



## AGENDA SUMMARY EUREKA CITY COUNCIL

**TITLE:** Eureka Operations Complex CEQA and Ocean View Property Acquisition

**DEPARTMENT:** Public Works and Development Services

**PREPARED BY:** Cristin Kenyon, AICP, Development Services Director

**PRESENTED FOR:** Action       Information only       Discussion

### **RECOMMENDATION**

1. Hold a public hearing;
2. Adopt a resolution of the City Council of the City of Eureka adopting a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comments and Errata; and authorizing acquisition of approximately 5.61 acres of land from the Ocean View Cemetery for the development of the Eureka Operations Complex for \$1,402,500;
3. Authorize Chair and staff to sign all necessary documents to effectuate the acquisition; and
4. Approve appropriation of necessary funds from the General Fund.

### **FISCAL IMPACT**

No Fiscal Impact       Included in Budget       Additional Appropriation

### **COUNCIL GOALS/STRATEGIC VISION**

- **Strategic Vision Two Year Goal:** Construct Public Works Operations Complex
- **2040 General Plan Goal HS-1:** Protection of property, critical facilities, and human life from seismic and geological hazards.
- **2040 General Plan Goal HS-2:** Reduced risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.
- **2040 General Plan 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.
- **2040 General Plan Policy 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.

## **DISCUSSION**

The City's existing corporation yard (corp yard) is approximately 3.9 acres and is located at 945 W. 14th 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 is largely built out, and sites for the corporation yard relocation are limited, given the need for a site that is upwards of five acres, easily accessible, located outside of hazardous areas, and in an area appropriate for this type of public facility. In the process of searching for a location, City Staff reached out to Ocean View Cemetery (Ocean View Sunset Memorial Association Inc.) and discovered they are willing to sell approximately 5.61 acres of land to the City for this purpose.

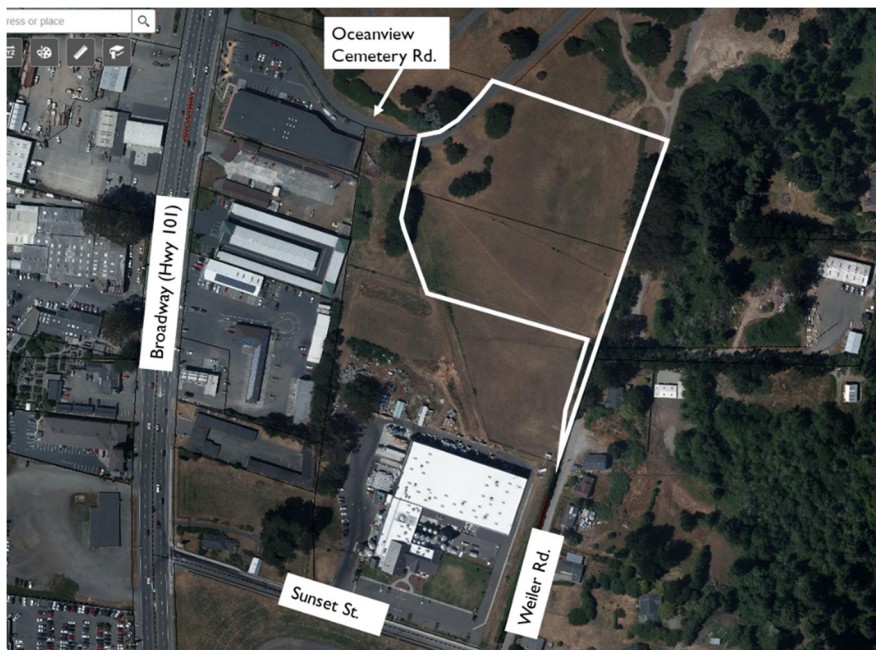


Figure 1. Proposed Acquisition Site

The site proposed for acquisition (acquisition site) is undeveloped, has never been used for cemetery purposes, and has a land use designation of PQP – Public Quasi Public, and is zoned PF – Pacific Facilities. An established commercial corridor is located to the west along Broadway (US 101), including motels, a gas station, car wash, tire center, self-storage, and a motorsports store. The Lost Coast Brewery is located to the south, with Sunset Drive and another cemetery (Sunset Memorial Park) located further south. 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 uses.

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The proposed acquisition site is comprised of Assessor Parcel Number (APN) 019-341-008 and a portion of APN 019-341-007; an administrative lot line adjustment is being processed to locate the entire acquisition site on one legal parcel. Ocean View Cemetery is also working to remove a dedication for cemetery purposes from the land.

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 number of studies have been performed to evaluate the site, including a biological resource assessment, a cultural resources investigation, and geotechnical report. An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared which includes mitigation measures to ensure environmental impacts are avoided or minimized.

If City Council approves the acquisition, the City's existing corp yard 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. Based on the conceptual site layout included in the 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 2). 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 new facility.



Figure 2. Conceptual Site Layout

The City would acquire utility and access easements to extend water, sewer, gas and electrical utilities already 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.

The City Council can declare the existing corp yard property on W. 14th Street surplus land once it is no longer needed for City use. 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.

### **PLANNING COMMISSION REVIEW**

Pursuant to California Government Code §65402 and Eureka Municipal Code §152.01, the Planning Commission is tasked with advising City Council on property acquisition and public building development, and CEQA Guidelines §15074(a) requires the Planning Commission to consider the IS/MND before making their recommendation. At a special meeting on October 23, 2023, the Planning Commission, with two absences, considered the draft IS/MND and adopted Resolution No. 2023-28 finding the proposed acquisition and subsequent development of the Eureka Operations Complex in conformance with the City of Eureka's 2040 General Plan, with recommendations that the City take responsibility for paving Weiler Road to the project site, and work closely with the Bear River Band when finalizing plans for integrating publicly accessible plantings into the project. The Planning Commission's resolution is included as Attachment 5.

Two members of the public spoke at the meeting. Phyllis Coy raised concerns that the project would disturb the peace of those buried at the cemetery, and that getting heavy equipment to and from the site would be difficult, especially from the north, given there is no traffic light on Broadway at Cemetery Road. Aileen Bartscht also raised concerns about the project generating noise that would disturb people visiting their loved ones at the cemetery, as well as concerns about the project site being located on a greenbelt, and about Sunset being too narrow for two-way traffic.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The decision of the City Council to acquire this real property to construct a new Eureka Operations Complex 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.

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. The Bear River Band was the only tribe who requested formal 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 and discussed a variety of topics, including incorporating significant native plants such as hazel and bear grass into the landscaped buffer along Ocean View Cemetery Drive that would be accessible for walking and collecting (i.e., not behind a gate).

During the CEQA public comment period, written comments were received from Caltrans District 1 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 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 IS/MND document where it states vegetation removal would occur between October 1st and April 30th, 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 30th date to March 15th.

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.

Pursuant to CEQA Guidelines §15074(b), the decision-making body of the lead agency must consider a proposed MND together with any comments received during the public review process prior to approving a project. The decision-making body can adopt the proposed MND only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence the project will have a significant effect on the environment and the MND reflects the lead agency's independent judgment and analysis.

Pursuant to CEQA Guidelines §15074(d), when adopting an MND, the lead agency must also adopt a program for reporting on or monitoring the changes which are either required in the project or made a condition of approval to mitigate or avoid significant

environmental effects. To meet this requirement, a Mitigation Monitoring and Reporting Program has been prepared and is included as Attachment 4.

### **PURCHASE PRICE**

The negotiated purchase price of \$1,402,500 for 5.61 acres equates to \$250,000 per acre.

### **SUGGESTED MOTION**

*“I move the City Council adopt a resolution of the City Council of the City of Eureka adopting a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, and Response to Comments and Errata, and authorizing acquisition of approximately 5.61 acres of land from the Ocean View Cemetery for the development of the Eureka Operations Complex for \$1,402,500; and, I also move to authorize the Chair and staff to sign all necessary documents to effectuate the acquisition, and approve appropriation of necessary funds from the General Fund.”*

### **ATTACHMENTS**

1. City Council Resolution
2. Draft Initial Study/ Mitigated Negative Declaration
3. Response to Comments and Errata
4. Mitigation Monitoring and Reporting Program
5. Planning Commission Resolution No. 2023-28