

October 23, 2023

<b>Title:</b>	Ocean View Acquisition and Operations Complex Development
<b>Project:</b>	Property Acquisition PA-23-0003
<b>Location:</b>	Portion of Ocean View Cemetery
<b>APNs:</b>	019-341-007 (portion) and 019-341-008
<b>Applicant:</b>	City of Eureka
<b>Property Owner:</b>	Ocean View Sunset Memorial Association Inc.
<b>Purpose/Use:</b>	Acquisition of ~5.6 acres of undeveloped land, and development of the Eureka Operations Complex, including an operations building, warehouse, and fleet maintenance shop
<b>General Plan:</b>	PQP – Public Quasi Public
<b>Zoning:</b>	PF – Public Facilities
<b>CEQA:</b>	Initial Study/Mitigated Negative Declaration (SCH No. 2023090278)
<b>Staff Contact:</b>	Cristin Kenyon, AICP, Director of Development Services
<b>Recommendation:</b>	Receive a report; Consider the draft Initial Study/Mitigated Negative Declaration; and Adopt a resolution finding the acquisition by the City of Eureka of a portion of Ocean View Cemetery, and development of the Eureka Operations Complex, conform with the City of Eureka’s 2040 General Plan.
<b>Motion:</b>	<i>“I move the Planning Commission adopt a resolution finding the acquisition of a portion of Ocean View Cemetery, and development of the Eureka Operations Complex, conform with the City’s 2040 General Plan; and directing Staff to report the Commission’s determination, and any comments, to City Council.”</i>

Figure 1: Location Map

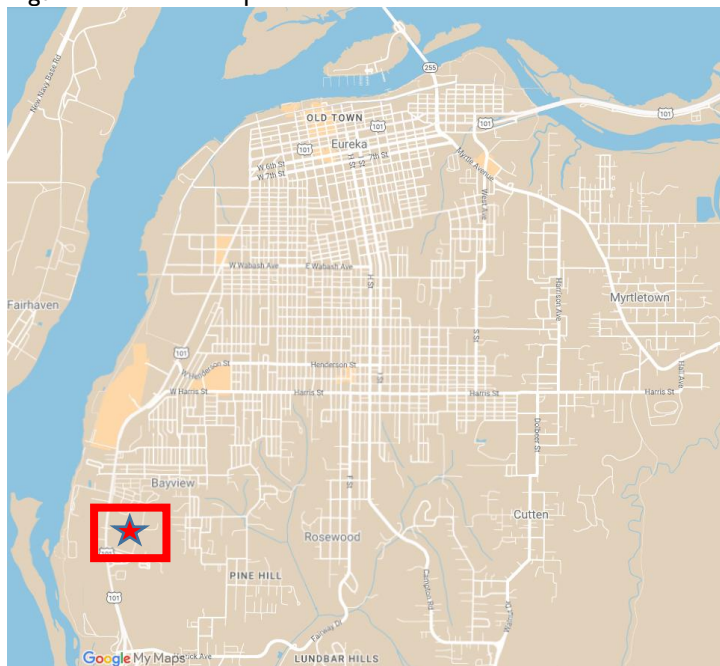


Figure 2: Site Map



## **PROJECT SUMMARY**

The City of Eureka is proposing to acquire approximately 5.6 acres of land from the Ocean View Cemetery (Ocean View Sunset Memorial Association Inc.) to build a new Eureka Operations Complex. The City's existing corporation yard, which is currently at risk of flooding and liquefaction, would be relocated to the new facility, which would also include administrative offices and serve as the City's emergency operations center during critical incidents, emergencies, and natural disasters. A Lot Line Adjustment is being processed separately to locate the entire area of acquisition on one legal parcel.

The site proposed for acquisition (acquisition site) has a land use designation of PQP – Public Quasi Public, and is zoned PF – Pacific Facilities. The site is undeveloped and has never been used for cemetery purposes. Land to the south and west is zoned SC – Service Commercial and developed with a brewery, motels, a gas station, self-storage, and retail and office uses. Land to the north is part of the cemetery, and to the east is the Eureka city limit line, with land designated by the County of Humboldt as low density residential, and developed with single-family residential land uses.

## **Relocation of the City's Existing Corporation Yard**

The City's existing corporation yard (corp yard) is approximately 3.9 acres and is located at 945 W. 14<sup>th</sup> Street. The City stores fleet vehicles and Public Works' equipment and materials in the

existing corp yard that are needed for emergency response; however, the existing corp yard buildings and facilities are aging and substandard, and the corp yard is located in the Coastal Zone in an area at current risk of liquefaction and tsunami flooding, and at future risk of storm flooding due to sea level rise. As a result, the City has a goal of relocating and redeveloping the corp yard to reduce the risk of structural failure and ensure efficient operations during a natural disaster, as outlined in the City's Facilities Master Plan and Capital Improvement Program, and in the Humboldt County Operational Area Hazard Mitigation Plan.

The City can declare the existing corp yard property on W. 14<sup>th</sup> Street surplus land once it is no longer needed for City use. Any proposed surplus would be reviewed by the Planning Commission for General Plan conformance. Because of the requirements of the Surplus Land Act, the City cannot know at this juncture who would acquire the existing corp yard property from the City and for what purposes.

### **Proposed Operations Complex**

Based on the conceptual site layout included in the Initial Study/Mitigated Negative Declaration (IS/MND), the operations complex would have a maximum development footprint of approximately 210,000 square feet (4.8 acres), which would include an operations building, warehouse, fleet maintenance shop, and surrounding hardscape (Figure 3). Approximately 66 full-time and seasonal Public Works staff members who currently work at the existing corp yard and City Hall would be stationed at the facility.

The City would acquire utility and access easements to extend water, sewer, gas and electrical utilities established along Broadway (Highway 101) to the operations complex, and to allow for primary access to the facility from the highway via Oceanview Cemetery Road (a private road). Secondary access would be via Weiler Road. Stormwater runoff from impervious surfaces would be infiltrated and treated onsite.

See the IS/MND (Attachment 2) for a detailed description of the proposed operations complex.

Figure 3: Conceptual Site Layout



## **APPLICABLE REGULATIONS**

Title 15, Chapter 152, of the Eureka Municipal Code, Section 152.01 specifies the powers and duties of the Planning Commission, which include advising the City Council on property acquisition. In addition, California Government Code Section 65402 states that no real property shall be acquired for public purposes, and no public building or structure shall be constructed, until the location, purpose and extent of such acquisition and such public building have been submitted to and reported upon by the planning agency as to conformity with the adopted general plan.

## **GENERAL PLAN CONSISTENCY ANALYSIS**

### **2040 General Plan Land Use Designation**

The land use designation for the subject property is Public Quasi Public (PQP). The PQP land use designation is defined as follows in the City's 2040 General Plan:

Public and private institutional uses, government facilities and services, schools, courts, cemeteries, fairgrounds, airports, marinas and wharves, and major utility facilities, as well as parks, golf courses and other public recreational facilities. Intended to be applied to uses and facilities that are of a size and intensity that warrant an individual land use designation and/or to accommodate both active/programmable and passive/self-directed recreational facilities. Retail, service uses, and other uses determined to have a public benefit and that are incidental to the primary use may be allowed as provided by the applied zoning district.

The site is being acquired and developed for a government facility, consistent with the intent of the designation.

### **2040 General Plan Goals and Policies**

Goals and policies in the City's 2040 General Plan were reviewed for applicability to the proposed acquisition and development, and the following goals and policies were identified for Planning Commission's consideration:

#### ***Goal HS-4***

*Adequate community response to effectively prepare for, respond to, recover from, and mitigate the effects of natural or technological disasters and emergencies.*

**HS-4.6 Critical Facilities.** *Ensure the continued function of critical facilities such as hospitals, fire stations, police stations, and emergency command centers following a major disaster to facilitate post-disaster recovery. Locate such facilities outside of identified hazard areas.*

**Consistent.** The purpose of the proposed acquisition and development is to relocate a critical facility (the City's corp yard), which is currently in an area at risk of liquefaction and tsunami inundation, outside of identified hazard areas. The new facility proposed for the acquisition site would also serve as the City's operations center during critical incidents, emergencies and natural disasters. The proposed acquisition and development would thus help improve the reliability and efficiency of the City's response to major disasters and emergencies, consistent with Goal HS-4 and Policy HS-4.6.

**HS-4.3** *Humboldt Operational Area Hazard Mitigation Plan. Continue to participate in, and ensure that new development and infrastructure are consistent with, the Humboldt Operational Area Hazard Mitigation Plan.*

**Consistent.** The Humboldt Operational Area Hazard Mitigation Plan includes the following action item for the City of Eureka: Action EUR7: “Relocate Corporation Yard improvements to reduce risk of structural failure and increase efficiency and operations during natural disaster.” The proposed acquisition and development would allow the City to implement this action item, consistent with Policy HS-4.3.

**Goal CC-1**

*A community that adapts to and is resilient to climate change impacts.*

**Goal HS-2**

*Reduced risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.*

**HS-2.5** *Climate Change. Monitor, assess, and adapt to changes in stream, river and coastal flooding characteristics that may occur due to a global climate change induced rise in sea level.*

**SL-1.12** *City Projects. Integrate resilience to anticipated sea level rise impacts into City project designs when repairing and replacing aging infrastructure.*

**Consistent.** The proposed acquisition and development would allow for the relocation of the City’s aging corp yard out of the low-lying Westside Industrial Area, increasing the City’s resilience to potential future sea level rise flooding impacts, consistent with Goals CC-1 and HS-2 and Policies HS-2.5 and SL-1.12.

**Goal HS-1**

*Protection of property, critical facilities, and human life from seismic and geological hazards.*

**HS-1.1** *Appropriate Siting and Design. Ensure all new structures intended for human occupancy including new development and redevelopment of existing uses are sited and designed consistent with limitations imposed by seismic and geological hazards, constructed to minimize seismic risk, and constructed in compliance with the safety standards included in the Uniform Building Code.*

**Consistent.** The relatively flat acquisition site is not located near a known active fault zone, and a site-specific geotechnical report has been prepared by LACO Associates which confirms the site has low potential for liquefaction, landslides and otherwise unstable soils. The current corp yard facilities were built to older seismic standards within an area subject to liquefaction. The proposed acquisition and development would allow for relocation of the City’s corp yard to a less hazardous location. The new buildings would be constructed in conformance with the site-

specific recommendations contained in the geotechnical report and current California Building Code seismic standards. Thus, the proposed acquisition and development can be found consistent with Goal HS-I and Policy HS-I.1.

**LU-1.3 *Beneficial Development.*** *Support development that affords benefits to all segments of the community that: [...]*

*(c) Develops underutilized or vacant parcels. [...]*

**LU-6.2 *Infill First.*** *Promote development of vacant infill properties and redevelopment/reuse of economically underutilized sites and buildings to accommodate new growth and internal densification prior to considering potential annexation.*

**Consistent.** The proposed site of acquisition is an infill site within the City of Eureka that is owned by the cemetery but not being used for cemetery purposes. Acquisition of the site would allow for its development and utilization as an operations complex, and would prevent the City from having to potentially purchase property outside of City limits not surrounded by urban uses. The City is largely built out, and sites for the proposed operations complex are limited, given the need for a site that is upwards of five acres, easily accessible, and located outside of hazardous areas. Thus, the proposed acquisition and construction of an operations complex results in infill development of vacant land consistent with Policies LU-1.3 and LU-6.2.

#### **Goal AG-1**

*Preservation of agricultural and timber lands and aquaculture and fishing operations within and surrounding Eureka, enhanced forest ecosystems, reduced land use conflicts, and a sustained yield of forest, agricultural, and fisheries products.*

**Consistent.** By acquiring property owned by the cemetery and zoned Public Facilities for the necessary relocation of the corp yard, the City avoids the potential need to convert agricultural or timberlands, consistent with Goal AG-1.

#### **Goal HCP-1**

*A comprehensive preservation program that identifies, recognizes, protects, and assists in the preservation of Eureka's historic resources.*

#### **Goal HCP-2**

*A comprehensive program that identifies, preserves, and assists in the protection of archaeological and Tribal Cultural resources.*

**HCP-2.1 *Protection.*** *Continue to identify, protect, and preserve significant archaeological sites and conduct good-faith government-to-government consultation with local Tribes to identify and protect Tribal Cultural Resources.*

**HCP-2.2 *Coordination with Tribes.*** *Continue to solicit input from local Native American Tribes, and/or a qualified cultural resource professional early in project planning and review processes in areas known or believed to contain buried archaeological or cultural resources.*

**HCP-2.3 Consultation with Tribes.** *For projects subject to CEQA, initiate formal consultation as early as feasible with local Tribes to identify and protect Tribal Cultural Resources in their respective areas of traditional and cultural affiliation. Topics to discuss during consultation include project alternatives, recommended mitigation measures, and significant effects; other topics may include type of environmental review, resource significance, impact significance, and tribal alternatives for mitigation.*

**HCP-2.5 Construction Monitoring.** *Condition permit approval with inadvertent discovery language and/or require monitoring of ground-disturbing activities in areas known or believed to contain buried archaeological or cultural resources.*

**HCP-2.7 Discretionary Projects.** *Require discretionary development projects be designed to avoid potential impacts to significant archaeological and cultural resources whenever feasible, reduce unavoidable impacts to the maximum extent feasible, and comply with mitigation measures as agreed upon during formal consultation. Make determinations of significance, impacts, and mitigation in conjunction with a qualified cultural resources professional and/or local Tribes.*

**Consistent.** The proposed acquisition would facilitate the conversion of vacant land into an operations complex, the development of which requires grading and earthwork that could impact any existing buried archaeological or historical resources. A Cultural Resources Investigation (CRI) Report was prepared for the acquisition site by William Rich and Associates (WRA). The CRI assessed the potential for surficial and/or buried archaeological and historical resources on the subject property, and included two pedestrian surveys of the site on July 5, 2023, and July 21, 2023, and observation of the geotechnical borings conducted by LACO for the geotechnical investigation. A Tribal Cultural Monitor from the Bear River Band was also present during the pedestrian survey and geotechnical field work. No artifacts, features, sites, or other cultural resources were identified; however, the area around the acquisition site is generally known to be culturally sensitive.

Communication between WRA, the Blue Lake Rancheria, the Wiyot Tribe, and the Bear River Band occurred on August 3, 2023, as documented in the cultural resource investigation. In addition, on July 14, 2023, the City issued AB 52 consultation letters to tribes identified by the California Native American Heritage Commission (NAHC) as being traditionally and culturally affiliated with the geographic area, and received responses from the Wiyot Tribe on July 20, 2023 and the Bear River Band on August 8, 2023. The Wiyot Tribe requested the inclusion of inadvertent discovery protocols, and the Bear River Band requested a tribal monitor be present during ground disturbing activities. Given the area near the acquisition site is generally known to be culturally sensitive, the CRI also recommends both inadvertent discovery protocol and monitoring. These requests/recommendations have been incorporated into the IS/MND as Mitigation Measures CR-1 and CR-2.

The Bear River Band also requested consultation under AB 52. On September 13, 2023, City Staff met with Melanie McCavour, the Tribal Historic Preservation Officer (THPO) of the Bear River Band. One discussion topic raised was the adjustment of site design relative to the presence of cultural resources, such as capping or alternative building sites or foundation designs. In the event of inadvertent discovery, the City would follow mitigation protocols requiring engagement with tribal representatives. Future discussion of design decisions about capping and building foundation/footings would occur if/when site development results in inadvertent discovery.

Another topic of discussion was the ability of tribal members either now or in the future to access the space or collect plants. The existing network of roads, pathways and mature landscaping, in and around the cemetery, will continue to be available for walking or collecting. The acquisition site is predominately covered by non-native grasses. The concept plan for the operations complex includes a landscaped area along Ocean View Cemetery Drive to buffer the site from the cemetery. The City would incorporate culturally significant native plants such as hazel and bear grass into this landscaped buffer. The proposed landscape area would be accessible for walking and collecting (i.e., not behind a gate). Tribal members would be able to gain access to gated locations by a walk-in at the visitor entrance, or calling ahead. The City plans to continue to coordinate with the Wiyot people through the design and development of the acquisition site.

As a result of the cultural resource investigation, tribal consultation, and IS/MND mitigation measures, the proposed acquisition and development can be found consistent with Goals HCP-1 and HCP-2, and Policies HCP-2.1-2.3, 2.5 and 2.7.

#### ***Goal NR-1***

*Protection, enhancement and restoration of surface water resources, and their associated riparian habitats, and groundwater, as well as improvement of water quality.*

#### ***Goal NR-2***

*Protection of sensitive biological resources on a sustainable basis to generate long-term public, economic, and environmental benefits.*

**Consistent.** The proposed acquisition site does not include any wetlands, streams or riparian habitat. Vegetation at the site has been actively cleared and managed by the Ocean View Cemetery, and mostly consists of non-native grasses. A Biological Resources Assessment was prepared by SHN to evaluate the potential for any special status plants and animals. Two seasonally appropriate floristic surveys for special status plants were conducted by SHN on June 5 and July 14, 2023, and no special status plants were detected. There is potential for special status bat and bee species and nesting birds to be located at the acquisition site, and the City anticipates development of the operations complex would require the removal of 11 trees that could potentially be nesting sites, including 10 Monterey Pine trees and 1 Douglas Fir with a dbh of 12-30 inches. The IS/MND includes Mitigation Measures BIO-1, -2, and -3 to avoid and minimize impacts to special status bat and bee species and nesting birds during construction. Regarding stormwater management, once the site is developed with buildings and pavement, the City intends to infiltrate and treat stormwater runoff from impervious surfaces onsite using vegetated swales and other low-impact-development facilities to mimic the site's predevelopment hydrology. The site is large enough to accommodate buildout of the operations complex with enough room for appropriately-sized low-impact-development facilities consistent with MS4 permit standards. For all these reasons, the proposed acquisition and building development can be found consistent with Goals NR-1 and NR-2.

#### ***Goal N-1***

*Economic vitality while limiting residential and business exposure to harmful noise and vibrations.*

**Consistent.** The acquisition site is largely surrounded by cemetery land and undeveloped land owned by the Lost Coast Brewery. The closest sensitive noise receptors are residences located



on Weiler Road in the unincorporated County approximately 300 feet to the southeast. The site is large enough to apply noise mitigation as necessary to ensure consistency with the general plan noise goals and policies. For example, the conceptual design of the operations complex allows for larger vehicles to circulate through the site by pull-through from entry, through fleet bay or warehouse bay, to an exit location, in an effort to reduce back-up noise, as well as reduce idling trucks during daily operations. As a result, the proposed acquisition and development can be found consistent with Goal N-1 and associated policies.

### ***Goal AQ-1***

*Improved air quality and reduced greenhouse gas emissions throughout Eureka.*

**Consistent.** The purpose of the proposed acquisition and building development is to relocate (vs. grow/expand) existing Public Works facilities and operations. The project would allow retirement of existing aging corp yard buildings and replacement with more energy-efficient buildings at the new site. The acquisition and resulting development of a new operations complex would result in shifting trips associated with the existing corp yard approximately two miles south along Highway 101. Additionally, it would consolidate Public Works employees that currently work at the corp yard and City Hall into one location, potentially reducing overall vehicle miles traveled. As a result, the proposed acquisition and development are not anticipated to negatively impact air quality or greenhouse gas emissions, and can be found consistent with Goal AQ-1 and associated policies.

### ***Goal NR-4***

*Preservation of significant visual resources that serve as scenic amenities and contribute to Eureka's character.*

**Consistent.** The proposed acquisition site is inland and set back from Broadway on a private cemetery road and therefore future public facilities development at the site is not anticipated to block significant visual resources or be highly visible from Broadway and other public vantage points. The City would thoughtfully design and landscape the operations complex to ensure its visual compatibility with surrounding uses, including a landscape buffer along the western edge of the acquisition site, visually screening the yard space and storage areas from cemetery visitors. Therefore, the proposed acquisition and development can be found to preserve significant visual resources, consistent with Goal NR-4.

### **Consistency Determination**

The review identified applicable goals and policies of the 2040 General Plan and found acquisition and subsequent development of the subject property is consistent with, and supported by, the applicable goals and policies.

### **ENVIRONMENTAL**

The decision of the City Council to acquire this real property to construct a new Eureka Operations Complex (a decision for which the Planning Commission is providing analysis pertaining to the conformance of the acquisition and subsequent development with the City of Eureka's 2040 General Plan) is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA).

The City of Eureka, as Lead Agency, has determined the proposed project, which includes both the acquisition and subsequent development of City facilities at the site, requires an Initial Study (IS) pursuant to the California Environmental Quality Act (CEQA). An IS and Mitigated Negative Declaration (MND) was 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. 2023090278) for a public comment period from September 13 to October 16, 2023. In addition, a notice of the public comment period on the draft IS/MND, and Notice of Intent (NOI) to Adopt the MND and hold a public hearing on the project at the November 7, 2023 regular City Council meeting, was posted at the Humboldt County Clerk's office on September 13, 2023, and mailed to property owners within 300 feet of the project site on September 15, 2023. The notice and IS/MND were also posted on the City's website and a hardcopy of the IS/MND was made available for public review at Eureka City Hall.

During the CEQA public comment period, written comments were received from Caltrans District I and two nearby property owners (Rainbow Storage on Broadway and a home owner on Weiler Road). City Staff participated in a virtual meeting with Caltrans Staff (Brandon Larson, Jesse Robertson, Joseph Caminiti, Steven Hopper, Sheri Rodriguez, and Matthew Socha) on September 26, 2023, to discuss their forthcoming written comments. Verbal comments were also received from the THPO of the Bear River Band (as described in the General Plan consistency analysis above), and from CDFW Staff (Katie Ryan) via a phone call with City Staff on September 25, 2023, during which CDFW Staff indicated they would not be submitting written comments, and provided guidance on vegetation clearing best practices. CDFW Staff pointed out an inconsistency in the document where it states vegetation removal would occur between October 1<sup>st</sup> and April 30<sup>th</sup>, if feasible. This is inconsistent with the nesting bird mitigation measure, which calls for vegetation removal to end before mid-March, if feasible. An Errata has been prepared to change the April 30<sup>th</sup> date to March 15<sup>th</sup>.

Separately, Humboldt County's Land Use Division submitted comments regarding the associated lot line adjustment (LLA), which have been incorporated into the LLA conditions of approval. California Highway Patrol and Pacific Gas & Electric also both responded to the referral sent with the LLA, and neither raised any issues with the project. The submitted comments and the Response to Comments and Errata are contained in Attachment 3. A Mitigation Monitoring and Reporting Program has also been prepared and is included as Attachment 4.

Pursuant to CEQA Guidelines Section 15074, any advisory body making a recommendation to the decision-making body must consider the proposed MND before making its recommendation. The Planning Commission is making a recommendation to Council on the conformance of the acquisition and subsequent construction of the Eureka Operations Complex with the General Plan and is therefore required as an advisory body to consider the proposed MND before making its recommendation. Pursuant to CEQA Guidelines Section 15074, it is the decision-making body's responsibility to adopt the MND. In this case, the City Council is the decision-making body on site acquisition and therefore is responsible for adopting the MND. The Planning Commission is not acting on the MND.

Prior to approving a project, CEQA requires the City Council to consider the proposed MND, together with any comments received during the public review process, and then adopt the MND

if the Council 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.

**STAFF CONTACT**

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**DOCUMENTS ATTACHED**

Attachment 1: Planning Commission Resolution 2023-\_\_\_\_.....pages 12-13  
Attachment 2: IS/MND.....pages 14-299  
Attachment 3: IS/MND Response to Comments and Errata .....pages 300-321  
Attachment 4: Mitigation Monitoring and Reporting Program.....pages 322-326