

## CEQA NOTICE OF EXEMPTION

**To:** County of Humboldt  
County Clerk  
825 5<sup>th</sup> Street  
Eureka, CA 95501

Office of Planning and Research,  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044  
*Via electronic upload to CEQA Submit  
Database*

**FROM:** City of Eureka, Lead Agency  
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**PROJECT TITLE:** Linc Multi-Family Housing – Sunny and Myrtle Avenues

**PROJECT APPLICANT:** Linc Housing

**PROJECT LOCATION:** 1310 Myrtle Avenue; southeast corner of Sunny and Myrtle Avenues

**APN:** 006-181-001

**PROJECT DESCRIPTION:** The applicant, Linc Housing, is proposing to redevelop a City-owned parking lot into a five-story, 32-unit apartment building (Multi-family Housing). Multi-family Housing is a principally permitted use in the Neighborhood Commercial (NC) zone district. The proposed development includes construction of a new approximately 60-foot (mean height) (70 feet to top of elevator shaft), 55,120 square foot building with a floor area ratio (FAR) of 3.16. The housing complex will consist of 16 two-bedroom units and 16 three-bedroom units with parking, offices and common amenities on the first floor, and an open-air courtyard on the second floor extending up through the roof, which will be surrounded by the dwelling units on the second through fifth floors. The development also includes a community room, laundry facilities, bicycle parking spaces, (12 long term, and 6 short-term), and ten (10) off-street parking spaces. Landscaping will be provided between the building and the street.

All units, except for a Manager's Unit, will be reserved for Lower Income Households (i.e. households with incomes which are 30-80% of the Humboldt County Area Median Income [AMI]). As a result, Linc Housing utilized EMC § 155.344 (Density Bonus) and the State Density Bonus Law (Government Code § 65915 et. seq.) to obtain an "automatic" building height increase

of three-stories (or 33 feet) because the site is near a major transit stop, and to obtain two (2) waivers to the City's Development Standards (FAR and Blank Walls). The Density Bonus Law request was granted because Linc Housing submitted sufficient documentation showing the development standards would have the effect of physically precluding the construction of the development at the densities permitted by State Law.

**EXEMPTION FINDINGS:** The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, in accordance with CEQA Guidelines pursuant to Section 15332, In-Fill Development Projects, Class 32 of the CEQA Guidelines. Key considerations for this exemption are whether the project meets the five conditions (a-e) described in Section 15332 at the time of the lead agency's determination, which are as follows:

(a) *The project is consistent with the applicable general plan designation, general plan policies, and applicable zoning designation and regulations.*

The proposed project is within the Neighborhood Commercial (NC) land use designation and Neighborhood Commercial (NC) zoning district. The 2040 General Plan specifically allows housing in all mixed-use land use designations, and Multi-family Housing is listed as a principally permitted use in the NC zone. Additionally, State Density Bonus Law (Government Code § 65915) authorizes waivers/concessions to development standards for affordable housing projects. State Law requires the City grant density bonus, waivers, and/or concessions if sufficient documentation is submitted showing the project would be infeasible without them, even if they result in a project exceeding required development standards. The Court, in *Wollmer v. City of Berkeley* (March 30, 2011 Case No. A128121) held that, an infill exemption can apply even if a project is not wholly consistent with applicable zoning regulations (i.e. development standards) because State Law specifically authorizes the bonus/concession/waiver to build more housing. Furthermore, the proposed project implements the 2019-2027 Housing Element's Implementation Program (IMP) H-34: Affordable Housing on Publicly-owned Properties, which implements six Housing Element policies aimed to create affordable, safe and stable housing, prohibit discrimination, explore public private partnerships, support non-profit service providers, provide fair housing choices, and seek to end homelessness.

(b) *The development occurs within the City limits, on a project site under 5 acres, is surrounded by urban uses.*

The project site is within the City limits and is surrounded by urban uses such as multi-family and single-family residences, a senior assisted living facility, and other commercial and retail services, such as a restaurant, coffee shop, hair salon, gas station. Although a freshwater emergent wetland is located south of site, the aforementioned existing urban uses surround it.

(c) *The project site has no value as habitat for endangered, rare or threatened species.*

The project proposes to redevelop an existing parking lot on the Myrtle Avenue commercial corridor, which has no value as habitat for endangered, rare, or threatened species. A Wetland Delineation Report was prepared which concluded the wetland complex south of the site is not

within or immediately adjacent to the area of proposed development, and an existing vegetated slope is a suitable buffer to limit potential wetland encroachment. Additionally, the report included recommendations to enable future development to improve site conditions and increase wetland protection which are included in the Conditions of Approval. Furthermore, the report was reviewed by the California Department of Fish and Wildlife, who had no specific concerns on a future development impacting the nearby wetland habitat for endangered, rare, or threatened species.

(d) *Approval of the project will not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The project is located in an existing urban environment (Myrtle Avenue Commercial Corridor), and is located on a major arterial (Myrtle Avenue), which has adequate carrying capacity for the project. Although the project has limited automobile parking, the project meets the parking standards contained in the zoning code and promotes alternative modes of transportation by being located on two major transit lines (Eureka Transit's purple and green bus routes), and providing required bicycle parking, all of which will decrease greenhouse gas emissions and improve air quality. Also, the project will not impact water quality as it is served by City water and sewer. Furthermore, the 2040 General Plan anticipated and analyzed the creation of a total of 17,698 dwelling units, with the 2019-2027 Housing Element anticipating creation of a total of 757 site specific dwelling units. The findings of the 2040 General Plan's Environmental Impact Report (EIR) and 2019-2027 Housing Element's Addendum to the EIR analyzed potential effects on the environment, based on those housing numbers, and found no significant effects will result from the creation of these dwelling units. Additionally, the proposed development was referred to affected department and agencies, and no comments were received indicating the proposed project would result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) *The site can be adequately served by all required utilities and public services.*

The site is served by City water and sewer and all major utilities, Eureka Police and Humboldt Bay Fire, Redwood and Eureka Transit Systems, and is located adjacent to existing Class II bike facilities.

The material supporting the above findings is on file with Development Services – Planning. Copies of the documents related to the evaluation of this project are available for review upon request at the City of Eureka, 531 K Street, Eureka, CA 95501.



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March 3, 2021  
Date