

– ATTACHMENT 1 –

**RESOLUTION NO. 2025-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 COMMENT AND ERRATA (ED-  
25-6), AND CONDITIONALLY APPROVING A COASTAL DEVELOPMENT PERMIT  
(CDP-25-4) FOR THE HUMBOLDT TRANSIT AUTHORITY HYDROGEN FUELING  
STATION PROJECT AT 133 V STREET

WHEREAS, the Applicant, the Humboldt Transit Authority (HTA), is retrofitting its Operations and Maintenance facility to transition bus and fleet vehicles to hydrogen fuel, including installation of hydrogen storage and fueling systems, upgrades to infrastructure for hydrogen bus servicing, demolition of an office building (104 W Street), construction of a new office building addition at 133 V Street, and completion of related site and utility improvements (the Project); and

WHEREAS, the Project is located in the Service Commercial Zoning District (CS District) on land designated as General Service Commercial; and

WHEREAS, HTA has utilized this location for their offices, maintenance shop, and transit vehicle fueling since 1976; and obtained a Conditional Use Permit (CUP) (Project No. C-07-99) in 1999, as bus depots in the CS District are conditionally permitted; and, the Project does not require a modification to the CUP because it adds only a new fuel source, and fueling stations are principally permitted in the CS District; and

WHEREAS, the Project is within the Coastal Zone portion of the City and requires a Coastal Development Permit (CDP), and is located within the City's CDP authority where the City's final decision on the CDP is appealable to the Coastal Commission; and

WHEREAS, the CDP is 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-25-6; SCH No. 2025080239) for the Project was prepared in accordance with §15063 and §15070 of the CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Eureka held a duly noticed public hearing at City Hall in the City of Eureka on September 10, 2025 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 Project in accordance with Eureka Municipal Code (EMC) Title 10, Chapter 5, Article 29 and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

- A. The draft IS/MND for the Project was submitted to the State Clearinghouse (SCH No. 2025080239) on August 6, 2026 for a 30-day public comment period which ended on September 5, 2025; a notice of the 30-day local comment period on the draft IS/MND started on July 31, 2025 and ended on September 1, 2025; and, a Notice of Intent (NOI) to Adopt the MND was posted at the Humboldt County Recorder's office and published on the City of Eureka website on July 31, 2025.
- B. The City received one comment letter during the CEQA public comment period from the Coastal Commission, and a Response to Comment and an Errata was prepared. The Errata was prepared to modify IS/MND Section 3.4 Biological Resources, Subsection C and Mitigation Measure BIO-2 to refine and clarify protective measures for the wetlands adjacent to Staging Area A.
- C. The MND was prepared for the Project pursuant to the provisions of CEQA and reflects the City of Eureka's independent judgment and analysis.
- D. The MND concluded that with mitigation, no substantial adverse environmental impacts will result from the Project.
- E. On the basis of the whole record including the IS/MND, the comment received, the Response to Comment, and the Errata, there is no substantial evidence that the project will have any significant effects on the environment with implementation of the mitigation measures.
- F. 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 Development Services - Planning, 531 K Street, Eureka, CA.
- G. The Project, as conditioned, is consistent with the certified policies of the Local Coastal Program, as described in the staff report.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the Mitigated Negative Declaration, Response to Comment and Errata, and Mitigation Monitoring and Reporting Program should be approved; and

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the application for a Coastal Development Permit should be approved, subject to the following conditions. Compliance with conditions will be to the satisfaction of Development Services – Planning unless noted otherwise.

- A. **Implementation of the MMRP:** The environmental, air quality, biological and archaeological protection actions and mitigation measures described in the Mitigation Monitoring and Reporting Program (MMRP) for the Project shall be followed for all pre-construction, construction, and post-construction activities.
- B. **Project Compliance & Approvals**
  - 1. **Substantial Conformance:** All development shall be constructed and operated substantially in accordance with the approved plans, except as modified by these conditions or approved in writing by the Development Services Director.

2. **Permits & Approvals:** Applicant shall obtain all required City planning, building, fire, and public works permits prior to the start of construction, including:
  - a. City Encroachment Permit(s), required for any work in, over, or under the City of Eureka rights-of-way, as applicable.
  - b. Design Review for new structures and building additions.
  - c. Merger of all associated parcels into one legal parcel.
  - d. Permanent use of Staging Area A: Any post-construction or ongoing operational use of the area for overflow bus parking or other activities will require HTA to submit a long-term site plan and obtain the appropriate permits, such as a modification to the existing CDP, a new CDP, or a CDP exemption, before occupying or converting the area for such purposes.
3. **Agency Coordination:** Applicant shall obtain approvals from all applicable regulatory agencies, including the North Coast Unified Air Quality Management District, Humboldt Bay Fire, Humboldt County Department of Environmental Health, and any other necessary County, State, and Federal permits or authorizations, prior to commencement of construction of relevant components of the Project.

#### C. **Site Design, Outdoor Lighting, & Landscaping**

1. **Landscaping:** No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted on the project site. Planting of species native to Eureka as listed by the California Native Plant Society is encouraged. All required landscaping shall be maintained in a healthy condition; dead or damaged plant material shall be replaced within 60 days. A landscaping plan shall be submitted with Building Permit plans for review and approval.
2. **Exterior Building Lighting:** Prior to installation of any new exterior lighting, specifications for all new exterior lighting fixtures shall be submitted to Development Services – Planning for review and approval, consistent with the following standards:
  - a. Exterior lighting shall be fully shielded with fixtures or hoods, or recessed.
  - b. Exterior lighting shall be directed downward, away from adjacent properties or the public right-of-way.
  - c. All exterior light fixtures must meet the International Dark Sky Association's requirements for reducing waste of ambient light.
  - d. Security lighting shall be motion-activated or on timers when feasible, to reduce continuous night-time illumination.
3. **Public Access Separation:** Public hydrogen fueling island access shall be clearly delineated from HTA operational bus circulation areas through pavement markings, bollards, curbing, and/or other appropriate design features.
4. **ADA Compliance:** Public fueling station facilities and office additions shall meet current ADA accessibility requirements.

#### D. **Construction & Staging**

1. **Access Routes:** Construction and delivery traffic shall use H and I Streets as primary access routes from Broadway/US-101 to Waterfront Drive and 1<sup>st</sup> Streets as shown in the IS-MND to limit congestion in the residential areas adjacent to the project site, to the satisfaction of the City Engineering Department.
2. **Access Management Plan:** Prior to final building plan approval, an Access Management Plan to minimize impacts to public access during project construction must be submitted to Development Services – Planning for review and approval. The management plan must include a plan to ensure any temporary closure of the Eureka Waterfront Trail’s trailhead at 1<sup>st</sup> and X Streets for construction-related public safety purposes will be minimized and adequate signage will be posted informing the public about the closure and directing the public to nearby trailheads (e.g., the Target trailhead and the Samoa Boat Launch trailhead). The plan shall also ensure any temporarily-closed portions of City streets will be rerouted to ensure continuous traffic circulation through the neighborhood during construction, with adequate signage to inform the public about any temporary rerouting of motorized and non-motorized traffic. The plan shall include a description of temporary access control measures to be used and signage to be installed, and a site plan showing the proposed locations of detour route(s) around construction, temporary access barriers, and signage.
3. **Staging Areas:** Construction staging shall be limited to the ~0.15-acre upland area of the site north of 1st Street (Staging Area A) and areas within the existing HTA maintenance and operations facility. For Staging Area A, Applicant shall maintain a minimum 5-foot buffer from all wetlands, with flagging and signage as required by Mitigation Measure BIO-2.
4. **Construction Noise:** Project construction shall be performed on standard work days (Monday through Friday) between the hours of 7:00 a.m. and 7:00 p.m. Backup generator shall comply with local noise limits (EMC Title 94) and run-time testing shall occur during daytime hours. Construction activities outside these hours and days may be allowed for good cause with prior approval from Development Services – Planning.
5. **Monitoring of Wetland Impacts:** As required by Mitigation Measure BIO-2 of the MMRP, wetland monitoring by a qualified biologist shall be performed bi-annually during construction and immediately following completion of construction to ensure conditions remain stable and wetlands are appropriately protected with effective implementation of mitigation measures and BMP’s. Monitoring summary reports shall be submitted to Development Services – Planning for review and approval. If the monitoring indicates the wetlands have been impacted by construction activities, Applicant shall submit a restoration plan that will be processed as an amendment to this CDP unless Development Services – Planning determines that no amendment is legally required.

#### E. Utilities, Infrastructure & Stormwater

1. **Utility Relocations:** Any utility relocations or upgrades (including electrical switchgear and generator connections) shall be coordinated with the appropriate utility providers and comply with City standards, to the satisfaction of the City Public Works Department.

2. **City Engineering Department Referral Comments:** Prior to Building Permit approval, Applicant shall address and/or adhere to all Engineering Department comments provided in the Project referral communication submitted on July 14, 2025, included in the staff report as Attachment 5.

**F. Operations, Safety & Long-Term Compliance**

1. **Hydrogen Safety Compliance:** All fueling station operations shall comply with NFPA 2 requirements, including periodic inspection and certification to the satisfaction of Humboldt Bay Fire and the City Building Official.
2. **Emergency Shut-Offs:** Clearly marked emergency shut-off controls shall be installed at all hydrogen dispensers and at accessible, approved locations within the fueling area to the satisfaction of Humboldt Bay Fire and the City Building Official.
3. **Hazardous Materials:** Project operations shall comply with all applicable Health and Safety Code and California Fire Code requirements related to the storage and handling of hazardous materials. If storing or handling hazardous materials, before beginning operations, Applicant shall install necessary secondary containment and diversionary structures or equipment to prevent discharge of hazardous materials, and shall prepare and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan which has been reviewed and approved by the Humboldt County Division of Environmental Health (DEH).
  - a. Within 60 days of approval of the final certificate of occupancy, and prior to beginning operations, Applicant shall submit a copy of their SPCC Plan, with proof of DEH approval, to Development Services - Planning.
  - b. Within 30 days of the storage of hazardous materials at or above 55 gallons, 500 pounds, or 200 cubic feet, Applicant shall submit a Hazardous Materials Business Plan for the facility to the California Environmental Reporting System (CERS) and to Development Services – Planning with proof of DEH acceptance.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the Mitigated Negative Declaration, Response to Comment and Errata, and Mitigation Monitoring and Reporting Program (ED-25-6), and Coastal Development Permit (CDP-25-4) for the Project, subject to the conditions 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 10<sup>th</sup> day of September, 2025 by the following vote:

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

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Meredith Maier, Chair, Planning Commission

*Attest:*

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Cristin Kenyon, Executive Secretary