



## CITY OF EUREKA

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August 27, 2010

Michael Wheeler, Senior Planner  
Humboldt County Community Development Services Department  
3015 H Street  
Eureka, CA 95501

**Re: Draft EIR, Ridgewood Village Development Project  
GPA-06-03/ZR-06-15/PUD-06-02**

Dear Mr. Wheeler:

The City of Eureka (City) herewith presents its comments on the Draft Environmental Impact Report (DEIR) for the Ridgewood Village Development Project (Project), prepared by Humboldt County (County) pursuant to the California Environmental Act (CEQA), Public Resources Code section 21000, et seq.

The City thanks the County for this opportunity to comment on the DEIR. The Project, as a multi-phase subdivision that would include 1,442 residential units and 327,000 square feet of commercial space on approximately 385 acres of undeveloped land, will have substantial impacts on the City. The Project site, although under the jurisdiction of the County, lies within the City's sphere of influence, is adjacent to the City limits, and would cause significant "spill-over" effects to the City, to its environment, and to its public services and infrastructure. Therefore, the City has a strong and direct interest in ensuring proper evaluation and mitigation of the Project's environmental impacts. Moreover, the Project, which includes major amendments to the County's General Plan and other land use regulations, is of tremendous significance to the orderly process of development of land which is now in the immediate environs of, and in the future has potential for annexation into, the City.

CEQA, a law which emphatically provides for involvement of sister public agencies and the general public in assessment and mitigation of the impacts of development projects, affords the City a rightful "place at the table" in the County's consideration of this Project. Both because of the Project's potential impacts on the City, and because of the Project's ramifications for planned and orderly development of the borderlands between the City and the County, the City has consistently expressed a willingness to consult and work with the County regarding impact evaluation and mitigation for the Project. However, as reflected by the quality and content of the DEIR, the County has not done so to a sufficient degree. The City hopes and expects that the County, in response to these comments, will include the City in further evaluation of the Project's environmental impacts, and in structuring alternatives to and/or mitigation of those impacts in a manner that relieves the City of the burden of bearing the environmental and financial costs of addressing extra-jurisdictional impacts.

## GENERAL COMMENTS

This letter contains a multitude of detailed comments on the DEIR, which the City hopes will encourage the County to revise the DEIR to give full, balanced and factually substantiated consideration to the impacts of the Project. But at the outset of this letter, the City presents the following summary of the broad concerns which underlie and connect the City's more detailed comments. The broad concerns of the City include:

- Orderly Planning: The Project includes proposed amendments to the County's General Plan and other land use regulations which, in the City's understanding, closely track changes to those same laws and regulations that are also proposed in connection with the County's nearly completed General Plan Update process. It appears to the City that the Project is more closely attuned to the proposed General Plan Update than it is to the County's current General Plan. The City is concerned -- and frankly puzzled -- by the County's decision to proceed with consideration of this Project, which is essentially part of the larger scheme of the General Plan Update, before the County has finished laying the groundwork of approving the Update as a whole. Further, the City is concerned that the DEIR examines the Project in artificial isolation from the General Plan Update process, for example failing to include other probable development under the Update in its evaluation of the Project's cumulative impacts, and failing to analyze land use regulatory changes proposed under the Project as an integral part of the overall General Plan Update.
- Alternatives: The City is greatly concerned -- in light of the many significant environmental impacts of the Project -- that the range of project alternatives considered in the DEIR is unreasonably constrained. The City feels strongly that the DEIR unreasonably excludes any alternative (including a No Project Alternative) under which development of the site would occur at less than the *maximum* build-out levels allowed under the County's current General Plan. The City further feels that the DEIR unreasonably excludes detailed examination of an off-site alternative potentially capable of achieving most of the County's objectives with a lower level of environmental impacts. Because every alternative considered in the DEIR would develop the Project site at a density near to that proposed under the Project, the City feels that the DEIR unreasonably fails to provide decision makers with a meaningful menu of alternatives to the Project. The City feels that additional alternatives should include, at a minimum: an alternative that reduces impacts to City streets, for example, an alternative that does not require a connection, other than for emergency purposes, between Ridgewood Hills Drive and Lundblade Drive; an alternative that would not adversely impact City public services including fire and law enforcement; an alternative that would not exceed the planned capacity of the Martin Slough Interceptor project; and, an alternative that would not adversely impact City recreational facilities.
- Quality of Analysis: As noted above, this letter contains a multitude of detailed comments on the DEIR's analysis. As these comments indicate, the City believes substantial revisions are required to render the DEIR compliant with CEQA, and the City hopes and expects that the County will closely involve the City in a process of revising, and if necessary, recirculating the document in response to the comments of the City and other agencies and the public. In that expectation, the City has refrained, in this letter, from identifying each and every instance of faulty analysis which City reviewers observed in the DEIR. Instead, in addition to the specific comments listed below, the City generally notes that the DEIR's impact analysis is woefully conclusory -- typically

determining significance of impacts without reference to clear thresholds or standards of significance, without clear and reasoned analysis, and on the basis of little or no substantial evidence. Further, the City notes that the DEIR generally fails to explain based on substantial evidence the document's conclusions regarding the relation of listed mitigation measures to the significant impacts of the Project, or the ability of those measures to avoid or reduce the Project's impacts to less-than-significant levels.

- Traffic Impacts: As discussed in detail both in the comments below and in comments in Attachment A to this letter (memoranda from the City's Engineering Department and Traffic Division), which is incorporated into this letter by reference, the City has profound concerns about the methodology by which the DEIR evaluates the significance of traffic and circulation impacts of the Project, and identifies and allocates responsibility for mitigation measures to reduce or avoid significant traffic and circulation impacts. In addition to requesting that the County closely involve the City in re-evaluating those matters in revisions to this DEIR, the City hereby expresses its willingness to negotiate with the County a Memorandum of Understanding that would provide the full funding to the City for the extra-jurisdictional infrastructure improvements and other measures needed to mitigate the Project's significant traffic and circulation impacts.
- Wastewater Conveyance: As further discussed in the comments below and in comments in Attachments A (memorandum dated August 26, 2010 from City Engineer Kurt Gierlich) and B (letter dated December 16, 2005 from City Environmental Planner Lisa D. Shikany) to this letter, which are incorporated into this letter by reference, the City has numerous concerns about the analysis of Project reliance on the proposed Martin Slough Interceptor (MSI) wastewater conveyance project and/or a Herrick Avenue alternative conveyance pipeline. Most particularly, the City is concerned that development of the Project site, at the densities proposed under the Project, may exceed the wastewater conveyance capacity which was conceptually allocated to the Project site in planning for the MSI, with the potential result that other future developments in the County that were intended to also be served by the MSI may be short-changed, thereby potentially requiring future yet-to-be identified wastewater conveyance system upgrades with potential environmental and City infrastructure impacts. The City is also concerned regarding the misconception that the Project holds an entitlement to wastewater services, and that the City has committed to accepting wastewater from the project.
- Fire and Police Services: As further discussed in the comments below and in comments in Attachment C to this letter (a memorandum from the City's Fire Marshal), which is incorporated into this letter by reference, the City has strong concerns about the DEIR's analysis of public services impacts and other impacts with implications for public services. The City is particularly concerned about the burdens upon City-provided public services, and public service infrastructure, equipment and staff, which the Project would impose. As with other areas in which the impacts of the Project would create extra-jurisdictional mitigation burdens, the City expresses willingness to negotiate an MOU that would cover the City's costs of mitigation to reduce or avoid impacts of the Project.

## **SPECIFIC COMMENTS**

### **Summary:**

Page S-2, section S.1.2.1: The DEIR, here and elsewhere (see, e.g., pages 1-4, 1-5, 2-22, 2-27), cites the City's 2004 Draft EIR for the MSI Project, in support of the County's interpretation of various CEQA Guidelines. This is inappropriate, as the County has an independent legal responsibility to ensure that it properly interprets and complies with CEQA.

Page S-3, section S.1.2.1: The City questions whether agency decisions about connection agreements for water and sewer services are discretionary approvals that will be based on the EIR. The City further notes that the DEIR fails to describe discretionary decisions by the City in which the City will be asked to rely on the DEIR as a responsible agency – for example, a potential decision by the City whether to allow the Golf Course lift station to be upgraded to accommodate the Project if the Project does not use the MSI.

Page S-3, section S.1.2.1: The DEIR should better define the "project-level entitlements" that are being sought "at the present time." In particular, the DEIR should better define the contents and function of the proposed "Project Layout Plan" and the "Master Tentative Tract Map." The Subdivision Map Act does not appear to authorize use of a "Master Tentative Map." What additional subdivision maps will be required after approval of the "Master Tentative Map"?

Page S-3, section S.1.2.1: The County's DEIR purports to evaluate the environmental impacts of a number of "project-level entitlements." In order to assess the adequacy of the DEIR's evaluation of these impacts, the details of those proposed entitlements should be made available to the City, other commenting agencies, and the general public. The City is specifically concerned that the Grading and Utilities Plan for Phase 1 of the Project contains insufficient detail to allow adequate evaluation of impacts – including what areas would be graded, the depth of proposed grading, retaining walls, etc.

Page S-4, section S.1.2.1: The City disagrees with the DEIR's characterization of 4-foot-wide sidewalks planned for the Project as being "wide" sidewalks.

Page S-4, section S.1.2.1: The DEIR here states that there will be a "prohibition of on-street parking." That statement is inconsistent with much of the rest of the document (see, e.g., page 2-13), which describes a parking lane on all streets. An EIR is required to evaluate a definite and consistent project description.

Page S-5, section S.2.1: The DEIR assumes (for example, in its description of the No Project Alternative) that if the proposed Project were not approved, the Project site would be developed with 940 residential units under existing planning-level approvals. Because this assumption is the key to the DEIR's comparison of alternatives, the DEIR should be revised to explain better the derivation of that assumption, and the evidence relied upon by the County in reaching that assumption.

Page S-5, section S.2.1: The DEIR purports to evaluate the environmental impacts of the entire Project, including the proposed Development Agreement (DA). In order for commenting public agencies and the general public to assess the adequacy of the DEIR in evaluating the Project, the DEIR should provide all significant details regarding the contents of the proposed DA. The City hereby requests that the proposed

DA be made available for public review, with adequate time for preparation of comments, prior to any decision by the County on environmental review of the Project.

Page S-5, section S.2.1: The DEIR lists various entitlements, and states that the DEIR evaluates the impacts associated with entitlements "including, but not limited to" the listed entitlements. This is not enough under CEQA. The DEIR must disclose and evaluate the impacts of all proposed Project approvals.

Page S-5, section S.2.1: The text of the DEIR states that all future development of the Project would be subject to review and approval by the County, except for "the extended Ridgewood Hills Drive described above" and "some other infrastructure improvements outside of the Phase 1 footprint that are necessary for the completion of Phase 1." Contrary to this statement, the extension of Ridgewood Hills Drive is not "described above," and the DEIR should be corrected to provide the needed description. The DEIR should also be revised to specify what infrastructure improvements outside the Phase 1 footprint will be "necessary" for completion of Phase 1, and which agency or agencies would be responsible for approving those improvements.

Page S-5, section S.2.2: The City strongly disagrees with the DEIR's characterization of the No Project Alternative as including all 940 residential units which the County maintains are currently "permitted" on the Project site. The City is not aware of any such existing "permitting"-level approval. The DEIR states that there are currently "four existing assessor parcels" on the Project site. (DEIR, page 6-11.) Even assuming that these four assessor parcels correspond to four legal lots, under the County's existing zoning, the Project site could currently be developed, as a matter of right, with only 8 houses (4 primary and 4 secondary dwelling units). Thus, a maximum of 8 houses can be considered "permitted" under existing conditions. If the County is defining the No Project Alternative as the amount of development that would be "permitted" in the absence of approval of the proposed Project, the accurate characterization of the No Project alternative would be a No Build Alternative that would either leave the Project site in its existing state, or would contain a maximum of 8 dwelling units.

Page S-6, section S.2.3: The City disagrees with the DEIR's definition of the No Project Alternative and the Reduced Project Alternative. Neither the No Project Alternative nor the Reduced Project Alternative would authorize development of the Project site at less density than the maximum level allowed under the General Plan. The DEIR is required to evaluate a reasonable range of alternatives which might reduce or avoid the significant impacts of the proposed Project. In this instance, there is no legal obligation for the County to approve development of the Project site to the maximum density allowed under the existing General Plan, and therefore it is not reasonable for the DEIR to rule out the possibility of developing the Project site at a lesser density. Therefore, the range of alternatives considered in the DEIR – represented in part by a No Project Alternative and a Reduced Project Alternative that would allow maximum density under the General Plan – is not a reasonable range of alternatives under CEQA.

Pages S-4 through S-6, section S.2: The range of alternatives considered in the DEIR is further inadequate for failing to include an off-site alternative. The EIR is required to evaluate a reasonable range of alternatives to the proposed Project that could reduce or avoid the significant impacts of the proposed Project while fulfilling most, but not necessarily all, of the objectives of the proposed Project. The County's objectives for the Project do not appear to the City to be inextricable from development of this particular Project site. The DEIR should therefore be revised to either consider an off-site alternative, or to support the decision to exclude an off-site alternative from the range of alternatives considered.

Pages S-30, S-32, sections S.4.1, S.4.3: The DEIR states in section S.4.1 that effects found not significant include “substantial degradation of existing visual character.” However, in section S.4.3, the DEIR states that Phase 1 of the Project would have a significant and unavoidable impact on visual character, and that subsequent phases of the Project would have significant and unavoidable impacts on visual character and glare. These statements are inconsistent and must be revised.

Pages S-32, S-33, sections S.4.3, S.4.4: Section S.4.4 states that the Project would have a significant and unavoidable impact in the area of mobile PM10 emissions. That significant and unavoidable impact is not listed in Section 3.4.3 (“Significant Effects that Cannot be Avoided”). Section 3.4.3 must be revised to acknowledge the Project’s significant and unavoidable mobile PM10 impact.

Page S-35, section S.4.7: This section states that the No Project Alternative would not meet any of the Project objectives. The City finds this statement absurd, as there is no valid reason for the DEIR to conclude that the No Project Alternative would not meet the first 4 of the 5 County’s objectives for the Project listed on page 2-1 of the DEIR. The DEIR should be revised to correct its statement that the No Project alternative would not satisfy any Project objectives.

## **Chapter 2: Description of Proposed Project and Alternatives**

Pages 2-1, 2-2, section 2.1: The inclusion of a lengthy list of the applicant’s objectives in proposing the Project is not appropriate, since these objectives correspond so closely to the Project as the applicant has proposed it that any alternative would – by definition – fail to meet them. CEQA does not allow an EIR to define project objectives to be so identical to a proposed project as to defeat the purposes for which CEQA requires analysis of alternatives.

Page 2-1, section 2.1: Among the County’s objectives for the Project are that development achieve a “smart growth” project. The DEIR does not define “smart growth,” which undercuts any conclusion that an alternative to the Project does not satisfy this objective. “Smart Growth” is the subject of professional standards and guidelines set by the Congress of New Urbanism and others. The DEIR should consider whether the proposed Project, and the alternatives considered in the DEIR, achieve these recognized standards of “smart growth.”

Page 2-1, section 2.1: One of the County’s objectives for the Project is to build the Herrick Avenue sewer connection. However, it appears from the remainder of the document that Project as proposed for approval would not further this objective, and that the Herrick Avenue sewer connection would only be constructed as an alternative to the Project as proposed (i.e., should the MSI not be built). The DEIR should be revised to reflect this.

Page 2-1, section 2.1: One of the applicant’s objectives is to provide neighborhood-serving commercial uses that will reduce traffic impacts. However, the amount of commercial development proposed under the Project – 327,000 square feet – is far beyond the amount of commercial development that could be characterized as “neighborhood commercial” in connection with this Project. The DEIR should evaluate whether the provision of the proposed amount of commercial development will mitigate, or intensify, the traffic impacts of the proposed Project.

Page 2-2, section 2.1: Another of the applicant's objectives is development "closely tied to the County's General Plan." Any conclusion that the proposed Project furthers this objective is contradicted by the significant amendments to the General Plan that are proposed for approval in connection with the proposed Project.

Page 2-5, section 2.2.1: Please note that the Lundbar Hills subdivision was not approved by the Community Development Department as stated in the DEIR; rather, it was approved by the City Council.

Page 2-5, section 2.2.1: The DEIR's description of "surrounding" neighborhoods is misleading, and gives the false impression that this is an "infill" project when it clearly is not. Cutten does exist to the east, but there are no neighborhoods to the west and there is substantial undeveloped area between the proposed Project and Lundbar Hills to the north.

Page 2-6, section 2.2.2: The City disagrees with the DEIR's statement that "the maximum amount of development currently permitted at the project site is 940 single-family residential units." Although the General Plan may include planning for a certain amount of residential development of the Project site, no permitting for such development has yet occurred, and CEQA review would be required before any such permitting were approved. CEQA mandates that the DEIR describe the existing physical setting for a project (environmental baseline) as the environmental conditions that currently exist in fact, not as including hypothetical future development.

Page 2-7, section 2.2.2: The figure on this page shows "Phase 1A" of the Project. However, the City has not located any other references to Phase 1A in the DEIR. The DEIR's description of Project phasing should be revised to explain this term.

Page 2-9, section 2.3.1: The DEIR assumes that "commercial uses would be selected" to lessen traffic impacts. The DEIR further asserts that the DA will prohibit "big box" commercial development. In order for the DEIR's analysis of impacts based upon these assumptions to be valid, the DEIR must explain how these assumed limitations on commercial development would be enforced by the County by the proposed Project approvals.

Page 2-13, section 2.3.1.1: The DEIR explains that the proposed Project includes a .75-acre park in which a .70-acre detention basin would be located. It is not accurate to describe this Project feature as a "park" since it would be largely inundated during much of the year. Furthermore, the DEIR must evaluate whether the proposed detention facility would develop wetlands characteristics which would require mitigation measures to avoid significant impacts from the Project.

Page 2-14, section 2.3.1.1: The DEIR describes the applicant's intention to use all excess cut earth on site. The City is of the opinion that this intention may not be realistic. The estimated 98,354 cubic yards of cut earth required by Phase 1 equates to 6.7 acres of cut/fill, 9 feet deep. The City is concerned that the existing grading plan for the Project does not demonstrate that such an immense amount of cut material can practicably be used on site. The DEIR must either provide evidence to support the assumption that the applicant will be able to use this amount of cut earth on site, or evaluate the impacts of exporting excess amounts off site.

Page 2-16, section 2.3.1.1: This paragraph identifies “preferred conveyance alternative” as connection to the approved but not yet developed MSI, with the Herrick Avenue sewer connection being the contingency alternative. As noted elsewhere in these comments, this statement is inconsistent with the County’s Project objectives, which include construction of the Herrick Avenue sewer connection.

Page 2-16, section 2.3.1.1: The DEIR acknowledges that the Herrick Avenue sewer connection contingency alternative would require a Coastal Development Permit, and specifies construction of that sewer connection as a Project objective, but does not consistently treat a CDP for the Herrick Avenue sewer connection as a required – or potentially required -- Project approval. Furthermore, the DEIR does not evaluate the environmental impacts of constructing the Herrick Avenue sewer connection contingency alternative. This section of the DEIR identifies possible use of boring for construction of the Herrick Avenue sewer connection, but does not provide details essential to adequate environmental analysis such as the location of potential boring and whether such boring would occur in the Coastal Zone.

Page 2-21, section 2.3.1.2: The Project includes a General Plan amendment to amend the existing requirement for a 5-acre multi-use park. The park uses under the proposed Project include one 2.5-acre park, along with pocket parks doubling as detention basins. Since pocket parks forced to double as detention basins would often or always be useless as parks, this Project feature would effectively halve the parkland requirement under existing General Plan provisions. The DEIR must discuss how this proposed General Plan amendment is consistent either with the General Plan or with “smart growth” principles.

Page 2-21, section 2.3.1.2: This section says that timber harvesting operations would continue within the majority of the open space lands designated GO. Under the proposed Project, would timber harvesting be allowed on open space lands donated to a non-profit conservation organization?

Page 2-24, section 2.3.3.1: This section says that Phase 5 development would be served by extending a new wastewater pipeline from the eastern ridge to the existing manhole at the Home Drive/Walnut Drive intersection. That manhole is served by the O Street lift station. If the MSI is not built, the Project plan discussed in this section would not be viable, as the O Street lift station is already at capacity.

Page 2-25, section 2.3.5: This section states that storm water runoff is “expected” to pass through detention facilities for each phase, and that low impact development approaches to storm water control that focus on minimizing the effects of development on the natural hydrology, “may” be incorporated. The DEIR should be revised to make both of these possibilities requirements of Project approval.

Page 2-27, section 2.3.6: The DEIR does not provide detailed description of required landscaping, and should be revised to provide more information on that subject, necessary to evaluate visual and other impacts. This section states that “existing wind-safe trees” in a 30-foot buffer area along Ridgewood Drive are proposed for preservation. The DEIR should evaluate whether this is a realistic plan, or whether removal of surrounding trees would render those trees no longer “wind safe.”

Pages 2-27, 2-28, section 2.3.7.2: Please clarify: Is underground parking in subsequent phases proposed to be 550 spaces *plus* 600 spaces, or a number *between* 550 and 600 spaces? Is parking to be provided for employees in the MU zone, and if not, why not?

Page 2-32, 2-33, section 2.3.11: The list of discretionary approvals indicates that a Coastal Development Permit and other approvals may be required for the Herrick Avenue wastewater conveyance alternative. The DEIR does not discuss whether these approvals would be under the responsible agency jurisdiction of the City. The DEIR should be revised to clarify this point.

Page 2-35: The City disagrees with the DEIR's statement that the City has an obligation under Government Code section 65589.7 to provide the Project, or any specific development within the County's jurisdiction, with water or wastewater service.

Page 2-36, section 2.4: See prior comments regarding the No Project Alternative. Analysis of a No Project Alternative which includes construction of 940 residential units does not permit evaluation of an alternative under which development of the site would be less than the maximum allowed under the General Plan. In the absence of vested entitlements for 940 units, the County is not legally required to permit development to the maximum level under the General Plan, and development at a less-than-maximum level would likely avoid or reduce significant impacts of the proposed Project. Therefore, the lack of a No Project alternative under which development would be less than the maximum allowed under the General Plan renders the range of alternatives evaluated in the EIR inadequate.

Page 2-37, section 2.4.1.2: See prior comment. The conclusion that a No Build Alternative is infeasible is not supported by the discussion in this section. In the absence of vested entitlements to develop the Project site, the General Plan does not bind the County to permit development of the Project site, and certainly does not bind the County to permit development of the Project site at the maximum density allowed under the General Plan. The DEIR must provide a reasoned explanation, supported by evidence, that a No Build Alternative is infeasible under CEQA. Furthermore, the DEIR must analyze the feasibility of an alternative that would develop the Project site at less than the maximum density allowed under the General Plan.

Page 2-39, section 2.4.3: The description of the Reduced Density Alternative states that it would not include affordable housing and would not include donation of open space. Why are these positive aspects of the proposed Project left out of the Reduced Density Alternative? Without support for the conclusion that the Reduced Density Alternative must by definition lack affordable housing and/or donation of open space, it is questionable whether the DEIR is providing a meaningful comparison of the proposed Project and a possible alternative that could feasibly reduce or avoid the significant impacts of the Project.

Page 2-41, section 2.5.1: The DEIR's cumulative impact analysis relies upon a "plan" approach for accounting for cumulative impacts. The plan employed for this purpose is the existing Eureka Community Plan. The DEIR's reliance on the ECP for this purpose is invalid, insofar as the DEIR appears to accept, without further analysis, the significance determinations in the 1993 ECP EIR for all non-Project development. CEQA case law holds that a "plan" (or "summary of projections") approach to identifying cumulative impacts is inadequate if the "plan" relied upon is outdated or inaccurate. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217; *Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App.3d 421.) Therefore, the DEIR, in order to rely upon the cumulative impact significance determinations in the ECP EIR, must establish that those determinations – reached in a document that was prepared 17 years ago – are not outdated or inaccurate. The DEIR must evaluate whether changed circumstances or new information since 1993 now indicates that cumulative development under the ECP would have new or substantially more severe significant impacts, compared to

those identified in the 1993 ECP EIR. Only after the DEIR has thus updated the cumulative impact significance determinations in the 1993 ECP EIR may it rely upon those determinations in concluding whether the Project would make a cumulatively considerable contribution to a significant cumulative impact.

Page 2-42, section 2.5.1.2: The DEIR's cumulative impact analysis is furthermore inadequate and must be revised because it excludes foreseeable future development under the currently pending General Plan Update. CEQA requires that a cumulative impacts analysis include all past, present and probable future projects that might contribute, along with the proposed Project, to significant cumulative impacts. The DEIR's cumulative impact analysis, by limiting itself to impacts of the Project in combination with impacts of development under the existing ECP, is therefore inadequate insofar as it excludes additional probable development identified in the pending General Plan Update. Development under the General Plan Update must be considered probable future development, since the General Plan Update already exists in publicly distributed draft form, and since County has already announced its intention to issue an EIR for the GPU.

Page 2-42, footnote 1: This footnote states that the projected population growth for the entire ECP planning area is 1,204 people through 2030. The proposed Project would develop 1,422 residential units by full build-out in 2030. Therefore, the proposed Project would place vastly more dwellings in one single development than are needed to accommodate the population growth anticipated in the ECP for the entire planning area. The DEIR must explain how this Project, which would contribute development so far in excess of that needed to house the population projected under existing planning documents, can be considered in any way consistent with the those existing planning documents.

Page 2-46, section 2.5.2.6: The DEIR's discussion of its method of evaluating cumulative Utilities and Services impacts describes a process based not on factual evidence, but on unsubstantiated presumptions. The DEIR states that it can assume a lack of cumulative impacts based on the mere expectation that HCSD, on reviewing Project plans, will approve service to the Project. The DEIR cannot substantiate such presumptions without a factual basis for assuming that HCSD review and approvals will be successful. Without such a factual basis, the DEIR's analysis of cumulative Utilities and Services impacts is baseless fiction.

Page 2-47, section 2.5.2.6: See prior comment. If the DEIR is unable to "presum[e] to make judgments for the special governments or the corporations established to make decisions about the relevant services," then the DEIR also cannot base its conclusions about cumulative Utilities and Services impacts on a presumption that those entities will grant required approvals to the Project.

### **Chapter 3: Geology, Stability and Failure Hazards**

Page 3-1, section 3.1.1: Do all access easements needed for the Project exist? The City is informed that the end of Home Drive is privately owned, and that the applicant would need to acquire an easement over private land. The DEIR should be revised to explain this situation.

Page 3-5, section 3.3.1: Should reference to mitigation measures 4.4.1 and 4.4.2 be revised to refer instead to mitigation measures 3.4.1 and 3.4.2? The reference in this section to the 1997 Uniform Building Code should be updated to reflect current regulatory standards.

Page 3-6, section 3.3.1: Please provide factual support for the conclusion that the slopes on the Project site are generally stable. The DEIR must be revised to discuss whether, and how, the extensive grading proposed for the Project will affect slope stability.

Page 3-6, section 3.3.1: The DEIR's conclusion that erosion impacts will be reduced to a less-than-significant level by mitigation in the form of a grading and drainage plan is unsupported. The Project will involve a tremendous amount of grading (98,354 cubic yards), but the DEIR does not discuss in any detail where grading and filling will be located, how much grading would occur in each Project phase, or the types of mitigation that would be required in the grading and drainage plan to reduce or avoid significant impacts. The DEIR's analysis of this subject is conclusory and unsupported by factual evidence, and must be revised.

#### **Chapter 4: Hydrology and Drainage**

Page 4-1, section 4.1: The background and setting discussion contains a misstatement – that water pollution in the form of sedimentation was identified as a major concern in Chapter 3. It was not.

Page 4-12, paragraph below Table 4-3: This paragraph includes inconsistent information. For example the 2-year 24-hour rainfall event will increase peak flow by 62% and increase runoff volume by 54%. The 10-year 24-hour rainfall event increases by 50% and 42% respectively. The 10-year storm should be higher not lower. These are substantial increases with apparently 0.06-foot change in surface elevation (page 4-10) through the upstream face of Fairway Drive Culvert. This seems implausible through this constriction.

Page 4-8, section 4.1.2: This section discusses effects of the proposed Project, and is therefore misplaced in the portion of this chapter that discusses background and setting.

Pages 4-6, 4-7, 4-8, section 4.1.1.4.: Low Impact Development (LID) is mentioned as a preferred alternative to address post-development runoff increase, but is dismissed because County Public Works advised that “. . . LID may not be used as credit to reduce the sizing of detention facilities. This is because LID features may not be maintained by the land owners and the County does not have an adequate enforcement/inspections program to ensure long term compliance.” The City would suggest that the County reconsider their position in this regard, especially in light of the requirements of the New General Construction Permit. The enforcement/inspection issue could be addressed by requiring maintenance agreements for LID best management practices, similar to maintenance agreement utilized for oil and water separators.

Page 4-10, section 4.1.2.2: This section discloses that the Project would result in an increase of drainage flows of 60 cfs. The City requires a drainage study when a project would result in an increase of more than 1 cfs. The City urges the County to impose such a requirement on this Project, in light of its substantial increase to drainage flows. In addition, the City notes that flooding problems already occur on the nearby golf course and downstream agricultural properties during winter months. Any incremental increase in storm water runoff into the Martin Slough system should therefore be considered a cumulatively considerable contribution to a significant cumulative impact.

Pages 4-11, 4-12, section 4.1.3: The DEIR contains a misstatement, in claiming that the RCAA study referenced in the first paragraph of page 4-12 is “not complete.” In fact, the study has been completed for

several years. There is agreement among the City and other involved resource agencies to pursue the specific option of replacing existing tide gates at the downstream end of Martin Slough, adding some off-channel ponds, and widening the channel, with the end result being to allow floodwaters on the golf course and on downstream agricultural land to subside more quickly. Yet the DEIR completely dismisses the study as not identifying viable drainage improvements, and concludes it is therefore not appropriate for the County or landowners to install drainage improvements in lower Martin Slough. The DEIR should be revised to accurately reflect this situation.

Page 4-13, section 4.1.3: The DEIR states that County staff identified "a number of drainage-related concerns." The DEIR needs to list and explain those concerns.

Page 4-14, section 4.1.3.1: The City does not agree that the threshold of concern for storm water/drainage issues is limited to a one-foot increase in water surface elevation at the Fairview Drive culvert. The City considers a 1 cfs increase in surface runoff to be a significant impact requiring analysis and mitigation to prevent any increase in cfs. The DEIR must be revised to accurately state the City's position.

Page 4-14, section 4.3.1: The analysis of this impact (alteration of existing drainage patterns that could result in substantial erosion) is wholly lacking in analytical discussion, comparison to a discernable standard of significance, or an evidentiary basis. Furthermore, although the DEIR concludes that recommended mitigation would reduce the "individually limited, but cumulatively considerable" impacts of the Project, the DEIR contains no analysis or evidence to support this conclusion. The DEIR's discussion of this impact is therefore wholly inadequate under CEQA.

Page 4-17, section 4.3.4: See prior comments on the discussion of the DEIR's method of describing cumulative impacts in Chapter 2. The Project's cumulative hydrology and drainage impacts must be discussed in the context, not only of development already allowable under the ECP, but also additional probable development that would be allowable under the General Plan Update. The artificial exclusion of probable future development under the GPU renders the DEIR's cumulative impacts analysis inadequate.

Page 4-18, section 4.4.1: Post-construction water quantity measures do not meet the requirements of the State's New General Construction Permit, which would appear applicable to this Project. The permit requires the use of on-site detention and treatment through rain gardens, bioretention facilities, permeable pavements, open downspouts or cisterns, green roofs, etc. Detention ponds, alone, do not meet the post-construction requirements of the new General Construction Permit.

Page 4-18, section 4.4.1: CEQA does not allow deferral of the design of mitigation measures, without an enforceable commitment by the agency at the time of project approval that future mitigation measures will achieve definite standards of mitigation. This section of the DEIR must be revised to provide the standard of mitigation which any required "additional drainage facilities" will be required to meet.

Page 4-18, section 4.4.2: The DEIR states that "[a]ll storm water runoff shall be directed to the existing storm drainage system." This statement is confusing, since the Project site is undeveloped, without any "existing storm drainage system." The DEIR should be revised to explain this statement.

## **Chapter 5: Water Quality, Erosion, and Sedimentation**

Page 5-5, section 5.1.2: The DEIR notes that water quality impacts associated with the MSI were discussed in the EIR for that project, and the DEIR “generally does not repeat the analyses included in that document.” However, this Project proposes drainage infrastructure not included in the MSI, both on site and off site, and alternatively proposes the Herrick Avenue contingency conveyance pipeline. The DEIR must therefore discuss the water quality impacts of these infrastructure improvements under the Project.

Pages 5-7, 5-8, section 5.1.3: The two paragraphs at the bottom of page 5-7 and the top of page 5-8 constitute the DEIR’s entire analysis of the Project’s potential water quality impacts. These paragraphs contain no quantification of the potential water quality impacts for Phase 1 or any other phase, and no quantified analysis of the ability of proposed mitigation measures to reduce those potentially significant water quality impacts to a less than significant level. This is not an adequate analysis for a 1,442-unit development project that proposes more than 98,000 cubic yards of grading, substantial areas of impermeable surface that incorporates very little LID, and drains into an 303(d) water body that runs through the City and that is listed as impaired due to sediment. The DEIR’s significance conclusions about the water quality impacts are entirely lacking any basis in substantial evidence. This analysis is inadequate under CEQA.

Page 5-8, section 5.1.3: As noted in this section, routine inspection and maintenance and cleaning of catch basins is very important. Catch basins for the Project could build up sediment and perhaps contaminants. This suggests that such catch basins may not be appropriate for location in Project areas designated for recreational use. The DEIR should discuss any potential health or hazard impacts in this area.

Page 5-16, section 5.3.5: Please see prior comments regarding the DEIR’s cumulative impact analysis; this discussion must be revised to include the impacts of probable future development under the General Plan Update.

Page 5-18, section 5.4.2: Mitigation measure 5.4.7, which addresses the erosion impacts of roadways traversing slopes greater than 30 percent, refers vaguely to required compliance with “County requirements.” This mitigation measure needs to specify which standards these roadways will be required to comply with. Furthermore, the DEIR cannot simply conclude that impacts will be mitigated by compliance with unspecified “requirements.” It must support with substantial evidence a conclusion that compliance with specific regulatory requirements will reduce potentially significant impacts to a less than significant level.

## **Chapter 6: Air Quality**

Page 6-18, section 6.3.1.1: The discussion in this section speculates that emissions of greenhouse gases from vehicles of residents of the Project site may not increase overall greenhouse gas emissions, since it is “not possible to know at this time” whether residents of the Project would have longer or shorter commutes compared to the commutes from their “existing homes.” Unless there is evidence that the “existing homes” of future residents will remain vacant after those residents relocate to the Project, this is not a valid limitation on the amount of greenhouse gas emissions associated with the Project. To avoid underestimating impacts, the DEIR’s greenhouse gas inventory should include all emissions associated with the Project.

## **Chapter 9: Land Use**

Page 9-2, section 9.1.1: This section inaccurately describes the golf course as “surrounding” the Project site to the north. There is significant undeveloped area to the north and west of the Project site.

Page 9-7, section 9.1.3: See prior comments regarding the DEIR’s characterization of 940 units as being “currently permitted at the site.” This statement is inaccurate, since absent approval of the Proposed project, the City estimates that a maximum of 8 residential units could be constructed on the Project site as a matter of right.

Page 9-7, section 9.1.3: The citation for the DEIR’s characterization of the number of watercourses on the Project site (“Figure 2-3; Mike Atkins”) is unclear – what is the factual basis for this characterization?

Page 9-8, section 9.1.3: The DEIR acknowledges that the County has been preparing a comprehensive General Plan Update – which the DEIR states is anticipated for adoption in late 2010 or early 2011. The proposed Project, if approved, would be approved roughly contemporaneously. The general outlines of the General Plan Update – and even many particular details of that document – must therefore be relatively settled at this time. In fact, the DEIR states that, even if the Project is not approved, the General Plan Update “would change the existing General Plan land use designations of the Project site.” Incredibly, however, the DEIR evaluates the General Plan consistency of the proposed Project only in relation to the existing General Plan, and lacks discussion of consistency with a General Plan Update which the DEIR expects to be adopted in the immediate future. CEQA requires an EIR to disclose, discuss, and evaluate the significance of all reasonably foreseeable environmental impacts. In these circumstances, the DEIR is obligated to disclose and discuss consistency of the Project with the foreseeable General Plan Update.

Page 9-8, section 9.1.3: The DEIR states that “. . . it should be noted that the General Plan Alternatives A and B were developed to accommodate the Ridgewood Village project.” This statement raises the suspicion that approval of the Project as proposed is a foregone conclusion, for which the General Plan Update will serve as a post-hoc rationalization. How else could the DEIR conclude that this project is consistent with the ECP when the Project proposes to amend the ECP and zoning to allow an additional 500 dwelling units, removal of the Home Drive extension through the Project site, non-standard land use approaches, and high-density commercial development in a rural area of the County? At the outset of the County’s consideration of this Project, the City commented that environmental consideration of this Project should follow, rather than precede, the General Plan Update process which so clearly involves fundamental planning decisions to accommodate the Project. Approving the Project in advance of these planning level decisions, with ad hoc amendments to the General Plan, is placing the cart before the horse, and is the antithesis of “smart growth” and responsible land use planning.

Page 9-10, section 9.1.3: The discussion of the City of Eureka General Plan notes that the City discourages large commercial development in outlying areas as detracting customers from – and potentially contributing to physical blight in – existing commercial areas. The discussion further refers to policy 1.L.6, under which “[t]he 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 pedestrians and should not occupy more than one quarter of the block on which they are located.” The City fails to see how this policy is consistent with or supports large concentrations of new commercial development in outlying

areas, including the 327,000 square feet of commercial development proposed under this Project. In fact, the commercial component of this Project, located outside the City but near to the City limits, appears actively subversive of the City's General Plan policies.

Page 9-10, section 9.2.1: The DEIR states that the Initial Study concluded that impacts of the Project to existing parks or recreational facilities could cause substantial physical deterioration. The DEIR, while conceding that construction of recreational facilities under the Project could contribute to adverse physical effects, goes on to state that "these adverse effects would be 'captured' through the analysis of the project as a whole and would not require separate analysis in the EIR." The City fails to see the logic of this statement, and disagrees with it. The Project, which would add 1,442 new dwelling units for which it would provide only a 2.5-acre park and a few pocket parks whose recreational value is severely undercut by the fact that they would double as detention basins and would be flooded for much of the year. It seems reasonable that, given the paucity of residential facilities provided for Project residents under the Project, that the Project would contribute to physical deterioration of existing recreational facilities through overuse. The DEIR should be revised to specifically focus on evaluation of the potential for significant impacts to existing recreational facilities.

Page 9-11, section 9.2.1: The Project does not comply with City standards that require a certain amount of the area of a residential lot to be less than 20% slope. The DEIR disclaims any obligation to respond to comments pointing out this failure to comply with City standards, on the ground that the Project proposes development within the County. However, the Project site is within the City's sphere of influence, which means that it is reasonably foreseeable that the Project will be annexed to the City in the future. The Project is also inconsistent with the City's existing zoning standards, as well as the City's pre-zoning of the Project site. The DEIR should evaluate the significance of land use impacts created by inconsistencies with zoning standards that would be applicable upon foreseeable annexation of the Project site by the City.

Page 9-11, section 9.2.1: The City notes that CAL FIRE would only approve the Timber Conversion Plan proposed under this Project if no alternative site not zoned for timber use is available for the Project. The DEIR declines to discuss this issue, on the grounds that it is "outside the scope of this EIR," apparently because the County is not the agency that would approve the Timber Conversion Plan. The DEIR's position on this point is unsupported by fact or law. CEQA requires an EIR to evaluate all foreseeable actions under a Project, which here must include the proposed Timber Conversion Plan, since "project" is defined under CEQA as all approvals, by all agencies with approval power over a project. (See CEQA Guidelines section 15378.) The DEIR must be revised to evaluate the significance of environmental impacts related to the proposed Timber Conversion Plan. Furthermore, CAL FIRE's standards, which require it to know whether there is an alternative site not zoned for timber use, points out the need for the DEIR to be revised to consider an off-site alternative.

Page 9-13, section 9.2.2: The DEIR's statement, that the Project's proposed commercial uses "would simply be another one of these neighborhood commercial centers" is contrary to fact. The 327,000 square feet of commercial uses proposed under the Project, including 52,000 square feet of grocery/drug store use, cannot be characterized as "neighborhood commercial." Rather, so great a concentration of sizeable commercial uses can only be considered a destination commercial development.

Pages 9-14, 9-15, section 9.3.1: Please see comment above regarding CAL FIRE standards for approval of the proposed Timber Conversion Plan. The DEIR's listing of CAL FIRE's land use approvals as among

the land use entitlements being sought for the Project requires that the DEIR be revised to evaluate the land use impacts associated with the Timber Conversion Plan. The list of land use approvals required should also be expanded to include any land use approvals that might be required by the City or by the Coastal Commission.

Pages 9-15, section 9.3.1: The DEIR's conclusion that the Project, which includes a substantial General Plan Amendment, is not in conflict with the existing General Plan/ECP, is incorrect on its face. If there were no inconsistency, the General Plan Amendment would not be required for the Project.

Page 9-16, section 9.3.1: The DEIR is incorrect in describing land uses surrounding the Project site on two sides as "urban"; they are suburban, at most. Further, the DEIR is incorrect in claiming that the Project site's current zoning of RL (rural low density) and R-1 (single-family residential, 6,000 square foot minimum parcel size) renders it "ripe" for urban development. The current density cap for the northerly 320 acres is 700 DU – just over 1 unit per 2 acres – which is certainly not an "urban" zoning designation.

Page 9-16, section 9.3.1: The Project's park proposals are inconsistent with ECP policy 4420(3) which requires that "the terrain for each 5 acre park shall consist of relatively flat, stable land usable for softball/soccer fields and basketball courts," and that "a small portion of the land may be wooded and sloped to allow for passive recreation uses." This Project proposes 5 acres of parkland, split up into three pocket parks for Phase 1 (totaling 1.76 acres) and another 3.24 acres of parkland, including a 2.5-acre park at the northwest corner of the property, in later Phases. The pocket parks do not count toward satisfying the ECP policy, since one pocket park averages 20% slope; two pocket parks contain areas exceeding 30% slope; and the remaining pocket park would be almost completely occupied by a detention basin that would not be useable for recreation during much of the year. Further, the detention basin, even when dry, does not appear adequate in size to be used as a sports field.

Page 9-16, section 9.2.1: As noted in comments above, the Initial Study identified potentially significant Project impacts to existing recreational facilities. However, the DEIR inexplicably fails to evaluate this identified potential for significant impacts. The discussion on this page concentrates on conflicts with existing general plan land use and parks/recreation goals, but ignores the impacts to existing recreational facilities which the Initial Study found were potentially significant. The DEIR must be revised to discuss these impacts, and determine their significance.

Page 9-19, Impact 9-5: The DEIR's discussion of impacts related to inconsistency with existing ECP land use designation or zoning is nonsensical. The DEIR concedes that the Project would be inconsistent with these existing regulations, but then finds no inconsistency based on past implications that the existing regulations might someday be amended. This tortured analysis cannot support a conclusion that the Project, which proposes to amend existing planning and zoning regulations, is consistent with those regulations it proposes to amend.

Page 9-20, Impact 9-7: It is unclear what sort of potential impact is being addressed by this discussion.

Pages 9-21, 9-22, Impact 9.8: This discussion finds a significant blight-inducing impact (prior to mitigation) from commercial development under the Project's later phases. To reach that conclusion, the analysis assumes a "worst-case population growth rate of .2231%." In order to make reasonable an assumed "worst-case" growth rate of .2231%, the DEIR must provide a reasoned explanation of where the .2231%

figure comes from. This discussion, instead, relies upon a conclusory declaration that there "is support" for that assumption, along with support for a wide range of other growth-rate assumptions, in the County's Building Communities Report.

Page 9-22, Impact 9.8: The City disagrees with the DEIR's characterization of the Marina Center project as being "stalled at the Coastal Commission." The Marina Center project is a related and foreseeable future project whose impacts must be considered along with those of the Project in this EIR.

Page 9-23, Impact 9.8: In the paragraph immediately following Table 9-1, the DEIR uses an "alternative" assumption regarding future growth rate (.95%). As with the "worst-case" growth rate assumption of .2231%, the DEIR must explain the derivation of the .95% growth rate forecast. The DEIR's use of multiple possible growth rate assumptions renders its analysis of this impact confusing and inconclusive.

Page 9-27, section 9.3.4.1: The analysis of cumulative land use impacts relies on the significance conclusions contained in the 1993 EIR for the ECP. Please see prior comment regarding CEQA case law holding that a cumulative impact analysis may not rely on a "summary of projections" that is outdated or inaccurate. Furthermore, why does the DEIR assess the Project's contribution to impacts of ECP development by comparing the Project to development throughout the entire County, rather than within the ECP area?

Page 9-27, section 9.4: The conclusion of the DEIR regarding the mitigation of land use impacts is inadequately explained and supported. The DEIR identifies a significant blight impact from commercial development under later phases of the Project, but concludes that this (and other land use impacts) will be less than significant after mitigation. The DEIR does not, however, provide any explanation of this conclusion. The only mitigation measure in the DEIR that could possibly be viewed as directed at avoiding/reducing blight impacts is Measure 9-4 (prohibiting "big box" stores.) However, it is impossible to see how that measure, alone, could possibly reduce the blight impact to less than significant, since the DEIR's significance determination prior to mitigation did not rely upon or even mention the presence of "big box" stores as a potential Project element. This analysis is entirely unsatisfactory under CEQA.

## **Chapter 10: Traffic, Circulation and Parking**

Attachment A to this letter is a memorandum, dated August 26, 2010, from Kurt Gierlich, City Engineer, which contains additional comments on Chapters 10 and 11 of the DEIR. To that memorandum is attached a further memorandum, dated August 12, 2010, from Dan Moody of the City's Traffic Operations Division, containing additional comments on Chapter 10. In both these memoranda, which are incorporated into the City's comments by reference, City staff express their substantial concerns with the model employed in the DEIR to analyze traffic impacts and to allocate payment for mitigation to reduce or avoid significant impacts.

Page 10-1, section 10.1.1: As discussed in the Attachment A to this letter, the City does not concur with the DEIR's methodology used to determine traffic impacts or mitigation fees. As is further discussed in Attachment A, much of the traffic infrastructure required to serve the Project would be within the City's jurisdiction, and the City desires to enter into an MOU for funding infrastructure improvements within the City's jurisdiction as required to accommodate each Project phase. The City is not agreeable to bearing the cost of mitigation improvements which this Project requires within the City's jurisdiction.

Page 10-8, section 10.1.2: The City notes that the DEIR is mistaken in identifying Walnut Drive as lying within the City.

Page 10-30, section 10.3.1: The DEIR's description of Phase 9 of the Project – that Phase 9 “does not result in an increase in development, but rather is a holding area for physical development that is subsequently found not to physically fit within the areas provided for the first eight phases” – is not understandable. The DEIR should be revised to clarify this explanation.

Page 10-32, section 10.3.2.2: The DEIR states that “[i]ntersection corner radii appear to be adequate but are not specified on the proposed tentative map. They are desired to be 25 feet.” The DEIR has no basis for concluding the radii to be adequate absent sufficient detail in Project-level approvals. The DEIR must further be revised to explain the meaning of, and basis for, the determination of “adequacy.” For example, the DEIR must identify the purpose for which it determines the adequacy of the radii (Ordinary traffic? Emergency apparatus?).

Page 10-71, section 10.5.1: See prior comments, and the memoranda dated August 26, 2010, and August 12, 2010, attached to this letter, regarding the City's concerns about the methodology used to determine traffic impacts, needed mitigation, and the means by which needed mitigation will be funded, including an MOU for provision of mitigation funding to the City sufficient to cover the entire cost of mitigation within the City's jurisdiction.

## **Chapter 11: Utilities and Public Services**

Page 11-9, section 11.3.1: As noted above in the City's comments on Chapter 2, the City disagrees with the DEIR's statement that the City has an obligation under Government Code section 65589.7 to provide the Project, or any specific development within the County's jurisdiction, with water or wastewater service.

Page 11-9, section 11.3.1: The DEIR states that water storage infrastructure, planned but not yet constructed by HCSD, will provide sufficient capacity to serve the Project. This observation is tantamount to a concession that sufficient water storage infrastructure to serve the Project does not yet exist. The DEIR must establish, based on evidence, that the planned HCSD water supply infrastructure will, in fact, be constructed and will be available to the Project. Further, the DEIR states that the planned HCSD improvements are “not specific to this project.” This raises the issue whether Project use of the planned HCSD water storage infrastructure, given the increased density as compared to the current ECP, may displace other intended users. The DEIR must be revised to evaluate the impacts of the Project's use of planned water supply infrastructure on HCSD's ability to serve other intended users. The DEIR must also evaluate the environmental impacts of additional improvements to water supply infrastructure which may result from the Project's displacement of intended users. The DEIR must also discuss how the Project will contribute its fair share to the costs of providing additional water supply infrastructure.

Page 11-10, section 11.3.1: The DEIR states that “the environmental effects associated with development of these improvements have already been incorporated into the analyses in this EIR.” The City was not able to locate in the DEIR any such analysis of the environmental effects associated with development of water supply infrastructure to serve the Project.

Page 11-11, section 11.3.1.1: The DEIR states that a water supply assessment evaluated the adequacy of existing and future HCSD water supplies to meet the demand created by Phase 1 and the remaining phases of the Project in combination with cumulative development of the Project. See prior comments on the DEIR's cumulative impact analysis: the DEIR must discuss water supply capacity and impacts of serving not only the Project and cumulative development under the ECP, but also additional probable development under the County's General Plan Update.

Page 11-12, section 11.3.1.1: The City, in consultation with HCSD, designed the Martin Slough Interceptor to accommodate growth currently approved, meaning growth identified in the County's existing general plan. The system was not specifically designed to accommodate the increased flows that would be expected from the proposed Project, and furthermore was not designed to accommodate additional density increases being considered in the County's GPU. The City has for many years been communicating its concerns about limits to the planned capacity of the MSI, and about orderly allocation of that capacity among potential development projects. (See Attachment B to this letter, a letter dated December 16, 2005, from Lisa D. Shikany, City Environmental Planner, to Tom Hofweber, County Supervising Planner.) If this Project utilizes MSI without increasing the capacity of the system, there is a potential that the MSI would not have remaining capacity to serve other users in the area that were anticipated to be served by MSI, particularly since the applicant has increased the Project's density significantly over what MSI anticipated it would be. The DEIR needs to evaluate the impacts that would result if capacity in the system (once it is built) were reserved for this Project: Would additional sewer improvements not previously anticipated be required, and if so, what would be the environmental consequences? The DEIR also must evaluate the alternative situation if the Project does not participate in MSI: Would HCSD financial contributions to the MSI be reduced? Would reduced HCSD funding for MSI lessen its chance of being constructed, and if so, what would be the environmental consequences?

Page 11-14, section 11.3.1: The DEIR does not provide any analysis or substantial evidence to support the conclusion that "[c]ollection facilities to be built as part of a Herrick alternative (or connection to a future Martin Slough pipeline) would not cause any significant effect on the environment." Such analysis, supported by substantial evidence, is plainly required by CEQA. The DEIR must be revised accordingly.

Page 11-15, section 11.3.1: The DEIR's discussion of new or expanded fire protection and law enforcement facilities needed to maintain adequate levels of service discusses only the potential of the Project to increase staffing needs. The discussion omits any discussion of whether the Project would create a need for additional equipment or infrastructure, and of any consequent impacts on the environment. The DEIR must be revised to discuss this subject and evaluate the significance of any environmental impacts. Furthermore, this discussion identifies a need, due to the Project, for 0.4 additional firefighters and 0.9-1.2 additional law enforcement officers, and states that these staffing increases would be paid for by increased property taxes. The City questions the DEIR's quantification of additional fire and law enforcement staff needed to serve the Project, since they appear to be based solely on the number of new Project residents, and do not take into account increased response times or other considerations. As an example, a fire station is staffed with three firefighters a day, which requires an increase in department staffing of nine firefighters. But even if the DEIR's quantification of additional staffing were correct, the DEIR fails to provide analysis or discussion to support its conclusion that Project property tax revenue would be adequate to provide the additional fire and law enforcement staffing. The DEIR needs to be revised to

contain that analysis, and moreover needs to evaluate whether Project property tax revenue would also be sufficient to cover other public service demands created by the Project.

Page 11-15, section 11.3.1: Furthermore, the DEIR's discussion also fails to address whether the Project would create a need for additional City-provided fire protection or law enforcement infrastructure or services. The DEIR acknowledges that Auto Aid and Mutual Aid agreements exist between the City and the County, but fails to acknowledge, for example, that the only ladder truck in the greater Eureka area is owned by the City, and that the City's ladder truck is the only one capable of providing fire protection to the multi-story buildings proposed for the Project. The DEIR needs to be revised to evaluate the demands the Project would place on the City's fire protection and law enforcement services, and how the Project will fund any staffing or improvements needed to meet those demands.

Pages 11-15, 11-20; sections 11.3.1.1, 11.3.1.2: The DEIR states that H1FPD is "currently pursuing a new fire impact fee on all new development within the District," and concludes that this fee, along with property taxes, would be sufficient to offset service provision impacts associated with the Project. The DEIR proposes to require the applicant to pay this yet-to-be-established fee, which we understand within H1FPD could be determined to be inapplicable to low income housing, as a condition of approval on the final map or under the DA. The adequacy of such a requirement is impossible to assess without a mitigation measure that requires payment of the fee and provides specific guidance as to how the fee revenues will be allocated to provide adequate mitigation for Project impacts. The DEIR should be revised to contain this discussion.

Page 11-19, section 11.3.1.2: As previously noted in the City's comments, the MSI was not designed to accommodate the increased densities proposed under the Project together with increased densities that would be allowed within the area to be served by the MSI under the pending General Plan Update. This raises the possibility that the Project, in combination with other foreseeable development, could cause the capacity of the MSI to be exceeded, and thereby require additional wastewater conveyance improvements that have not heretofore been identified as needed to serve the densities under the existing (or updated) General Plan. The DEIR must be revised to evaluate the indirect effect of use by the Project of MSI capacity that was originally intended for other users within the MSI project area.

Page 11-22, section 11.3.2: The DEIR states that, unlike the Project, no fire station site would be dedicated under the No Project Alternative. The DEIR contains no justification for this conclusion. Why would the County not require dedication of a fire station site in connection with its approval of development of the Project site with the 940 DU which the DEIR assumes would be approved under the No Project Alternative? Why wouldn't property taxes and/or a fire impact fee be imposed on development under the No Project Alternative in the same manner that the DEIR states they would be imposed on development under the Project?

Page 11-26, section 11.3.4: The DEIR explains that H1FPD states that the Project along with other cumulative development would substantially increase the demand for fire protection services. The DEIR proposes to mitigate this impact by requiring dedication of a public service parcel at the entrance to the Project. However, the DEIR fails to provide adequate mitigation to cover the cost of construction of needed fire protection facilities or acquisition of needed equipment. The proposed H1FPD fire impact fee is not yet approved; therefore, to support the DEIR's determination that fire services impacts will be effectively mitigated, the DEIR needs to be revised to contain information about how the fee would be assessed on

this and other cumulative projects, and evaluate whether revenues would be adequate to cover the fire services needs created by the Project and other cumulative projects.

Page 11-26, section 11.3.4: The DEIR indicates that cumulative development along with the Project would create a need for a new sheriff's station and that "construction of the new [Sheriff's] station would create environmental effects." The DEIR fails to provide any evaluation of such impacts, however, on the grounds that the Sheriff's department has "not identified the location or planned construction date of the station." It is the responsibility of the County, in preparing the DEIR, to obtain information adequate to show that significant public services impacts to which the Project would make a cumulatively considerable contribution will be adequately mitigated, and that needed mitigation will not itself produce significant environmental impacts. Therefore, without information from the Sheriff's department sufficient to support such necessary evaluation, the DEIR is incomplete and inadequate.

As noted in the comments regarding Chapter 10, above, Attachment A to this letter contains additional City comments regarding Chapter 11.

Additionally, Attachment C to this letter is a memorandum, dated June 12, 2010, from City Fire Marshal Rusty Goodlive to Sidnie Olson, City Director of Community Development, which is incorporated into the City's comment letter by reference. This memorandum contains further City comments on the adequacy of the DEIR's evaluation of impacts to fire protection services, including comments on the fire protection services implications of the DEIR's description of the Project, and its consideration of fire department access, water supply, wildland urban interface, regional emergency response capabilities, and other public safety issues.

## **Chapter 12: Aesthetics**

Page 12-4, section 12.1.1: The DEIR observes that undeveloped forest land is the only visible feature of the Project site from the vantage points studied. The DEIR should be revised to evaluate the aesthetic impact on views from these vantage points of permanent timber removal under the Project. The City commented on this and other aesthetic issues in its comments on the NOP, but the concerns expressed in those comments do not appear to have been addressed in the DEIR. On page 12-5, the DEIR refers to other portions of the DEIR which purportedly contain responses to the City's NOP comments on aesthetic issues, but the City did not identify any such responses in its review of the DEIR.

Page 12-10, section 12.3.1.1: The DEIR states that the Project site is not visible from Highway 101, the Elk River Valley, Elk River Road or Humboldt Bay, but Figure 12-2 shows that it is visible from all these locations.

Page 12-11, section 12.3.1.1: The DEIR notes that aesthetic impacts are increased, "especially due to the lack of a proposed landscape plan (e.g., minimal landscaping assumed)." The DEIR should explain why there is no landscape plan. Mitigation measure 12-1 indicates that the Planning Commission "may require" landscaping. Mitigation under CEQA must be definite and enforceable. The DEIR should be revised to require adequate landscaping. The DEIR should further explain why the Project is proposed to be inconsistent with a number of aesthetic-related requirements of the Humboldt County Code, thus exacerbating the significant aesthetic impacts of the Project. In light of the adverse aesthetic effects of

non-compliance with County regulations, why does the DEIR not contain mitigation to require Project compliance with those regulations?

Page 12-12, section 12.3.1.1: The DEIR does not disclose a lighting plan for the Project or discuss Project compliance with regulatory lighting standards, yet the DEIR concludes that a less than significant lighting impact is “anticipated.” CEQA requires that impacts be evaluated by reference to a standard of significance and that the determination whether impacts would exceed or violate such a standard must be supported by substantial evidence. This discussion does not comply with those requirements of CEQA.

#### **Chapter 14: Population, Housing and Employment**

Page 14-7, section 14.3.1: This section states that “[a]ffordability would be guaranteed for 30 years by the proposed Development Agreement,” and refers to Chapter 2 “for further description.” Chapter 2 does not appear to contain any further description of the DA provisions on this subject.

Pages 14-6, 14-7, section 14.3.1.1: The description of Impact 14-1 states that Project population growth would be less than 1% of the ECP planning area’s 2013 population, but the DEIR’s analysis of that impact states that Phase 1 population would be 4.9% of the ECP planning area’s 2011 population. How does the DEIR reconcile this apparent inconsistency?

Page 14-8, section 14.3.1.1: The DEIR states that the Project would reduce pressure to covert agricultural, timber and open space land in other outlying areas to urban uses. The City disagrees with this analysis – why does the DEIR presume that development which would not occur if the Project were not approved would be displaced to outlying areas, rather than to infill development areas?

Page 14-9, section 14.3.1.1: Do easements exist across the Barnum/Lundblade property for the new gravity sewer line to be constructed in Lundblade Drive to serve the Project?

Page 14-10, section 14.3.1.1: The City disagrees with the DEIR’s characterization of this Project as creating a “walkable,” “smart growth” community (see Project objectives, page 2-1), in light of the statements in this section that Phase 1 residences would be located several miles from bus stops, and as far as six-tenths of a mile from future on-site commercial uses. The City further feels that the proposed mitigation – to educate seniors and the poor regarding ride-sharing, dial-a-ride subsidy, increased mass transit and other transportation options, would do little to achieve these Project objectives.

Page 14-13, section 14.3.1.2: Lundblade Drive is in the jurisdiction of the City, so that any improvements to that street (if permitted by the City) would be required to conform to City, not County, standards.

Page 14-13, section 14.3.1.2: The DEIR is incorrect in stating that subsequent phases of the Project “would not include extension of roads . . . that would remove obstacles to development of, or indirectly induce substantial population growth.” Construction of Ridgewood Hills Drive and its connection to Lundblade Drive (if permitted by the City) would be an extension of a road that would, in fact, remove obstacles to development and induce population growth.

## **Chapter 15: Hazards**

Pages 15-10, 15-13, sections 15.3.1.1, 15.3.1.2: Although the DEIR recognizes that several Recognized Environmental Conditions occur on the Phase 1 portion of the Project site, and that they contain hazardous materials which would result in a significant impact unless mitigated, the DEIR provides no disclosure of what the hazardous materials are or what remediation would be required to avoid the impacts. Proposed mitigation generally calls for testing to investigate hazardous materials at the time of development; however there has apparently been no soils testing as part of preparation of the DEIR. The factual basis for this impact analysis therefore appears to be inadequate – particularly in light of the site's past use for lumber mill operations, which commonly involved dioxin. The DEIR should be revised to disclose the results of soils testing adequate to characterize the hazards impacts of the Project.

## **Chapter 16: Noise**

Page 16-2, section 16.3.1.2: This section discusses noise impacts of an amplified announcement system associated with a ball field. Nowhere else in the DEIR is a ball field discussed as part of the Project, let alone an amplified announcement system. The DEIR must be revised to ensure that its description of the Project is consistent, stable and finite.

## **Chapter 17: Other CEQA Considerations**

Page 17-1, section 17.4: This section states that there would be no significant impacts to agricultural resources. The DEIR should address whether the Project's impacts to timber resources constitute impacts to agricultural resources.

## **Conclusion:**

The City submits the comments in this letter and incorporated attachments in the expectation that an adequate response by the County will require substantial revision to, and subsequent recirculation of, the DEIR. As stated at the outset of this letter, the City hopes and anticipates that the County will consult closely with the City on such revisions to environmental review of the Project, whose impacts would affect both agencies. The City also reiterates its willingness to negotiate an MOU to ensure that extra-jurisdictional mitigation of the significant impacts of the Project would be effectuated, and that the cost of such mitigation would not be borne by the City.

Very truly yours,



David W. Tyson, City Manager

Enclosures: Attachment A - Memorandum dated August 26, 2010 from Kurt Gierlich, City Engineer, with attachments  
Attachment B - Letter dated December 16, 2005 from Lisa D. Shikany, City Environmental Planner  
Attachment C – Memorandum dated June 21, 2010 from Rusty Goodlive, City Fire Marshall

Cc: Eureka Mayor and City Council  
Mike Knight, Assistant City Manager  
Sidnie L. Olson, City Director of Community Development  
Kurt Gierlich, City Engineer  
Eric Smith, City Fire Chief  
Bruce Young, City Director of Public Works  
William Bragg, Acting City Attorney  
Humboldt County Board of Supervisors  
Humboldt County Planning Commission  
Carolyn Ruth, Humboldt County Counsel  
Kirk Girard, Director, Humboldt County Community Development Services  
Tom Mattson, Director, Humboldt County Public Works  
Rex Jackman, Chief, System and Community Planning, Caltrans  
Catherine Kuhlman, Executive Officer, CA Regional Water Quality Control Board, North Coast Region  
Steve Davidson, General Manager, Humboldt Community Services District  
Bob Merrill, North Coast District Manager, California Coastal Commission  
Amrit Kulkarni, Principal, Meyers Nave  
Peter Hayes, Meyers Nave

## Attachment A



## CITY OF EUREKA ENGINEERING DEPARTMENT

### MEMORANDUM

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**To:** Sidnie Olson, Community Development Director

**From:** Kurt Gierlich, City Engineer *KG*

**Subject:** Ridgewood Village Draft EIR Comments

**Date:** August 26, 2010

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The following is a summary of review comments on the Ridgewood Village Draft EIR by myself, Assistant City Manager Michael Knight, and Dan Moody from the City's Traffic Operations/Signals division.

#### 10.0 TRAFFIC, CIRCULATION and PARKING

The City of Eureka has concerns regarding the adequacy of the Traffic Impact Study prepared for the proposed Ridgewood Village Development and the adequacy of the proposed mitigation measures.

On January 26, 2009 the City expressed concerns in its response to the Administrative Draft Traffic Impact Study for the Ridgewood Village Development dated December 22, 2008. The City continues to have many of the same concerns with the current Traffic Impact Study submitted as part of the DEIR, as many of the City's comments and suggested corrections on the December 22, 2008 Traffic Impact Study were not addressed. Furthermore, the City was not consulted during the preparation of the Traffic Impact Study and was therefore not able to participate in correcting the deficiencies in the model. The model will need to be rerun, with the City's participation and input to correct the deficiencies, before it can be considered adequate.

One of the City's key concerns stated in the January 26 response was the Greater Eureka Area Traffic Model (GEATM) is useful in broad applications but should not be used as the only method for determining trip distribution for the Ridgewood Village Development. The GEATM was used to analyze traffic impacts through estimation of the magnitude of new trips and routing of new trips due to the proposed project. Appendix "L" describes how the model was used for this project and describes the deficiencies that resulted from the use of the model. Deficiencies include trip generation, land use inconsistencies and internal project traffic capture rate percentages.

The City and Caltrans should have been consulted to help remedy these deficiencies prior to mitigation measures being drafted. The attached Memorandum Dated August 12, 2010 from Dan Moody of the City of Eureka Traffic Operations/Signals division discusses in detail many of the inconsistencies, errors, and problems with the Traffic, Circulation, and Parking section of the DEIR and associated Traffic Impact Study. When the required corrections are made to the traffic model to resolve its deficiencies, the traffic distribution numbers will change which will in turn affect the proposed mitigation measures.

The Project proposes a connection from Ridgewood Drive to Fairway Drive through Lundbar Hills. This connection is not consistent with the City of Eureka General Plan Circulation Element or the County General Plan Circulation Element.

The connection to Fairway Drive must be approved by the City of Eureka and be consistent with the City's Circulation element which contemplates an arterial connection from Ridgewood Drive to Fairway Drive north of Lundbar Hills. This connection is not fully considered in the DEIR (as stated in paragraph 2 on page 2-22) based on a prior City of Eureka determination that this route was infeasible as a 2<sup>nd</sup> exit/access for a 60 unit addition to Lundbar Hills (unit 6). The fact that the City determined this 2<sup>nd</sup> access to be both economically and environmentally infeasible for a 60 unit subdivision cannot be used to ignore the City's General Plan Circulation Element for a subdivision that includes 1,442 residential units and 327,000 sq. ft. of commercial space.

The City will require the developer to fully evaluate the connection from Ridgewood Drive to Fairway Drive as shown in the City's circulation element. Lundblade Drive is a local street and adding an additional 5,000± daily trips and changing this road classification from a local street to a major road (arterial) is not acceptable and cannot be mitigated by merely installing a traffic signal at the intersection of Lundblade and Fairway Drive. In addition, the City does not agree with the mitigation measure proposed, a traffic signal at Lundblade Drive and Fairway Drive, as it will result in an unsafe condition due to limited sight distance for traffic queuing in the westbound lanes and the narrow steep portion of Lundblade Drive is inadequate for carrying the proposed volumes of traffic or any truck traffic.

The City may consider a connection at Lundblade Drive that is consistent with the County General Plan Circulation Element which shows two connections from Ridgewood Drive to Fairway Drive, one through Lundbar Hills and one north of Lundblade Drive consistent with the City of Eureka Circulation Element provided the connection north of Lundblade Drive is configured to be the most direct route for the major roadway with only a local connection through Lundbar Hills.

The traffic analysis identifies seven roadway segments that will degrade to Level of Service (LOS) D, and proposes no mitigation. The DEIR fails to discuss the mitigation measure of decreasing the project density. The density of the project is being increased from the 940 EDU's zoned in the Eureka Community Plan to 1,442 EDU's plus 327,000 sq. ft. of commercial space. This constitutes a substantial increase in traffic over that contemplated in the Eureka Community Plan, with no mitigation.

Street segments on Hodgson, Harris and Henderson should have been included in the study, consistent with prior comments provided by the City. Harris Street is currently near capacity and any additional traffic will degrade the Level of Service.

In reviewing the discussion and calculation of the proposed Traffic Impact Fee, it is our understanding that at least two of the traffic analysis zones were not included in the modeling for the traffic study (TAZ 718 and 727). All cumulative impacts for the project area need to be included in the study to determine the extent of mitigation required and to properly determine a traffic impact fee necessary to pay for the mitigation measures proposed.

In addition, frontage improvements need to be incorporated into the project development cost and paid solely by the development, not spread to the entire community as proposed. The nexus for this is contained in *Nollan v. California Coastal Commission* 483 U.S. 825 (1987), and the rational proportionality is contained in *Dolan v. City of Tigard* 114 S. Ct. 2309 (1994). Project frontage improvements include the project entrances at Ridgewood Village Drive/Ridgewood Drive/Eggert Drive, Walnut Drive/Home Drive, and the connection to Fairway Drive if it is constructed. The total cost identified for these three intersections/connections in Table XXVII of the Traffic Impact Study is \$1.5M. Subtracting this cost from the \$8.5M cost identified in the Traffic Impact Study lowers the total mitigation costs attributable to the Eureka Community Plan area to \$7.0M. By the methodology used in the Traffic Impact Study for calculating the traffic impact fee, this shifting of traffic mitigation cost would result in lowering the proposed traffic impact fee. Dividing \$7.0M by the estimated 59,133 residential trips at 10.88 trips per EDU yields a cost of approximately \$1,288 per EDU, before inclusion of the two missing TAZ's which would further adjust the traffic impact fee amount.

The Martin Slough Interceptor (MSI) EIR contains a mitigation measure (copied below for reference) that requires the creation of a "*Cumulative Traffic Impact Assessment and Mitigation Program*" and payment of a traffic impact fee prior to any connections being made to the wastewater collection system affected by the Martin Slough Interceptor project. This mitigation measure is applicable not only to direct connections to the MSI, but also to indirect connections. Indirect connections are those where additional capacity is created in areas outside the Martin Slough project area by redirection of existing wastewater flows into the MSI system. For example, the Humboldt Community Services District (HCSD) is contemplating the redirection of flows from the Cutten area that currently flow to the Hill Street lift station into the new MSI system, which will create additional capacity at Hill Street for new connections in the Myrtle town area. As dictated by MSI Mitigation Measure 11-3.1, any additional capacity created as a result of redirecting wastewater flows into the MSI system would be considered to be indirectly benefiting from the MSI, and would thus be subject to the traffic impact fee requirement. Absent the required Program, those new connections could not occur.

**Mitigation Measure 11-3.1 – Limit Connections to Martin Slough Interceptor Pending the Development of a Memorandum of Agreement to Identify Mitigation for Cumulative Traffic Impacts, and the Implementation of a Circulation Improvement Fund Program**

Measure: *The City shall cooperate with local governments in the project area to enter into a Memorandum of Agreement (MOA) to develop and implement a suitable "Cumulative Traffic Impact Assessment and Mitigation Program" (Program). The aim of the MOA, and of the resulting Program, will be to formally identify indirect or cumulative traffic and circulation impacts, and the required improvements necessary to offset indirect or cumulative circulation impacts, within the areas of the City of Eureka and the County of Humboldt that will be served, whether directly or indirectly, by the Martin Slough Interceptor Project.*

*The City shall prohibit connections to the Martin Slough Interceptor, or to any part of the City's wastewater collection system that will develop additional conveyance capacity as a result of the Martin Slough Interceptor Project, until the MOA and the Program are in place and appropriate funding has been secured for improvements identified in the Program. The methodology for creating the Circulation Improvement Fund Program shall be identified as part of the MOA and the Program. Payments to the circulation improvement fund shall be secured for each connection to the wastewater collection system prior to the authorization by the City of that connection.*

Monitoring: This measure shall be made a condition of approval for the current project. The City of Eureka will identify programmatic elements required in a regional transportation planning approach that includes the City and other parts of the project service area. Upon the implementation of the MOA, and following the delivery of an appropriate payment to the circulation improvement fund for any affected parcel under the Program, the City shall authorize a connection to the Martin Slough Interceptor.

In April, 2006 the City of Eureka and the County of Humboldt executed a Memorandum of Understanding (MOU) as a precursor to developing a Memorandum of Agreement (MOA) for developing and implementing County Eureka Community Plan Circulation Element provisions contained in section 4220 which calls for coordination between agencies in developing and implementing a financing program for future circulation improvements. As stated in the above mitigation measure the fees need to be developed which are to be applied to all parcels within the development area, which includes the Ridgewood Village development. Without the implementation of the traffic impact fee program no connections to the Martin Slough Interceptor wastewater system can be allowed. The City of Eureka must be a party in the development/approval of the traffic impact fee program.

## 11.0 UTILITIES AND PUBLIC SERVICES

Section 2.3.3.1 Wastewater Utility Summary on Page 2-24, paragraph 1 states project development on the eastern ridge (e.g., Phase 5) would be served by extending a new pipeline to the existing manhole at the Home Drive/Walnut Drive intersection. The gravity sewer line in Walnut Drive ultimately flows into the City's 'O' Street lift station via HCSD's Campton lift station. Currently there is no remaining capacity at the 'O' Street lift station to accept flows from the 250 residential units proposed for Phase 5. Capacity in this system will be realized only after the construction of the Martin Slough Interceptor project, which will accept all flows from Ridgewood Drive and Campton Road, with subsequent abandonment of the City's 'O' Street lift station.

Section 11.1.1.2 on page 11-1 states HCSD has existing wastewater conveyance pipelines in Lundblade Drive. This is incorrect. HCSD does not have wastewater conveyance pipelines in Lundblade Drive.

Also in Section 11.1.1.2 on page 11-2, the last paragraph in the section states that the WWTP operates at approximately 70 percent of the permitted capacity in dry weather conditions. According to Charles Reed of the State of California Regional Water Quality Control Board (RWQCB) in an email to the City dated February 19, 2009 the RWQCB estimates dry weather flows to be at approximately 82 percent of permitted capacity.

The contingency alternative for sanitary wastewater service in the Wastewater Alternatives section (page 11-4) refers to the Herrick alternative. Implementation of this alternative would require significant modifications to the City of Eureka wastewater conveyance system, including significant wastewater facilities to be constructed in the Eureka Golf Course. At a minimum this would require additional CEQA analysis, and approval by the City of Eureka City Council preceded by supportive recommendations by City of Eureka Engineering and Public Works Departments. This would also require subsequent contractual amendment to the City/HCSD Wastewater Agreement defining the terms, flow limitations, maintenance and operational cost sharing, ownership conditions, and other considerations such as implementation of other mitigation measures required of the development (traffic, fire protection, drainage, etc.) before the Herrick alternative could be implemented.

Page 11-9 of the Utilities and Public Services section, top of the page, states: "There is an obligation under Government Code Section 6589-7 for the provision of priority access to water and wastewater services to the proposed project." "Meaning there will necessarily be a sewer connection provided by HCSD and/or COE owing to this Government Code section." This appears to be an incorrect interpretation. Granting a priority for water or wastewater services means a priority over any other service request applications that are processed at the same time. It does not infer that the service provider is required to reserve capacity, or to provide service connection to the proposed development where none exists.

The Wastewater Alternatives section beginning on page 11-13, first paragraph, states Phase 1 and subsequent phases on the western ridge and plateau would connect to the existing sanitary wastewater manhole in Lundblade Drive. It does not mention that it

would utilize the existing City of Eureka gravity sewer main in Lundblade Drive, with which it would need to share capacity with the Lundbar Hills development. While the City does not oppose this proposal in concept, several issues would need to be resolved to the satisfaction of the City before agreeing to this connection. First, the developer would need to demonstrate that the existing gravity sewer main has the adequate capacity to accept the additional wastewater flows from the full buildout of the Ridgewood Village Development, and that a sufficient conveyance system would exist downstream of that sewer to accept the wastewater flows. Second, the City would need to be satisfied that the mitigation measures directly affecting the City (adequate traffic impact fees, adequate fire protection, adequate drainage facilities, etc.) have been adequately implemented. Third, this would require a contractual amendment to the City/HCS D Wastewater Agreement defining the flow limitations, maintenance, and operational issues related with adding this new connection point to the City's wastewater system.

The first paragraph in this section also states the development proposes to utilize the existing Golf Course pump station. In numerous conversations with the Ridgewood developer the City has stated the existing Golf Course lift station wastewater conveyance system does not have the capacity to accept new connections, including those from Phase 1 of the Ridgewood Village Development. The City has no plans to increase the capacity of the existing Golf Course lift station wastewater system, due to the capacity limitations of the wastewater conveyance system downstream of the Golf Course lift station.

Also in the first paragraph of this section, the term 'Golf Course pump station' appears to describe both the future proposed Martin Slough Pump Station and the existing Golf Course lift station, the latter which will be demolished with the construction of the Martin Slough Interceptor project. The correct terminology would be to say the preferred alternative is to connect to the Martin Slough Pump Station, which is proposed to be constructed as part of Phase 2 of the Martin Slough Interceptor project.

Paragraph 2 of this section describes the Herrick alternative, which is discussed above. This alternative fails to mention that a new gravity sewer main through the golf course would be required to implement the Herrick alternative as described. The same comments apply as noted above regarding needing the required City approvals for this option to become a reality. This alternative would need to be designed to minimize impacts to the Eureka Golf Course, as well as other considerations previously mentioned.

In Section 11.3.4 Cumulative Impacts, the first paragraph at the top of page 11-26 states the "conditional intent to serve" letter from the HCS D Board of Directors dated August 28, 2007 "commits the City of Eureka to accepting wastewater from the proposed project..." The City takes exception to this characterization. In an August 6, 2007 letter to HCS D General Manager Mark Bryant responding to HCS D's request to the City for a Will-Serve letter for the Ridgewood Village project, City of Eureka Assistant City Manager Michael Knight affirmed the District has remaining dry weather capacity at the Elk River Wastewater Treatment Plant of 0.64 MGD. However, Mr. Knight's letter cites the lack of critical information needed in order to properly respond

to the District's request, including a lack of description of the commercial development, a lack of information on projected sewage flows, and a lack of detailed information on the connection to the City's collection system. The City's letter notes that we can provide a Will-Serve letter **conditioned** on the District's ability to transport the sewage to the treatment plant provided that all agreements are in place.

The HCSD "conditional intent to serve" letter lists many conditions that need to be satisfied to serve wastewater flows of the development, including design and construction of collection systems to transport sewage from the project to the regional wastewater plant, and includes the statement: "Applicant must obtain the approval and consent of the City of Eureka" for use of the City's infrastructure to serve the project. Neither the HCSD "conditional intent to serve" letter nor the City of Eureka's Conditional Will-Serve letter "commits the City of Eureka to accepting wastewater from the proposed project." While the City has stated HCSD has wastewater capacity at the treatment plant to potentially serve the entire project, there are too many conditions that are required to be met to support the EIRs claim that the City has committed to accepting wastewater from the Ridgewood Village project, or to support the assertion that the development holds an entitlement to wastewater services.



**CITY OF EUREKA**  
**TRAFFIC/SIGNALS DIVISION**  
**Dan Moody, Traffic Operations Manager**

531 K Street • Eureka, California 95501-1146  
Ph (707) 441-4180 • Fx (707) 441-4202 • dmoody@ci.eureka.ca.gov

## **MEMORANDUM**

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**To:** Mike Knight, Director of Public Works  
**Thru:** Kurt Gierlich, City Engineer  
**From:** Dan Moody, Traffic Operations  
**Subject:** Traffic Impact Study for the Administrative Draft of the Ridgewood Village Development, dated December 22, 2008  
**Date:** January 26, 2009

I have reviewed the Administrative Draft Traffic Impact Study for the Ridgewood Village Development, dated December 22, 2008 and have the following comments:

### General Comments

The Transportation Section of the Eureka Community Plan was completed in July 1990 and was considered to have a 20 year horizon. Most of the mitigation proposed in the Plan was not implemented. The Ridgewood Village Project should be analyzed in its entirety and not as an incremental addition to the Eureka Community Plan.

The Greater Eureka Area Traffic Model (GEATM) is a useful tool in broad applications but it should not be used as the only method for determining trip distribution for the Ridgewood Village Development.

### Specific Comments

1. *Pg 3, para 2* “The major portion of Ridgewood Village is already entitled in the Eureka Community Plan, so this report assesses the traffic impacts of the larger-scale Ridgewood Village Project with additional homes, commercial and retail services. The early phases of Ridgewood Village are already included within the approved Eureka Community Plan. The additional dwelling units, commercial and retail uses constitute the “Project” considered in this traffic analysis.”

- Baseline for this project should be existing conditions and mitigation should be considered for project related traffic added to the baseline. There should be no entitlements for the Eureka Community Plan traffic as mitigation was never implemented.*
2. Pg 4, para 2 “There are no specific criteria for defining a significant change where the LOS is already unacceptable.”  
*The City a 5 second increase in delay as significant change .*
  3. Pg 4, para 4 “Study intersections were identified in the City where the Greater Eureka Area Model (GEATM) indicated 50 or more peak hour trips from the proposed project.”  
*The GEATM should only be used in conjunction with Engineering oversight. We have found that the accuracy of the model diminishes as you get farther from the Broadway corridor. A good example would be that the model shows little traffic using “W” Street and Hodgson Street to access the Cutten area.*
  4. Pg 4, #1 “One intersection, Harris and Dolbeer...should be signalized within the next several years.”  
*The GEATM shows much of the Cutten area traffic using the Dolbeer and Harris intersection which in fact is not the case. Steep grades on the east and west bound approaches to this intersection would make it difficult to install signals. Closing the southbound leg may be more appropriate.*
  5. Pg 5, #3 “Overall intersection delay should at least be considered in any decision to require expensive improvements...”  
*Was this considered before recommending traffic signals at Harris and Dolbeer?.*
  6. Pg 5, #4 “...it appears as if relatively minor improvements will suffice to accommodate growth...”  
*Is this for Ridgewood Village traffic above the Eureka Community Plan entitlements?*
  7. Pg 5, #10 “...appear to be relatively minor as compared to the impacts of the development already approved within the Eureka Community Plan”  
*It is my understanding that the Eureka Community Plan was approved with over-riding consideration and little if any of the proposed mitigation was completed or funded.*
  8. Pg 6, #11 “It is unlikely that the overall growth in the retail and commercial will be increased by the proposed commercial and retail in Ridgewood Village, but rather this growth will be located there and will not occur in other locations in the metropolitan area”  
*I would not foresee a reduction in commercial/retail within the commercial/retail centers due to neighborhood commercial being constructed in the outlying areas. There would be the normal deductions for passerby and capture trips.*

9. Pg 8, para 2 “Based on the circulation map of the ECP, a future route is proposed... extending north through the proposed Ridgewood Village Project, connecting to Fairway Drive.”  
*Is this still feasible with the narrow, steep Lundblade Drive needing to be signalized at Fairway Drive?*
10. Pg 10, para 4 “Walnut Drive...located in the southern half of the City of Eureka.”  
*This should be changed to “...located south of the City of Eureka.” Also Walnut Drive is 25mph north of Holly Street to Hemlock.*
11. Pg 11, para 3 “The speed limit on Fairway Drive is not posted.”  
*The speed limit on Fairway Drive is posted as 30mph.*
12. Pg 11, para 4 “Harris Street is a County road...”  
*Harris is a City Street from Broadway east to Harrison.*
13. Pg 12, para 3 “The eastbound approach is an approximate 2%downgrade. The westbound approach has a slight downgrade of 1%.”  
*There are crosswalks and pedestrian push buttons at this intersection. The eastbound approach has a downgrade of 8% and the westbound approach is approximately 6%.*
14. Pg 12, para6 “The vicinity is mostly residential...”  
*The vicinity around Buhne and Harrison is mostly medical/office.*
15. Pg 12, para 9 *There are crosswalks and pedestrian pushbuttons at the intersections of Sixth and Seventh Streets at “H” and “I” Streets.*
16. Pg 13, para 3 *There is a flashing beacon over the Harris and Dolbeer intersection flashing yellow for Harris Street and red for Dolbeer Street. The beacon is activated during normal school crossing hours*
17. Pg 14, para 8 Harris Street/”G” Street...The area is mostly residential with some small commercial uses.”  
*The area is mostly office/commercial with some residential.*
18. Pg 17, *The On-Street Parking and Pedestrian Network sections should be expanded.*
19. Figure 4 *The bike route maps needs to be updated. Use the 2008 bike route map from the regional bicycle plan.*
20. Figure 5 *Intersection #23 should be labeled “Buhne St./S St.” Intersection #36 should show an eastbound left turn lane and a through right lane.*
21. Table 1 *Include column for the expected collision rate.*
22. Pg 30, para 4 “The project is essentially an increment over what is already approved in the Eureka Community Plan, and the resulting impacts are described as derived from the increment over what is already entitled ...”  
*The Traffic Impact Study should study the impacts of the entire project or in this case the various project scenarios. There would be no entitlements for the ECP as no mitigation was implemented.*
23. Pg 30, para 6 “The forecasts for trips beyond Existing Conditions were completed by using the model directly.”

*The Greater Eureka Area Traffic Model traffic counts vary substantially from existing counts at many locations. The model is useful for land use issues but not as useful for traffic impact studies.*

24. Pg 31, para 2 *Standard ITE "capture" and "passerby" trip reductions can be made. No other reductions should be made.*
25. Pg 32, para 4 *"All study intersections operate acceptably at LOS D or better..."  
The City of Eureka uses LOS C or better as acceptable..*
26. Pg 34, para 1 *"...(Proposed Project plus already-approved residential)..."  
The traffic impacts of the proposed project should be addressed.*
27. Pg 34, para 3 *"Internal capture of trips within the development has been accounted for by the Greater Eureka Area Transportation Model (GEATM)..."  
Same comment as #24.*
28. Pg 35 *The GEATM is being used as the basis for many items within the Traffic Study and because the model has never been accurately calibrated in areas away from the Highway 101 corridor it throws the entire traffic study into question.*
29. Figure 9 *In comparing the projected project trips the stopped controlled intersection at Harris and Dolbeer will receive more traffic than Harrison at Harris and "S" at Harris. This highlights the deficiencies in the GEATM.*
30. *Comments regarding entitlements based on existing approval of the Eureka Community Plan, and use of the GEATM for generating traffic projections carry throughout this document.*
31. Pg 44, para 5 *"...into a one-way southbound section of C Street from 4<sup>th</sup> to 6<sup>th</sup> Street."  
The City's Police and Fire stations are located at the corners of 6<sup>th</sup> and "C" Street. Northbound access on "C" Street must be maintained. Will this alternative only work with "C" Street being converted to one-way traffic?*
32. Pg 84, para 2 *Discussion of "fair and equitable share" should be part of a development agreement and not included within the traffic study..*



## CITY OF EUREKA

531 K Street • Eureka, California 95501-1146

August 6, 2007

Mark Bryant  
General Manager  
PO Box 158  
Cutten, CA 95534

Subject: Conditional Will-Serve Letter for the Proposed Dunn-Robinson-Forster-Gill Sub-division

Dear Mark:

This letter is in response to the letter from Mickey Hulstrom, District Planner, dated July 19, 2007, requesting a Will-Serve letter from the City of Eureka for the proposed Dunn-Robinson-Forster-Gill subdivision. Mr. Hulstrom's letter states that the project, as proposed, is for 1442 residential units and 327,000 square feet of commercial development. The letter asks about the availability of sewer capacity and what other issues there may be.

Unfortunately the letter lacks some critical information needed in order for the City to properly respond. Please provide: 1) a description of the commercial development and total projected sewage flow for the commercial development; 2) total projected sewage flow for the entire proposed development; and 3) proposed location of the main sewer line and connection points, if any, to the City's collection system.

Lacking the above information, I can only respond to capacity at the Elk River Wastewater Treatment Plant (ERWWTP) and point out issues that need to be resolved.

As you are aware, based on my letter dated May 11, 2007, I agreed with your analysis that as of August 2006, the District has a remaining dry weather reserve capacity right at the ERWWTP of 0.64 MGD.

Clearly the District has adequate reserve capacity rights at the ERWWTP to accommodate the projected flows from the proposed Dunn-Robinson-Forster-Gill subdivision. Therefore, the City of Eureka can provide a Will-Serve letter for the proposed subdivision **conditioned** on the District's ability to transport the sewage to the treatment plant and provided that all agreements are in place.

PUBLIC WORKS/BUILDING DEPARTMENT • (707) 441-4192 Public Works Fax: (707) 441-4202  
(707) 441-4155 Building

*Building Regulations Code Enforcement Equipment Operations Facilities Operations Harbor Maintenance Park Operations  
Recreation/Storm Water Street/Alley Maintenance Wastewater Collection Water Distribution Wastewater/Water Treatment Zoo*

Mark Bryant  
August 6, 2007

Page 2

As you are aware, the subdivision is within the Martin Slough basin and the Martin Slough Interceptor is the preferred alternative to serve all the property in the basin. City staff has met with the developer and District staff several times in an effort to identify solutions to serve the subdivision. All of the problems and issues discussed in those meetings remain today. Enclosed for your information is a copy of City Manager David Tyson's letter dated January 11, 2007, to John W. Belsher, Belsher & Becker, explaining the City's position regarding serving the development.

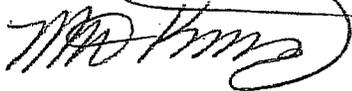
Several key hurdles that need to be addressed include:

1. If the District intends to serve a portion of the subdivision prior to completion of the Martin Slough Interceptor, you will need to submit that proposal to the City. The proposal must include location of the sewer main lines, connection points, total projected sewage flow and a hydraulic analysis of the components for the proposed alternative.
2. If the alternative requires additional connections to the City's collection system, the agreement between the City and District will need to be amended.
3. The City and District will need to execute an agreement for the Martin Slough Interceptor Project.
4. Developer will be required to participate in the Traffic Impact Fee Program being developed by the county prior to connection.

Mark, as you are aware, I have communicated to you a number of times the City is not concerned with capacity at the ERWWTP and our ability to meet our contract obligations to the District.

Please give me a call at 441-4207 if you have any questions.

Sincerely,



Michael Knight  
Assistant City Manager-Operations

cc: City Manager  
City Attorney  
Utility Manager  
Community Development Director

Enclosure



## CITY OF EUREKA

531 K Street • Eureka, California 95501-1146 • (707) 441-4144  
fax (707) 441-4138

CITY MANAGER

January 11, 2007

John W. Belsher  
Belsher & Becker  
Attorneys at Law  
412 Marsh Street  
San Luis Obispo, CA 93401

Re: Dunn-Robinson, Forster-Gill Development; APN 303-101-05

Dear Mr. Belsher:

This letter is in response to your letter dated December 19, 2006, to my attention. Your letter requests that the City work with the developer and Humboldt Community Services District (HCSD) to allow hook-up to the City's sewer system in the three phases set forth in your letter, and further requests the City allow connection to our facilities through HCSD under its existing agreement with the City.

First, as to your request to allow connection to City facilities through HCSD, you are aware that the existing agreement between the City and HCSD dates back to 1982. That agreement includes a number of limitations on quantity of sewage and connection points. In the City's view, the issues that arise with serving a development of this size and location cannot be adequately addressed under the current agreement with HCSD. Staff has articulated this to District staff and your client in several meetings. In order to facilitate updating the agreement in a timely manner, the City tasked our consultant, Brown and Caldwell, with assisting the City in this process. I anticipate meeting with HCSD in the near future to begin the process.

In response to your request to allow hook-up to the City's sewer system, the City cannot support the phasing plan described in your letter. We believe a better approach to serving a significant portion of this development is the one presented by your client at our last meeting. This approach is similar to the Phase III description in your letter and involves cooperative efforts by the developer, District and City to construct key components of the Martin Slough Interceptor and associated upgrades.

This approach is preferable for several reasons. First, the City does not have adequate capacity in the collection system to provide service for Phase I of your proposal. Phase I recommends the City allow the developer to connect 197 units, plus an additional 4.6 acres at 16 units per acre, to the existing Lundbar Hills sewer main. The City does not have adequate capacity downstream to support this proposal.

Further, City staff cannot support your Phase II request, because it requires approximately \$3 million of investment in the City's existing collection system. These costly improvements would be simply a temporary solution to accommodate a small portion of the development. The Phase II improvements will not be needed when the Martin Slough Interceptor is constructed. Moreover, it could take longer to analyze, design, and construct the Phase II improvements than to construct the key components of the Martin Slough Interceptor. The money spent on this temporary solution would also siphon funding away from the Martin Slough Interceptor project, which is a critical environmental solution for the region.

The conclusions stated above are based on the results of the Preliminary Wastewater Capacity Analysis developed by Deputy City Engineer, Kurt Gierlich. Kurt spent considerable time evaluating the Phase II improvements in response to a request from Mr. Mike Atkins and HCSD to analyze the feasibility of serving a portion of the Forster Gill development via the Golf Course Lift Station-California Lift Station-McCullens Ave Sewer-McCullens Pump Station.

We believe that analysis does not support pursuing parallel projects of the Martin Slough Interceptor and your Phase II approach. As indicated above, our staff believes the better approach to serve the initial phase of the Forster Gill development is the one suggested by your client at our last meeting.

Key steps preliminary to the construction of this alternative would include but are not limited to:

- Preparing a hydraulic analysis of the components of proposed alternative;
- Developing and executing an agreement between the City and HCSD, and perhaps the County, for the Martin Slough Interceptor; and
- Updating or rewriting the current agreement between the City and HCSD;

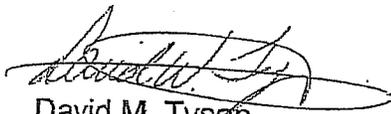
In summary, while the City has no obligation to extend sewer service to this particular project, we believe that working together to construct key components of the Martin Slough Interceptor project is in the best interest of your client, HCSD, the City and the environment. This approach appears to be the only economically viable and practical solution. The City has been committed to construction of the Interceptor for more than ten years and has been successful in obtaining Federal funding for the design. The Martin Slough project has been identified for funding as part of the regional Proposition 50 grant funds, and the City will receive funding for easement acquisition and

construction. Due to the City's aggressive fund raising efforts, we may be able to begin easement acquisition as early as June 2007.

Finally, as you are aware, the provision of sanitary sewer service to the general project area involves a number of local, State and Federal programs and reviews. The City, and all stakeholders, must carefully address such matters as land-use and zoning, permitting, CEQA compliance, and Federal grant, NEPA, and Clean Water Act issues. We believe construction of the Martin Slough Interceptor project is the best way to extend sewer service for future development consistent with the county and city general plans and our fiscal and legal obligations.

If you have any further questions, please contact me at (707) 441-4207.

Sincerely,



David M. Tyson  
City Manager

Cc: Mayor and City Council  
City Attorney  
Mike Knight, Assistant City Manager-Operations  
Kevin Hamblin, Director of Community Development  
Humboldt Community Services District  
Supervisor Smith County of Humboldt  
Kirk Girard Director of Community Development, County of Humboldt

**Attachment B**

**CITY OF EUREKA**

**COMMUNITY  
DEVELOPMENT DEPARTMENT**

531 K Street • Eureka, California 95501-1146  
(707) 441-4160 • Fax (707) 441-4202



December 16, 2005

County of Humboldt  
Planning Division – Community Development Services  
Tom Hofweber, Supervising Planner  
3015 H Street  
Eureka, CA 95501-4484

Re: Martin Slough Interceptor Project

Dear Mr. Hofweber,

As the City of Eureka (City) moves forward with final design of the Martin Slough Interceptor (MSI) project, it is important that we clarify the interfacial issues that could affect the ability of the Martin Slough Interceptor (MSI) project to serve potential future development increases that may be approved in the County of Humboldt (County) general plan update. This summary will help ensure that the City and the County both have the same understanding of these issues. This letter also serves as a request by the City for confirmation of the County's development estimates associated with the County general plan update. These estimates will be utilized by the City when analyzing what changes to the MSI design might be required in order to serve this additional development. The City's goal is to construct the most cost effective project possible and the County's timely assistance is necessary to achieve this result.

**I. MSI DESIGN ISSUES**

**Development Estimates**

We received a letter from you dated August 17, 2005 which provides the City with the County's estimate of the development that could potentially utilize the Martin Slough Interceptor once the County general plan is updated. We understand the numbers provided represent a working estimate and that the numbers will not be fully known until the general plan update is complete.

Following is a summary of how we understand your estimates and how they compare with our proposed project. You will see as you review this section that we are requesting clarification of some of your numbers. The following abbreviations utilized in these estimates are as follows:

DU – dwelling unit

EDU – equivalent dwelling unit: a measurement unit utilized when calculating sewer flows

primary DU's = 1 EDU

secondary DU's = 0.6 EDU

County development considered in City's approved proposed alternative (designed to accommodate development densities approved in the current County general plan)

County future new primary dwelling units = 3,900 DU's x 1.0 = 3,900 EDU's

County future new secondary dwelling units = 1,011 DU's x 0.6 = 607 EDU's

Total future new County dwelling units and EDU's = 4,911 DU's or 4507 EDU's

County development considered in City's Modified Service Area Boundary at Future Densities Alternative (the highest density alternative considered in the MSI EIR)

Note – This alternative includes the areas add2, add3, add5, add6, add7 and add8 as shown on the map you provided to us at our July 29, 2005 meeting. This alternative does not include areas add1 or add4.

County future new primary dwelling units = 6,966 DU's x 1.0 = 6,966 EDU's

County future new secondary dwelling units = 1,475 DU's x 0.6 = 885 EDU's

Total future new County dwelling units and EDU's = 8,441 DU's or 7,851 EDU's

County's High and Low EDU estimates (per 8-17-05 letter)

Note – It appears that the only additional area included in these estimates is area add5. Please confirm which additional areas are or are not included in your totals.

County's low estimate – 2,935 EDU's

County's high estimate – 7,135 EDU's

County's add4 area

Future new primary dwelling units = 1,532 DU's x 1.0 = 1,532 EDU's

Future new secondary dwelling units = 1,532 x 15% = 330 DU's x 0.6 = 138 EDU's

Total new add4 dwelling units and EDU's = 1,862 DU's or 1,670 EDU's

The County's high estimate of 7,135 future County EDU's exceeds the 4,507 future County EDU's considered in the City's approved project by 2,628 EDU's. It appears the County's high estimate includes area add5, but none of the rest of the additional areas; please confirm if this is indeed correct. We believe the County's estimate clearly does not include area add4.

The County's high estimate plus area add4 of 8,805 future County EDU's exceeds the 4,507 future County EDU's considered in the City's approved project by 4,298 EDU's, and results in an EDU total that is 954 EDU's above our highest EDU alternative (which was not approved). Again, it appears this estimate does not include any of the other additional areas except add5 as noted above; please confirm this. It seems these additional areas should be included, which will raise this number even further.

### **Impacts to MSI Design**

The project as approved will be designed hydraulically to accommodate wastewater flows projected to be generated from development forecasted to occur within the MSI service area using the maximum densities that could reasonably occur under current City and County general plans. The project or service area is defined as the area that would be expected to be served by the MSI within Eureka city limits and unincorporated area urban growth boundaries. (A discussion of what specifically defines the service area and how future dwelling units were calculated is contained in the Technical Memorandum dated 12-11-02 and amended 4-23-03, written during the early stages of the MSI ten percent design and EIR preparation.)

The hydraulic capacity of the system was determined by considering maximum flows into the system from unavoidable and/or unauthorized inflow and infiltration<sup>1</sup> (I & I) that could potentially occur during a 25-year storm, together with peak wastewater flows from full build-out within the MSI service area based on the maximum densities that could reasonably be achieved under current City and County general plans. The system was conservatively sized to accommodate these flows such that no avoidable overflows would be expected to occur during a 25-year storm event. Once the system is built, the amount of flow the system can handle will be limited by the designed hydraulic capacity rather than an assigned number of sewer hook-ups.

By pursuing an ongoing I & I reduction program, unauthorized flows into the sewer system may be reduced. Accordingly, the system then could accommodate additional wastewater flows without increasing the potential for unavoidable wet weather overflows. The hydraulic capacity of the system will be monitored by flow metering.

If the MSI were to serve the County's high estimate of an additional 2,628 EDU's, let alone any development within area add4, it is anticipated that wastewater flows would increase significantly. Since the City will not compromise the ability of the MSI system to contain avoidable overflows, significant changes to the current design of the project would likely be required to accommodate the resulting additional wastewater flows.

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<sup>1</sup> Inflow and infiltration are known as I & I. These are terms used to describe the ways stormwater and groundwater enter the sewer system. Inflow is water that enters the sewer system from improper connections such as downspouts or sump pumps. Infiltration is water that enters the sewer system through leaky pipes.

## CEQA/NEPA

It is important to note that the principle purpose and design focus of the Martin Slough Interceptor Project is to reduce currently unavoidable sanitary sewer overflows into the environment. The accommodation of future growth is a secondary project purpose, and the growth that was considered in the project design is growth that is currently identified in approved City and County general plans. The MSI project was approved by the City to serve this currently approved growth potential after preparing and certifying an EIR, and was approved by EPA after adopting a FONSI. (EPA is the agency through which the City is receiving federal funding for the project. The federal agency must meet its NEPA obligations prior to releasing project funding.)

The growth or development potential approved in City and County general plans has undergone CEQA review as part of the required process to adopt those plans. Thus, the City's reliance on the development potential identified in these documents when approving the MSI project resulted in the avoidance of growth inducement and the subsequent need for the City to analyze the environmental impacts of the additional "induced" growth, most of which would have occurred in the County and outside City jurisdiction.

As evidenced by the information provided in your August 17, 2005 letter, the County is considering an increase in the development potential above the currently approved County general plan in areas that could be served by the MSI, and therefore in excess of the growth potential approved by the City for the MSI project. The environmental impacts associated with this incremental change in development potential have not yet been considered and analyzed pursuant to CEQA. Assuming this change in development potential is an option the County will pursue in the general plan update, the CEQA review of the impacts from this development increase will occur as part of the CEQA review for the new plan. We understand that the general plan update may take a number of years to complete.

As the preceding section states, it is likely that changes to the current design of the MSI would need to occur to accommodate wastewater flows resulting from this additional development. Since this additional development potential has not yet been addressed through the CEQA process and approved by the County, the City cannot design the project in anticipation of wastewater flows from this additional development until this potential growth is approved by the County, with CEQA compliance undertaken as part of this approval process.

If the County approves the additional growth potential being considered, the City as lead agency for the MSI project, would need to carry out our own additional CEQA assessment for the MSI project to determine what, if any, additional environmental impacts would result from the project if it were designed to accommodate the County's increased development potential. The City would need to utilize the County's updated general plan EIR for our CEQA assessment, particularly in regard to indirect impacts that could result from providing sewer service to this additional development. The City will also need to consider what, if any, additional direct impacts (generally associated with construction) would result if upsizing or relocation of project elements is required to accommodate additional authorized flows. Once the City has completed our CEQA obligations, EPA would also need to conduct a subsequent NEPA assessment and approve the revised project.

### Timing Issues

The City cannot develop a final design for the MSI that considers a County development increase over and above the City's approved project until the increased development potential is approved by the County, which will occur through the general plan update process. In the meantime, the City is moving forward with final design for the MSI project, which will be completed by mid-2007, with the pump station portion of the design being completed by December 2006. This creates an obvious timing problem – final design for the project will be partially or even fully completed, and possibly the permitting process to allow construction of the project started, before the County general plan update will likely be completed. This results in the possibility of the MSI being designed in a manner such that it may not accommodate the full build-out flows that could be generated in the project service area under the County's updated general plan.

The County has asked the City to identify what changes, if any, would need to be made to the MSI in order to accommodate authorized wastewater flows for the County's additional growth potential that could be approved under the new general plan. The County has also requested a cost estimate for making any such design changes. In order to comply with your request, the City needs the County's *final projected development estimates* within the County area expected to be served by the MSI under the updated general plan. We anticipate you will be able to provide us that information once you have considered and responded to our questions in the "Development Estimates" section of this letter.

Once we receive confirmation of your development estimates, the City in conjunction with our contract project engineer SHN Consulting Engineers & Geologists Inc. can quickly determine whether the MSI project would require modifications should the system be ultimately approved to serve the County's additional development. If it is decided modifications would be required, which will be the case if the County's final estimates are at least as high as your preliminary estimates, SHN at the County's request can provide the County with a scope of work and budget to conduct a study and prepare a report that will identify those modifications and the costs associated with implementing them. Should the County wish to pursue preparation of the study, the County would need to contract directly with SHN for that work.

The end result would be a study and accompanying report that identifies what project modifications would be required should the system be approved to accommodate the County's projected growth, and the costs to make those modifications, including additional design work and additional construction costs. Project modification costs will be dependent on the stage of project development during which the changes would need to be made. Generally, the farther into the implementation of the project we progress, the more expensive it will likely be to make the required changes. For example, making changes after final design is complete will be more expensive than making them before we complete the final design and plans. Making changes after we have permitted the project or worse yet, once we have started construction, would be even more expensive. In addition to the tangible costs for additional design work, construction change orders, or permit amendments, the issues associated with delaying the project and the costs of potential project delays would also need to be considered. The further along we progress, the issues and costs of possible delays would likely increase, both in terms of hard costs (e.g. change orders during construction) as well as indirect costs (e.g. delays in development dependent on the MSI).

There are benefits to conducting the identified study now. First, we can confirm whether or not project modifications will be required. If none are required, the timing issue becomes moot; this outcome, however, is unlikely. Second, if and when it is decided that the MSI project will be and can be modified to accommodate the County's new growth figures, we will already know what needs to be done, which will save time in the future when time lines become more critical. Finally, there may be some discretionary and insignificant design changes that could be made now that would make future modifications simpler and less expensive, while still remaining in compliance with the intent of our current project approval. The downside to moving forward with the study now would be the risk of spending time and money analyzing project modifications for additional growth potential that may not be ultimately approved in the updated general plan. The County should also be aware that this letter does not address the ultimate responsibility, or source, to fund project modification costs. The County needs to weigh these risks when determining how to proceed.

## II. TRAFFIC MITIGATION

Another issue impacting the County's ability to rely on the MSI to serve future development, including any additional development that may be approved through the general plan update, is the mitigation of traffic impacts from development enabled by the MSI. The MSI project EIR contains a mitigation measure that requires that the City prohibit connections to the Martin Slough Interceptor, or to any part of the City's wastewater collection system that will develop additional conveyance capacity as a result of the Martin Slough Interceptor Project, until a Memorandum of Agreement (MOA) and a "Cumulative Traffic Impact Assessment and Mitigation Program" (Program) have been implemented, and until appropriate funding has been secured for improvements identified in the Program.

We acknowledge that the City and County are currently moving forward to develop a Memorandum of Understanding as a precursor to developing the MOA required by the mitigation measure, and that development of the MOA will occur in the near future followed by development of a Program to insure the required funding is provided. However, since it is an important issue that significantly impacts the County's ability to approve new development directly or indirectly dependent on the MSI for sewer services, a mention of this issue seemed appropriate to include here.

## III. WATER QUALITY

Finally, we would like to take this opportunity to remind the County of the commitments that were made in the letter from Community Development Director Kirk Girard dated September 7, 2004, included in the Final EIR for the MSI project. These commitments were made in regard to the mitigation of the cumulative hydrological effects on the aquatic environments in the Martin Slough basin related to runoff intensification and water quality impacts resulting from development in the County that would be enabled by the MSI. The letter states that in addition to the policies, regulations and practices that the County currently has in place which would mitigate these impacts, *"the County is in the process of updating its General Plan and will be preparing an EIR analyzing the environmental effects of development, including the cumulative impacts of runoff intensification."*

*The County anticipates working cooperatively with the City on the mitigation measures appropriate for the scale of development ultimately chosen by the Board of Supervisors for this project area."*

This issue is important to the City not only because those hydrological impacts that originate in the County have impacts to the City, but also because the City will be utilizing the County's general plan update EIR if changes to the MSI project are required, as discussed previously. Thus, the City anticipates that potentially significant impacts related to water quality and runoff intensification will be adequately analyzed and mitigated by the County.

We hope this letter provides you with an adequate summary of the issues affecting the ability of the MSI project to serve future development within the County. We need a final written confirmation of your numbers as soon as possible but certainly within the next few weeks, confirming the increased development potential that the County would like to have analyzed in order to determine what would be needed for the MSI to serve the additional development that may be approved in the general plan update. Please note, as well, that this letter, except as may be specified herein, does not address the responsibility for, or source of, any additional funding that is required to initiate and complete MSI-related planning, design and construction efforts which are required by the County's ultimate plan update.

We appreciate the County's efforts in moving forward to address these important issues to assist in achieving a cost effective project. We look forward to continued progress on the MSI traffic mitigation requirements, and to working with the County to resolve the hydrological effects to the City from development within the County. Please feel free to contact the project manager Kurt Gierlich or me should you have any questions.

Sincerely,



Lisa D. Shikany  
Environmental Planner  
(707) 268-5265  
lshikany@ci.eureka.ca.gov

cc: Steve Davidson, HCSD  
Jeff Nelson, SHN  
David W. Tyson, City Manager  
Kevin R. Hamblin, Community Development Director  
Kurt Gierlich, Deputy City Engineer

## Attachment C

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### MEMORANDUM



To: Sidnie Olson, Director Community Development  
From: Rusty Goodlive, Fire Marshal  
Date: June 21, 2010  
Re: Ridgewood Village EIR

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The Eureka Fire Department respectfully disagrees with the conclusions of the Ridgewood Village Development Project Draft Environmental Impact Report that, as proposed, Phase 1 and the subsequent phases have “no”, or “less than significant after mitigation”, impacts to Fire Protection.

Additionally, the Eureka Fire Department believes that the report lacks sufficient data to completely evaluate the impacts and that the data that is provided is, in some cases, not correct or misinterpreted.

We will be focusing on five areas:

1. Chapter 2: The Description of the Proposed Project
2. Fire Department Access
3. Water Supply
4. Wildland Urban Interface
5. Impacts on Regional Fire Department Emergency Response Capabilities
6. Other Public Safety Impacts

1. Chapter 2: Description of Proposed Project

The report is designed to describe impacts of both the Phase 1 and subsequent phases. There is incomplete data to review the impacts of the Phase 1 project and much less data to review subsequent phases.

The “Conceptual Master Plan” diagram on the cover sheet, for example, includes a commercial area. Evaluation of water supply, access and other impacts of both Phase 1 and subsequent phases will require details of the commercial area including building occupancy types, construction types and building sizes. Building heights in Phase 1 and subsequent phases are required for evaluation of potential impacts of

water supply, access, fire protection systems, specialized fire equipment and the need for Eureka's aerial ladder truck.

There are two references on the Conceptual Mast Plan diagram to a "Ramp to Garage" with no further details provided. It is important to note that there are several significant fire and life safety Building and Fire Code requirements relative to both parking garages and underground buildings.

## 2. Fire Department Access

There is insufficient data provided to review fire department access issues, particularly in the commercial area. Fire Department access requirements in the California Fire Code include access road width and construction requirements, dead-end turnarounds, load, maximum slope and grade, and maximum distance of buildings to access roads.

The increased trip count and traffic impact fire access to the Ridgewood subdivision itself. Increased traffic will restrict access and increase road closures due to construction, traffic accidents and other incidents. These closures will require travel to alternate access routes impacting response times.

The impact to Fire Department access to the Ridgewood subdivision and project could be partially mitigated by the Fire Access Road provided the road is a public street open for continuous access and it is surfaced with asphalt or concrete meeting construction specifications of the California Fire Code.

There is incomplete data to evaluate access issues within Phase 1 and subsequent phases. The California Fire Code contains requirements for Fire Department access including distance of buildings from access roads, access road width and construction requirements, dead-ends, turnarounds, grade and slope.

After construction, control of the roads and public ways should be transferred to Humboldt County. Appropriate assessments for maintenance should be considered.

## 3. Water Supply

The Humboldt Community Services District found that their infrastructure provides adequate pressures, flows and capacity for Phase 1 and subsequent phases. This would require data on the building size and construction type in the commercial area. If this data was not available to HCSD then the water supply requirements should be re-evaluated. Should any subsequent program driven system improvements be found either within or outside the scope of the program, the developer should be required to make those improvements as necessary.

Inadequate information is supplied to review water supply infrastructure for Phase 1 and the subsequent phases. Figures 2-7 and 2-8 provide limited details of water

service to Phase 1 and 2. There are no diagrams or details of proposed water service to the subsequent phases

Elements of the Phase 1 infrastructure should be designed and installed as they apply to the subsequent commercial and multi-family phases.

After completion of the installation, control of the water infrastructure should be transferred to the Humboldt Community Services District to insure routine testing and maintenance. Appropriate assessments for system maintenance should be considered.

#### 4. Wildland Urban Interface; State Responsibility Area

This project is within State Responsibility Area, Wildland Urbane Interface Moderate Hazard zone. The requirements of Chapter 7A of the California Building Code apply. Cal Fire and other State requirements also apply.

#### 5. Impacts on Regional Fire Department Emergency Response Capabilities

##### A. Fire Apparatus Response Time

Fire incident outcomes are directly related to response times. Successful outcomes depend on both the timely arrival of the first responding unit and the subsequent arrival of the total number of units needed to mitigate the incident. As identified in the City of Eureka's Standards of Response Study, national standards for the arrival of the first arriving fire unit on scene of a fire is four minutes and the balance of response of all units within eight minutes.

Table 10-9 lists increased delays of one to two minutes at key intersections for Phase 1. Table 10-17 lists delays after completion of subsequent phases at many key intersections at more than two minutes.

Impact 11-5 claims there would be "less than significant impact" on fire department response times of Phase 1. This finding, however, uses pre-project response time data which is already greater than the standard. Adding the delay times found in table 10-9 increases those response times to 5½ to 6 minutes for the two closest Humboldt Fire District Engines; times that are significantly above standard. No analysis of the increased response times for the balance of responding units from the greater Eureka area is included.

Delays for the subsequent phases are even more significant as shown in Table 10-17. Delays at many intersections are estimated in excess of two minutes. Increased congestion and more controlled intersection will further increase Fire Department response times. This results in projected response times of first arriving units to 6½ to 8 minutes and even more dramatically increases the response times of the balance of responding units from the greater Eureka area.

We disagree with the reports findings that the impacts of Phase 1 to response times will be “less than significant with the installation of stop signs and other traffic improvements”.

We also disagree with the reports finding that the mitigation of subsequent phases would be achieved by a new fire station alone. Mitigation measures for staffing the fire station will also be required.

The Cutten / Ridgewood community is served by two roads; Elk River Road and Walnut Drive. Fire units routinely response across the Ridgewood subdivision from one side to the other. Delays or closures of either Elk River Road or Walnut Drive would result in significantly delayed response times as Fire units traveled across town to the alternate access route.

If it was paved and open year-around, the proposed Fire Access Road north of the project to Lundblade Drive could partially mitigate the impact to response times and access. On this route, however, apparatus would be responding through the Lundbar Hills subdivision and access the north end of Phase 1 via the proposed Fire Access road. Response time calculations are required to evaluate the impacts of using this route.

The report does not evaluate the impacts of the effects of other fire incidents to response times. The City of Eureka’s Standard of Response Coverage study found that when a fire incident occurs, a second occurs 25% of the time and a third 4.78% of the time. This will result in further increased response times from the closest two Humboldt Fire District station, delays that would be further exacerbated by more remote program related traffic impacts.

The impacts of the response time delays can only be mitigated by constructing, equipping, and staffing a new fire station and apparatus at or in the immediate vicinity of the project.

#### B. Fire Department Staffing

The Eureka Fire Department does not agree that the proposed mitigation of impact 11-5, Phase 1 need for new or expanded fire protection, is to increase the staffing of Humboldt Fire District #1 by .4 ( 4/10’s) Firefighters, and that the proposed mitigation of impact 11-11, fire protection of subsequent phases, is addition of 2 Firefighters. Additionally, the funding sources for the proposed staffing increases were identified as projected increases in property taxes however. The study, however, does not provide supporting data as to the amount of tax revenue the project would generate to Humboldt Fire District #1.

In 2007, the City Contracted with Citygate Associated to conduct a Fire Service Standards of Response study. The study concluded that development outside the current City area will require an additional fire station with funding mechanisms

for on-going staffing. The study was conducted with information available at the time and at best could only have included County planning documents available at the time. An updated study reflecting the increases projected population and traffic impacts associated with the project should be conducted. Regardless, the project should include funding mechanisms for on-going staffing a new fire station with current HFD minimum daily staffing, in addition to the one-time property, construction and equipment costs.

The Fire Department staffing impacts of the project can only be mitigated by a staffing a new fire station and apparatus at or in the immediate vicinity of the project. Humboldt Fire District Fire Engines are currently staffed by at least three Firefighters per day, every day. Mitigation of the staffing impacts of this project should include a mechanism for funding and maintaining three Firefighter daily staffing at the new station.

C. City of Eureka and Community Fire Protection

The City of Eureka participates in an Automatic Aid agreement with Humboldt Fire District #1. The City and District respond their fire units to all fire incidents in the other's jurisdiction. The increased call volume as a result of Phase 1 and subsequent phases impacts the Fire Protection of the City of Eureka and greater Eureka area as fire units will be drawn out of the City more frequently. During these times these units will not be available to respond to other calls, calls that would already be occurring without the development of Phase 1 and subsequent projects.

The impacts to the Fire Protection of the City of Eureka and the greater Eureka area can only be mitigated by constructing, equipping, and staffing a new fire station and apparatus at or in the immediate vicinity of the project.

D. Commitment of Eureka's Aerial Apparatus

In general, Fire Department aerial apparatus are used for buildings with roof heights exceeding the reach of ground ladders and for elevated fire streams. The Eureka Fire Department staffs one aerial apparatus out of its Headquarters fire station. The City of Eureka primarily staffs this apparatus to protect its old town and downtown district, as well as numerous Victorian, commercial and other buildings throughout the City.

Building height and area data for Phase 1 and subsequent phases is needed to evaluate the potential impact on the need for aerial apparatus based on building height. Commercial building size and arrangement designs are needed to evaluate the potential need for areal firefighting.

An evaluation of the Phase 1 and subsequent phase's impact on the need for aerial apparatus is needed. Impacts to the City of Eureka would have to be mitigated to the City's satisfaction.

#### 6. Other Public Safety Impacts

We are skeptical as to the findings of Impact 10-3 and 10-7 that there is "no impact" from Phase 1 or the subsequent phases in hazards due to design features such as sharp curves and dangerous intersections. The report states that there is no need for a median or left turn lane at Ridgewood Drive and Ridgewood Hills Drive. Ridgewood Drive is a wide two-lane road posted at 45 mile per hour. The entrance to the proposed Ridgewood Hills drive is immediately west of sweeping, limited visibility curve where Walnut Drive transitions into Ridgewood Drive. The trip load on Ridgewood Drive and in and out of Ridgewood Hills Drive suggests an increased hazard due to speed and visibility at the intersection.

The closure of northbound Dolbeer at Harris has public safety impact as Dolbeer is the direct emergency vehicle travel route to St Joseph's Hospital from the Cutten / Ridgewood areas. This route is routinely used by ambulance's, including patients transported from the program development. There is no analysis of the let alone of increased ambulance travel times to the hospital for the current number of ambulance trips and the increased number from the program including the proposed 220 senior housing units.

There are a limited number of ambulances that serve the greater Eureka area. The report did not analyze the impacts of Phase 1 and subsequent phases to ambulance service.

The City of Eureka's Standards of Response Study found that:

"If additional suburban density growth is approved southeast of the current City limits, Maps 3b and 6b clearly show that if good suburban outcomes are to be provided, such as confining the fire to the room of origin and to intervening successfully in cardiac arrest patients, then there is not adequate 4- or 8-minute travel coverage into this area from any of the existing City or District stations. "

The mitigation option provided in the study that addresses the impacts of the development on the Ridgewood community as a whole is to "Require the developer to set aside land and build and equip a fire station, *and* provide a per-parcel assessment to meet the staffing requirements in perpetuity".

The Eureka Fire Department believes that the mitigation proposals in the Ridgewood Village Development Project Draft Environmental Impact Report do not accurately address the impacts to Fire Protection. Among the impacts that are not mitigated are the cumulative impacts of traffic delays. The study does not mitigate the impacts of restricted access to the subdivision. The study does not mitigate increased demand on fire services. And the study does not mitigate the impacts to Fire Protection of the City

of Eureka and the greater Eureka area. Additionally, there is incomplete data to evaluate impacts in areas such as access, water supply, and fire protection requirements.

Note on the 2010 California Building Code:

The 2010 California Building Code, schedule for adoption on January 1<sup>st</sup>, 2011, will require fire sprinklers to be installed in all new residential buildings, including one and two family residences. All residential buildings in the project will be required to be equipped with residential fire sprinkler systems.

Thank you for the opportunity to respond to the EIR. Please contact me if you have any questions.