

RESOLUTION NO. 2023-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM AND A RESPONSE TO COMMENTS (ED-23-0013), AND CONDITIONALLY APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-23-0008) FOR THE FLOOD REDUCTION AND SEA LEVEL RISE RESILIENCY PROJECT AND A CONDITIONAL USE PERMIT (CUP-23-0004) FOR THE PROJECT'S PORTION IN PALCO MARSH SOUTH OF WEST DEL NORTE STREET

WHEREAS, the City of Eureka (City) is proposing various improvements to provide flood reduction and sea level rise resiliency of public infrastructure within urbanized coastal areas of the City (within stormwater basins G, F and E) to improve water quality in Humboldt Bay; and, specific improvements include: replacing undersized storm drain piping and culverts, installing tide gates, Low Impact Development (LID) features (i.e. stormwater management measures, such as rain gardens) and trash capture devices, and limited earthwork within Palco Marsh to increase its stormwater storage capacity and enhance its tidal system; and

WHEREAS, project components within the Coastal Zone portion of the City are located within the City's Coastal Development Permit (CDP) authority, except for the improvements within Palco Marsh, which are within the California Coastal Commission's CDP permitting authority; therefore, a CDP from the City is required for all work not at Palco Marsh, and a CDP will be processed separately by the Coastal Commission for work in Palco Marsh; and

WHEREAS, a Use Permit for the work in Palco Marsh is required because it is located within a Natural Resource (NR) zone, and "Enhancement for fish and wildlife habitat values" projects in a NR zone require a Conditional Use Permit; and

WHEREAS, the Coastal Development Permit and Use Permit approvals are a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, a draft Initial Study/Mitigated Negative Declaration (IS/MND) (ED-23-0013; SCH No. 2023060362) for the Eureka Flood Reduction and Sea Level Rise Resiliency Project was prepared in accordance with §§15063 and 15070 of the CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on August 14, 2023 at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the Eureka Flood Reduction and Sea Level Rise Resiliency Project in accordance with Eureka Municipal Code (EMC) Title 10, Chapter 5, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The draft IS/MND for this project was submitted to the State Clearinghouse (SCH No. 2023060362) on June 13, 2023 for a 30-day public comment period which ended on July 13, 2023; and, a notice of the 30-day local comment period on the draft IS/MND (which also ended on July 13, 2023), and Notice of Intent (NOI) to Adopt the MND, was posted at the Humboldt County Clerk's office and published in the Times-Standard, on June 13, 2023.
2. The City received one comment letter during the CEQA public comment period, and a Response to Comments was prepared.
3. The MND was prepared for this project pursuant to the provisions of CEQA and reflects the City of Eureka's independent judgment and analysis.
4. The MND concluded that with mitigation, no substantial adverse environmental impact will result from the proposed project.
5. On the basis of the whole record including the Initial Study, the comments received, and the Response to Comments, there is no substantial evidence that the project will have any significant effects on the environment with implementation of the mitigation measures.
6. The documents and other material which constitute the record of proceedings upon which the Planning Commission's decision is based are maintained at City of Eureka Public Works - Engineering and/or Development Services - Planning, 531 K Street, Eureka, CA.
7. The Eureka Flood Reduction and Sea Level Rise Resiliency Project, as conditioned, conforms to the policies of the certified Local Coastal Program.
8. The improvements at Palco Marsh are in accord with the objectives of EMC Title 10, Chapter 5 and the purposes and intent of the NR zone district.
9. The improvements at Palco Marsh will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity, and instead protect the stormwater system from being overwhelmed by tidal surges and reduce flooding of streets and building which will increase safety and reduce the potential for economic damage.
10. The improvements at Palco Marsh, as conditioned, comply with the applicable provisions of EMC Title 10, Chapter 5.
11. The project, as conditioned, is consistent with the public access policies of the Coastal Act and the certified LCP.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the Mitigated Negative Declaration, Response to Comments, and Mitigation Monitoring and Reporting Program for the Eureka Flood Reduction and Sea Level Rise Resiliency Project should be approved; and

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the Eureka Flood Reduction and Sea Level Rise Resiliency Project should be approved subject to the following condition:

- A. Implementation of the MMRP. The environmental protection actions and mitigation measures described in the Mitigation Monitoring and Reporting Program (MMRP) for the Eureka Flood Reduction and Sea Level Rise Resiliency Project shall be followed for all pre-construction, construction, and post-construction activities.
- B. State and Federal Permits. Any necessary State and Federal permits or authorizations shall be obtained prior to commencement of construction of relevant components of the project.
- C. Public Access Plan. A Public Access Plan to minimize impacts to public access to the Waterfront Trail and Del Norte Pier during and following construction activities shall be prepared and implemented.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the Mitigated Negative Declaration, Response to Comments, and Mitigation Monitoring and Reporting Program (ED-23-0013), the Coastal Development Permit (CDP-23-0008) and Conditional Use Permit (CUP-23-0004) for Eureka Flood Reduction and Sea Level Rise Resiliency Project subject to the condition listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 14th day of August, 2023 by the following vote:

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary