

PLANNING COMMISSION  
**STAFF REPORT**

February 14, 2024

<b>Title:</b>	Grace Marton Memorial Park and Eureka Waterfront Trail Improvements
<b>Projects:</b>	Coastal Development Permit (CDP-23-0011) and Design Review (AA-23-0003)
<b>Location:</b>	Halvorsen Park
<b>APNs:</b>	001-161-015, 002-241-006, 002-241-007, 002-241-013, 002-241-015, and 001-214-002
<b>Applicant:</b>	The City of Eureka - Community Services Department
<b>Property Owner:</b>	The City of Eureka
<b>Purpose/Use:</b>	Construct a maritime-themed playground/recreational facility adjacent to the Sacco Amphitheater and improve the Eureka Waterfront Trail from the west side of the Adorni Center parking lot to approximately 600 feet northeast of the Highway 255 bridge.
<b>Application Date:</b>	8/15/2023
<b>General Plan:</b>	C-WFC (Core Waterfront Commercial), WFC (Waterfront Commercial), and C-RO (Core Residential Office)
<b>Zoning:</b>	CW (Waterfront Commercial) and OR (Office Residential)
<b>CEQA:</b>	Exempt under, Class 1 Existing Facilities (Section 15301), Class 2 Replacement or Reconstruction (Section 15302), Class 3 New Construction or Conversion of Small Structures (Section 15303), and Class 4 Minor Alterations to Land (Section 15304)
<b>Appeal Status:</b>	Appealable to Coastal Commission
<b>Staff Contact:</b>	Penelope Ponce, Assistant Planner
<b>Recommendation:</b>	Hold a public hearing; and Adopt a resolution finding the project exempt from CEQA, and approving with conditions.
<b>Motion:</b>	<i>“I move the Planning Commission adopt a resolution to conditionally approve the Coastal Development Permit and Design Review for the Grace Marton Memorial Park and Eureka Waterfront Trail Improvements Project.”</i>

**Figure 1: Location Map**



**PROJECT SUMMARY**

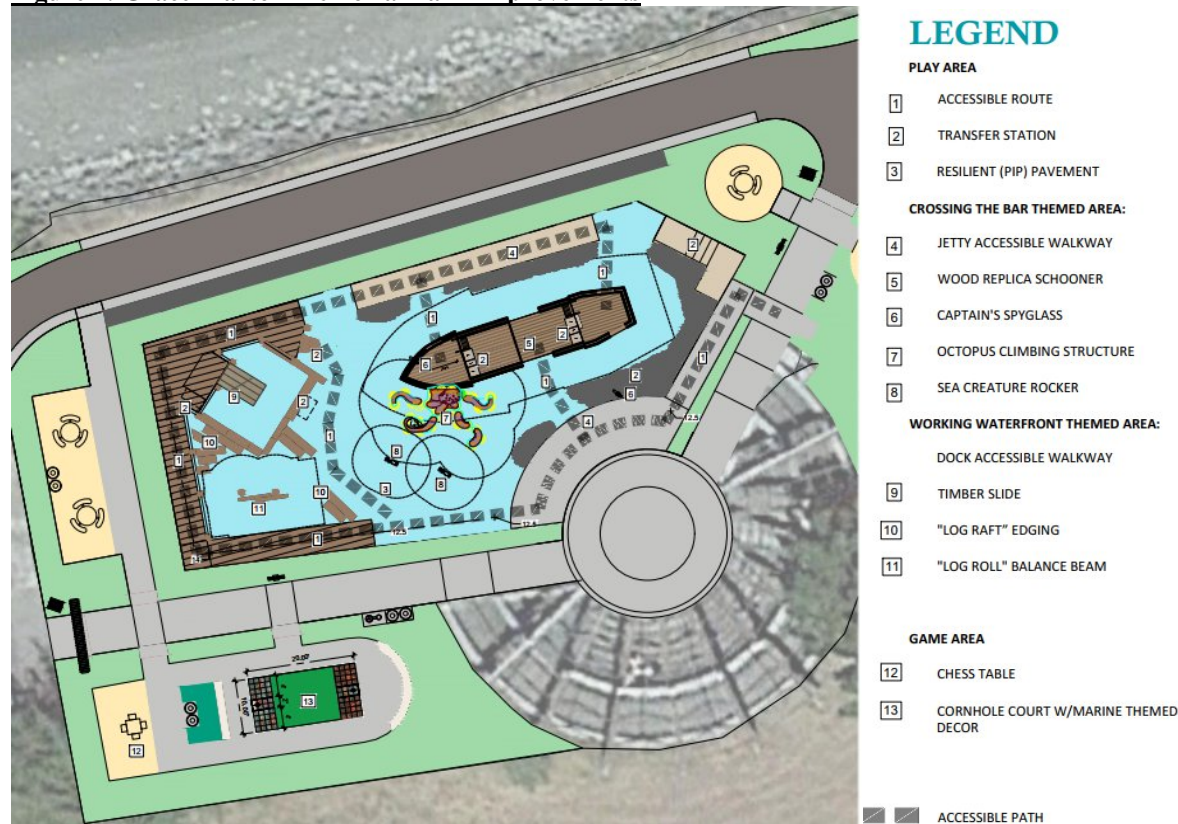
The City of Eureka proposes improvements to Halvorsen Park, including the development of a maritime-themed playground/recreational facility (Playground) called Grace Marton Memorial Park, and maintenance/improvement of approximately 2,500 linear feet of existing trail extending west to the Adorni Center and east to approximately 600 feet east of the Highway 255 bridge (between S and T Streets), including realignment of a portion of the existing trail around the new Playground.

The proposed project spans six City-owned parcels along the City’s northern waterfront in the Coastal Zone, and pursuant to EMC § 10-5.29302, requires a Coastal Development Permit (CDP). The project is also located in the Design Review Area, and per EMC § 10-5.1801.1, is subject to both Site Plan and Architectural Review. The City’s final action on the CDP is appealable to the California Coastal Commission.

**Playground**

The Playground will be located north of Sacco Amphitheater, east of the Adorni Center parking lot, and south of the Bonnie Gool Guest Dock (Figure 2). The proposed Playground improvements will include an ADA-accessible, maritime-themed play area, four picnic tables, one chess game table, a cornhole game area, benches, trash/recycling receptacles, a drinking fountain, a doggy waste station, landscaping, and signage. The project will retrofit the existing Sacco Amphitheater as a primary sitting and watching area for the Playground; the amphitheater will also act as the main point of entry to the playground. Other entry points will be from the Adorni Center parking lot, the Eureka Waterfront Trail, and the Bonnie Gool Guest Dock.

**Figure 2: Grace Marton Memorial Park Improvements**



The Playground will include three play areas: a crossing-the-bar themed area, a working-waterfront themed area, and a game area (Figure 2). The crossing-the-bar area will have a wooden replica of a schooner sailing ship which will have an ADA-accessible route through the middle, and a captain’s spyglass facing towards Humboldt Bay. There will be a concrete octopus climbing structure off the schooner’s bow, and there will be a rainbow-colored dolphin rocker with a coil spring. The working-waterfront area located to the west of the crossing-the-bar section will include stamped concrete dock texture walkways, a timber slide, log raft decorative edging, and a log roll balance beam. The game area will be located south of the working waterfront area and will have a chess table with seating, and a cornhole court with maritime-themed décor.

### **Eureka Waterfront Trail Improvements**

In the project area, the Eureka Waterfront Trail is currently located directly along the Humboldt Bay shoreline, except where it snakes inland to meet the Sacco Amphitheater. Many people prefer to bypass this inland detour, which has resulted in a worn footpath along the bayfront to the north of the amphitheater. The proposed project will realign this section of trail along the bayfront to the north of the amphitheater and new Playground, replacing the footpath (Figure 3). An approximately eight-foot-wide buffer comprised of rock and native plants will be installed between this realigned portion of the trail and the Playground.

**Figure 3: Location of Trail Realignment**



In addition, the City proposes to rehabilitate and improve the sections of the Eureka Waterfront Trail from the west side of the Adorni Center parking lot to the Playground, and from the Playground east to a point approximately 600 feet east of the Samoa Bridge where a newer segment of the trail begins (Figure 4). The segment of trail to be maintained/improved is torn up by weather and tree roots, compromising accessibility and safety for users.

**Figure 4: Extent of Trail Rehabilitation/Improvement**



For the trail segment between the Adorni Center and Playground (west of the Playground, along the north side of the Adorni Center parking lot), the existing approximately 6.5-foot-wide pedestrian path will be widened to a 10-foot-wide multi-use trail. For the trail segment from the Playground heading east, work will include repaving the existing 10-ft-wide trail and adding two-foot-wide shoulders (14 feet in total width) to be consistent with the newer portion of trail further east. The shoulders will be comprised of gravel except for the realigned portion of trail directly north of the Playground, where the shoulder may be comprised of stamped concrete to mimic stamped concrete in the Playground. The existing nine bench areas located along the trail will remain, and four new 20-foot-diameter bulb outs will be placed along the trail through Halvorsen Park and will be activated with landscaping, more seating, and interpretive signage (Attachment 3). The sharp curve in the portion of the trail located north of S Street will be adjusted to have a more gradual bend (see Plan Sheet C-103 in Attachment 3).

A number of trees dot the existing trail alignment that may need to be removed to avoid further issues with tree roots ripping up the trail. Sixteen trees in total may need to be removed, including three medium and two small pine trees, one small Rhododendron, seven large cypress trees, two medium false sandalwood trees, and one medium strawberry tree (Attachment 4). The City proposes to replace the trees at a minimum ratio of 1:1 with Catalina Ironwood and other non-invasive tree species that can withstand the coastal environment. The new trees will be planted far enough away from the paved trail to avoid the pavement being broken up by tree roots in the future.

### **Grading and Ground-Disturbance**

The Playground and trail improvements will include ground disturbing activities such as the removal of pavement, the removal of the retaining wall located between the amphitheater and the proposed Playground, and the removal of the top four to six inches of sod and roots for general clearing and grading. Additional ground disturbing activities include the installation of footings for play equipment, sculpture, entry arch, ramps, retaining walls, irrigation mains, drainage inlets and pipes leading to a stormwater management area. The maximum depth of ground disturbance

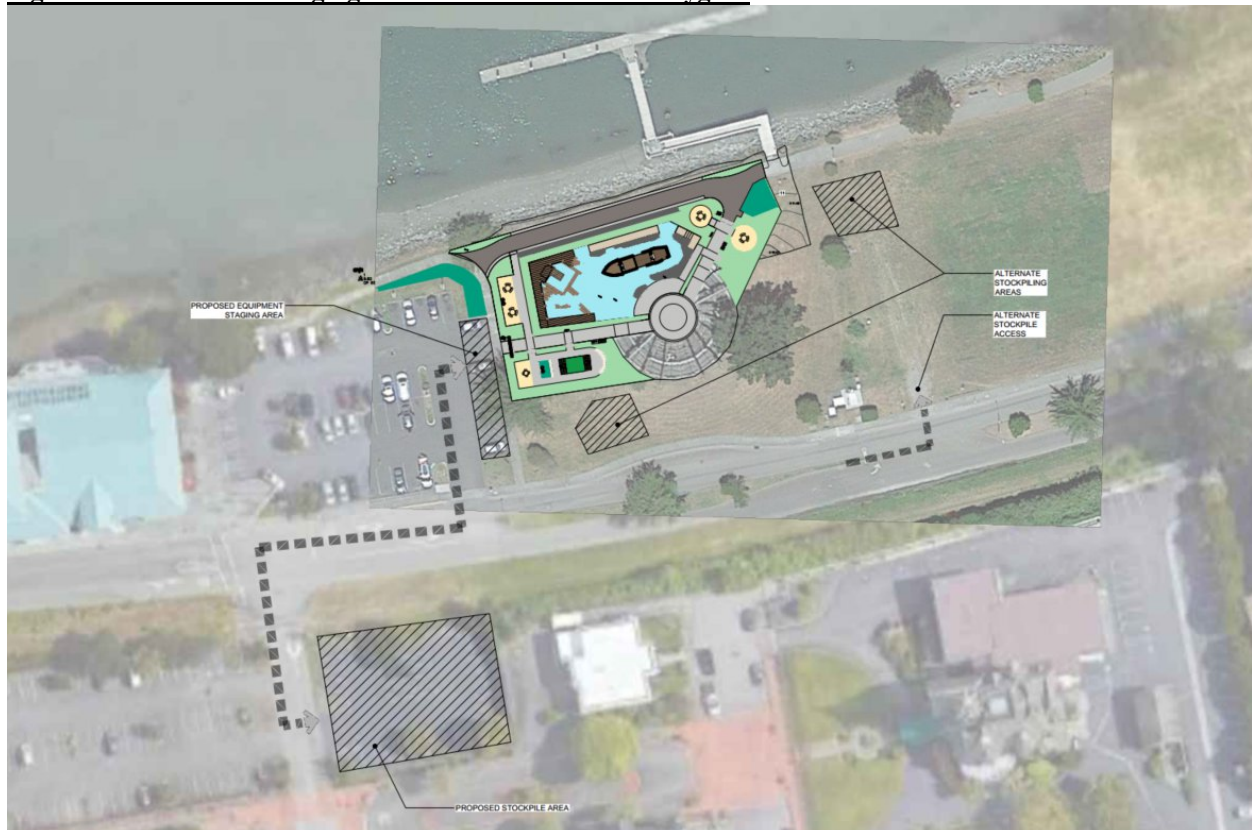
for the play equipment footings is anticipated to be two feet below the finished grade, which will ensure the structures stability for rambunctious play activity and other potential forces exerted upon them. Fill material will be placed and compacted within portions of the project construction footprint as needed to accommodate the project elements and ADA accessibility, such as raising the elevation of the Playground at its entry points, and to accommodate drainage facilities.

### **Construction**

Construction is anticipated to occur within one construction season, commencing as soon as 2025. Construction equipment will include sod cutters, a skid-steer, mini- or midi-excavator or backhoe, dump trucks, formwork, cement and poured-in-place resilient surface mixers and hoses, pavers, forklifts, and a boom truck or crane. Concrete work will also entail the use of vibrating plates as needed, and sandblasting templates and equipment.

Equipment will be staged in the Adorni Center parking lot, in a row of parking adjoining the park, and the priority stockpiling area will be located approximately 320 feet southeast from the project site, at a paved City-owned public parking lot located at the northeast corner of L and 2nd Streets (Figure 5). Additional stockpiling, if needed, will be on the large lawn area east and south of the project site, which is accessed via the Waterfront Drive Lift Station service driveway. A condition of approval has been added requiring access to remain open to the lift station at all times during construction. Excess soils, aggregate road base, and construction materials will be stored within these designated stockpiling and staging areas. Excess materials may be re-used onsite for backfill and finished grading or transported off-site for reuse, recycling, or legal disposal.

**Figure 5: Construction Staging Areas Shown as Hashed Polygons**



## **COASTAL DEVELOPMENT PERMIT ANALYSIS**

Eureka Municipal Code §10-5.29310.1 specifies a CDP shall only be approved upon making the finding the proposed development conforms to the policies of the certified local coastal program (LCP). The LCP includes two components: The Land Use Plan and Implementation Plan. The first component, the Land Use Plan, is the General Plan specific to land in the Coastal Zone. It outlines the permitted uses and policies needed to achieve the goals of the Coastal Act and includes the general plan map.

### **Land Use Plan Analysis**

The project site has a split land use designation of Core Waterfront Commercial (C-WCF) and Waterfront Commercial (WFC).<sup>1</sup> The purpose of both the C-WCF and the WFC land use designations are to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources. The proposed Playground and Eureka Waterfront Trail improvements are consistent with the purpose of the C-WCF and the WFC land use designations. The Playground and improved trail are public recreational facilities that will draw visitors to the bayfront and enhance their experience of the bayfront. The Playground's maritime theme relates to the bay and the Playground is oriented to take full advantage of bay views.

The applicable goals and policies of the LUP are listed below, followed by a brief discussion how the project conforms to the goals and policies.

### **Coastal-Dependent Priority-Use Related Policies**

**Policy 1.A.5 - Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.**

**Policy 1.E.3 - Where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses...**

**Policy 5.B.2 - On shoreline parcels where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses.**

The proposed project is located along a portion of the City's Humboldt Bay shoreline currently dedicated to coastal recreation, including the Humboldt Bay Aquatic Center (which has its own dock), the Adorni Center (which has its own pier and dock), Halvorson Park, the Eureka Waterfront Trail, the Bonnie Gool Guest Dock, the Humboldt Bay Rowing Association building and dock, and the Samoa Boat Launch Facility. The pier, docks and boat ramp are all considered coastal-dependent recreational facilities, and the Aquatic and Adorni Center and Rowers Association building and Coastal Trail are considered coastal-related.

The proposed Waterfront Trail improvements will ensure a safe and unobstructed scenic path of travel to access the coastal-dependent recreational boating/fishing facilities along the shoreline.

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1 The parking lot at the northeast corner of L and 2<sup>nd</sup> to be used temporarily as staging is separately designated as C-RO - Core Residential Office. Since that parking lot will only be temporarily impacted during construction, project consistency with the C-RO designation is not analyzed.

The proposed Playground will be located in a grassy lawn area in Halvorsen Park between the Sacco Amphitheater and Bonnie Gool Guest Dock and will not displace, and will instead complement and support, the many nearby coastal-dependent recreational boating/fishing facilities. There will be multiple acres of undeveloped field space remaining in Halvorsen Park and on adjacent parcels to the east after the Playground is installed where additional coastal-dependent and recreational facilities may be sited in the future if desired. In addition, the City has approximately seven miles of bay shoreline in total, including ample vacant and underutilized space for coastal-dependent and related uses. Therefore, the project is consistent with the aforementioned policies which ensure that coastal-dependent and -related developments have priority over other developments near the shoreline.

### **Tourism and Visitor-Serving Related Goals and Policies**

**Goal 1.D: Core Area: Waterfront - To revitalize the Core Area waterfront, enhancing coastal-related tourism and recreation, while maintaining the economic base and employment provided by the fishing industry.**

**Policy 1.D.5 - The City shall expand and enhance opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fishing, and other similar attractions.**

**Goal 1.E. Core Area: Tourism - To expand and enhance the Core Area as a tourist destination.**

**Goal 1.G: Core Area: Public Open Space - To create a system of usable public open space that is attractive, historically-sensitive, and well-maintained.**

The policies above are focused on the City's Core Area, the eastern boundary of which passes through the Sacco Amphitheater. The project will revitalize and activate Halvorsen Park (including the portion of the park within the Core Area), enhancing coastal-related tourism and recreation along the waterfront. The Playground will feature a reproduced Merchant Ship handmade by Eric Hollenbeck of Blue Ox Millworks, and will likely become a visitor attraction in its own right. Therefore, the project can be found consistent with the aforementioned Core Area tourism and visitor-serving policies.

### **Coastal Access Related Goals and Policies**

**Policy 1.D.2 - Except for safety reasons in industrial operations, the City shall ensure public access along the full length of the shoreline within the Core Area through development of multiple access points such as walkways, paths, docks, and piers.**

**Goal 5.B: Coastal Recreation and Access - To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.**

**Policy 5.B.1 - The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:**

**d. Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.**

**e. The City, in cooperation with the Coastal Commission and Coastal Conservancy, shall provide for attractive directional signs that are meaningful on the North Coast**

**so as to assist area residents and visitors alike in identifying visitor-serving, recreational, and historical facilities in the city.**

**Policy 5.B.7 - The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as described in Table 5-2 and shown in Figure 5-1.**

**Policy 5.B.8 - The City shall enforce the access standards and recommendations contained in the State Coastal Conservancy/Coastal Commission Report on Coastal Access (revised August 1980) as the criteria for improvement, maintenance, and management of accessways and supporting facilities proposed in this General Plan. Special attention in design and construction of accessways shall be given to minimizing maintenance requirements given the North Coast climate and to minimizing the possibilities of vandalism...**

**Policy 5.B.9 - The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.**

**Policy 5.B.10 - To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.**

The proposed project will improve public access along the shoreline consistent with the aforementioned policies. The subject trail segment is part of the Eureka Waterfront Trail, which in turn is part of the regional Humboldt Bay Trail and statewide California Coastal Trail. The proposed trail rehabilitation will ensure this older segment of trail meets standards for a fully-ADA-accessible, safe, two-way, Class 1, multi-modal path/bikeway facility. Other improvements will include upgrading the deteriorated benches along the trail, and adding directional signage identifying access entries to the Playground and the Waterfront Trail. Existing off-street parking located to the east of the Adorni Center will provide visitors with a nearby parking option and convenient access to the proposed Playground and the Waterfront Trail. Existing restroom facilities will be available at the Adorni Center Monday-Saturday during business hours, and at the Samoa boat ramp daily.

The Playground and equipment that supports the schooner play piece will be made out of concrete and glass fiber reinforced concrete (GFRC) materials which are durable and easy to maintain. The schooner will be made out of wood and can be sanded for basic maintenance. The materials for the Playground equipment were chosen to minimize maintenance requirements given the North Coast climate, and to minimize the possibilities of vandalism.

The Playground will not interfere with public views of the waterfront; instead, the Playground's wharf and schooner sailing ship will provide ADA-accessible views of Humboldt Bay. From Waterfront Drive, the mounding around Sacco amphitheater already creates a visual barrier. The project proposes to remove the trellis and the columns from Sacco Amphitheater which will increase public views of the waterfront from higher vantage points.

Although the Project will have long-term, ongoing public access benefits, construction of the project will have minor temporary impacts on public access. The Playground will take three to four months to be constructed, and the project area will be closed off from the public until completed. The trail, the Humboldt Bay Rowing Association dock, and the Samoa Boat Launch Facility will be temporarily closed to the public for approximately two weeks to allow for grading



and pouring new pavement. While the trail is closed for construction, the public will be routed to use the bike lane and sidewalk along Waterfront Drive as a detour. The trail in the vicinity of the Playground and access to the Bonnie Gool Guest Dock will be closed for up to three days to pour and set new pavement for the Playground and trail realignment, but there will be a detour south of the Sacco Amphitheater where the existing sidewalk and bike lanes along Waterfront Drive are located, and there will be signage directing the public to use the detour. The Adorni Center Dock and the Samoa Boat Launch will be accessible to the public while the Bonnie Gool Guest Dock is temporarily closed. A condition of approval has been added ensuring an Access Management Plan is developed and implemented during construction to reroute the Coastal Trail and post associated signage informing the public of the detour.

The City-owned parking lot at the northeast corner of L and 2nd Streets (which has 27 parking spaces) and 11 of the 60 parking spaces in the Adorni Center parking lot will be closed for construction staging for three to four months. Although 38 public parking spaces will be unavailable during construction, no issues with parking supply are anticipated. There is a third parking lot at the northwest corner of L and 2<sup>nd</sup> Streets that has 81 spaces. Both 2<sup>nd</sup> and L parking lots are chronically underutilized; a parking count in the summer of 2023 recorded both lots as having 0-4% occupancies at 9am, 11am, 1:30pm, and 3:30pm.

As conditioned to address temporary construction impacts, the project will promote public open space and shoreline access consistent with the above-listed goals and policies.

### **Protection of Ecological Resources and Habitat Goals and Policies**

**Policy 1.A.4 - To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the coastal zone and prevent its deterioration and destruction.**

**Goal 6.A: Aquatic Resources and Marine, Wetland, and Riparian Habitat- To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.**

**Policy 6.A.1 - The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance. The City shall require that uses of the marine environment are carried out in the manner that will sustain the biological productivity of coastal waters and that will maintain health populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.**

**Policy 6.A.3 - The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.**

**Policy 6.A.6 - The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone...b. Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes...**

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

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

**Policy 6.A.20 - To protect urban wetlands against physical intrusion, the City shall require that wetland buffer areas incorporate attractively designed and strategically located barriers and informational signs.**

The proposed project will not directly impact wetlands or other Environmentally Sensitive Habitat Areas (ESHA), but will be located in close proximity to Humboldt Bay and pursuant to Policies 6.A.7 and 6.A.19, must be sited and designed to prevent impacts that would significantly degrade the Bay habitat.

A construction-phase Erosion and Sediment Control Plan will be prepared and implemented to ensure construction-phase water-quality and hydrologic impacts are avoided. Best management practices (BMPs) such as inlet protection, straw wattles, construction fencing, covering of stockpiled materials, and proper disposal of any waste materials will be incorporated into the Plan.

The Playground will result in over 6,630-sf of new impervious surface, which meets the threshold for a Discretionary Regulated Redevelopment Project. Therefore, a post-construction Stormwater Control Plan consistent with the applicable standards of the City's Phase II Municipal Separate Stormwater Sewer System (MS4) Permit and the Humboldt Low Impact Development (LID) Stormwater Manual for Regulated Projects will be prepared and implemented. The Playground will be surrounded by landscaping, including two low impact development (LID) retention planters located along its west and east sides (see Plan Sheet L-005 in Attachment 2). A condition of approval has been added requiring a landscape plan showing that all proposed plants are non-invasive. A condition of approval has also been added to memorialize the requirements for a construction-phase Erosion and Sediment Control Plan and post-construction Stormwater Control Plan.

There are four existing light poles located along the amphitheater walkway where the proposed Playground will be, and seven located on the segment of the Waterfront Trail proposed for improvements. All existing light poles will be updated to be shielded and to meet “dark sky compliant” standards, and will be directed downward away from Humboldt Bay. Four waste receptacle stations will be installed around the Playground and more along the trail which will allow visitors to properly dispose of their waste and help keep the project site as well as the adjacent Humboldt Bay ESHA free of waste.

The trail improvements could result in the removal of up to sixteen trees, including seven large mature cypress trees. The City proposes to replace the trees at a minimum ratio of 1:1. A condition of approval has been added to ensure at least 1:1 replacement as proposed, and to require a plan to be submitted for the tree replacement prior to building permit approval for the trail improvements. A condition has also been added to require the trees to be removed outside of the bird nesting season if possible, and to require pre-construction surveys for nesting birds by a qualified biologist if the bird nesting season cannot be avoided.

For all the reasons discussed above, the proposed project as conditioned, will protect and preserve the resources of Humboldt Bay consistent with the Goals and Policies outlined in this section.

### **Hazard Goals and Policies**

**Goal 7.B: Geological Hazards – To minimize loss of life, injury, and property damage due to geologic hazards.**

**Goal 7.D: Flooding – To minimize the risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.**

The project site is not located on a known fault and is relatively flat and not susceptible to landslides. However, moderate to high-levels of ground shaking as a result of seismic activity are anticipated within the project area over the life of the development, and there is potential for liquefaction. In addition, the project site is within a tsunami inundation hazard zone and the northern portion of the site is within a designated VE flood hazard zone (Figures 6 and 7). The Playground and trail improvements can withstand periodic flood inundation without incurring structural damage or posing a hazard to coastal resources in Humboldt Bay. In addition, no critical facilities are linked to the proposed project and construction of the Playground and improvements to the Waterfront Trail will not put habitable structures and businesses at risk. The proposed improvements are relatively minor and relocatable and therefore are the types of improvements that make sense in a hazardous shoreline environment. In order to address the project being located within a tsunami hazard area, a condition has been added requiring a tsunami warning sign to be posted on site.

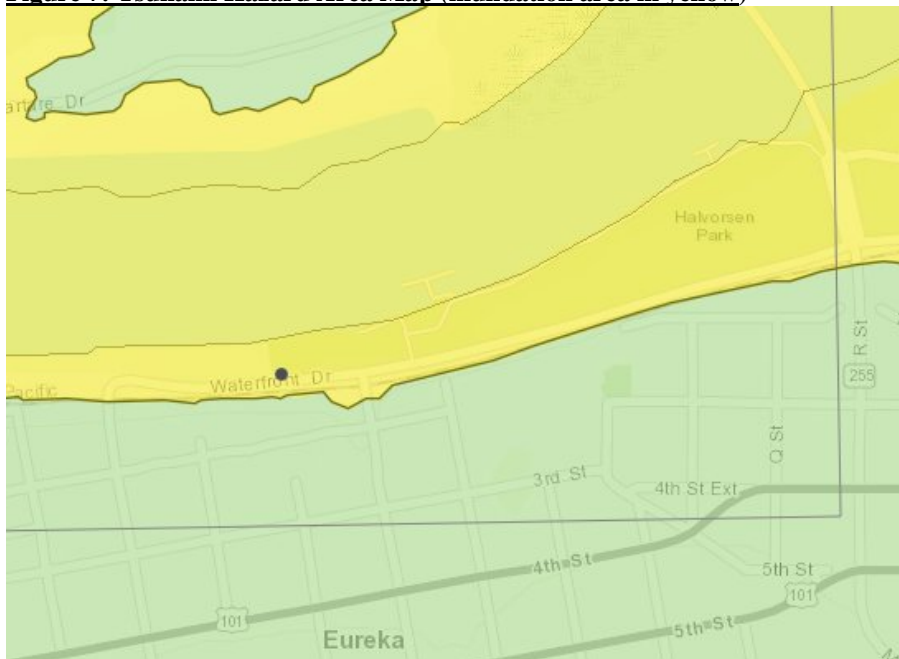
A portion of the project area located east of the Sacco Amphitheater previously contained the Shell Oil Terminal and Carson Mill which have led to residual soil and groundwater contamination. A Soil and Groundwater Management Contingency Plan (SGMCP), dated August 2013, was prepared for the City by SHN Consulting Engineers & Geologist (Attachment 5). A condition has been added to ensure all recommendations of the SGMCP are adhered to, including recommendations for contractor and worker notification, actions to be taken before working in contaminated areas, actions to be taken upon encountering contaminated material, construction practices to minimize the disruption and transport of contaminated material, and practices for the proper handling and disposal of contaminated material.

Ultimately, the project, as conditioned, will minimize risk to life and property from seismic, geologic, and flooding hazards consistent with the Goals and Policies outlined in this section.

**Figure 6: FEMA Flood Map – Grace Marton Memorial Park**



**Figure 7: Tsunami Hazard Area Map (inundation area in yellow)**



### Implementation Plan Analysis

The project must be found to conform with the entire Local Coastal Program, including the Implementation Plan. The Implementation Plan includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific Coastal Zoning ordinances necessary to implement the policies of the Land Use Plan. The project site is zoned Waterfront Commercial (CW) where

public and commercial recreation are principally permitted uses. The project complies with CW development standards as the project is well under the maximum Floor Area Limit of 250%, all new structures will be far under the 100-ft maximum height, and the project is not subject to setback requirements as the CW zone does not include setback requirements.<sup>2</sup>

In addition to specifying the regulations pertaining to specific zoning districts, IP Sec. 10-5.2940 et. seq., specifies development standards that apply to all development in the Coastal Zone, including standards for public access, environmental resources, natural hazards, visual resources, public works, and new development. These standards largely reiterate certified LUP goals and policies discussed in the LUP policy analysis above, and the applicable findings are incorporated as if set forth in full herein. There is one additional standard not covered under the LUP policy analysis above, which is EMC Section 10-5.2946.9:

**10-5.2946.9 Archaeological areas.**

- a) When development is proposed within a known archaeological area, project design shall avoid or minimize impacts to the resource.**
- b) When development in archaeological sites cannot be avoided, adequate mitigation measures shall be required. Mitigation shall be designed in accord with guidelines of State Office of Historic Preservation and the State of California Native American Heritage Commission. When, in the course of grading, excavation, or any other development activity, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and the City Planning Director shall be notified immediately of the discovery.**
- c) The City Planning Director shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological survey can be made and appropriate and feasible mitigation measures are developed.**

The Project involves minor ground disturbance (described in the Project Summary section of this report) and was referred to the Tribal Historic Preservation Officers (TPHOS) of the Wiyot Tribe, the Bear River Band, and the Blue Lake Rancheria on Tuesday, October 3, 2023. Although no comments were received from local tribes when the project was referred, a condition has been included requiring the project follow the City’s standard Inadvertent Archeological Discovery Protocol.

Based on the discussion above, the finding can be made that the proposed project as conditioned conforms with the certified Implementation Plan.

**DESIGN REVIEW ANALYSIS**

Site Plan and Architectural Review are required for construction of the proposed project, and in this case, the Planning Commission has authority over the design review process. Pursuant to EMC § 10-5.1801.1, Site Plan review is intended to: 1) preserve the natural beauty of the City’s site; 2)

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2 The parking lot at the northeast corner of L and 2<sup>nd</sup> to be used temporarily as staging is separately zoned Office Residential - OR. Since that parking lot will only be temporarily impacted during construction, project consistency with the OR zoning district is not analyzed.

prevent the indiscriminate clearing of property and the destruction of trees and shrubs; 3) prevent excessive grading of hillsides and creation of drainage hazards; 4) ensure that structures are properly related to their sites and to surrounding sites and structures and to traffic circulation in the vicinity; and, 5) ensure that parking areas, walkways, and landscaping are arranged to accomplish the objectives of the zoning code. Pursuant to EMC § 10-5.1801.2, the purpose of Architectural Review is to prevent the erection of structures that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity.

Pursuant to EMC § 10-5.1801 et seq., the Planning Commission's review includes exterior design, materials, textures, and colors but does not include elements of the design that do not affect exterior appearance. The ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in architecture and site planning shall not be suppressed. The Planning Commission must recommend disapproval of drawings for a structure that would be inharmonious with surrounding development, but the Commission cannot require new structures duplicate an historic architectural style as a condition of approval.

The City's Community Services Department created a survey to collect input from the community about the park's design and features and received over 700 responses. The feedback and features chosen by the community were implemented into the park's design proposal, which is described in detail in the Project Summary section of this report. Conceptual renderings are included on Plan Sheet L-002 (Attachment 2). The proposed Playground structures and design reflect and relate to the project's location on Humboldt Bay, with inspiration from the historical working waterfront and crossing of the Humboldt Bay bar.

The Grace Marton Park Plant Palette (Attachment 6) includes a variety of plant-types such as ornamentals, California natives, trees, tree-like shrubs, medium-height shrubs, ground covers, perennials, and grasses to create variations in height and texture throughout the project site. The proposed planting design is made up of predominately native plants, and does not include invasive plant species. The final plant selection will be drawn from this list; however, not all plants listed will be used.

Staff believes the necessary findings, as mentioned above, can be made to approve Site Plan and Architectural Review (i.e. Design Review) for the proposed project.

### **ENVIRONMENTAL ASSESSMENT**

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act pursuant to the following categorical exemptions: Class 1 Existing Facilities (Section 15301), Class 2 Replacement or Reconstruction (Section 15302), Class 3 New Construction or Conversion of Small Structures (Section 15303), and Class 4 Minor Alterations to Land (Section 15304). A CEQA Notice of Exemption was submitted to the State Clearinghouse (SCH No. 2023060491) and filed with the Humboldt County Recorder's Office on June 16, 2023. No comments were received. The justification for the CEQA exemptions is included in the Notice of Exemption (Attachment 7). At the time the Notice of Exemption was filed, tree removal along the trail alignment was not anticipated. However, the trail improvement portion of the project continues to qualify for the

Class 1 Existing Facilities and Class 2 Replacement or Reconstruction exemptions and no additional environmental review is required.

**PUBLIC HEARING NOTICE**

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before *February 2, 2024*. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on or before *February 2, 2024*.

**CONCLUSION**

Based on the analysis above, the proposed Playground and trail improvements, as condition, are consistent with the City’s certified LCP, including the Land Use Plan and Map and the Coastal Zoning Code and Map. The proposed Playground and improvements will not be ugly, monotonous, hazardous, or inharmonious with the surroundings, and will have a positive effect on the value of properties in the vicinity.

**STAFF CONTACT**

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**DOCUMENTS ATTACHED**

Attachment 1: Planning Commission Resolution .....pages 18-21  
Attachment 2: Playground Site Plan .....pages 22-28  
Attachment 3: Eureka Waterfront Trail Plan.....pages 29-33  
Attachment 4: Tree Removal Site Plan.....page 34  
Attachment 5: Soil and Groundwater Management Contingency Plan (SGMCP)....pages 35-90  
Attachment 6: Grace Marton Park Plant Palette .....pages 91-93  
Attachment 7: CEQA Notice of Exemption .....pages 94-97