

**CEQA ADDENDUM TO THE
MITIGATED NEGATIVE DECLARATION FOR THE LUCAS & MYRTLE MINI STORAGE
CENTER**

State Clearinghouse # 2022070274, Adopted March 7, 2023

**APN 015-111-006, 015-111-012, and 015-111-013, Eureka area
County of Humboldt**

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Background

Modified Project Description and Project History –

The proposed Lucas & Myrtle Mini-Storage Center (project) includes a lot line adjustment, minor zone boundary adjustment, CUP, and the construction and operation of a mini-storage center in unincorporated Humboldt County in the Myrtle town area of Eureka. The site originally consisted of three parcels. An approved lot line adjustment allowed the parcels to be reconfigured into two parcels in February 2022—a small 5,500-square-foot (sf) residential lot on the northern end of the site and a remaining lot of approximately 2.1 acres to be commercially developed. Associated with the lot line adjustment was the adjustment of the site's zoning boundary between the Neighborhood Commercial zone (C-1/GO) and Apartment Professional residential zone (R-4/GO, Q). The home and garage in the northeast corner would become its own separate parcel. The remaining structures on the project site would be removed and replaced with an office/caretaker building with 1,800 square feet on the first floor and 1,800 square feet on the second floor. The remaining commercial area would be developed and used as a mini-storage center. This area would be equivalent to a lot area coverage of less than 45 percent on the 86,269-sf lot. The building appearance would be typical of other existing mini-storage companies in the Humboldt Bay area.

The modified project involves a minor alteration in the configuration of one of the mini storage buildings, which will reduce the wetland buffer from 100 feet to approximately 80 feet. The wetland matrix is a collection of three-parameter seasonal and perennial wetlands and the wetland buffer had been set at 100 feet through the previous review process. As part of the buffer reduction, a wetland buffer replanting plan is proposed that has been developed in consultation with the California Department of Fish and Wildlife.

The modified project is consistent with the adopted MND because it does not alter the findings or conclusions. The buffer reduction does not result in any significant adverse impacts to biological resources and does not conflict with any of the adopted mitigation measures.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously certified Mitigated Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent EIR or Negative Declaration have occurred. Section 15162 states that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete,

shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Summary of Significant Project Effects and Mitigation Recommended

A review of Appendix G impacts:

Aesthetics: The minor alteration in the configuration of one building will not impact aesthetics. The alteration is to the rear of an existing building that is not visible from either of the public rights-of-way associated with the parcel.

Agriculture and Forestry Resources: The parcel is not zoned or planned for agriculture or timber management purposes.

Air Quality: The minor change in the configuration of a building does not result in any changes to air quality.

Biological Resources: The modified project involves a minor alteration in the configuration of one of the mini storage buildings, which will reduce the wetland buffer from 100 feet to approximately 80 feet. The wetland matrix is a collection of three-parameter seasonal and perennial wetlands and the wetland buffer had been set at 100 feet through the previous review process. As part of the buffer reduction, a wetland buffer replanting plan is proposed that has been developed in consultation with the California Department of Fish and Wildlife. The project biologist and the California Department of Fish and Wildlife concur that the buffer reduction will not significantly impact biological resources.

Cultural Resources: There are no known cultural resources on the site. The minor change in the configuration of a building does not result in any changes to cultural resources.

Energy: The minor change in the configuration of a building does not result in any changes to energy use.

Geology and Soils: The minor change in the configuration of a building does not result in any changes to geology and soils.

Greenhouse Gas Emissions: The minor change in the configuration of a building does not result in any changes to the greenhouse gas emissions associated with the project.

Hazards and Hazardous Materials: The minor change in the configuration of a building does not result in any changes to hazardous materials.

Hydrology and Water Quality: The minor change in the configuration of a building does not result in any changes to hydrology and water quality. The drainage plan will remain as proposed and is not required to be substantially altered.

Land Use and Planning: The minor change in the configuration of a building does not result in any changes to Land Use and Planning.

Mineral Resources: The minor change in the configuration of a building does not result in any changes to mineral resources.

Noise: The minor change in the configuration of a building does not result in any changes to noise.

Population and Housing: The minor change in the configuration of a building does not result in any changes to population and housing.

Public Services: The minor change in the configuration of a building does not result in any impact to public services.

Recreation: The minor change in the configuration of a building does not result in any changes to recreation.

Transportation: The minor change in the configuration of a building does not result in any changes to vehicle miles traveled or other transportation concerns.

Tribal Cultural Resources: No cultural resources were identified on the site and the minor change in the configuration of a building does not result in any changes to tribal cultural resources.

Utilities and Service Systems: The minor change in the configuration of a building does not result in any changes to utilities and service systems.

Wildfire: The project will not interfere with any evacuation plan. The minor change in the configuration of a building does not result in any changes to wildfire.

No changes are proposed for the original MND recommended mitigations.

In reviewing the application for consistency with the adopted MND, the County considered the following information and studies, among other documents (see Attachment 4 for a complete listing of documents):

- Site Plan prepared by SJA, dated 3/11/22.
- Paye Wetland Buffer Replanting Plan prepared by SHN dated May 8, 2022.

Other CEQA Considerations

Staff suggests no changes for the revised project.

EXPLANATION OF DECISION NOT TO PREPARE A SUPPLEMENTAL MITIGATED NEGATIVE DECLARATION OR ENVIRONMENTAL IMPACT REPORT

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted.

Project impact analysis of conformance to the Mitigated Negative Declaration Mitigation Monitoring and Reporting Program

BIO-1a: Prior to site development (e.g., demolition, tree clearing, grading), the County shall ensure that the applicant has a qualified botanist conduct seasonally appropriate botanical surveys throughout the project parcels to evaluate the presence of special-status plant species. The protocol shall follow CDFW guidelines (California Department of Fish and Wildlife 20181). Any populations of special-status plant species found on the project site shall be avoided, no impact or mitigation is allowed. The population shall be flagged for avoidance and coordination with CDFW staff will be required prior to site development to protect any special-status plants species found on the site.

- The minor change in the configuration of one building does not impact or alter this requirement.

BIO-1b: Prior to site development (e.g., demolition, tree clearing, grading), the County shall ensure that the applicant has a qualified biologist conduct red-legged frog amphibian surveys throughout the project parcels to evaluate the presence of red-legged frog. The protocol shall follow USFWS guidance (U.S. Fish and Wildlife Service 20052). Any individuals found on the project site shall be avoided and construction activities halted until the individual can be corralled toward the wetland habitat to the west. Handling or harassment (i.e., take), may not take place during the survey activities or construction. Take may only be authorized via Section 7 or Section 10 of FESA. Typically, take associated with survey activities is authorized via issuance of Section 10(a)(1)(A) permits.

- The minor change in the configuration of one building does not impact or alter this requirement.

BIO-2: Avoidance and protection measures for nesting birds. The County shall implement the following measures to ensure no significant impacts on native migratory bird species:

1. If vegetation and tree removal occur between March 15 and August 15, the County shall ensure that the applicant has a qualified wildlife biologist conduct preconstruction surveys within the vicinity of the impact area, to check for nesting activity of native birds and to evaluate the site for special-status bird species such as red-tailed hawk, red-shouldered hawk, and American kestrel. The biologist shall conduct a minimum of one preconstruction survey within the 7-day period prior to vegetation removal activities. If vegetation removal work lapses for 7 days or longer during the nesting season, a qualified biologist shall conduct a supplemental avian survey before project work is reinitiated.
 2. If an active nest is found, the biologist will determine the extent of an appropriate construction-free buffer zone to be established around the nest and/or operational restrictions in consultation with the CDFW. Buffer zones will be delineated with flagging and maintained until any nestlings have fledged or nesting activity has ceased. Buffer sizes would take into account factors such as (1) roadway and other ambient noise levels, (2) distance from the nest to the roadway and distance from the nest to the active construction area, (3) noise and human disturbance levels at the
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construction site at the time of the survey and the noise and disturbance expected during the construction activity; (4) distance and amount of vegetation or other screening between the construction site and the nest; and (5) sensitivity of individual nesting species and behaviors of the nesting birds.

3. The minor change in the configuration of one building does not impact or alter these requirements.

BIO-3: Light pollution minimization. The applicant shall implement the following measure to ensure light pollution impacts on the wildlife corridor (Myrtle town gulch) to the west would be minimized.

- Outdoor lighting along the western portion of the site, as well as lights within the facility that face west, will utilize LEDs with a color temperature less than 3,000 Kelvins. Outdoor lighting fixtures will be fully shielded and downward facing. Additional resources regarding dark sky friendly fixtures and where they can be purchased are available on the International Dark Sky Association webpage (<https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics/>).
- The minor change in the configuration of one building does not impact or alter this requirement.

BIO-4: Landscaping with native plant species. The applicant shall implement the following measure to ensure nonnative plant species do not spread into the adjacent Myrtle town gulch or other sensitive habitats.

- Landscaping around the proposed mini-storage facility shall make use of native plant species that will not pose a risk of invading adjacent wetland habitats.
- The minor change in the configuration of one building does not impact or alter this requirement.

CUL-1: Discovery of cultural resources. The County of Humboldt shall ensure that if cultural 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 will 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 Officer and others that the County has on file will be contacted immediately to evaluate the discovery and, in consultation with the project proponent, the County, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials that could be encountered include obsidian and chert debitage or formal tools, grinding implements (e.g., pestles, handstones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic archaeological discoveries may include nineteenth century building foundations, structural remains, or concentrations of artifacts made of glass, ceramics, metal or other materials found in buried pits, wells, or privies.

- The minor change in the configuration of one building does not impact or alter this requirement.

Mitigation Measure CUL-2: Discovery of human remains. The County shall ensure that if human remains are discovered during project construction, work would be stopped at the discovery location, within 66

feet, and any nearby area reasonably suspected to overlie adjacent to human remains (PRC 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (PRC 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in PRC Section 5097.98.

- The minor change in the configuration of one building does not impact or alter this requirement.

NOI-1: Construction noise. The County will ensure that the following shall apply to construction noise from tools and equipment:

- a) The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8 a.m. and 5 p.m. Monday through Friday, and between 9 a.m. and 5 p.m. on Saturdays.
 - b) No heavy equipment related construction activities shall be allowed on Sundays or holidays.
 - c) All stationary equipment and construction equipment shall be maintained in good working order and fitted with factory approved muffler systems.
- The minor change in the configuration of one building does not impact or alter this requirement.

Based upon this review, the following findings are supported:

FINDINGS

1. The proposed project will permit a minor alteration in the configuration of one building and result in a reduction of the 100 foot wetland buffer to approximately 80 feet for a small portion of the buffer length.
2. The circumstances under which the project was approved have not changed substantially. There are no new significant environmental effects and no substantial increases in the severity of previously identified effects.
3. For the current proposed project, there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete.

CONCLUSION

Based on these findings it is concluded that an Addendum to the certified MND is appropriate to address the requirements under CEQA for the current project proposal. All of the findings, mitigation requirements, and mitigation and monitoring program of the MND, remain in full force and effect on the original project.