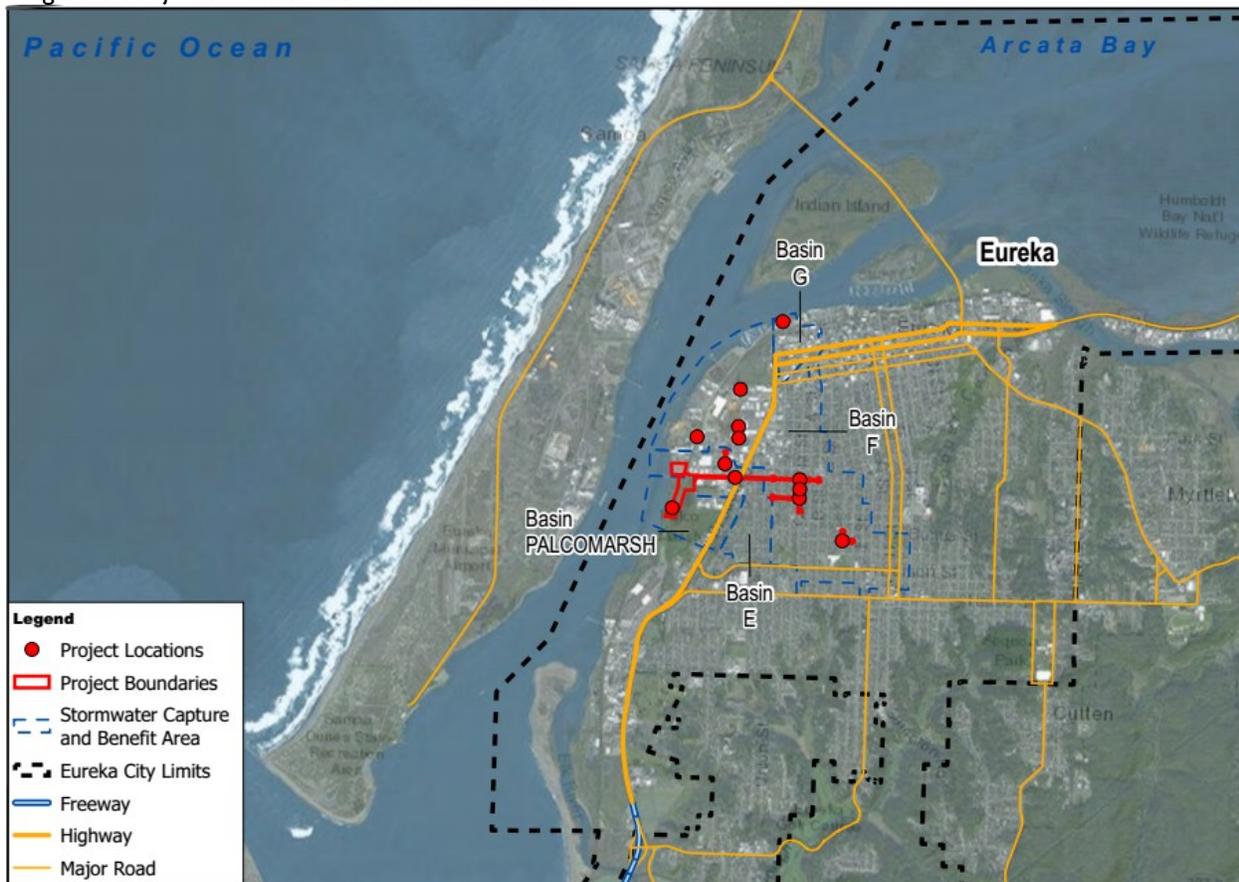


<b>Title:</b>	Flood Reduction and Sea Level Rise Resiliency Project
<b>Projects:</b>	Coastal Development Permit CDP-23-0008, Conditional Use Permit CUP-23-0004, and Initial Study/Mitigated Negative Declaration ED-21-0013
<b>Location:</b>	Various locations in stormwater basins G, F, E, and Palco Marsh
<b>APN:</b>	various
<b>Applicant:</b>	City of Eureka
<b>Property Owner:</b>	City of Eureka
<b>Purpose/Use:</b>	Reduce flooding and increase sea level rise resiliency of public infrastructure within urbanized coastal areas of the City, and improve water quality in Humboldt Bay
<b>Application Date:</b>	June 8, 2023
<b>General Plan:</b>	GI - General Industrial; LI - Light Industrial; CDI - Coastal Dependent Industrial; GSC - General Service Commercial; PQP - Public/Quasi-public; NR - Natural Resources
<b>Zoning:</b>	MG - General Industrial; ML - Limited Industrial; MC - Coastal Dependent Industrial; CS - Service Commercial; P – Public; NR - Natural Resources;
<b>CEQA:</b>	Initial Study/Mitigated Negative Declaration (SCH No. 2023060362)
<b>CDP Appealability Status:</b>	Appealable to Coastal Commission
<b>Staff Contact:</b>	Caitlin Castellano, Senior Planner
<b>Recommendation:</b>	Hold a Public Hearing; and Adopt a Resolution adopting the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comments and Errata, and approving the project with conditions
<b>Motion:</b>	<i>“I move the Planning Commission adopt a Resolution adopting a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comments; and conditionally approving the Conditional Use Permit and Coastal Development Permit for the Flood Reduction and Sea Level Rise Resiliency Project.”</i>

Figure 1: Project locations and stormwater basins



## **PROJECT SUMMARY**

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 (stormwater basins G, F and E) of the City (Figure 1) to improve water quality in Humboldt Bay. 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.

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 in Palco Marsh, and a CDP will be processed separately by the Coastal Commission for the work in Palco Marsh. Additionally, the improvements within Palco Marsh are located in the Natural Resource (NR) zone which requires a Conditional Use Permit (CUP) from the City.

## **Background**

The proposed project was developed through community engagement as part of the Eureka Area Watersheds Storm Water Resource Plan and is included in the North Coast Integrated Regional Water Management Plan. The proposed project has also been included in the Streets & Storm Drains section of the City's Capital Improvement Program (CIP) since 2020, under the Storm

Drain Improvements, Stormwater Trash Capture, and Tide Gate Repair project sheets. As stated in section 1.2 Purpose and Need in the environmental document (Attachment 2):

“Many portions of the City's existing storm water system are old and undersized, resulting in significant flooding, which is being exacerbated by sea level rise. Although the impacts propagate to upstream portions of the system, the low-lying areas of the City experience the most flooding. Approximately one foot of flooding was witnessed on Washington Street during November 2012, when the area experienced high rainfall coinciding with high tides, which prevented the system from draining. Similar flooding was observed in January 2019. With the potential effects of rising sea levels and increased precipitation intensities, the City is susceptible to similar or more severe flooding at more frequent intervals.”

The proposed project improves the capacity and conveyance of the storm drain network to reduce flooding in combination with new tide and flap gates to reduce flood impacts from sea level rise. Low Impact Development (LID) features will be placed along, or upstream of, storm drain improvements, and trash capture devices (TRDs) will be installed. Channel excavations and enhancement within Palco Marsh will expand stormwater storage capacity and improve tidal circulation. Water quality benefits will be achieved by reductions in peak flows and runoff volumes which can create erosion and carry sediment loads to Humboldt Bay, and the LID features will provide additional pollutant removal from urban runoff. TRDs will also reduce pollutants entering the Bay and help ensure the system's outfalls function properly by reducing interference from debris. The existing storm drain outfalls, structures and drainage channels will be modified or relocated to accommodate increased storm drain flows associated with increased capacity upstream. And, tide and flap gates will increase the City's resiliency by protecting the storm water system from being overwhelmed by tidal surges.

Most project components are located within street segments and intersections throughout the City and their specific locations are described below:

Stormwater Pipe Replacement (Coastal and Inland Zones)

- Del Norte Street (St.) between B St. and the Eureka Waterfront Trail;
- Short St. between 15th St. and Wabash Ave.;
- Koster St. between Washington St. and 4th St.;
- Hawthorne St. between Union St. and California St.;
- California St. between Hawthorne St. and Trinity St.;
- Williams St. between Long St. and Buhne St.;
- Long St. between Williams St. and D St.;

Low Impact Development Installation (Inland Zone)

- Del Norte St. and California St.;
- Sonoma St. and California St.

Trash Capture Device Installation (Coastal Zone)

- Washington and Koster St.;
- 14th St. and Eureka Waterfront Trail
- Commercial St. and Waterfront Dr.
- Del Norte St. and Eureka Waterfront Trail

Tide Gate Installation (Coastal Zone)

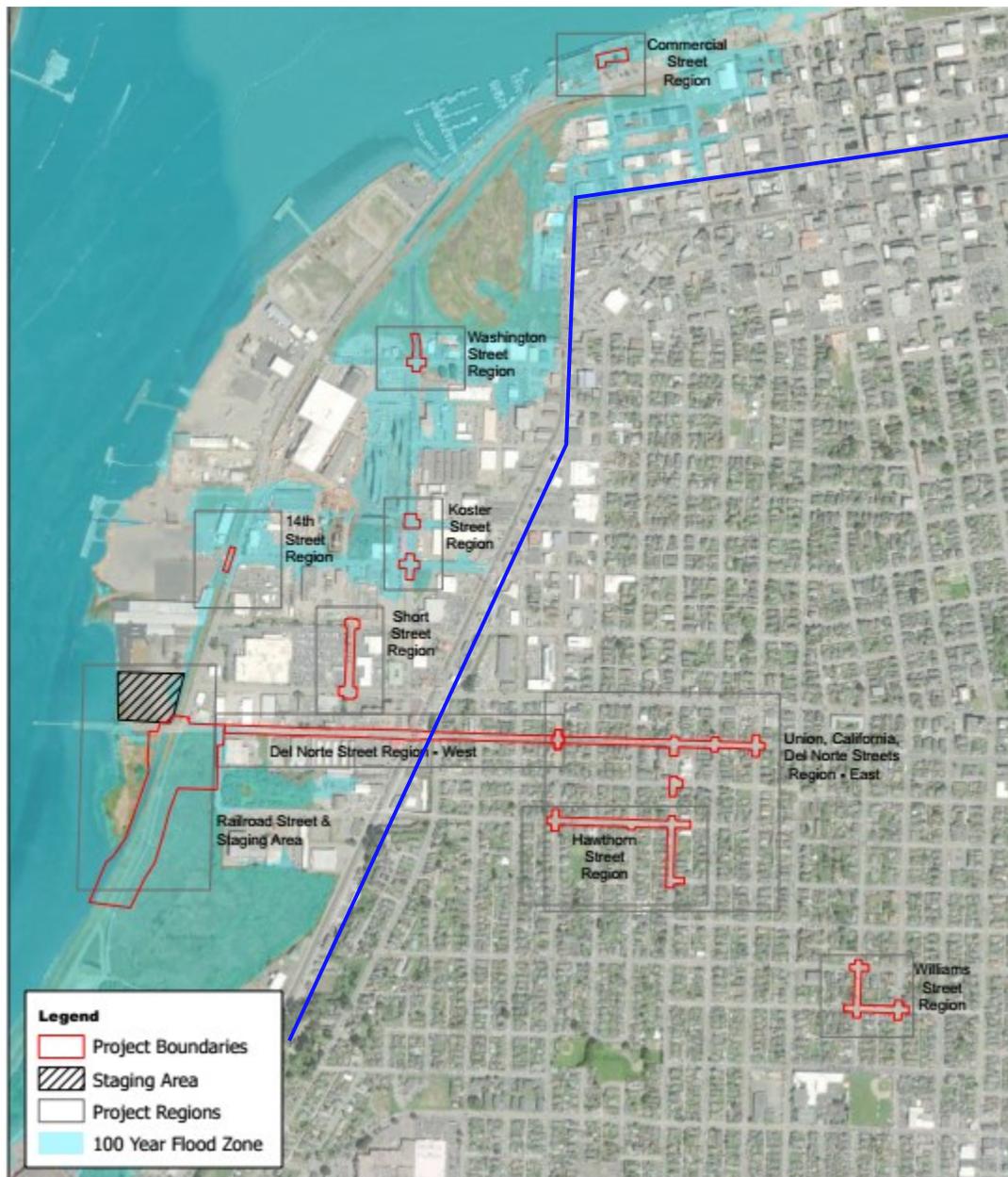
- Koster St. and Cedar St.
- Commercial St. and Waterfront Dr. (replacement of existing tide gate)

- Del Norte St. at Palco Marsh
- Palco Marsh at Humboldt Bay (adjustable to maintain existing tidal exchange)

Improvements will also occur in Palco Marsh, located south of the western extent of Del Norte Street.

Project components cross multiple zoning designations including Industrial, Public and Natural Resource zones in the Coastal Zone, and Residential zones within the Inland Zone. The overall project area is surrounded by residential, industrial, and open space uses, and numerous project components are located in the mapped FEMA 100-year flood zone (Figure 2).

Figure 2: Site map showing the location and extent of each project component, the 100-year flood zone, and the Coastal Zone boundary in blue



Construction is anticipated to begin in late spring/early summer 2024 and take eight to twelve months to complete. Construction hours will be 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturdays, and no construction on Sundays. Nighttime construction may occur for work within the Caltrans right-of-way at Broadway and West Del Norte Street. Earthwork involving grading (i.e. work within Palco Marsh and Clark Slough) will occur between June 15 through September 15; and, if feasible, vegetation clearing (herbaceous plants and shrubs; no tree removal is anticipated) will occur outside of the nesting bird season between March 15 and August 15. Given portions of the project are located in the FEMA 100-year flood zone, construction will not occur during flood conditions.

### **Applicable Regulations**

Project components are located in both the Coastal and Inland Zone portions of the City (Figure 2 above). The project components in the Coastal Zone constitute development requiring Coastal Development Permit (CDP) authorization. All proposed improvements within the Coastal Zone are located in the City's CDP permitting authority, except for the improvements within Palco Marsh, which are located within the California Coastal Commission's CDP permitting authority; therefore, a CDP will be processed separately by the Coastal Commission for work within Palco Marsh. City approval of the CDP for all project components, except for Palco Marsh, is appealable to the Coastal Commission. Additionally, no Use Permit is required to implement project components, except for the Palco Marsh component because it is located within a Natural Resource (NR) zone, and "Enhancement for fish and wildlife habitat values" projects (which this project ultimately aims to do) within the NR zone require a Conditional Use Permit (CUP). Furthermore, per Eureka Municipal Code (EMC) §155.104.060 (G) (i.e. the Inland Zoning Code), "the zoning code does not apply to public projects of the City of Eureka" outside of the Coastal Zone; therefore, no discretionary permit is required for the project components within the Inland Zone.

### **COASTAL DEVELOPMENT PERMIT ANALYSIS**

To approve a CDP for the project components within the Coastal Zone, the Planning Commission must find that the proposed development conforms to the policies of the Certified Local Coastal Program per EMC §10-5.29310.2. The Local Coastal Program is divided into two components: the first component is the *Land Use Plan*, which is the General Plan specific to land in the Coastal Zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the *Implementation Plan*, which includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific Coastal Zone ordinances necessary to implement the policies of the Land Use Plan.

#### **Land Use Plan Analysis**

Staff reviewed the goals and policies in the adopted and certified Land Use Plan (LUP) to determine whether the project conforms to the LUP. The review found the project does not conflict with any adopted LUP policies, and is consistent with and supported by the following:

***Goal 1.A:** To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates*

*logical and cost-effective service extensions, and protects valuable natural and ecological resources.*

***Policy I.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.*

The proposed project does not alter the existing land use pattern and mix of developments in Eureka, but it will promote economic choices and expansion by reducing and preventing flooding impacts. The proposed project also promotes public safety, health, and welfare by improving the City's stormwater infrastructure system to reduce flooding and reduce the potential for contaminated flood waters to enter Humboldt Bay which will help protect the ecological balance of the Coastal Zone and prevent its deterioration and destruction, all of which will assure the long-term productivity and economic vitality of Humboldt Bay and its coastal resources, consist with this goal and policy.

***Goal 4.A:*** *To ensure the effective and efficient provision of public facilities and services for existing and new development.*

***Policy 4.A.4:*** *The City declares that existing public works facilities, including water, wastewater, stormwater, highway, and railroad facilities serving the Planning Area are essential to the economic and social well-being of the people and shall be maintained, enhanced, and restored to assure the orderly and balanced utilization and conservation of natural and human-created resources.*

Many portions of the City's existing stormwater system are old and undersized, resulting in significant flooding, which is being exacerbated by sea level rise. The proposed project is an effective and efficient provision of public facilities and services because it will improve the City's stormwater infrastructure to reduce flooding, increase sea level rise resiliency, and improve the quality of water run-off into Humboldt Bay, which are essential to the economic and social well-being of the people consistent with this goal and policy.

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

Public access along the Waterfront Trail will be temporarily limited during construction at Palco Marsh, and access to the Del Norte Pier will also be temporarily limited during construction within the Del Norte Street and Railroad Avenue street right-of ways, resulting in pedestrian public access being routed around the construction area, likely via Del Norte and Felt Streets. As a result, the project is conditioned to prepare a Public Access Plan to minimize impacts to public access during and following construction activities. Therefore, the proposed project will have no significant adverse effect on existing public access consistent with this goal and any associated policies.

***Goal 6.A:*** *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.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.4:** *The City shall require that channelizations or other substantial alterations that could significantly disrupt the habitat values of rivers and streams incorporate the best mitigation measures feasible. Such channelizations and alterations shall be limited to the following:*

- a. *Flood control projects where no other method for protecting existing structure in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development;*
- b. *Developments where the primary function is the improvement of fish and wildlife habitat.*

**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.8:** *Within the Coastal Zone, prior to approval of a development, the City shall require that all development on lots or parcels designated NR (Natural Resources) on the Land Use Diagram or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced or restored.*

**Policy 6.A.17:** *The City shall require that any uses that involve substantial alterations of streams and rivers incorporate the best mitigation measures feasible and shall be limited to the following:*

- a. *Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect development.*
- b. *Development where the primary function is the improvement of fish and wildlife habitat.*

Failure of not implementing the project would result in continued flooding events within coastal urban areas of the City, which are expected to be exacerbated over time by sea level rise and can result in significant disruption to coastal habitat values by allowing contaminated stormwater

(especially from the industrial areas of the City which may have higher concentrations of surface pollutants which can be picked up by receding flood waters) to run-off into Humboldt Bay. Therefore, the proposed project is designed to maintain optimum populations of aquatic organisms and protect human health through, among other means, minimizing adverse effects of stormwater discharges and entrainment and controlling the quantity and quality of runoff to Humboldt Bay.

Although the addition of a new storm drain pipe along Del Norte Street will increase run off to Palco Marsh, it will reduce the runoff from other locations discharging directly to Humboldt Bay. A primary purpose of the increased storage capacity in Palco Marsh is to use the wetland to mimic natural hydrology and watershed processes to protect Humboldt Bay from the harmful intrusion of contaminated runoff, and all proposed improvements are sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas, and be compatible with the continuance of such habitat areas.

Being able to better protect existing structures and public infrastructure from frequent flooding is necessary for public safety; and, the proposed project will improve water quality discharge into Humboldt Bay by installing trash capture devices and LID improvements at various locations in the City, which will protect and enhance the natural qualities of the Eureka area's aquatic resources, and preserve the area's valuable marine, wetland, and riparian habitat.

Additionally, agencies that regulate the filling of or modification to wetlands and waters in the project area include: the United State Army Corps of Engineering (USACE), the North Coastal Regional Water Quality Control Board (NCRWQCB), and the California Coastal Commission (for the Palco Marsh improvements). As a result, the City is required to obtain the necessary permits from those agencies to comply with respective regulations including Clean Water Act Section 404 permit, Section 401 water quality certification, and the Coastal Act; therefore, further ensuring the proposed project enhances the natural qualities of the Eureka area's aquatic resources and preserves the area's valuable marine, wetland, and riparian habitat. A condition has been added to ensure any necessary State and Federal permits or authorizations are obtained prior to the commencement of relevant components of the project.

Furthermore, a Biological Resources Evaluation (BRE) was prepared and it evaluated baseline environmental conditions within the project area and determined the potential for special status plants, wildlife species, and Sensitive Natural Communities to occur; and, a Botanical and Aquatic Resources Delineation Report was prepared and included protocol-level rare plants surveys, a Sensitive Natural Communities (SNC) survey, fisheries sampling, and an aquatic resource delineation. The findings of the BRE, and details of the aquatic resource delineation, are presented in Appendix C of the Draft IS/MND (Attachment 2). In addition, a Hazardous Materials Corridor Study and subsequent Phase II Environmental Site Assessment (ESA) were prepared for the project. The Phase II ESA identified contaminated soil and groundwater within the project area, and recommended handling, sampling, testing, and disposal procedures to avoid any ecological or health impacts. These measures have been included as a mitigation measure to avoid mobilization of contaminants. Standard construction BMPs will also be implemented to reduce potential sediment input into Palco Marsh in accordance with the Project's Stormwater Pollution Prevention Plan (SWPPP). In general, proposed project activities will be localized and temporary and are not expected to result in any long term or significant impacts to sensitive biological resources with environmental protection actions and mitigation incorporated.

The following relevant environmental protection actions and mitigation measures are included in the IS/MND:

- Environmental Protection Action 1: Stormwater Pollution Prevention Plan (SWPPP)
- Environmental Protection Action 2: Implementation of Geotechnical Design Recommendations
- Mitigation Measure (MM) BIO-1: Pre-construction Survey for Point Reyes bird's-beak
- MM BIO-2: Protect Special Status, Migratory and Nesting Birds
- MM BIO-3: Protect Special Status Amphibians
- MM BIO-4: Protection of Special Status Aquatic Species and Aquatic Habitat
- MM BIO-5: Mitigate for Impacts to Aquatic Resources
- MM HAZ-1: Prepare Soil Plan, Implement Phase II ESA Recommendations

As discussed in the IS/MND, by implementing the aforementioned measures, the proposed project will not have a significant effect on the environment, and will minimize adverse effects of stormwater discharges 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, consistent with this goal and the policies listed above. A condition of approval has been added requiring compliance with the environmental protection actions and mitigation measures described in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment 3).

***Goal 7.A:*** *To minimize loss of life, injury, and property damage due to seismic hazards.*

***Goal 7.B:*** *To minimize loss of life, injury, and property damage due to geological hazards.*

***7.B.5?***

The proposed project is within a seismically active area in which large earthquakes are expected to occur. The proposed improvements will be designed to resist moderate to very strong levels of seismic ground shaking without experiencing damage. Portions of the project are located within the FEMA mapped 100-year flood zone and tsunami zone, however implementation of the project would have no change on the existing potential release of pollutants during a 100-year flood or tsunami event and would not introduce a new source of pollution, rather it would reduce pollution via the trash capture devices (TCDs).

Additionally, the Project will be designed and constructed in compliance with the site-specific recommendations made in the Geotechnical Investigation Report for Stormwater Improvements (See Attachment 3, MMRP, Environmental Protection Action 2). This will include design in accordance with recommendations for excavations, dewatering and uplift pressures, active dewatering system, passive dewatering system, excavation backfill, utility trench backfill, support of below-grade structures, retaining wall, and all other recommendations in the report. The geotechnical recommendations will be incorporated into the final plans and specifications for the Project and will be implemented during construction to ensure stability and structural integrity of the proposed improvements.

Furthermore, the 2015 Humboldt County Emergency Operations Plan (EOP) describes the actions that the City would take to manage operations in case of an emergency (such as earthquake and/or tsunami emergencies). Emergency access would remain operable throughout construction, and no project elements would impair the City's ability to respond to an emergency as described in the EOP. For all the reasons discussed above, the project, as conditioned, will

minimize risk to life and property from geologic hazards consistent with Goals 7.A and 7.B and associated policies.

Based on the above analysis, the finding the project conforms with the certified policies of the LCP can be made.

Furthermore, there is one additional standard not covered under the LUP policy analysis above, which is EMC §10-5.2946.9:

*EMC 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.*

In accordance with AB 52, an invitation to consult for the project was sent to the Tribal Historic Preservation Officers (TPHOS) of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria on May 3, 2022 and no requests to consult were received within the 30-day period. However, the three area tribes listed above were also contacted in spring 2021 during the preparation of a Cultural Resources Investigation Report by Roscoe and Associates, a cultural resource specialist. The report proposed protective measures to cultural resources which have been included as mitigations measures: CR-1: Minimize Impacts to Archaeological Remains if Encountered, CR-2: Implement Worker Sensitivity Training and Inadvertent Discovery Protocols, CR-3: Minimize Impacts to Human Remains if Encountered, and GEO-1: Inadvertent Discovery of Paleontological Resources (See Attachment 2, Sections 3.5 Cultural Resources, and 3.18 Tribal Cultural Resources, within the IS/MND for more information, and Attachment 3, MMRP).

### **USE PERMIT ANALYSIS**

Pursuant to EMC §10-5.2407.1, to approve a Use Permit, the Planning Commission must make the following findings:

- (a) The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- (b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;

- (c) The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
- (d) The proposed conditional use is consistent with the certified Local Coastal Program.

The required findings are discussed below.

## I. Code Consistency

### Chapter 5 Objectives and Purpose

Pursuant to EMC §10-5.102, the zoning regulations are adopted by the City Council in accordance with the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the chapter is adopted in order to achieve the following objectives:

- (a) *To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.*
- (b) *To foster a harmonious, convenient, workable relationship among land uses.*
- (c) *To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.*
- (d) *To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.*
- (e) *To prevent excessive population densities and overcrowding of the land with structures.*
- (f) *To promote a safe, effective traffic circulation system.*
- (g) *To foster the provision of adequate off-street parking and off-street truck loading facilities.*
- (h) *To facilitate the appropriate location of community facilities and institutions.*
- (i) *To promote commercial and industrial activities in order to strengthen the city's tax base.*
- (j) *To protect and enhance real property values.*
- (k) *To safeguard and enhance the appearance of the city.*

The Palco Marsh improvements do not conflict with, nor hinder, the development of land uses depicted in the General Plan, and instead support existing development and any future development by decreasing potential hazards resulting from flooding, which helps to foster a harmonious, convenient, workable relationship among land uses. Although the addition of a new storm drain pipe along Del Norte Street will increase run off to Palco Marsh, it will reduce the runoff from other locations discharging directly to Humboldt Bay, and the purpose of the increased storage capacity in Palco Marsh is to utilize the wetland to mimic natural hydrology and watershed processes to protect Humboldt Bay from harmful intrusion of contaminated runoff, especially from industrial land uses; therefore, Palco Marsh is an appropriate location. Also, the Palco Marsh improvements have been designed, and must implement specific mitigation measures, to protect the biological productivity of the muted tidal wetland system and will not be a harmful intrusion. The improvements provide flood reduction and sea level rise resiliency of public infrastructure, and are intended to improve the quality of stormwater runoff entering Humboldt Bay, which is appropriate and most beneficial from the standpoint of the City as a whole.

The improvements will only temporarily impact on-street parking during construction activities; therefore, the provision of off-street parking and loading facilities is preserved. Furthermore, the improvements are expected to increase traffic safety by reducing the potential for flooding from storm events and sea level rise, promoting a safe, effective traffic circulation system because motorists will not need to drive through or around flood waters.

The Palco Marsh improvements within the NR zone are appropriately located because the muted-tidal wetland will be able to manage dry weather and stormwater runoff in a way that mimics natural hydrology and watershed processes to reduce flooding and increase water quality discharges into Humboldt Bay. All of which ultimately serves to protect and promote commercial and industrial activities in the City's industrial area (which houses a substantial amount of vacant or underutilized land), which in turn, will strengthen the City's tax base and protect and enhance real property values to safeguard and enhance the appearance of the City.

For the reasons listed above, the proposed Palco Marsh improvements do not conflict with, and instead support, many of the objectives and purposes of Chapter 5 (i.e. Zoning Code).

### **Purposes of the Zone District**

The purpose of the NR - Natural Resources zone is to protect, enhance, and restore environmentally sensitive habitat areas, and to allow limited resource dependent uses consistent with the continuance of such habitat areas. Examples of conditionally permitted uses include but are not limited to wetland restoration, educational/scientific study, pedestrian access, oil and gas pipelines, aquaculture, and leasing for scientific and educational use.

Palco Marsh provides coastal salt marsh habitat for waterfowl and fish, and the adjacent tidal inlet to Humboldt Bay provides aquatic habitat for fish. Although the proposed improvements in Palco Marsh will create a temporary wetland disturbance to enlarge and expand the existing channel to increase its water storage capacity during storm events, it will also install new tide gates and replace existing culverts to enhance sediment exchange between the Bay and Palco Marsh, reduce velocities within the crossing, and enhance sediment deposition on the marsh plain to promote adaptation of the marsh ecosystem to rising sea levels. The installation of a trash capture device to collect debris 5 mm or greater in size carried by stormwater runoff will also reduce the amount of pollution entering Palco Marsh and then Humboldt Bay. Ultimately, the proposed improvements will improve the quality of water being discharged to Humboldt Bay which serves to protect coastal resources and its associated environmentally sensitive habitat, consistent with the NR zone.

### **2. Public Health, Safety, and Welfare**

The proposed improvements at Palco Marsh are necessary to meet the City Council's 2020 goal of providing effective services and for a more livable Eureka community. The City's stormwater facilities have reached the end of their useful life and flood events often discharges contaminated water to Humboldt Bay; therefore, the improvements will protect public health, safety, or welfare by providing flood reduction, sea level rise resiliency of public infrastructure, and improving the water quality in Humboldt Bay.

### **3. Provisions of Chapter 5**

The applicable provisions of Chapter 5 include the development standards for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. pertaining to a specific zone, which do not apply to the proposed Palco Marsh improvements. In addition to specifying the regulations pertaining to a specific zone, EMC §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. Therefore, the proposed Palco Marsh improvements comply with the applicable provisions of Chapter 5.

#### **4. Local Coastal Program**

The Local Coastal Program includes the 1997 Coastal General Plan land use designations and map, and the EMC zone regulations and map, among other provisions. The proposed improvements within Palco Marsh are consistent with the NR zone as described in detail above, and are therefore consistent with the NR land use designation. The proposed improvements are also consistent with the certified Land Use Plan policies of the 1997 Coastal General Plan and the CDP chapter of the EMC, as discussed above in the CDP Analysis section of this report. For all these reasons, the conditional use (the drainage infrastructure improvements to Palco Marsh) described above is consistent with the certified Local Coastal Program.

### **ENVIRONMENTAL ASSESSMENT**

The City of Eureka, as Lead Agency, has determined the proposed project requires an Initial Study (IS) pursuant to the California Environmental Quality Act (CEQA). An IS and Mitigated Negative Declaration (MND) were prepared and posted for review and comment in accordance with the provisions of CEQA. The draft IS/MND concludes that with mitigation, no substantial adverse environmental impact will result from the proposed project (Attachment 2).

The City submitted the draft IS/MND 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. One comment letter during the CEQA public comment period was received.

Prior to approving a project, CEQA requires the Planning Commission consider the proposed MND, together with any comments received during the public review process, and then adopt the MND if the Commission finds, on the basis of the whole record before it, including the IS and any comments received, there is no substantial evidence the project will have a significant effect on the environment, and that the MND reflects the City's independent judgment and analysis of the proposed project.

The City received comments in response to the proposed MND from one agency: the California Department of Transportation – District I (Caltrans). The submitted comments and the Response to Comments are contained in Attachment 4.

CEQA requires the adoption of feasible mitigation measures to reduce the severity and magnitude of potentially significant environmental impacts associated with the project, and Staff

recommends the Planning Commissions adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and Response to Comments, included in Attachments 3 and 4.

### **PUBLIC HEARING NOTICE**

The Public Hearing Notice and Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration was published in the Times Standard newspaper on Tuesday, June 13, 2023, and posted on the City’s website and bulletin boards. A subsequent Public Hearing Notice and NOI was published in the Times Standard newspaper on Friday, August 4, 2023, and posted on the City’s website and bulletin boards; and, signs were posted at the Palco Marsh site (south side of W Del Norte Street near the Waterfront Trail) and at the W. Washington and Koster Streets site (near Clark Sough) on August 4, 2023.

### **CONCLUSION**

Based on the analysis above, the proposed Eureka Flood Reduction and Sea Level Rise Resiliency Project, as conditioned, conforms to the policies of the certified Local Coastal Program. The improvements at Palco Marsh are in accord with the objectives of Chapter 5 and the purposes and intent of the NR zone district. 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. The improvements at Palco Marsh, as conditioned, comply with the applicable provisions of Chapter 5, and avoid impacts to coastal resources and priority uses, and minimize risks to hazards resulting from stormwater and sea level rise flooding. Furthermore, the IS/MND was prepared for this project pursuant to the provisions of CEQA and reflects the City of Eureka’s independent judgment and analysis, and the IS/MND concluded that with mitigation, no substantial adverse environmental impact will result from the proposed project.

### **STAFF CONTACT**

Caitlin Castellano, Senior Planner; 531 K Street, Eureka, CA 95501; [planning@eurekaca.gov](mailto:planning@eurekaca.gov); (707) 441-4160

### **DOCUMENTS ATTACHED**

Attachment 1: Planning Commission Resolution .....	pages 15-17
Attachment 2: Draft IS/MND.....	pages 18-400
Attachment 3: MMRP.....	pages 401-412
Attachment 4: Final IS/MND Response to Comments .....	pages 413-424