

RESOLUTION NO. 2026-__

A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA CONDITIONALLY APPROVING DESIGN REVIEW (AA-25-6) FOR THE HTA HYDROGEN FUELING STATION AT 133 V STREET (APN 002-091-008 AND -010)

WHEREAS, the Applicant, Linde Engineering Americas, on behalf of Humboldt Transit Authority (HTA), proposes to construct a new hydrogen fueling station, including an 18,000-gallon liquid hydrogen tank, related mechanical equipment, guardrails and other traffic-protection features, realignment of sidewalk and driveway areas to accommodate a public fueling station and canopy, and new utility connections (proposed development) on a 1.6-acre site at 133 V Street (APN 002-091-008 and -010); and

WHEREAS, the subject lot is located in the Service Commercial (CS) Zoning District, with a General Service Commercial (GSC) land use designation; and

WHEREAS, the HTA Hydrogen Fueling Station Project obtained approval of Coastal Development Permit (CDP-25-4) in September 2025 (as described in the staff report) and the City of Eureka, in its capacity as lead agency, and in compliance with the California Environmental Quality Act (CEQA), prepared an Initial Study and Mitigated Negative Declaration (MND) (SCH No. 2025080239) and Mitigation Monitoring and Reporting Program (MMRP) for a larger project which included the HTA Hydrogen Fueling Station. Comments were received during the required 30-day review period, after which an Errata and Response to Comments were prepared. On September 10, 2025, the Planning Commission of the City of Eureka adopted Resolution No. 2025-15 approving the MND, Errata and Response to Comments and MMRP; and

WHEREAS, the proposed development is in the Design Review Area of the Coastal Zone, and in accordance with Eureka Municipal Code (EMC) Title 10, Chapter 5, Article 18 §10-5.1801 et. seq, Architectural and Site Plan Review are required; and

WHEREAS, the Design Review Committee of the City of Eureka has reviewed the subject application in accordance with, and after due consideration of all public comment, evidence and reports offered at the public meeting, does hereby find and determine the following facts:

1. The proposed development is not ugly, inharmonious, monotonous or hazardous, and will not have an adverse effect on the value of property or improvements in the vicinity as described in the staff report.
2. The Design Review process is a discretionary action subject to environmental review in accordance with CEQA. The proposed development represents a component of the larger HTA Hydrogen Fueling Station Project and is consistent with the larger project as previously approved. The proposed development does not result in any substantial changes to the original project description. During the processing of the Design Review application, no new information was provided which was not previously available except for more detailed elevation plans. Substantial changes are not expected to occur upon approval of the proposed development, which will be facilitated in compliance with the previously approved MND and MMRP and additional conditions of approval described

below. Therefore, pursuant to Public Resources Code §21166 and CEQA Guidelines §15162, no additional environmental review is required.

WHEREAS, in the opinion of the Design Review Committee, the proposed application should be approved subject to the following condition:

- A. **Coastal Development Permit (CDP) Conditions of Approval.** The Applicant must comply with all Conditions of Approval and applicable mitigation measures identified in the MMRP for Coastal Development Permit CDP-25-4, as set forth in Planning Commission Resolution No. 2025-15, attached as Exhibit A.
- B. **Building Permit and Fire Department Approvals.** The Applicant must obtain all required Building and Fire permits prior to commencement of any construction activities, to the satisfaction of Development Services – Building and Humboldt Bay Fire.

NOW THEREFORE, BE IT RESOLVED that the Design Review Committee of the City of Eureka does hereby approve the application for the Humboldt Transit Authority Hydrogen Fueling Station.

PASSED, APPROVED AND ADOPTED by the Design Review Committee of the City of Eureka in the County of Humboldt, State of California, on the 13th day of May, 2026 by the following vote:

AYES: COMMITTEE MEMBER
NOES: COMMITTEE MEMBER
ABSENT: COMMITTEE MEMBER
ABSTAIN: COMMITTEE MEMBER

Kassidy Banducci, Chair

Attest:

Caitlin Castellano, Executive Secretary

RESOLUTION NO. 2025-15

**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**
 - I. **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 1st 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 1st 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.
6. **Demolition/Salvage of 104 W Street:** To the extent practical, all old-growth redwood framing materials and other historic elements or materials shall be salvaged during the demolition of 104 W Street.

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 10th day of September, 2025 by the following vote:

AYES: COMMISSIONERS KRAFT, MAIER, LAZAR
 NOES: NONE

RESOLUTION NO. 2025-15
Page 6

ABSENT: COMMISSIONER FREITAS
ABSTAIN: NONE



Meredith Majer, Chair, Planning Commission

Attest:



Cristin Kenyon, Executive Secretary

MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

Mitigation Measures are summarized below and shall be implemented as discussed in each respective mitigation measure section, including specified timing and method of verification.

Mitigation Measure AQ-1: Measures to Reduce Air Pollution

To reduce fugitive dust generation during any demolition, excavation, or earthmoving construction activities as a result of the Project, the following dust control measures shall be implemented by the construction contractors during any construction activities associated with the Project:

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered in areas of active construction as necessary.
- b) All haul trucks transporting soil, sand, demolition material, or other loose material off-site shall be covered.
- c) All vehicle speeds on unpaved surfaces shall be limited to 15 mph, unless the unpaved surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.
- d) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- e) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage noting idling time requirements shall be provided for construction workers at all access points.
- f) All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications.
- g) A publicly visible sign shall be posted with the telephone numbers of both the City and NCUAQMD regarding dust complaints and to ensure compliance with applicable regulations.

Mitigation Measure AQ-2: Measures to Reduce Diesel Emissions During Construction

Prior to Building Permit Issuance, the applicant shall prepare a Construction Management Plan for review and approval by the Chief Building Official or his/her designee. The Construction Management Plan shall include the following measures to reduce Toxic Air Contaminant (TAC) emissions during construction:

- a) Heavy-duty diesel vehicles will have 2010 or newer model year engines, in compliance with the California Air Resources Board's Truck and Bus Regulation;

- b) Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed five minutes;
- c) All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator; and
- d) All non-road diesel construction equipment will, at a minimum, meet Tier 3 emission standards listed in the Code of Federal Regulations Title 40, Part 89, Subpart B, §89.112. Further, where feasible, construction equipment will use alternative fuels such as compressed natural gas, propane, electricity, or biodiesel.

Mitigation Measure BIO-1: Migratory Bird Surveys

To avoid potential impacts to nesting birds, in accordance with the Migratory Bird Treaty Act, one of the following shall be implemented if any vegetation removal occurs during the lifespan of the Project:

- a) Conduct vegetation removal and other ground-disturbance activities associated with any construction activities between August 16 and March 14, when birds are not typically nesting, or;
- b) If vegetation removal or ground-disturbing activity is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey. Within 7 days prior to disturbance, pre-construction surveys for nesting pairs, nests, and eggs shall occur within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the USFWS and CDFW and implemented to prevent abandonment of the active nest.

Mitigation Measure BIO-2: Wetland Protection and Erosion Control Measures to Support a 5-foot Wetland Buffer

Prior to construction, a qualified biologist will review and flag the wetland areas and a 5-foot buffer between the wetland areas and Staging Area A. HTA will ensure a temporary stake and rope fence (or similar fence type) is installed following the flags that demarcate the outer edge of the wetland areas buffer. Temporary signage will also be installed explaining why the area has been fenced off. HTA, through the contractor, will prepare Staging Area A for construction by installing temporary straw waddling around the proposed staging area to help direct any runoff towards 1st Street and the existing stormwater infrastructure. Silt fencing will also be installed downslope to capture any sediment that is not redirected by the straw waddles. The staging area will then be graded with a gentle slope towards 1st Street. Semi-permanent water capture and infiltration features will be installed around the staging area such as a gravel infiltration ditch. Staging Area A will then be covered with porous pavers, crushed aggregate, open pavers with grass or plantings, open pavers with gravel, or solid pavers with adequate spacing for infiltration. This will create a semi-permanent parking surface for buses and/or construction

equipment. Fencing, lighting, and a security gate will then be installed. After the Project has been completed, the silt fencing will be removed from the site. Wetland monitoring by a qualified biologist will be performed bi-annually during construction and at the completion of construction to ensure conditions remain stable and wetlands are appropriately protected from Project activities.

With respect to long-term 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 Coastal Development Permit CDP, a new CDP, or a CDP exemption, before occupying or converting the area for such purposes. This process will allow for a full assessment of potential environmental impacts and ensure that future uses of Staging Area A are consistent with biological resource protection policies of the Coastal Act and City LCP.

Mitigation Measure BIO-3: Construction-Phase Erosion and Sediment Control Plan and Post-Construction Stormwater Control Plan

HTA will prepare both a construction-phase erosion and sediment control plan and post-construction stormwater control plan that is consistent with the City's Urban Storm Water Quality Management and Discharge Control Ordinance and MS4 permit standards. The construction-phase erosion and sediment control plan will be prepared and submitted to the City prior to the start of construction. The post-construction stormwater control plan will be prepared and submitted to the City for review and approval with the building permit application.

Mitigation Measure CUL-1: Inadvertent Discovery of Cultural Resources

- a) If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist must be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the Project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
- b) If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall

stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.

Mitigation Measure CUL-2: Inadvertent Discovery of Human Remains

In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation will be required to comply with the State Health and Safety Code section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code (PRC) section 5097.98. In part, PRC section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of PRC section 5097.98 shall be complied with as may be required. Implementation of this measure shall occur before and during construction activities. City of Eureka staff shall verify these requirements are included in construction plans prior to sign-off on building permits and the construction superintendent shall oversee compliance with this Mitigation Measure.