that does not contain existing sources of light or glare. Although this new light and glare would not be inconsistent with the existing light and glare in the vicinity of the project site, it would nonetheless be a significant effect.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. The project site has relatively less light and glare than the surrounding urban environment, and introduction of new light and glare could affect existing riparian habitat or nearby uses.
2. Aesthetics Mitigation Measure A-4a set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below:

## ATTACHMENT 1

**A-4a:** Any applicant for development of the project site shall ensure that lighting installations are designed and installed to be fully shielded (full cutoff) and to minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, and shall have a maximum lamp wattage of 250 watts for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting. The location and design of all exterior lighting shall be shown on any site plan submitted to and approved by the City of Eureka Design Review Committee.

Lighting exempt from these requirements include:

1. Lighting in swimming pools and other water features.
  2. Exit signs and other illumination required by building codes.
  3. Lighting for stairs and ramps, as required by the building code.
  4. Signs that are regulated by the sign code.
  5. Holiday and temporary lighting (less than thirty days use in any one year).
  6. Low-voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
3. Biology Mitigation Measure D-3e, which requires low-intensity lighting within 300 feet of the wetland reserve, is incorporated by reference and described in the applicable section, below. These measures would reduce night lighting impacts on wetland habitats to a less-than-significant level.

### C. Air Quality

6. Less-than-Significant Effect C-6: The EIR evaluates the potential for long-term operational impacts of development on the project site to result in a cumulatively considerable impact on existing significant adverse cumulative impacts associated with greenhouse gas emissions. Development of the project site would result in a less-than-significant incremental adverse net release of greenhouse gas emissions that nonetheless could be cumulatively considerable.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be further reduced from less than significant such that they are not cumulatively considerable.

1. The development of the project site would result in emissions of GHGs, which contribute to global climate change.
2. Air Quality Mitigation Measures C-2a and C-2b, described in Section 4, below, which require development of transportation management programs and incorporation of emissions-reducing measures into the design and operation of any development of the project site, are incorporated by reference.

## ATTACHMENT 1

### D. Biological Resources

1. Significant Effect D-1: The EIR evaluates the impact of development of the project site on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Development of the proposed project site could have a substantial adverse effect, either directly or through habitat modifications, on special-status animal species.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Migrating trout individuals could pass by the site in their travels within Humboldt Bay. In addition, migrating adult and juvenile salmonid species are likely present in Humboldt Bay between December 1 and June 30 and could be adversely affected by construction activities on the site during this period. Construction activities, such as excavation, grading, soil stockpiling, and placement of engineered fill in Clark Slough could disturb aquatic species by creating increased sedimentation in the water or by causing vibration effects.
2. Biological Resources Mitigation Measures D-1a and D-1b set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**D-1a**: Any applicant for development of the project site shall install exclusionary fencing material or other barrier to contain dust and grading materials from construction activities and avoid any discharges to Clark Slough and surrounding waters.

**D-1b**: Any applicant for development of the project site shall ensure that construction activities that cause vibration, such as pile-driving, shall be restricted to daylight hours between July 1 and November 30 unless this requirement is waived by NOAA Fisheries and/or CDFG based on a finding that no adverse impacts would occur (because, for example, the fish are not present during the proposed pile-driving time). This would eliminate significant vibration impacts during the salmonid migrations period: December 1 through June 30. Even during the non-migratory period any applicant for development of the project site shall use the fewest number and smallest size of piles feasible and shall use a cushioning block between hammer and piles, unless these measures are waived by NOAA Fisheries and/or CDFG because the agency determines there would be no adverse impact.

## ATTACHMENT 1

3. Hydrology and Water Quality Mitigation Measure H-3a, which requires implementation of additional erosion, sediment, and dust control measures, and Noise Mitigation Measure K-2a, which requires implementation of additional noise control measures, are incorporated by reference and described in the applicable section, below. Combined, these measures would reduce sedimentation and associated impacts to species.
2. Significant Effect D-2: The EIR evaluates the impact of development of the project site on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Development of the project site could have a substantial but temporary adverse effect on the riparian habitat along Clark Slough.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Clark Slough provides an existing riparian habitat that would be adversely affected during construction of the proposed project.
2. Biological Resources Mitigation Measure D-3a through D-3f, below are hereby incorporated by reference and described in the applicable section. Measures D-3a through D-3f require wetland replacement at functions and values equal to or greater than those existing, habitat restoration, creation of a wetland buffer and low lighting near the wetland, monitoring, and an invasive species control plan.
3. Significant Effect D-3: The EIR evaluates the impact of the project on federally protected wetlands as defined by Section 404 of the Clean Water Act. Development on the project site could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct filling of palustrine emergent wetlands and estuarine wetlands within the Clark Clough muted tidal drainage, non-tidal drainages, and low-lying areas within the rail yard and industrial areas of the site.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

## ATTACHMENT 1

1. Prior to construction of any development of the proposed project site, approximately 5.6 acres of existing palustrine emergent wetlands (as delineated under the Coastal Act) would be permanently or temporarily filled. A requisite 404 permit and 401 certification from the Army Corp of Engineers and Regional Water Quality Control Board would be obtained, and wetlands would be replaced, or contribution in-lieu funds would be paid, as required. These wetlands would require continued protection, maintenance, and monitoring, as described below.
2. Biological Resources Mitigation Measures D-3b through D-3f set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**D-3b:** Prior to site grading, the any applicant for development of the project site shall prepare a detailed Restoration Plan in accordance with the U.S. Army Corps of Engineers (Corps) *Habitat Mitigation and Monitoring Proposal Guidelines* and Regulatory Guidance letters 02-02 and 06-03; Federal Register, 2008. *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*. Department of Defense, Department of the Army, Corps of Engineers 33 CFR Parts 325 and 332; and U.S. Environmental Protection Agency 40 CFR Part 230. April 10, 2008; as well as the California Coastal Commission's *Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone: Chapter 2 Enhancement and Restoration*. The plan shall include, at a minimum: details of methods for site selection, preparation, and remediation; exotic plant removal; excavation, grading, and rip-rap removal; establishment of hydrological function; planting materials and methods; establishment of native species; creation of an effective buffer; maintenance and trash removal; monitoring; contingency plans; and plans for long-term funding for wetland monitoring and maintenance.

For 5 years following completion of the restoration project, a qualified biologist hired by any applicant for development of the project site shall monitor the site bi-annually on the first and last month of the growing season to ensure ongoing success. Upon completion of the restoration, a qualified biologist shall confirm the success of the Restoration Plan and recommend contingency measures, if necessary, to meet the no-net-loss performance requirement.

**D-3c:** Any applicant for development of the project site shall create a buffer zone surrounding the restored wetland area. The buffer shall be adequate to avoid or minimize effects on wetland and slough resources from direct and indirect disturbances such as entry of sediment, oil, or grease into the preserve; trampling of vegetation; and movement, light, or noise impacts that might interfere with habitat values or wildlife use of the slough and marsh. The buffer shall consist of earthen berms sloped toward any road or other source of runoff pollution, fencing, symbolic fencing (split rails), native

## ATTACHMENT 1

vegetation such as blackberries that act as a barrier, and signs warning against intrusion.

**D-3d:** An open space wetland preserve consisting of the restored estuarine wetland and the upland protective buffer area shall be established and protected by a conservation easement in accordance with California Civil Code Sections 815-816, deed restriction, or other means of preservation approved by the City of Eureka, RWQCB, and the Corps. In the event of a conservation easement, the easement holder shall be a public agency or non-profit organization (i) approved by the City of Eureka, RWQCB, and the Corps; and (ii) qualified and authorized to administer conservation lands within the State of California. The conservation easement, deed restriction, or other means of preservation shall protect against land use changes for other than conservation purposes in perpetuity and shall include an endowment for long-term management and protection of the wetland preserve.

**D-3e:** To minimize the potentially adverse effect of night lighting on habitat use in the restored remnant of Clark Slough, any applicant for development of the project site shall, within 300 feet of the preserve, use low-intensity street lamps, low elevation lighting poles, and internal silvering of the globe or external opaque reflectors to direct light away from the slough and buffer area.

**D-3f:** Any applicant for development of the project site shall implement a non-native invasive species control program for areas disturbed as a result of site remediation and wetland restoration and landscaping activities. Prior to site remediation and wetland restoration, plants considered by the State of California to be exotic pest plants shall be destroyed using environmentally suitable methods, which may include the application of an herbicide approved by the United States Environmental Protection Agency for use near and within aquatic environments. During site remediation and wetland restoration, any applicant for development of the project site shall:

1. Educate construction workers about invasive species and control measures;
2. Ensure construction-related equipment arrives on-site free of mud or seed-bearing material by, for example, requiring wheel washing upon entry;
3. Use native seeds and straw material to the extent feasible;
4. Revegetate with appropriate native species; and
5. Prohibit the use of the following non-native invasive plants for landscaping or other planting purposes:

## ATTACHMENT 1

Pampas grass ( <i>Cortaderia jubata</i> , <i>C. selloana</i> )	Mattress vine ( <i>Muelenbeckia complexa</i> )
Tree-of-heaven ( <i>Ailanthus altissima</i> )	Tree tobacco ( <i>Nicotiana glauca</i> )
Giant reed ( <i>Arundo donax</i> )	Fountain grass ( <i>Pennisetum setaceum</i> )
Bamboo ( <i>Bambusa</i> spp., et al)	Pyracantha ( <i>Pyracantha angustifolia</i> )
Cotoneaster ( <i>Cotoneaster pannosa</i> )	Castor bean ( <i>Ricinus communis</i> )
French broom ( <i>Genista monspessulana</i> = <i>Cytisus monspessulanus</i> )	Black locust ( <i>Robinia pseudoacacia</i> )
Scotch broom ( <i>Cytisus scoparius</i> )	German ivy ( <i>Delairia odorata</i> = <i>Senecio mikianoides</i> )
Blue gum ( <i>Eucalyptus globulus</i> )	Spanish broom ( <i>Spartium junceum</i> )
English ivy ( <i>Hedera helix</i> )	Tamarisk ( <i>Tamarix</i> spp.)
Fig-marigold family members ( <i>Conicosia</i> , <i>Carpobrotus</i> and <i>Mesembryanthemum</i> )	Gorse ( <i>Ulex europaeus</i> )
Tall fescue ( <i>Festuca arundinacea</i> )	Periwinkle ( <i>Vinca major</i> )
	Purple fountain grass ( <i>Pennisetum setaceum</i> )

4. Significant Effect D-4: The EIR evaluates the potential of development of the proposed project site to interfere with the movement of native resident or migratory fish or wildlife species, or impede the use of native wildlife nursery sites. Development of the project site could substantially interfere with the movement of migrating salmonid species.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Construction on the project site could adversely affect migrating salmonid species and increase sedimentation of Clark Slough and surrounding waters of Humboldt Bay.
  2. Biological Resources Mitigation Measure D-1a, above, which would require the installation of exclusionary fencing material or other barrier to contain dust and grading materials and avoid any discharges to Clark Slough and surrounding waters, and Measure D-1b, which restricts pile-driving activities during migratory fish periods, are hereby incorporated by reference. These measures would reduce impacts to migrating salmonid species.
5. Significant Effect D-5: The EIR evaluates the potential of development of the project site to conflict with local policies or ordinances protecting biological resources. Development of the project site could substantially conflict with Local Coastal Program Policies 6.A.4 and 6.A.7, which protect against significant habitat disruption in the coastal zone.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Development of the proposed project site could fill wetlands, which could be inconsistent with Local Coastal Program policies that protect biological resources in the coastal zone.
  2. Biological Resources Mitigation Measures D-1a, and D-3a through D-3f, above, are hereby incorporated by reference and described in the applicable section. Measure D-1a requires installation of a fence or other barrier, which would decrease discharges of sediment into Clark Slough. Measures D-3a through D-3f require wetland replacement at functions and values equal to or greater than those existing, habitat restoration, creation of a wetland buffer and low lighting near the wetland, monitoring, and an invasive species control plan. These measures would further protect biological resources.
8. Significant Effect D-8: The EIR evaluates the potential of development of the project site to destroy nests or eggs, or otherwise disturb the reproductive effort of species protected by the Migratory Bird Treaty Act. Vegetation removal during construction of the project could destroy nests or eggs, or otherwise disturb the reproductive effort of species protected by the Migratory Bird Treaty Act.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Vegetation removal during construction of development of the project site could interfere with the use of the site by birds protected under the Migratory Bird Treaty Act.
2. Biological Resources Mitigation Measure D-8a set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below:

**D-8a:** Any applicant for development of the project site shall implement one of the following mitigation measures to reduce the potential impact on breeding birds or their nests or eggs:

1. Refrain from performing vegetation clearing/initial grading activities during the avian breeding season (February 1 to August 31); or
2. Perform pre-construction surveys to locate any nesting birds in the area and establish 100 to 250-foot-wide exclusion zones around any

## ATTACHMENT 1

identified active nest, depending on site conditions and nature of the work being performed

9. **Significant Effect D-9:** The EIR evaluates the impact of development of the project site, in combination with other development in the immediate vicinity, on biological resources. Development of the project site, together with other development in the immediate vicinity, would contribute to potential cumulative impacts on biological resources.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant, and less than cumulatively considerable, level.

1. Development of the proposed project site could result in adverse effects that, when combined with other reasonably foreseeable future development in the project vicinity, could contribute to potential cumulative impacts on biological resources.
2. Biological Resources Mitigation Measures D-1a, D-3b through D-3f, and D-8a, above, are hereby incorporated by reference and described in the applicable section. Measure D-1a requires installation of a silt fence, which would reduce sedimentation in surrounding waters and reduce impacts to salmonid species. Measures D-3b through D-3f require maintenance and protection of wetland functions and values, and Measure D-8a requires construction activities to be scheduled and occur around active nests. Combined, these measures would ensure that the project would not make a considerable contribution to cumulative biological resources impacts.

## E. Cultural Resources

2. **Significant Effect E-2:** The EIR evaluates the impacts of development of the project site on the significance of archaeological resources. Given the known and recorded Wiyot village sites in the project area, and the project site's waterfront location, previously unknown significant deposits could be encountered during construction of the project, which would therefore cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 of the *CEQA Guidelines*.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Archaeological deposits of Wiyot villages or historic-era deposits associated with the American settlement of the area beginning in the 1850s, may be found with the project site or vicinity that may be significant under CEQA, and they could be damaged or destroyed during construction, including any subsurface, ground-disturbing activities.
2. Cultural Resources Mitigation Measures E-2a through E-2c set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**E-2a:** The following measures shall be required for each phase of development that involves construction or other ground-disturbing activities to occur to a surface depth below historical fill on the site and in the geographic areas specifically delineated as “highly sensitive” in the reported entitled *A Cultural Resources Investigation of the Proposed Balloon Tract Development* (May, 2006) prepared by Roscoe & Associates:

- (i) Prior to ground-disturbing activities associated with development of the project site, a qualified archaeological consultant shall prepare and conduct a subsurface archaeological resources investigation in consultation with the appropriate Native American group(s) to determine the presence or absence of archaeological resources in those specific locations predetermined to be culturally sensitive (Roscoe et al., 2006). The investigation shall be conducted based on a subsurface strategy prepared by the archaeological consultant, which shall prescribe the trenching and/or boring locations and expected depths of exploration reasonably necessary to discover significant archaeological resources if present. The subsurface strategy, in turn, should rely on an examination of extant soil boring logs and other data from the project area by a qualified geoarcheologist for an analysis of depths of artificial fill and other information that may be pertinent to the discovery of significant archaeological resources. An archaeological consultant shall be present at all times during the subsurface investigation.
- (ii) If archaeological materials are discovered during the subsurface archaeological resources investigation, the archaeologist shall evaluate whether or not the archaeological materials are deemed “historically significant” or “unique” under the criteria set forth under Public Resources Code section 21083.2(g) and CEQA Guidelines sections 15064.5(a) and 15064.5(c)(1)-(3). If the find is determined to be historically significant or unique, a treatment and monitoring plan shall be developed by the professional archeologist and implemented by the any applicant for development of the project site to avoid or mitigate any significant adverse affects to the resource. A treatment plan for either unique or historically significant archaeological resources shall include, at

## ATTACHMENT 1

a minimum, one or some combination of the following: (a) recovery of the object or feature and the preservation of any data available for scientific study; (b) modification to the land-use plan or construction methods to avoid the object or feature; (c) placement of soil sufficient to protect the integrity of the feature or object; and/or (e) permanent protection of the feature through the conveyance of a conservation easement. The archaeologist shall determine the extent of monitoring based on the findings of the investigation. The treatment and monitoring plan shall also satisfy and be consistent with the treatment parameters set forth in Section 21083.2 of the Public Resources Code or Sections 15064.5(b)(3) or 15126.4(b) of the CEQA Guidelines, as applicable. An archaeological consultant shall monitor implementation of the treatment plan.

- (iii) If no “historically significant” or “unique” archaeological resources are discovered during excavation monitoring or pre-construction investigations, any applicant for development of the project site shall implement Mitigation Measure E-2b for ground-disturbing activities within the areas specifically delineated as “highly sensitive” in the above-referenced Cultural Resources Investigation.

**E-2b:** Except for monitoring that is required under the treatment and monitoring plan in Mitigation Measure E-2a(ii), the following measures shall be required for each phase of development that involves construction or other ground-disturbing activities to occur to a surface depth below historical fill on the site but outside the geographic areas specifically delineated as “highly sensitive” in the above-referenced Cultural Resources Investigation:

- (i) Workers involved in ground-disturbing activities shall be trained by a professional archaeologist in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts on potentially significant cultural resources.
- (ii) If archaeological artifacts or other archaeological materials are discovered onsite during construction, all construction activities within 100 feet of the find shall be halted and a qualified archaeologist shall be summoned within 24 hours to conduct an independent review to evaluate whether or not the archaeological materials would be considered “historically significant” or “unique” under the criteria set forth under Public Resources Code section 21083.2(g) and CEQA Guidelines sections 15064.5(a) and 15064.5(c)(1)-(3).
- (iii) If the find is determined to be significant or unique, a treatment or protection plan shall be developed by the professional archeologist in consultation with the appropriate Native American group(s), and the plan shall be implemented by any applicant for development of the project site. A protection plan for either unique or historically

## ATTACHMENT 1

significant archaeological resources shall include, at a minimum, one or some combination of the following: removing the object or feature, planning the construction around the object or feature, capping the object or feature with a layer of soil sufficient to protect the integrity of the feature or object, or deeding the site as a permanent conservation easement. The protection plan shall also satisfy and be consistent with the treatment parameters set forth in Section 21083.2 of the Public Resources Code or Sections 15064.5(b)(3) or 15126.4(b) of the CEQA Guidelines, as applicable. An archaeological consultant shall monitor implementation of the treatment and monitoring plan and shall conduct the monitoring specified in that plan.

- (iv) If archaeological materials are discovered and construction activities are halted, those construction activities may resume immediately upon a determination that the archaeological material is not significant or unique or a treatment or protection plan is prepared and initiated.

**E-2c:** If human remains are discovered during project construction, all work shall cease within 100 feet of the find until the coroner for Humboldt County is informed and determines that no investigation of the cause of death is required and, if the remains are determined to be of Native American origin, the coroner shall notice the California Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall assign the most likely descendant. The most likely descendent shall be consulted and provided the opportunity to make recommendations to the landowner concerning the means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods, all in accordance with Health & Safety Code section 7050.5, CEQA Guidelines section 15064.5(e), and Public Resources Code section 5097.98. If the human remains are determined to be of Native American origin, a qualified archaeologist shall be summoned within 48 hours to conduct an independent review to evaluate whether the remains belong to a single individual or multiple individuals. If the latter, and if there are six or more Native American burials on the site, the site shall be identified as a Native American cemetery and all work on the site within 100 feet of any burial site must cease until recovery or reburial arrangements are made with the descendants of the deceased or, if there are no descendants of the deceased, with the NAHC.

4. Significant Effect E-4: The EIR evaluates the impacts of development of the project site related to the disturbance of human remains. Development of the project site could disturb archaeological/human remains, including those interred outside of formal cemeteries, associated with Wiyot village deposits in or near the project site.

## ATTACHMENT 1

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. A recorded Wiyot village site is located within or near the northeastern boundary of the project site, and demolition or substantial damage to any associated artifacts, or human burials, would be a significant impact on cultural resources.
2. Cultural Resources Mitigation Measures E-2a , E-2b, and E-2c, above, are hereby incorporated by reference and described in the applicable section. Measure E-2a requires a subsurface investigation of highly sensitive areas. Measure E-2b requires construction monitoring of areas not designated as “highly sensitive” in case deposits are unearthed. Mitigation Measure E-2c requires halting of construction, descendent notification, and potential reburial arrangements if human remains are discovered. Combined, these measures would reduce the impact to a less-than-significant level.
5. Significant Effect E-5: The EIR evaluates the impacts of development of the project site, in conjunction with cumulative development, on cultural resources in the project vicinity. Development of the project site, in conjunction with cumulative development, could adversely affect cultural resources in the project vicinity could result in cumulative effects.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Subsurface ground-disturbing activities of development of the proposed project site could have a significant impact on recorded or unrecorded cultural resources, which could be cumulatively significant.
2. Cultural Resources Mitigation Measures E-2a , E-2b, and E-2c, above, are hereby incorporated by reference and described in the applicable section. Measure E-2a requires a subsurface investigation of highly sensitive areas. Measure E-2b requires construction monitoring of areas not designated as “highly sensitive” in case deposits are unearthed. Mitigation Measure E-2c requires halting of construction, descendent notification, and potential reburial arrangements if human remains are discovered. Combined, these measures

## ATTACHMENT 1

would reduce the impact to a less-than-significant level and reduce the contribution to less than cumulatively considerable.

### F. Geology, Soils and Seismicity

1. Significant Effect F-1: The EIR evaluates the impacts of development of the project site related to exposure of people or structures to rupture of known earthquake faults, seismic ground shaking, seismic-related ground failure, and landslides. Implementation of the proposed project could result in such exposure.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Development of the project site could experience a range of ground shaking effects during an earthquake on the Cascadia Subduction Zone, Mad River Fault Zone, or other regional active faults. Adherence to the California Building Code and the recommendations presented in the project-specific geotechnical engineering report would reduce potential seismic impact associated with development of the project site.
2. Geology, Soils, and Seismicity Mitigation Measure F-1a set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below:

**F-1a**: Any applicant for development of the project site shall comply with requirements of the most recent California Building Code which include the completion of a site-specific, design level geotechnical report that examines and assesses the potential for development on the project site to be subject to ground shaking, liquefaction, and other seismic hazards associated with the occurrence of a maximum credible earthquake anticipated to affect the Eureka region. The development-specific geotechnical report shall include specific measures to address these hazards including, at a minimum, measures for the design and construction of foundations, underground utilities, and paved areas. These specific measures shall meet or exceed the requirements set in the most recent California Building Code. Implement the specific recommendations included in the development-specific geotechnical report as part of the development.

2. Significant Effect F-2: The EIR evaluates the impacts of development of the project site related to substantial erosion or loss of topsoil. The excavation and soil stockpiling activities for development of the project site could result in substantial erosion or the loss of topsoil.

## ATTACHMENT 1

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Excavation during development of the project site would disturb soils on the project site.
2. Water Quality Mitigation Measure H-3a, which requires implementation of erosion, sediment, and dust control measures, is hereby incorporated by reference. The impact of erosion or loss of topsoil would therefore be mitigated to a less-than-significant level.
3. Significant Effect F-3: The EIR evaluates the impacts of development of the project site related to location on a geologic unit or soil that is unstable or that would become unstable as a result of development of the project site, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Although most of any proposed buildings would not be located on the portion of the site where liquefaction potential is the highest, such exposure could occur.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Development of the project site would be located on a site with potential unstable soils that could result in lateral spreading, subsidence, liquefaction, or collapse.
2. Geology, Soils, and Seismicity Mitigation Measure F-1a, which requires completion of a geotechnical report pursuant to California Building Code requirements, is hereby incorporated by reference. Impacts related to unstable soils would be reduced to less-than-significant levels.
6. Significant Effect F-6: The EIR evaluates the impacts of development of the project site, together with other development in the community, to contribute to potential cumulative geologic or seismic hazards. Excavation and soil stockpiling actions of development of the project site, together with other development in the immediate vicinity, would contribute to potential cumulative soil erosion.

## ATTACHMENT 1

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Excavation during development of the project site would disturb soils on the project site.
2. Water Quality Mitigation Measure H-3a, which requires implementation of erosion, sediment, and dust control measures, is hereby incorporated by reference. In addition, Geology, Soils, and Seismicity Mitigation Measure F-1a, which requires completion of a geotechnical report pursuant to California Building Code requirements, is hereby incorporated by reference. The impact of erosion or loss of topsoil would therefore be mitigated to a less-than-significant level, and the project's cumulative contribution to erosion would not be cumulatively considerable.

### **G. Hazards and Hazardous Materials**

1. Significant Effect G-1: The EIR evaluates the impacts of development of the project site through creation of a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Prior to construction of any development of the project site, contaminated soil would be excavated. Although the site would be remediated prior to development of the project site, the possibility of worker exposure to contaminated soils or groundwater during construction of any development of the project site cannot be ruled out.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Remaining and/or previously unidentified contamination may be present on or below ground surface. Encountering contaminated soil, surface water, and groundwater without taking proper precautions during site remediation and wetland restoration could result in the exposure of construction workers to hazardous materials and consequently result in associated significant adverse human health and environmental impacts.
2. The Project Applicant for the Marina Center project prepared a Supplemental Interim Remedial Action Plan (SIRAP), and submitted the SIRAP to the RWQCB for approval. The RWQCB on June 18, 2009, concurred with the

## ATTACHMENT 1

SIRAP and its identified remedial measures, and has obligated CUE VI to carry out those further cleanup activities described in the SIRAP pursuant to the RWQCB's authority. The SIRAP is Appendix S of the Final EIR and is hereby incorporated by reference. Following is a summary the steps to be implemented, which would be implemented prior to the proposed project and maintained through construction of any development of the project site:

- General site clearing and removal of debris consisting of concrete foundations, wooden rail road ties, remnants of rail yard maintenance equipment and fuel storage tanks, and other abandoned industrial materials which shall be dismantled, tested, recycled, and disposed of, as appropriate;
- Focused soil remediation through limited excavation, field testing, and offsite disposal of soil and sediments in seven specific areas including the former General Petroleum site, areas near existing well MW-10, areas within the eastern and western drainage ditches, and areas within Clark Slough;
- Excavation of areas around Clark Slough to the northeast and southwest, and placement of excavated material on other areas of the site; and
- Importing, placing, and grading clean cover material over most of the site.

Implementation of the SIRAP, combined with Mitigation Measure G-1a (below), would reduce the potential impact to a less-than-significant level.

3. Hazards and Hazardous Materials Mitigation Measures G-1a through G-1e set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**G-1a:** Any applicant for development of the project site shall prepare a health and safety plan that meets the requirements of the Regional Water Quality Control Board (RWQCB) or other overseeing agency and shall comply with all federal and state regulations including Occupational Safety and Health Administration (OSHA) requirements for worker safety. Applicable regulations and methods of compliance shall depend upon the level of contamination discovered.

**G-1b:** Prior to commencement of any construction activities, any applicant for development of the project site shall complete any further characterization and/or remediation, as directed, of any remaining contaminated soil to the satisfaction of the RWQCB or other applicable oversight agency, undertaking soil excavation or other appropriate remedial measures as required.

If required, soil may be excavated using a backhoe or excavator. The excavated soil shall be loaded into a dump truck and transported as required to a secured stockpile area where it shall be protected from

## ATTACHMENT 1

contact with stormwater. The excavation contractor shall employ dust control measures during excavation and stockpiling activities. Soil samples shall be collected from each excavation area, as required by the RWQCB, to confirm that remaining soil meets site clean-up goals. Following site excavation, the excavation pits shall be left open pending receipt of satisfactory confirmation soil sampling analytical results. Each excavation pit shall be secured with a fence during the period that it is left open. Once the excavation work is complete, the excavation pits in areas intended for development shall be backfilled with clean, river-run gravel or other clean fill material and compacted. At least one sample for every 500 yards of the backfill material shall be collected during the backfill process, submitted to the analytical laboratory and tested to ensure that it, also, meets the site clean-up standards. The excavation pits located in areas intended for wetlands restoration shall be restored in accordance with an approved wetland restoration plan.

**Soil Stockpile Characterization.** Soil samples shall be collected from various locations and depths of the stockpile for characterization. The soil stockpile characterization shall be conducted in accordance with, and at the frequency required by the applicable disposal or recycling facility.

Based on the results of the soil characterization, the material shall be properly managed as required by the RWQCB, depending on the concentration of contaminants in the stockpiled material. All excavated material that requires removal shall be removed from the site within 90 days and placed in a permitted disposal facility by a licensed waste hauler.

**G-1c:** During site preparation, construction, or restoration of the wetland, suspected residual contamination could be detected by a hydrocarbon odor, photo-ionizing detector (PID), or visually (hydrocarbon sheen or discoloration) despite initial remediation efforts. If suspected contamination is encountered, any applicant for development of the project site shall ensure that work shall stop and the site supervisor shall be notified. The site supervisor shall then ensure that site workers have adequate training and proper protective equipment to continue working in the area. Work shall not resume until properly trained and equipped workers are present.

Suspect soil shall be excavated using a backhoe or excavator. The excavated soil shall be loaded into a dump truck and transported to a secured stockpile area that is away from routine traffic and protected from contact with ponding water and stormwater. The excavated soil shall be sampled and analyzed for petroleum hydrocarbons, metals, and volatile organic compounds (VOCs), as appropriate or required by the RWQCB. The analytical results of the soil stockpile sample(s) shall be used to determine the proper handling and disposal method for the soil. In the event

## ATTACHMENT 1

that the soil requires off-site disposal, a contractor licensed to transport such material shall transport the contaminated soil to a facility that is licensed to accept such soil. All contaminated soil that requires removal shall be removed from the site within 90 days following excavation.

Following site excavation, the re-filling of excavation pits, soil stockpile characterization and soil disposal shall be the same as for Mitigation Measure G-1a above.

Any suspected contaminated groundwater or surface water that is encountered shall be sampled and analyzed for petroleum hydrocarbons, metals, and VOCs, as appropriate or required by the RWQCB. Identified contaminated water that requires removal shall be pumped into appropriate containers, depending on the volume of water to be removed. If only a small volume is removed, Department of Transportation-approved, 55-gallon steel drums may be appropriate. If a large volume must be removed, a Baker Tank or equivalent shall be used to temporarily store the extracted water. Contaminated water shall be disposed of as required by the RWQCB in light of the level and type of contamination.

**G-1d:** Any applicant for development of the project site shall be required to obtain approval for possible reuse of excavated soils as subgrade fill from the local environmental oversight agency (Humboldt County Department of Health), Integrated Waste Management Board, or successor agency, and/or the RWQCB.

**G-1e:** Any applicant for development of the project site shall undertake the following measures to the satisfaction of the RWQCB to ensure that human and environmental health is protected:

1. Upon completion of site remediation activities, a post-remediation groundwater-monitoring program shall be implemented as required by the RWQCB;
2. The RWQCB will outline the monitoring schedule, including what constituents will require testing and at what frequency the monitoring will occur; and
3. A groundwater monitoring report of findings shall be prepared for submittal to the RWQCB upon completion of each monitoring event. If required by the RWQCB, additional site remediation shall also occur.

2. Significant Effect G-2: The EIR evaluates the impacts of development of the project site through reasonably foreseeable upset and accident conditions involving release of hazardous materials. Development of the project site could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident

## ATTACHMENT 1

involving the release of hazardous materials—such as gasoline, diesel fuel, hydraulic fluid, solvents or oils—during construction activities.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Construction of development on the project site could require limited quantities of hazardous materials that would be stored in 55-gallon drums or other storage tanks. If a spill were to occur in significant quantity the accidental release could pose a hazard to both construction employees as well as the general public.
2. Hazards and Hazardous Materials Mitigation Measures G-2a and G-2b set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**G-2a:** The following measures shall be undertaken to the satisfaction of the RWQCB and the County Department of Environmental Health, HazMat Division. All potentially hazardous or regulated materials that are used at the project site during construction shall be appropriately covered, handled, stored, and secured in accordance with local and state laws. No hazardous wastes shall be disposed of at the project site. Absorbent materials shall be maintained at locations where hazardous materials are used or stored, in order to capture spilled materials in the event of an accidental release. An emergency response plan shall be developed and implemented for the project site. All jobsite employees shall be trained to respond to any accidental releases.

**G-2b:** Any applicant for development of the project site shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement construction site best management practices in accordance with the guidelines for erosion control and pollution prevention during construction that can be found in the *California Stormwater Best Management Practices Handbooks*. The guidelines recommend techniques for erosion and sediment control, non-storm water management, and waste management and materials pollution control. Any applicant for development of the project site shall implement site-appropriate measures from these guidelines.

4. Significant Effect G-4: The EIR evaluates the hazard impacts of development of the project site on the public and the environment due to the fact that the project is on a site which is included on a list of hazardous materials sites. Development of the project site would be located on a site that is included on a list of hazardous materials sites

## ATTACHMENT 1

compiled pursuant to Government Code Section 65962.5 because its cleanup is required by the Regional Water Quality Control Board, although this cleanup would be completed prior to construction of any development of the project site. As a result, it would create a significant hazard to the public or the environment.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. The site is under a Clean Up and Abatement Order of the Regional Water Quality Control Board (RWQCB). A Supplemental Remedial Action Plan has been prepared and is included as Appendix S in the Final EIR. Following is a summary the steps that would be implemented during site cleanup and maintained during construction of any development of the project site:
  - General site clearing and removal of debris consisting of concrete foundations, wooden rail road ties, remnants of rail yard maintenance equipment and fuel storage tanks, and other abandoned industrial materials which shall be dismantled, tested, recycled, and disposed of, as appropriate;
  - Focused soil remediation through limited excavation, field testing, and offsite disposal of soil and sediments in seven specific areas including the former General Petroleum site, areas near existing well MW-10, areas within the eastern and western drainage ditches, and areas within Clark Slough;
  - Excavation of areas around Clark Slough to the northeast and southwest, and placement of excavated material on other areas of the site; and
  - Importing, placing, and grading clean cover material over most of the site.
2. Hazardous Materials Mitigation Measures G-1a, above, is hereby incorporated by reference. This measure requires the implementation and maintenance of a remediation plan and health and safety, which, combined with implementation of the SIRAP, would reduce the impact to a less-than-significant level.
9. Significant Effect G-9: The EIR evaluates the impact of development of the project site, in combination with other projects, to contribute to significant cumulative hazards impacts in the project site vicinity. Development of the project site, which would be implemented on a site that has undergone remediation and wetlands restoration, may encounter unexpected contaminated soils or groundwater, would contribute to significant cumulative hazards impacts in the project vicinity.

## ATTACHMENT 1

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant, and less than cumulatively considerable, level.

1. Implementation of the SIRAP has been approved by the Regional Water Quality Control Board.
2. Hazardous Materials Mitigation Measures G-1a, G-2a, and G-2b, above, are hereby incorporated by reference and described in the applicable section. Measure G-1a requires the implementation of a health and safety plan. Measures G-2a and G-2b require preparation and adherence to a Stormwater Pollution Prevention Plan and all applicable regulations regarding the handling of hazardous materials. Combined, these measures would reduce the impacts of development of the project site to hazards to a less-than-cumulatively-considerable level.

### H. Hydrology and Water Quality

1. Significant Effect H-1: The EIR evaluates the impact of development of the project site related to violation of water quality standards. Development of the project site could violate water quality standards.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Stormwater runoff from the site during construction of any development of the project site, as well as during operations, could result in pollutants entering the stormwater system and ultimately Humboldt Bay.
2. Hazardous Materials Mitigation Measures H-3a and H-3b, below, are hereby incorporated by reference and described in the applicable section. Measure H-3a requires the implementation of erosion and sediment control measures to reduce the sedimentation of nearby water. Measure H-3b requires any applicant for development of the project site to obtain an Erosion Control Permit from the City of Eureka prior to any clearing, grading, excavating or fill within 50 feet from the edge of a delineated wetland, stream, or stream channel or disturbing more than 2,500 square feet. The Erosion Control Permit would require specific erosion reduction measures. Combined, these measures would

## ATTACHMENT 1

reduce impacts relating to violation of water quality standards to a less-than-significant level.

3. **Significant Effect H-3:** The EIR evaluates the impact of development of the project site related to substantial alteration of drainage patterns in a manner which could result in erosion or siltation on- or off-site. Development of the site, including construction of surface parking lots and other impermeable surfaces, would alter the drainage patterns, which could result in erosion or siltation.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Existing vegetation and gravel, which acts to stabilize the soil, would be removed from the project site as part of the remediation process, potentially resulting in construction-related erosion. During vegetation removal, potential pollutant sources may include petroleum or heavy metal impacted sediments, and construction materials that may be left exposed to rainfall and/or stormwater runoff. Construction of any development of the project site would further disturb soils, as well as create impermeable surfaces that would alter site drainage.
2. Hydrology and Water Quality Mitigation Measures H-3a and H-3b set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**H-3a:** In addition to the required SWPPP, the following BMPs shall be implemented to protect water quality.

1. *Erosion/Sediment Control.* Prior to construction of development of the project site, combinations of silt fencing, straw wattles, and/or straw bale sediment transport barriers shall be constructed at specific site locations with the intent of containing all site runoff on the project site. This barrier shall be maintained during the rainy season and until completion of remediation and wetland restoration and shall prevent transport of pollutants, such as excessive sediment, away from the construction area. The barrier shall be constructed so that concentrated surface water flows during heavy rains cannot penetrate it without being dissipated in flow energy, and without the water being filtered through the sediment transport barriers.

2. *Scheduling.* The north coast's dry season is typically between April 15 and October 15. Proper timing of grading and site remediation during the

## ATTACHMENT 1

dry season would minimize soil and construction material exposure during the rainy season. Following October 15, areas of disturbed or fill soils more than 6 inches in depth and greater than 100 square feet (10-foot-by-10-foot area) shall be specifically protected from erosion by 1) shaping the ground surface so that concentrated surface flows do not encounter or cross them, or 2) providing localized straw wattles, straw bales and/or silt fencing. During the rainy season, construction materials and equipment shall be stored under cover or in secondary containment areas.

*3. Protection of Water Courses and Drainage Inlets.* Site drainage under existing conditions is toward the bay. General guidelines for water course and drainage inlet protection during the rainy season shall include providing downgradient sediment traps or other BMPs that allow soil particles to settle out before flows are released to receiving waters, storm drains, streets, or adjacent property. Drainage inlet protection BMPs, if required, shall be installed in a manner that does not cause additional erosion or flooding of a roadway.

*4. Soil Stockpiles.* Should it be necessary to stockpile excess soil on-site, the soil shall be placed within a sediment-protected area that is not likely to result in off-site sedimentation. If likely to be subjected to rain or high winds, stockpiles shall be covered with plastic sheeting (Visqueen®, for example) at least 6- to 10-mils thick. Plastic sheeting shall be well-anchored to resist high winds. If stockpiles are to be present through the rainy season, they shall be surrounded with silt or straw bale fencing about 5 feet from the toe of the pile.

*5. Dust Control.* All construction areas shall be treated and maintained as necessary to minimize the generation of dust that may blow off-site. The most common method of dust control during construction is through periodic application of water. However, the application of water for dust control purposes shall be managed to ensure there is no off-site runoff.

*6. Material Delivery, Storage and Use.* Materials used construction, where appropriate, shall be delivered and stored in appropriate containers and in designated areas, to prevent the discharge of pollutants to nearby watercourses or storm drain systems. During the rainy season, materials shall be stored in covered areas. Chemicals, paints or bagged materials shall not be stored directly on the ground, but instead shall be placed on a pallet or in a secondary containment system. Materials shall be used according to the manufacturer's instructions and all materials shall be disposed of properly. Any spills shall be cleaned up immediately and an ample supply of spill clean-up materials shall be kept on-site during site remediation and wetland restoration. There shall be no fueling or equipment washing activities conducted on-site.

## ATTACHMENT 1

*7. Monitoring.* During construction, all erosion and pollution control measures shall be periodically inspected throughout the duration of the project by a qualified professional to ensure that the control measures are properly implemented. If the erosion and pollution control measures are not functioning properly, the owner shall immediately make appropriate modifications to ensure that water quality is protected.

**H-3b:** Prior to any clearing, grading, excavating or fill within 50 feet from the edge of a delineated wetland, stream, or stream channel or disturbing more than 2,500 square feet, any applicant for development of the project site shall obtain a Grading Permit and an Erosion Control Permit (ECP) from the City of Eureka. The ECP shall require specific erosion/sediment control devices, which shall be maintained in proper working condition for as long as work is being conducted on the property or for as long as an active permit of any nature is issued for the project. Erosion/sediment control devices required by the ECP may include, but are not limited to, silt fences, straw bales, retention ponds, mulch, sod, rip-rap, vegetation barriers, hydro-seeding, erosion blankets and any other measures that would adequately prevent soil from being eroded and transported onto adjoining property. The ECP shall require a stabilized construction site access for any sites where sediment can be tracked onto public roads by construction vehicles. The responsibility of the property owner and its agents shall be joint and severable with the entity performing the work for the maintenance of all erosion control devices. The erosion control devices shall be maintained in a condition so as to prevent soil erosion on the property and transport of sediment off the property.

4. Significant Effect H-4: The EIR evaluates the impact of development of the project site related to alternation of the existing drainage pattern of the site, resulting in flooding on- or off-site. Development of the project site would result in an increase in impervious surfaces, reducing water filtration.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Nearly 29 acres of the approximately 43-acre site could be converted into impervious surfaces and could result in an increase in peak discharge. An on-site conveyance system would need to be designed and constructed to adequately convey stormwater from the site.

## ATTACHMENT 1

2. Hydrology and Water Quality Mitigation Measure H-4a set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below:

**H-4a:** Any applicant for development of the project site shall prepare a drainage plan indicating the specifics of the project drainage system. The drainage plan shall demonstrate that the culverts are adequately sized and configured to address peak runoff and protect against a 10-year storm event. The drainage plan shall ensure that any increase in stormwater drainage runoff in a 10-year storm event remains below 1 cfs. Alternatively, if the 1 cfs threshold cannot be maintained in a projected 10-year storm event, the drainage plan shall provide a retention/siltation basin that limits stormwater runoff to pre-project flows. The plan shall be submitted to and approved by the City of Eureka, and recommendations from the City shall be adopted by any applicant for development of the project site prior to issuance of a building permit.

5. Significant Effect H-5: The EIR evaluates the impact of development of the project site related to contribution of runoff water that would exceed the capacity of existing or planning stormwater drainage systems. Development of the project site would result in an increase in impervious surfaces, which could result in a significant effect.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Development of the project site could increase the levels of NPS urban pollutants and litter entering Humboldt Bay, resulting in a potential impact.
2. Hydrology and Water Quality Mitigation Measures H-5a through H-5c set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**H-5a:** Any applicant for development of the project site shall prepare a final drainage plan that shall include design features to capture and treat stormwater from roof drains, paved pedestrian areas, and parking areas before entering the City's storm drain system in accordance with the City's *Construction Low Impact Development (LID) Manual* (March 2009) and the California Stormwater Quality Association's *Stormwater Best Management Practice Handbook* for new development. Treatment methods shall include best management practices and design features that are effective at reducing or eliminating anticipated stormwater pollutants. Any applicant for development of the project site shall provide and put into place a funding

## ATTACHMENT 1

mechanism to support ongoing maintenance of the stormwater treatment infrastructure on the project site.

**H-5b:** Any applicant for development of the project site shall prepare a final drainage plan that shall incorporate low impact development (LID) strategies, such as grass/vegetative swales (biofilters) and other landscape-based BMPs into the project landscape, design plan, and final drainage plan.

**H-5c:** Any applicant for development of the project site shall ensure that only USEPA-approved herbicides and pesticides are used on the site in any area that might drain to aquatic environments.

6. Significant Effect H-6: The EIR evaluates the impact of development of the project site related to other degradation of water quality. Development of the project site could increase the levels of NPS urban pollutants and litter entering Humboldt Bay, resulting in a potential impact.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Site development could generate runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
  2. Hydrology and Water Quality Mitigation Measures H-3a, H-3b, H-5a, H-5b, and H-5c, described above, are hereby incorporated by reference. These measures require the implementation of erosion and sediment control measures and Best Management Practices to the satisfaction of the City of Eureka, as well as preparation of a final drainage plan that incorporates LID strategies and the limited use of herbicides and pesticides. These measures would reduce the impact to a less-than-significant level.
7. Significant Effect H-7: The EIR evaluates the impact of development of the project site related to placement of housing within the 100-year flood hazard areas. Development of the project site is not anticipated to place housing on the first floor in this area, but housing could be placed directly above the 100-year flood zone. The impact would be significant.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the environmental effect as identified in the Final EIR.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be further reduced from less than significant.

1. Site development could place housing above, but not within, the 100-year flood hazard area.
  2. Hydrology and Water Quality Mitigation Measure H-10a, described below, is hereby incorporated by reference. This measure requires the preparation of a tsunami evacuation plan, and it would further reduce the impact to a less-than-significant level.
10. Significant Effect H-10: The EIR evaluates the impact of development of the project site related to exposure of people or structures to inundation of seiche, tsunami, or mudflow. Development of the project site would place structures in areas that could be affected by tsunami, although the shape and underwater topography of Humboldt Bay and the protection provided by the Samoa Peninsula significantly reduce tsunami hazards at the project site.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Site development would place housing and structures near Humboldt Bay, which could be affected by a tsunami.
2. Hydrology and Water Quality Mitigation Measures H-5a through H-5c set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**H-10a:** Any applicant for development of the project site shall prepare a tsunami Evacuation and Response Plan that shall receive the City's approval prior to issuance of a building permit for construction. The Evacuation and Response Plan shall include, at a minimum, a tsunami warning or alarm system integrated into the building designs, specific routes for egress in the event of a tsunami warning (including vertical routes of egress and safe haven as appropriate), identified locations of safe haven, educational materials for residents and business owners, and a list of emergency response agencies, contact numbers, and other methods of communication in the event of a tsunami warning.

**H-10b:** Any applicant for development of the project site shall prohibit habitable space in building structures on the first floor, and must be elevated by such means as posts, piles, piers, or shear walls parallel to the

## ATTACHMENT 1

expected direction of flow of floodwaters from a tsunami. Building structures shall be designed to resist the effects of coastal floodwaters due to tsunamis. For the purposes of calculating allowable stresses for the building materials (i.e., load factors in the case of ultimate strength or limit design), the same standards used for wind and earthquake loads combined with gravity loads shall be used (e.g., treat loads and stresses due to tsunamis in the same fashion as for earthquake loadings). Main building structures shall be adequately anchored with deep piles and piers and connected to the elevating substructure system to resist lateral, uplift, and downward forces. For any wood construction proposed for development of the project site, toenailing shall not be allowed. Shallow foundation types shall not be permitted unless the natural supporting soils are protected on all sides against scour by a protection structure, preferably a bulkhead. Shallow foundations may be permitted beyond 300 feet from the shoreline, provided they are founded on natural soil and at least 2 feet below the anticipated depth of scour, and provided not more than 3 feet of scour is expected at the structure. Development design plans shall be approved by a licensed architect or structural engineer with expertise in building in areas subject to coastal flooding to ensure that proposed structures are designed and built to withstand coastal flooding.

**H-10c:** Any applicant for development of the project site shall design landscaping and streetscaping to reduce the potential for large objects to mobilize in a tsunami event and affect structures below the 30-foot elevation.

11. Significant Effect H-11: The EIR evaluates the impact of development of the project site, together with other development in the vicinity, to contribute to potential adverse cumulative impacts to hydrology and water quality. Development of the project site, together with other development in the area, would contribute to potential adverse cumulative impacts on hydrology and water quality.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Existing vegetation and gravel, which acts to stabilize the soil, would be removed from the project site as part of the remediation and construction process, potentially resulting in construction-related erosion. During site construction potential pollutant sources may include petroleum or heavy metal impacted sediments, and construction materials that may be left exposed to

## ATTACHMENT 1

rainfall and/or stormwater runoff. Site development would increase impervious surfaces.

2. Hydrology and Water Quality Mitigation Measures H-3a, H-3b, H-4a, H-5a, H-5b, H-5c, H-10a, H-10b, and H-10c, described above, are hereby incorporated by reference. These measures require the implementation of erosion and sediment control measures and Best Management Practices to the satisfaction of the City of Eureka, preparation of tsunami evacuation plans, prohibition against residences on the first floor, and incorporation of design strategies to reduce the project impact to a less-than-significant level and its cumulative contribution to less than considerable.

### K. Noise

1. Significant Effect K-1: The EIR evaluates the impact of development of the project site related to exposure of persons to, or generation of, noise levels in excess of standards established in the noise ordinance or other land use plan. Development of the project site could place new uses in an incompatible noise environment.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Impacts would occur related to locating residences, museums, and offices in an incompatible noise environment.
2. Noise Mitigation Measures K-1a and K-1b set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**K-1a**: Any applicant for development of the project site shall design any locations of outdoor activity for sensitive uses associated with the project site so that the Ldn from the roadways does not exceed 60 dB at the property line. This shall be done by locating outdoor activity sites outside of the 60-dB noise contours or by buffering. Before building permits are issued, any applicant for development of the project site shall be required to submit an acoustical analysis demonstrating that outdoor activity spaces associated with sensitive uses do not exceed 60 dBA at the property line.

**K-1b**: Any applicant for development of the project site shall ensure that any residential, office, or museum buildings are built to California's interior-noise insulation standard of 45 Ldn. Before building permits are issued, any applicant for development of the project site shall be required to submit an

## ATTACHMENT 1

acoustical analysis demonstrating that the buildings have been designed to limit interior noise to a CNEL (or Ldn) of 45 dBA.

2. **Significant Effect K-2:** The EIR evaluates the impact of development of the project site related to generation of excessive ground-borne vibration or ground-borne noise levels. Construction of development of the project site could require pile-driving and other vibration-generating construction activities.

**Finding:** Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

**Facts in Support of Finding:** The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. The operations of development at the project site would not likely result in excessive ground-borne vibration. Ground-borne vibration from construction activities that involve "impact tools," especially pile driving, could produce detectable vibration at sensitive receptors.
2. Noise Mitigation Measure K-2a set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**K-2a:** To mitigate pile-driving and/or other extreme vibration-generating construction impacts, a qualified acoustical professional shall prepare a set of site-specific vibration attenuation measures to reduce project vibration below the vibration annoyance level of 80 VdB. Before the start of grading, any applicant for development of the project site shall submit a plan for such measures for review and approval by the City of Eureka to ensure that maximum vibration attenuation will be achieved. These attenuation measures shall include, at a minimum, the following control strategies:

1. Implement "quiet" pile-driving technology or practices (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile-driving duration), in consideration of geotechnical and structural requirements and conditions.
2. Monitor the effectiveness of vibration attenuation measures by taking vibration measurements at locations and at a frequency adequate to ensure no excessive ground-borne vibration at sensitive receptors.
3. Limit pile-driving to mid-day weekday periods when the fewest people will likely be at the Best Western hotel. Ensure that the pile-driving in the vicinity of the Best Western is limited in time duration.

## ATTACHMENT 1

3. Biology Mitigation Measure D-1b, which describes possible seasonal restrictions and other measures to reduce pile-driving impacts on nearby fish populations and is described in the applicable section, above, is hereby incorporated by reference.

3. Less-than-Significant Effect K-3: The EIR evaluates the impact of development of the project site related to permanent increase in ambient noise levels of 5 dBA or more. The additional traffic generated by development of the project site would only minimally increase noise levels along the majority of roadway segments in the vicinity of existing sensitive receptors. The retail, museum, and other uses would generate noise levels less than or equal to ambient noise levels in the vicinity of sensitive receptors.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be further reduced from less than significant.

1. The operations of development at the project site could result in an increase in ambient noise levels associated with loudspeaker public address systems.
2. Noise Mitigation Measure K-3 set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below:

**K-3**: All outdoor loudspeaker paging systems shall not exceed 60 dBA Leq at the property line.

3. Noise Mitigation Measure K-1a, which requires the location of outdoor noise-generating activity away from sensitive receptors, above, is hereby incorporated by reference.
4. Significant Effect K-4: The EIR evaluates the impact of development of the project site related to a substantial temporary increase in noise levels. Excavation, grading, and truck movements associated with construction of development of the project site would result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without development of the project site.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

## ATTACHMENT 1

1. Construction of development at the project site could generate significant amounts of noise at the project site. In addition, construction-related material haul trips would raise the ambient noise levels along haul routes, depending on the number of haul trips made and the types of vehicles used.
2. Noise Mitigation Measures K-4a through K-4c set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below.

**K-4a:** Any applicant for development of the project site shall require construction contractors to limit standard site remediation and wetland restoration to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise-generating activities (greater than 90 dBA) limited to between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise-generating activity permitted between 12:30 p.m. and 1:30 p.m. No site remediation and wetland restoration shall be allowed on weekends. No extreme noise-generating activities shall be allowed on weekends and holidays. Site remediation and wetland restoration outside of these hours and days may be allowed by prior approval from the City.

**K-4b:** To reduce daytime noise impacts due to site remediation and wetland restoration activities, any applicant for development of the project site shall require construction contractors to implement the following measures:

1. Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).
2. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.
3. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.

**K-4c:** To mitigate pile driving and/or other extreme noise-generating construction impacts, a qualified acoustical professional shall prepare a set

## ATTACHMENT 1

of site-specific noise attenuation measures. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City of Eureka to ensure that noise attenuation and acoustical standards will be achieved. These attenuation measures may include, as necessary, the following control strategies:

1. Erect temporary plywood noise barriers around the construction site.
  2. Use noise control blankets on building structures as buildings are erected to reduce noise emission from the site.
  3. Monitor the effectiveness of noise attenuation measures by taking noise measurements at locations and frequencies necessary to ensure acoustical standards are satisfied.
7. Less-than-Significant Impact K-7: The EIR evaluates the impact of development of the project site, in combination with other planned or future development, to result in adverse cumulative noise increases to expose site workers to excessive noise levels generated by nearby airports. Although the less-than-significant project-specific impact is not likely to be cumulatively considerable, the potential exists for this incremental impact to be cumulatively considerable.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the incremental, project-specific impact will be further reduced from less than significant so that it is not cumulatively considerable.

1. Operation of development at the project site could generate significant amounts of noise at the project site. In addition, construction-related material haul trips would raise the ambient noise levels along haul routes, depending on the number of haul trips made and the types of vehicles used.
2. Noise Mitigation Measures K-1a, K-2a, K-3, K-4a, K-4b, and K-4c, which require the location of outdoor noise-generating activity away from sensitive receptors, noise best-management practices during construction, and limitation of loudspeaker public address systems, are hereby incorporated by reference.

## M. Public Services

1. Less-than-Significant Effect M-1: The EIR evaluates the impact of development of the project site related to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios,

## ATTACHMENT 1

response times or other performance objectives for fire protection. Development of the project site would result in a less-than-significant effect that could, nonetheless, be cumulatively considerable.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be further reduced from less than significant such that they would not be cumulatively considerable.

1. The EFD has indicated that development of the project site would not affect EFD's average driving time. All proposed street improvements and building plans will be reviewed by EFD prior to installation. Also, development of the project site would not require the construction of any new or physically altered off-site facilities. Infrastructure would be constructed to serve the project site, but no new facilities would be required off-site. Impacts would be less-than-significant.
3. Public Services Mitigation Measures M-1a through M-1d and M-1f set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below.

**M-1a:** Any applicant for development of the project site shall ensure that all buildings shall be fully sprinkled.

**M-1b:** Any applicant for development of the project site shall ensure that fire hydrants and fire water mains are installed as required by the Eureka Fire Department. The location, size and flow of all hydrants and fire mains shall be shown on the building construction plans.

**M-1c:** Any applicant for development of the project site shall ensure that all traffic calming measures proposed for installation within the parking lots or along internal roadways shall be reviewed and approved by the City Fire Department prior to installation.

**M-1d:** In order to assure that fire apparatus have adequate width to deploy stabilizers, any applicant for development of the project site shall ensure that both sides of the Fourth Street extension adjacent to the five story office building shall be signed as "No Parking."

**M-1f:** The City and any applicant for development of the project site shall ensure the installation, on all new traffic signals and all existing traffic signals on Broadway between and including Harris Street and Fourth Street, of an Opticom emergency traffic prompting device, coded to Eureka

## ATTACHMENT 1

Fire Department transmitters. Installation shall be coordinated with City of Eureka Engineering Department and Caltrans.

2. Significant Effect M-2: The EIR evaluates the impact of development of the project site related to result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection. Development of the project site would involve use of construction equipment that would have to stay on site overnight and during other periods when not in use, resulting in substantial adverse physical impacts associated with the provision of police protection. In addition, the operation of development at the project site would require provision of police protection or other security.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Construction of development of the project site could require security for on-site construction equipment storage, and operation of development at the project site would require site security, both of which could require additional police services.
2. Public Services Mitigation Measure M-2a set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below.

**M-2a**: Any development shall have an on-site security patrol to handle routine situations that do not require emergency response from the Eureka Police Department.

## O. Transportation

1. Significant Effect O-1: The EIR evaluates the traffic impacts of development of the project site through causing an increase in traffic, which would be substantial in relation to the existing traffic load and capacity of the street system. Construction of development at the project site would cause an increase in construction-related traffic, which is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR for all but one intersection (Koster and Wabash).

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Development-generated traffic, absent mitigation, would degrade level of service at six intersections: Broadway at Wabash/Fairfield, Koster at Wabash, Fourth Street at C Street, 5th Street at C Street, Broadway at Hawthorne, and Broadway at Henderson. In addition, average speeds on Broadway would be reduced with the addition of project traffic.
2. Transportation Mitigation Measures O-1a through O-1b are set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below. They would reduce impacts to less-than-significant levels at all intersections except Koster/Wabash.

**O-1a:** Any applicant for development of the project site shall develop a construction management plan for review and approval by the City's Engineering Department and Caltrans. The plan shall include at least the following items and requirements to reduce traffic congestion during construction:

1. A set of comprehensive traffic control measures shall be developed, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. Prior to approving plans for mitigation on U.S. 101, Caltrans requires that all construction include an assessment of the potential for traffic congestion. This is accomplished through lane closure analysis showing the times of day and days of the week that lanes can be closed to traffic. Excepting extraordinary circumstances, lane closures are authorized at times of the day and on days of the week where the interruptions, closures, and activity is least likely to cause unacceptable congestion using the same level of service criteria as used for assessing project traffic impacts.
2. If construction results in unacceptable traffic congestion, flaggers shall supplement approved traffic control plans to ensure that traffic moves through the construction zone with minimal delays.
3. The Construction Management Plan shall identify haul routes for movement of construction vehicles that would minimize impacts on motor vehicle, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area. The haul routes shall be approved by the City and Caltrans
4. The Construction Management Plan shall provide for notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur.

## ATTACHMENT 1

5. The Construction Management Plan shall provide for accommodation of bicycle flow, particularly along First Street and Waterfront Drive.
6. The Construction Management Plan shall provide for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by any applicant for development of the project site.

**O-1b:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete the following modifications at the intersection of Broadway and Wabash Avenue/Fairfield Street:

1. Close northbound Fairfield Street access to Wabash Avenue and Broadway approximately 40 feet south of the intersection, and post signs on northbound Fairfield at Del Norte advising motorists that traffic is "LOCAL ACCESS ONLY – NO ACCESS TO BROADWAY OR WABASH AVENUE".
2. Closure should be accomplished by extending the east curb of Fairfield to the street centerline, and posting a "DO NOT ENTER" sign at the closure. Modify the Broadway and Wabash signal to account for the elimination of northbound Fairfield access.

**O-1c:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete the following modifications at the intersection of Broadway and Hawthorne Street:

1. Install a new signal and intersection improvements (see #3 below) at Broadway and Hawthorne Street.
2. Install a southbound left turn and westbound right turn overlap signal phase (no southbound U-turns allowed).
3. Widen Hawthorne Street to provide two westbound right turn lanes and one westbound through/left lane. The cross-section for Hawthorne Street shall be 58 feet wide (including 6-foot sidewalk) from 175 east of Broadway to Broadway. Transition to the widened section should start at Fairfield Street, and the six-foot sidewalk should also extend from Broadway to Fairfield Street. An advisory sign must be posted to northbound motorists on Fairfield Street south of Hawthorne Street saying "NO ACCESS TO WABASH AVENUE OR BROADWAY AHEAD – USE HAWTHORNE STREET TO BROADWAY" with a left arrow.

**O-1d:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete the following improvements at Broadway and Henderson Street:

1. Convert Henderson Street to one-way westbound traffic from Fairfield Street to Broadway and provide for one westbound through/right lane and two westbound left turn lanes to southbound Broadway from Henderson Street. Remove southbound left turns to eastbound Henderson Street by closing the southbound left turn

## ATTACHMENT 1

lane and modifying the signal indications. Retain the all-way stop at Fairfield and Henderson Streets

2. Convert the Henderson Street and Broadway signal to allow simultaneous eastbound left turns with westbound left turns.
3. Post a "NO LEFT TURN" sign for southbound Broadway and a "NO RIGHT TURN" sign for northbound Broadway at Henderson Street and post "ONE-WAY" signs on Henderson Street.

**O-1e:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete the following signal-coordination improvements along the U.S. 101 corridor:

1. Install signal interconnect on U.S. 101 so that all signals along the corridor are in one system, from V Street at Fourth and Fifth Streets to the K-Mart signal and Broadway signal near Bayshore Mall. This would be accomplished by installing conduit and cable from Broadway and Henderson to Broadway and Wabash, Fourth Street at Broadway from Broadway and Sixth to E Street, and Fifth Street at Broadway from Broadway and Sixth to E Street.
2. Develop and implement optimized signal coordination timing on U.S. 101 from Fourth and Fifth Streets at Myrtle to Broadway, and on Broadway from Fourth Street to the K-Mart driveway signal near Bayshore Mall. A monitoring system would be set up to the satisfaction of Caltrans District 1 and City of Eureka traffic signal operations personnel.

**O-1f:** Any applicant for development of the project site shall post guide signs within the Marina Center parking lot directing motorists to southbound U.S. 101 via Waterfront Drive, or to the east and north in downtown and along U.S. 101, via project access drives on Second and Third Streets.

**O-1g:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete the following modifications at Broadway and Harris Streets:

1. Provide appropriate guide signs to advise southbound Broadway motorists to turn left at Harris Street to go east up the hill on Harris Street.
2. Install a signal at Harris Street and Broadway to provide protected southbound left turns from Broadway to eastbound Harris Street. This signal shall interconnect the north Bayshore Mall driveway signal and coordinate at all times except evenings and early morning hours to be determined by timing plans to coordinate signals along U.S. 101.
3. Lengthen the southbound left-turn lane to 300 feet in length. This does not affect the existing northbound left turn striping into Victoria Place (private drive).
4. Provide funds for private signage to the Bayview Motel at Fairfield Street and Henderson Street for both northbound and southbound motorists.

## ATTACHMENT 1

5. Shift the two southbound through lanes and southbound left turn lane at least 6 feet to the west for an appropriate distance to provide for adequate left turning radius for STAA trucks making a southbound left turn to eastbound Harris Street.

**O-1h:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete improvements necessary to prohibit southbound left turns from Broadway to eastbound Seventh Street (and to Commercial Street), and instead, shift these turns to the southbound left turn lane at Washington Street, one block to the south. Guide signs shall be posted, that return motorists to eastbound Seventh Street by turning left onto Summer Street, than east at Seventh Street.

**O-1i:** Any applicant for development of the project site shall obtain an encroachment permit from the City of Eureka and install an all-way stop at Fairfield and Hawthorne Street

**O-1j:** Any applicant for development of the project site shall obtain an encroachment permit from the City of Eureka and install a southbound left-turn lane and northbound right-turn lane on Waterfront Drive at the project access driveway.

**O-1k:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and complete the following improvements at Broadway and Washington Street:

1. Install east and westbound left turn lanes on Washington Street.
2. Modify the traffic signals at Broadway at Washington Street and Broadway at 14th Street to operate with protected-permissive phasing for the left turn movements on Broadway.

4. Significant Effect O-4: The EIR evaluates the traffic impacts of development of the project site related to increased hazards due to changes in design features or incorporation of incompatible uses.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. While the higher traffic volumes generated by development of the project site would increase the potential for safety conflicts, it is not expected that this traffic would increase the accident rate itself

## ATTACHMENT 1

2. After implementation of identified mitigation measures, all but one of the study intersections would operate at acceptable levels of service and would be expected to reduce accidents by about 15 percent. Transportation Mitigation Measures O-1a through O-1k, which require implementation of a construction management plan and acquisition of encroachment permits, as described above, would reduce potential impacts.
6. Significant Effect O-6: The EIR evaluates the impacts of development of the project site on parking capacity. Operation of the proposed project could exceed parking capacity.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. The maximum demand for parking would be less than the provided spaces, with the exception of at times in the month of December.
2. Transportation Mitigation Measure O-6a set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below.

**O-6a**: Any applicant for development of the project site shall develop and implement a parking management plan that provides a mechanism that would direct employees to park off-site (in available on-street parking spaces in the area) during periods of peak parking demand in December.

7. Significant Effect O-7: The EIR evaluates the impacts of development of the project site related to conflict with adopted plans and policies supporting alternative transportation. Development of the project site may present conflicts with other modes within and near the project site.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Potential future development and operation of a freight or passenger line along the western property boundary would cause safety and access concerns. Development of the project site would increase the demand for transit to the site.

## ATTACHMENT 1

2. Transportation Mitigation Measures O-7a through O-7e set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below.

**O-7a:** Any applicant for development of the project site shall work with the North Coast Railroad Authority to maintain adequate right-of-way along the rail corridor in anticipation of future rail service through the site

**O-7b:** If the North Coast Railroad Authority anticipates future use of the right-of-way, any applicant for development of the project site shall pay to install pavement markings and warning signs at the project driveway on Waterfront Drive where the railroad tracks cross the driveway throat. Pavement markings and warning signs shall conform to standards set forth in the *Manual on Uniform Transportation Devices* (FHWA, 2004). The driveway shall include crossing gates and a median. Because the project site is in a quiet zone, the median would prevent drivers from going around the crossing arm onto the tracks, and thus the trains are not required to blow their horns when crossing the roadway. The crossing arms would also prevent pedestrians and bicyclists from venturing onto the tracks when a train is coming.

**O-7c:** Any applicant for development of the project site shall provide smooth pavement transition over the railroad tracks so that bikes and wheelchair users are not in danger of losing their balance or getting wheels stuck between the rails and the pavement. The crossing of the tracks shall be perpendicular.

**O-7d:** Any applicant for development of the project site shall continue to work with the Eureka Transit Authority to reinstate the bus stops in front of the Wharfinger Building at Koster and Washington Streets and improve the bus stop at Seventh and California Streets, including paying their fair-share to enhance amenities of the stop (i.e., shelter, bench, and signage).

**O-7e:** Any applicant for development of the project site shall provide eight bicycle parking spaces per 10,000 gross square feet of retail space and placement shall be in accordance with guidelines set forth in Appendix B of the *2004 Regional Bicycle Transportation Plan Update* (Humboldt County).

## Q. Utilities and Service Systems

7. Significant Effect Q-7: The EIR evaluates the operational impacts of development of the project site related to violation of any federal, state, or local statutes and regulations related to operational solid waste. Development of the project site would increase the city's total solid waste projection, resulting in a significant effect.

## ATTACHMENT 1

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to a less than significant level.

1. Currently, the City of Eureka is not in compliance with AB 939 state-mandated recycling and waste diversion law which requires a 50 percent waste diversion rate. However, development of the project site would comply with the provisions of the City of Eureka's 2008 Universal/Mandatory Collection Program Ordinance.
2. Utilities and Service Systems Mitigation Measures Q-7a through Q-7d set forth in Table 6-1 of the Final EIR are hereby incorporated by reference and described below.

**O-7a:** Any applicant for development of the project site and tenants shall dispose of commercial and residential solid waste in containers sized to adequately handle the volume of waste generated at the facility.

**Q-7b:** Any applicant for development of the project site and tenants shall place waste receptacles of the appropriate size for the waste generated at all public open spaces. Special consideration shall be required for public events that would attract larger numbers of persons to the site.

**Q-7c:** Any applicant for development of the project site and tenants shall provide suitable storage locations and containers for recyclable materials in or around proposed buildings. The containers shall be designed and constructed to protect soils, water resources, biological resources and all other aspects of the environment.

**Q-7d:** Any applicant for development of the project site and tenants shall prepare and implement recycling program to achieve at least a 50 percent diversion in waste generated from project operations through the use of recycling.

8. Less-than-Significant Effect Q-8: The EIR evaluates the cumulative adverse effects of development of the project site, together with other projects, on availability of utilities and service systems. Service demand from development of the project site would combine with demands from other foreseeable development, causing a cumulative increase in the demand for utility services.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the environmental effect as identified in the Final EIR.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the incremental development-specific impact will be reduced to less than significant/less than cumulatively considerable.

1. Development of the project site and other reasonably foreseeable future development would be located in areas already served by utility infrastructure, and new or expanded off-site utility facilities would not be required as a direct result of development of the project site. Furthermore, development of the project site and other reasonably foreseeable future development would be required to comply with all standards of Title 24 of the California Code of Regulations, and water conservation measures and waste minimization efforts in accordance with City of Eureka requirements.
2. Utilities and Service Systems Mitigation Measures Q-7a through Q-7d, described above, would further reduce the less-than-significant effects to solid waste services, and are hereby incorporated by reference.

## ATTACHMENT 1

### Section 5

#### ***Significant Effects That Cannot Be Mitigated to a Less Than Significant Level***

CEQA Guidelines Section 15126.2(b) requires an EIR to describe those impacts that cannot be fully mitigated as part of a proposed project. In some cases, no feasible mitigation measures are available to reduce the significance of impacts; in other cases, mitigation measures may be available, but not reduce an impact to a level that is less-than-significant. In each such case, impacts are considered to be significant and unavoidable. The EIR identifies three potentially significant impacts on air quality and two potentially significant impacts on transportation that will remain significant even after implementation of the mitigation measures identified in the EIR.

#### **C. Air Quality**

1. Significant Effect C-1: The EIR evaluates the long-term operational impacts of development at the project site on individual and cumulative air emissions and potential conflicts with implementation of the North Coast Unified Air Quality Management District's (NCUAQMD's) Attainment Plan for PM10. Development of the project site could result in a cumulatively considerable net increase of PM10, for which the North Coast Air Basin region is in nonattainment.

Finding: Changes or alterations have been required in or incorporated into the project, but these measures would not reduce the impact to a less-than-significant, or a less than cumulatively considerable, level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced, but not to a less-than-significant or less-than-cumulatively-considerable level.

1. Construction and operation of development at the project site would result in PM10 emissions, for which the Air Basin is in non-attainment.
  2. Air Quality Mitigation Measures C-2a and C-2b, which require development of transportation management programs and incorporation of emissions-reducing measures into the design and operation of development at the project site, are incorporated by reference and described in the applicable section, below.
2. Significant Effect C-2: The EIR evaluates the potential of the emissions generated by development of the project site to conflict with air quality plans. Development of the project site would result in residual emissions of ozone precursors and PM10, for which the project region is in nonattainment. This would be a significant effect.

Finding: Changes or alterations have been required in or incorporated into the project, but these measures would not reduce the impact to a less-than-significant or a less-than-cumulative-considerable level.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced, but not to a less-than-significant or less-than-cumulatively-considerable level.

1. Operations of development at the project site would result in emissions that exceed the NCUAQMD thresholds for ROG, NO<sub>x</sub>, CO, and PM<sub>10</sub>.
2. Air Quality Mitigation Measures C-2a and C-2b set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below:

**C-2a:** Any applicant for development of the project site, in consultation with the City, shall ensure that transportation management programs are developed, implemented, and designed to reduce traffic congestion and automobile use within and adjacent to the project site in order to reduce total mobile-source emissions. Such a program shall include, at a minimum, the following measures:

1. Install electrical outlets at parking facilities for electrical or plug-in hybrid vehicles where appropriate and feasible;
2. Include clearly marked pedestrian and bicycle travel zones, as well as bicycle locking areas;
3. Install synchronized traffic signals to smooth traffic flows and thereby reduce pollutant emissions
4. Accommodate public transit; and
5. Initiate a voluntary ridesharing program for the workforce.

**C-2b:** Any applicant for development of the project site shall implement the following measures for reducing area source emissions:

1. Prohibit wood-burning fireplaces or devices;
2. Where applicable, fit commercial and residential building with electrical outlets on the exterior walls to promote the use of electric landscape maintenance equipment; and
3. In construction, use-low VOC and low formaldehyde architectural coatings and insulation.

3. Significant Effect C-3: The EIR evaluates the potential of emissions generated by development at the project site to result in a cumulatively considerable increase of any criteria pollutant for which the project region is in non-attainment. Development of the project site would increase PM<sub>10</sub> emissions. This would be a significant effect.

Finding: Changes or alterations have been required in or incorporated into the project, but these measures would not reduce the impact to a less-than-significant level.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced, but not to a less-than-significant or less-than-cumulatively-considerable level.

1. Operations of development at the project site would result in PM10 emissions for which the project region is in non-attainment, and could therefore hinder the Attainment Plan.
2. Air Quality Mitigation Measures C-2a and C-2b, described above, would require implementation of a transportation demand management program and design strategies to reduce emissions.

### O. Transportation

1. Significant Effect O-1: The EIR evaluates the traffic impacts of development of the project site through causing an increase in traffic, which would be substantial in relation to the existing traffic load and capacity of the street system. Construction of development at the project site would cause an increase in construction-related traffic, which is substantial in relation to the existing traffic load and capacity of the street system.

Finding: Changes or alterations have been required in or incorporated into the project that would avoid or substantially lessen the significant environmental effect as identified in the Final EIR for all but one intersection (Koster and Wabash).

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced, but not to a less-than-significant level.

1. Development-generated traffic, absent mitigation, would degrade level of service at six intersections: Broadway at Wabach/Fairfield, Koster at Wabash, Fourth Street at C Street, 5th Street at C Street, Broadway at Hawthorne, and Broadway at Henderson. In addition, average speeds on Broadway would be reduced with the addition of development traffic.
  2. Transportation Mitigation Measures O-1a through O-1k, described in Section 3, above, are hereby incorporated by reference. They would reduce impacts to less-than-significant levels at all intersections except Koster/Wabash.
8. Significant Effect O-8: The EIR evaluates the impacts of development of the project site, in combination with foreseeable development, of cumulative increases in traffic at local intersections in the project area. Development of the project site would result in significant (cumulatively considerable) effects on intersection levels-of-service.

Finding: Changes or alterations have been required in or incorporated into the project, but these measures would not reduce the impact to a less-than-significant or less-than-cumulatively-considerable level.

## ATTACHMENT 1

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced, but not to a less-than-significant level.

1. Under 2025 Cumulative plus Project Conditions, four signalized study intersections would operate at an unacceptable level of service during the p.m. peak hour. The intersections at Broadway / 14th Street, Broadway / Wabash-Fairfield Streets, Broadway / Henderson Street, and Broadway / Bayshore Mall driveway would all operate at LOS E during the p.m. peak hour.
4. Transportation Mitigation Measures O-8a through O-8c set forth in Table 6-1 of the Final EIR is hereby incorporated by reference and described below:

**O-8a:** Any applicant for development of the project site shall obtain an encroachment permit from Caltrans and install the following improvements:

1. The outbound (egress) from the project site to Broadway shall be closed off at both the Fourth and Sixth Street exits, and signs shall be installed on the project site to divert the outbound traffic to Waterfront Drive, then south to Hawthorne Street at Broadway, or to Second and Third Streets at Broadway; and
2. This mitigation measure shall be completed before the intersections exceed the acceptable LOS, which in this case is estimated to occur when southbound through volumes on Broadway at 14th Street average at least 1,700 vehicles per hour during the p.m. peak hour

**O-8b:** Obtain an encroachment permit from Caltrans and pay the project's fair share contribution for the installation of the following improvements:

1. Three southbound lanes shall be striped on Broadway from Vigo Street to the northern Bayshore Mall driveway at Harris Street;
2. The existing southbound right-turn lane into the northern driveway of Bayshore Mall just south of Harris Street shall be converted from an exclusive right-turn lane to a shared-through-right turn lane; and
3. The improvements above shall be completed before the intersections and roadway segments exceed the acceptable LOS, which in this instance shall occur when southbound through volumes on Broadway at 14th Street average at least 1,700 vehicles per hour during the p.m. peak hour.

## ATTACHMENT 1

### Section 6

#### ***Alternatives***

CEQA requires a lead agency to examine a “reasonable range” of alternatives that can feasibly reduce one or more of the significant impacts of a project. Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” Project objectives are set forth above in Section III of the EIR. Alternatives were chosen to encompass a range of urban development schemes for the project site that would meet the objectives. The City developed four alternatives that it addressed in detail, and another 20 alternatives that were not addressed in detail or were rejected outright as part of the City’s early screening. Per CEQA Guidelines section 15126.6 and the Marina Center project’s objectives, the following alternatives were identified:

- No Project Alternative;
- Reduced Project Alternative
- Limited Industrial Zoning Alternative
- Off-Site Shoreline Property Alternative
- Coastal Dependent Industrial Zoning
- Ocean View Cemetery
- Coastal Agriculture Land Between Harper Motors and Indianola
- Schneider Industrial Land
- Sierra Pacific Industrial Property
- Old Flea Market Property
- Schmidbauer Lumber Co Property
- Lieber Coastal Agricultural Property
- Ridgewood Village Property
- Palco Property, Fortuna
- Convention Center
- Tourism Use
- Covered Swimming Pool
- Horticultural Gardens
- No Retail Option
- Public Facilities Option
- Intermodal Bus Terminal
- Wetland Restoration and Public Park

## ATTACHMENT 1

- No Fossil Fuel
- College of the Redwoods

Of these 24 alternatives, the following four alternatives were carried forward for analysis in the EIR.

### **No Project Alternative**

Under the No Project Alternative, the property would remain zoned and planned predominantly for Public uses. Only those uses consistent with the Public zoning and general plan designation could be put forward (on those portions of the property zoned Public). Although the property is privately owned, the Public zoning would not preclude the owner from developing a use consistent with the Public zoning, and, for example, leasing the completed development to a governmental agency. The smaller portion of the project site zoned Limited Industrial could be developed with uses consistent with the Limited Industrial zoning. Because the property is located in the coastal zone, any development of the property would be subject to the provisions and regulations of the City's adopted Local Coastal Program.

A small portion of the project site is zoned Limited Industrial and would remain so. The RWQCB has stated that, if the Marina Center project does not receive the appropriate coastal development permits from the Coastal Commission, the land owners would be required to obtain permit coverage under the statewide industrial storm water permit from RWQCB. To the extent that the permit conditions would impact existing wetlands on the project site, wetland mitigation would likely be required as conditions of obtaining the permit and may require further consultation with state and federal regulatory agencies (e.g., U.S. Army Corps of Engineers). However, the nature and detail of such conditions and mitigation is unknown and could include replacement of the wetlands in-kind and at their existing locations. Impacts of the No Project Alternative relate to biological resources / wetlands remediation and are analyzed in Section VI of the EIR.

### **Objectives**

The No Project Alternative would not meet the basic objectives of the proposed project. Presuming the land owner is required to obtain a statewide stormwater permit, the No Project Alternative would result in the implementation of measures that should result in less contamination leaving the project site with stormwater, but would not result in infill development contemplated by the Marina Center Project.

### **Marina Center Reduced Footprint Alternative**

The Marina Center Reduced Footprint Alternative would provide approximately three quarters of the building space (in square feet) proposed by the Marina Center project. However, the reduction would not be across the board for each use type. The Marina Center Reduced Footprint Alternative would increase office space by about 150 percent and increase industrial space by about 140 percent, but it would reduce restaurant and retail space and eliminate the residential and museum space proposed by the project. The impacts of this Alternative are

## ATTACHMENT 1

analyzed in Section VI of the EIR; however, generally speaking, there would be reduced traffic and noise impacts as the Marina Center project, and similar wetlands impacts. Otherwise, this alternative would not avoid or substantially lessen any of the other significant or potentially significant impacts of that project. Because the Marina Center Reduced Footprint Alternative would provide 76 percent of the building area proposed by the Marina Center project, it would result in some reduced impacts

### **Objectives**

The Reduced Footprint Alternative would meet most of the objectives of the project and is feasible. However, this alternative would not significantly reduce or avoid the project's significant an unavoidable air quality or transportation impacts.

### **Limited Industrial Zoning Alternative**

The Limited Industrial Zoning Alternative would create a continuous area of Limited Industrial-zoned lands by connecting the existing Limited Industrial-zoned lands south of the project site to the existing Limited Industrial-zoned lands east of the site. The alternative would provide for the extension of Second and Fourth Streets through the project site, along with development of 407,000 square feet of industrial buildings, 626 parking spaces, and loading docks for the larger industrial buildings. The impacts of this Alternative are analyzed in Section VI of the EIR; however, generally speaking, there would be reduced traffic and noise impacts, and similar wetlands impacts, as the Marina Center project, and would avoid or substantially lessen several of the significant or potentially significant impacts that would result from the Marina Center project.

### **Objectives**

The Limited Industrial Zoning Alternative is feasible, but the City finds that this alternative would not meet the project objectives of creating a mixed-use development or strengthen the City as a retail center.

### **Off-site Shoreline Property Alternative**

The site of the Off-Site Shoreline Property Alternative is owned by the Marina Center project applicant and proponent of this proposed project. It is approximately 30 acres in size and is, for the most part, zoned and planned for Commercial Waterfront uses with some Natural Resources zoning. The property is located adjacent to Humboldt Bay in the coastal zone and has about 16.5 acres of wetlands primarily around the outside edges of the property. The Off-Site Shoreline Property Alternative assumes that the same uses proposed by the project would be developed on the Shoreline property. The impacts of this Alternative are analyzed in Section VI of the EIR; however, generally speaking, there would be reduced wetlands impacts since most of the wetlands at this alternative location are located along the property perimeter and, therefore, would be easier to avoid and protect than the wetlands on the project site.

## ATTACHMENT 1

### **Objectives**

This Alternative would meet most of the project objectives. However, it is not clear that the alternative is feasible, and in any event, it would not substantially lessen any of the significant impacts of the project.

### **Environmentally Superior Alternative**

The environmentally superior alternative is the No Project Alternative. When the No Project Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative among the other alternatives. The environmentally superior alternative among the other alternatives is the Marina Center Reduced Footprint Alternative. Because this alternative would provide 76 percent of the building area proposed by the Marina Center project which would be allowed under the ballot initiative, it could result in some reduced impacts associated with site remediation and wetland restoration.

### **Finding**

The City finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project's objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The City also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the EIR. The City hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen some significant environment effects as identified in the Final EIR. The City also finds that some significant effects to air quality and transportation would remain significant and unavoidable even with incorporation of changes or alterations to the Project, as discussed in Section 4 of this document. The City rejects the Limited Industrial Zoning because it does not meet the City's vision of creating a mixed-use development and strengthening the City as a retail center. The City rejects the Shoreline property alternative because it does not substantially lessen any of the environmental effects of the project. The City does not specifically reject the Marina Center Reduced Footprint Alternative at this time, however, since the scope of development of this alternative would be in compliance with the LCP amendments proposed in the ballot measure, though of less intensity. The City will evaluate any specific development proposals under the new LUP and IP designations at the time they are proposed.

## ATTACHMENT 1

### Section 7

#### ***Overriding Considerations Justifying Project Approval***

In accordance with Public Resources Code section 21081(b) and CEQA Guidelines Section 15093, the City Council has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other benefits of the Project against its unavoidable environmental risks, and has found that the benefits of the Project outweigh the significant adverse environmental effects that are not mitigated to less-than-significant levels, for the reasons set forth below. The following statements identify the reasons why, in the City Council's judgment, the benefits of the Project override and outweigh its unavoidable significant effects.

Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient. Substantial evidence supporting these Findings, including the various project benefits, can be found in the preceding findings and in the documents found in the record of proceedings, as defined in Section 1C.

#### **General Findings**

1. The plans for the Project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes.
2. Comments on the Draft EIR, including comments about anticipated development of the Project site, that were received during the public review period have been adequately responded to, including in the written Responses to Comments attached to the Final EIR.
3. To the degree that any impacts described in the Final EIR are perceived to have a Less-than-Significant Effect on the environment or that such impacts appear ambiguous as to their effect on the environment as discussed in the Draft EIR, the City has responded to key environmental issues and has incorporated mitigation measures to reduce or minimize potential environmental effects of the Project to the maximum extent feasible.
4. The documents and material constituting the record of this proceeding are located at the City of Eureka, 531 K Street, Eureka, California 95501 and the custodian of said records is the Clerk of the City of Eureka.

#### **Findings of Overriding Considerations**

The City of Eureka hereby finds that the specific economic, legal, social, technological, and other benefits of the proposed project override and outweigh the unavoidable adverse environmental effects of the project for the following reasons:

##### **Economic**

## ATTACHMENT 1

1. The changes in allowed land uses at the project site would allow for development that could provide the City of Eureka General Fund with a net sales revenue gain in excess of \$1 million, in 2010 dollars.
2. In addition to sales tax proceeds, the changes in allowed land uses at the project site would allow for development of the project site that could provide a substantial increase in property tax revenue. Sixty percent of these revenues would be made available to fund redevelopment activities through the Redevelopment agency; 20 percent would be made available to the Housing Set-Aside program; and the remaining 20 percent would be available to statutory taxing entities, including the College of the Redwoods and the Humboldt County Office of Education. The Eureka Elementary School District and the High School District would each financially benefit from development of the project site under the new LCP designations.
3. The changes in allowed land uses at the project site would allow for development of the project site that would strengthen Eureka's position as the retail and employment center of Humboldt County.
4. The changes in allowed land uses at the project site would allow for development of the project site that would create employment generating opportunities for the citizens of Eureka and surrounding communities. Based on projections, build-out of the project site under the proposed land use designations, has the potential to add to the City of Eureka economy 1,092 net new jobs. As well as providing temporary construction jobs.
5. The changes in allowed land uses at the project site would allow for development of the project site which would provide an economic stimulus to local business in the project vicinity through the development of the project site's addition of a mix of new homeowners and workers on the site.
6. The changes in allowed land uses at the project site would allow for development of the project site which would constitute infill development consistent with Smart Growth precepts.
7. The changes in allowed land uses at the project site would allow for development of the project site which will extend the downtown commercial corridor.

### **Social**

8. The changes in allowed land uses at the project site would allow for redevelopment of the brownfield which will remove blight from the Redevelopment area consistent with the Redevelopment Plan.
9. The changes in allowed land uses at the project site would provide an opportunity for a high quality mixed use development on a site that has remained dormant, underutilized and visually uninviting for decades.

## ATTACHMENT 1

10. The changes in allowed land uses at the project site would provide the opportunity for a mix of housing, office, and retail development, in accordance with Goal 1.A of the General Plan. The allowed residential uses of the project site could provide new housing opportunities for the City, consistent with Policy 1.K.5 of the General Plan.
11. The project site is within the Redevelopment Project Area and the Project promotes revitalization of the northwestern portion of the city, including the potential for new jobs, housing, and recreational opportunities consistent with the Redevelopment Plan.
12. The changes in allowed land uses at the project site would allow for development of the project site that would increase recreational opportunities for the greater Eureka area.
13. The changes in allowed land uses at the project site would allow for redevelopment of the project site that will reduce crime and the threat of fires resulting from transient use of the property.
14. The changes in allowed land uses at the project site would allow for the development of the project site would create an additional connection between the Downtown and the waterfront through the extension of 4<sup>th</sup> Street to Waterfront Drive.

### **Environmental**

15. The changes in allowed land uses at the project site would allow for development of the project site that would provide funding towards road improvements for Broadway through the payment of impact fees in an amount that, based on a conservative, worst-case analysis, is likely to more than offset impacts; such fees would facilitate operational improvements to the roadway as a complete corridor, rather than at specific intersections. Such improvements would benefit the entire region and reduce existing transportation related environmental impacts
16. Consistent with Smart Growth principles, the changes in allowed land uses at the project site would allow for development of the project site that would facilitate redevelopment and urban infill development of the property in the redevelopment area in the City of Eureka and, thereby, reduce impacts that might otherwise occur if the proposed new development would require the extension of new or be located farther from existing water, sewer and other necessary infrastructure.
17. Creation of the wetland reserve would benefit the Humboldt Bay ecosystem through the creation of quality tidally influenced wetland habitat area.
18. The changes in allowed land uses at the project site would allow for the redevelopment of the brownfield that will benefit the entire community through remediation of contaminated soils consistent with state and federal law.

### **Conclusions**

After balancing the specific economic, legal, social, technological, and other benefits of the Project, the City has determined that the unavoidable adverse environmental impacts identified may be considered “acceptable” due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impacts of the Project.

## ATTACHMENT 1

The City has considered information contained in the Final EIR as well as the public testimony and record of proceedings in which the Project was considered. Recognizing that significant unavoidable air quality and transportation impacts will result from development of the project site, the City adopts the foregoing Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognized all unavoidable significant impacts, the City hereby finds that each of the separate benefits of the proposed project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its unavoidable significant effects, and thereby justifies the approval of the Marina Center LCP Amendment Ballot Measure.

Based on the foregoing findings and the information contained in the record, it is hereby determined that:

- a. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible;
- b. There are no feasible project alternatives which would mitigate or substantially lessen the impacts; and
- c. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations above.

## ATTACHMENT 1

### Section 8

#### ***Proposed LCP Amendment Conformance with Chapter 3***

The LCP amendment includes amendments to both the Land Use Plan (LUP) and the Implementation Plan (IP). The amendments to the LUP include both mapping amendments and a text amendment, the amendments to the IP are mapping only. The Coastal Act sets the standards of review for the LUP and the IP amendments.

#### **Land Use Plan Amendments**

The standard of review for LUP amendments is found in Section 30512 of the Coastal Act, which requires the Coastal Commission to certify a Land Use Plan amendment if it finds that the amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act, commencing with Section 30200, which contains seven Articles: General; Public Access; Recreation; Marine Environment; Land Resources; Development; and Industrial Development.

In April 2007, the Coastal Commission issued a report titled *Updating the LCP—A Place to Start*. The document provides guidance to local governments about issues that should be addressed in an LCP update and it highlights recent Coastal Commission decisions and policy concerns. Although the document is intended to guide an LCP update, it is also relevant to LCP amendments. The guide broadens the seven Articles of Chapter 3 into a list of ten topics for discussion. The ten topics recommended by the Coastal Commission for discussion, and which are discussed below, are:

- Public Access
- Recreation and Visitor Serving Facilities
- Water Quality
- Natural Resources (ESHA, Wetlands, etc.)
- Agricultural Resources
- Planning and Locating New Development
- Scenic Resources
- Coastal Hazards
- Shoreline Erosion and Protective Structures
- Energy, Industrial and Other Coastal Development

#### **Public Access**

Providing maximum public access to the coastal and public recreation areas is a fundamental goal of the Coastal Act. This goal includes the protection of existing and the provision of new public access to and along the shoreline with new development when warranted. Eureka's adopted LCP includes such provisions by requiring that new development protect existing and provide new vertical and lateral public access to the shoreline. The LCP Amendment would change the LUP designations of the property for the purpose of facilitating private development of the subject property. The LCP Amendment, however, would make no changes to the adopted

## ATTACHMENT 1

LCP policies or regulations pertaining to coastal public access. Therefore, the existing coastal public access policies and regulations would be equally applicable regardless if the LUP mapping amendments were approved or not.

The subject property is not located on the “coast” and is separated from the shoreline of Humboldt Bay by Waterfront Drive. Therefore, regardless of the LUP mapping amendments, the City cannot require the Project Applicant to develop access to or along the shoreline because the Applicant has no control of the lands upon which such shoreline access would be developed. Nonetheless, there already exists in the area public access to and along the shoreline including, but not limited to, Waterfront Drive, the public parking area on Marina Way, and the public parking lot and boat launch at the marina. Furthermore, if the ballot measure was approved, and if subsequently the Project was approved, access to Waterfront Drive from U.S. 101 (Broadway) would be improved by construction of Fourth Street from Broadway to Waterfront Drive through the project site; thereby improving public access to the coast.

### **Recreation and Visitor Serving Facilities**

The Coastal Act emphasizes protection of oceanfront land suitable for recreation uses and with respect to visitor serving uses and notes in Section 30222 that “The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.” The City’s adopted LCP includes a policy (1.N.6) to “ensure that sufficient area is provided for parks and open space in all of the City’s residential neighborhoods...”

As noted above, the project site is not waterfront or oceanfront and is separated from Humboldt Bay by two roads, a railroad line, and waterfront property already in public ownership. Consequently, the Project would not negatively affect the ability of the City to provide water-oriented and other related recreation uses and publicly owned waterfront property is available in the immediate project site vicinity to meet that type of land use demand. In addition, the wetland reserve and associated open space uses in the southwest portion of the project site would, in effect, allocate sufficient area to parks and open space to satisfy City recreation policies related to residential neighborhoods.

With respect to visitor serving facilities, the LUP amendments would specifically provide for uses that are considered visitor serving, such uses could include the proposed 12,500 square foot museum and some of the restaurant and retail uses. Therefore, the LUP amendment is consistent with this provision of Chapter 3.

### **Water Quality Protection**

The Coastal Act requires the protection and enhancement of marine and coastal water quality. The adopted LCP provides the planning and regulatory framework for addressing water quality impacts and it includes policies, ordinances, and programs that establish Best Management Practices (BMPs) for new development both during construction and for the life of a project. The LUP amendments do not alter the adopted LCP with regard to any policy, program or regulation

## ATTACHMENT 1

concerning marine and coastal water quality. Therefore, the LUP amendment is consistent with this provision of Chapter 3.

### **Protecting Sensitive Habitats and Other Natural Resources**

The Coastal Act sets high standards for the protection of Environmentally Sensitive Habitat Areas (ESHAs), wetlands, riparian areas, and other natural resources in the coastal zone. The City's adopted LCP includes policies and regulations that require the identification of ESHAs, wetlands, etc. through an evaluation of existing known resources at the time of proposed development regardless of a site's inclusion or lack thereof on a resource map.

The LUP amendments would allow the development of a broader range of uses than is currently allowed. However, the identification of ESHAs is not dependent on the range of uses, but the actual existence of ESHAs; and any area that meets the definition of ESHA must be given all the protection provided for in the Coastal Act regardless of whether the LUP amendment is approved or not.

The property is under a Clean-Up and Abatement Order from the Regional Water Quality Control Board. The implementation of the Phase 1 of the Project would result in the loss of existing scattered low-quality wetlands on the site. Phase 1 includes onsite mitigation of the impacted wetlands and the LUP amendment would facilitate such mitigation by designating approximately 13.13 acres "Conservation Water" for the purpose of creating a wetland restoration area.

### **Protecting Agricultural Resources**

The adopted LCP includes policies and ordinances to ensure the long term protection of prime coastal agricultural and rural lands through such means as agricultural use designations, minimum parcel sizes, designation of stable boundaries separating urban and rural areas and restrictions on divisions of lands outside the urban limit line. There are no prime coastal agricultural lands on the project site or in the vicinity; therefore, the LUP mapping amendment would not convert agricultural lands to non-agricultural uses.

### **Planning and Locating New Development**

The LUP mapping amendments would alter the allowed uses of the property. The most prominent LUP mapping amendment would change the lands designated Public-Quasi Public (PQP) to a combination of designations that would support commercial, office & residential and open space uses. Given the site characteristics and constraints, ownership, and applicable policies, there appear to be no other higher-priority uses that could be more effectively provided for at the project site.

### **Protecting Coastal Scenic Resources**

The adopted LCP provides for the protection of significant public views to and along the shoreline and critical scenic views. Regardless of the LUP designation, any development of the property would have the same or similar impacts as discussed and analyzed in the Draft EIR. Therefore, the LUP mapping amendments would have no change on how development of the site would affect coastal scenic resources.

## ATTACHMENT 1

### **Managing Coastal Hazards**

Managing coastal hazards is a key component of the coastal program. The adopted LCP aims to reduce risks to life and property and avoid substantial changes to natural landforms, and it contains hazard policies that direct the siting and design of new development so as to minimize risk to life and property as well as impacts to coastal resources. The LUP amendments would not amend any of the existing policies or regulations pertaining to coastal hazards. Any development, regardless of the LUP designation, would be required to comply with the policies and regulations protecting coastal landforms and guarding against risks to life and property.

### **Shoreline Erosion & Protective Structures**

The subject property is not located on the shoreline and it does not have any coastal bluff faces, sandy and rocky beach areas, or other sensitive coastal resources that would require protection through the construction of shoreline erosion or protective measures. The restoration and enhancement of Clark Slough on the project site could entail some limited erosion control structures at the point that it would pass under Waterfront Drive. But the LUP amendment would not increase the potential for shoreline erosion or impact protected structures.

### **Energy and Industrial Development**

The adopted LCP contains policies for the expansion and location of energy and coastal-dependent industry. The LUP amendments would not amend any of the policies or regulations pertaining to the siting, development or expansion of energy or coastal-dependent industrial development.

By definition, coastal-dependent industrial development would be industrial development that requires a site on, or adjacent to, the sea to be able to function at all. The subject property is not located on or adjacent to the sea—it is separated from Humboldt Bay by Waterfront Drive; therefore, it is arguable whether coastal-dependent industrial development could be developed on the property regardless of the LUP designation.

### **Implementation Plan Amendments**

With regard to the Implementation Plan amendments, pursuant to Coastal Act Section 30513 the Coastal Commission may only reject IP amendments if they do not conform with, or are inadequate to carry out, the provisions of the certified Land Use Plan. Because the IP mapping amendments would be specifically designed to conform with and carry out the proposed LUP mapping amendments and are consistent with Table B-1 of the certified LCP, they clearly conform with and are adequate to carry out the Land Use Plan.

ATTACHMENT 1

Section 9

ATTACHEMENT 1

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL AND MITIGATION MONITORING PROGRAM

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>A. Aesthetics</b>					
<p><b>A-4a:</b> All lighting installations shall be designed and installed to be fully shielded (full cutoff) and to minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary, and shall have a maximum lamp wattage of 250 watts for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting. The location and design of all exterior lighting shall be shown on the site plan submitted to and approved by the City of Eureka Design Review Committee.</p> <p>Lighting exempt from these requirements include:</p> <ol style="list-style-type: none"> <li>7. Lighting in swimming pools and other water features.</li> <li>8. Exit signs and other illumination required by building codes.</li> <li>9. Lighting for stairs and ramps, as required by the building code.</li> <li>10. Signs that are regulated by the sign code.</li> <li>11. Holiday and temporary lighting (less than thirty days use in any one year).</li> <li>12. Low-voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.</li> </ol> <p>See also <b>Mitigation Measure D-3e.</b></p>	<p>Project Applicant and its contractor(s) shall prepare landscape plans that adhere to all specifications in this measure</p>	<p>City of Eureka Community Development Department; Building Department</p>	<p>Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project</p>	<p>Prior to approval of building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<b>C. Air Quality</b>					
<p><b>C-2a:</b> Transportation management programs shall be developed, implemented, and designed to reduce traffic congestion and automobile use within and adjacent to the project site in order to reduce total mobile-source emissions. Such a program shall include, at a minimum, the following measures:</p> <ol style="list-style-type: none"> <li>2. Install electrical outlets at parking facilities for electrical or plug-in hybrid vehicles where appropriate and feasible;</li> <li>3. Include clearly marked pedestrian and bicycle travel zones, as well as bicycle locking areas;</li> <li>4. Install synchronized traffic signals to smooth traffic flows and thereby reduce pollutant emissions;</li> </ol>	<p>Project Applicant shall implement an appropriate transportation management program, based on consultation with the City</p>	<p>City of Eureka Community Development Department; City of Eureka Engineering Department; Caltrans</p>	<p>Ensure that program details determined to be necessary by the city are incorporated into the planning entitlements for the project</p>	<p>Prior to approval of planning entitlement for future phases and ongoing</p>	<p><i>Verified by:</i>  <i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
5. Accommodate public transit; and 6. Initiate a voluntary ridesharing program for the workforce.					
<b>C-2b:</b> The project shall implement the following measures for reducing area source emissions: 1. Prohibit wood-burning fireplaces or devices; 2. Where applicable, fit commercial and residential building with electrical outlets on the exterior walls to promote the use of electric landscape maintenance equipment; and 3. In construction, t use low VOC and low formaldehyde architectural coatings and insulation. See also recommended <b>Mitigation Measures H-3a</b> and <b>K-2a</b> .	Project Applicant and its contractor(s) shall prepare building plans that adhere to all specifications in this measure	City of Eureka Community Development Department; City of Eureka Engineering Department	Verify that the design features and recommendations listed in the mitigation measure are incorporated into the design review application for the project	Prior to approval of planning entitlements for the project or issuance of building permit(s)	<i>Verified by:</i>  <i>Date:</i>
<b>D. Biology</b>					
<b>D-1a:</b> Installation of exclusionary fencing material or other barrier to contain dust and grading materials from construction activities and avoid any discharges to Clark Slough and surrounding waters.	Project Applicant and its contractor(s) shall construct an exclusionary fence to meet requirements of the mitigation measure	City of Eureka Community Development Department; City of Eureka Building Department	Review the construction plan(s) for the project to ensure the installation of a fence would occur prior to any grading or construction	Prior to approval of grading or building permit(s)	<i>Verified by:</i>  <i>Date:</i>
<b>D-1b:</b> Construction activities that cause vibration, such as pile-driving, shall be restricted to daylight hours between July 1 and November 30 unless this requirement is waived by NOAA Fisheries and/or CDFG based on a finding that no adverse impacts would occur (because, for example, the fish are not present during the proposed pile-driving time). Even during the non-migratory period use the fewest number and smallest size of piles feasible and use a cushioning block between hammer and piles, unless these measures are waived by NOAA Fisheries and/or CDFG. See also <b>Mitigation Measure K-2a</b> , which provides for other practices that would be employed to minimize any adverse effects of pile-driving, and <b>Mitigation Measures H-3a</b> .	Project Applicant and its contractor(s) shall incorporate into building and grading permit(s) application(s); prior to and during construction activities	City of Eureka Community Development Department; City of Eureka Building Department	Review the construction plan(s) for the project to ensure the that activities that cause vibration do not occur during nighttime hours and particular seasons during the salmonid migration period	Prior to approval of grading or building permit(s)	<i>Verified by:</i>  <i>Date:</i>
<b>D-3b:</b> Prior to site grading, prepare a detailed Restoration Plan in accordance with the U.S. Army Corps of Engineers (Corps) <i>Habitat Mitigation and Monitoring Proposal Guidelines</i> and Regulatory Guidance letters 02-02 and 06-03; Federal Register, 2008. <i>Compensatory Mitigation for Losses of Aquatic Resources; Final Rule</i> . Department of Defense, Department of the Army, Corps of Engineers 33 CFR Parts 325 and 332; and U.S. Environmental Protection Agency 40 CFR Part 230. April 10, 2008; as well as the California Coastal Commission's <i>Procedural Guidance for the Review of Wetland Projects in California's Coastal Zone</i> . The plan shall include, at a minimum: details of methods for site	Project Applicant and its contractor(s) shall prepare a detailed Restoration Plan that incorporates mitigation requirements  Submittal of an annual report from the qualified biologist addressing the status of the restoration plan; a final report from	City of Eureka Community Development Department; City of Eureka Building Department; Army Corp of Engineers; California Department of Fish and Game; California Coastal Commission	Review and approval of the restoration plan by applicable agencies  Receipt of the annual and final report(s) on the status of the restoration plan	Prior to issuance of grading or building permits; prior to construction  Ongoing monitoring for 5 years after project completion	<i>Verified by:</i>  <i>Date:</i>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>selection, preparation, and remediation; exotic plant removal; excavation, grading, and rip-rap removal; establishment of hydrological function; planting materials and methods; establishment of native species; creation of an effective buffer; maintenance and trash removal; monitoring; contingency plans; and plans for long-term funding for wetland monitoring and maintenance.</p> <p>For 5 years following completion of the restoration project, a qualified biologist shall monitor the site biannually on the first and last month of the growing season to ensure ongoing success. Upon completion of the restoration, a qualified biologist shall confirm the success of the Restoration Plan and recommend contingency measures, if necessary, to meet the no-net-loss performance requirement.</p>	<p>the biologist upon completion of the restoration plan</p>				
<p><b>D-3c:</b> Create a buffer zone surrounding the restored wetland area. The buffer shall be adequate to avoid or minimize effects on wetland and slough resources from direct and indirect disturbances such as entry of sediment, oil, or grease into the reserve; trampling of vegetation; and movement, light, or noise impacts that might interfere with habitat values or wildlife use of the slough and marsh. The buffer shall consist of earthen berms sloped toward any road or other source of runoff pollution, fencing, symbolic fencing (split rails), native vegetation such as blackberries that act as a barrier, and signs warning against intrusion.</p>	<p>Project Applicant and its contractor(s) shall incorporate a buffer zone into the construction plan(s)</p>	<p>City of Eureka Community Development Department; City of Eureka Building Department</p>	<p>Approval of buffer zone size and design</p>	<p>Prior to issuance of grading and building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>D-3d:</b> An open space wetland reserve consisting of the restored estuarine wetland and the upland protective buffer area shall be established and protected by a conservation easement in accordance with California Civil Code Sections 815-816, deed restriction, or other means of preservation approved by the City of Eureka, RWQCB, and the Corps. In the event of a conservation easement, the easement holder shall be a public agency or non-profit organization (i) approved by the City of Eureka, RWQCB, and the Corps; and (ii) qualified and authorized to administer conservation lands within the State of California. The conservation easement, deed restriction, or other means of preservation shall protect against land use changes for other than conservation purposes in perpetuity and shall include an endowment for long-term management and protection of the wetland reserve.</p>	<p>Project Applicant and its contractor(s) shall incorporate a wetland reserve into design plans and property agreements prior to design</p>	<p>City of Eureka Community Development Department; City of Eureka Building Department; Army Corp of Engineers; RWQCB</p>	<p>Approval of the conservation easement, deed restriction, or other means of preservation and recording of that control</p>	<p>Prior to issuance of grading permit</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>D-3e:</b> To minimize the potentially adverse effect of night lighting on habitat use in the restored remnant of Clark Slough, within 300 feet of the reserve, use low-intensity street lamps, low elevation lighting poles, and internal silvering of the globe or external opaque reflectors to direct light away from the slough and buffer area. See also Mitigation Measure A-4a.</p>	<p>Project Applicant and its contractor(s) shall incorporate mitigation measure requirements into construction plans</p>	<p>City of Eureka Community Development Department; City of Eureka Building Department</p>	<p>Review of construction plan to ensure it includes lighting requirements</p>	<p>Prior to approval of the grading or building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>D-3f:</b> Implementation of a non-native invasive species control program for areas disturbed as a result of construction and landscaping activities. Prior to construction, plants considered by the</p>	<p>Project Applicant and its contractor(s) shall incorporate a non-native</p>	<p>City of Eureka Community Development</p>	<p>Receive and review plans for non-native invasive species control</p>	<p>Prior to issuance of building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>State of California to be exotic pest plants shall be destroyed using environmentally suitable methods, which may include the application of an herbicide approved by the United States Environmental Protection Agency for use near and within aquatic environments. During construction:</p> <ol style="list-style-type: none"> <li>1. Educate construction workers about invasive species and control measures;</li> <li>2. Ensure construction-related equipment arrives onsite free of mud or seed-bearing material by, for example, requiring wheel washing upon entry;</li> <li>3. Use native seeds and straw material to the extent feasible;</li> <li>4. Revegetate with appropriate native species; and</li> <li>5. Prohibit the use of the following non-native invasive plants for landscaping or other planting purposes: <ul style="list-style-type: none"> <li>Pampas grass (<i>Cortaderia jubata</i>, <i>C. selloana</i>)</li> <li>Tree-of-heaven (<i>Ailanthus altissima</i>)</li> <li>Giant reed (<i>Arundo donax</i>)</li> <li>Bamboo (<i>Bambusa spp.</i>, <i>et al</i>)</li> <li>Cotoneaster (<i>Cotoneaster pannosa</i>)</li> <li>French broom (<i>Genista monspessulana</i> = <i>Cytisus monspessulanus</i>)</li> <li>Scotch broom (<i>Cytisus scoparius</i>)</li> <li>Blue gum (<i>Eucalyptus globulus</i>)</li> <li>English ivy (<i>Hedera helix</i>)</li> <li>Fig-marigold family members (<i>Conicosia</i>, <i>Carpobrotus</i> and <i>Mesembryanthemum</i>)</li> <li>Tall fescue (<i>Festuca arundinacea</i>)</li> <li>Mattress vine (<i>Muehlenbeckia complexa</i>)</li> <li>Tree tobacco (<i>Nicotiana glauca</i>)</li> <li>Fountain grass (<i>Pennisetum setaceu</i> <i>Pyracantha</i> (<i>Pyracantha angustifolia</i>)</li> <li>Castor bean (<i>Ricinus communis</i>)</li> <li>Black locust (<i>Robinia pseudoacacia</i>)</li> <li>German ivy (<i>Delairia odorata</i> = <i>Senecio mikianoides</i>)</li> <li>Spanish broom (<i>Spartium junceum</i>)</li> <li>Tamarisk (<i>Tamarix spp.</i>)</li> <li>Gorse (<i>Ulex europaeus</i>)</li> <li>Periwinkle (<i>Vinca major</i>)</li> </ul> </li> </ol>	<p>invasive species control program into landscape plan and building permit(s) application(s)</p>	<p>Department; City of Eureka Building Department</p>	<p>program Receipt of report on the status of the program's implementation after each construction phase</p>		

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
Purple fountain grass ( <i>Pennisetum setaceum</i> )m)					
<p><b>D-8a:</b> Implement one of the following mitigation measures to reduce the potential impact on breeding birds or their nests or eggs:</p> <ol style="list-style-type: none"> <li>1. Refrain from performing vegetation clearing/initial grading activities during the avian breeding season (February 1 to August 31); or</li> <li>2. Perform pre-construction surveys to locate nesting birds in the area and establish 100 to 250-foot-wide exclusion zones around any identified active nest, depending on site conditions and nature of the work being performed.</li> </ol>	Project Applicant and its contractor(s) shall identify measures in the construction plan(s) to reduce impacts to birds and their nests/eggs	City of Eureka Community Development Department	Review and approval of the construction plan that includes bird avoidance	Prior to issuance of grading or building permit	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
E. Cultural Resources					
<p><b>E-2a:</b> The following measures shall be required for each phase of development that involves construction or other ground-disturbing activities to occur to a surface depth below historical fill on the site and in the geographic areas specifically delineated as “highly sensitive” in the reported entitled <i>A Cultural Resources Investigation of the Proposed Balloon Tract Development</i> (May, 2006) prepared by Roscoe &amp; Associates:</p> <p>(i) Prior to ground-disturbing activities associated with implementation of the project, a qualified archaeological consultant shall prepare and conduct a subsurface archaeological resources investigation in consultation with the appropriate Native American group(s) to determine the presence or absence of archaeological resources in those specific locations predetermined to be culturally sensitive (Roscoe et al., 2006). The investigation shall be conducted based on a subsurface strategy prepared by the archaeological consultant, which shall prescribe the trenching and/or boring locations and expected depths of exploration reasonably necessary to discover significant archaeological resources if present. The subsurface strategy, in turn, should rely on an examination of extant soil boring logs and other data from the project area by a qualified geoarchaeologist for an analysis of depths of artificial fill and other information that may be pertinent to the discovery of significant archaeological resources. In Phase 1 of the project (remediation and wetland restoration), this investigation may proceed in conjunction with the soils excavation conducted for the remediation plan. A qualified archaeologist shall be present at all times during the subsurface investigation.</p> <p>(ii) If archaeological materials are discovered during the subsurface archaeological resources investigation, the archaeologist shall evaluate whether or not the archaeological materials are deemed “historically significant” or “unique” under the criteria set forth under Public Resources Code section 21083.2(g) and CEQA Guidelines sections 15064.5(a) and 15064.5(c)(1)-(3). If the find is</p>	Project Applicant and its contractor(s) shall retain archaeologist Archaeologist shall (a) conduct subsurface archaeological investigation and (b) determine components of treatment and monitoring plan, if required	City of Eureka Community Development Department	Review and approve extent and methodology of subsurface archaeological investigation If resources are encountered, verify work is suspended and review and approve of the treatment and monitoring plan if archaeological materials are discovered	Review extent and methodology of subsurface investigations prior to approval of grading permit(s) If resources encountered, review of treatment and monitoring plan prior to continuation of construction	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>determined to be historically significant or unique, a treatment and monitoring plan shall be developed by the professional archeologist and implemented to avoid or mitigate any significant adverse affects to the resource. A treatment plan for either unique or historically significant archaeological resources shall include, at a minimum, one or some combination of the following:                      (a) recovery of the object or feature and the preservation of any data available for scientific study; (b) modification to the land-use plan or construction methods to avoid the object or feature; (c) placement of soil sufficient to protect the integrity of the feature or object; and/or (e) permanent protection of the feature through the conveyance of a conservation easement. The archaeologist shall determine the extent of monitoring based on the findings of the investigation. The treatment and monitoring plan shall also satisfy and be consistent with the treatment parameters set forth in Section 21083.2 of the Public Resources Code or Sections 15064.5(b)(3) or 15126.4(b) of the CEQA Guidelines, as applicable. A qualified archaeologist shall monitor implementation of the treatment plan</p> <p>(iii) If no “historically significant” or “unique” archaeological resources are discovered during excavation monitoring or pre-construction investigations, implement Mitigation Measure E-2b for ground-disturbing activities within the areas specifically delineated as “highly sensitive” in the above-referenced Cultural Resources Investigation.</p>					
<p><b>E-2b:</b> Except for monitoring that is required under the treatment and monitoring plan in Mitigation Measure E-2a(ii), the following measures shall be required for each phase of development that involves construction or other ground-disturbing activities to occur to a surface depth below historical fill on the site but outside the geographic areas specifically delineated as “highly sensitive” in the above-referenced Cultural Resources Investigation:</p> <p>(i) Workers involved in ground-disturbing activities shall be trained by a professional archaeologist in the recognition of archaeological resources (e.g., historic and prehistoric artifacts typical of the general area), procedures to report such discoveries, and other appropriate protocols to ensure that construction activities avoid or minimize impacts on potentially significant cultural resources.</p> <p>(ii) If archaeological artifacts or other archaeological materials are discovered onsite during construction, all construction activities within 100 feet of the find shall be halted and a qualified archaeologist shall be summoned within 24 hours to conduct an independent review to evaluate whether or not the archaeological materials would be considered “historically significant” or “unique” under the criteria set forth under Public Resources Code section 21083.2(g) and CEQA Guidelines sections 15064.5(a) and 15064.5(c)(1)-(3).</p>	<p>Project Applicant and its contractor(s) shall train workers and monitor their activities</p> <p>Project Applicant and its contractor(s) shall halt work and notify archaeologist if materials are discovered</p> <p>Archaeologist shall conduct independent review and prepare treatment plan, if necessary</p> <p>Project Applicant or its contractor(s) shall implement treatment plan</p>	<p>City of Eureka Community Development Department</p>	<p>Review and approve worker training program If resources are encountered, verify work is suspended and review and approve of the treatment and monitoring plan if archaeological materials are discovered</p>	<p>Review and approve worker training program prior to issuance of building permits If resources encountered, review of treatment and monitoring plan prior to continuation of construction</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>(iii) If the find is determined to be significant or unique, a treatment or protection plan shall be developed by the professional archeologist in consultation with the appropriate Native American group(s), and the plan shall be implemented by the Project Applicant. A protection plan for either unique or historically significant archaeological resources shall include, at a minimum, one or some combination of the following: removing the object or feature, planning the construction around the object or feature, capping the object or feature with a layer of soil sufficient to protect the integrity of the feature or object, or deeding the site as a permanent conservation easement. The protection plan shall also satisfy and be consistent with the treatment parameters set forth in Section 21083.2 of the Public Resources Code or Sections 15064.5(b)(3) or 15126.4(b) of the CEQA Guidelines, as applicable. An archaeological consultant shall monitor implementation of the treatment and monitoring plan and shall conduct the monitoring specified in that plan.</p> <p>(iv) If archaeological materials are discovered and construction activities are halted, those construction activities may resume immediately upon a determination that the archaeological material is not significant or unique or a treatment or protection plan is prepared and initiated.</p>					
<p><b>E-2c:</b> If human remains are discovered during project construction, all work shall cease within 100 feet of the find until the coroner for Humboldt County is informed and determines that no investigation of the cause of death is required and, if the remains are determined to be of Native American origin, the coroner shall notice the California Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall assign the most likely descendant. The most likely descendent shall be consulted and provided the opportunity to make recommendations to the landowner concerning the means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods, all in accordance with Health &amp; Safety Code section 7050.5, CEQA Guidelines section 15064.5(e), and Public Resources Code section 5097.98. If the human remains are determined to be of Native American origin, a qualified archaeologist shall be summoned within 48 hours to conduct an independent review to evaluate whether the remains belong to a single individual or multiple individuals. If the latter, and if there are six or more Native American burials on the site, the site shall be identified as a Native American cemetery and all work on the site within 100 feet of any burial site must cease until recovery or reburial arrangements are made with the descendants of the deceased or, if there are no descendants of the deceased, with the NAHC.</p>	<p>Project Applicant and its contractor(s) shall halt work and notify coroner and Community Development Department if remains are discovered</p> <p>NAHC shall assign most likely descendant</p> <p>Project Applicant and its contractor(s) shall hire archaeologist and cease work if site is a Native American Cemetery</p> <p>Project Applicant and contractor(s) shall negotiate recovery or reburial arrangements</p>	<p>City of Eureka Community Development Department; NAHC; County Coroner</p>	<p>Contact City, NAHC, or County Coroner if human remains are encountered</p>	<p>Ongoing</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>F. Geology, Soils, and Seismicity</b>					
<p><b>F-1a:</b> The proposed project shall comply with requirements of the most recent California Building Code which include the completion of a site-specific, design level geotechnical report that examines and assesses the potential for the proposed project to be subject to ground shaking, liquefaction, and other seismic hazards associated with the occurrence of a maximum credible earthquake anticipated to affect the Eureka region. The project-specific geotechnical report shall include specific measures to address these hazards including, at a minimum, measures for the design and construction of foundations, underground utilities, and paved areas. These specific measures shall meet or exceed the requirements set in the most recent California Building Code. Implement the specific recommendations included in the project-specific geotechnical report as part of the project.</p>	<p>Project Applicant and its contractor(s) shall incorporate plans and geotechnical report into grading and building permit(s) application(s); Contractor(s) shall implement measures to address hazards</p>	<p>City of Eureka Building Department</p>	<p>Review building plans to ensure they meet Building Code requirements  Inspect final buildings to ensure they were constructed according to specifications</p>	<p>Review plans prior to issuance of building permit(s)  Inspect buildings prior to issuance of certificate of occupancy</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<b>G. Hazards and Hazardous Materials</b>					
<p><b>G-1a:</b> Prepare a site-specific remediation plan and health and safety plan that meets the requirements of the Regional Water Quality Control Board (RWQCB) or other overseeing agency and shall comply with all federal and state regulations including Occupational Safety and Health Administration (OSHA) requirements for worker safety. Applicable regulations and methods of compliance shall depend upon the level of contamination discovered.</p>	<p>Project Applicant and its contractor(s) shall prepare Health and Safety Plan (HASP)</p>	<p>RWQCB; City of Eureka Building Department</p>	<p>RWQCB to review and approve HASP; Building Department to confirm RWQCB approval</p>	<p>Approval of HASP by RWQCB  Confirm prior to permit(s) issuance</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>G-1b:</b> Prior to commencement of any construction activities, complete any further characterization and/or remediation, as directed, of any remaining contaminated soil to the satisfaction of the RWQCB or other applicable oversight agency, undertaking soil excavation or other appropriate remedial measures as required.</p> <p>If required, soil may be excavated using a backhoe or excavator. The excavated soil shall be loaded into a dump truck and transported as required to a secured stockpile area where it shall be protected from contact with stormwater. The excavation contractor shall employ dust control measures during excavation and stockpiling activities. Soil samples shall be collected from each excavation area, as required by the RWQCB, to confirm that remaining soil meets site clean-up goals. Following site excavation, the excavation pits shall be left open pending receipt of satisfactory confirmation soil sampling analytical results. Each excavation pit shall be secured with a fence during the period that it is left open. Once the excavation work is complete, the excavation pits in areas intended for development shall be backfilled with clean, river-run gravel or other clean fill material and compacted.</p>	<p>Project Applicant and its contractor(s) shall complete characterization and remediation, as well as test and remove soil as directed by RWQCB</p> <p>Project Applicant and its contractor(s) shall complete characterization and remediation, as well as test and remove soil as directed by RWQCB</p>	<p>RWQCB; City of Eureka Building Department</p> <p>RWQCB; City of Eureka Building Department</p>	<p>RWQCB to confirm requirements are met; Building Department to confirm RWQCB approval</p> <p>RWQCB to confirm requirements are met; Building Department to confirm RWQCB approval</p>	<p>Approval by RWQCB  Confirm prior to permit(s) issuance</p> <p>Approval by RWQCB  Confirm prior to permit(s) issuance</p>	<p><i>Verified by:</i>  <i>Date:</i></p> <p><i>Verified by:</i>  <i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>At least one sample for every 500 yards of the backfill material shall be collected during the backfill process, submitted to the analytical laboratory and tested to ensure that it, also, meets the site clean-up standards. The excavation pits located in areas intended for wetlands restoration shall be restored in accordance with an approved wetland restoration plan.</p> <p><b>Soil Stockpile Characterization.</b> Soil samples shall be collected from various locations and depths of the stockpile for characterization. The soil stockpile characterization shall be conducted in accordance with, and at the frequency required by the applicable disposal or recycling facility.</p> <p>Based on the results of the soil characterization, the material shall be properly managed as required by the RWQCB, depending on the concentration of contaminants in the stockpiled material. All excavated material that requires removal shall be removed from the site within 90 days and placed in a permitted disposal facility by a licensed waste hauler.</p>					
<p><b>G-1c:</b> During site preparation, construction, or restoration of the wetland, suspected residual contamination could be detected by a hydrocarbon odor, photo-ionizing detector (PID), or visually (hydrocarbon sheen or discoloration) despite initial remediation efforts. If suspected contamination is encountered, work shall stop and the site supervisor shall be notified. The site supervisor shall then ensure that site workers have adequate training and proper protective equipment to continue working in the area. Work shall not resume until properly trained and equipped workers are present.</p> <p>Suspect soil shall be excavated using a backhoe or excavator. The excavated soil shall be loaded into a dump truck and transported to a secured stockpile area that is away from routine traffic and protected from contact with ponding water and stormwater. The excavated soil shall be sampled and analyzed for petroleum hydrocarbons, metals, and volatile organic compounds (VOCs), as appropriate or required by the RWQCB. The analytical results of the soil stockpile sample(s) shall be used to determine the proper handling and disposal method for the soil. In the event that the soil requires off-site disposal, a contractor licensed to transport such material shall transport the contaminated soil to a facility that is licensed to accept such soil. All contaminated soil that requires removal shall be removed from the site within 90 days following excavation.</p> <p>Following site excavation, the re-filling of excavation pits, soil stockpile characterization and soil disposal shall be the same as for Mitigation Measure G-1a above.</p> <p>Any suspected contaminated groundwater or surface water that is encountered shall be sampled and analyzed for petroleum</p>	<p>Project Applicant and its contractor(s) shall stop work if suspected residual contamination is encountered</p> <p>Site supervisor shall ensure protective equipment and adequate training are provided to all present before beginning work again</p> <p>Project Applicant and its contractor(s) shall test excavated soil / water and dispose of contaminated soils offsite</p>	<p>City of Eureka Building Department; RWQCB</p>	<p>Building Department shall perform inspections of job site to ensure proper procedures are followed</p> <p>RWQCB shall ensure proper analysis and disposal of contaminated materials</p>	<p>Building Department shall perform inspections during excavation and grading</p> <p>RWQCB shall review analysis and disposal procedures, if contaminated materials are found</p>	<p><i>Verified by:</i></p> <p><i>Date:</i></p> <p><i>Verified by:</i></p> <p><i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>hydrocarbons, metals, and VOCs, as appropriate or required by the RWQCB. Identified contaminated water that requires removal shall be pumped into appropriate containers, depending on the volume of water to be removed. If only a small volume is removed, Department of Transportation-approved, 55-gallon steel drums may be appropriate. If a large volume must be removed, a Baker Tank or equivalent shall be used to temporarily store the extracted water. Contaminated water shall be disposed of as required by the RWQCB in light of the level and type of contamination.</p>					
<p><b>G-1d:</b> Possible reuse of excavated soils as subgrade fill material shall require approval from the local environmental oversight agency (Humboldt County Department of Health), Integrated Waste Management Board, or successor agency, and/or the RWQCB.</p>	<p>Project Applicant and its contractor(s) shall receive approval of local environmental oversight agency prior to reuse of excavated materials as subgrade fill material</p>	<p>Applicable environmental oversight agency (see mitigation measure)</p>	<p>Review proposed reuse of excavated soil as subgrade fill material and determine appropriateness</p>	<p>Upon receipt of information regarding future reuse of excavated soils</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>G-1e:</b> The following measures shall be undertaken to the satisfaction of the RWQCB to ensure that human and environmental health is protected:</p> <ol style="list-style-type: none"> <li>1. Upon completion of site remediation activities, a post-remediation groundwater-monitoring program shall be implemented as required by the RWQCB;</li> <li>2. The RWQCB will outline the monitoring schedule, including what constituents will require testing and at what frequency the monitoring will occur; and</li> <li>3. A groundwater monitoring report of findings shall be prepared for submittal to the RWQCB upon completion of each monitoring event. If required by the RWQCB, additional site remediation shall also occur.</li> </ol>	<p>Project Applicant and its contractor(s) must receive approval from RWQCB after site remediation activities Project Applicant or its contractor(s) are responsible for ongoing reporting and monitoring</p>	<p>RWQCB</p>	<p>RWQCB shall confirm that monitoring schedule is prepared and acceptable RWQCB shall confirm receipt and completeness of findings</p>	<p>Confirm receipt and completeness of findings after each monitoring event</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>G-2a:</b> The following measures shall be undertaken to the satisfaction of the RWQCB and the County Department of Environmental Health, HazMat Division. All potentially hazardous or regulated materials that are used at the project site during construction activities shall be appropriately covered, handled, stored, and secured in accordance with local and state laws. No hazardous wastes shall be disposed of at the project site. Absorbent materials shall be maintained at locations where hazardous materials are used or stored, in order to capture spilled materials in the event of an accidental release. An emergency response plan shall be developed and implemented for the project site. All jobsite employees shall be trained to respond to any accidental releases.</p>	<p>Project Applicant and its contractor(s) shall appropriately handle all hazardous materials, develop an emergency response plan, and train all jobsite employees</p>	<p>RWQCB; Humboldt County Department of Health HazMat Division</p>	<p>Approval of training program and emergency response plan</p>	<p>Prior to commencement of grading, excavation, and construction</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>G-2b:</b> Prepare a Storm Water Pollution Prevention Plan (SWPPP) and implement construction site best management practices in accordance with the guidelines for erosion control and pollution</p>	<p>Project Applicant and its contractor(s) shall prepare and implement</p>	<p>RWCQB; City of Eureka Building Department</p>	<p>RWQCB to review and approve SWPPP Building Department to</p>	<p>Verify approval of SWPPP prior to issuance of</p>	<p><i>Verified by:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>prevention during construction that can be found in the <i>California Stormwater Best Management Practices Handbooks</i>. The guidelines recommend techniques for erosion and sediment control, non-stormwater management, and waste management and materials pollution control. Implement site-appropriate measures from these guidelines. SWPPP implementation is described in more detail in Section IV.H, <i>Hydrology and Water Quality</i> of this EIR.</p>	<p>a SWPPP</p>		<p>inspect site during construction to verify compliance with SWPPP</p>	<p>grading or building permit(s) Onsite verification during construction</p>	<p><i>Date:</i></p>
<p><b>H. Hydrology and Water Quality</b></p>					
<p><b>H-3a:</b> In addition to the required SWPPP, implement the following BMPs to protect water quality.</p> <ol style="list-style-type: none"> <li>1. <i>Erosion/Sediment Control.</i> During the construction phase, prior to site grading, construct combinations of silt fencing, straw wattles, and/or straw bale sediment transport barriers at specific site locations with the intent of containing all site runoff on the project site. This barrier shall be maintained during the rainy season and until completion of construction and shall prevent transport of pollutants, such as excessive sediment, away from the construction area. The barrier shall be constructed so that concentrated surface water flows during heavy rains cannot penetrate it without being dissipated in flow energy, and without the water being filtered through the sediment transport barriers.</li> <li>2. <i>Scheduling.</i> The north coast's dry season is typically between April 15 and October 15. Proper timing of grading and construction during the dry season would minimize soil and construction material exposure during the rainy season. Following October 15, areas of disturbed or fill soils more than 6 inches in depth and greater than 100 square feet (10-foot-by-10-foot area) shall be specifically protected from erosion by 1) shaping the ground surface so that concentrated surface flows do not encounter or cross them, or 2) providing localized straw wattles, straw bales and/or silt fencing. During the rainy season, construction materials and equipment shall be stored under cover or in secondary containment areas.</li> <li>3. <i>Protection of Water Courses and Drainage Inlets.</i> Site drainage under existing conditions is toward the bay. General guidelines for water course and drainage inlet protection during the rainy season shall include providing downgradient sediment traps or other BMPs that allow soil particles to settle out before flows are released to receiving waters, storm drains, streets, or adjacent property. Drainage inlet protection BMPs, if required, shall be installed in a manner that does not cause additional erosion or flooding of a roadway.</li> <li>4. <i>Soil Stockpiles.</i> Should it be necessary to stockpile excess soil onsite, the soil shall be placed within a sediment-protected area that is not likely to result in off-site sedimentation. If likely to be subjected to rain or high winds, stockpiles shall be covered with plastic</li> </ol>	<p>Project Applicant and its contractor(s) shall prepare and implement a plan that uses all BMPs listed to project water quality</p>	<p>RWCQB; City of Eureka Public Works Department</p>	<p>RWQCB to review and approve BMPs plan Building Department to inspect site during construction to verify compliance</p>	<p>Approval of BMPs prior to issuance of grading or building permit(s) Onsite verification during construction</p>	<p><i>Verified by:</i>  <i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>sheeting (Visqueen®, for example) at least 6- to 10-mils thick. Plastic sheeting shall be well-anchored to resist high winds. If stockpiles are to be present through the rainy season, they shall be surrounded with silt or straw bale fencing about 5 feet from the toe of the pile.</p> <p>5. <i>Dust Control.</i> Treat and maintain all construction areas as necessary to minimize the generation of dust that may blow off-site. The most common method of dust control during construction activities is through periodic application of water. However, the application of water for dust control purposes shall be managed to ensure there is no off-site runoff.</p> <p>6. <i>Material Delivery, Storage and Use.</i> Materials used during construction, where appropriate, shall be delivered and stored in appropriate containers and in designated areas, to prevent the discharge of pollutants to nearby watercourses or storm drain systems. During the rainy season, materials shall be stored in covered areas. Chemicals, paints or bagged materials shall not be stored directly on the ground, but instead shall be placed on a pallet or in a secondary containment system. Materials shall be used according to the manufacturer's instructions and all materials shall be disposed of properly. Any spills shall be cleaned up immediately and an ample supply of spill clean-up materials shall be kept onsite during construction activities. There shall be no fueling or equipment washing activities conducted onsite.</p> <p>7. <i>Monitoring.</i> During construction, all erosion and pollution control measures shall be periodically inspected throughout the duration of the project by a qualified professional to ensure that the control measures are properly implemented. If the erosion and pollution control measures are not functioning properly, the owner shall immediately make appropriate modifications to ensure that water quality is protected..</p>					
<p><b>H-3b:</b> Prior to any clearing, grading, excavating or fill within 50 feet from the edge of a delineated wetland, stream, or stream channel or disturbing more than 2,500 square feet, obtain an Erosion Control Permit (ECP) from the City of Eureka. The ECP shall require specific erosion/sediment control devices, which shall be maintained in proper working condition for as long as work is being conducted on the property or for as long as an active permit of any nature is issued for the project. Erosion/sediment control devices required by the ECP may include, but are not limited to, silt fences, straw bales, retention ponds, mulch, sod, rip-rap, vegetation barriers, hydro-seeding, erosion blankets and any other measures that would adequately prevent soil from being eroded and transported onto adjoining property. The ECP shall always require a stabilized construction site access for any sites where sediment can be tracked onto public roads by construction vehicles. The responsibility of the property owner and its agents shall be joint and</p>	<p>Project Applicant and its contractor(s) shall prepare plans and apply for Erosion Control Permit and implement the permit during all construction activities</p>	<p>City of Eureka Public Works Department</p>	<p>Review and approve erosion control plan Perform building site inspections to confirm adherence to permit requirements</p>	<p>Review and approve plans prior to issuance of building or grading permit(s) Inspect site during construction</p>	<p><i>Verified by:</i> <i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
severable with the entity performing the work for the maintenance of all erosion control devices. The erosion control devices shall be maintained in a condition so as to prevent soil erosion on the property and transport of sediment off the property.					
<b>H-4a:</b> Prepare a drainage plan indicating the specifics of the project drainage system. The drainage plan shall demonstrate that the culverts are adequately sized and configured to address peak runoff and protect against a 10-year storm event. The drainage plan shall ensure that any increase in stormwater drainage runoff in a 10-year storm event remains below 1 cfs. Alternatively, if the 1 cfs threshold cannot be maintained in a projected 10-year storm event, the drainage plan shall provide a retention/siltation basin that limits stormwater runoff to pre-project flows. The plan shall be submitted to and approved by the City of Eureka, and recommendations from the City shall be adopted by the Project Applicant prior to issuance of a building permit.	Project Applicant and its contractor(s) shall prepare drainage plan, submit it to the City, and implement plan during construction	City of Eureka Engineering Department; City of Eureka Building Department; City of Eureka Public Works Department	Public Works Department approve Drainage Plan Confirm adherence to plan by site inspection	Prior to issuance of building or grading permit(s) Inspect site during construction	Verified by:  Date:
<b>H-5a:</b> The final drainage plan shall include design features to capture and treat stormwater from roof drains, paved pedestrian areas, and parking areas before entering the City's storm drain system in accordance with the City's <i>Construction Low Impact Development (LID) Manual</i> (March 2009) and the California Stormwater Quality Association's <i>Stormwater Best Management Practice Handbook</i> for new development. Treatment methods shall include best management practices and design features that are effective at reducing or eliminating anticipated stormwater pollutants. The Project Applicant shall provide and put into place a funding mechanism to support ongoing maintenance of the stormwater treatment infrastructure on the project site.	Project Applicant and its contractor(s) shall prepare drainage plan design, as well as funding mechanism; shall also submit the plan and design to the City	City of Eureka Community Development Department; City of Eureka Public Works Department; City of Eureka Building Department	City of Eureka review drainage plan design and funding mechanism	Prior to issuance of certificate of occupancy	Verified by:  Date:
<b>H-5b:</b> Incorporate low impact development (LID) strategies, such as grass/vegetative swales (biofilters) and other landscape-based BMPs into the project landscape, design plan, and final drainage plan.	Project Applicant and its contractor(s) shall prepare drainage plan design and submit to the City	City of Eureka Community Development Department; City of Eureka Public Works Department; City of Eureka Building Department	Review drainage plan design and funding mechanism	Prior to issuance of building permits	Verified by:  Date:
<b>H-5c:</b> Use only USEPA-approved herbicides and pesticides on the site in any area that might drain to aquatic environments.	Project Applicant and its contractors shall incorporate into landscape plan; Implement during construction and maintain after construction	RWQCB	Review vegetation removal plans as part of wetland restoration	Prior to issuance of grading or building permits; ongoing	Verified by:  Date:

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p><b>H-10a:</b> A tsunami Evacuation and Response Plan shall receive the City's approval prior to issuance of a building permit for construction. The Evacuation and Response Plan shall include, at a minimum, a tsunami warning or alarm system integrated into the building designs, specific routes for egress in the event of a tsunami warning (including vertical routes of egress and safe haven as appropriate), identified locations of safe haven, educational materials for residents and business owners, and a list of emergency response agencies, contact numbers, and other methods of communication in the event of a tsunami warning.</p>	<p>Project Applicant and its contractors shall prepare plan and submit to Police and Fire Departments for approval</p>	<p>Police and Fire Departments; Building Department</p>	<p>Building Department shall ensure Police and Fire Department review and approve</p>	<p>Prior to issuance of building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>H-10b:</b> Prohibit habitable space in building structures on the first floor, and must be elevated by such means as posts, piles, piers, or shear walls parallel to the expected direction of flow of floodwaters from a tsunami. Building structures shall be designed to resist the effects of coastal floodwaters due to tsunamis. For the purposes of calculating allowable stresses for the building materials (i.e., load factors in the case of ultimate strength or limit design), the same standards used for wind and earthquake loads combined with gravity loads shall be used (e.g., treat loads and stresses due to tsunamis in the same fashion as for earthquake loadings). Main building structures shall be adequately anchored with deep piles and piers and connected to the elevating substructure system to resist lateral, uplift, and downward forces. For any wood construction proposed for the project, toenailing shall not be allowed. Shallow foundation types shall not be permitted unless the natural supporting soils are protected on all sides against scour by a protection structure, preferably a bulkhead. Shallow foundations may be permitted beyond 300 feet from the shoreline, provided they are founded on natural soil and at least 2 feet below the anticipated depth of scour, and provided not more than 3 feet of scour is expected at the structure. Project design plans shall be approved by a licensed architect or structural engineer with expertise in building in areas subject to coastal flooding to ensure that proposed structures are designed and built to withstand coastal flooding.</p>	<p>Project Applicant and its contractors shall incorporate specifications into the building designs</p>	<p>City of Eureka Building Department</p>	<p>Review and approve construction plans and confirm use of design requirements</p>	<p>Prior to issuance of building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>H-10c:</b> Design landscaping and streetscaping to reduce the potential for large objects to mobilize in a tsunami event and affect structures below the 30-foot elevation.</p>	<p>Project Applicant and its contractor(s) shall incorporate into landscape plan; Implement during construction; maintain after construction</p>	<p>City of Eureka Building Department</p>	<p>Review and approve landscape plans and confirm use of design requirements</p>	<p>Prior to issuance of building permit(s)</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>K. Noise</b></p>					
<p><b>K-1a:</b> Design any locations of outdoor activity for sensitive uses associated with the project site so that the Ldn from the roadways</p>	<p>Project Applicant and its contractor(s) shall</p>	<p>City of Eureka Building Department</p>	<p>Review and approve design and acoustical</p>	<p>Prior to issuance of building</p>	<p><i>Verified by:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
does not exceed 60 dB at the property line. This shall be done by locating outdoor activity sites outside of the 60-dB noise contours or by buffering. Before building permits are issued, the Project Applicant shall be required to submit an acoustical analysis demonstrating that outdoor activity spaces associated with sensitive uses do not exceed 60 dBA at the property line.	incorporate into landscape plan; Implement during construction and maintain after construction		analysis findings	permit(s)	<i>Date:</i>
<b>K-1b:</b> Build any residential, office, or museum buildings to California's interior-noise insulation standard of 45 Ldn. Before building permits are issued, the Project Applicant shall be required to submit an acoustical analysis demonstrating that the buildings have been designed to limit interior noise to a CNEL (or Ldn) of 45 dBA.	Project Applicant and its contractor(s) shall incorporate into building designs plans, prepare acoustical plan and submit it to the Building Department	City of Eureka Building Department	Review and approve acoustical analysis	Prior to issuance of building permit(s)	<i>Verified by:</i>  <i>Date:</i>
<b>K-2a:</b> To mitigate pile-driving and/or other extreme vibration-generating construction impacts, a qualified acoustical professional shall prepare a set of site-specific vibration attenuation measures to reduce project vibration below the vibration annoyance level of 80 VdB. Before the start of grading, the Project Applicant shall submit a plan for such measures for review and approval by the City of Eureka to ensure that maximum vibration attenuation will be achieved. These attenuation measures shall include, at a minimum, the following control strategies:  1. Implement "quiet" pile-driving technology or practices (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile-driving duration), in consideration of geotechnical and structural requirements and conditions.  2. Monitor the effectiveness of vibration attenuation measures by taking vibration measurements at locations and at a frequency adequate to ensure no excessive ground-borne vibration at sensitive receptors.  Limit pile-driving to mid-day weekday periods when the fewest people will likely be at the Best Western hotel. Ensure that the pile-driving in the vicinity of the Best Western is limited in time duration.  See also mitigation measure D-1b, which describes possible seasonal restrictions and other measures to reduce pile-driving impacts on nearby fish populations.	Project Applicant and its contractor(s) shall prepare attenuation plan and submit to the City Building Department, implement the plan, monitor the effectiveness of the plan, and limit pile-driving to times described	City of Eureka Building Department	Review and approve vibration attenuation measures	Prior to issuance of building permit(s)	<i>Verified by:</i>  <i>Date:</i>
<b>K-3:</b> All outdoor loudspeaker paging systems shall not exceed 60 dBA Leq at the property line.  Also, see Mitigation Measure K-1a.	Project Applicant and its contractor(s) shall monitor loudspeaker systems to ensure conformance	City of Eureka Building Department; City of Eureka Police Department	Review paging system plans to ensure conformance	Prior to issuance of building permit(s); ongoing	<i>Verified by:</i>  <i>Date:</i>
<b>K-4a:</b> Limit standard construction activities to between 7:00 a.m. and 7:00 p.m. Monday through Friday, with pile driving and/or other extreme noise-generating activities (greater than 90 dBA) limited to	Project Applicant and its contractor(s) to limit construction activities as	City of Eureka Building Department	Review construction plans to ensure conformance; inspection	Prior to issuance of grading or building	<i>Verified by:</i>  <i>Date:</i>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>between 8:00 a.m. and 4:00 p.m. Monday through Friday, with no extreme noise-generating activity permitted between 12:30 p.m. and 1:30 p.m. No construction activities shall be allowed on weekends, except that interior construction shall be permitted after buildings are enclosed. No extreme noise-generating activities shall be allowed on weekends and holidays. Construction activities outside of these hours and days may be allowed by prior approval from the City.</p>	<p>described</p>		<p>to ensure conformance</p>	<p>permit(s); inspection during construction</p>	
<p><b>K-4b:</b> To reduce daytime noise impacts due to construction:</p> <ol style="list-style-type: none"> <li>1. Equipment and trucks used for project construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>2. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible; this could achieve a reduction of 5 dBA. Quieter procedures, such as use of drills rather than impact tools, shall be used whenever feasible.</li> <li>3. Locate stationary noise sources as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or other measures to the extent feasible.</li> </ol>	<p>Project Applicant and its contractor(s) shall use best available noise-control techniques described and locate stationary noise sources as far from adjacent receptors as possible</p>	<p>City of Eureka Building Department</p>	<p>Require use of noise-control techniques in building permit; inspect construction site to confirm adherence to those requirements</p>	<p>Prior to issuance of grading building permit(s); inspect during construction</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>K-4c:</b> To mitigate pile driving and/or other extreme noise-generating construction impacts, a qualified acoustical professional shall prepare a set of site-specific noise attenuation measures. Prior to commencing construction, a plan for such measures shall be submitted for review and approval by the City of Eureka to ensure that noise attenuation and acoustical standards will be achieved. These attenuation measures may include, as necessary, the following control strategies:</p> <ol style="list-style-type: none"> <li>1. Erect temporary plywood noise barriers around the construction site.</li> <li>2. Use noise control blankets on building structures as buildings are erected to reduce noise emission from the site.</li> <li>3. Monitor the effectiveness of noise attenuation measures by taking noise measurements at locations and frequencies necessary to ensure acoustical standards are satisfied.</li> </ol>	<p>Project Applicant and its contractor(s) shall hire qualified acoustical professional to prepare plan  Acoustical professional prepares plan and submits to City; implement during construction</p>	<p>City of Eureka Building Department</p>	<p>Review noise-attenuation plan and incorporate plan into building permit; inspect site during construction to confirm adherence to plan</p>	<p>Prior to issuance of grading or building permit(s); inspect site during construction</p>	<p><i>Verified by:</i>  <i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<b>M. Public Services</b>					
<b>M-1a:</b> All buildings shall be fully sprinkled.	Project Applicant and its contractor(s) shall incorporate sprinklers into the building design	City of Eureka Building Department	Confirm plans include required designs for building permit; verify before issuance of certificate of occupancy	Prior to issuance of building permit(s); prior to issuance of certificate of occupancy	<i>Verified by:</i>  <i>Date:</i>
<b>M-1b:</b> Fire hydrants and fire water mains shall be installed as required by the Eureka Fire Department. The location, size and flow of all hydrants and fire mains shall be shown on the building construction plans.	Project Applicant and its contractor(s) shall incorporate into the street and sidewalk design	City of Eureka Fire Department; City of Eureka Building Department	Fire Department to approve designs; Building Department to confirm approval of Fire Department	Prior to issuance of building permit(s); prior to issuance of certificate of occupancy	<i>Verified by:</i>  <i>Date:</i>
<b>M-1c:</b> All traffic calming measures proposed for installation within the parking lots or along internal roadways shall be reviewed and approved by the City Fire Department prior to installation.	Project Applicant and its contractor(s) shall incorporate into the street and sidewalk design	City of Eureka Fire Department; City of Eureka Building Department	Fire Department to approve designs; Building Department to confirm approval of Fire Department	Prior to issuance of building permit(s); prior to issuance of certificate of occupancy	<i>Verified by:</i>  <i>Date:</i>
<b>M-1d:</b> In order to assure that fire apparatus have adequate width to deploy stabilizers, both sides of the Fourth Street extension adjacent to the five story office building shall be signed as "No Parking."	Project Applicant and its contractor(s) shall install signs and other markings	City of Eureka Fire Department; City of Eureka Building Department	Fire Department to approve designs; Building Department to confirm approval of Fire Department	Prior to issuance of building permit(s); prior to issuance of certificate of occupancy	<i>Verified by:</i>  <i>Date:</i>
<b>M-1e:</b> Design the proposed plaza in front of the five story office building to provide fire emergency apparatus access, this shall include the ability for fire apparatus to drive across the plaza and an eighteen foot wide area to deploy the truck stabilizers. The design of the plaza shall be shown on the building plans and shall be approved by the City Fire Department.	Project Applicant and its contractor(s) shall incorporate into the street and sidewalk design	City of Eureka Fire Department; City of Eureka Building Department	Fire Department to approve designs; Building Department to confirm approval of Fire Department	Prior to issuance of building permit(s); prior to issuance of certificate of occupancy	<i>Verified by:</i>  <i>Date:</i>
<b>M-1f:</b> Install on all new traffic signals and all existing traffic signals on Broadway between and including Harris Street and Fourth Street an Opticom emergency traffic prompting device, coded to Eureka Fire Department transmitters. Installation shall be coordinated with City of Eureka Engineering Department and Caltrans.	Project Applicant and its contractor(s) shall incorporate into street design	City of Eureka Fire Department; City of Eureka Engineering Department; Caltrans	Fire Department, Engineering Department, and Caltrans to approve of designs prior to installation	Prior to approval of signal plans; prior to issuance of certificate of occupancy	<i>Verified by:</i>  <i>Date:</i>
<b>M-2a:</b> The Marina Center development shall have an onsite security patrol to handle routine situations that do not require emergency response from the Eureka Police Department.	Project Applicant and its contractor(s) and tenants shall hire security to patrol the site	City of Eureka Police Department	City of Eureka Police Department shall monitor calls to ensure routine situations are handled by onsite security	Ongoing	<i>Verified by:</i>  <i>Date:</i>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
O. Transportation					
<p><b>O-1a:</b> Develop a construction management plan for review and approval by the City's Engineering Department and Caltrans. The plan shall include at least the following items and requirements to reduce traffic congestion during construction:</p> <ol style="list-style-type: none"> <li>1. A set of comprehensive traffic control measures shall be developed, including scheduling of major truck trips and deliveries to avoid peak traffic hours, detour signs if required, lane closure procedures, signs, cones for drivers, and designated construction access routes. Prior to approving plans for mitigation on U.S. 101, Caltrans requires that all construction activities include an assessment of the potential for traffic congestion. This is accomplished through lane closure analysis showing the times of day and days of the week that lanes can be closed to traffic. Excepting extraordinary circumstances, lane closures are authorized at times of the day and on days of the week where the interruptions, closures, and activity is least likely to cause unacceptable congestion using the same level of service criteria as used for assessing project traffic impacts.</li> <li>2. If construction activities result in unacceptable traffic congestion, flaggers shall supplement approved traffic control plans to ensure that traffic moves through the construction zone with minimal delays.</li> <li>3. The Construction Management Plan shall identify haul routes for movement of construction vehicles that would minimize impacts on motor vehicle, bicycle, and pedestrian traffic, circulation, and safety, and specifically to minimize impacts to the greatest extent possible on streets in the project area. The haul routes shall be approved by the City and Caltrans</li> <li>4. The Construction Management Plan shall provide for notification procedures for adjacent property owners and public safety personnel regarding when major deliveries, detours, and lane closures would occur.</li> <li>5. The Construction Management Plan shall provide for accommodation of bicycle flow, particularly along First Street and Waterfront Drive.</li> <li>6. The Construction Management Plan shall provide for monitoring surface streets used for haul routes so that any damage and debris attributable to the haul trucks can be identified and corrected by the Project Applicant.</li> </ol>	<p>Project Applicant and its contractor(s) obtain approval of construction management plan and implement the plan during construction</p>	<p>City Engineering Department; City of Eureka Building Department; Caltrans</p>	<p>Engineering Department and Caltrans must review and approve Construction Management Plan; Building Department must receive the approvals</p>	<p>Prior to issuance of building or grading permit(s); inspect during construction</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>O-1b: Obtain</b> an encroachment permit from Caltrans and complete the following modifications at the intersection of Broadway and</p>	<p>Project Applicant and its contractor(s) obtain encroachment permit or</p>	<p>Caltrans</p>	<p>Review and approve encroachment permit</p>	<p>Prior to issuance of encroachment</p>	<p><i>Verified by:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>Wabash Avenue/Fairfield Street:</p> <ol style="list-style-type: none"> <li>3. Close northbound Fairfield Street access to Wabash Avenue and Broadway approximately 40 feet south of the intersection, and post signs on northbound Fairfield at Del Norte advising motorists that traffic is "LOCAL ACCESS ONLY – NO ACCESS TO BROADWAY OR WABASH AVENUE".</li> <li>4. Closure should be accomplished by extending the east curb of Fairfield to the street centerline, and posting a "DO NOT ENTER" sign at the closure. Modify the Broadway and Wabash signal to account for the elimination of northbound Fairfield access.</li> </ol>	<p>work in the public right-of-way</p>		<p>application</p>	<p>permit</p>	<p><i>Date:</i></p>
<p><b>O-1c: Obtain</b> an encroachment permit from Caltrans and complete the following modifications at the intersection of Broadway and Hawthorne Street:</p> <ol style="list-style-type: none"> <li>4. Install a new signal and intersection improvements (see #3 below) at Broadway and Hawthorne Street.</li> <li>5. Install a southbound left turn and westbound right turn overlap signal phase (no southbound U-turns allowed).</li> <li>6. Widen Hawthorne Street to provide two westbound right turn lanes and one westbound through/left lane. The cross-section for Hawthorne Street shall be 58 feet wide (including 6-foot sidewalk) from 175 east of Broadway to Broadway. Transition to the widened section should start at Fairfield Street, and the six-foot sidewalk should also extend from Broadway to Fairfield Street. An advisory sign must be posted to northbound motorists on Fairfield Street south of Hawthorne Street saying "NO ACCESS TO WABASH AVENUE OR BROADWAY AHEAD – USE HAWTHORNE STREET TO BROADWAY" with a left arrow.</li> </ol>	<p>Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way</p>	<p>Caltrans</p>	<p>Review and approve encroachment permit application</p>	<p>Prior to issuance of encroachment permit</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>O-1d:</b> Obtain an encroachment permit from Caltrans and complete the following improvements at Broadway and Henderson Street:</p> <ol style="list-style-type: none"> <li>4. Convert Henderson Street to one-way westbound traffic from Fairfield Street to Broadway and provide for one westbound through/right lane and two westbound left turn lanes to southbound Broadway from Henderson Street. Remove southbound left turns to eastbound Henderson Street by closing the southbound left turn lane and modifying the signal indications. Retain the all-way stop at Fairfield and Henderson Streets</li> <li>5. Convert the Henderson Street and Broadway signal to allow simultaneous eastbound left turns with westbound left turns.</li> <li>6. Post a "NO LEFT TURN" sign for southbound Broadway and a "NO RIGHT TURN" sign for northbound Broadway at Henderson Street and post "ONE-WAY" signs on Henderson Street.</li> </ol>	<p>Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way</p>	<p>Caltrans</p>	<p>Review and approve encroachment permit application</p>	<p>Prior to issuance of encroachment permit</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>O-1e:</b> Obtain an encroachment permit from Caltrans and complete</p>	<p>Project Applicant and its</p>	<p>Caltrans</p>	<p>Review and approve</p>	<p>Prior to issuance</p>	<p><i>Verified by:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p>the following signal-coordination improvements along the U.S. 101 corridor:</p> <p>3. Install signal interconnect on U.S. 101 so that all signals along the corridor are in one system, from V Street at Fourth and Fifth Streets to the K-Mart signal and Broadway signal near Bayshore Mall. This would be accomplished by installing conduit and cable from Broadway and Henderson to Broadway and Wabash, Fourth Street at Broadway from Broadway and Sixth to E Street, and Fifth Street at Broadway from Broadway and Sixth to E Street.</p> <p>4. Develop and implement optimized signal coordination timing on U.S. 101 from Fourth and Fifth Streets at Myrtle to Broadway, and on Broadway from Fourth Street to the K-Mart driveway signal near Bayshore Mall. A monitoring system would be set up to the satisfaction of Caltrans District 1 and City of Eureka traffic signal operations personnel.</p>	<p>contractor(s) must obtain encroachment permit for work in the public right-of-way</p>		<p>encroachment permit application</p>	<p>of encroachment permit</p>	<p><i>Date:</i></p>
<p><b>O-1f:</b> Post guide signs within the Marina Center parking lot directing motorists to southbound U.S. 101 via Waterfront Drive, or to the east and north in downtown and along U.S. 101, via project access drives on Second and Third Streets.</p>	<p>Project Applicant and its contractor(s) install directional signs onsite</p>	<p>City of Eureka Building Department</p>	<p>Inspect site to ensure installation of signs</p>	<p>Prior to issuance of certificate of occupancy</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>O-1g:</b> Obtain an encroachment permit from Caltrans and complete the following modifications at Broadway and Harris Streets:</p> <p>6. Provide appropriate guide signs to advise southbound Broadway motorists to turn left at Harris Street to go east up the hill on Harris Street.</p> <p>7. Install a signal at Harris Street and Broadway to provide protected southbound left turns from Broadway to eastbound Harris Street. This signal shall interconnect the north Bayshore Mall driveway signal and coordinate at all times except evenings and early morning hours to be determined by timing plans to coordinate signals along U.S. 101.</p> <p>8. Lengthen the southbound left-turn lane to 300 feet in length. This does not affect the existing northbound left turn striping into Victoria Place (private drive).</p> <p>9. Provide funds for private signage to the Bayview Motel at Fairfield Street and Henderson Street for both northbound and southbound motorists.</p> <p>10. 5. Shift the two southbound through lanes and southbound left turn lane at least 6 feet to the west for an appropriate distance to provide for adequate left turning radius for STAA trucks making a southbound left turn to eastbound Harris Street.</p>	<p>Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way</p>	<p>Caltrans</p>	<p>Review and approve encroachment permit application</p>	<p>Prior to issuance of encroachment permit</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>O-1h:</b> Obtain an encroachment permit from Caltrans and complete improvements necessary to prohibit southbound left turns from Broadway to eastbound Seventh Street (and to Commercial Street),</p>	<p>Project Applicant and its contractor(s) must obtain encroachment</p>	<p>Caltrans; City of Eureka Building Department; City of</p>	<p>Caltrans and Engineering Department to review and approve</p>	<p>Prior to issuance of encroachment</p>	<p><i>Verified by:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
and instead, shift these turns to the southbound left turn lane at Washington Street, one block to the south. Guide signs shall be posted, that return motorists to eastbound Seventh Street by turning left onto Summer Street, than east at Seventh Street.	permit for work in the public right-of-way	Eureka Engineering Department	encroachment permit applications Building Department to confirm sign installation	permit Prior to issuance of certificate of occupancy	Date:
<b>O-1i:</b> Obtain an encroachment permit from the City of Eureka and install an all-way stop at Fairfield and Hawthorne Street	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	City of Eureka Engineering Department	Review and approve encroachment permit application	Prior to issuance of encroachment permit	Verified by: Date:
<b>O-1j:</b> Obtain an encroachment permit from the City of Eureka and install a southbound left-turn lane and northbound right-turn lane on Waterfront Drive at the project access driveway.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	City of Eureka Engineering Department	Review and approve encroachment permit application	Prior to issuance of encroachment permit	Verified by: Date:
<b>O-1k:</b> Obtain an encroachment permit from Caltrans and complete the following improvements at Broadway and Washington Street: 2. Install east and westbound left turn lanes on Washington Street. 2. Modify the traffic signals at Broadway at Washington Street and Broadway at 14th Street to operate with protected-permissive phasing for the left turn movements on Broadway.	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	Caltrans	Review and approve encroachment permit application	Prior to issuance of encroachment permit	Verified by: Date:
<b>O-6a:</b> Develop and implement a parking management plan that provides a mechanism that would direct employees to park off-site (in available on-street parking spaces in the area) during periods of peak parking demand in December	Project Applicant and its contractor(s) must develop and implement a parking management plan	City of Eureka Engineering; City of Eureka Building Departments	Engineering Department to review and approve management plan; Building Department to ensure plan approval	Prior to issuance of certificate of occupancy	Verified by: Date:
<b>O-7a:</b> Work with the North Coast Railroad Authority to maintain adequate right-of-way along the rail corridor in anticipation of future rail service through the site	Project Applicant and Its Contractors must avoid the railroad right-of-way in site design	City of Eureka Building Department; City of Eureka Engineering Department	Review building and landscape plans to ensure railroad right-of-way avoidance	Prior to issuance of building permit(s)	Verified by: Date:
<b>O-7b:</b> If the North Coast Railroad Authority anticipates future use of the right-of-way, pay to install pavement markings and warning signs at the project driveway on Waterfront Drive where the railroad tracks cross the driveway throat. Pavement markings and warning signs shall conform to standards set forth in the <i>Manual on Uniform Transportation Devices</i> (FHWA, 2004). The driveway shall include crossing gates and a median. Because the project site is in a quiet zone, the median would prevent drivers from going around the crossing arm onto the tracks, and thus the trains are not required to blow their horns when crossing the roadway. The crossing arms would also prevent pedestrians and bicyclists from venturing onto the	Project Applicant and its contractor(s) shall incorporate railroad crossing designs into site plans and fund improvements	City of Eureka Engineering Department; North Coast Railroad Authority	NCRA and Engineering Department to review railroad crossing design	Prior to issuance of building permit(s)	Verified by: Date:

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
tracks when a train is coming.					
<p><b>O-7c:</b> Provide smooth pavement transition over the railroad tracks so that bikes and wheelchair users are not in danger of losing their balance or getting wheels stuck between the rails and the pavement. The crossing of the tracks shall be perpendicular.</p>	Project Applicant and its contractor(s) must incorporate railroad designs into site plans	City of Eureka Engineering Department; City of Eureka Building Department	Engineering Department to confirm inclusion of pavement treatment in designs; Building Department to ensure approval by Engineering Department	Prior to issuance of building permit(s)	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>O-7d:</b> Continue to work with the Eureka Transit Authority to reinstate the bus stops in front of the Wharfinger Building at Koster and Washington Streets and improve the bus stop at Seventh and California Streets, including paying their fair-share to enhance amenities of the stop (i.e., shelter, bench, and signage).</p>	Project Applicant shall negotiate installation requirements with Eureka Transit Authority	Eureka Transit Authority; City of Eureka Building Department	Building Department to confirm with Eureka Transit Authority that Project Applicant has met requirements	Prior to issuance of certification of occupancy	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>O-7e:</b> Provide eight bicycle parking spaces per 10,000 gross square feet of retail space and placement shall be in accordance with guidelines set forth in Appendix B of the <i>2004 Regional Bicycle Transportation Plan Update</i> (Humboldt County).</p>	Project Applicant and its contractor(s) must incorporate designs into site plans and implement during construction	City of Eureka Building Department	Building Department to confirm the required number of spaces is included in site plans	Prior to issuance of certificate of occupancy	<p><i>Verified by:</i></p> <p><i>Date:</i></p>
<p><b>O-8a:</b> Obtain an encroachment permit from Caltrans and install the following improvements:</p> <ol style="list-style-type: none"> <li>1. The outbound (egress) from the project site to Broadway shall be closed off at both the Fourth and Sixth Street exits, and signs shall be installed on the project site to divert the outbound traffic to Waterfront Drive, then south to Hawthorne Street at Broadway, or to Second and Third Streets at Broadway; and</li> <li>2. This mitigation measure shall be completed before the intersections exceed the acceptable LOS, which in this case is estimated to occur when southbound through volumes on Broadway at 14th Street average at least 1,700 vehicles per hour during the p.m. peak hour</li> </ol>	Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way	Caltrans	Review and approve encroachment permit application	Prior to issuance of encroachment permit	<p><i>Verified by:</i></p> <p><i>Date:</i></p>

ATTACHMENT 1

Mitigation Measures Adopted as Conditions of Approval	Implementation Procedures	Monitoring Responsibility	Monitoring and Reporting Action	Monitoring Schedule	Verification of Compliance
<p><b>O-8b:</b> Obtain an encroachment permit from Caltrans and pay the project's fair share contribution for the installation of the following improvements:</p> <ol style="list-style-type: none"> <li>1. Three southbound lanes shall be striped on Broadway from Vigo Street to the northern Bayshore Mall driveway at Harris Street;</li> <li>2. The existing southbound right-turn lane into the northern driveway of Bayshore Mall just south of Harris Street shall be converted from an exclusive right-turn lane to a shared-through-right turn lane; and</li> <li>3. The improvements above shall be completed before the intersections and roadway segments exceed the acceptable LOS, which in this instance shall occur when southbound through volumes on Broadway at 14th Street average at least 1,700 vehicles per hour during the p.m. peak hour.</li> </ol>	<p>Project Applicant and its contractor(s) must obtain encroachment permit for work in the public right-of-way</p>	<p>Caltrans</p>	<p>Review and approve encroachment permit application</p>	<p>Prior to issuance of encroachment permit</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>Q. Utilities and Service Systems</b></p>					
<p><b>Q-7a:</b> Dispose of commercial and residential solid waste in containers sized to adequately handle the volume of waste generated at the facility.</p>	<p>Project Applicant and tenants shall have adequately sized solid waste containers onsite</p>	<p>Project Applicant and tenants</p>	<p>Inspect site to ensure waste is not spilled over from containers</p>	<p>Ongoing</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>Q-7b:</b> Place waste receptacles of the appropriate size for the waste generated at all public open spaces. Special consideration shall be required for public events that would attract larger numbers of persons to the site.</p>	<p>Project Applicant and tenants shall have adequately sized solid waste containers in public spaces onsite</p>	<p>Project Applicant and tenants</p>	<p>Inspect site to ensure waste is not spilled over from containers</p>	<p>Ongoing</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>Q-7c:</b> Provide suitable storage locations and containers for recyclable materials in or around proposed buildings. The containers shall be designed and constructed to protect soils, water resources, biological resources and all other aspects of the environment.</p>	<p>Project Applicant and tenants shall have adequately sized recycling containers onsite</p>	<p>Project Applicant and tenants</p>	<p>Inspect site to ensure waste and recyclables are not spilled over from containers</p>	<p>Ongoing</p>	<p><i>Verified by:</i>  <i>Date:</i></p>
<p><b>Q-7d:</b> Prepare and implement recycling program to achieve at least a 50 percent diversion in waste generated from project operations through the use of recycling.</p>	<p>Project Applicant and tenants shall implement a recycling program during operations</p>	<p>Project Applicant and tenants</p>	<p>Inspect site and monitor waste pickup to verify implementation of program</p>	<p>Ongoing</p>	<p><i>Verified by:</i>  <i>Date:</i></p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
<b>LAND USE AND DEVELOPMENT FRAMEWORK</b>		
	Goal 1.A To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.	CONSISTENT The project would amend the Local Coastal Program Land Use Plan and Implementing Plan designations on the project site to allow for a mixed-use development project.
	Policy 1.A.1 The City shall encourage infilling of vacant urban land and reuse of underutilized urban land within the Planning Area as its first priority of accommodating demand for growth.	CONSISTENT The project site is currently a vacant urban land surrounded by other development.
	Policy 1.A.2 The City shall work with Humboldt County to coordinate development decisions in unincorporated areas surrounding Eureka to ensure compatibility between the County's planning efforts and the City's efforts.	NOT RELEVANT This policy is not applicable to the project site.
	Policy 1.A.3 The City supports annexation as a positive means of city expansions but shall evaluate annexation proposals on a case-by-case basis. In reviewing these proposals, the City shall consider the questions listed in Table 1-2. The City shall support only those annexations that: Are broadly supported by affected residents and property owners. Are beneficial to the City. Promote orderly development and redevelopment of land within the City's sphere of influence. Promote efficiency in service delivery.	NOT RELEVANT The project site is within the City of Eureka and would not require annexation.
	Policy 1.A.1 [sic] To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the coastal zone and prevent its deterioration and destruction. (Appendix B lists as Policy 1.A.4)	CONSISTENT The project would create a waterfront conservation district on a portion of the site, assuring the conservation of the natural environment. In addition, it would allow for development of a range of uses on the project site to encourage long-term economic vitality and productivity.
	Policy 1.A.2 [sic] Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support. (Appendix B lists as Policy 1.A.5)	CONSISTENT The General Plan currently designates the entire site for non-coastal-dependent uses. The proposed project would allow the development of coastal-dependent uses, if feasible, on some portions of the site.
	Policy 1.A.3 [sic] The City shall continue to work with the Humboldt Bay Harbor, Recreation, and Conservation District to implement the projects described in the City's Eureka Waterfront Revitalization Program and listed below: Establishment of a comprehensive wetland management program that includes all of Eureka's restored and natural wetland areas. Implementation of the PALCO Marsh Enhancement Plan. Construction of a public access vista point at the foot of Truesdale Street. Reconstruction of a public access vista point near the foot of C Street. Design and construction of a public berthing facility in Inner Reach near the Adorni Center. Development of a multi-use building between C and F Streets to house a Fisherman's-Farmer's Market and retail stores. Development of Fisherman's Parcel for fishing fleet activities. Rehabilitation of the existing	CONSISTENT The project would not foreclose the potential development of the waterfront bicycle/pedestrian trail that the General Plan and Waterfront Revitalization Program envision.

\* General Plan Policies designed to meet Eureka's *Coastal Land Use Plan* requirements are noted with the wave symbol 

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	small boat basin, dredging and expansion of the Humboldt Yacht Club, and development of a fishing industry support facility. Completion of a waterfront bicycle/pedestrian trail from K Street to Del Norte Street. Development of a Wetland Mitigation Bank as a comprehensive tool for mitigating the loss of wetlands to development. Development of a facility for the Humboldt Bay Rowers Association near the Adorni Center. (Appendix B lists as Policy 1.A.6)	
<p><b>Core Area</b> <b>Concentrated Mixed-Use Core</b></p>		
	Goal 1.B To create a compact, pedestrian-oriented, economically robust central Core Area that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.1 The City shall promote the development of a compact Core Area of concentrated commercial, residential, fishing-related, civic, cultural, and recreational activities by unifying parts of the three historical central "districts" (i.e., Old Town, Downtown, and the Waterfront).	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.2 The City shall actively encourage, support, and provide incentives, where feasible, for the types of development it prefers in the Core Area, including the following: Mixed-use projects. Housing in upper stories of buildings. Professional offices in upper stories of buildings. Projects that reinforce viable existing uses, such as fisheries. Projects that reinforce the identity of the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.3 The City shall promote development in areas immediately adjacent to the Core Area that support and complement Core Area uses.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.4 The City shall promote the development of major public and private facilities that attract numerous patrons—such as a performing arts center, conference center, cinema, transit center, public market—within or directly adjacent to the Core Area where they have the maximum positive effect of the economic and social vitality of the Core Area. The City shall discourage development of these same uses outside the Core Area and directly adjacent areas.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.5 The City shall promote the establishment and maintenance of pedestrian-oriented commercial uses such as retail stores, cafes, and restaurants along F Street and Second Street, particularly at the street level. The City shall encourage the establishment and maintenance of less pedestrian-oriented uses such as professional offices and multi-family residential uses on the upper floors of multi-story buildings.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.6 The City shall explore the feasibility of closing Second Street between A and B Streets and locating a permanent public market or similar active public use (e.g., Pike Street Market in Seattle) adjacent to the proposed intermodal transportation center. This would provide a major public facility and visitor-oriented landmark at the west end of the retail section of the Second Street and create a line of demarcation between the Core Area and the light industrial area to the	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	west.	
	Policy 1.B.7 The City shall attempt to maximize the effectiveness of public sector investment by concentrating on a limited number of strategically-located, mutually-reinforcing, highly-visible projects that will stimulate private-sector investment.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.8 The City shall work with local banks to develop public sector-private sector funding programs for retrofit and rehabilitation of unreinforced masonry buildings in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.9 The City shall encourage economic investment in buildings, ranging from modest signage improvements and new paint, to major façade improvements, remodels, and new buildings.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.10 The City shall use unified landscaping and streetscape elements (i.e., streetlights, seating, signage, banners) to create a single Core Area identity and to unify the three historical central "districts" (i.e., Old Town, Downtown, and the Waterfront).	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.11 The City shall encourage and provide incentives, where feasible, for retrofit and rehabilitation of unreinforced masonry buildings in the Core Area that pose an earthquake risk.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.12 The City shall discourage development at the western edge of the Core Area that could erode the economic viability of industrial uses in the adjacent light industrial area. This includes discouraging uses in the Core Area that would prompt significant increases in property values that would in turn lead to displacement of adjacent or nearby light industrial uses.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.13 The City shall cooperate with Humboldt County in an effort to relocate the County's Second and J Street facilities that are no longer appropriate for the Core Area. The sites should be redeveloped for visitor-accommodations and residential uses. The City shall consider providing incentives to the County where feasible and appropriate for such relocation.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.14 The City shall encourage and provide incentives, where feasible, for the relocation of privately-owned industrial facilities that are no longer appropriate for the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.B.15 The City shall discourage the development or continued operation of facilities that promote the concentration of homeless or transients in the Core Area. The City supports the establishment of these facilities in the Eureka area outside of the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Arts and Culture</b>		
	Goal 1.C To promote cultural arts within the Core Area that help to activate and economically revitalize the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.C.1 The Core Area shall be the City's first choice in siting or relocating new cultural facilities, museums, and performing or visual arts facilities. The City shall promote the	NOT RELEVANT The project site is not located in the area the General Plan

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	development of a cultural arts/theater district within the Core Area that focuses primarily on the F Street Corridor.	defines as the "Core" of Eureka.
	Policy 1.C.2 The City shall provide leadership and support for creating a performing arts complex near the Eureka Theater and Carnegie Library.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.C.3 The City shall participate in studies to determine the feasibility of renovation of other cultural facilities, such as the Ingomar Theater.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.C.4 The City shall encourage the interim use of empty stores in the Core Area as temporary (phantom) art galleries.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.C.5 The City shall support rehabilitation and conversion of vacant upper floors of buildings in the Core Area as artist live-work spaces.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.C.6 The City shall develop an active program for providing public art.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.C.7 The City shall encourage and assist in the development of murals to enliven blank walls in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Waterfront</b>		
	Goal 1.D To revitalize the Core Area waterfront, enhancing coastal-related tourism and recreation, while maintaining the economic base and employment provided by the fishing industry.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.D.1 The City shall retain the historic waterfront building scale, building form, and general character in waterfront revitalization and development as a means of creating a "Victorian Seaport" identity for the waterfront area. New buildings developed along the waterfront north of First Street/Waterfront Drive should not exceed three stories or 50 feet in height.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.D.2 Except for safety reasons in industrial operations, the City shall ensure public access along the full length of the shoreline within the Core Area through development of multiple access points such as walkways, paths, docks, and piers.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.D.3 The City shall promote the continued operation of existing fisheries-related industry throughout the Core Area waterfront.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.D.4 The City shall encourage expansion of the fisheries industry west of C street in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.D.5 The City shall expand and enhance opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fishing, and other similar attractions.	CONSISTENT Although the project site is not located in the "Core Area," the project would allow for expansion of recreational and visitor-serving uses and activities along the waterfront.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 1.D.6 The City shall encourage expansion of the F Street pier into a major facility that focuses and anchors waterfront public access and open space.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Tourism</b>		
	Goal 1.E To expand and enhance the Core Area as a tourist destination.	
	Policy 1.E.1 The City shall actively encourage, support, and provide incentives, where feasible, for locating visitor-serving development, particularly hotels and bed and breakfast inns, in the Core Area. Visitor-serving development should be concentrated primarily along the waterfront, Second Street, and the north end of F Street.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.E.2 The City shall promote the development and expansion of such tourist activities as boat tours and carriage rides in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.E.3 Where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses. To the extent feasible and permitted pursuant to other applicable law, fish processing facilities should incorporate educational and tourist activities and facilities such as tours, fish markets or shops, restaurants and other attractions that support the fishing industry.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Core Area Residential Community</b>		
	Goal 1.F To expand the residential population of the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.F.1 The City shall promote expansion of the housing stock on the upper floors of multi-story buildings in the Core Area through rehabilitation, conversion, and infill.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.F.2 The City shall promote a mix of housing types and costs in the Core Area, including market-rate, moderate- and low-income, and artist work-live space. The City shall assist, where feasible, development of low- and very-low-income housing in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.F.3 The City shall encourage the development of both rental and for-sale housing in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.F.4 The City shall support development of residential-serving services in the Core Area, such as neighborhood markets.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.F.5 To increase the feasibility of residential development in the Core Area, the City shall consider reducing parking requirements for the Core Area housing.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Core Public Open Space</b>		
	Goal 1.G To create a system of usable public open space that is attractive, historically-sensitive, and well-maintained.	NOT RELEVANT The project site is not located in the area the General Plan

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
		defines as the "Core" of Eureka.
	Policy 1.G.1 The City shall provide a coordinated and unified system of plazas, squares, parks, and public-ways (including street trees and streetscape) that promotes pedestrian vitality in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.G.2 The City shall redesign and retrofit Gazebo and Clark Plazas to increase their usefulness and to reduce their associated social problems.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.G.3 The City shall expand the public pier at the foot of F Street to enhance leisure and recreation opportunities within the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>View Corridors</b>		
	Goal 1.H To maintain and expand views of the waterfront, inner harbor, and landmark buildings from public streets and other public spaces.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.H.1 The City shall promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting and effective street tree maintenance.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.H.2 The City shall create a gateway to the waterfront/inner harbor at the foot of F Street, defining the terminus of the street (e.g., flags, ships masts.).	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.H.3 The City shall maintain unobstructed views of the Carson Mansion along the entire length of Second Street through street tree pruning or removal as necessary.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.H.4 The City shall establish landmark feature (e.g., buildings, sculptures) at the terminus of key Core Area streets, most importantly at the west end of Second Street (B Street) and at the foot of F Street.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Architectural/Landscape Character</b>		
	Goal 1.I To maintain the distinctive architecture, historic character, and landscape quality within the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.I.1 The City shall ensure that structures of historic or architectural interest are preserved and, wherever feasible, rehabilitated to protect the variety and quality of older buildings in the Core Area. In cases where such structures might be used to better advantage in new surroundings, the City shall encourage relocation.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.I.2 The City shall aggressively support façade improvements for buildings in the Core Area, including provision of incentives. F Street and Second Street should have the highest priority for façade improvements.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.I.3 The City shall enhance the historic quality of major traffic thoroughfares, particularly F, Fourth, Fifth, Sixth, and Seventh Streets, by encouraging property owners to remove "slip-cover" (i.e., contemporary/remodeled) facades that have been placed over intact historic facades.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 1.1.4 The City shall encourage property owners to maintain, enhance, and protect the existing character of historic buildings, with a particular emphasis on retaining or restoring original style, consistent with the Secretary of the Interior's standards.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.5 The City shall require that new buildings in the Core Area be compatible with the surrounding building scale, character, and materials. In no event shall a new building exceed 75 feet in height. The City shall require that facades on new buildings in the Core Area are a minimum of 18 to 20 feet tall, including decorative front cornices.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.6 The City shall require that signs in the Core Area are appropriate to the pedestrian environment and to the scale and character of the buildings they serve.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.7 The City shall maintain the basic scale and character of the traditional grid street pattern in the Core Area, including street dimensions and alignment, sidewalk width, curb lines, and parallel parking.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.8 The City shall maintain the historic pattern of building siting in the Core Area by requiring that buildings be built to the street property and side lines, and by retaining the building scale and cadence created by historic parcel dimensions, even where lot consolidation is necessary to create economically viable development.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.9 The City shall promote the creation of a strong and appealing retail environment by requiring the use of transparent commercial storefronts (i.e., windows and doors) and continuous and compatible building facades. Conversely, the City shall prohibit the creation of blank walls and discontinuity in building facades.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.10 The City shall enhance the pedestrian environment through streetscape elements such as attractive planter boxes; comfortable seating that discourages domination by a single social group; attractive and functional lighting and street signs; attractive trash receptacles; clean, secure and convenient public restrooms; and convenient parking.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.1.11 The City shall upgrade the visual and pedestrian amenity quality of Second Street through repair and renovation of existing street furniture, street lights, street signs and sidewalks; pruning of street trees, and where necessary, removal of street trees that are blocking views of the Carson Mansion; replacements of missing or damaged street trees; re-landscaping of planters and other planting areas; and other improvements within the public way.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Maintenance and Safety</b>		
	Goal 1.J To create a safe, clean, and pedestrian-friendly Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.J.1 The City shall provide a high level of maintenance to ensure that the Core Area is free of trash and litter.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 1.J.2 The City shall work with property owners to ensure that rear entries to stores are attractive and alleys are well maintained. The City shall encourage consolidation of dumpster areas in alleys and shall require upgrading of the visual quality of dumpster enclosures.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.J.3 The City shall ensure that street lighting supports a safe, well-lighted pedestrian environment for night use of the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.J.4 The City shall provide adequate and attractive trash receptacles on sidewalks.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.J.5 The City shall remove or upgrade obsolete or dysfunctional poles, posts, and bicycle racks on sidewalks in the Core Area.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.J.6 The City shall maintain and prune trees and landscaping in public rights-of-way, parks, and plazas to facilitate visibility and surveillance of public spaces in the interest of public safety.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
<b>Residential/Neighborhood Development</b>		
	Goal 1.K To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Eureka.	CONSISTENT The project would allow for development of residential uses.
	<p>Policy 1.K.1 The residential environment of Eureka should be guided by the following neighborhood development principles:</p> <ol style="list-style-type: none"> <li>a. Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.</li> <li>b. Neighborhoods should have a center focus that combines commercial, civic, cultural and recreational uses.</li> <li>c. Neighborhoods should contain an ample supply of specialized open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design.</li> <li>d. Public spaces should be designed to encourage the attention and presence of people at all hours of the day and night.</li> <li>e. Streets, pedestrian paths, and bike paths should contribute to a system of fully-connected, interesting routes to all destinations. Their design should encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting, and by discouraging high speed traffic.</li> <li>f. Wherever feasible, the natural terrain, drainage and vegetation of the neighborhood should be preserved with superior examples contained within parks or greenbelts.</li> <li>g. Neighborhood design should help conserve resources and minimize waste.</li> <li>h. Neighborhoods should provide for the efficient use of water through the use of natural drainage, drought tolerant landscaping, and recycling.</li> <li>i. New neighborhoods should be developed so that street orientation, the placement of buildings, and the use of shading should contribute to the energy efficiency of the</li> </ol>	<p>CONSISTENT</p> <p>Although not contemplated by the Marina Center Project, the changes to the land use designations would allow for development of residential uses, a neighborhood center, public spaces, open spaces, and other uses designed according to these principles. Therefore, the project does not directly conflict with this policy.</p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	neighborhood.	
	Policy 1.K.2 The City shall promote the individuality and identity of each neighborhood while at the same time upgrading the overall environment through excellence of architecture, design, landscaping, retention of views and street furniture.	NOT RELEVANT The project does not include specific design proposals.
	Policy 1.K.3 The City should encourage retention of neighborhood convenience shopping that is compatible with the overall circulation and land use pattern so as to provide convenience for residential areas.	NOT RELEVANT There currently is no neighborhood convenience shopping on the project site to retain.
	Policy 1.K.4 The City shall ensure that infill development (either new or rehabilitated residential structures) is compatible with the overall established character of residential neighborhoods.	NOT RELEVANT The project does not include specific design proposals.
	Policy 1.K.5 The City shall encourage higher residential densities at locations where convenient access and adequate facilities, including parks and open space, are readily available.	CONSISTENT The project would allow for infill development, which could potentially include residential uses. Public facilities are readily available in the area. The project would also allow the preservation of open space within the project site and could allow improve access to adjacent public facilities including the marina, boardwalk and Old Shopping District by extending the city's street grid and by the creation of the bicycle/pedestrian path along Waterfront Drive.
	Policy 1.K.6 The City shall encourage higher residential densities in the Core Area and in neighborhoods where existing and planned community facilities and utilities are designed to handle increased densities.	NOT RELEVANT Relates to the Core, rural and estate areas.
	Policy 1.K.7 The City shall encourage rural and estate densities and planned unit developments in areas immediately adjacent to gulch greenways so as to preserve the openness and visual amenities of these valuable natural assets while reducing sprawl conditions and the cost of utilities, circulation, grading, and construction.	NOT RELEVANT Relates to the Core, rural and estate areas.
<b>Commercial Development</b>		
	Goal 1.L To ensure an adequate supply of commercial land for and promote the development of commercial uses to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality.	CONSISTENT The project would allow development of new commercial uses on the project site.
	Policy 1.L.1 The City shall discourage new commercial development within the city that will adversely affect the economic vitality of the Core Area. This City shall also encourage Humboldt County to discourage such development in adjacent unincorporated areas.	CONSISTENT The proposed project would allow for commercial development on the project site. If such development occurs, it could draw some customers away from Core Area businesses. The project, however, would allow for residents, day-time workers, and visitors to an area within walking distance of the Core Area. It would ease pedestrian, bicycle, and automobile flow between the project site and the downtown core by adding traffic signals at busy intersections, constructing a multi-use path along the coast, and extending Fourth and Second Streets into the heart of the project site. This would effectively extend the developed area of downtown Eureka westward, making the entirety of downtown Eureka more active.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 1.L.2 The City shall promote high quality design, visual attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated areas of the city.	NOT RELEVANT The project does not include specific design proposals.
	Policy 1.L.3 The City shall discourage isolated and sprawling commercial activities along major roads and instead reinforce the vitality of the Core Area and existing community and neighborhood shopping areas.	CONSISTENT The proposed project would allow for infill development of a vacant property along US 101 in an urbanized area.
	Policy 1.L.4 The City shall encourage consolidation and upgrading of established commercial centers over the development of new shopping center within the Planning Area. The City shall also encourage Humboldt County to do likewise.	CONSISTENT Though the proposed project would allow for new commercial development outside, though near, the established commercial center, the project would not discourage the consolidation and upgrading of established commercial centers or otherwise interfere with this policy.
	Policy 1.L.5 The City shall support the continued vitality and upgrading of Henderson Center within its existing boundaries.	NOT RELEVANT Relates to the Henderson Center.
	Policy 1.L.6 The City shall support the retention and upgrading of small neighborhood retail centers serving the immediate residential neighborhoods and provide for such uses in new residential development. These centers should be located and designed to serve neighborhood pedestrian trade and should not occupy more than one-quarter of the block on which they are located.	NOT RELEVANT The project does not include specific design proposals, and there are not existing neighborhood retail centers on the project site to maintain or upgrade.
	Policy 1.L.7 The City shall require major commercial development to consolidate and control access to avoid congestion, confusion, and traffic conflicts.	NOT RELEVANT Although the proposed project would allow for commercial development, it does not propose any commercial development that would require traffic coordination or planning.
	Policy 1.L.8 The City shall require major commercial development projects to either be located in areas served by public transportation or in areas to which the existing public transportation service can be feasibly extended.	CONSISTENT Public transportation routes already travel along the perimeter of the site along Broadway and Washington streets. The project proposes allowing for a mix of uses adjacent to these routes.
	Policy 1.L.9 The City shall promote the location of community shopping developments in areas with access from an intersection of arterial streets and within areas of higher residential density.	CONSISTENT The project would allow for development of a shopping center in an area with direct access to arterial streets. The project would also allow for residential development.
	Policy 1.L.10 The City shall work with property owners in deteriorated and deteriorating commercial areas to either rehabilitate their properties or convert them to productive uses that are consistent with this General Plan.	NOT RELEVANT This policy is directed toward existing commercial facilities or specific areas outside the project site.
	Policy 1.L.11 The City shall protect and, where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. Existing commercial fishing and recreational boating space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. New recreational boating facilities shall, to the maximum extent feasible, be designed and located so as not to interfere with the needs of the commercial fishing industry.	NOT RELEVANT This policy is directed toward existing commercial facilities.
	Policy 1.L.12 The City shall promote the concentration of automobile-oriented retail development in the ASC-designated	NOT RELEVANT This policy is directed toward specific areas outside the

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	area at the west end of Sixth and Seventh Streets. In particular, the City will support the establishment and retention of auto dealerships in this area. The City shall also discourage the establishment of new dealerships outside of this area.	project site.
	Policy 1.L.13 The City shall cooperate with Humboldt County to support the continued concentration of medical and related facilities and services in the Harrison Avenue Corridor. The City shall limit commercial development in the corridor to those uses directly dependent on or oriented to the patrons and staff of nearby hospitals and medical offices. The City shall also cooperate with the County to ensure that new projects in the corridor provide sufficient parking.	NOT RELEVANT This policy is directed toward specific areas outside the project site.
	Policy 1.L.14 The City supports the redesignation and rezoning of the Lieber parcel in the northeast quadrant of the Elk River interchange on U.S. 101 for commercial, industrial, or mixed-use development if the project can meet the policies and requirements of the federal and state agencies that would have to approve the project.	NOT RELEVANT This policy is directed toward specific areas outside the project site.
<b>Industrial Development</b>		
	Goal 1.M To ensure an adequate supply of industrial land for and promote the development of industrial uses to meet the present and future needs of Eureka and to maintain economic vitality.	CONSISTENT The portion of the project site currently designated industrial would retain industrial uses.
	Policy 1.M.1 The City shall protect industrially-designated land from pre-emption by residential, commercial, and other unrelated and incompatible uses.	CONSISTENT The proposed project would change some land designated light industrial to designations allowing for other uses, but on balance would allow for industrial uses at the site compatible with the other mixed-uses.
	Policy 1.M.2 The City shall promote development and upgrading of the Westside Industrial Area to accommodate industrial growth and the relocation of industry from unsuitable sites and areas.	CONSISTENT The project site is in the "Westside Industrial Area." The project would allow development of non-industrial uses on a portion of the "Westside Industrial Area," but would allow existing industrial uses to remain. The project would not interfere with the City's ability to promote development and upgrading of the Westside Industrial Area.
	Policy 1.M.3 The City shall support the retention of existing and establishment of new fishing facilities related uses in the area north of the railroad tracks between Commercial Street and C Street in the Core Area. The City shall encourage new development in the area that reinforces the essentially industrial character of the area and reduces potential land use conflicts and speculative inflation of land values.	NOT RELEVANT The project site is not located in the area the General Plan defines as the "Core" of Eureka.
	Policy 1.M.4 The City shall promote the development of a modern multiple-purpose dock a Dock B that would combine a cruise ship terminal with a break-bulk/container cargo terminal and fishing facilities.	NOT RELEVANT This policy is directed toward a specific area outside the project site.
	Policy 1.M.5 If efforts to develop a multi-purpose terminal at Dock B are unsuccessful, the City will support the development of a non-coastal industrial park in the Dock B area, including the "balloon track" and the Wright-Schuchart site. In developing such an industrial park, the City would retain the Dock A area for possible long-term cargo terminal development.	CONSISTENT It is not clear at this time that efforts to develop a multi-purpose terminal at Dock B will be unsuccessful. In any event, though the proposed project would not include plans for a non-coastal industrial park on the Balloon Track parcels, it would, however, dedicate one portion of the project site for light industrial uses which could be incorporated into a larger industrial park in the Dock B

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
		area.
	Policy 1.M.6 The City shall consider developing an industrial park in the Hinge Area roughly defined by Broadway and C Streets, The focus of an industrial park in this area would be on making individual parcels and rehabilitated buildings available for small-scale industrial users.	NOT RELEVANT This policy is directed toward a specific area outside the project site.
	Policy 1.M.7 The City shall encourage coastal-dependent industrial facilities to locate or expand within existing sites. Non-coastal-dependent uses located along the waterfront shall, if feasible, be relocated to other more appropriate areas within the city.	NOT RELEVANT. No coastal-dependent industrial facilities are seeking to locate or expand in the region.
	Policy 1.M.8 The City shall require that new industrial and heavy commercial development projects have convenient and safe access to major transportation facilities (highways, railroads, waterfront facilities) to minimize unnecessary and disruptive traffic through residential and other sensitive sections of the city.	NOT RELEVANT The proposed project would not require specific transportation improvements, although they could be implemented with future development.
	Policy 1.M.9 The City shall prohibit new residential uses within or directly adjacent to industrial areas so as to avoid conflicts and the provision of unnecessary services and facilities.	CONSISTENT The proposed project would not allow residential uses to be located directly adjacent to industrial uses.
	Policy 1.M.10 The City shall permit mixed industrial and commercial uses only when such uses are determined to be compatible or necessary for operations.	CONSISTENT The proposed project would allow for a mix industrial and commercial uses in a carefully planned and compatible organization.
	Policy 1.M.11 The City shall require that industrial development avoids or minimizes creating substantial pollution, noise, glare, odor, or other significant offensive activity that would contribute negatively to adjacent uses and other areas of the city.	CONSISTENT The project would allow for light industrial uses, which would be compatible with adjacent existing and allowed uses.
	Policy 1.M.12 The City shall ensure that areas designated for industrial development be adequately served by utilities and facilities so as to promote consolidated development and reduce energy consumption.	CONSISTENT For the portions of the proposed project that would be designated to allow for industrial development, the city would ensure that future industrial development would comply with all relevant requirements.
	Policy 1.M.13 The City shall ensure that the streets and corners in industrial areas are sufficiently wide to easily accommodate truck traffic.	CONSISTENT See discussion for Policy 1.M.12
	Policy 1.M.14 The City shall require that industrial development projects provide ample space for truck loading, parking, and maneuvering.	CONSISTENT See discussion for Policy 1.M.12
	Policy 1.M.15 The City shall treat exiting offices as permitted uses in the Light Industrial (LI) designation and shall allow their expansion within the boundaries of the same parcel, consistent with zoning standards.	CONSISTENT See discussion for Policy 1.M.12
<b>Community Facilities</b>		
	Goal 1.N To ensure an adequate supply of land for community facilities and services to meet the present and future needs of Eureka.	CONSISTENT The project would change zoning and land use designation to allow for development of new commercial uses that would serve Eureka's present and future residents.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
<b>Schools</b>		
	Policy 1.N.1 The City shall encourage the retention and upgrading of elementary school facilities to serve as the focal point of each neighborhood's social, cultural, vocational and recreational, as well as educational activities. Wherever feasible, open-space, playgrounds, neighborhood parks, and other neighborhood-scale facilities should be located adjacent to elementary schools.	NOT RELEVANT This policy relates to the quality of school facilities.
	Policy 1.N.2 The City shall work with local school districts to ensure that school sites are relatively free from external disturbing factors such as heavy traffic, excessive noise, offensive odors and incompatible land use.	NOT RELEVANT This policy relates to the location of school facilities. No school facilities are proposed as a part of the project.
	Policy 1.N.3 The City shall work with local school districts to ensure that all new schools are centrally located within the neighborhoods they serve and that new schools are sited to be compatible with surrounding neighborhood land uses. The City shall promote the development of new schools according to the following principles: Elementary schools should be located close to the center of the residential areas served and away from arterial traffic routes so that children do not have to cross arterials. Junior high schools should have direct access to collector streets, be located near a concentration of dwelling units, and with pedestrian walkways to provide access to and from the residential area served. High schools should be centrally located so as to have direct arterial access while serving the total community.	NOT RELEVANT This policy relates to the location of school facilities. No school facilities are proposed as a part of the project.
	Policy 1.N.4 The City shall work with local school districts to promote the concept of combined schools-parks whenever feasible (i.e., elementary school-neighborhood park, junior high school-community park, and high school-community park).	NOT RELEVANT This policy relates to the location of school facilities. No school facilities are proposed as a part of the project.
	Policy 1.N.5 The City shall support the efforts of the school district to acquire new school sites.	NOT RELEVANT This policy relates to the location of school facilities. No school facilities are proposed as a part of the project.
<b>Parks and Recreation</b>		
	Policy 1.N.6 The City shall ensure that sufficient area is provided for parks and open-space in all of Eureka's residential neighborhoods and shall plan for such uses as new residential development occurs.	CONSISTENT The project would designate a portion of the project site for waterfront conservation and open space.
	Policy 1.N.7 The City shall encourage development of parks adjacent to school sites that contain facilities and equipment that enhance and are compatible with the residential character of neighborhoods.	NOT RELEVANT This policy relates to the location of parks relative to school sites.
<b>Public and Quasi-Public Facilities</b>		
	Policy 1.N.8 To reinforce downtown Eureka's role as the regional center for government facilities and services, the City shall encourage and support consolidation of civic and governmental offices, services, and functions within the area designated Civic Government Center on the Land Use Diagram. This will provide a single, efficient, and readily accessible location for the public.	NOT RELEVANT This policy relates to the location of public facilities.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 1.N.9 The City shall encourage the coordination of public and private facilities whenever beneficial and avoid unnecessary duplication.	NOT RELEVANT This policy relates to the location of public facilities.
	Policy 1.N.10 The City shall strive to provide high quality public facilities, utilities, and services throughout the urbanized area of Eureka and shall ensure that such facilities, utilities, and services are compatible with surrounding development.	NOT RELEVANT This policy relates to the quality of public facilities.
	Policy 1.N.11 In considering proposals for development of places of public assembly (e.g. meeting halls, places of worship), the City shall encourage the provision of direct access to an arterial street.	NOT RELEVANT This policy relates to the location of public facilities.
	Policy 1.N.12 The City shall require that all public buildings comply with the requirements of the Americans with Disabilities Act (ADA).	NOT RELEVANT This policy relates to the quality of public facilities.
	Policy 1.N.13 The City shall continue to support the efforts of the Humboldt County convention and Visitors Bureau to locate a community conference center within or at the edge of the Core Area.	NOT RELEVANT This policy relates to the location of public facilities.
	Policy 1.N.14 The City shall promote the location of museums and regional cultural facilities within or adjacent to the Core Area.	NOT RELEVANT This policy relates to the location of public facilities.
	Policy 1.N.15 The City shall work with other local, state, and federal agencies to locate governmental garages and corporation yards in heavy commercial or industrial areas. Such facilities should be adjacent to or very near an arterial street, but should not directly abut an arterial, since the ingress and egress of trucks and other equipment could slow usual arterial traffic. The yard site should also be large enough to meet reasonable future needs and be compatible with surrounding land uses. The City shall encourage Humboldt County to relocate its Second and "J" Street facilities to a more appropriate area.	NOT RELEVANT This policy relates to the location of public facilities.
	Policy 1.N.16 The City shall ensure that fire stations are as compatible as feasible with neighboring land uses and that they relate to the City's major street system in the following manner: With access to arterial streets, but not directly facing onto an arterial due to the difficulty and danger of entering traffic flow; Location near, but not at, major street intersections due to possible traffic back-up. Location on one-way streets should be avoided.	NOT RELEVANT This policy relates to the location of public facilities.
<b>Medical Facilities</b>		
	Policy 1.N.17 The City shall work with Humboldt county to encourage the consolidation and upgrading of medical facilities in the Harrison Avenue medical corridor consistent with high standards of design, an improved circulation system, joint use of facilities, and adequate parking facilities. In doing so, the City shall ensure the protection of the surrounding residential areas from excessive traffic, noise, and congestion.	NOT RELEVANT This policy relates to the quality and location of medical facilities.
	Policy 1.N.18 In considering proposals for development of new medical facilities and services, the City shall promote the following principles: Hospital and other acute care facilities should be located with access to arterial streets and should be served by public transportation. The actual site should include	NOT RELEVANT This policy relates to the quality and location of medical facilities.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	space for adequate parking and future expansion. Medical offices and laboratory facilities should be provided around hospital facilities and/or at the edges of commercial centers with direct arterial access. Convalescent hospitals, nursing homes and related services for the elderly should be located in multi-family areas of the city, preferably near major medical facilities and public transportation.	
<b>Library Services</b>		
	Policy 1.N.19 The City shall work with Humboldt County to ensure that City-County library facilities are available to help fulfill the general cultural, educational, informational, and recreational needs of the public and to allow room for expansion of service and community growth.	NOT RELEVANT This policy relates to the quality of public facilities.
	Policy 1.N.20 The City shall work with Humboldt County to ensure that a branch library is sited in southern Eureka to serve the southern Eureka, Cutten, Pine Hill, and South Bay areas.	NOT RELEVANT This policy relates to the location of public facilities.
<b>HOUSING</b>		
<b>Production of New Housing</b>		
	Goal 1.A To provide adequate sites and promote the development of new housing to accommodate Eureka's fair share housing allocation.	CONSISTENT The project would rezone the project site to allow for residential development.
	Policy 1.A.1 The City shall promote and facilitate residential infill development on existing vacant residentially-zoned sites.	NOT RELEVANT This policy contains no project requirements or guidelines. The project site does not currently contain any residentially-zoned sites.
	Policy 1.A.2 The City shall promote the expeditious residential development of existing vacant residentially-zoned lots owned by the City, the Redevelopment Agency, Caltrans, or other public agencies.	NOT RELEVANT This policy contains no project requirements or guidelines. The project site does not currently contain any residentially-zoned sites.
	Policy 1.A.3 The City shall promote and facilitate the development of small single family units on small lots where such development is compatible with the surrounding neighborhood.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 1.A.4 The City shall, in conjunction with the General Plan update, consider redesignation and rezoning of existing vacant commercially-zoned lots for residential development.	NOT RELEVANT This policy contains no directive for a project applicant.
	Policy 1.A.5 The City shall, in conjunction with the General Plan update, consider annexation of surrounding territory as a means of increasing residential development opportunities within Eureka's city limits.	NOT RELEVANT This policy contains no directive for a project applicant.
	Policy 1.A.6 The City shall promote and facilitate the conversion of larger single family homes to multi-family development in areas zoned for multi-family residential development.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 1.A.7 The City shall promote and facilitate the development of second units on existing developed single family-zoned lots.	NOT RELEVANT This policy contains no project requirements or guidelines.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 1.A.8 The City shall promote and facilitate higher density residential development (e.g., townhomes, apartments, condominiums, and single room occupancy units) in Downtown and Old Town.	NOT RELEVANT This policy contains no project requirements or guidelines. The project site is not within Downtown or Old Town Eureka.
	Policy 1.A.9 The City shall promote and facilitate development of new upper-story multi-family residential units in Downtown and Old Town.	NOT RELEVANT This policy contains no project requirements or guidelines. The project site is not within Downtown or Old Town Eureka.
	Policy 1.A.10 The City shall provide and promote the use of density bonuses for projects that include units reserved for lower-income households, as indicated in the fair share assessment analysis.	NOT RELEVANT The project does not relate to a residential development proposal that would include low-income units.
	Policy 1.A.11 In accordance with the requirements of state law, the City shall require, where feasible, the provision of units affordable to low- and moderate-income households or the payment of in-lieu fees in connection with new residential developments within the Coastal Zone.	NOT RELEVANT The project does not relate to a residential development proposal. It would only change the zoning and land use designations of the project site.
	Policy 1.A.12 The City shall, in adopting new regulations, consider the effects of new regulations on housing affordability.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 1.A.13 The City shall support and help facilitate the creation of a non-profit housing development corporation to develop housing in the Eureka area.	NOT RELEVANT This policy does not relate to the project.
	Policy 1.A.14 The City shall expedite the review and approval of all development that includes on-site residential units affordable to very low- and low-income households.	NOT RELEVANT The proposed project is not a residential development. It is a change in land use controls. If a future development proposal is submitted pursuant to these controls, it would be analyzed at that time for consistency with this policy.
	Policy 1.A.15 The City may reduce development and planning fees for development that includes on-site residential units affordable to very low- and low-income households.	NOT RELEVANT The proposed project is not a residential development. It is a change in land use controls. If a future development proposal is submitted pursuant to these controls, it would be analyzed at that time for consistency with this policy.
	Policy 1.A.16 The City may provide flexibility in development standards for development that includes on-site residential units affordable to very low- and low-income households, in terms of parking requirements, setbacks, lot coverage, and street widths.	NOT RELEVANT The proposed project is not a residential development. It is a change in land use controls. If a future development proposal is submitted pursuant to these controls, it would be analyzed at that time for consistency with this policy.
	Policy 1.A.17 The City shall encourage the provision of affordable housing through the use of development agreements that provide incentives to developers in exchange for the provision of affordable housing.	NOT RELEVANT The proposed project is not a residential development. It is a change in land use controls. If a future development proposal is submitted pursuant to these controls, it would be analyzed at that time for consistency with this policy.
	Policy 1.A.18 The City shall continue to pursue appropriate federal, state, and local funding for the development for housing for low- and moderate-income households.	NOT RELEVANT This policy contains no requirement for a proposed project.
<b>Special Housing Needs</b>		
	Goal 1.B To provide adequate facilities and services for the homeless, those in need of transitional housing, and others with special needs.	NOT RELEVANT This policy contains no project requirements or guidelines.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 1.B.1 The City shall promote the development of housing that meets the needs of those with special housing needs, including the homeless, those needing transitional housing, households headed by single parents, large families, seniors, and disabled persons.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 1.B.2 The City shall work to ensure homeless services are provided by Humboldt County to homeless persons within the community where they are living. The City shall work with Humboldt County and other cities in Humboldt County to seek non-local funding for these services.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 1.B.3 The City shall promote the use of alternative living and ownership arrangements aimed at providing additional housing opportunities for special needs groups.	NOT RELEVANT This policy contains no project requirements or guidelines.
<b><i>Housing Rehabilitation and Affordability Conservation</i></b>		
	Goal 1.C To encourage the maintenance, improvement, and rehabilitation of the city's existing housing stock and residential neighborhoods.	NOT RELEVANT This policy contains no project requirements or guidelines. There is no existing housing on the project site.
	Policy 1.C.1 The City shall encourage private investment in older residential neighborhoods and private rehabilitation of housing.	NOT RELEVANT This policy contains no project requirements or guidelines. There is no existing housing on the project site.
	Policy 1.C.2 The City shall continue to pursue appropriate federal, state, and local funding for the rehabilitation of housing for low- and moderate-income households.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 1.C.3 The City shall assist in the relocation of residents who reside in mobilehome parks that are converting to another use, or assist residents in the purchase of mobilehome parks if the mobilehome park is converting to condominium ownership where Redevelopment Agency, state, or federal funds are used for the new use.	NOT RELEVANT This policy contains no project requirements or guidelines. There is no existing housing on the project site.
	Policy 1.C.4 In accordance with the requirements of state law, the City shall deny any request for the conversion or demolition of an existing residential dwelling unit located within the Coastal Zone occupied by a low- or moderate-income household unless provisions are made for replacement of that dwelling unit.	NOT RELEVANT This policy contains no project requirements or guidelines. There is no existing housing on the project site.
	Policy 1.C.5 In accordance with the requirements of state law, the city shall deny any request for the conversion or demolition of any residential structure located within the Coastal Zone for development of a non-residential use which is not coastal dependent unless the City finds that the residential use is no longer feasible in that location. If the City makes this determination and authorizes the conversion or demolition of the residential structure, it shall require replacement of all dwelling units occupied by low- or moderate-income households in accordance with state law.	NOT RELEVANT This policy contains no project requirements or guidelines. There is no existing housing on the project site.
	Policy 1.C.6 The City shall diligently pursue the elimination of overcrowded, unsafe, and unsanitary conditions.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 1.C.7 The City shall continue to encourage property owners to declare illegal second units and to bring such units into conformance with applicable building and housing codes.	NOT RELEVANT This policy contains no requirement for a proposed project.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
<b>Equal Access</b>		
	Goal 1.D To ensure equal housing opportunities for all persons in Eureka regardless of age, race, religion, sex, marital status, national origin, color, or other barriers that prevent choice in housing.	CONSISTENT The project would allow for residential development on the project site, but it would not guarantee residential development would occur.
	Policy 1.D.1 The City shall promote housing opportunities for all persons regardless of race, religion, sex, marital status, national origin, color, and other barriers that prevent choice in housing.	NOT RELEVANT CONSISTENT The project would allow for residential development on the project site, but it would not guarantee residential development would occur.
<b>Energy Conservation</b>		
	Goal 1.E To encourage and maintain energy efficiency in new and existing housing.	NOT RELEVANT The project would not directly result in the construction of new housing, and no housing currently exists on the project site.
	Policy 1.E.1 The City shall continue to promote energy conservation in the design of all new residential structures and shall promote incorporation of energy conservation and weatherization features in existing homes.	NOT RELEVANT The project would not directly result in the construction of new housing, and no housing currently exists on the project site.
<b>TRANSPORTATION AND CIRCULATION</b>		
<b>Streets and Highways</b>		
	Goal 3.A To provide for the planning and development of the city's roadway system, ensure safe and efficient movement of people and goods, and provide sufficient access to new development.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not affect the city's roadway system.
	Policy 3.A.1 The City shall expand and maintain its streets and highway system according to the classifications shown in Table 3-1 and depicted in Figure 3-1.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.A.2 The City shall endeavor to manage its street and highway system so as to maintain Level of Service C operation on all roadway segments, except for any portion of U.S. 101, where Level of Service D shall be acceptable. For evaluation purposes, service levels shall be determined on the basis of midblock roadway planning capacities shown in Table 3-3 and the definitions of service levels shown in Table 3-4.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.A.3 The City shall require that all new and improved streets in Eureka be designed in accordance with the roadway cross-sections standards shown in Table 3-5.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.A.4 The City shall employ methods approved by the California Vehicle Code and Traffic Manual to establish speed limits.	NOT RELEVANT This policy provides no mandates or requirements for projects.
	Policy 3.A.5 The City shall continue to pursue all available options for funding new and improved street and highway facilities.	NOT RELEVANT This policy provides no mandates or requirements for projects.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	<p>Policy 3.A.6 The City shall require all new land development projects to contribute a fair share of the cost of any street and highway improvement that can be assigned to the traffic-generating attributes of the new or intensified uses. Any project that is expected to generate more than 50 trips per peak hour shall be required to submit a traffic analysis prior to approval. Any project that is anticipated to generate significant traffic impacts will be required to mitigate such impacts.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.</p>
	<p>Policy 3.A.7 The City should improve the appearance of existing transportation right-of-way and incorporate high standards of aesthetic design when considering new transportation corridors, including streets, bikeways, walkways, and other related rights-of-way.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.</p>
	<p>Policy 3.A.8 The City shall develop Waterfront Drive along Humboldt Bay from the Elk River Interchange to the vicinity of Eureka Slough, consistent with all other applicable General Plan and LCP policies.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.</p>
	<p>Policy 3.A.9 The City shall require that streets developed in hilly and gulch greenway areas result in as little disruption of the natural topography as feasible. New roads should not be constructed in gulch greenway areas unless there is no feasible, less environmentally damaging alternative and the impacts can be adequately mitigated.</p>	<p>NOT RELEVANT The project site is not in a hilly or gulch greenway area.</p>
	<p>Policy 3.A.10 The City shall work with the Humboldt County Association of Governments (HCAOG), Caltrans, and Humboldt County to continue reviewing options for long-term solutions to congestion on U.S. 101, including development of some type of higher order facility (e.g., freeway or expressway).</p>	<p>NOT RELEVANT This policy provides no mandates or requirements for projects.</p>
	<p>Policy 3.A.11 The City shall require that new residential streets be developed to the minimum width consistent with safety and emergency access considerations and on-street parking needs.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.</p>
	<p>Policy 3.A.12 The City shall endeavor to implement traffic controls to eliminate uncontrolled intersections that have created traffic conflicts and led to traffic accidents.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.</p>
	<p>Policy 3.A.13 The City shall require that all new structures constructed adjacent to expressways, arterial streets, and collector streets in the city be situated so as to conform with the sight distance requirements defined in the California Department of Transportation (Caltrans) Highway Design Manual. The City shall also ensure that new roadways are designed conform with the sight distance requirements in the Highway Design Manual.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.</p>
	<p>Policy 3.A.14 The City shall require all new or intensified development projects to provide sufficient off-street parking supply so as to conserve the existing on-street supply, particularly in the commercial, medical services commercial, industrial, and higher density residential areas, except in the Core Area as specified under Goal 3.H in this document. In cases where off-street parking is required, the City will</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system</p>

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	encourage joint-use parking arrangements.	
<b>Public Transit</b>		
	Goal 3.B To provide coordinated transit service within Eureka and surrounding areas as an alternative to automobiles.	NOT RELEVANT This goal contains no directive for a project.
	Policy 3.B.1 The City will continue to fund and operate the Eureka Transit Service in a manner that responds to the needs of its primary markets—senior citizens, the economically disadvantaged, school-aged children, college students, and others determined to be transit-dependent—within the limitations of funding available to the City.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.B.2 The City shall work with the staff of Humboldt Transit Authority to maximize the coordination of the Eureka Transit Service and the Redwood Transit System operated by Humboldt County. Coordination shall be reviewed in terms of scheduling, fares, and in providing for a common transfer location in Eureka’s Core Area.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.B.3 The City shall work with the Humboldt Transit Authority to develop an intermodal transportation center between A and Commercial Streets, south of Waterfront Drive and the railroad tracks. The center would provide a central focal point for all transportation modes serving Humboldt County, including buses, cabs and limousines, railroad passenger service, bay excursion services, horse-drawn carriages, and possibly cruise ships and trolleys.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.B.4 The City supports continuation of Amtrak feeder3 service to Eureka and coordination of this feeder service with the Eureka Transit Service and the Redwood Transit System.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.B.5 Where appropriate, the City shall require new development to dedicate easements for and provide sheltered public stops for transit patron access.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city’s roadway system.
	Policy 3.B.6 The City shall pursue all available sources of funding for capital and operating costs of the Eureka Transit Service.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.B.7 The City shall work to broaden ridership of public transit to increase farebox revenue and decrease reliance on subsidies.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.B.8 The City shall work with Core Area employers to encourage their employees to use public transit, thereby reducing traffic congestion and parking demand in the Core Area.	NOT RELEVANT The project site is not within the Core Area.
<b>Bicycle Transportation</b>		
	Goal 3.C To encourage the use of the bicycle as an alternate, energy efficient mode of transportation within the city and to develop a system of bikeways and bicycle parking facilities which will safely and effectively serve those wishing to utilize bicycles for commute or recreational trips.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city’s roadway system.
	Policy 3.C.1 The City shall consider the needs of bicyclists in the design of all new or reconstructed streets, with particular	NOT RELEVANT The project would change the land use designation and

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	attention to those streets designated as bikeways in this plan.	zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.C.2 The City shall coordinate development of the bikeway system, as listed in Table 3-6 and shown in Figure 3-3, particularly Class II facilities which require striping, with the resurfacing program for city streets.	NOT RELEVANT This policy contains no directive for a project.
	Policy 3.C.3 The City will maintain designated bikeways and other local streets and bicycle parking facilities in a condition favorable to use by bicyclists.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 3.C.4 The City shall promote the installation of secure bicycle racks in areas generating substantial bicycle traffic and at major public facilities. The City shall also require the installation of bicycle racks whenever a major traffic generator is developed.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.C.5 The City shall ensure that development of bicycle facilities in the city is coordinated with the efforts by Humboldt County and Caltrans, where appropriate.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 3.C.6 The City shall pursue development of a system of local bikeways that extends throughout the urban sections of the city and which is interconnected with regional bikeway system.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.C.7 The City shall require that bikeways, where feasible and desirable, are located on exclusive lanes that are physically separated from automobiles and which extend through major recreational facilities. When separate bikeway facilities cannot be provided, the bikeway should be designated with minimum improvements including bike lane striping and signing for both the cyclists' and motorists' protection. Bikeways should maximize the use of streets with low vehicular traffic levels.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's roadway system.
	Policy 3.C.8 The City shall ensure that storm sewer gratings are placed in such a way or modified so as to minimize danger to cyclists.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's infrastructure.
<b><i>Pedestrian Transportation</i></b>		
	Goal 3.D To encourage and facilitate walking throughout the city.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.
	Policy 3.D.1 The City shall provide for the extension of sidewalks, trails, and walking facilities throughout the city to allow for convenient and safe pedestrian movement.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.
	Policy 3.D.2 The City shall develop a bicycle/pedestrian trail along the waterfront extending from the I-255 Bridge to Del Norte Street. The trail should be developed according to a theme that recognizes and integrates the unique features of Eureka's waterfront.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 3.D.3 The City shall ensure that pedestrian walkways are separated, safe, and protected from automobile traffic.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.
	Policy 3.D.4 The City shall promote the linkage of sidewalks and walkways with bike and pedestrian trails leading to and through outdoor recreational areas such as parks and schools, as well as commercial areas.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.
	Policy 3.D.5 The City shall coordinate with local school districts to assure that safe routes to schools are available to all students.	NOT RELEVANT This policy contains no project requirements or guidelines.
<b>Goods Movement</b>		
	Goal 3.E To ensure that goods can be moved to and from industrial and commercial sites in Eureka in a safe and efficient manner while ensuring that heavy trucks remain on freeways and major arterial streets except when accessing sites within the city.	CONSISTENT The project would not obstruct the movement of goods from industrial and commercial sites.
	Policy 3.E.1 The City shall adopt a truck route system in accordance with provisions of the California Vehicle Code. The Truck route system shall designate those parts of the street system to which through truck movements shall be limited. The truck route system shall include all portions of Highway 101 and State Route 255. This policy shall not prohibit heavy trucks from using other streets when accessing specific sites within the city.	NOT RELEVANT This policy provides no mandates or requirements for projects.
<b>Rail Transportation</b>		
	Goal 3.F To support efforts of the north Coast Railroad to maintain and expand freight and passenger rail service between Eureka and service points to the south and east.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.
	Policy 3.F.1 The City shall support efforts of the North Coast Railroad to re-establish passenger rail service within Humboldt County and between Eureka and the San Francisco Bay Area.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the city's transportation system.
	Policy 3.F.2 The City shall work with the railroad to determine if feasible locations for switching operations can be located outside the city, allowing the current balloon track area to be used for industrial or commercial development purposes.	NOT RELEVANT This policy provides no mandates or requirements for projects.
<b>Water Transportation</b>		
	Goal 3.G To support the water transportation needs of commercial fishing and recreational boating operations.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 3.G.1 The City shall protect and, where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. Existing commercial fishing and recreational boating space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, to the maximum extent feasible, be designed and located so as not to interfere with the needs of the commercial fishing industry.	NOT RELEVANT This policy contains no project requirements or guidelines.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	<p>Policy 3.G.2 The City shall limit new or expanded berthing facilities to sites at the Woodley Island Marina, the Eureka Small Boat Basin, or the Eureka Channel Inner Reach. Facilities supporting party- or charter-fishing boat operations shall be provided at these sites to meet demand for them.</p>	<p>NOT RELEVANT The project would not include new or expanded berthing facilities.</p>
	<p>Policy 3.G.3 The City shall participate in the reconstruction for the Landing dock near the foot of C Street.</p>	<p>NOT RELEVANT The project site is not located near the foot of C Street.</p>
	<p>Policy 3.G.4 The City shall participate in the design and construction of a public berthing facility in Inner Reach near the Adorni Center.</p>	<p>NOT RELEVANT The project site is not located near Adorni Center.</p>
	<p>Policy 3.G.5 The City shall participate in the development of Fisherman's Parcel for fishing fleet activities.</p>	<p>NOT RELEVANT This policy contains no project requirements or guidelines.</p>
	<p>Policy 3.G.6 The City shall participate in the rehabilitation of the existing small boat basin, dredging and expansion of the Humboldt Yacht Club, and development of a fishing industry support facility.</p>	<p>NOT RELEVANT This policy contains no directive for a project.</p>
<p><b>Core Area Circulation and Parking</b></p>		
	<p>Goal 3.H To create a circulation and parking system that serves the diverse needs of the Core Area occupants and visitors.</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>
	<p>Policy 3.H.1 The City shall create distinctive "gateways" at E, F, and G Streets along the Fourth/Fifth Street corridor that signal entry into the Core Area and that include signs directing travelers into the central business district and tourism areas and dedicated turn lanes (developed within existing parking lanes). The City supports the continuation of three through traffic lanes on both Fourth and Fifth Streets.</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>
	<p>Policy 3.H.2 The City shall balance north-south travel needs through the Core Area (i.e., along E, F, and G Streets) with east-west travel needs by modifying traffic control devices (i.e., traffic signals and stop signs), working with Caltrans as necessary.</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>
	<p>Policy 3.H.3 The City shall work with Core Area business and property owners to develop a parking management program to balance the long and short-term parking needs of residents, employees, business patrons, and tourists.</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>
	<p>Policy 3.H.4 The City shall restripe public parking lots in the Core Area to improve circulation and parking efficiency.</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>
	<p>Policy 3.H.5 The City shall improve parking lot safety, where necessary, through improved lighting in lot and accessways and increasing visibility of parking areas through removing/pruning high shrubs, relocating dumpsters, and removing other obstacles to visibility and surveillance of lots.</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>
	<p>Policy 3.H.6 The City shall discourage the placement of parking lots along major commercial and high pedestrian-use street frontages in the interest of maintaining continuous building frontages along the primary commercial streets in the Core Area (i.e., F, Second, Fourth, and Fifth Streets).</p>	<p>NOT RELEVANT The project site is not within Eureka's "Core Area".</p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 3.H.7 Except for proposed future parking structures, the City shall discourage parking lots located at street intersections throughout the Core Area.	NOT RELEVANT The project site is not within Eureka's "Core Area".
	Policy 3.H.8 The City shall provide clear directional signs to major public parking areas (including sites designated for parking structures).	NOT RELEVANT The project site is not within Eureka's "Core Area".
<b>PUBLIC FACILITIES AND SERVICES</b>		
<b>General Public Facilities and Services</b>		
	Goal 4.A To ensure the effective and efficient provision of public facilities and services for existing and new development.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's infrastructure.
	Policy 4.A.1 The City shall provide high quality public facilities, utilities, and services throughout the urbanized area of Eureka and shall ensure that such facilities, utilities, and services are compatible with surrounding development.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's infrastructure.
	Policy 4.A.2 The City shall direct growth to those areas already served by public infrastructure and utilities.	CONSISTENT Although the project site is not currently served by all public infrastructure and utilities, if is an infill area as the underused urban site contrasts with the established urban character of the project site vicinity.
	Policy 4.A.3 The City shall require that all land designated for urban development be served by adequate water and other utilities necessary for health, safety, and welfare of citizens and property. Conversely, the City shall not provide urban utilities to areas that are not designated for urban development, particularly agricultural areas, wetland areas, forest lands, and areas with unsuitable topography.	NOT RELEVANT This policy provides no mandates or requirements for projects.
	Policy 4.A.4 The City declares that existing public works facilities, including water, wastewater, stormwater, highway, and railroad facilities serving the Planning Area are essential to the economic and social well-being of the people and shall be maintained, enhanced, and restored to assure the orderly and balanced utilization and conservation of natural and human-created resources.	NOT RELEVANT This policy contains no requirements for a proposed project.
	Policy 4.A.5 The City shall permit the formation or expansion of special districts where assessment for, and provision of, the services will not induce development inconsistent with this General Plan.	NOT RELEVANT The project does not include formation or expansion of a special district.
	Policy 4.A.6 The City shall ensure that new or expanded public works facilities within the Coastal Zone will be designed and limited to accommodate needs generated by permitted uses and development consistent with the provisions of this General Plan.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's infrastructure.
	Policy 4.A.7 Within the coastal Zone, the City shall prohibit the extension of urban services (sewer and water) into areas with Open Space designations (i.e., Agricultural, Timberland, Natural Resources, Water—Development, and Water—Conservation), except that the water system intertie line in the southwestern part of the city shall be permitted to extend into	NOT RELEVANT There is not Open Space designation currently on the project site.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	these areas, provided no connections for private users shall be allowed.	
	Policy 4.A.8 The City shall promote undergrounding of overhead utility lines whenever feasible, particularly in recreational facilities, the Core Area, and new residential development.	NOT RELEVANT This policy provides no mandates or requirements for projects.
	Policy 4.A.9 The City shall require the undergrounding of all new utility services.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's infrastructure.
	Policy 4.A.10 The City shall require that new development contribute its fair share to providing all public services and infrastructure, including schools, necessary to serve that development.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services.
<b>Water Supply and Delivery</b>		
	Goal 4.B To ensure the availability of an adequate and safe water supply and the maintenance of high quality water for residents of and visitors to Eureka.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities
	Policy 4.B.1 To the extent feasible, within the Coastal Zone, the City shall preserve water system capacity needed for priority uses. These uses and their order of priority are as follows: Coastal-dependent uses; Essential public services; Basic industries vital to the economic health of the region, state or nation; Public recreation; Commercial recreation; and Visitor-serving uses.	NOT RELEVANT This policy contains no directive for a project.
	Policy 4.B.2 The City shall require proponents of new development to demonstrate the availability of a long-term, reliable water supply and adequate water supply infrastructure. The City shall require all new development within the city to connect to the City's water system. New development shall be responsible for constructing or financing any water system upgrades necessary to serve the development.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.B.3 Through its Capital Improvements Program, the City shall continue to conduct leak detection surveys and replace or repair existing water lines that are inadequate to serve existing development.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.B.4 The City shall promote efficient water use and reduced water demand by requiring water-conserving design and equipment in new construction and encouraging retrofitting existing development with water-conserving devices.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's infrastructure.
	Policy 4.B.5 The City shall identify all development within the city limits not currently served by the City's water system with the intent of requiring connection to the system.	NOT RELEVANT This policy contains no requirement for a proposed project.
<b>Wastewater Collection, Treatment, and Disposal</b>		
	Goal 4.C To ensure adequate wastewater collection, treatment, and disposal.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
		site's population or demand of public services or utilities.
	Policy 4.C.1 The City shall promote efficient water use and reduced wastewater system demand by requiring water-conserving design and equipment in new construction and encouraging retrofitting with water-conserving devices.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities
	Policy 4.C.2 The City shall continue its efforts to detect and correct infiltration/inflow (I/I) in its wastewater collection system.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.C.3 The City shall require pretreatment of commercial and industrial wastes prior to their entering the city collection and treatment system.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.C.4 The City shall prohibit the development of new on-site sewage treatment and disposal systems within the city limits.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.C.5 The City shall require all new development within the city limits to connect to the City wastewater treatment system.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.C.6 The City shall not allow extension of sewer service outside of the city limits, except in limited circumstances to resolve a public health hazard resulting from existing development, or where there is a substantial overriding public benefit.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.C.7 The City shall identify all existing development not currently served by the City wastewater treatment system with the intent of requiring connection to the system.	NOT RELEVANT This policy contains no requirement for a proposed project.
<b>Stormwater Drainage</b>		
	Goal 4.D To collect and convey stormwater in a manner that least inconveniences the public, reduces or prevents potential water-related damage, and protects the environment.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure.
	Policy 4.D.1 The City shall consider establishing an assessment district to fund citywide storm drainage improvements, including replacement, repair, or relocation of storm drain facilities.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.D.2 The City shall encourage the use of natural stormwater drainage systems in a manner that preserves and enhances natural features.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure.
	Policy 4.D.3 The City shall support efforts to acquire land or obtain easements for drainage and other public uses of floodplains where it is desirable to maintain stream courses in a natural state.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.D.4 The City shall consider recreational opportunities and aesthetics in the design of stormwater detention/retention and conveyance facilities.	NOT RELEVANT This policy provides no mandates or requirements for projects.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 4.D.5 The City shall promote sound soil conservation practices and carefully examine the impact of proposed urban developments with regard to water quality and effects on drainage courses.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly result in site grading or other construction activities that would affect water quality.
	Policy 4.D.6 The City shall improve the quality of runoff from urban and suburban development through use of appropriate and feasible mitigation measures including, but not limited to, artificial wetlands, grassy swales, infiltration/sedimentation basins, riparian setbacks, oil/grit separators, and other best management practices (BMPs).	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure.
	Policy 4.D.7 The City shall require new development that would increase storm drainage runoff in a 10-year storm event more than 1 cubic foot per section to provide retention/siltation basins to limit new runoff to prior-to-development flows.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure.
	Policy 4.D.8 The City shall encourage new project designs that minimize drainage concentrations and impervious coverage and maintain, to the extent feasible, natural site drainage conditions.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure.
	Policy 4.D.9 The City shall require new projects that affect the quantity or quality of surface water runoff to allocate land as necessary for the purpose of detaining post-project flows and/or for the incorporation of mitigation measures for water quality impacts related to urban runoff.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure.
	Policy 4.D.10 In the Martin Slough, drainage, the City shall cooperate with Humboldt County and affected landowners to minimize potential damage and economic loss arising from stormwater runoff, consistent with other policies of this General Plan.	NOT RELEVANT The project site is not located within the Martin Slough drainage.
<b>Solid Waste Collection and Disposal</b>		
	Goal 4.E To ensure the safe and efficient disposal or recycling of solid waste generated in Eureka.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect demand for solid waste services.
	Policy 4.E.1 The City shall require solid waste collection in all urban and suburban development.	NOT RELEVANT See discussion for Goal 4.E.
	Policy 4.E.2 The City shall promote maximum use of solid waste source reduction, recycling, composting, and environmentally-safe transformation of wastes.	NOT RELEVANT See discussion for Goal 4.E.
	Policy 4.E.3 The City shall require that all new development complies with applicable provisions of the Humboldt County Integrated Waste Management Plan and the City's Source Reduction and Recycling Plan.	NOT RELEVANT See discussion for Goal 4.E.
	Policy 4.E.4 The City shall encourage the development of regional and community-based recycling facilities in heavy commercial and industrial areas.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.E.5 The City shall encourage businesses to use recycled products in their manufacturing processes and	NOT RELEVANT This policy provides no mandates or requirements for

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	consumers to buy recycled products.	projects.
<b>Law Enforcement</b>		
	Goal 4.F To provide adequate police services to deter crime and to meet the growing demand for services associated with increasing population and commercial/industrial development in the city.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.F.1 Within the city's overall budgetary constraints, the City shall strive to maintain a staffing ratio of 2.8 personnel per 1,000 residents (1.0 non-sworn and 1.8 sworn).	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.F.2 The City Police Department shall strive to maintain an average response time of 3 minutes for calls for service critical life-threatening emergencies.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.F.3 Within the City's overall budgetary constraints, the City shall provide police facilities (including substation space, patrol, and other vehicles, necessary equipment, and support personnel) sufficient to maintain the above service standard.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.F.4 The City shall annually assess police facilities and equipment needs and develop strategies that, at a minimum, maintain the above standards.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.F.5 The City shall consider public safety issues in all aspects of commercial and residential project design, including crime prevention through environmental design.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.F.6 The City shall continue to support creative approaches to crime prevention and problem solving through the Eureka Police Department's Community Oriented Policing and Problem Solving strategies.	NOT RELEVANT This policy contains no requirement for a proposed project.
<b>Fire Protection</b>		
	Goal 4.G To protect residents of and visitors to Eureka from injury and loss of life and to protect property from fires.	NOT RELEVANT See discussion for Policy 4.F.5.
	Policy 4.G.1 The City shall ensure that water main size, water flow, fire hydrant spacing, and other fire facilities meet City standards.	NOT RELEVANT See discussion for Policy 4.F.5.
	Policy 4.G.2 The City Fire Department shall attempt to maintain an ISO (Insurance Service Organization) rating of 3.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.G.3 The City Fire Department shall attempt to maintain an average response time of 3 minutes for all service calls, including emergency medical service (EMS) calls.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.G.4 The City shall require new development to develop or fund fire protection facilities, personnel, and operations and maintenance that, at a minimum, maintains the above service level standards.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 4.G.5 The City shall identify key fire loss problems and design appropriate fire safety education programs to reduce fire incidents and losses.	NOT RELEVANT This policy contains no directive for a project.
	Policy 4.G.6 The City shall implement ordinances to control fire losses and fire protection costs through continued use of automatic fire detection, control, and suppression systems.	NOT RELEVANT This policy contains no directive for a project.
	Policy 4.G.7 The City shall cooperate with Humboldt Fire District No. 1 and the California Department of Forestry and Fire Protection (CDF) in providing adequate levels of fire protection services in the Planning Area.	NOT RELEVANT This policy contains no directive for a project.
	Policy 4.G.8 The City shall provide a dedicated training facility for the fire department that is designed appropriately to provide fire and life safety tactics education for firefighters in order to increase personnel safety, efficiency, and effectiveness.	NOT RELEVANT This policy contains no directive for a project.
	Policy 4.G.9 The City Fire Department shall annually inspect all residential rental units for compliance with fire safety requirements.	NOT RELEVANT This policy contains no directive for a project.
<b>Schools</b>		
	Goal 4.H To provide for the educational needs of Eureka residents.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.H.1 The City should continue to support local school districts in providing quality education facilities that will accommodate projected changes in student enrollment.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.H.2 The City shall encourage the provision of social, recreational, and educational services that complement and enrich those provided by public and private educational facilities.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.H.3 The City shall work cooperatively with local school districts in monitoring housing, population, and school enrollment trends and in planning for future school facility needs, and shall assist the districts in identifying appropriate sites for new schools.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.H.4 The City's land use planning should be coordinated with the planning of school facilities and should involve local school districts in the early stages of the land use planning process.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.H.5 The City should plan and approve residential uses in those areas that are most accessible to school sites in order to enhance neighborhoods, minimize transportation requirements and costs, and minimize safety problems.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.H.6 The City shall include schools among those public facilities and services that are considered an essential part of the infrastructure that should be in place as development occurs.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the site's population or demand of public services or utilities.
	Policy 4.H.7 The City shall encourage school facility siting that establishes schools as focal points within the neighborhood	NOT RELEVANT This policy contains no project requirements or guidelines.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	and community.	
	Policy 4.H.8 The City shall encourage the location of schools in areas with safe pedestrian and bicycle access.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 4.H.9 Whenever feasible, the City shall support and participate with local school districts in joint development of recreation areas, turf areas, and multi-purpose buildings.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.H.10 The City shall support local school districts in using existing school facilities for non-school-related and child care activities.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.H.11 The City should encourage use of schools as community centers to provide a range of services.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 4.H.12 The City should require developers of new residential projects in the city to participate in providing sidewalks adjacent to arterials to ensure safe pedestrian/student travel to and from schools. The City should encourage Humboldt County to do likewise in unincorporated parts of the Planning Area.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure or circulation systems.
	Policy 4.H.13 The City should work with Humboldt County to provide streets and roads in the Planning Area that school buses can negotiate safely, including turn-around areas and safe passageways along embankments and grades.	NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly affect the infrastructure or circulation systems.
<b>RECREATIONAL AND CULTURAL RESOURCES</b>		
<b><i>General Parks and Recreation</i></b>		
	Goal 5.A To provide for park and recreational systems which include sufficient diversity of areas and facilities to effectively serve a population with varied characteristics, densities, needs and interests, consistent with protecting environmentally sensitive habitats.	CONSISTENT The proposed project would allow for development of a waterfront conservation area.
	Policy 5.A.1 The City of Eureka will work with other park and recreation service providers to ensure the availability of a park and recreational system that includes sufficient diversity of areas and facilities to effectively serve the varied characteristics, densities, needs, and interests of Eureka residents and visitors. The City shall promote the development of parks according to the following principles: Neighborhood parks should be located within the residential areas of the city with direct access from a collector street and should include both active and passive recreational uses in order to serve as a multi-activity neighborhood recreational center. Community parks should provide for popular forms of recreation which require more space than would be available in the residential neighborhood park. Community parks should be designed to provide active and passive recreational for all age groups while being compatible with surrounding development. Community parks should have convenient access from arterial streets in order to serve the entire community. Trails should meander through residential neighborhoods and/or scenic areas. Trails should connect to community parks and schools, which should provide access points to the trails. Trails should not cross arterial streets frequently and should provide as many interesting vistas and view points as feasible. New parks and recreational facilities shall be developed to minimize	NOT RELEVANT This policy contains no requirement for a proposed project.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	impacts on environmentally sensitive areas such as wetlands and riparian habitat.	
	Policy 5.A.2 The City shall upgrade Eureka's established park system as necessary to better serve the needs of the general public.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.A.3 The City shall strive to achieve the open space and recreation standards shown in Table 5-1.	CONSISTENT The proposed project would not affect the existing ratio of 5.6 acres of community and neighborhood park space per 1,000 residents.
<b>Coastal Recreation and Access</b>		
	Goal 5.B To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.	CONSISTENT See discussion for Goal 5.A.
	Policy 5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following: Develop Waterfront Drive from the Elk River Interchange to a terminus near Eureka Slough, with provisions for bicycle lanes, pedestrian walkways, and supporting facilities. Establish a walkway system located on or near the shoreline throughout the city's waterfront Core Area. Establish scenic vista points at numerous locations along the waterfront, including construction of a public access vista point at the foot of Truesdale Street. Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways. The City, in cooperation with the Coastal Commission and Coastal Conservancy, shall provide for attractive directional signs that are meaningful on the North Coast so as to assist area residents and visitors alike in identifying visitor-serving, recreational, and historical facilities in the city.	CONSISTENT See discussion for Goal 5.A.
	Policy 5.B.2 On shoreline parcels where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses.	NOT RELEVANT The project would change the land use designations and zoning districts on the project site, but it would not directly result in new uses.
	Policy 5.B.3 The City shall promote the maintenance of and, where feasible, shall provide, restore, or enhance facilities serving commercial and recreational boating, including party or charter fishing boats.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 5.B.4 The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline, consistent with protecting environmentally sensitive habitats, by: Accepting offers of dedications that will increase opportunities for public access and recreation and the availability of necessary staff and funding to improve and maintain access ways and assume liability for them; Actively seeking other public, community non-profit, or public agencies to accept offers of dedications and having them assume liability and maintenance responsibilities; and, Allowing only such development as will not interfere with the public's right of access to the sea, where such right was acquired through use or legislative authorization.	CONSISTENT The proposed project would allow for development of a waterfront conservation area.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	<p>Policy 5.B.5 For new development between the first public road and the sea, the City shall require the dedication of a vertical access easement to the mean high tide line unless: Another more suitable public access corridor is available within 500 feet of the site; or Access at the site would be inconsistent with other General Plan coastal policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access at the site is inconsistent with public safety, environmental protection, or military security needs.</p>	<p>NOT RELEVANT The project site does not include development between the first public road and the sea.</p>
	<p>Policy 5.B.6 For new development between the first public road and the sea, the City shall require a lateral access easement along the shoreline unless: Lateral access at the site would be inconsistent with other General Plan coastal policies, including existing expanded, or new coastal dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access is inconsistent with public safety or military security needs.</p>	<p>NOT RELEVANT The project site does not include development between the first public road and the sea.</p>
	<p>Policy 5.B.7 The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as described in Table 5-2 and shown in Figure 5-1.</p>	<p>CONSISTENT See discussion for Goal 5.A.</p>
	<p>Policy 5.B.8 The City shall enforce the access standards and recommendations contained in the State Coastal Conservancy/Coastal Commission Report on Coastal Access (revised August 1980) as the criteria for improvement, maintenance, and management of accessways and supporting facilities proposed in this General Plan. Special attention in design and construction of accessways shall be given to minimizing maintenance requirements given the North Coast climate and to minimizing the possibilities of vandalism. Where public accessways or vista points are located near environmentally sensitive habitat areas, attractive barriers shall be provided to preclude disturbance of natural areas by off-road or all-terrain vehicles.</p>	<p>CONSISTENT The proposed project would allow for development of a waterfront conservation area.</p>
	<p>Policy 5.B.9 The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not directly result in the construction of parking or public access facilities.</p>
	<p>Policy 5.B.10 To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.</p>	<p>NOT RELEVANT The project would change the land use designation and zoning of the project site, but it would not result in the construction of parking or public access facilities.</p>
	<p>Policy 5.B.11 The City shall participate in the development of a facility for the Humboldt Bay Rowers Association on the waterfront.</p>	<p>NOT RELEVANT This policy contains no project requirements or guidelines.</p>
<p><b>Recreation Services</b></p>		
	<p>Goal 5.C To ensure that a range of recreation services, activities, and programs are offered which provide a desirable quality of life for all citizens of Eureka.</p>	<p>NOT RELEVANT This policy contains no requirement for a proposed project.</p>
	<p>Policy 5.C.1 The City shall consider the needs of all age</p>	<p>NOT RELEVANT</p>

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	groups, abilities, disabilities, and special interest groups in its park, recreation, and community services planning.	This policy contains no requirement for a proposed project.
	Policy 5.C.2 The City shall encourage and support agencies that actively provide recreation and community services programs and activities.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.C.3 The City shall ensure that a mechanism is in place to provide opportunities for participation by economically disadvantaged families and individuals.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.C.4 The City shall provide supervision of park areas to protect the rights of the users of the parks and reduce vandalism and will work with law enforcement agencies to eliminate crime at parks and recreations facilities.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.C.5 The City shall provide an ongoing emphasis on youth programs and services, especially those that provide positive educational and social influences for youth at risk for illegal, anti-social, or unhealthy behaviors.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.C.6 The City shall ensure a wide range of services, activities, and programs reflecting the cultural diversity of the community.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.C.7 The City shall ensure the provision of services and programs designed for physically and mentally challenged citizens, and make reasonable accommodations for the participation of such individuals in City programs.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.C.8 The City shall provide opportunities for citizen input and participation in the planning of recreation and community services programs and activities.	NOT RELEVANT This policy contains no requirement for a proposed project.
<b>Arts and Culture</b>		
	Goal 5.D To promote development and programs that meet the artistic and cultural needs of the Eureka community.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 5.D.1 the City shall establish the Core Area as the city's and region's focal point for entertainment, cultural, and community activities.	NOT RELEVANT The project site is not within the City's "Core Area".
	Policy 5.D.2 The City shall continue to support the local arts community through its participation in the Cultural Arts Resource District, the Phantom Art Gallery program, and similar programs.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.D.3 The City shall support efforts to establish a performing arts-theater center in the area bounded by Sixth and Seventh and E and F Streets.	NOT RELEVANT This policy relates to specific areas outside of the project site.
	Policy 5.D.4 The City shall actively support the establishment of a community center in the downtown area to meet both the civic and cultural needs of the community.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 5.D.5 The City shall encourage coordination among local arts and cultural groups and events to expand their appreciation by the community.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.D.6 The City shall encourage the development of entertainment, recreational, and cultural activities for youth.	NOT RELEVANT This policy contains no requirement for a proposed project.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
<b>Historic Preservation</b>		
	Goal 5.E To preserve and enhance the historical features of the Eureka area.	NOT RELEVANT There are no state or federally listed historical resources on the project site or in the immediate vicinity. The project site is not within a designated historic district.
	Policy 5.E.1 The City shall designate historic districts for the restoration and preservation of those areas, building, and site in Eureka that are of historic, cultural, and/or architectural significance.	NOT RELEVANT See discussion for Goal 5.E.
	Policy 5.E.2 The City shall support the registration of cultural resource in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark).	NOT RELEVANT This policy provides no mandates or requirements for projects.
	Policy 5.E.3 The City shall give highest restoration priority to those buildings and open space areas identified as having historic, cultural, or architectural significance that are in imminent danger of decay or demolition and vulnerable to earthquake damage (e.g., unreinforced masonry buildings).	NOT RELEVANT See discussion for Goal 5.E.
	Policy 5.E.4 The City shall encourage federal and state governments as well as financial institutions and private citizens to provide loans for refurbishing historical building and restoring artifacts and memorabilia.	NOT RELEVANT This policy provides no mandates or requirements for project.
	Policy 5.E.5 The City shall sponsor and support legislation to provide incentives for maintaining and enhancing structural stability and aesthetic value of significant structures.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.E.6 The City shall encourage local citizens to cooperate in a campaign to identify and publicize the significance of historical sites and buildings.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.E.7 The City shall prepare and adopt design review guidelines that provide for architectural review of new developments and of exterior alterations to existing structure in designated historical areas.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.E.8 The City shall review all building or demolition permits for buildings either designated historic or within historical districts ensure, where feasible, the preservation of these historic facilities.	NOT RELEVANT See discussion for Goal 5.E.
	Policy 5.E.9 The City shall protect and enhance the integrity of the historical atmosphere by supporting the restoration, renovation, and quality replication of historic buildings.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 5.E.10 The City shall promote re-use of historic buildings for both public and private uses.	NOT RELEVANT This policy contains no project requirements or guidelines.
<b>Archeological Resources</b>		
	Goal 5.F To identify, protect, and enhance Eureka's important archeological and cultural sites and their contributing environment.	NOT RELEVANT The project would not result in ground disturbance.
	Policy 5.F.1 The City shall solicit the cooperation of the owners of cultural resources, encourage those owners to treat these resources as assets rather than liabilities, and encourage the	NOT RELEVANT This policy contains no requirement for a proposed project.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	support of the general public for the preservation and enhancement of these resources.	
	Policy 5.F.2 The City shall solicit the views of the Native American Heritage Commission and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.	NOT RELEVANT The project would not result in ground disturbance.
	Policy 5.F.3 The City shall coordinate with Humboldt County to promote the preservation and maintenance of archaeological resources in the Planning Area.	NOT RELEVANT The project would not result in ground disturbance.
	Policy 5.F.4 The City shall use, where feasible, incentive programs to assist private property owners in preserving and enhancing cultural resources.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 5.F.5 The City shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a citywide cultural resource data base.	NOT RELEVANT The project would not result in ground disturbance.
	Policy 5.F.6 The City shall require that discretionary development projects are designed to avoid potential impacts to significant cultural resources whenever feasible. Unavoidable impacts, whenever feasible, shall be reduced to a less-than-significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological or historical consultants, depending on the type of resource in question.	NOT RELEVANT The project would not result in ground disturbance.
	Policy 5.F.7 The City shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.	NOT RELEVANT This policy contains no directive for a project.
	Policy 5.F.8 The City shall consider acquisition programs as a means of preserving significant cultural resources that are not suitable for private development. Organizations that could provide assistance in this area include, but are not limited to, the Archaeological Conservancy the Nature Conservancy.	NOT RELEVANT This policy contains no directive for a project.
<b>NATURAL RESOURCES</b>		
<b><i>Aquatic Resources and Marine, Wetland, and Riparian Habitat</i></b>		
	Goal 6.A To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.	CONSISTENT The project would designate a portion of the site as a wetland conservation area.
	Policy 6.A.1 The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance. The City shall require that uses of the marine environment are carried out in the manner that will sustain the biological productivity of coastal waters and that will maintain health populations of all species of marine organisms adequate for long-term commercial, recreational,	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	scientific, and educational purposes.	
	Policy 6.A.2 The City shall establish a comprehensive wetland management program that includes all of Eureka's restored and natural wetland areas.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 6.A.3 The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.
	Policy 6.A.4 The City shall require that channelizations or other substantial alterations that could significantly disrupt the habitat values of rivers and streams incorporate the best mitigation measures feasible. Such channelizations and alterations shall be limited to the following: Flood control projects where no other method for protecting existing structure in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development; Developments where the primary function is the improvement of fish and wildlife habitat.	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.
	Policy 6.A.5 The City shall permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes only when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.	NOT RELEVANT The project does not have any shoreline areas and therefore proposes no revetments, breakwaters, etc.
	Policy 6.A.6 The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone: Rivers, creeks, sloughs, gulches and associated riparian habitats, including but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Slough, Third Slough, Martin Slough, Ryan Slough, Swain Slough, and Elk River. Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes. Indian Island, Daby Island, and the Woodley Island wildlife area. Other unique habitat areas, such as waterbird rookeries, and habitat for all rare or endangered species on state or federal lists. Grazed or farmed wetlands (i.e., diked former tidelands).	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 6.A.7 Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.
	Policy 6.A.8 Within the Coastal Zone, prior to approval of a development, the City shall require that all development on	NOT RELEVANT The proposed project would not propose development on

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	lots or parcels designated NR (Natural Resources) on the Land Use Diagram or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced or restored.	or near any lot or parcel currently designated NR. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.
	Policy 6.A.9 The City shall permit the diking, filling, or dredging of open coastal waters, wetlands, or estuaries only under the following conditions: The diking, filling or dredging is for a permitted use in that resource area; There is no feasible, less environmentally damaging alternative; Feasible mitigation measures have been provided to minimize adverse environmental effects; The functional capacity of the resource area is maintained or enhanced.	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.
	Policy 6.A.10 The City shall support dredging and spoils disposal to avoid significant disruption to aquatic and wildlife habitats and water circulation.	NOT RELEVANT The project proposes no dredging or disposal of spoils.
	Policy 6.A.11 The City shall require that diking, filling or dredging of a wetland or estuary maintain or enhance the functional capacity of these resources. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, all of the following must be demonstrated. Presently-occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem, i.e., natural species diversity, abundance and composition are essentially unchanged as the result of the project; A species that is rare, threatened, or endangered will not be significantly adversely affected; and Consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuary ecosystem will not be significantly reduced.	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.
	Policy 6.A.12 The City shall require that dredging, when consistent with the provisions of this General Plan or other adopted City regulations and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat or for flood control purposes, shall be subject to the following conditions: Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning. Dredging shall be limited to the smallest area feasible. Designs for dredging and excavation projects shall include protective measures such as silt curtains, weirs, etc., to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.	NOT RELEVANT The project proposes no dredging.
	Policy 6.A.13 The City shall require that diking or filling of a wetland that is otherwise in accordance with the policies of this General Plan, shall, at a minimum, require the following mitigation measures: A detailed restoration plan shall be required as part of the project application for each specific restoration site. The restoration plan shall include provisions for purchase, if required, and restoration of an equivalent area	CONSISTENT The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	<p>of equal or greater biological productivity, and dedication of the land to a public agency or other method which permanently restricts the use of the site to habitat and open space purposes. The restoration site shall be purchased or otherwise made available prior to any permitted diking or filling. Areas adequate to maintain functional capacity shall be opened to tidal action or other sources of surface water shall be provided. This provision shall apply to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if, as part of a restoration program, they are opened to tidal action or provided other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication described under item a. of this policy shall apply to any program or activity performed pursuant to this policy. Mitigation shall, to the maximum extent feasible, be of the same type as the wetland to be filled (i.e., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.). Where no suitable private or public restoration or enhancement sites are available, an in-lieu fee may be required to be paid to an appropriate public agency for use in the restoration or enhancement of an area of equivalent productive value or surface area.</p>	
	<p>Policy 6.A.14 Consistent with all other applicable policies of this General Plan, the City shall limit development or uses within wetlands that are neither farmed nor grazed, or within estuaries, to the following: Port facilities. Energy facilities. Coastal-dependent industrial facilities, including commercial fishing facilities. Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables or pipes, inspection of piers, and maintenance of existing intake and outfall lines. Restoration projects. Nature study, aquaculture, or similar resource-dependent activities. New or expanded boating facilities in estuaries, consistent with the demand for such facilities. Placement of structural piling for public recreational piers that provide public access and recreational opportunities.</p>	<p><b>CONSISTENT</b> The project would designate a portion of the site as a wetland conservation area. In addition, the changes in land use designations do not involve direct impacts to any coastal waters, wetlands, or other habitat.</p>
	<p>Policy 6.A.15 The City shall limit uses and development in grazed or farmed wetlands to the following: Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards; Farm-related structures, including barns, sheds, and farmer-occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on the farmed wetland. No more than one permanent residential structure per parcel shall be allowed. Restoration projects, including the PALCO on-site restoration and enhancement program. Nature study, aquaculture, and similar resource-dependent activities; and, Incidental public service purposes which may temporarily impact the resources of the area, such as burying cables or pipes.</p>	<p><b>NOT RELEVANT</b> The project site contains no grazed or farmed wetlands. The project does not propose development in coastal waters, alteration of any stream or river, or placement of fill for repair or maintenance.</p>
	<p>Policy 6.A.16 Consistent with all other applicable policies of</p>	<p><b>NOT RELEVANT</b></p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	<p>this General Plan, the City shall limit uses within open coastal waters to the following: Port facilities. Energy facilities. Coastal-dependent industrial facilities, including commercial fishing facilities. Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables or pipes, inspection of piers, and maintenance of existing intake and outfall lines. Restoration projects. Nature study, aquaculture, or similar resource-dependent activities. New or expanded boating facilities. Placement of structural piling for public recreational piers that provide public access and recreational opportunities.</p>	<p>See discussion for Policy 6.A.15.</p>
	<p>Policy 6.A.17 The City shall require that any uses that involve substantial alterations of streams and rivers incorporate the best mitigation measures feasible and shall be limited to the following: Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect development. Development where the primary function is the improvement of fish and wildlife habitat.</p>	<p>NOT RELEVANT See discussion for Policy 6.A.15.</p>
	<p>Policy 6.A.18 The City may permit new fill for repair and maintenance purposes on lands adjacent to the previously filled northern waterfront provided that it is consistent with other General Plan policies and where all of the following apply: Fill will be placed in previously filled areas which have been subject to erosion; Fill will not be placed beyond the existing bulkhead line; Fill is necessary to protect existing development, coastal-dependent uses, or redeveloped areas from erosion; Fill will not interfere with commercial fishing activities and facilities; and Placement of the fill is consistent with the coastal public access policies of the General Plan.</p>	<p>NOT RELEVANT See discussion for Policy 6.A.15.</p>
	<p>Policy 6.A.19 The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.</p>	<p>NOT RELEVANT The proposed project would change the land use designations on the project site, but it would not result in new development or establishment of buffers.</p>
	<p>Policy 6.A.20 To protect urban wetlands against physical intrusion, the City shall require that wetland buffer areas incorporate attractively designed and strategically located barriers and informational signs.</p>	<p>NOT RELEVANT The proposed project would change the land use designations on the project site, but it would not result in new development or establishment of buffers.</p>
	<p>Policy 6.A.21 The City shall require that all land use activities adjacent to gulch greenways be carried out in a manner that avoids vegetative removal below the break in slope (usually those areas with a slope of 20 percent or greater) and that does not alter natural land forms and drainage patterns.</p>	<p>NOT RELEVANT The project site is not adjacent to gulch greenways.</p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	<p>Policy 6.A.22 The City shall maintain Indian Island as a site for habitat, scientific research and education. Existing uses may be maintained but shall not be expanded, except that reburial of Native American remains shall be permitted as part of the mitigation for coastal-dependent industrial development elsewhere in the Planning area.</p>	<p>NOT RELEVANT The project site is not adjacent to Indian Island.</p>
	<p>Policy 6.A.23 The City, in consultation with the Department of Fish and Game, Coastal Conservancy, Coastal Commission, Humboldt County, Humboldt Bay Harbor, Recreation, and conservation District, affected landowners, and other interested parties shall prepare a detailed, implementable wetlands management, restoration and enhancement program consistent with the provisions of this General Plan. The objectives of the program shall be to enhance the biological productivity of wetlands; to minimize or eliminate conflicts between wetlands and adjacent urban uses; to provide stable boundaries and buffers between urban and habitat areas; to provide restoration areas, including the City-owned lands on the Elk River Spit that may benefit from restoration and enhancement, to serve as mitigation in conjunction with future projects that may include wetland areas. Upon completion, the wetlands management and restoration program created by this policy shall be submitted to the Coastal Commission for review and approval.</p>	<p>NOT RELEVANT This policy provides no mandates or requirements for projects.</p>
	<p>Policy 6.A.24 Within the Coastal Zone, where there is a question regarding the boundary, buffer requirements, location, or current status of an environmentally sensitive area identified pursuant to the policies of this General Plan, the City shall require the applicant to provide the City with the following: Base map delineating topographic lines, adjacent roads, location of dikes, levees, of flood control channels and tide gates, as applicable; Vegetation map, including identification of species that may indicate the existence or non-existence of the sensitive environmental habitat area; Soils map delineating hydric and non-hydric soils; and Census of animal species that may indicate the existence or non-existence of the sensitive environmental habitat area. The City shall transmit the information provided by the applicant pursuant to this policy to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The City shall make its decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question based on the substantial evidence in the record and shall adopt findings to support its actions.</p>	<p>NOT RELEVANT The proposed project would change the land use designations on the project site, but it would not result in new development or establishment of buffers.</p>
<p><b>Agricultural Preservation</b></p>		
	<p>Goal 6.B To protect agricultural lands for their resource, aesthetic, and economic values.</p>	<p>NOT RELEVANT There is no agricultural land on the project site.</p>
	<p>Policy 6.B.1 The City shall not approve non-agricultural development on agricultural lands with Class I or Class II soils within the Planning Area.</p>	<p>NOT RELEVANT There is no agricultural land on the project site.</p>
	<p>Policy 6.B.2 The City shall require the retention in agricultural use of agricultural lands within the Coastal Zone with soils other than Classes I or II in agricultural use, except under the following conditions: Continued or renewed agricultural use is demonstrated to be infeasible, Conversion to urban uses</p>	<p>NOT RELEVANT There is no agricultural land on the project site.</p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	would locate development within, contiguous with, or in close proximity to, existing developed areas, or Farmed wetlands are proposed and funded through a wetland management and restoration program for restoration of resource-dependent activities.	
	Policy 6.B.3 The City shall limit uses in grazed or farmed wetlands to the following: Agricultural operations (except for greenhouses on slab foundations). Farm-related structures (including barns, sheds, and farmer-occupied housing) necessary for the continuance of the agricultural operation. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. No more than one primary residential structure per parcel shall be allowed. Restoration and enhancement projects. Nature study, aquaculture, and similar resource-dependent activities. Incidental public service purposes which may temporarily impact the resources of the area, such as burying cable and pipes.	NOT RELEVANT There is no agricultural land on the project site.
	Policy 6.B.4 The City shall ensure that expansion of public services and public service facilities, which is otherwise consistent with the provisions of this General Plan, does not reduce agricultural viability through increased assessment costs.	NOT RELEVANT There is no agricultural land on the project site.
	Policy 6.B.5 Consistent with the Coastal Act (California Resources Code Section 3025(a)), the City shall prohibit land division of existing agriculturally-designated land within the Coastal Zone, other than for leases for agricultural uses.	NOT RELEVANT There is no agricultural land on the project site.
<b>Conservation of Open Space</b>		
	Goal 6.C To support the continued protection of valuable open space resources in and around Eureka.	CONSISTENT The project would designate a portion of the site as a wetland conservation area.
	Policy 6.C.1 The City shall preserve vital portions of open-space areas around and within the city in their natural state in order to insure their maintenance as wildlife and fish habitat areas, natural drainage areas, agricultural areas, and areas of passive recreation and outdoor education.	CONSISTENT The project site is considered vacant and underused urban land. As a contaminated brownfield site created from fill, it does not serve as a wildlife or fish habitat area, an effective natural drainage area, an agricultural area, or an area of passive recreation or outdoor education. Consequently, it is not the type of "vital portion" of open space the general plan encourages preserving.
	Policy 6.C.2 The City shall protect critical habitat areas and preserve the ecosystem of existing natural areas within the city.	CONSISTENT The project would designate a portion of the site as a wetland conservation area.
	Policy 6.C.3 The City shall retain open-space needed to provide community and neighborhood identity, efficiency, and amenities; insulate conflicting land uses; and act as a noise barrier between noise-sensitive and excessive noise-generating uses.	CONSISTENT The project would designate a portion of the site as a wetland conservation area.
	Policy 6.C.4 The City shall coordinate its open space planning, acquisition, and development efforts with those of Humboldt County and regional and state agencies.	NOT RELEVANT This provision contains no directive for a project.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 6.C.5 The City shall prepare and adopt a Gulch Greenway Preservation Plan that identifies and protects the vegetation and habitat in and the hydrologic capacity of Eureka's gulch greenways. This plan shall include provisions for defining the boundaries of gulch greenways, as generally indicated in Figure 6-1, identifying the boundaries of all affected parcels lying wholly or partly within the gulch greenways, ensuring new development compatible with the environmental and public safety values of the gulch greenways, and restoring gulch vegetation and habitat as appropriate.	NOT RELEVANT This policy relates to a specific area outside the project site.
	Policy 6.C.6 The City shall permit private property owners adjacent to gulch areas to develop, where appropriate, by utilizing Planned Unit Development (PUD) concepts while ensuring that gulch slopes and bottoms are retained in their natural state and that development does not occur in areas subject to flooding or where slopes exceed 30 percent.	NOT RELEVANT This policy relates to a specific area outside the project site.
	Policy 6.C.7 The City shall require that areas of unique historic and scenic quality and areas containing identified critical habitats to be preserved.	CONSISTENT The project site contains neither unique historic or scenic qualities nor identified critical habitat.
	Policy 6.C.8 The City shall encourage multiple use of open-space resources consistent with other policies and standards of this General Plan.	CONSISTENT The project would designate a portion of the site as a wetland conservation area.
<b>Timber Resources</b>		
	Goal 6.D To conserve the Eureka area's timber resources, enhance the quality and diversity of forest ecosystems, reduce conflicts between forestry and other uses, and encourage a sustained yield of forest products.	NOT RELEVANT There are no timber resources on the project site.
	Policy 6.D.1 The City shall work with Humboldt County and the California Department of Forestry and Fire Protection (CDF) to encourage the sustained productive use of timberland as a means of providing open space and conserving other natural resources.	NOT RELEVANT There are no timber resources on the project site.
	Policy 6.D.2 The City shall work with Humboldt County and the California Department of Forestry and Fire Protection (CDF) to discourage development that conflicts with timberland management.	NOT RELEVANT There are no timber resources on the project site.
	Policy 6.D.3 The City shall encourage and promote the productive use of wood waste generated in the Eureka area.	NOT RELEVANT There are no timber resources on the project site.
<b>Air Quality—General</b>		
	Goal 6.E To protect and improve air quality in the Eureka area.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 6.E.1 The City shall cooperate with other agencies to develop a consistent and effective approach to air quality planning and management and to develop mitigation measures to minimize stationary and area sources emissions.	NOT RELEVANT This policy provides no mandates or requirements for projects.
	Policy 6.E.2 The City shall support the North Coast Unified Air Quality Management District in its development of improved	NOT RELEVANT This policy provides no mandates or requirements for

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	ambient air quality monitoring capabilities and the establishment of standards, thresholds, and rules to more adequately address the air quality impacts of new development.	projects.
	Policy 6.E.3 The City shall require project-level environmental review to include identification of potential air quality impacts and designation of design and other appropriate mitigation measures or offset fees to reduce impacts. The City shall work with project proponents and other agencies in identifying, ensuring the implementation of, and monitoring the success of mitigation measures.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 6.E.4 The City shall submit development proposals to the North Coast Unified Air Quality Management District for review and comment in compliance with CEQA prior to consideration by the Planning Commission and /or City Council.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 6.E.5 In reviewing project applications with potential for creating air quality impacts, the City shall consider alternatives or amendments that reduce emissions of air pollutants.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
<b><i>Air Quality—Transportation/Circulation</i></b>		
	Goal 6.F To integrate air quality planning with the land use and transportation planning process.	NOT RELEVANT This policy contains no directive for a project.
	Policy 6.F.1 The City shall attempt to ensure smooth-flowing traffic conditions for major roadways through planning of traffic signals and traffic signal coordination, parallel roadways, and intra- and inter-neighborhood connections where significant reductions in overall emissions can be achieved.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 6.F.2 The City shall continue and, where appropriate, expand the use of synchronized traffic signals to smooth traffic flow and thereby reduce pollutant emissions.	NOT RELEVANT This policy contains no directive for a project.
	Policy 6.F.3 The City shall encourage the use of alternative modes of transportation by incorporating public transit, bicycle and pedestrian modes in City transportation planning and by encouraging new development to provide adequate pedestrian and bikeway facilities.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 6.F.4 The City shall consider instituting disincentives for single-occupant vehicle trips, including limitations in parking supply in areas where alternative transportation modes are available and other measures identified by the North Coast Unified Air Quality Management District.	NOT RELEVANT This policy contains no directive for a project.
	Policy 6.F.5 The City shall endeavor to secure adequate funding for transit services so that transit is a viable transportation alternative. New development shall pay its fair share of the cost of transit equipment and facilities required to serve new projects.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
<b>HEALTH AND SAFETY</b>		
<b>Seismic Hazards</b>		
	Goal 7.A To minimize loss of life, injury, and property damage due to seismic hazards.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.A.1 For all development in areas subject to seismic hazards (i.e., fault rupture, amplified seismic shaking, slope failure, subsidence, settlement, or other similar effects) which is otherwise consistent with the policies of this General Plan, the City shall, prior to project approval, require a geological report prepared by a registered geologist, a certified engineering geologist, or a registered engineer with expertise in seismic engineering. The report shall consider, describe, and analyze the following: Geologic conditions, including soil, sediment, and rock types and characteristics, in addition to structural features such as bedding, joints, and faults; Evidence of past or potential liquefaction conditions, or other types of ground failure, related to seismic shaking; Potential effects on the site because of fault rupture; and Any other information that might affect the proposed development, such as the information called for in Division of Mines and Geology Notes 44 and 49. The report shall recommend mitigation measures for any potential impacts and shall outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geological instability throughout the life span of the project.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.A.2 The City shall work with Humboldt County to develop an emergency preparedness program so Eureka Area residents and visitors are not endangered by tsunami run-up and inundation.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 7.A.3 The City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of occupants.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.A.4 The City shall develop mechanisms to encourage and assist in the seismic retrofitting of buildings susceptible to damage during seismic events and to conduct the necessary work in a manner that is financially feasible to property owners and that can be conducted with minimum disruption to tenants. In particular, the City should consider the retrofit needs of the following types of structures: Unreinforced masonry buildings (URMs) Pre-1940 wood frame houses Tilt-up buildings Pre-mid 1970s concrete frame buildings Mobilehomes	NOT RELEVANT This policy pertains to existing structures.
	Policy 7.A.5 The City should seek to give special structural consideration and flexibility to officially identified historically – and architecturally-significant structures.	NOT RELEVANT This policy pertains to existing structures.
	Policy 7.A.6 The City shall require that all new parapets, signs, and other building ornamentation are constructed to withstand seismic shaking.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.A.7 The City shall ensure that all unreinforced	NOT RELEVANT

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	masonry buildings that are used for public purposes are modified to be earthquake safe, or if such a modification is not feasible, public use of the buildings be terminated.	This policy pertains to existing structures.
	Policy 7.A.8 The City shall work with Humboldt County and appropriate state and federal agencies to identify major emergency transportation corridors for use during seismic emergencies. In doing so, the City should ensure safe access routes to communication centers, hospitals, airports, staging areas, and fuel storage sites.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 7.A.9 The City shall identify provisions for water supply and delivery and wastewater treatment and disposal in cases where services are interrupted as a result of damage caused by seismic activity.	NOT RELEVANT This policy contains no directive for a project.
	Policy 7.A.10 The City shall identify alternative sources of energy (i.e., electricity, natural gas) for use in cases where energy supplies are interrupted as a result of damage caused by seismic activity.	NOT RELEVANT This policy contains no directive for a project.
<b>Geological Hazards</b>		
	Goal 7.B To minimize loss of life, injury, and property damage due to geological hazards.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.B.1 The City shall ensure new development is sited and designed consistent with limitations imposed by geologic hazards.	NOT RELEVANT See discussion for Goal 7.B.
	Policy 7.B.2 The City shall ensure that development on or near the shoreline of Elk River, Humboldt Bay, and Eureka Slough neither contributes significantly to, nor is subject to, high risk of damage from shoreline erosion over the life span of the development.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.B.3 Within the Coastal Zone the City shall prohibit alteration of cliffs, bluff tops, and gulch faces or bases by excavation or other means except to protect existing structures. Permitted development shall not require the construction of protective devices that would substantially alter natural landforms.	CONSISTENT The project would not include alternation of cliffs, bluff tops or gulch faces or bases.
	Policy 7.B.4 For all high density residential and other high occupancy development located in areas of significant liquefaction potential, the City shall, at the time project application, require a geology and soils report prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering geologist, and shall consider, describe, and analyze the following: Geological conditions, including soil, sediment, and rock types and characteristics in addition to structural features, such as bedding, joint and faults; Evidence of past or potential liquefaction conditions, and the implications of such conditions for the proposed development; Potential effects of seismic forces resulting from a maximum credible earthquake; Any other factors that might affect the development. The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	so that it will neither be subject to nor contribute to significant geologic instability throughout the life-span of the project.	
	<p>Policy 7.B.5 For all development proposed within areas subject to significant shoreline erosion, and which is otherwise consistent with the policies of this General Plan, the City shall, prior to project approval, require a geology and soils report prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering, or by a certified engineering geologist, and shall consider, describe, and analyze the following: Site topography, extending the surveying work beyond the site as needed to depict unusual conditions that might affect the site; Historic, current and foreseeable shoreline erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport; Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joint and faults; Impact of construction activity on the stability of the site adjacent area; Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction; Effects of marine erosion on shoreline areas; Potential effects of seismic forces resulting from a maximum credible earthquake; Any other factors that might affect slope stability. The report shall evaluate the off-site impacts of development and the additional impacts that might occur due to the proposed development. The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant onsite or offsite geologic instability throughout the life-span of the project.</p>	<p>NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.</p>
<b>Fire Safety</b>		
	Goal 7.C To minimize the risk of loss of life, injury, and damage to property and watershed resources resulting from unwanted fires.	NOT RELEVANT These standards and goals are for the City of Eureka, rather than a project.
	Policy 7.C.1 The City shall strengthen the ongoing fire safety review process in an effort to increase the safety of all structures from fires.	NOT RELEVANT These standards and goals are for the City of Eureka, rather than a project.
	Policy 7.C.2 The City shall locate and maintain fire stations according to fire service area standards and maintain the water supply system to provide the required water flow for fire fighting purposes.	NOT RELEVANT These standards and goals are for the City of Eureka, rather than a project.
<b>Flooding</b>		
	Goal 7.D To minimize the risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.D.1 The City shall prohibit high density residential and other high occupancy development, including new hospitals, schools, residential development with a gross density of eight units per acre or more, office buildings 10,000 square feet in size or larger, or visitor-serving structural developments 5,000	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	square feet in size or larger, from locating in flood hazard areas, as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM), dated June 1, 1982, unless they are constructed with a finished foundation that extends above the 100-year flood level and meet all applicable drainage policies of this General Plan. Other development in flood hazard areas shall incorporate mitigation measures that minimize the potential for flood damage, including development siting and use of flood proofing techniques and materials, consistent with other land use plan policies.	
<b><i>Hazardous Materials and Toxic Contamination</i></b>		
	Goal 7.E To minimize the risk of loss of life, injury, serious illness, damage to property, and economic and social dislocations resulting from the past or future use, transport, treatment, and disposal of hazardous materials and hazardous materials wastes.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.E.1 The City shall ensure that the use and disposal of hazardous materials in the Eureka area complies with local, state, and federal safety standards.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.E.2 The City shall discourage the development of residences or schools near known hazardous waste disposal or handling facilities. Conversely, the city shall discourage the development of hazardous waste disposal or handling facilities near residences or schools.	NOT RELEVANT The project site is not located near an active hazardous waste disposal or handling facility.
	Policy 7.E.3 The City shall require secondary containment and periodic examination for all storage of toxic materials.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.E.4 The City shall ensure that industrial facilities are constructed and operated in accordance with current safety and environmental protection standards.	NOT RELEVANT See discussion for Policy 7.E.1.
	Policy 7.E.5 The City shall require that new industries that store and process hazardous materials provide a buffer zone between the installation and the property boundaries sufficient to protect public safety. The adequacy of the buffer zone shall be determined by the city.	NOT RELEVANT See discussion for Policy 7.E.1.
	Policy 7.E.6 The City shall require that applications for discretionary development projects that will generate hazardous wastes or utilize hazardous materials include detailed information on hazardous waste reduction, recycling, and storage.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.E.7 The City shall require that any business that handles a hazardous material prepare a plan for emergency response to a release or threatened release of a hazardous material.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.E.8 The City shall encourage the State Department of Health Services and the California Highway Patrol to review permits for radioactive materials on a regular basis and to promulgate and enforce public safety standards for the use of these materials, including the placarding of transport vehicles.	NOT RELEVANT The project would not include a permit for radioactive materials.

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy 7.E.9 The City shall identify sites that are inappropriate for hazardous material storage, maintenance, use, and disposal facilities due to potential impacts on adjacent land uses and the surrounding natural environment.	NOT RELEVANT This policy contains no project requirements or guidelines.
	Policy 7.E.10 The City shall work with local fire protection and other agencies to ensure and adequate countywide response capability to hazardous materials emergencies.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 7.E.11 The City shall work with owners of property affected by toxic contamination to identify cost-effective approaches to remediation of contaminated soils. In particular, the City shall focus its efforts on developing unified strategies to addressing cleanup of large areas (e.g., the Westside Industrial Area, the waterfront area) so as to reduce the unit cost of remediation.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.E.12 The City shall work with the Regional water Quality Control Board and Humboldt County to identify and mitigate groundwater contamination caused by past disposal of toxic materials along the waterfront and in industrial areas.	NOT RELEVANT This policy contains no requirement for a proposed project.
<b>Emergency Response</b>		
	Goal 7.F To ensure the maintenance of an Emergency Management Program to effectively prepare for, respond to, recover from, and mitigate the effects of natural or technological disasters.	NOT RELEVANT These standards and goals are for the City of Eureka rather than a project.
	Policy 7.F.1 The City shall systematically and regularly reviews all accident contingency plans which relate to Eureka.	NOT RELEVANT These standards and goals are for the City of Eureka rather than a project.
	Policy 7.F.2 The City shall work with Caltrans and Humboldt County to identify a less congested route through Eureka to be used for the transportation of heavy, as well as hazardous materials.	NOT RELEVANT These standards and goals are for the City of Eureka rather than a project.
	Policy 7.F.3 The City shall attempt to ensure that major access corridors be available and unobstructed in case of emergency or disaster.	NOT RELEVANT These standards and goals are for the City of Eureka rather than a project.
	Policy 7.F.4 The City shall cooperate with the Humboldt County, State Office of Emergency Services, and the Federal Emergency Management Agency in developing and operating a coordinated response program that best utilizes the resources of each agency in assisting citizens and visitors in coping with and responding to a major emergency or disaster.	NOT RELEVANT These standards and goals are for the City of Eureka rather than a project.
<b>Residential Noise Exposure</b>		
	Goal 7.G To protect Eureka residents from the harmful and annoying effects of exposure to excessive noise.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.G.1 The City shall prohibit new development of noise-sensitive uses where the noise level due to non-transportation noise sources will exceed the noise level standards of Table 7-1 as measured immediately within the property line of the new development, unless effective noise mitigation measures have been incorporated into the development design to achieve the	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	standards specified in Table 7-1.	
	Policy 7.G.2 The City shall require that noise created by new proposed non-transportation sources be mitigated so as not to exceed the noise level standards of Table 7-1 as measured immediately within the property line of lands designated for noise-sensitive uses, as listed in Table 7-1.	<p><b>CONSISTENT</b> The project would not include new non-transportation noise sources that would exceed these standards (see Section IV.K, Noise).</p>
	Policy 7.G.3 The City shall not subject existing dwellings and new single-family dwellings to the standards presented in Table 7-1. As a consequence, such dwellings may be constructed in areas where noise levels exceed these standards and it shall not be the responsibility of the City to ensure that such dwellings meet these standards or the noise standards imposed by lending agencies such as HUD, FHA and Cal Vet. If homes are located and constructed in accordance with the policies of this section, it is expected that the resulting exterior and interior noise levels will conform to the HUD/FHA/Cal Vet noise standards. For the purposes of compliance with the provisions of this section, the City defines transportation noise sources as traffic on public roadways, railroad line operations, and aircraft in flight. Control of noise from these sources is preempted by federal and state regulations. Other noise sources are presumed to be subject to local regulations, such as a noise control ordinance. Non-transportation noise sources may include industrial operations, outdoor recreation facilities, HVAC units, and loading docks.	<p><b>CONSISTENT</b> See discussion for Policy 7.G.2.</p>
	Policy 7.G.4 Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 7-1 at existing or planned noise-sensitive uses, the City shall require an acoustical analysis as part of the environmental review process so that noise mitigation may be included in the project design. The acoustical analysis shall meet the following requirements: It shall be the financial responsibility of the applicant. It shall be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics. It shall include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and the predominant noise sources. It shall include estimates of existing and projected cumulative (20 years) noise levels in terms of Ldn or CNEL and /or the standards of Table 7-1, and compare those levels to the policies of this General Plan. It shall recommend appropriate mitigation to achieve compliance with the policies and standards of this General Plan, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers of structural modifications to buildings which contain noise-sensitive land uses. Where the noise source in question consists of intermittent single events, the report must address the effects of maximum noise levels in sleeping rooms in terms of possible sleep disturbance. It shall include estimates of noise exposure after the prescribed mitigation measures have been implemented. It shall describe a post-project assessment program which could be used to evaluate the effectiveness of the proposed mitigation measures.	<p><b>NOT RELEVANT</b> The project would change the land use controls on the project site, but it would not directly result in new development.</p>
	Policy 7.G.5 The City shall evaluate the general feasibility of proposed projects with respect to existing and future transportation noise levels shown in Figure 7-1.	<p><b>NOT RELEVANT</b> The project would change the land use controls on the project site, but it would not directly result in new development.</p>

ATTACHMENT 2

LCP Policies	General Plan Policy	Project Compliance Discussion
	Policy 7.G.6 The City shall prohibit new development of noise-sensitive land uses in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table 7-2, unless the project design includes effective mitigation measures to reduce exterior noise and noise levels in interior spaces to the levels specified in Table 7-2.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.G.7 The City shall ensure that noise created by new transportation noise sources is mitigated so as not to exceed the levels specified in Table 7-2 at outdoor activity areas or interior spaces of existing noise-sensitive land uses.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.G.8 New roadway improvement projects may be needed to accommodate development permitted according to the Land Use Diagram. As a result, existing noise sensitive uses may be exposed to increased noise levels due to increased roadway capacity and increase in travel speed, making it impractical to achieve the noise level standards contained Table 7-2. As an alternative to the standards in Table 7-2, the City will apply the following criteria to determine the significance of increases in noise related to improvement projects: Where existing traffic noise levels are less than 60 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +5 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant; and, Where existing traffic noise levels range between 60 and 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +3 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant; and Where existing traffic noise levels are greater than 65 dB Ldn at the outdoor activity areas of noise-sensitive uses, a +1.5 dB Ldn increase in noise levels due to a roadway improvement project will be considered significant.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
<b>Noise Compatibility</b>		
	Goal 7.H To protect the economic base of the city by preventing incompatible land uses from encroaching upon existing or planned noise-producing uses.	NOT RELEVANT This goal contains no project requirements or guidelines.
	Policy 7.H.1 Where noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table 7-2 or the performance standards of Table 7-1, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
	Policy 7.H.2 Where noise mitigation measures are required to achieve the standards of Tables 7-1 and 7-2, the emphasis of such measures shall be placed upon site planning and project design. The use of noise barriers shall be considered a means of achieving the noise standards only after all other practical design-related noise mitigation measures have been integrated into the project.	NOT RELEVANT The project would change the land use controls on the project site, but it would not directly result in new development.
<b>ADMINISTRATION AND IMPLEMENTATION</b>		
	Goal 8.A To provide for the ongoing administration and implementation of the General Plan.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 8.A.1 The City shall annually review the General Plan	NOT RELEVANT

ATTACHMENT 2

<b>LCP Policies</b>	<b>General Plan Policy</b>	<b>Project Compliance Discussion</b>
	Policy Document and revise it as deemed necessary.	This policy contains no requirement for a proposed project.
	Policy 8.A.2 The General Plan shall be amended no more than four times per year. Each amendment, however, may include multiple changes.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 8.A.3 The City shall conduct a major review of the General Plan, including the policy Document and Background Report, every 3 years and revise it as deemed necessary.	NOT RELEVANT This policy contains no requirement for a proposed project.
	Policy 8.A.4 The City shall review and amend, as necessary, the Zoning Ordinance and Subdivision Ordinance to ensure consistency with the General Plan.	NOT RELEVANT This policy contains no requirement for a proposed project.

ATTACHMENT 3

FULL TEXT OF THE MEASURE, INCLUDING THE LOCAL COASTAL PROGRAM  
AMENDMENT AND IP (ZONING) QUALIFICATIONS

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF EUREKA  
STATE OF CALIFORNIA**

**AN ORDINANCE MAKING FINDINGS AND AMENDING THE CITY OF EUREKA  
LOCAL COASTAL PROGRAM LAND USE PLAN TO ALLOW AND ESTABLISH  
REGULATIONS FOR THE MARINA CENTER MIXED-USE DEVELOPMENT  
PROJECT**

WHEREAS, the City of Eureka ("City") has prepared an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act (Public Resources Code, §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines, which analyzed the potential environmental impacts of the Marina Center Mixed Use Development Project ("Project"); and,

WHEREAS, on October 27, 2009 the City Council approved Resolution No. 2009-50, certifying the EIR for the Project as complete and in accordance with CEQA; and,

WHEREAS, on November 3, 2009, the City Council approved Resolution No. 2009-51, approving a Coastal Development Permit for Phase 1 of the Project, which involved the interim remediation of contamination on the Project site associated with past uses of the site and the construction of a wetlands preserve, making certain CEQA findings for Phase 1 of the Project, and adopting a Mitigation Monitoring and Reporting Program ("MMRP") for Phase 1 of the Project; and

WHEREAS, on \_\_\_\_\_ the City Council approved Resolution No. 2010-\_\_\_\_, placing a question before the voters of the City whether to adopt the Marina Center LCP Amendment Ballot Measure which, if approved, would amend the existing Local Coastal Plan to allow for development of the Marina Center Mixed Use Development Project, subject to the approval of future permits and environmental review, as necessary, and as further set forth in this Ordinance and in Ordinance \_\_\_\_ approving the Local Coastal Program Implementation Plan amendments, making CEQA findings associated with these amendments, and adopting a MMRP for these amendments; and

WHEREAS, voters of the City, at the regular election held on November 2, 2010 approved Ordinances \_\_\_\_ and \_\_\_\_, adopting the Local Coastal Program Land Use Plan amendments and the Local Coastal Program Implementation Plan amendments.

NOW, THEREFORE, BE IT ORDAINED that based on the entirety of the record before it, which includes without limitation, CEQA and the CEQA Guidelines, 14 California Code of Regulations § 15000 *et seq.*; the City's Local Coastal Program, the City's General Plan and General Plan EIR; the City's Municipal Code; the Draft and Final EIR prepared for the Project, Resolution 2010-\_\_\_\_ all reports, minutes, and public testimony submitted as part of the City Council consideration of Resolution 2010-\_\_\_\_; Ordinances \_\_\_\_ and \_\_\_\_; and any other evidence in the record, the people of the City of Eureka hereby find as follows:

## SECTION I. FINDINGS

### A. General Findings

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. In May 1984, the City of Eureka adopted its first Local Coastal Program (“LCP”) in accordance with the California Coastal Act; the associated Implementation Plan (“IP”) was passed by the City Council on December 6, 1984. In the 1990s, the City of Eureka updated its Land Use Plan (“LUP”) through a citywide General Plan update. The City determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act was to combine the goals, policies, and programs addressing these requirements (i.e., non-coastal and coastal) into a single, unified document. In doing so, the City reviewed the land use maps and land use policies of the 1984 LCP and determined which policies and programs should be incorporated into the updated citywide General Plan. The current City of Eureka LUP, as an integral component of the citywide General Plan for Eureka, was certified by the Coastal Commission on September 9, 1998, and adopted by the City Council on February 23, 1999.
3. In preparing the General Plan update, the City established citywide land use designations that essentially correspond with all of the LUP designations. The Coastal Act requires LCP-LUP designations to include more specificity than that required by State General Plan law, therefore, Table B-1 in Appendix B of the General Plan Policy Document shows the more detailed purpose description and use prescriptions for the LUP designations. The General Plan and Specifically Table B-1 in Appendix B is incorporated herein by reference.
4. The Attachments to this Ordinance, including the proposed Land Use Plan Map Amendments (Attachment A) are incorporated by reference as part of this Ordinance, as if the Attachments were set forth fully herein.
5. The documents and other material constituting the record for these proceedings are located at the Community Development Department for the City of Eureka, 531 K Street, Eureka, CA 95501.

### B. Local Coastal Plan Land Use Plan Mapping Amendment Findings

1. The Land Use Plan amendment proposes changing the land use designations on the Land Use Plan general plan land use map as follows and as is further shown in Attachment A:

<b>APN</b>	<b>Existing LUP Designations</b>	<b>Proposed LUP Designations</b>
003-021-009	Light Industrial (LI) Public/Quasi-Public (PQP)	Light Industrial (LI) Waterfront Commercial (WFC) Professional Office (PO) General Services Commercial (GSC)
003-031-003	Light Industrial (LI)	Professional Office (PO)
003-031-007	Light Industrial (LI)	Professional Office (PO)
003-031-008	Light Industrial (LI) Public/Quasi-Public (PQP)	Water – Conservation (WC) General Services Commercial (GSC) Professional Office (PO)
003-031-012	Light Industrial (LI)	Professional Office (PO)
003-031-013	Light Industrial (LI)	Professional Office (PO)
003-041-007	Public/Quasi-Public (PQP)	Water – Conservation (WC) General Services Commercial (GSC)
003-051-001	Public/Quasi-Public (PQP)	Water – Conservation (WC)

2. As required under State law, the General Plan, and the Municipal Code, in support of the General Plan Land Use Map amendment, the City finds as follows:
  - (a) As demonstrated Attachment 2 to Resolution No. 2010 \_\_\_\_, incorporated herein by reference, the proposed amendments will not create any internal inconsistencies with the City’s General Plan or LCP.

**C. Local Coastal Plan Land Use Plan Text Amendment Findings**

1. Applying the land use designation “Professional Office” in the City’s coastal zone would require an amendment to Table B-1 of Appendix B of the General Plan/LCP Policy Document to provide the additional specificity required by the Coastal Act. Appendix B is titled “Coastal Land Use Policy.” It addresses the coastal planning requirements established by the California Coastal Act. Table B-1 is a matrix that lists the (inland) general plan designations, comparable LUP designations and corresponding IP zoning designations. It also lists the purposes, principal uses and conditional uses for each LUP designation.
2. Under Table B-1, there is no corresponding LUP designation for the (inland) general plan designation of Professional Office (PO). However, the Coastal Zoning Regulations (Eureka Municipal Code Section 156.071) include the Office and Multi-Family Residential zoning district (OR), and pursuant to Table 1-1 of

the general plan, the corresponding zoning district for the Professional Office land use designation is the OR district.

3. Table B-1 includes a LUP designation of Core-Residential Office (C-RO), which has as its implementing ordinance the Office and Multi-Family Residential zone (OR). The portion of the City’s core area that is in the coastal zone between roughly “I” and “O” Streets and First and Third Streets has an LUP designation of C-RO with a corresponding zoning designation of OR. However, because the corresponding LUP designation for the OR zone is only in the core area, the OR zone cannot be expanded to lands within the coastal zone but outside the core area. The proposed amendment to Table B-1 would allow the expansion of the OR zone within the coastal zone and outside the core area of the City through the use of the Professional Office LUP designation. Significantly, the proposed amendment to Table B-1 would not allow a use that is not already allowed in the coastal zone.
  
4. The proposed amendment to General Plan Table B-1 with strikethrough/underline is shown below.

<b>TABLE B-1 GENERAL PLAN – LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP) DESIGNATION CORRESPONDENCE</b>					
<b>GP Designation(s)</b>	<b>LCP-LUP Designation(s)</b>	<b>LCP-IP (Zoning) Designation(s)</b>	<b>Purpose(s)</b>	<b>Principal Use(s)</b>	<b>Conditional Uses</b>
PO Professional Office	<del>No corresponding LUP designation</del> PO Professional Office	<del>N/A OR Office/Multi-Family Residential</del>	<del>N/A To provide opportunities for offices of a commercial character to locate outside commercial districts and to provide opportunities for compatible mixed uses such as commercial and single and multiple family dwellings.</del>	<del>N/A Single family residences, multi-family residences, administrative, business, and professional offices.</del>	<del>N/A Hotels, motels, boarding houses, private institutions, retail services compatible with principal uses.</del>

5. As demonstrated Attachment 2 to Resolution No. 2010 \_\_\_\_, incorporated herein by reference, the proposed text amendments will not create any internal inconsistencies with the City's General Plan or LCP.

**D. CEQA Findings**

1. The City's CEQA findings for this ordinance are the same as those set forth in the City's Resolution No. \_\_\_\_ calling for a ballot measure on this Ordinance. The CEQA findings and the Mitigation Monitoring and Reporting Program attached to Resolution No. \_\_\_\_ are incorporated herein by reference.

**SECTION II. ADOPTION OF LOCAL COASTAL PROGRAM LAND USE PLAN MAPPING AND TEXT AMENDMENTS**

Based on the entirety of the record, as described above, and for the reasons set forth in Section I of this Ordinance, and all Attachments to this Ordinance, the People of the City of Eureka do hereby amend the City's Local Coastal Program Land Use Plan land use map as set forth in Attachment A and amend the text of the Local Coastal Program Land Use Plan as set forth above.

**SECTION III. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Eureka hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION IV. EFFECTIVE DATE, COASTAL COMMISSION REVIEW, AND EFFECT OF COASTAL COMMISSION NOT CERTIFYING ORDINANCE**

Pursuant to Elections Code Section 9217, this ordinance shall be considered adopted upon certification of the vote of the people of the City of Eureka in favor of passing this Ordinance and shall become effective 10 days thereafter. Following approval by the people of the City of Eureka, the amendments shall be submitted to the California Coastal Commission for certification in accordance with the California Coastal Act. If the California Coastal Commission does not certify these amendments, this ordinance

**ORDINANCE No. \_\_\_\_-C.S.**

Page 6

shall be null and void and the zoning designations shall revert to those applicable immediately prior to the passage of this ordinance.

APPROVED by the following vote of the voters of the City of Eureka on November 2, 2010:

YESES \_\_\_\_\_

NOES \_\_\_\_\_

PASSED AND ADOPTED by declaration of the vote of the City Council of the City of Eureka at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mike Jones, Mayor Pro Tem

THE ABOVE ORDINANCE WAS SUBMITTED TO THE MAYOR on the \_\_\_\_ day of November, 2010, and hereby approved.

\_\_\_\_\_  
Virginia Bass, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
David. W. Tyson, City Manager

\_\_\_\_\_  
Sheryl Schaffner, City Attorney

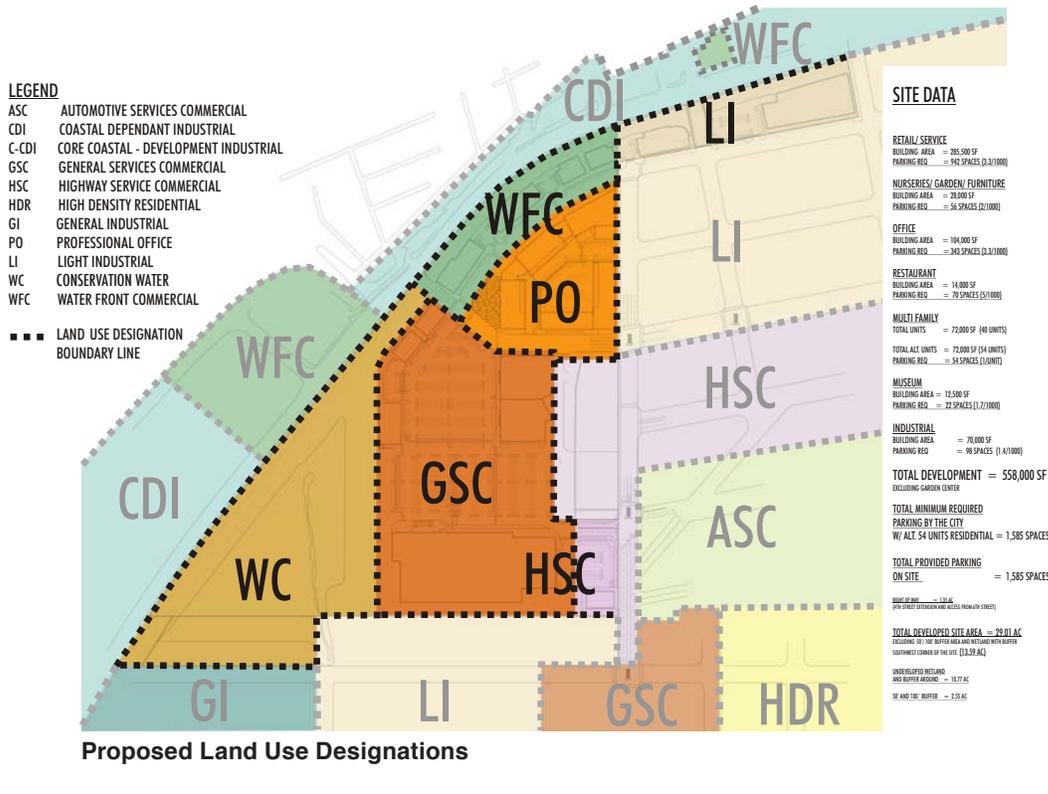
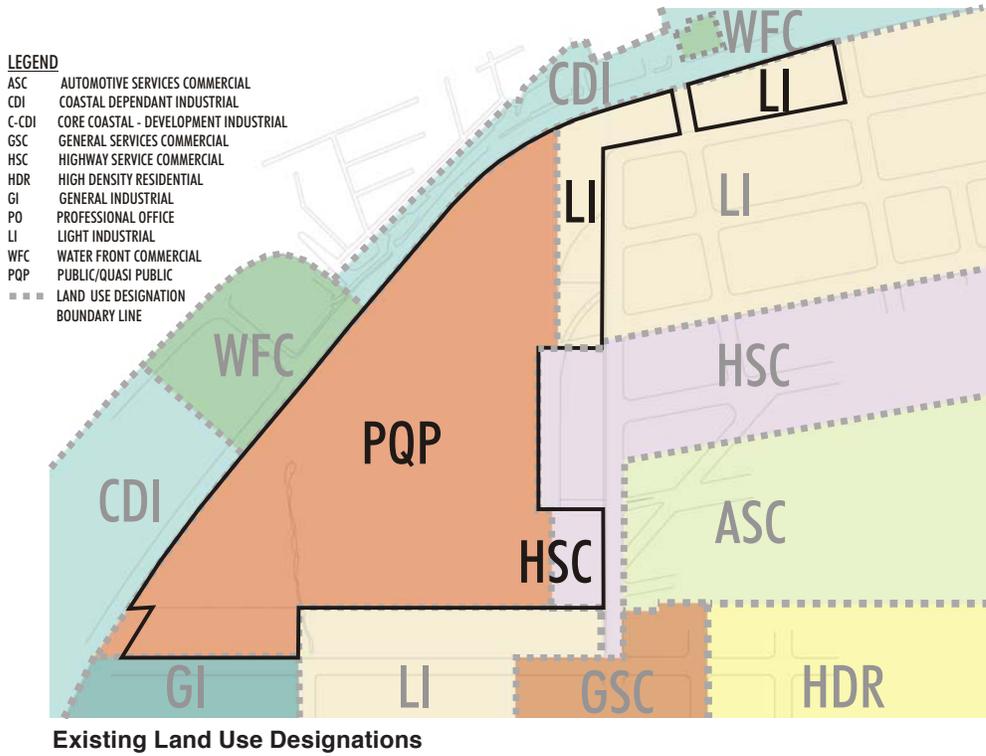
THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the \_\_\_\_ day of November, 2010

\_\_\_\_\_  
Pamela J. Powell, City Clerk

**Attachment A**

**Local Coastal Program Land Use Plan General Plan Land Use Map  
(As proposed for Amendment)**

A copy of the Local Coastal Program Land Use Plan general plan land use map is included in this Ordinance by reference, as if set forth fully herein.



SOURCE: Baysinger Partners Architecture PC, 2008

Marina Center LCP Amendment Ballot Initiative

**Figure 1**  
Existing and Proposed  
Land Use Designation Maps

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF EUREKA  
STATE OF CALIFORNIA**

**AN ORDINANCE MAKING FINDINGS AND AMENDING THE CITY OF  
EUREKA LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN TO  
ALLOW AND ESTABLISH REGULATIONS FOR THE MARINA CENTER  
MIXED-USE DEVELOPMENT PROJECT**

WHEREAS, the City of Eureka ("City") has prepared an Environmental Impact Report ("EIR") in accordance with the California Environmental Quality Act (Public Resources Code, §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines, which analyzed the potential environmental impacts of the Marina Center Mixed Use Development Project ("Project"); and,

WHEREAS, on October 27, 2009 the City Council approved Resolution No. 2009-50, certifying the EIR for the Project as complete and in accordance with CEQA; and,

WHEREAS, on November 3, 2009, the City Council approved Resolution No. 2009-51, approving a Coastal Development Permit for Phase I of the Project, which involved the interim remediation of contamination on the Project site associated with past uses of the site and the construction of a wetlands preserve, making certain CEQA findings for Phase I of the Project, and adopting a Mitigation Monitoring and Reporting Program ("MMRP") for Phase I of the Project; and

WHEREAS, on \_\_\_\_\_ the City Council approved Resolution No. 2010-\_\_\_\_, placing a question before the voters of the City whether to adopt the Marina Center LCP Amendment Ballot Measure which, if approved, would amend the existing Local Coastal Plan to allow for development of the Marina Center Mixed Use Development Project, subject to the approval of future permits and environmental review, as necessary, and as further set forth in this Ordinance and in Ordinance \_\_\_\_ approving the Local Coastal Program Land Use Plan amendments, making CEQA findings associated with these amendments, and adopting a MMRP for these amendments; and

WHEREAS, voters of the City, at the regular election held on November 2, 2010 approved Ordinances \_\_\_\_ and \_\_\_\_, adopting the Local Coastal Program Land Use Plan amendments and the Local Coastal Program Implementation Plan amendments.

NOW, THEREFORE, BE IT ORDAINED that based on the entirety of the record before it, which includes without limitation, CEQA and the CEQA Guidelines, 14 California Code of Regulations § 15000 *et seq.*; the City's Local Coastal Program, the City's General Plan and General Plan EIR; the City's Municipal Code; the Draft and Final EIR prepared for the Project, Resolution 2010-\_\_\_\_ all reports, minutes, and public testimony submitted as part of the City Council consideration of Resolution 2010-\_\_\_\_; Ordinances \_\_\_\_ and \_\_\_\_; and any other evidence in the record, the people of the City of Eureka

hereby find as follows:

**SECTION I. FINDINGS**

**A. General Findings**

1. The foregoing recitals are true and correct and made a part of this Ordinance.
2. The Attachment to this Ordinance, including the proposed Local Coastal Program Implementation Plan (zoning) map amendment (Attachment A) is incorporated by reference as part of this Ordinance, as if the Attachment was set forth fully herein.
3. The documents and other material constituting the record for these proceedings are located at the Community Development Department for the City of Eureka, 531 K Street, Eureka, CA 95501.

**B. Local Coastal Program Implementation Plan Map Amendment Findings**

1. The Implementation Plan Amendment rezones the Project Area as follows and as is further illustrated in Attachment A:
2. In addition, the Amendment applies a Q Qualified Combining District to all of the below listed parcels to limit the types and amount of development that may take place.

APN	Existing IP Designations	Proposed IP Designations
001-014-002	Limited Industrial (ML)	Qualified Limited Industrial (ML-Q)
003-021-009	Limited Industrial (ML) Public (P)	Qualified Limited Industrial (ML-Q) Qualified Commercial Waterfront (CW-Q) Qualified Office Residential (OR-Q) Qualified Service Commercial (CS-Q)
003-031-003	Limited Industrial (ML)	Qualified Professional Office (PO-Q)
003-031-007	Limited Industrial (ML)	Qualified Professional Office (PO-Q)
003-031-008	Limited Industrial (ML) Public (P)	Qualified Conservation Water District (WC-Q) Qualified Service Commercial (CS-Q) Qualified Office Residential (OR-Q)
003-031-012	Limited Industrial (ML)	Qualified Office Residential (OR-Q)
003-031-013	Limited Industrial (ML)	Qualified Office Residential (OR-Q)
003-041-005	Service Commercial (CS)	Qualified Service Commercial (CS-Q)

APN	Existing IP Designations	Proposed IP Designations
003-041-006	Service Commercial (CS)	Qualified Service Commercial (CS-Q)
003-041-007	Public (P)	Qualified Conservation Water District (WC-Q) Qualified Services Commercial (CS-Q)
003-051-001	Public (P)	Qualified Conservation Water District (WC-Q)

2. As required under State law, the General Plan, and the Municipal Code, in support of the Implementation Plan Amendment, the City finds as follows:
  - (a) The proposed Implementation Plan Amendments conform with and are adequate to carry out the Local Coastal Program Land Use Plan and are internally consistent with the City’s adopted General Plan as demonstrated in Attachment 2 of Resolution 2010-\_\_\_\_ and incorporated herein by reference. The Implementation Plan zoning map designations correspond to the Land Use Plan map designations consistent with Table B-1 of Appendix B of the General Plan/Local Coastal.
  - (b) The proposed Implementation Plan mapping amendments are internally consistent with the City’s Coastal Zoning Regulations. The Implementation Plan amendments use established zoning districts from the Coastal Zoning Regulations and do not seek to modify those zones except as set forth below through the application of the Q Qualified Combining District. The application of the Q Qualified Combining District is also contemplated by the Zoning Ordinance, however, and therefore would not create internal inconsistencies with the Coastal Zoning Regulations.
  
4. As required under the Coastal Zoning Regulations, the Q Qualified Combining District to be applied to the parcels listed above, the exact parameters of which are set forth below, is required in order to ensure that development on the subject property takes place in an orderly manner and that the environmental impacts of any such development does not exceed the environmental impacts already examined and disclosed by the City in the Marina Center Mixed Use Development Project EIR certified by the City in Resolution No. 2009-50. In addition, for these same reasons, the application of the Q Qualified Combining District is not “spot zoning.” Moreover, the Q Qualified Combining District will be applied to all of the parcels set forth above and to each of the underlying zoning designations as set forth above.

**C. CEQA Findings**

1. The City's CEQA findings for this ordinance are the same as those set forth in the City's Resolution No. 2010- \_\_\_\_\_ calling for a ballot measure on this Ordinance. The CEQA findings and the Mitigation Monitoring and Reporting Program attached to Resolution No. \_\_\_\_\_ are incorporated herein by reference.

**SECTION II. Q QUALIFIED COMBINING DISTRICT REGULATIONS**

The following regulations shall apply in the Q Qualified Combining District applicable to the parcels identified in the table above and the map attached as Attachment A:

1. Development in accordance with the EIR shall require the issuance of a coastal development permit by the City Council.
2. Development within the Q Qualified Combining District shall not exceed that described in the EIR or have environmental impacts exceeding those described in the EIR.
3. "Discount Superstores" are prohibited in the Q Qualified Combining District. "Discount superstore" shall mean a discount retail store that also contains a full service grocery department under the same roof that shares entrances and exits with the discount store area. Such retail stores exceed one hundred thousand (100,000) square feet of gross floor area and devote at least five (5%) percent of the total sales floor area to the sale of non-taxable merchandise. "Sales floor area" means only interior building space devoted to the sale of merchandise, and does not include restrooms, office space, storage space, automobile service areas, or open-air garden sales space. "Nontaxable merchandise" means products, commodities, or items the sale of which is not subject to California State sales tax. These stores usually offer a variety of customer services, centralized cashing, and a wide range of products. They usually maintain long store hours seven (7) days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Discount superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.
4. This Ordinance may only be amended by simple majority vote of the voters of the City of Eureka. Ten years after the effective date of this Ordinance, however, the City Council may repeal all or part of this Q Combining District without further vote of the people, so long as the City complies with CEQA before approving any such amendment. In the event that the City Council

repeals this Q Combining District, the regulations of the underlying zoning districts applicable to the Property shall apply.

**SECTION III. ADOPTION OF IMPLEMENTATION PLAN AMENDMENTS**

Based on the entirety of the record, as described above, and for the reasons set forth in Section I of this Ordinance, and all Attachments to this Ordinance, the People of the City of Eureka do hereby amend the City's Local Coastal Program Implementation Plan, as set forth above and illustrated in Attachment A.

**SECTION IV. SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The People of the City of Eureka hereby declare that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION V. EFFECTIVE DATE, COASTAL COMMISSION REVIEW, AND EFFECT OF COASTAL COMMISSION NOT CERTIFYING ORDINANCE**

Pursuant to Elections Code Section 9217, this ordinance shall be considered adopted upon certification of the vote of the people of the City of Eureka in favor of passing this Ordinance and shall become effective 10 days thereafter. Following approval by the people of the City of Eureka, the amendments shall be submitted to the California Coastal Commission for certification in accordance with the California Coastal Act. If the California Coastal Commission does not certify these amendments, this ordinance shall be null and void and the zoning designations shall revert to those applicable immediately prior to the passage of this ordinance.

APPROVED by the following vote of the voters of the City of Eureka on November 2, 2010::

YESES \_\_\_\_\_  
NOES \_\_\_\_\_

PASSED AND ADOPTED by declaration of the vote of the City Council of the City of Eureka at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:

\_\_\_\_\_  
Mike Jones, Mayor Pro Tem

THE ABOVE ORDINANCE WAS SUBMITTED TO THE MAYOR on the \_\_\_\_ day of November, 2010, and hereby approved.

\_\_\_\_\_  
Virginia Bass, Mayor

*Approved as to Administration:*

*Approved as to form:*

\_\_\_\_\_  
David. W. Tyson, City Manager

\_\_\_\_\_  
Sheryl Schaffner, City Attorney

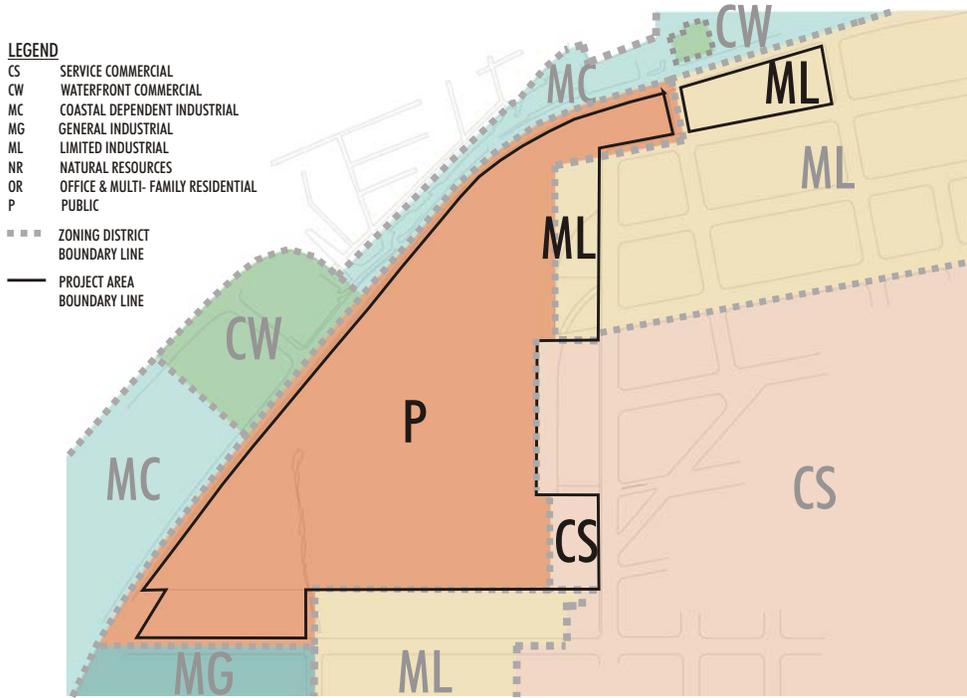
THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the \_\_\_\_ day of November, 2010

\_\_\_\_\_  
Pamela J. Powell, City Clerk

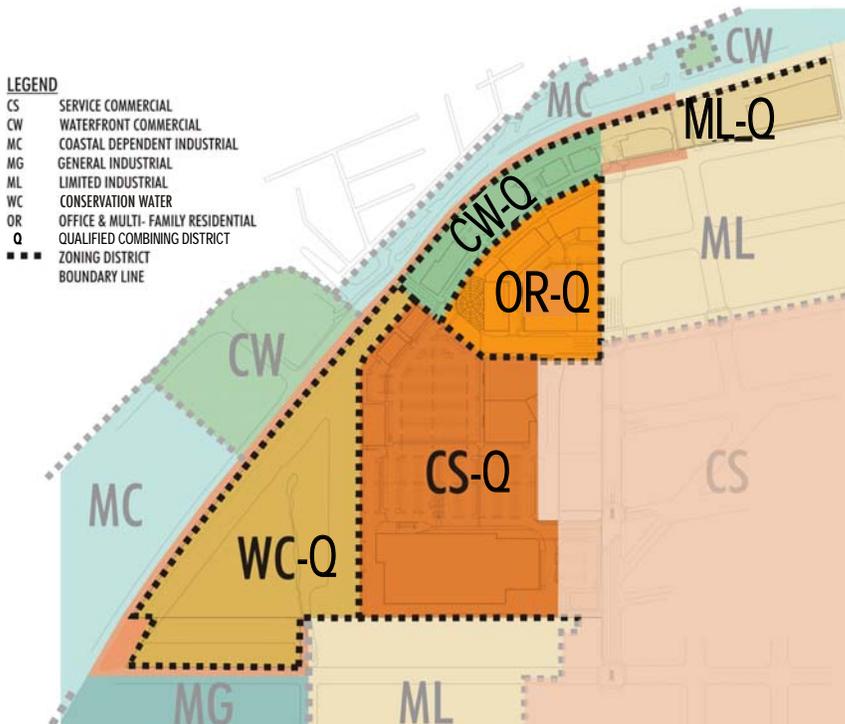
**Attachment A**

**Local Coastal Program Implementaiton Plan Zoning Map  
(As proposed for Amendment)**

A copy of the Local Coastal Program Implemtation Plan zoning map is included in this Ordinance by reference, as if set forth fully herein.



**Existing Zoning Designations**



**Proposed Zoning Designations**



NO SCALE