

CEQA Initial Study

Project Title: Bay Front Parking Lot

Project Applicant: Bay Front Company

Project No: ED-21-0009

Project Location: North side of 1st Street adjacent to Bayfront Restaurant (69 F Street) in the City of Eureka, California

APN: 001-121-031

Zoning Designation: Waterfront Commercial (CW)

General Plan Designation: Core Waterfront Commercial (C-WFC)

Project Summary: The applicants are proposing a 18,343 sq. ft. metered asphalt concrete (A/C) parking lot that will accommodate 42 cars, including two ADA accessible spaces and three compact spaces; the lot will also provide parking for one motorcycle and six bicycles. The A/C parking lot will function as a cap and minimize the potential for contact with, and mobilization of existing onsite contamination. The project includes utilization of 1,061 sq. ft. of existing paved parking area, installation of 13,433 sq. ft. of new A/C paving, 570 sq. ft. of concrete accessible parking, 463 sq. ft. of concrete sidewalk, 473 sq. ft. of retaining wall, 1,000 sq. ft. of landscaping, and 1,343 sq. ft. of lined rock areas (16,282 sq. ft. of new impervious surface). The 1,697 sq. ft. of area below the top of bank will remain undeveloped. The parking lot configuration and construction methods have been designed to minimize disturbance of the existing, contaminated soils onsite, to control stormwater flow, and prevent infiltration of stormwater.

Lead Agency: City of Eureka, 531 “K” Street, Eureka, CA 95501-1165

Contact Person: Lisa Savage, Senior Planner; *phone:* (707) 441-4186; *e-mail:* lsavage@ci.eureka.ca.gov

Project Applicant’s Name and Address: Jim Hanley, Bay Front Company; 50 Portland Pier, Suite 400; Portland, ME 04101

Setting:

The project site is known as 69 F Street (Assessor’s Parcel Number [APN] 001-121-031). The site is located adjacent to the Eureka waterfront and north of “Old Town” just east of the Bayfront Restaurant / Bayfront One residential condos. The eastern end of the Eureka Boardwalk

lies between the subject property and Humboldt Bay. It is bordered on the east and south by vacant land (formerly the site of G&R metals). See Figure 1.

The project site consists of one approximately 20,000 sq. ft. parcel owned by the Bay Front Company. The site was historically used as a lumber mill in the late 1800's and a ferry boat business from 1945 to 1972. The property is currently a vacant, open field, vegetated with mostly non-native grasses and forbs. The site is mostly flat, with a slight slope (approximate gradient of 0.07 feet per foot) towards the north and Humboldt Bay. A six-foot chain-link fence partially surrounds the site along with the G&R Metals property.

On July 18, 2000, the City of Eureka granted CDP 10-99 [included as Appendix 10 of Project Description and Supplemental Application Information (Attachment 1)] to develop the project site with a three-story lodging facility with 34 rooms and the adjacent site to the west with a 35,000 – 40,000 sf mixed-use commercial/residential development project consisting of two buildings. Building 1 was constructed on the property to the west (Bayfront One Restaurant and Residential Units), which vested the project on the subject site. However, the applicant is proposing to build a temporary parking lot until such time as the originally approved development, or some alternative, is economically feasible.

The site currently contains traces of soil contamination from the adjacent site owned by G&R Metals. Several investigations have occurred over the years. Remediation has occurred through removal of contaminated soils by G&R Metals in 1996 and 2017. However, some contaminants still exceed remedial goals set by the North Coast Regional Water Quality Control Board (NCRWQCB) (Case No. 1NHU397).

Surrounding Land Uses:

The site is bordered by Humboldt Bay and the Eureka Boardwalk to the north, a mixed-use development to the west, and vacant parcels to the south and east. Land use at the site is governed by the 1997 Coastal General Plan/Land Use Plan (LUP) and the Coastal Zoning Code/Implementation Plan (IP). The site is zoned by the City of Eureka as Waterfront Commercial (CW). All immediately adjoining parcels and those within 500 ft. of the project site are zoned as CW, with the exception of the 1st Street/Waterfront Drive corridor, which is zoned Public (P) and Humboldt Bay, which is zoned Development Water (WD). Other parcels in the vicinity are zoned Office and Multi-Family Residential District (OR) (~650 ft. to the east/southeast), Downtown (DT) (~750 ft. to the south and southeast, outside the Coastal Zone), and Downtown West (DW) (~1,000 ft. to the southwest, outside the Coastal Zone). There is also Limited Industrial District (ML), and Coastal Dependent Industrial (MC) zoned land located more than 1,000 ft to the west of the project site. See Figure 2.

Proposed Project:

Purpose

It is the intention of Bay Front Company to further develop this site at some point in time. So far, multiple programmatic studies and associated pro-forma did not result in economically feasible development concepts. Various types and configurations of mixed-use projects that would

benefit the Eureka waterfront have been considered. Unfortunately, construction costs and economic conditions have been such that none of those projects have been found to be economically viable currently or in recent years. It is anticipated that as the Eureka waterfront continues to be developed and the City's coastal zoning regulations are updated, redevelopment of this parcel will become more economically viable.

In the interim, the Bay Front Company intends to follow the recommendation of Freshwater Environmental Services (FES) and NCRWQCB and proceed with the construction of an A/C parking lot to cap the existing site. The A/C cap will prevent human exposure to lead and PCB-impacted soil and reduce the potential for leaching of contaminants present in the soil at the site into the groundwater. The A/C cap will also prevent stormwater contact and potential transport of contaminants to Humboldt Bay. In addition, a metered parking lot provides some economic return to the owners, while preserving the site for future development. It will also provide a public benefit by providing convenient access to the eastern end of the Eureka Boardwalk and additional parking for nearby commercial uses and events. The intent is to sell parking passes to local businesses for use during the day and for guests and visitors after business hours. The public will also have access to the lot for hourly fee parking.

Project Specifics

The applicants are proposing a 18,343 sq. ft. A/C metered parking lot that will accommodate 42 cars, including two ADA accessible spaces and three compact spaces; the lot will also provide 6 bicycle spaces and a motorcycle space (see Figure 3). The project includes 1,061 sq. ft. of existing paved parking area, 13,433 sq. ft. of new A/C paving, 570 sq. ft. of concrete accessible parking, 463 sq. ft. of concrete sidewalk, 476 sq. ft. of retaining wall, 1,000 sq. ft. of landscaping, and 1,343 sq. ft. of lined rock areas; the 1,697 sq. ft. of area below the top of bank will remain undeveloped. The total amount of new impervious surface is 16,282 sq. ft. The parking lot configuration and construction methods have been designed to avoid disturbance of the existing, contaminated soils onsite, to control stormwater flow, and prevent infiltration of stormwater.

Because of the 100% A/C cap requirement and the fact the site is flat, the applicants are not able to implement infiltration Low Impact Development (LID) strategies on this site. Instead, a new Filterra Bioscape Vault (Filterra Vault) with internal bypass will be installed to capture and treat stormwater generated from the parking lot before discharging to the City's stormwater system via an existing 12-inch stormdrain. Curbs and gutters will be provided around and within the site to direct stormwater to the Filterra Vault and prevent it from leaving the property.

The site will be stripped of any vegetation and organic topsoil. As the site is underlain by fill soils with low weed cover, this excavation is not expected to exceed 6 inches in depth, or approximately 284 cubic yards. This material will be tested for contamination, and if possible, will be incorporated into landscaped and rock areas. Any remaining material will be appropriately disposed of at a permitted facility.

Grading has been designed to minimize the disturbance of underlying fill soils; excavation will not exceed one foot in depth from the existing ground surface. Approximately 534 cubic yards of fill (Class 2 Aggregate Base) will be imported to achieve depths of at least 6 inches to provide an

adequate base for the new pavement and to achieve surface levels adequate to direct drainage away from the Bay and into the new Filterra Vault, which will be connected to the existing drainpipe on the site. The existing DI near the center of the property will be raised and capped with a solid grate cover to prevent stormwater infiltration. Approximately 80 ft. of the existing 12-inch stormdrain pipe between the existing DI and the new connection from the Filterra Vault will be abandoned in place.

A 167-foot long, Hilfiker gabion retaining wall will be constructed along the northern edge of the parking lot to contain the new fill. The total height of the retaining wall will be three feet. Approximately two feet will be above the existing grade on the Bay (north) side, and the top of the retaining wall will be at the level of the new grade on the parking lot (south) side. A concrete cap will be placed on top of the retaining wall, with six inches extended above grade to serve as a curb. Tie-back mesh will be used to anchor the retaining wall into the new compacted fill. The retaining wall will be at or landward of the top of bank.

Access to the parking lot will be provided via existing easements through the adjacent Bayfront One parking lot, which has existing access from F Street and 1st Street. Aisles will be one-way, moving in a counterclockwise direction. Access to the existing City of Eureka Boardwalk, compliant with the California Building Code (CBC) Chapter 11B, will be provided at the northwest corner of the property where the Boardwalk abuts the project property line above the top of bank.

Two 25-foot-tall solar powered light poles with three LED light fixtures on each pole will be included in the parking lot for safety. The lights will be cut-off style, designed to minimize light spillage beyond the property lines, including beyond the top of bank on the north (Humboldt Bay) side. Appendix 6 of Attachment 1 (Project Description and Supplemental Application Information) shows the light strength throughout the site. There will be a slight amount of light spillage (0.1-foot-candle max) north of the Boardwalk in an area already impacted by lighting on the Boardwalk. Backup electrical conduit for the new lights will be connected underground to existing utility panels adjacent to the site.

The project provides 1,000 sq. ft. of landscaping (5.8% of the new parking lot area) in a landscaped peninsula and along the edge of the southeast corner of the property where contaminated soils were removed in 2017, and no further contamination was recorded. The Filterra Vault will also be vegetated. Water for landscape irrigation will be provided via a connection to an existing water line near the southwest corner of the site; a backflow prevention valve will also be installed per City requirements.

Project Operations

Parking will be fee-based. Patrons will be able to purchase monthly parking passes or pay for short-term parking (up to 8 hours) at an onsite kiosk (unmanned pay station). Payment will also be accepted through the “Passport” digital application. Monthly parking passes will be available to businesses and individuals for purchase. Although the parking lot will be accessible for use 24 hours per day, overnight parking will be limited by the 8-hour time limit. Only small, directional type signage will be installed.

A local company will be contracted to manage and maintain the parking lot. The parking lot will be monitored periodically for compliance (approximately two to three times daily). Tickets may be issued for vehicles that haven't paid, and cars may be towed after 72 hours if necessary. The property management company will also maintain the landscaping and monitor the site for trash and vandalism.

The asphalt cap requires annual inspection and maintenance under the Soil Cap and Management Plan that will be approved by the Water Board as part of the site closure.

Contamination and Remediation

The site currently contains traces of soil contamination from the adjacent former G&R Metals properties. Several investigations have occurred over the years. Remediation has occurred through removal of contaminated soils by G&R Metals in 1996 and 2017. However, some contaminants still exceed remedial goals set by the North Coast Regional Water Quality Control Board (NCRWQCB; Case No. 1NHU397).

Freshwater Environmental Services (FES) prepared a Remedial Action Plan (RAP) in October 2016 for the project site. In February 2018, FES took additional soil samples to characterize the soils in the top two feet of the fill soil at the site. The lead, benzo(a)pyrene (BaP) and PCBs levels of concentration were below remedial goals. However, there were limited samples where PCBs exceeded remedial goals. FES recommended a cap to prevent exposure to site users and to prevent leaching of contaminants into groundwater at the site.

In order to develop the site, the applicants must obtain site closure from the NCRWQCB. As part of that process, a Human Health Risk Assessments (HHRA) was prepared by GHD in November 2019. The report found that contaminant levels potentially pose a hazard for users and workers in and around the site through direct contact; however, an A/C cap will remove exposure pathways. A Health and Safety Plan (HASP) was recommended to prevent construction/utility worker exposure to lead within the soil beneath the cap through direct contact during ground-disturbing activities. The HHRA additionally recommended that a Deed Restriction be recorded to maintain the soil cap to prevent direct contact and exposure.

In a letter dated November 19, 2019, the NCRWQCB concurred with the proposal to redevelop the site with a 100% asphaltic cap and manage the site with a Soil and Cap Management Plan, including the HASP to prevent worker exposure during construction. A deed restriction will be recorded on the property to ensure compliance with the Soil and Cap Management Plan into the future. Further, by email on August 18, 2021, NCRWQCB staff accepted the revised proposal to utilize the site as a parking lot with a Filterra Bioscape Vault installed to treat stormwater runoff and meet Municipal Separate Storm Sewer System (MS4) requirements. A Soil and Cap Management Plan is still required by the RWQCB as part of the permanent site management, along with an operation and maintenance plan for the Filterra Vault and a requirement to ensure that the Filterra Vault is protected from stormwater during construction.

Permitting

The project site is located within the Coastal Zone within the jurisdiction of the City of Eureka's certified Local Coastal Program. Therefore, the project requires issuance of a Coastal

Development Permit (CDP) by the City of Eureka. The site is within the appeal jurisdiction of the Coastal Commission for the CDP. The property is zoned Waterfront Commercial (CW). Per section 10-5.29113 of Eureka's coastal zoning ordinance, parking facilities are a conditionally permitted use in the CW zone. Therefore, a Conditional Use Permit must also be approved by the City for this project. The applicant is also requesting a reduced buffer/setback from the shoreline of Humboldt Bay with the retaining wall being located approximately along the top of bank in order to contain the contaminated soil and fill to direct drainage away from the Bay; justification for the reduced setback was submitted with the application. And the project must comply with the City and NCRWQB stormwater regulations, which will be accomplished with the installation of the Filterral Bioscape Vault.

Other Public Agencies whose approval is, or may be required (e.g. permits, financing approval, or participation agreement):

- North Coast Regional Water Quality Control Board – contaminated site management.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1?

☐ No ☒ Yes

Date Consultation Offered: **June 8, 2021**

Date Consultation Begun: N/A

If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

☒ No ☐ Yes


NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Environmental Factors Potentially Affected: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agricultural and Forestry Resources | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use Planning | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utility/Service Systems |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Wildfire |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Mandatory Findings of Significance |
| <input checked="" type="checkbox"/> None | | |

Determination: On the basis of this initial evaluation:

- ☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Lisa Savage, Senior Planner
City of Eureka

August 19, 2022
August 19, 2022

Summary of Potential Project Impacts: Below is a table that summarizes the impact potential for each category of impacts discussed and analyzed in this Initial Study.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. Aesthetics			✓	
II. Agriculture and Forestry Resources				✓
III. Air Quality			✓	
IV. Biological Resources		✓		
V. Cultural Resources		✓		
VI. Energy			✓	
VII. Geology/Soils			✓	
VIII. Greenhouse Gas Emissions			✓	
IX. Hazards and Hazardous Materials			✓	
X. Hydrology/Water Quality			✓	
XI. Land Use/Planning			✓	
XII. Mineral Resources				✓
XIII. Noise			✓	
XIV. Population/Housing				✓
XV. Public Services				✓
XVI. Recreation			✓	
XVII. Transportation			✓	
XVIII. Tribal Cultural Resources		✓		
XIX. Utilities/Service Systems			✓	
XX. Wildfire				✓
XXI. Mandatory Findings of Significance			✓	

Recommended Mitigation Measures: Below is a list of mitigation measures that are identified in the following checklist and would be recommended as conditions of project approval.

I. Aesthetics

None

II. Agricultural and Forestry Resources

None

III. Air Quality

None

IV. Biological Resources

Mitigation Measure IV-1:

To avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented:

- Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between August 16 and March 14, when birds are not typically nesting, or;

- If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Within 7 days prior to disturbance, pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.

V. Cultural Resources

Mitigation Measure V-1: Inadvertent Discovery Protocols

- a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist shall be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
- b. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.8. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

VI. Energy

None

VII. Geology/Soils

None

VIII. Greenhouse Gas Emissions

None

IX. Hazards and Hazardous Materials

None

X. Hydrology/Water Quality

None

XI. Land Use/Planning

None

XII. Mineral Resources

None

XIII. Noise

None

XIV. Population/Housing

None

XV. Public Services

None

XVI. Recreation

None

XVII. Transportation

None

XVIII. Tribal Cultural Resources

See mitigation measure V-1: Inadvertent Discovery Protocols 'a' and 'b.'

XIX. Utilities and Service Systems

None

XX. Wildfire

None

XXI. Mandatory Findings of Significance

None

Checklist and Evaluation of Environmental Impacts:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			✓	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✓	
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?			✓	

DISCUSSION:

Environmental Setting

The proposed project is located to the north of 1st Street, roughly between F and G Streets, in Eureka, California. The site lies between Humboldt Bay and Old Town Eureka and is zoned Waterfront Commercial.

The proposed project site is vacant with six-foot chain-link and welded wire fencing surrounding most of it and the vacant parcels to the south and east. Although the parcels immediately to the south and east are also vacant, the greater area surrounding the proposed project site is largely urban in nature; the downtown core of Eureka is located a few blocks south of the proposed project site. Within view of the proposed project site are warehouse-type structures, single and multi-story commercial and light industrial buildings, paved and gravel parking lots, a multi-family residential structure, Humboldt Bay and the Woodley Island Marina. The Eureka Boardwalk is located to the north of the project parcel, between the parcel and the bay. Streetlights are located along 1st Street and E, F and G Streets, as well as the Boardwalk. In addition, several nearby parking lots are illuminated, including the adjacent Bayfront parking lot and the ones at the southeast corner of G Street and 1st Street and the southwest corner of E and 1st Streets, and many of the buildings in the area have exterior lighting.

FINDINGS:

a) Less than significant impact. The project will not have a substantial adverse impact on a scenic vista. There are no identified “scenic vistas” that incorporate the proposed project site or that can be viewed from the vicinity of the proposed project site. Coastal General Plan Table 5-2 identifies the foot of F Street as a vista point, but the project site is not visible from there due to the Bayfront building. Eureka Municipal Code (EMC) Section 10-5-2944.1, Visual Resources Standards, identifies Woodley Island, which is viewable from the project site, as a “scenic coastal area of public importance.” EMC section 10-5.2944.3 requires that permitted development adjacent to scenic vista points not obstruct views to and along scenic coastal areas. And Section 10-5.2944.2 requires that development within scenic areas (a) minimize alteration of natural landforms, (b) be visually compatible with the character of the surrounding area, (c) be sited and designed to protect views to and along the ocean and scenic coastal areas, and (d) restore and enhance visual quality in visually degraded areas wherever feasible. The project minimizes soil disturbance, and only includes small structures and landscaping associated with a parking lot. Therefore, viewsheds and view corridors from public viewing points such as 1st and F Streets and down G Street towards the Bay will not be significantly impacted. The project will preserve views of the Bay and Woodley Island from 1st Street, because no structures are proposed other than lights, fencing, kiosk and small signs. The project is consistent and compatible with the

character of the surrounding area, which includes other surface parking lots associated with a variety of urban uses (see Figure 4). In addition, the project provides public parking and access to the Eureka Boardwalk, which enhances public access to the shoreline and the views it provides. Therefore, the project will not substantially alter the character or the viewshed of the site and its surroundings.

b) No impact. The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The proposed project site is not located within or adjacent to a designated state scenic highway. The nearest designation-eligible state scenic highway is Highway 101, which is routed through the City of Eureka on 4th and 5th Streets. Highway 101 is located approximately 0.3 mile south of the proposed project site. Due to the topography of the area and the urban character of the City of Eureka, the proposed project site is not visible from Highway 101. Therefore, no impacts will occur.

c) Less than significant impact. The project is in an urbanized area, and, although a use permit is required in the CW zone for “parking facilities, including fee parking facilities,” (per EMC Section 10.5.29113) the project does not conflict with applicable zoning and other regulations governing scenic quality. The visual character and quality of the site and its surroundings are defined by the current land use and constitute an urbanized area. The proposed project site is located in a commercial waterfront district with a long history of industrial and commercial use including a number of surface parking lots. Within 500 ft. of the project site there are at least six paved parking areas for 10 or more vehicles and three gravel parking areas (Figure 4) The project is consistent with the view corridor (1.H) policies of the Coastal General Plan by maintaining views of the waterfront, inner harbor, and landmark buildings from public streets and other public spaces. Therefore, less than significant impacts will occur. Also see discussion under ‘a’ above.

d) Less than significant impact. The project will not create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. During construction: Activities required for construction of this project are minimal. Work at the site will generally be conducted Monday through Friday, from 7 a.m. to 7 p.m. Work could be extended to weekends if needed, but no nighttime construction activities will occur.

During operation: The proposed metered parking lot will be illuminated with the addition of two light fixtures. The fixtures are mounted on 25-foot poles and are intended for safety, because the parking lot will operate 24-hours per day. The lights will be cut-off style, designed to minimize light spillage beyond the property lines, including beyond the top of bank on the north (Humboldt Bay) side. A lighting analysis was completed for this project, which shows that maximum light spillage to Humboldt Bay is 0.1 foot-candle adjacent to the Boardwalk, which also has light posts. The area around the proposed project is currently subject to artificial light from streetlights and lighting in parking lots, among other sources of illumination. The lighting necessary to ensure safe operations will be a new source of light; however, using shielded lights directed away from residences and Humboldt Bay will reduce the impact of light and glare to sensitive receptors. Therefore, because the area around the proposed project site is currently subject to artificial light and glare, and because the proposed project will utilize appropriate lighting to reduce the intensity of light or glare that could impact sensitive receptors, less than significant impacts are anticipated under this criterion.

MITIGATION MEASURES:

None necessary.

II. AGRICULTURE & FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				✓

DISCUSSION:

Environmental Setting

The project site is within an urbanized area on topsoils primarily consisting of contaminated, non-native fill; the site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor is it suitable for agricultural use. There is no land in agricultural production, land zoned for agricultural use, land designated for agriculture use (General Plan Land Use), or land under Williamson Act contract within or near the project site. Additionally, the project would not encroach upon or affect timber harvesting. No rezoning or conversion of forest land, timberland, or land zoned Timberland Production would result. No impact would occur to this resource category as a result of the project.

No land in the immediate vicinity of the proposed project site is zoned for agricultural use. The proposed project site itself and surrounding parcels are zoned for commercial waterfront use. The nearest area zoned for agricultural use is approximately 1 mile east of the proposed project site. None of the surrounding area, including the proposed project site, is zoned as forest land, timberland, or Timberland Production.

FINDINGS:

a) through e) No Impact. The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. The project will not conflict with existing zoning for

agricultural use, or a Williamson Act contract nor conflict with existing zoning for, or cause rezoning of, forest land or timberland zoned Timberland Production. The project will not result in the loss of forest land or conversion of forest land to non-forest use nor involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use.

No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance exists at the proposed project site; therefore, none will be converted to non-agricultural use as a result of proposed project activities. Neither the proposed project site nor surrounding parcels are zoned for agricultural use. Neither the proposed project site nor surrounding parcels are enrolled under a California Land Conservation Act contract, nor are they within a contract non-renewal process. Proposed project activities will have no conflicts with existing agricultural zoning ordinances or California Land Conservation Act contracts. There will be no impacts under these criteria. Because neither the proposed project site nor surrounding parcels are timbered or zoned for forest land, timberland, or Timberland Production, proposed project activities will not conflict with zoning for or cause rezoning of forestland, timberland, or timberland zoned Timberland Production. Therefore, there will be no impact under these criteria. No other changes to the existing proposed project site environment will occur that will result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use; therefore, there will be no impact under these criteria.

MITIGATION MEASURES:

None necessary.

III. <u>AIR QUALITY.</u> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			✓	
c) Expose sensitive receptors to substantial pollutant concentrations?			✓	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			✓	

DISCUSSION:

The City of Eureka lies within the North Coast Air Basin (NCAB), which includes all of Humboldt, Del Norte, Mendocino, and Trinity Counties, and the northern portion of Sonoma County. Eureka is located on the northern California coast, generally characterized by cool summers with frequent fog and mild winters with substantial rain. The ocean helps to moderate temperatures year-round, with the average temperature in Eureka between 48- and 50-degrees Fahrenheit in the winter and between 55 and 57 degrees in the summer. The predominant winds in Eureka are from the north-northwest at an average speed of 8 to 10 miles per hour. Due to the location along the coast and the relatively low temperatures, the potential for air pollutant accumulation in Eureka is low.

The portion of the NCAB in which the proposed project is located is regulated by the North Coast Unified Air Quality Management District (NCUAQMD). Most of the NCAB is sparsely populated, and as a result, there is less industrial growth and fewer automobiles to generate pollution than more populated areas in California. It is the responsibility of the NCUAQMD to ensure that state and federal ambient air quality standards are achieved and maintained in its geographical jurisdiction. Health-based air quality standards have been established by California (California Ambient Air Quality Standards – CAAQS) and by the federal government (National Ambient Air Quality Standards – NAAQS) for the following criteria air pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter (PM) less than 10 microns and less than 2.5 microns in mean diameter (PM₁₀ and PM_{2.5} respectively), sulfur dioxide (SO₂), and lead. A new standard for ozone was recently adopted by the United States Environmental Protection Agency (USEPA), and the state NO₂ standard was recently revised. Furthermore, California has additional standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility. Attainment of the state and federal ambient air quality standards protects sensitive receptors and the public from criteria pollutants that are known to have adverse human health effects.

The NCUAQMD and the California Air Resources Board (CARB) operate a regional air quality monitoring network that measures the ambient concentrations of criteria air pollutants. Data from these stations record existing air pollutant levels. Probable future levels of air quality in the project area can generally be inferred from ambient air quality measurements conducted at the nearest monitoring stations by examining trends over time. There are two active air quality monitoring stations in or near Eureka, located at Jacobs Avenue and Humboldt Hill. An air quality monitor at 6th and I Streets in Eureka discontinued monitoring in 2013. There have been no violations of state or federal air quality standards for ozone or PM_{2.5} over the past five years. There have been violations of the state PM₁₀ standard recorded at both the Jacobs Avenue station and the 6th and I Street station.

The USEPA compares ambient air criteria pollutant measurements with NAAQS to assess the status of air quality of regions within the states. Similarly, CARB compares air pollutant measurements in California to CAAQS. Based on these comparisons, regions within the states are designated as one of the following categories: attainment, non-attainment, or unclassified. Currently, the ambient air quality within the NCUAQMD jurisdiction is classified as either attainment or unclassified for the federally regulated criteria pollutants. With regard to CAAQS, the NCUAQMD jurisdiction is classified as non-attainment for PM₁₀ and either attainment or unclassified for remaining state pollutants.

The primary pollutant of concern is PM₁₀; the ambient air PM₁₀ in portions of the NCUAQMD exceeds the State PM standard during many of the winter months. Dust and wood smoke are two of the primary contributors to PM levels.

FINDINGS:

a) No impact. The project will not conflict with or obstruct implementation of the applicable air quality plan. To address the NCAB's nonattainment status with respect to PM₁₀, the NCUAQMD prepared a draft PM₁₀ Attainment Plan identifying cost-effective control measures that can be implemented to bring ambient PM₁₀ levels down to the California standards. The control strategies include transportation control measures (public transit, ridesharing, vehicle buy-back program, traffic flow improvement, bicycle incentives, etc.), land use measures to reduce reliance on automobiles, and open burning measures. The NCUAQMD states that the plan, "should be used cautiously as it is not a document that is required in order for the District to come into attainment for the state standard." (NCUAQMD 2021) Therefore, compliance with applicable NCUAQMD PM₁₀ rules is applied for the purposes of analysis. NCUAQMD Rule 104 Section D, Fugitive Dust Emissions, is applicable to the project.

Pursuant to Rule 104 Section D, the handling, transporting, or open storage of materials in such a manner, which allows or may allow unnecessary amounts of particulate matter to become airborne, is not permitted. Reasonable precautions are required to prevent particulate matter from becoming airborne, including, but not limited to: 1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and 2) the use of water during the grading of roads or the clearing of land. The project will comply with these measures and implement other BMPs to minimize wind erosion as needed during construction. Therefore, the project complies with applicable rules, and would not conflict with or obstruct implementation of the applicable air quality plan with regard to construction and operation; no impact would occur.

b) Less than significant impact. The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. This impact is related to regional criteria pollutant impacts. As identified in subsection a), above, Humboldt County is designated nonattainment of the State's PM₁₀ standard. The County is designated attainment or unclassified for all other state and federal standards.

For construction emissions, the NCUAQMD has indicated that emissions are not considered regionally significant for projects whose construction would be of relatively short duration. For project construction lasting more than one year or that involves above average construction intensity in volume of equipment or area disturbed, construction emissions may be compared to the stationary source thresholds (Rule 110). Because the project's construction is anticipated to require less than two months to complete, the project's construction duration does not exceed the NCUAQMD's unofficial screening guidance of one year. And in fact, modeling analysis in CalEEMod shows that pollutants produced during construction will be orders of magnitude less than the annual stationary standards. Daily emissions during construction are also well under the NCUAQMD standards. In particular, maximum daily PM₁₀ emissions are expected to be 2.3 lb/day compared to the standard of 80 lb/day; and daily PM_{2.5} emissions are expected to be 1.6 lb/day, compared to the standard of 50 lb/day.

After construction, the project will only generate minimal amounts of additional emissions as a result of vehicular use of the parking lot. The parking lot is intended to accommodate existing employees, residents and visitors that are already parking in the vicinity and will not generate substantial additional traffic. There will only be a small number of trips to monitor compliance and to maintain the parking lot. The additional traffic could be offset by the reduced amount of time that users must spend looking for available parking. Therefore, impacts are less than significant for this criterion.

c) Less than significant impact. The project will not expose sensitive receptors to substantial pollutant concentrations. Sensitive receptors include school-aged children (schools, daycare, playgrounds), the elderly (retirement community, nursing homes), the infirm (medical facilities/offices), and those who exercise outdoors regularly (public and private exercise facilities, parks). Activities occurring near sensitive receptors should receive a higher level of preventative planning. There are no known sensitive receptors in close proximity to the project site. The closest school is Alder Grove Charter School located more than 2,000 ft. from the project site. Dynamic Healthcare, an assisted living facility is located across from Alder Grove Charter School. There are a few small medical clinics located within 500 to 100 ft. of the project site. There are vacation and executive rental condos in the adjacent building to the west. There are no other residences within 200 ft. of the project site.

Project construction would be temporary, lasting less than two months. Therefore, project construction activities are not expected to occur for a substantial amount of time. Due to the relatively short length of the construction period, the distance from the majority of construction activities, and the implementation of

fugitive dust control measures, the project would not result in the exposure of sensitive receptors to substantial pollutant concentrations. Therefore, the construction-related impact would be less than significant.

Following construction, the project is not anticipated to emit air emissions or new mobile source emissions that would result in substantial long-term operational emissions of criteria air pollutants. Therefore, project operation would not expose nearby sensitive receptors to substantial levels of pollutants. The operation-related impact would be less than significant.

d) Less than significant impact. The project will not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Odors that may be potentially generated during the proposed project include that of diesel exhaust. These odors, if perceptible, are generally common in the environment, will dissipate rapidly as they mix with the surrounding air, and will be of limited duration. There will be no odors associated with the operation of the project. Therefore, less than significant impacts will occur under this criterion as a result of the proposed project.

MITIGATION MEASURES:

None necessary.

IV. <u>BIOLOGICAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✓		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

DISCUSSION:

Environmental Setting

The northeast corner of the property includes some mudflat along Humboldt Bay. This transitions to a steep, rocky embankment that separates the Bay from the upland area. The upland area is defined as the area above the Mean Higher High Water (MHHW), which is approximately 7.23 feet North American Vertical Datum of 1988 (NAVD88) and does not include fringe wetlands areas directly adjacent to the HTL. The top of bank is generally located around the 10-foot elevation contour on this site. The Eureka Boardwalk is located seaward of the northern property line. The terrestrial upland area is composed of mostly non-native, ruderal (weedy), disturbed, non-hydrophytic vegetation that is periodically mowed. Much of the site is too compacted or gravelly for much vegetation to grow, so there are several bare and sparsely vegetated areas. The project site does not provide substantial habitat value. The site could be used only incidentally by birds of prey, neotropical migrants, and shorebirds and small mammals adapted to urban conditions.

FINDINGS:

a) Less than significant impact with mitigation. The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS). No candidate, sensitive, or special status species have been identified at the site; although, several special status or federally and state listed endangered species have been reported in the areas surrounding the site, particularly in Humboldt Bay.

A request for a reduced buffer consistent with LUP policy 6.A.19 was prepared for the project by a qualified botanist. The report concluded that 0-foot setback from the top-of-bank of Humboldt Bay would be adequate to protect Humboldt Bay and create a compatible and sustainable development. The botanist found that the project site itself does not contain any suitable habitat for special status species and exists in a disturbed condition with adjacent urban uses. There is currently little to no functional habitat within this area because of the disturbance regimes and presence of managed, sparse, non-native vegetation. Human disturbance onsite and the existing grade does not provide any functional relationship to Humboldt Bay, nor protection of Humboldt Bay from activities occurring onsite. The construction of a retaining wall and the redirection of stormwater would provide protection for Humboldt Bay from impacts on the site. Sensitive species within adjacent areas of Humboldt Bay would also be adapted to the decades-old disturbance regimes within these upland areas and the Eureka Boardwalk, located seaward of the top-of-bank immediately north of the parcel.

If construction will occur during the nesting season (typically March 15 to August 15), a nesting bird survey will be conducted on and around the construction area by a qualified biologist within seven days of commencement of any construction activities or disturbance of the site. If any active nests are found, construction will be delayed and species-specific avoidance measures will be developed by a qualified biologist in consultation with CDFW and USFWS (see Mitigation Measure IV-1). Therefore, the project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species.

b) Less than significant impact. The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. No riparian or other sensitive habitats exist within the development area. Construction of the retaining wall will be adjacent to but landward of the top of bank above Humboldt Bay. During construction, measures will be taken to ensure that no material or debris enters Humboldt Bay, including perimeter control Best Management Practices (BMPs). A Preliminary Erosion and Sediment Control Statement was submitted with the application, which identifies appropriate BMPs that will be utilized. A final construction erosion and sediment control plan will be

developed prior to construction that will protect Humboldt Bay from any polluted runoff and debris. Therefore, impacts will be less than significant. Also see discussion under 'a' above.

c) No impact. The project will not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No state or federal jurisdictional wetlands exist within the construction area, which is located landward of the top of bank above Humboldt Bay. Because the shoreline consists of a steep, rocky embankment in this area, no coastal or other wetlands exist. Therefore, there is no impact. Also see discussion under 'a' and 'b' above.

d) No impact. The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. Wildlife movement corridors are areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetative cover provide wildlife corridors. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas and facilitate the exchange of genetic traits between populations.

The project site is substantially surrounded by urban development and does not provide a corridor for wildlife movement. The project itself will not impact Humboldt Bay and does not include any features that would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The project would not preclude wildlife mobility, breeding, or reproduction. No impact has been identified.

e) Less than significant impact. The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The City of Eureka General Plan/Coastal Land Use Plan includes several policies to protect biological resources; the ones most applicable to this project are included below (6.A.7, 6.A.18 and 6.A.19). Notably, Policy 6.A.19 and EMC section 10-5.2942.15 establish a 100 ft. buffer from environmentally sensitive habitat areas (ESHAs) unless the applicant demonstrates that a smaller buffer will protect the resources of the habitat area. As described under 'a' above, a request for a reduced buffer was prepared for this project by a qualified botanist, which concluded that *"Considering the low-quality habitat and short-term nature of the construction for the project on the fill prism of previous development with on-going human disturbance, inclusion of an asphaltic concrete cap due to soil contaminants, and the existing 0-foot setback of adjacent development, the buffer reduction from 100 to 0-feet will be adequate to protect Humboldt Bay and create compatible and sustainable development."*

EMC section 10-5.2942.4 requires that development adjacent to ESHAs "shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas." The project is consistent with this standard because it has been designed to prevent mobilization of soil contaminants into the groundwater through construction of an asphaltic soil cap. The grading and retaining wall will prevent stormwater runoff and potential erosion from entering Humboldt Bay after project completion. Lighting has been designed to minimize light spillage off the property. Construction will be of limited duration, so noise and vibration impacts will be minimal. In addition, avoidance and minimization BMPs such as erosion and sediment control have been incorporated into the project to ensure the natural resources of Eureka are protected. And because the Eureka Boardwalk is already located seaward of the project site, the project will not increase human encroachment towards Humboldt Bay and is therefore compatible with the continuance of the habitat values of Humboldt Bay. Therefore, project would not conflict with applicable City of Eureka General Plan policies protecting biological resources. Less than significant impacts would occur.

6.A.7: *Within the Coastal Zone, the City shall ensure that the environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.*

6.A.18: *The City may permit new fill for repair and maintenance purposes on lands adjacent to the previously filled northern waterfront provided that is consistent with other General Plan policies and where all of the following apply: a. Fill will be placed in previously filled areas which have been subject to erosion; b. Fill will not be placed beyond the existing bulkhead line; c. Fill is necessary to protect existing development, coastal-dependent uses, or redeveloped areas from erosion; d. Fill will not interfere with commercial fishing activities and facilities; and e. Placement of the fill is consistent with the coastal public access policies of the General Plan.*

6.A.19: *The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The buffer shall be measured horizontally from the edge of the environmentally sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.*

f) No impact. The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Currently there are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans that include the project area. Therefore, no impact will occur.

MITIGATION MEASURES:

Mitigation Measure IV-1:

To avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented:

- Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between August 16 and March 14, when birds are not typically nesting, or
- If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Within 7 days prior to disturbance, pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.

V. <u>CULTURAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of an historical resource pursuant to §15064.5?		✓		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		✓		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		✓		

DISCUSSION:

Archaeological and Cultural Setting

Archaeological resources generally include sites, artifacts, materials, and properties of cultural importance to Native American people who inhabited the area prior to the arrival of Euro-Americans. The Native Americans present in the area prior to the arrival of Euro-Americans belong to the Wiyot (sometimes spelled Weott) tribe. Buildings, structures, sites, and districts that provide significant data about the more recent heritage of the area may be considered historical resources. Not all areas around the bay margin have been formally surveyed and inventoried.

The ancestral Wiyot territory extended from the Little River on the north to the Bear River Mountains on the south and inland approximately 15 miles to the first mountain ridgeline. Humboldt Bay was the central division of the territory. The Wiyot are more coastal and tidewater people than their neighboring tribe to the north, the Yurok, who are coastal in part but have a more riverine emphasis. The Wiyot arrived in the area approximately 1,050 to 1,100 years ago and joined the ancestors of the Karuk tribe, who made greater use of the interior hills and mountains than the rivers and coastal plain. The pattern of Wiyot settlements located along river terraces, the Humboldt Bay margin, and tidewater sloughs, indicate that much of the bay margin, tributary sloughs, and adjacent uplands may hold archaeological resources. Of particular archaeological significance is Tulawat Island (formerly Indian Island and Gunther Island). The Village of Tulawat was located on the eastern end of the island and was the setting for important ceremonial activities. Present-day Wiyot consider the island to be “the center of the Wiyot world and a sacred place.” The nearest shoreline of Tulawat Island (the southwestern portion) is more than 0.3 mile offshore of the proposed project site, and present-day Wiyot activities are limited to the eastern end of the island.

History of the Proposed Project Site

City of Eureka planning maps indicate that approximately one quarter of the proposed project site was below sea level in 1889. By 1927, the northern portion of the project site had been filled, and that portion of the property was above sea level. Historical uses of the proposed project site and surrounding lands were predominantly industrial and commercial between 1886 and approximately 1955.

Past Activities at the Proposed Project Site

The proposed project site was used as a lumberyard during the late 1800s by the Eureka Lumber Manufacturing Company. During the period from the early 1900s to 1930, site usage is not well documented. From 1945 to 1972, the site operated as a ferry boat business; the shore was lined with buildings and docks.

Past Infrastructure at the Proposed Project Site

Historical aerial photographs and city planning maps from the mid-1940s show the locations of several buildings and a railroad spur track on the site. Available historical information indicates that Union Pacific Railroad had maintained railroad tracks at the site but otherwise never used the site for maintenance or operations. Several floating docks were also constructed along the waterfront.

FINDINGS:

a) Less than significant impact with mitigation. The project will not cause a substantial adverse change in the significance of an historical resource pursuant to Section 15064.5. There are no historical resources as defined in Section 15064.5 at the proposed project location. There are no existing structures on the site. In the unlikely event that historical resources exist on the project site, incorporation of the City's Inadvertent Archaeological Discovery Protocol will ensure that impacts are less than significant.

b) Less than significant impact with mitigation. The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There are no known archaeological resources at the proposed project site pursuant to Section 15064.5 or any unique archaeological resources as defined in Section 21083.2 of the Public Resources Code. Much of the soil onsite consists of imported fill from unknown origin to depths of 10 to 14 feet (SHN 1999). In addition, due to contamination, the project will not result in soil disturbance more than one foot in depth over the majority of the project site. Approximately six feet of excavation will be needed to install the Filtera Vault. Therefore, native soils will be avoided. Based on consultation with local Tribes, the project will incorporate the City's Inadvertent Archaeological Discovery Protocol in the unlikely event that resources are found during construction. Therefore, impacts will be less than significant.

c) Less than significant impact with mitigation. The project will not disturb any human remains, including those interred outside of dedicated cemeteries. There is no formal cemetery at the proposed project site. The almost continuous industrial use of the proposed project site since the late 1800s and the presence of non-native fill to depths of 10 to 14 feet over much of the site makes it unlikely that any human remains or informal cemeteries will be present. In addition, due to contamination, the project will not result in soil disturbance more than one foot in depth over the majority of the project site. Approximately six feet of excavation will be needed to install the Filtera Vault. Therefore, native soils will be avoided. Based on consultation with local Tribes, the project will incorporate the City's Inadvertent Archaeological Discovery Protocol in place in the unlikely event that resources are found during construction. Therefore, impacts will be less than significant.

MITIGATION MEASURES:

Mitigation Measure V-1: Inadvertent Discovery Protocols a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist shall be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

- b. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.8. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

VI. <u>ENERGY</u>. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environment impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✓	

DISCUSSION:

Environmental Setting

Energy consumption and production are closely linked to the physical development of land. The City of Eureka is supplied with electricity and natural gas through PG&E supply grids. The majority of the energy consumed in Humboldt County is imported in the form of natural gas and petroleum products. PG&E's Humboldt Bay Generating Station is a gas-fired power plant located just south of Eureka. There are also several potential local renewable energy resources that are as yet mostly untapped, including wind, wave, biomass, solar and micro-hydroelectric. Conservation and increased efficiency are also ways in which to essentially boost energy capacity by reducing demand.

In 2003, the Redwood Coast Energy Authority (RCEA) was formed as a joint-powers authority (JPA), representing seven municipalities, including Eureka, and Humboldt County. A JPA is an entity where two or more public authorities work together to exercise a power common to them. As the regional energy authority, RCEA implements prioritized energy sustainability strategies on a regional basis through a Comprehensive Action Plan for Energy. This action plan is maintained by the RCEA Board. The City also implements energy sustainability strategies through policies, implementation measures, and standards contained in its General Plan.

Coastal Act Section 30253(d) requires new development to minimize energy consumption and vehicle miles traveled. The City's certified Coastal Land Use Plan, which is currently being updated, does not contain energy policies.

FINDINGS:

a) Less than significant impact. The project will not result in potentially significant environment impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. The project will use energy during short-term construction activities (e.g. construction equipment) and long-term operation of the project (e.g., maintenance). Vehicle traffic associated with the project will also involve energy usage. The project will generate some vehicle traffic during construction and will generate minimal vehicle traffic following construction (for maintenance activities).

The proposed construction activities will be short-term, occurring over a period of less than two months over a small area (< 20,000 sq. ft.). No extraordinary construction techniques or equipment will be used. The short duration and limited scope of construction will limit the potential for wasteful, inefficient, or unnecessary consumption of energy resources during construction.

Following the completion of construction, long-term operation and maintenance of the parking lot will not generate a substantial increase in vehicle trips compared to baseline conditions. The parking lot is intended to accommodate existing users of the area and is not expected to generate new users. Periodic monitoring and maintenance will be required after construction. Maintenance currently occurs at the project site in the form of mowing, which will no longer occur. A local company, already serving the area, will be hired to manage and maintain the parking lot. Because of the kiosk, only minimal oversight will be required.

Energy usage during operation will be minimal. The two light poles will utilize high-efficiency LED bulbs and will be solar-powered. The pay station kiosk is similarly efficient and solar powered but will be connected to existing utilities adjacent to the site for back-up power. Therefore, the proposed project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

b) Less than significant impact. The project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. California's primary energy efficiency standards are found in State's Building Standards Code, Title 24 of the CA Code of Regulations. All of those requirements will be met as they pertain to the project. Energy utilized by the project will be minimal and will not impact efforts to improve energy efficiency. Therefore, the project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

MITIGATION MEASURES:

None necessary.

<u>VII. GEOLOGY AND SOILS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			✓	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓	

ii) Strong seismic ground shaking?			✓	
iii) Seismic-related ground failure, including liquefaction?			✓	
iv) Landslides?			✓	
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✓	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓

DISCUSSION:

Environmental Setting

Most of the information in this section comes from Humboldt Bay Harbor, Recreation and Conservation District (HBHRCD) (2011) and SHN (1999). HBHRCD (2011) is a CEQA Initial Study for remediation activities to clean up soil contamination on the vacant property adjacent to the project site. And SHN (1999) is a geotechnical report for the adjacent Bayfront Restaurant project, which also included the project site.

The project site occupies a generally flat area along the margin of Humboldt Bay. Historic maps of the Eureka area suggest that during the late 1800's and early 1900's, much of the natural marshlands along the Humboldt Bay waterfront, including the project site, were "re-claimed" by placement of uncontrolled fill. Natural estuarine channels and pre-existing marsh surfaces were buried by fill (often timber slash and/or mill waste) and subsequently developed. The historical maps suggest that two estuarine channels crossed the project site and the adjacent lot to the west. Therefore, fill thickness is likely to vary across the site. Site-specific boring and test pit data indicate that 10 to 14 feet of fill cover the original native marsh surface on the northern half of the site.

The Humboldt Bay region is underlain by bedrock of the Paleocene-Eocene Yager terrane, a part of the Coastal belt of the Franciscan Complex. Yager terrane bedrock is in excess of 1,000 feet below the ground surface in the vicinity of Humboldt Bay, based on deep exploratory wells in the region. This basement rock is unconformably overlain by a late Miocene to middle Pleistocene age sequence of primarily marine deposits referred to as the Wildcat Group. These sedimentary rocks were primarily deposited in a deep coastal basin (e.g., the ancestral Eel River basin). The Wildcat Group, in turn, is truncated at its top and overlain by coastal plain and fluvial deposits of middle to late Pleistocene age. In the Eureka area, these deposits are referred to as the Hookton formation.

Beneath Humboldt Bay, and along its margins, Hookton formation deposits are overlain by late Holocene age bay muds and associated littoral and estuarine deposits. Near alluvial sources at the fringes of the bay, bay muds are intermixed with terrestrial alluvial deposits. These youthful, generally unconsolidated deposits vary in thickness and composition around the bay. Boring data from the site suggest that these bay margin deposits

extend to depths of 16.5 to 20 feet beneath the modern ground surface. Well-consolidated dense sands (e.g., Hookton formation) underlie the bay margin deposits at the site to the depths explored. Hookton formation sands are capable of supporting heavy concentrated loads under static conditions. Groundwater levels were typically observed 3.5 to 4.5 feet below the ground surface on the dates and at the locations monitored. Groundwater levels beneath the site are likely to be tidally influenced.

Faults and Seismicity

The seismicity of the proposed project area reflects the complex geologic history. Major northwest-trending southwest-verging thrust faults are located near the proposed project. The Freshwater Fault is located approximately 4 miles east of the proposed project, and the Little Salmon Fault is approximately 5 miles to the southwest. The Mad River fault zone is a group of active, anastomosing, northwest-trending faults located north of Arcata Bay. The Little Salmon Fault is considered to be active, and up to four seismic events have occurred along the Little Salmon Fault within the past 2,300 years. The Cascadia Subduction Zone, the intersection between the Gorda Plate and the North American Plate is located about 36 miles west of the project site. The most significant active faults that may impact the site, the Little Salmon Fault and Cascadia Subduction Zone, both dip beneath Humboldt Bay. The effective distance between these earthquake sources measured in the subsurface is less than the distance measured on the ground surface.

Despite the fact that earthquakes are very common in the proposed project area, the proposed project site is not covered by an existing Alquist-Priolo fault map and no faults are known to occur within the proposed project area. The nearest mapped Alquist-Priolo faults to the proposed project area are the Fickle Hill Fault (part of the Mad River fault zone) approximately 6 miles to the northeast in Arcata and the Little Salmon Fault Zone approximately 5 miles to the south-southeast in Humboldt Hill. Other faults in the vicinity of the proposed project that are not included in the Alquist-Priolo Fault Zone Maps have been mapped by the California Geological Survey. Faults with Holocene displacement (during the past 11,700 years), but no historic record of movement, are located within the Mad River fault zone and the offshore portion of the Little Salmon Fault but are not present within the proposed project area.

Seismic activity is very common in the vicinity of the proposed project. Historically, earthquake epicenters have typically been located south of Eureka near the Little Salmon Fault Zone, with fewer epicenters located under the city itself. The peak ground acceleration (10 percent probability of being exceeded in 50 years) at the proposed project site is approximately 70%g (the unit "g" being the acceleration of gravity, or approximately 9.81 m/s²).

Ground Failure, Liquefaction and Lateral Spreading

Weak, compressible soils, a portion of which are indicated to be potentially liquefiable, extend up to maximum depths of approximately 17 to 30 feet beneath the site. Liquefaction generally occurs during or closely following dynamic loading of loose or medium dense, low cohesion soil materials beneath the groundwater surface. Increased soil particle size, increased silt and clay content, increased cohesion, and increased geologic age decrease liquefaction risk. During shaking, pore water pressure builds up until shear strength is lost or reduced. Liquefied soil can be ejected to the ground surface in sand boils (i.e., "sand volcanoes"), or through ground cracks. Shallow foundation bearing support can be temporarily lost. Block (lateral) gliding of upper, non-liquefied soils can occur, or lateral spreading or movement of liquefied soils may occur, even on mild slope gradients, provided an underlying liquefied layer extends near a slope face. Geotechnical information indicates that the northern portion of the site has a low to moderate risk for liquefaction, but the southern portion of the site has a high risk due to finely textured soils and high groundwater elevations. (SHN 1999).

FINDINGS:

a) Less than Significant Impact. The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; or (iv) landslides.

Moderate to high levels of ground shaking as a result of seismic activity do occur within the project area, which could pose a risk to workers during construction. No Alquist-Priolo Fault Zones or other faults are known to exist within the project area. Ground failure events are not likely to occur during seismic events; the proposed project site and surrounding areas are nearly flat and are not susceptible to landslides. Although there is some potential for liquefaction to occur at the site during an earthquake (see further discussion under “c” below), no buildings or occupied structures will be created under the proposed project; therefore, no significant impacts will occur to structures or people under this criterion.

b) Less than Significant Impact. The project will not result in substantial soil erosion or the loss of topsoil. The site is generally flat and not subject to significant erosion. Although onsite soils do support vegetation, the fact that they consist of non-native fill along with the presence of soil contaminants significantly decreases their value as topsoil. The project proposes capping the majority of the site with compacted fill and an asphalt layer to be used as a parking lot. The upper root layer of soil will be scraped off and will be used in landscaping onsite to the extent possible; the rest will be disposed of at a permitted facility. The site will be graded to redirect drainage away from Humboldt Bay and into the new Filterra Bioscape Vault for treatment prior to discharge into the City’s storm drainage system; the existing drain inlet on the site will be capped to prevent stormwater infiltration. Grading will include importation of fill as well as grading of the top one foot of soil to achieve proper drainage and to match the adjacent grade to the west. Erosion and sediment control BMPs will be utilized during construction. A Preliminary Erosion and Sediment Control Statement was submitted with the application, which identifies appropriate BMPs that will be utilized. A final construction erosion and sediment control plan will be developed prior to construction that will protect Humboldt Bay from any polluted runoff and debris. As such the project will not result in substantial erosion or loss of topsoil and will benefit surrounding waterways by preventing mobilization of contaminants.

c) Less than Significant Impact. The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslides, lateral spreading, subsidence, liquefaction or collapse. The southern portion of the property is composed of loose to medium dense, essentially cohesionless, fine-grained sandy soils to a maximum depth of between 16-1/2 and 20 feet beneath the existing ground surface. Water levels taken in November 1995 indicate these soils to be submerged below a depth of about 4 feet. These conditions indicate a high risk of soil liquefaction under strong, prolonged seismic shaking. Careful engineering of foundations can generally alleviate the risks from liquefaction. In this case, only a parking lot is proposed, so no foundation is needed. Fill material is primarily proposed to be added to the northern half of the project site, where liquefaction potential is low to moderate. The proposed asphalt parking lot will not add a significant amount of weight, will not impact the depth of the groundwater table, and does not create a substantial risk to people or property should liquification occur. Therefore, the project will not increase risks associated with liquefaction.

On the northern portion of the property, borings indicate 10 to 14 feet of fill materials overlying bay mud soils. The underlying bay mud layer has been partially consolidated and strengthened over time by the overlying fill loadings. The overlying fill materials along the shoreline were variously logged as clayey silty sand or gravely sand containing shells, wood chips and boulders; clayey sand with wood and debris (with too much debris to sample); clayey gravel with sand; and clayey, sandy fine gravel. Although these fill soils are

indicated to be poorly consolidated and beneath the water table, they are considered to be at low to moderate risk of liquefaction, due to their gravel, clay, and debris content.

Topography of the proposed project and surrounding area is flat and is not subject to landslides or other types of mass wasting or collapse. Therefore, the project impacts are less than significant.

d) Less than significant impact. The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Soils around the bay margin do not typically contain plastic clays subject to significant shrink-swell potential. Furthermore, since groundwater is shallow at the site due to its low elevation, soils do not have an opportunity to undergo wet-dry cycles necessary to cause soil expansion. Settlement would be expected from structural loadings of existing poorly consolidated soils, including fill, bay mud, woodwaste, and upper native sands. The amount of settlement depends on the magnitude, area, and duration of the loading, and on the compressibility of the underlying deposits. The rate of settlement is correlated to soil type and permeability, and to the degree of soil saturation. There are no recent signs of settlement on the site, and the proposed project will not add significant loading that could hasten settlement. In addition, the parking lot is not a type of structure that would pose a significant risk to life or property should some settlement occur in the future.

e) No impact. The project will not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The project will not generate any wastewater. In addition, City sewers are available for the disposal of wastewater, so septic systems or alternative wastewater disposal systems will not be necessary.

f) No impact. The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. There are no known paleontological resources or sites on the property of the proposed project. There are no known unique geologic features. The site has been in almost continuous industrial use since the late 1800s and contains non-native fill to depths of 10 to 14 feet over much of the property. And the shallow excavations resulting from this project would not pose a risk to any unknown resources. Therefore, there will be no impact.

MITIGATION:

None necessary.

<u>VIII. GREEN HOUSE GAS EMISSIONS.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				✓

DISCUSSION:

Environmental Setting

Climate change refers to any significant change in measures of climate (e.g., temperature, precipitation, or wind) that lasts for an extended period (decades or longer). Climate change may be affected by a number of

factors including natural cycles (e.g., changes in the sun's intensity or Earth's orbit around the sun); natural processes within the climate system (e.g., changes in ocean circulation); and human activities that change the atmosphere's composition (e.g., burning fossil fuels) or land surface (e.g., deforestation, reforestation, urbanization, and desertification). According to the Intergovernmental Panel on Climate Change (IPCC) third assessment report, increased atmospheric levels of CO₂ are correlated with rising temperatures. Concentrations of CO₂ have increased by 31 percent above preindustrial levels since 1750. Climate models show that temperatures are predicted to increase by 1.4°C to 5.8°C between 1990 and 2100. Much of the uncertainty in this increase results from unknown future CO₂ emissions, but there is also some uncertainty about the accuracy of climate models.

As defined in Assembly Bill (AB) 32 (2006), greenhouse gases (GHGs) include but are not limited to: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (NO_x), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (SF₆). Global warming potential (GWP) is a measure of how much a given mass of GHG is estimated to contribute to global warming and is devised to enable comparison of the warming effects of different gases. It is a relative scale that compares the gas in question to that of the same mass of carbon dioxide. Carbon dioxide equivalency (CO₂e) is a quantity that describes, for a given GHG, the amount of CO₂ that will have the same GWP when measured over a specified timescale generally reported in metric tons/year of CO₂e.

According to the IPCC, the concentration of CO₂ has increased from approximately 280 parts per million (ppm) in pre-industrial times to well over 380 ppm. The current rate of increase in CO₂ concentrations is about 1.9 ppm/year; present CO₂ concentrations are higher than any time in at least the last 650,000 years. California has managed to reduce total and per capita GHG emissions to meet the statewide GHG reduction target for 2020 to reduce total statewide GHG emissions to the level they were in 1990 (Health & Safety Code, Section 38550). But to meet the 2050 goal of 80 percent below 1990 levels (Executive Order S-3-05), not only must projects contribute to slowing the increase in GHG emissions, but, ultimately, projects should contribute to reducing the State's output of GHGs. To reach California's GHG reduction targets, it is estimated that per capita emissions will need to be reduced by slightly less than five percent per year during the 2020 to 2030 period, with continued reductions required through mid-century.

According to the Governor's Office of Planning and Research (2018), the impacts of climate change pose an immediate and growing threat to California's economy, environment, and to public health. Cities and counties will continue to experience the effects of climate change in various ways, including increased likelihood of droughts, flooding, wildfires, heat waves and severe weather. In Eureka, climate change impacts of particular concern are coastal erosion, flooding, and habitat modification, as well as water supply issues. Neither the City of Eureka nor Humboldt County General Plans include numeric limits on GHG emissions. The County and incorporated cities are in the process of developing a Climate Action Plan which will be designed to achieve reductions in GHG emissions consistent with the state Global Warming Solutions Act of 2006.

Given the global nature of climate change resulting from GHG emissions, GHG emission impacts are inherently cumulative in nature. The determination whether a project's GHG emissions impacts are significant depends on whether emissions would be a cumulatively considerable contribution to the significant cumulative impact. Threshold of significance criteria for determining whether a project's GHG emissions is significant, either project specifically or cumulatively, is set forth in CEQA Guidelines §§ 15064(h)(3), 15064.4, 15130(b)(1)(B) and (d), and 15183.5, all of which may be used individually, collectively or in combination with one another in making such a determination. The NCUAQMD has not approved GHG emission significance thresholds for temporary construction projects or mobile sources. In 2011 the NCUAQMD adopted Rule 111 – Federal Permitting Requirements for GHG Sources, which excludes any stationary source that emits below 50,000 metric tons of CO₂e per year.

FINDINGS:

a) **Less than Significant Impact.** The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Low levels of temporary GHG emissions will be generated during construction of the proposed project from equipment and vehicles. Heavy equipment operation produces GHG mainly in the form of carbon dioxide with small amounts of methane and nitrous oxide. GHG emissions will be temporary, coinciding with construction activities. Operational emissions would be minimal but could result from vehicle trips generated for maintenance purposes and electrical use for lighting and payment infrastructure. There are no stationary combustion sources associated with the construction or operation of the proposed project.

Maximum daily and total GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod). The emission estimates reflect a conservative calculation based on estimated total use of each type of equipment anticipated for excavation and transportation. Estimated total project construction emissions will be 17.2 metric tons of CO₂; 0.003 metric tons of CH₄; and 0.000 metric tons of N₂O, equating to 17.24 metric tons of CO₂e. Project operations are expected to result in no more than 1.58 metric tons of CO₂e per year. Emissions would actually be less than that, because the CalEEMod analysis assumed that electricity use would not be from renewable sources. Both of these amounts are far less than the NCUAQMD threshold for stationary sources of more than 50,000 metric tons of CO₂e per year. As with other individual small projects, the emissions that will result under the proposed project are not expected to individually have a significant impact on global climate change. Therefore, implementation of the proposed project will result in less than significant impacts related to GHG emissions.

b) **No Impact.** The project will not conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The Climate Change Scoping Plan, approved by CARB on December 12, 2008, provides the outline for actions to reduce California's GHG emissions. The scoping plan now requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. At this time, no mandatory GHG regulations or finalized agency guidelines will apply to the proposed project. It should be noted that the project will have no associated operational or stationary source GHG emissions other than minimal amounts generated from mobile sources; overall project impacts on Climate Change are consistent with the policies and regulations adopted for meeting GHG emission reduction targets in California.

According to the City's General Plan Update EIR, the City of Eureka has developed draft policy objectives, strategies, and programs to address GHG emissions and climate change. These draft policies include improving energy efficiency, increasing renewable energy, reducing transportation emissions through vehicle and fuel strategies, reducing vehicle miles traveled through land use strategies, reducing vehicle miles traveled through public transit, transportation demand management, and active transportation strategies, reducing solid waste sent to landfill, water conservation, and supporting local business and agriculture. As noted above, neither the City of Eureka nor Humboldt County General Plans include numeric limits on GHG emissions. The County and incorporated cities are in the process of developing a Climate Action Plan in partnership with the RCEA, which will be designed to achieve reductions in GHG emissions consistent with the state Global Warming Solutions Act of 2006. This project will not interfere with the adoption or implementation of the Climate Action Plan.

MITIGATION MEASURES:

None necessary.

IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✓
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

DISCUSSION:

Environmental Setting

Soils Contamination: The site currently contains soil contamination from past uses, adjacent uses, and imported fill material. Several investigations have occurred over the years. Partial remediation has occurred through removal of contaminated soils in 1996 and 2017. Freshwater Environmental Services (FES) prepared a Remedial Action Plan (RAP) in October 2016 for the site. The October 2016 RAP documented that soils were still impacted with total petroleum hydrocarbons (TPH), arsenic, lead, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs), with lead and PCBs being above remedial goals (FES 2019). Approximately 400 cu. yds. of contaminated soil were removed from the southeast corner of the property in 2017. In February 2018, FES collected additional soil samples to characterize the soils in the top 2 feet of the fill soil at the site. Lead, benzo(a)pyrene (BaP) and PCBs in varied levels of concentration were identified in these soils, but only PCBs exceeded remedial goals set by the NCRWQCB (Case No. 1NHU397) (FES 2019). FES (2019) recommended a cap to prevent exposure to site users and to prevent rainwater infiltration and leaching of contaminants into groundwater at the site.

A Human Health Risk Assessments (HHRA) was prepared by GHD in November 2019. The report found that levels of BaP equivalent, lead and PCB could pose a hazard for users and workers in and around the site through direct contact only. The asphalt cap will remove exposure pathways by preventing direct contact. A health and safety plan (HASP) was recommended to prevent construction/utility worker exposure to lead within the soil beneath the cap during ground disturbing activities. The HHRA additionally recommended that a Deed Restriction be recorded to maintain the soil cap to prevent direct contact and exposure. These recommendations have been incorporated into the project.

Schools: The project site is not located within a one-quarter mile of an existing or planned school. The nearest school to the project site is Alder Grove Charter School and is located approximately 0.4 miles south on F Street.

Airport and Aviation Hazard: There are three airports or airstrips within the vicinity of the proposed project. Murray Field, owned and operated by Humboldt County, is primarily a general aviation airport located approximately 2.7 miles east of the proposed project site. The Samoa Field Airport, owned by the City of Eureka, is located 3 miles to the southwest on the Samoa peninsula. Commercial aviation in the region is served by Eureka-Arcata airport, located more than 10 miles to the north.

Emergency Response: Emergency response and evacuation in the project area is the responsibility of the Eureka Police Department and Humboldt Bay Fire (HBF). These agencies provide critical emergency response services and leadership and serve as the community's primary response agencies. The Eureka Police Department Headquarters is located at 604 C Street which is approximately 0.5 mile from the project site. The closest Humboldt Bay Fire Station is Station 1, located at 533 C Street, which is approximately 0.35 miles from the project site. In addition, the City of Eureka ensures fire safety and emergency accessibility within new and existing development through provisions of its Building and Fire Codes.

Wildland Fires: Fire protection at the proposed project site is provided by the HBF. According to the California Department of Forestry and Fire Prevention, the City of Eureka is bordered by areas defined as "Moderate" and "High Fire Hazard." According to the CAL FIRE's Fire Hazard Severity Zone, the project site is an area unzoned for fire severity and under Local Responsibility.

FINDINGS:

a) Less than significant impact. The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project does not involve the routine transport, use, or disposal of hazardous materials. The project site will be capped with an asphalt parking lot in order to contain existing soil contamination and eliminate potential contact with stormwater, or people. Although small amounts of hazardous materials, such as diesel fuels, motor oils and asphalt will be used in association with construction activities, those will occur over a very limited time and area, and standard safety protocols and regulations will minimize any risks. Therefore, the impact will be less than significant.

b) Less than significant impact. The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The purpose of the project is to prevent the release of hazardous materials into the environment. The project site will be capped with an asphalt parking lot in order to contain existing contamination. The cap will eliminate potential exposure to people and will prevent stormwater infiltration that could result in mobilization of contaminants in groundwater. As required by the NCRWQCB, a Soil and Cap Management Plan (SCMP), which includes a Health and Safety Plan (HASP) to prevent exposure and protect workers during construction of the cap and any future soil-disturbing activities will be developed as part of the site management process. The SCMP will include annual inspection and maintenance requirements and will be recorded on the property deed in the form of a Land Use Covenant. Therefore, the project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

c) No impact. The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project site is

not located within a one-quarter mile of an existing or planned school. The nearest school to the project site is Alder Grove Charter School and is located approximately 0.4 miles south on F street.

d) Less than significant impact. The project will be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, but will not create a significant hazard to the public or the environment. In a letter dated November 19, 2019 (Case No. 1NHU397), the NCRWQCB concurred with the proposal to redevelop the site with a 100% asphaltic cap and manage the site with a soil and cap management plan including a HASP for potential worker exposure during construction and any future redevelopment. NCRWQB staff further concurred with the use of the site as a parking lot in conjunction with the cap with stormwater treatment for the parking lot runoff (NCRWQCB 2021). The project will result in compliance with the NCWQCB Site Cleanups program. Therefore, the project will have less than significant impacts related to this criterion.

e) No impact. The proposed project site is not located within the area of any airport land use plan and is not located within 2 miles of a public airport or public use airport. Therefore, the proposed project will not result in a safety hazard for people residing or working in the area around the proposed project site.

f) Less than significant impact. The project will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed project will not impact long-term traffic circulation or increase demands on existing emergency response services. Any necessary traffic control activities on public roads during construction will be conducted consistent with local ordinances. No roads will be closed to emergency vehicles during the execution of the proposed project. The project is located within the mapped tsunami inundation area. However, the project does not include any habitable structures. Thus, the proposed project will not physically interfere with emergency response or evacuation activities, and no impacts will occur.

g) No impact. The project will not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. The proposed project site is located in an urbanized area served by HBF. Due to the lack of wildlands at or in the vicinity of the proposed project site, the proposed project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Also see discussion below in Section XX.

MITIGATION MEASURES:

None necessary.

X. <u>HYDROLOGY AND WATER QUALITY.</u> Would the project:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				✓
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:			✓	
i)	result in substantial erosion or siltation on- or off-site;				✓

ii)	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			✓	
iii)	create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			✓	
iv)	impede or redirect flood flows?			✓	
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			✓	
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✓

DISCUSSION:

Environmental Setting

The proposed project site consists of two distinct geographic areas: a waterfront area (Humboldt Bay tidelands) and an upland area. The waterfront area is the mudflat and steep, rocky embankment along Humboldt Bay on the northeast corner of the site. The upland area, which occupies the vast majority of the property, is defined as the area above the MHHW, which is 7.23 ft. NAVD88; the top of bank meanders around the 10-foot elevation contour. The upland area is lightly vegetated and has a near flat grade draining toward Humboldt Bay. All project work will occur on the upland areas, above the top of bank.

Aquatic portions of the project site north of the uplands are included within the tidelands of Humboldt Bay. The project site is located adjacent to the Inner Reach Channel, opposite the Woodley Island Marina. No creeks or streams are located within the project area.

The principal natural hydrological inputs for the upland portion of the project site are precipitation and surface runoff from adjacent lands. Generally, monitoring data and topographic gradients demonstrate that on site ground water flow is primarily to the north toward the bay. Groundwater at the site is shallow, ranging between approximately 3.5 and 4.5 feet below ground surface and is likely influenced by tidal action. No active water supply wells are located on site.

The northern approximately one-third of the property is located within a designated VE flood hazard zone, as designated by the Federal Emergency Management Agency (FEMA), with a base elevation of 15 ft. NAVD88 (Figure 5). This includes the 100-year flood elevation (10 to 11 ft. based on adjacent AE zones), combined with high tide and wind waves. The proposed elevations at the northern end of the project are 12.9 ft. for the asphalt and 13.1 ft. for the curb (not including the retaining wall). The project site is also located within the tsunami hazard area.

The City of Eureka storm drainage system consists of gutter flow by gravity that is discharged at numerous points into Humboldt Bay, sloughs and drainages in and around the City. Much of the City's existing storm drainage network is old and undersized.

FINDINGS:

a) Less than significant impact. The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The site currently has the potential to impact ground and surface water quality through mobilization of existing soil contaminants. The purpose of the proposed project is to prevent offsite contamination by capping the site with a 18,343 sq. ft. asphalt parking lot to prevent rainwater from infiltrating into the soil. The parking lot will not generate any

wastewater but will generate stormwater runoff. The site will be graded such that stormwater will be directed to a new Filterra Bioscape Vault for treatment prior to discharge into the City's storm drainage system; the existing drain inlet on the site will be capped to prevent stormwater infiltration. The Filterra Vault has been designed to meet the NPDES MS4 post-construction stormwater requirements with concurrence from NCRWQB stormwater staff on August 18, 2021 (NCRWQCB 2021).

During construction, measures will be taken to ensure that no material or debris enters Humboldt Bay, including perimeter control BMPs. A Preliminary Erosion and Sediment Control Statement was submitted with the application, which identifies appropriate BMPs that will be utilized. A final construction Erosion and Sediment Control Plan, including a site map with locations of proposed BMPs, will be developed prior to construction that will protect Humboldt Bay from any polluted runoff and debris. Therefore, the proposed project is not expected to discharge polluted storm or wastewater to land or surface water bodies.

b) No impact. The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project is within the Eureka Plain Groundwater Basin, which is classified as very low priority and is not overdrafted. The proposed project will not utilize any groundwater, but it will create new impervious surfaces, which could interfere with groundwater recharge by preventing infiltration. As previously described, the proposed parking lot will serve as a soil cap to prevent mobilization of existing soil contamination. However, groundwater elevations on this site are primarily controlled by tidal levels in the adjacent Humboldt Bay rather than stormwater infiltration. Therefore, the project is not expected to result in a net deficit in aquifer volume or a lowering of the local groundwater table.

c) Less than Significant Impact. The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces. The existing site has historically been significantly altered from natural conditions. The proposed project will alter the existing drainage pattern of the site, but in a way to benefit water quality. Currently most of the site drains towards Humboldt Bay. Construction of the parking lot will include raising the northern portion of the site by grading the upper one foot of soil and adding approximately 534 cubic yards of fill to increase surface level up to six inches. Raising the surface level of the project site will contour the parking lot to drain away from Humboldt Bay and into a new Filterra Bioscape Vault for treatment prior to discharge into the City's storm drainage system; the existing drain inlet on the site will be capped to prevent stormwater infiltration. The parking lot configuration and construction methods have been designed to minimize disturbance of the existing, contaminated soils onsite, to control stormwater flow, and prevent infiltration of stormwater. Therefore, the project will not substantially alter the drainage pattern of the site or area.

i) No impact. The project will not result in substantial erosion on or off site. The existing site is generally flat. Stormwater will be directed into a new Filterra Bioscape Vault for treatment prior to discharge into the City's storm drainage system; the existing drain inlet on the site will be capped to prevent stormwater infiltration.

ii) Less than significant impact. The project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite. The project site is not in an area prone to flooding. The project will introduce 16,282 sq. ft. of new impervious surface to the project site and will result in a corresponding increase in the amount of stormwater runoff. Stormwater will be directed into a new Filterra Bioscape Vault for treatment prior to discharge into the City's storm drainage system; the existing drain inlet on the site will be capped to prevent stormwater infiltration. The Filterra Bioscape Vault has been sized to accommodate the required design storm, prior to discharging to the City's storm drain system, which will prevent flooding on the project site and on the adjacent Bayfront One property.

iii) Less than significant impact. The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. While the project is complying with the City's requirement to provide landscaping areas totaling 2% of parking lot areas, the project cannot comply with the requirement(s) to incorporate additional Low Impact Development (LID) to retain and infiltrate stormwater onsite due to the need to avoid soil disturbance and stormwater infiltration. Instead, a Filterra Bioscape Vault will be installed to filter the stormwater and ensure the runoff is not polluted.

The City's EIR for the 2040 General Plan Update (not certified in the Coastal Zone) found less than significant impacts in regards to stormwater from build-out, explaining that: *"While stormwater systems within the Plan Area have been deemed to be in need of refurbishment, the development from, and the implementation of, the 2040 General Plan would not necessarily require the construction of new stormwater drainage facilities, particularly if most of that development is infill in nature in areas where existing stormwater infrastructure is already present."* And: *"while stormwater systems within the Plan Area have been deemed to be in need of upgrades, implementation of the 2040 General Plan would not necessarily be the reason for the required increased capacity of stormwater drainage facilities; rather general wear and tear on the system and typical maintenance requirements would be the reason for any upgrades."* Therefore, the project will not create or contribute stormwater runoff that would exceed the capacity of the City's existing stormwater drainage system, nor will it be a source of polluted runoff.

iv) Less than significant impact. The project will not impede or redirect flood flows. The northern approximately one-third of the property is located within a FEMA designated VE flood hazard zone with a base elevation of 15 ft. NAVD88 (Figure 5). This includes the 100-year flood elevation (10 to 11 ft. based on adjacent AE zones), combined with high tide and wind waves. The proposed elevations at the northern end of the project are 12.9 ft. for the asphalt and 13.1 ft. for the curb (not including the retaining wall). The retaining wall would deflect wave action from the north, but the site would still be at risk of inundation from wave action via the property to the east. This risk is expected to increase over time as sea level rises. However, the project consists of a parking lot with a few small structures (e.g. kiosks and light poles) that will not impede or redirect flood flows.

d) Less than significant impact. The project site is within a tsunami hazard zone and the northern portion of the site is within a designated VE flood hazard zone. The site is currently vacant and is proposed to be used as a parking lot. Inundation by a tsunami could result in the release of pollutants from parked vehicles. However, the parking lot will accommodate only 42 vehicles, and is intended to accommodate existing users of the surrounding area. The project will not generate any new pollutants and is designed to prevent mobilization of existing soil pollution through installation of an impermeable soil cap. Therefore, the project will not substantially increase risks associated with the release of pollutants resulting from inundation by a tsunami or flood.

e) No impact. The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project is not within an area covered by a sustainable groundwater management plan and meets the requirements of the NCRWQCB Basin Plan.

MITIGATION MEASURES:

None necessary.

XI. <u>LAND USE/PLANNING.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?				✓
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓	

DISCUSSION:

Environmental Setting

The proposed project site consists of an approximately 20,000 sq. ft. property on the south side of Humboldt Bay across from Woodley Island. The site is located between the Bay and 1st street and between F and G Streets. It is currently vacant and partially enclosed with welded wire fencing. The site is in a prominent location adjacent to the Eureka waterfront and just north of “Old Town,” just east of the Bayfront Restaurant / Bayfront One vacation homes. The eastern end of the Eureka Boardwalk lies adjacent to the northern property line along the shoreline of Humboldt Bay. It is bordered on the east and south by vacant land (formerly the site of G&R metals).

Land use at the site is governed by the 1997 Coastal General Plan/Land Use Plan (LUP) and the Coastal Zoning Code/Implementation Plan (IP). The site is zoned by the City of Eureka as Waterfront Commercial District (CW). All immediately adjoining parcels and those within 500 ft. of the project parcel are also zoned as CW except for the 1st Street/ Waterfront Drive corridor, which is zoned Public (P). Other coastal parcels in the vicinity are zoned Office and Multi-Family Residential District (OR) to the east and southeast with Limited Industrial District (ML), and Coastal Depended Industrial located more than 1,000 ft. west.

FINDINGS:

a) No impact. The project will not physically divide an established community. The project is located on the edge of town adjacent to Humboldt Bay. The Bayfront Restaurant / Bayfront One vacation homes are located to the west, and vacant land to the south and east.

b) Less than significant impact. The project will not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project is in an urbanized area, and, although a use permit is required in the CW zone for “parking facilities, including fee parking facilities,” (per EMC Section 10.5.29113) the project does not conflict with applicable zoning and other regulations.

The Coastal Act was designed to protect coastal resources and public access to the coastline. The following certified coastal LUP policies and IP regulations apply to the project.

IP Section 10-5.294.1 and LUP Section 5 (Recreational and Cultural Resources) address public access and easements. Pursuant to LUP Policy 5.B.5 and IP Section 10-5.2941.2, vertical access easements to the shoreline shall be granted for new development unless another more suitable public access corridor is available or proposed by the LCP within 500 ft. of the project. In addition, pursuant to LUP Policy 5.B.6 and IP Section 10-5.2941.3, lateral access along the shoreline is required with certain exceptions. Vertical access to the Eureka Boardwalk is provided via F Street, approximately 200 ft. west of the project site. Therefore, no vertical access easement is required. In addition, the project will voluntarily provide public access directly to the Boardwalk from the parking lot. Lateral access is also unnecessary for this project, because it is already

provided along the shoreline via the Eureka Boardwalk which is located along the full bayfront extent of the proposed development.

LUP Policy 5.B.9 and IP Section 10.52941.5 state that: *“Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.”* The property owners plan to eventually develop the site with other uses when economic conditions become more favorable. This project is an interim project that is designed to protect water quality by capping the site to prevent mobilization of contaminants in the meantime, while still allowing some economic return and community benefit in the form of parking. Commercial, residential, and mixed-use projects have been found to be economically infeasible at this time due to the high costs of development relative to potential revenues. Leaving the site vacant is not feasible due to the soil contamination and the risk it poses to water quality. A cap of the site without a parking lot would not provide any economic benefits to the owners, nor any access benefits for the public.

The project will not require any shoreline construction; all work will occur at or above the top of bank. However, construction will occur adjacent to the shoreline of Humboldt Bay, which is considered an Environmentally Sensitive Habitat Area (ESHA) according to LUP Policy 6.A.6 and IP Section 10-5.2942.3. LUP Policy 6.A.7 and IP Section 10-5.2942.4 requires that: *“Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.”* The proposed project is consistent with this requirement. Fill will be added to the northern portion of the site such that it will drain away from Humboldt Bay. The asphalt cap will prevent infiltration of stormwater and mobilization of the existing soil contaminants. The project site is located in an area where the shoreline has already been significantly altered and that has a long history of industrial and commercial development; the development area does not provide quality habitat, and species utilizing Humboldt Bay would already be adapted to the human disturbance in the area. The site is zoned and planned for additional development and is consistent with adjacent development.

LUP Policy 6.A.19 and IP Section 10.52942.15 require buffers of 100 ft. from ESHA *“unless the applicant for the development demonstrates on the basis of information, the type and size of the proposed development, and / or proposed mitigation (such as planting of vegetation) that will achieve the purposes of the buffer, that a smaller buffer will protect the resources of the habitat area.”* A 100 ft. buffer from the edge of Humboldt Bay (high tide line) would preclude most if not all development on this site and has been determined to be unnecessary to protect Humboldt Bay. A request for a reduced buffer consistent with LUP policy 6.A.19 was prepared for the project by a qualified botanist.

The report concluded that 0-foot setback from the top-of-bank of Humboldt Bay would be adequate to protect Humboldt Bay and create a compatible and sustainable development. The botanist found that the project site itself does not contain any suitable habitat for special status species and exists in a disturbed condition with adjacent urban uses. There is currently little to no functional habitat within this area because of the disturbance regimes and presence of managed, sparse, non-native vegetation. Human disturbance onsite and the existing grade does not provide any functional relationship to Humboldt Bay, nor protection of Humboldt Bay from activities occurring onsite. The construction of a retaining wall and the redirection of stormwater would provide protection for Humboldt Bay from impacts on the site. Sensitive species within adjacent areas of Humboldt Bay would also be adapted to the decades-old disturbance regimes within these upland areas and the Eureka Boardwalk, located seaward of the top-of-bank immediately north of the parcel

LUP Policy 7.B.1 and IP Section 10-5.2943.3 state that: *“Development on or near the shoreline of Elk River, Humboldt Bay, and Eureka Slough shall neither contribute significantly to, nor be subject to, high risk of damage from shoreline erosion over the life span of the development.”* The project site is separated from

Humboldt Bay by a rocky embankment. The development area is mostly flat. There is no evidence that the site has been subject to substantial erosion. A new Hilfiker retaining wall will be constructed along the top of bank to contain the new fill that will imported to the site. Development of a parking lot is at low risk to and from coastal erosion. It will not include structures that would be at substantial risk from erosion and will not expose people to additional hazards. It will be graded to drain away from Humboldt Bay and can accommodate stormwater and flooding without eroding.

LUP Policy 7.B.4 and IP Section 10-5.2943.3 require a geologic report for high density/high occupation uses in areas of liquefaction hazards. Although portions of the project site are subject to liquefaction hazards, no occupied structures are proposed. Liquefaction is further discussed above in Section VII, Geology and Soils. The LUP and IP also protect visual and cultural resources, which are further discussed above in Sections I, Aesthetics and V, Cultural Resources. No significant impacts were identified. Therefore, the project will not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

MITIGATION MEASURES:

None necessary.

XII. <u>MINERAL RESOURCES.</u> Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

DISCUSSION:

Environmental Setting

According to the California Department of Conservation Division of Oil, Gas, and Geothermal Resources, no oil and gas exploration has been conducted within or in the vicinity of the proposed project site.

No historical mining activities are known to have occurred at the proposed project site. There are sand and gravel surface mining operations in Humboldt County, which is a locally important mineral resource. However, none occur within the City of Eureka, and none are identified in the City's general plan.

FINDINGS:

a) No Impact. The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The proposed project site is not known to contain any mineral resources of local or State significance. The project will not use quantities of rock, aggregate, or sand that will reduce availability of these materials for construction or other consumptive uses. Therefore, the proposed project will not result in the loss of mineral resources of value to the region or residents of the state.

b) No Impact. The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The proposed project site is not delineated in the City of Eureka general plan or Humboldt County general plan as designated for mineral resource recovery. Therefore, the proposed project will not result in the loss of the availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

MITIGATION MEASURES:

None necessary.

XIII. NOISE. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	
b) Result in the generation of excessive ground borne vibration or ground borne noise levels?			✓	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓

DISCUSSION:

The proposed project site is located in an urbanized area. The adjacent building to the west of the project site includes the Bayfront Restaurant and the Bayfront One vacation rentals and executive suites. Vacant lots are located immediately south and east. The Eureka Boardwalk is located to the north of the site. Other users in the vicinity include a mix of retail, offices and residential. The greater area surrounding the project site consists of urban development with the town center approximately 500 feet from the project site. Commercial businesses along 1st and F street generate moderate noise typical of a downtown area. Ambient noise in the vicinity of the project site results from vehicle traffic consisting mostly of light- to medium – commercial use, marine vessels and passenger vehicle traffic.

Certain land uses are considered more sensitive to noise levels than others are. Residential dwellings, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation areas generally are more sensitive to noise than are commercial and industrial areas. The nearest sensitive receptors in the vicinity of the project site are residences located 250 ft. or more from the project site.

FINDINGS:

a) Less than significant impact. The project will not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The project does not include any new noise sources. Project operation will not generate additional traffic but will bring vehicular traffic to a currently vacant site. However, traffic noise is consistent with the existing noise environment.

Construction will temporarily and periodically increase noise levels in the vicinity of the project. However, construction will utilize standard equipment and will take place over a very limited period of time (less than two months). In addition, construction activities will be limited to between the hours of 7:00 a.m. and 7:00 p.m. Therefore, impacts will be less than significant.

b) Less than significant impact. The project will not result in the generation of excessive ground borne vibration or ground borne noise levels. The project will involve temporary sources of noise and vibration that could be perceptible in the immediate vicinity during operations due to the use of heavy equipment. Because the temporary construction impact exposure is expected to be short-term in nature and only occurring periodically during the daytime, it is considered that impacts associated with the proposed project will be less than significant.

The construction operations of the proposed project will include the use of equipment that will generate ground-borne vibration. Possible sources of vibration may include dump trucks, loaders, excavators with hammers, and other vibration intensive equipment. According to the Federal Transit Administration (FTA) guidelines, a vibration level of 65 VdB is the threshold of perceptibility for humans. According to the FTA, for a significant impact to occur, vibration levels must exceed 80 VdB during infrequent events. Vibration impacts associated with construction operations will primarily affect those persons located closest to the proposed activities. Based on the levels published by the FTA and the type of equipment proposed for use at the proposed project, coupled with the distance to the existing identified noise sensitive receptors, analysis shows that all identified sensitive receptors will be below the maximum vibration level of 80 VdB. Project related activities would not involve the use of explosives or other intensive construction techniques that could generate significant ground borne vibration or noise. Therefore, less than significant impacts will occur under this criterion as a result of the proposed project.

c) No Impact. The project will not expose people residing or working in the project area to excessive noise levels due to being located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. There is no public or private airport located within 2 miles of the project site.

MITIGATION MEASURES:

None necessary.

<u>XIV. POPULATION AND HOUSING.</u> Would the project:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?				✓
b)	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓

DISCUSSION:

Environmental Setting

Population

According to the U.S. Census Bureau, the City of Eureka had 27,025 residents in 1990. The resident population declined to 26,128 residents by the year 2000. This represents a loss of nearly 900 residents, or 3.3 percent. From 2000 to 2010, the City regained the population lost during the prior period. During this time, the City grew at a rate of 0.4 percent per year and added more than 1,000 new residents. This growth resulted in a total population of 27,191 in 2010. The most current population estimate (2020 American Community Survey (ACS)) is 26,938, a 0.9% decrease from the 2010 population.

Housing

The number of households was 12,450 in 2020 (2020 ACS).

FINDINGS:

a) No impact. The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure). The project will not result in increased housing or employment opportunities that would attract people to the area.

b) No impact. The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The proposed project will be conducted on an existing commercially zoned parcel of land on which there is no existing housing, and thus, will not displace any existing housing. The execution of the proposed project will utilize existing roads and infrastructure, and thus, will not displace any people.

MITIGATION MEASURES:

None necessary.

XV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?				✓
b) Police protection?				✓
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?				✓

DISCUSSION:

Environmental Setting

Fire and Police Services

The Humboldt Bay Fire operates three stations in Eureka. The fire station headquarters is located approximately 0.4 mile from the proposed project site. Fire Stations 3 and 4 are located approximately 1.8 miles and 1 mile, respectively, from the proposed project site.

Police services are provided by the Eureka Police Department. The department is headquartered less than 0.5 mile from the proposed project site.

Schools

Eureka City Schools operates four elementary schools, two middle schools, two high schools, and a children's center in the City. There are also two K-12 charter schools located in Eureka. The nearest school to the project site is Alder Grove Charter School and is located approximately 0.4 miles south on F Street.

Parks

The City of Eureka offers a variety of recreational opportunities through its Parks Division. The City currently operates 14 parks and recreational/entertainment facilities, including the Adorni Recreation Center, the Sacco Amphitheater, the Ryan Youth Center, Old Town Gazebo Plaza, Palco Marsh, the Municipal Auditorium, and the Eureka Public Marina—totaling more than 100 acres of parkland and recreational areas, such as ballparks and playgrounds. The Old Town Gazebo Plaza is located approximately 443 feet from the southwest corner of the proposed project site. The 6.3-mile Eureka Waterfront Trail starts at the Elk River Parkway in the southwest and runs along the City's shoreline to Tydd Street just off Eureka Slough in the northeast. The portion of the trail adjacent to the project site is along 1st Street/Waterfront Drive. The Eureka Boardwalk, which runs along the northern edge of the property, is a 0.3-mile promenade along Humboldt Bay, connecting Madaket and Coast Guard Plazas.

Health Facilities

St. Joseph Hospital, a 174-bed facility, is located approximately 2 miles from the proposed project site.

FINDINGS:

a) through e) No Impacts. The project will not impact public services such as fire, police, schools, parks or healthcare. Activities of the proposed project will not require expansion of fire and police protection, schools, parks, or other public facilities. As discussed in the Population and Housing section, the proposed project will not result in any increase in population or housing, and thus, it will not create an additional demand for police or fire services, an increase in school enrollment, or an increase in the use of parks or other public facilities. The project will provide an additional access point to the existing Eureka Boardwalk and Waterfront Trail. Because the proposed project will not increase demand for these public services, the proposed project will not trigger the need for new or physically altered governmental facilities in order to maintain existing service ratios or response times.

MITIGATION MEASURES:

None necessary.

XVI. RECREATION. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	-----------

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✓	

DISCUSSION:

Environmental Setting

The City of Eureka offers a variety of recreational opportunities through its Parks Division. The City currently operates 14 official parks and many additional recreational/entertainment facilities, including the Adorni Recreation Center, the Sacco Amphitheater, the Ryan Youth Center, Old Town Gazebo Plaza, Palco Marsh, the Municipal Auditorium, and the Eureka Public Marina—totaling more than 100 acres of parkland and recreational areas, such as ballparks and playgrounds.

The Old Town Gazebo Plaza is the nearest park/recreational facility to the proposed project site; it is located approximately 443 linear feet from the southwest corner of the proposed project site. In addition, the adjacent Boardwalk and Waterfront Trail provide recreational opportunities near the project site.

FINDINGS:

a) Less than significant impact. The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. The nature of the project improves access to the waterfront commercial district. However, it is not expected to increase use of the area. The use of parks and recreational facilities is closely tied to population; as population increases, the use of existing parks and recreational facilities will be expected to increase proportionally. Similarly, the loss of existing parks and recreational facilities will result in an increased concentration of use in remaining parks and facilities. The proposed project will not result in population increases. Additionally, the proposed project will not result in the loss of any existing parks or recreational facilities. It will provide an additional access point to the Eureka Boardwalk and Waterfront Trail. Thus, the proposed project will have a less than significant impact on recreational resources.

b) Less than significant impact. The proposed project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The project is expected to improve access to the Core Area as designated in the Eureka General plan by providing additional parking. It will also provide an additional access point to the Eureka Boardwalk and Waterfront Trail. However, the project is not increasing overall population in the area. The small labor force required for construction and operation of the proposed project will be sourced locally. As such, the project will not require the expansion or construction of additional recreational services.

MITIGATION MEASURES:

None necessary.

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✓	
b) Conflict or be inconsistent with CEQA guidelines section 15064.3 (b)?			✓	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
d) Result in inadequate emergency access?				✓

DISCUSSION:

Environmental Setting

The proposed project site is located north of 1st Street between F and G Streets. These streets are two-lane local/access roads routed through a largely commercial/industrial area in the vicinity of the proposed project. 1st Street is considered a local collector, and E Street is the nearest (minor) arterial street. The proposed project site is located three and four blocks north of Highway 101. The highway is configured as a one-way couplet on 4th and 5th Streets through the core of Eureka.

In general, truck operations are not reported to cause traffic congestion within Humboldt County. The major exception is on US 101 along Eureka's retail and commercial area. Humboldt County has truck restrictions on all state highways serving the county. No portion of Humboldt County (or Trinity County) is served by truck routes meeting federal interstate truck length guidelines. In addition, truck routes in all directions to and from the Humboldt Bay region currently do not meet California legal truck length requirements, which allow a king-pin-to-rear-axle (KPRA) length on semi-trailers of up to 40 feet. Advisory routes at three locations limit KPRA length in and out of the Humboldt Bay region to 32 feet or less: on CA 299 to the east at Buckhorn Summit, to the south on US 101 at Richardson Grove, and to the north on US 101 nine miles north of Trinidad.

FINDINGS:

a) Less than significant impact. The project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. The project will provide an additional and convenient connection to the eastern end of the Boardwalk and central portion of the Waterfront Trail, which will enhance connectivity and help to carry out Coastal Act and LCP requirements to maximize public access to and along the coast.

The project will provide both long- and short-term parking options through a permit system adjacent to the Old Town area. The project will enhance safety by adding appropriate lighting and removing vacant space that can attract vandals. The parking lot is not located adjacent to any street frontages and will provide pedestrian access to the easternmost end of the Eureka Boardwalk and central portion of the Waterfront Trail. This will be a paid use parking lot, which discourage unnecessary vehicle use. The provision of secure no-cost bicycle parking provides for additional multi-modal connections to the Waterfront Trail and Old Town. In addition, the provision of ADA parking spaces removes barriers for some users. The project does not conflict or interfere with any transportation related policies.

b) Less than significant impact. The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3(b). For land use projects, CEQA Guidelines §15.064.3(b) states that projects within ½ mile of a major transit stop should be presumed to cause less than significant transportation impacts. Eureka Transit Authority maintains a major stop near the corner of 3rd and H Streets, approximately ¼ mile away from the project, which provides access to the Gold, Purple, Red and Rainbow Routes. There are also stops for Humboldt Transit Authority routes on 4th and 5th Streets (Highway 101) within ½ mile of the project. Surface parking lots can negatively impact walkability and bikability in a community, because they do not provide dense, mixed-use development. However, this project is located on the edge of the urban core in an area that consists of mostly vacant parcels, so it is not displacing or precluding those denser types of developments. In addition, this project is not anticipated to generate new vehicle trips or increase vehicle miles traveled (VMT). If anything, it could reduce VMT, because people would have to spend less time looking for a parking space.

c) No impact. The project will not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The proposed project will not introduce any new hazards or alter the existing access to the site from public streets, because the Bayfront One parking lot already uses the same accesses.

d) No impact. The project will not result in inadequate emergency access. The proposed project's ingress and egress routes will be designed to ensure adequate access for emergency vehicles to the site per all applicable state and local laws.

MITIGATION MEASURES:

None necessary.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | | ✓ | | |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | | ✓ | | |

DISCUSSION:

CEQA requires lead agencies to determine if a proposed project would have a significant effect on tribal cultural resources. The CEQA Guidelines define tribal cultural resources as: (1) a site, feature, place, cultural

landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in PRC Section 5020.1(k); or (2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in PRC Section 5024.1(c), and considering the significance of the resource to a California Native American tribe.

Cultural Setting

The ancestral Wiyot territory extended from the Little River on the north to the Bear River Mountains on the south and inland approximately 15 miles to the first mountain ridgeline. Humboldt Bay was the central division of the territory. The Wiyot are more coastal and tidewater people than their neighboring tribe to the north, the Yurok, who are coastal in part but have a more riverine emphasis. The Wiyot arrived in the area approximately 1,050 to 1,100 years ago and joined the ancestors of the Karuk tribe, who made greater use of the interior hills and mountains than the rivers and coastal plain. The pattern of Wiyot settlements located along river terraces, the Humboldt Bay margin, and tidewater sloughs, indicate that much of the bay margin, tributary sloughs, and adjacent uplands may hold archaeological resources. Of particular archaeological significance is Tuluwat Island (formerly Indian Island or Gunther Island). The Village of Tulawat was located on the eastern end of the island and was the setting for important ceremonial activities. Present-day Wiyot consider the island to be “the center of the Wiyot world and a sacred place.” The nearest shoreline of Tuluwat Island (the southwestern portion) is more than 0.3 mile offshore of the proposed project site, and present-day Wiyot activities are limited to the eastern end of the island.

History of the Proposed Project Site

City of Eureka planning maps indicate that approximately one quarter of the proposed project site was below sea level in 1889. By 1927, the northern portion of the project site had been filled, and that portion of the property was above sea level. Historical uses of the proposed project site and surrounding lands were predominantly industrial and commercial between 1886 and approximately 1955.

Past Activities at the Proposed Project Site

The proposed project site was used as a lumberyard during the late 1800s by the Eureka Lumber Manufacturing Company. During the period from the early 1900s to 1930, site usage is not well documented. From 1945 to 1972, the site operated as a ferry boat business; the shore was lined with buildings and docks.

Past Infrastructure at the Proposed Project Site

Historical aerial photographs and city planning maps from the mid-1940s show the locations of several buildings and a railroad spur track on the site. Available historical information indicates that Union Pacific Railroad had maintained railroad tracks at the site but otherwise never used the site for maintenance or operations. Several floating docks were also constructed along the waterfront.

FINDINGS:

a) and b) Less than significant impact with mitigation. The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is: (a) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or (b) a resource determined by the lead agency, in its discretion and supported by

substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

At their request, affiliated Tribes shall be afforded the opportunity to review and provide comments to the City early in project review and planning (screening) about known or potential tribal cultural resources located in project areas within their respective tribal geographical area of concern. The City initiated AB 52 consultation with Bear River Band of the Rohnerville Rancheria, Blue Lake Rancheria and the Wiyot Tribe at Table Bluff Reservation via an email notification with a Project Description and vicinity map on June 8, 2021.

Due to the project's location along Humboldt Bay, there is a moderate to high possibility that the Project Area of Potential Effect (APE) contains undiscovered prehistoric artifacts or archaeological deposits. However, there are no known tribal cultural resources at the proposed project site as defined in Public Resources Code Section 21074. Much of the soil onsite consists of imported fill from unknown origin to depths of 10 to 14 feet (SHN 1999). In addition, due to contamination, the project will not result in soil disturbance more than one foot in depth over the majority of the project site. Approximately six feet of excavation will be needed to install the Filtera Vault. Therefore, native soils will be avoided. Based on consultation with local Tribes, the project will incorporate the City's Inadvertent Archaeological Discovery Protocol in place in the unlikely event that resources are found during construction. Therefore, impacts will be less than significant.

MITIGATION MEASURES:

See mitigation measure V-1: Inadvertent Discovery Protocols 'a' and 'b.'

XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✓	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			✓	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✓	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			✓	

DISCUSSION:

Environmental Setting

Solid Waste Facilities/Landfills

Refuse service in the City of Eureka is provided by Recology Humboldt County, a private firm. Solid waste is currently transported out of the county for disposal.

Wastewater Treatment

The City of Eureka's Public Works Utilities Operations Division operates and maintains the city's wastewater treatment system. In 2008, the Elk River Wastewater Treatment Plant treated 942 million gallons, with the facility operating at a monthly average of 69 percent of capacity. According to the Elk River Wastewater Treatment Plant 2015 Annual Report, the wastewater treatment plant has a permitted capacity of 8.6 million gallons per day (MGD) under dry weather treatment conditions and has an average flow rate of 5.2 MGD. The Division is currently completing the design phase for new wastewater treatment facilities and has put in place a Sanitary Sewer Management Plan (SSMP) to ascertain current and future capacity issues.

Water Supply

The City of Eureka's Public Works Utilities Operations Division operates the City's water supply. Water is purchased from the Humboldt Bay Municipal Water District (HBMWD) and is piped from its original source, subsurface wells on the Mad River near Blue Lake, to Eureka's 22.3 million gallon storage reservoirs. The capacity of the HBMWD system is approximately 75 MGD and the current demand is approximately 25 MGD. Approximately 3.3 million gallons per day are treated and delivered by the City.

Storm Drainage System

The City of Eureka storm drainage system consists of gutter flow by gravity that is discharged at numerous points into Humboldt Bay, sloughs and drainages in and around the City. Much of the City's existing storm drainage network is old and undersized.

FINDINGS:

- a) Less than significant impact.** The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. The project will require minimal utilities all of which are already provided to or adjacent to the site. The utility systems have adequate supply to serve the project. Stormwater will be filtered through a new Filterra Bioscape Vault prior to being discharged to the City's stormwater system. Therefore, the impact is less than significant.
- b) Less than significant impact.** Project operations will use minor amount of water for the proposed drought-tolerant landscaping. Therefore, sufficient water supplies will be available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- c) No impact.** Project operations will not generate wastewater. Therefore, the project will not result in a determination by City of Eureka Public Works Wastewater Treatment that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- d) Less than significant impact.** Project operation will not generate waste. A trash bin may be provided onsite for incidental litter. The property manager will periodically clean up trash. Therefore, the project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- e) Less than significant impact.** The project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

MITIGATION MEASURES:

None necessary.

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				✓
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✓
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✓
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✓

DISCUSSION:

Environmental Setting

Eureka and its surrounding area are subject to potential fire hazards. The California Department of Forestry and Fire Protection (Calfire) maps identify fire hazard severity zones in state (SRA) and local (LRA) responsibility areas for fire protection. The LRA fire severity map designates some areas within the City limits as moderate to high fire hazard severity zones, as shown on 2040 General Plan Figure HS-4. The SRA area does not extend into the City limits. The project site itself is not in a fire hazard zone.

FINDINGS:

a) through d) No impact. The project will not: (a) substantially impair an adopted emergency response plan or emergency evacuation plan; (b) due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; (c) require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; (d) expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

The project is located within a highly urbanized area adjacent to Humboldt Bay. It is not located in a fire hazard zone. There are no site characteristics that would contribute to an increased risk of wildfires; the site is generally flat. The project will not require construction of new fire infrastructure. Construction of a parking lot will not contribute to a wildfire risk.

MITIGATION MEASURES:

None necessary.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).			✓	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

DISCUSSION:

As presented in the discussions above, the potential project presents no or less than significant impacts to all CEQA criteria.

FINDINGS:

a) **Less than significant impact.** As presented in the Biological Resources and Cultural Resources sections above, the proposed project will not substantially reduce the habitat of any fish or wildlife species, will not cause a fish or wildlife species to decline below a self-sustaining population size, will not threaten to eliminate a plant or animal community, will not reduce the number or restrict the range of a rare or endangered plant or animal, and will not eliminate important examples of the major periods of California history or prehistory. There are no known cultural, historical, or archaeological resources at the site (or that could be disturbed by project activities given proposed shallow ground disturbance in nonnative fill soils). Therefore, less than significant impacts will occur under this criterion.

b) **Less than significant impact.** Several resource categories have no impact, or very minimal impact, associated with them. Because they present no impact, they will not present or contribute to a cumulative impact. As presented in the discussions above, the potential impacts in other categories are less-than-significant. The proposed project will not, in and of itself, have cumulatively significant environmental consequences beyond those identified in this checklist.

This Initial Study has not been able to identify additional projects (a "list of projects" projection) or a projection from an adopted planning document that will, in combination with the proposed project, result in cumulatively significant impacts in any category described above.

In summary, the incremental and less than significant effects that may result from the proposed project will not, in combination with effects generated by future projects, result in a cumulatively considerable impact to any criteria in the checklist.

c) **Less than significant impact.** No element of the proposed project will cause substantial adverse effects on human beings, either directly or indirectly. The proposed project has a very short construction schedule. As a result, the less than significant impacts from the proposed project construction will also be of short duration. The proposed project is designed to reduce potential adverse effects to humans and the environment through the capping of contaminated sediment and soil on the site. The successful execution of the proposed project will lessen potential adverse effects on human beings. Additionally, adverse effects on human beings will be avoided through the application of best management practices and other project design elements, many of which are designed to protect human health. Therefore, the proposed project will not cause substantial adverse effects on human beings either directly or indirectly.

MITIGATION MEASURES:

None necessary.

EARLIER ANALYSES

1) **Earlier Analyses Used.** The following document(s), available at the Development Services Department, have adequately analyzed one or more effects of the project. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)).

N/A

2) **Impacts Adequately Addressed.** The following effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed above, pursuant to applicable legal standards.

N/A

3) **Mitigation Measures.** The following mitigation measures from the document(s) listed above have been incorporated into the checklist.

N/A

SOURCE/REFERENCE LIST:

The following documents were used in the preparation of this Initial Study.

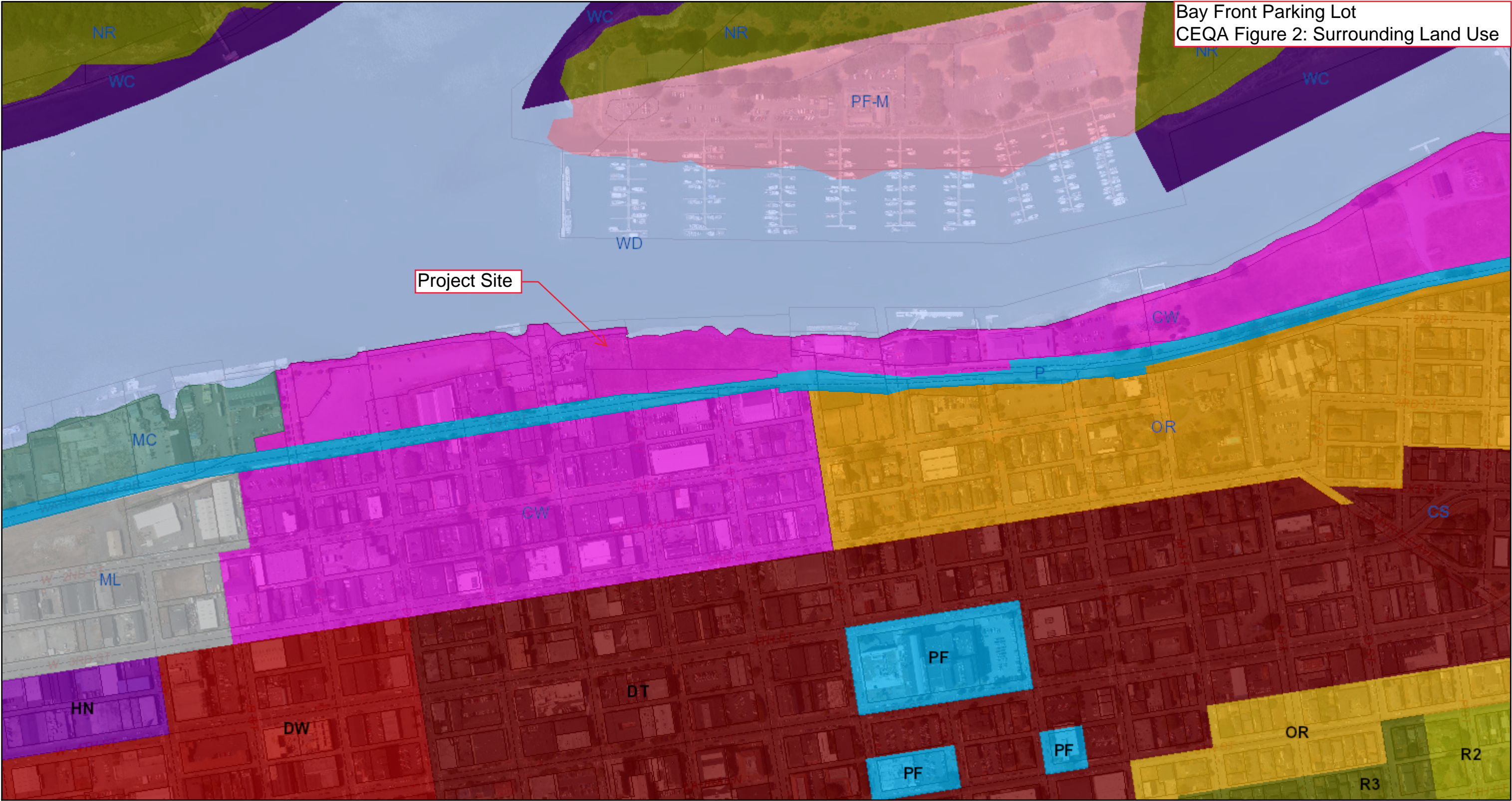
- 1) Eureka Municipal Code
- 2) Adopted City of Eureka Certified Local Coastal Plan, as applicable
- 3) Project File(s) for the project for which this Initial Study was prepared
- 4) FES 2019. Freshwater Environmental Services. Additional Assessment Report. October 30, 2019.
- 5) GHD. 2019. *Human Health Risk Assessment, Sicard Property, 1 F Street, Eureka, CA. November 2019.*
- 6) Governor's Office of Planning and Research. 2018. CEQA and Climate Change Advisory, Discussion Draft. December 2018.

- 7) HBHRCD 2011. Final CEQA Initial Study for the Union Pacific Railroad Company Waterfront Lease Site (Former G&R Metals) Remedial Action. 9/27/2011.
- 8) NCRWQB. 2021. Email from Brendan Thompson. August 18, 2021
- 9) NCUAQMD 2021. Air Quality Planning and CEQA Website.
<https://ncuaqmd.org/index.php?page=aqplanning.ceqa> Accessed 10/21/21
- 10) SHN 1999. Geotechnical Report, Proposed Restaurant, and Bed and Breakfast, F Street, Eureka, CA. (OR Draft EIR for Sicard Mixed-Use Development Project)



Imagery ©2022 CNES / Airbus, Maxar Technologies, USDA/FPAC/GEO, Map data ©2022 500 ft

City of Eureka Community Development Web Map



7/19/2022, 3:46:28 PM

Zoning Current (Coastal Zone Only)

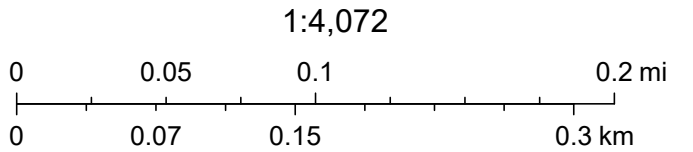
- A
- AC
- CC-AR; CC-LW
- CN
- CP

- CS; CS-AR; CS-AR-LW; CS-LW; CS-PD; CS-Q
- CW
- HM
- MC
- MG

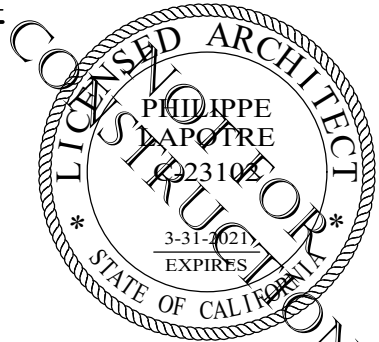
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- NR
- OR; OR-AR
- P
- PF-M
- RM-1-AR-LW; RM-1000; RM-1000-AR
- RM-2500; RM-2500-AR
- RS-12000
- RS-6000; RS-6000-PD
- WC

- Zoning Current (Inland Only)
- WD
 - Residential High
 - Residential High - Coastal Zone
 - Residential Medium
 - Residential Low

- Residential Low - Coastal Zone
- Residential Estate - Coastal Zone
- Residential Estate
- Office Residential
- Downtown



Bay Front Parking Lot
CEQA Figure 3: Site Plan

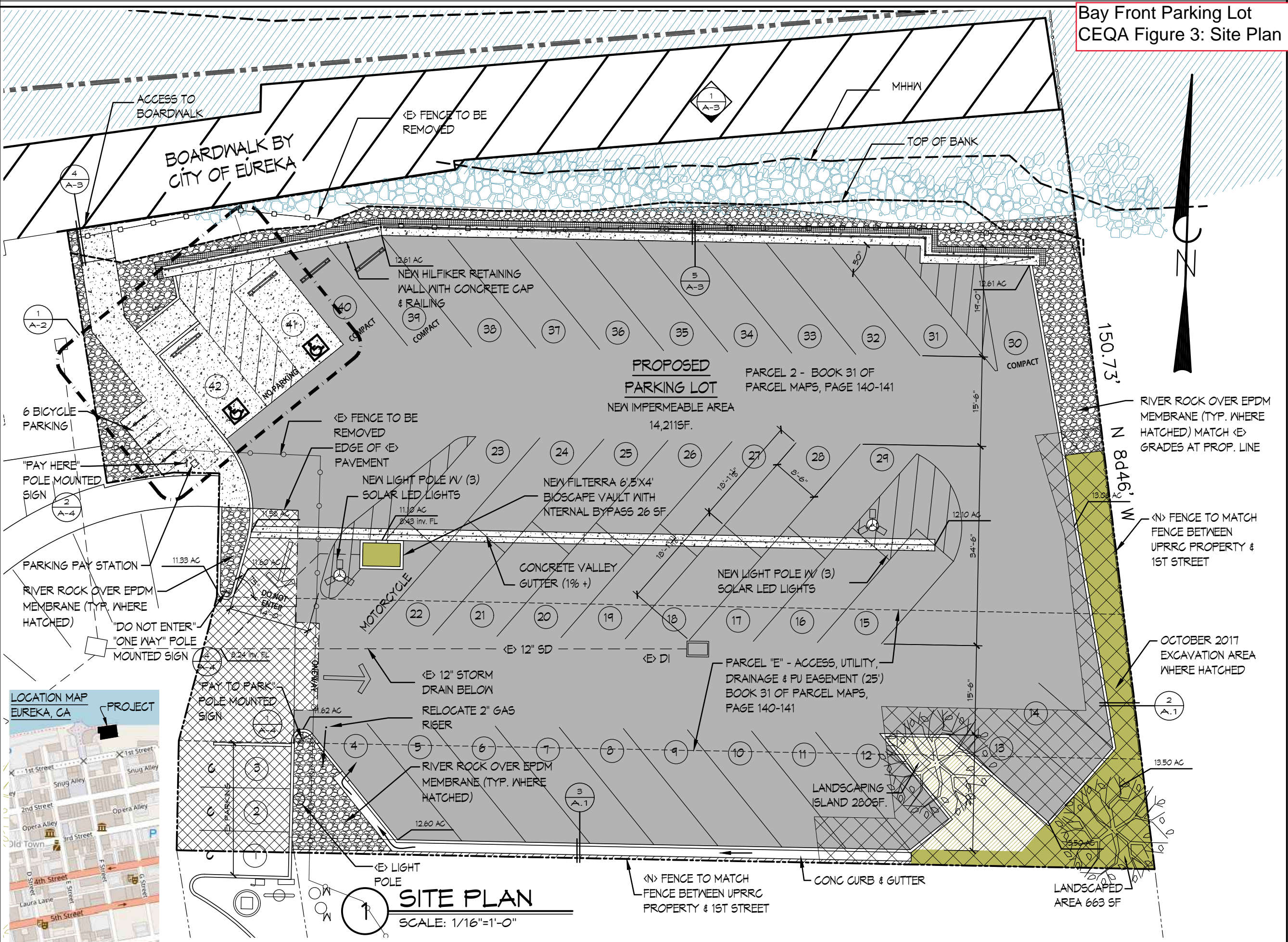


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**PARKING LOT
FOR
BAYFRONT INC.**

APN: 001-121-027
ADDRESS T.B.D.
EUREKA, CA
DATE: SEPT 14, 2021

ALL DESIGNS, CONCEPTS, IDEAS AND ARRANGEMENTS DEPICTED WITHIN THESE DRAWINGS AND SPECIFICATIONS ARE THE SOLE PROPERTY OF THE ARCHITECT, AND ARE INTENDED TO BE USED IN CONNECTION WITH THIS SPECIFIC PROJECT ONLY AND SHALL NOT BE USED IN WHOLE OR IN PART FOR ANY OTHER PURPOSE WHATSOEVER WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT





Bay Front Parking Lot
CEQA Figure 4: Nearby Parking Lots

National Flood Hazard Layer FIRMMette



124°10'16"W 40°48'35"N



0 250 500 1,000 1,500 2,000 Feet

1:6,000

124°9'39"W 40°48'7"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/29/2021 at 3:11 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.