

# STAFF REPORT

## *City Council Business Item*

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**DATE:** March 20, 2023

**TO:** Honorable Mayor and Council Members

**FROM:** Liz Shorey, Deputy Director of Community Development

**THRU:** Merritt Perry, City Manager

**SUBJECT:** **Public Hearing to Consider Adoption of a Mitigated Negative Declaration of Environmental Impact, Mitigation Monitoring and Reporting Program, and Approval of the Kenmar Road and US 101 Interchange Project, *Resolution 2023-08***

### **PROJECT INFORMATION**

**Project Title:** Kenmar Road and US 101 Interchange Project

**Lead Agency:** City of Fortuna

**Project Location:** The Project Area is located approximately 1,000 feet east of the Eel River near the southwestern corner of the City of Fortuna, primarily made of existing Caltrans, City of Fortuna, and County of Humboldt right-of-way.

**Project Description:** The purpose of the project is to improve traffic on Kenmar Road and Eel River Drive, and at the Kenmar Road and U.S. 101 interchange. Improvements include roundabouts, modifications to the on- and off-ramps, relocation of the park and ride facility, Kenmar Road lane improvements, and realignment of Eel River Drive and Riverwalk Drive. The project may also include traffic signal and lane improvements on the western Kenmar leg of the Ross Hill Road intersection.

**General Plan Land Use:** Fortuna: Commercial (COM), Mill District (MD), Agriculture (AG); Humboldt County: Agriculture Exclusive (AE), and Residential Agriculture (AG)

**Zoning Designations:** The northwest of the Project Area (Fortuna jurisdiction) is zoned Freeway Commercial (FC), and the northeast is zoned Heavy Industrial (M-2) as sourced from the Fortuna General Plan. The southwest of the Project Area (County of Humboldt jurisdiction) is zoned Agriculture Exclusive, and the southeast is zoned Residential Agriculture.

### **I. STAFF RECOMMENDATION:**

Approve *Resolution 2023-08* (Exhibit 1) adopting a Mitigated Negative Declaration of Environmental Impact and Mitigation Monitoring and Reporting Program, and approving the Kenmar Road and US 101 Interchange Project.

## **II. PROJECT DESCRIPTION:**

US 101 serves as the primary regional roadway in Humboldt County and is critically important to the residents and economy of Fortuna. The existing intersection controls, roadway geometry, and the high volumes of local and regional traffic on Kenmar Road result in poor traffic operation and safety issues at and near the interchange (Exhibit 2a—Vicinity Map). Under existing conditions, the project area experiences traffic delays during peak hours and crash rates above the statewide average. Additionally, the existing facilities lack bicycle and pedestrian facilities, resulting in a barrier to bicycle and pedestrian circulation between the City’s downtown and Riverwalk areas. The project need was first formally identified during the City’s 2010 General Plan update, and again in the City’s 2022 Local Road Safety Plan.

In 2016, the City completed the Highway 101, Fortuna Downtown and Riverwalk Area Complete Streets and Connectivity Planning Study. This study was a multi-agency effort with the goal of determining how to best modify the City’s interchanges with US 101 to allow for non-motorized connectivity. In addition to improving the general connectivity for multi-modal transportation, another goal of the assessment was also to identify projects that would increase the level of service for the US Highway 101 interchanges. The study identified several alternative concept designs for the reconfiguration of the intersection of Kenmar Road and US Highway 101, and ultimately a roundabout configuration on either side of the freeway was selected as the safest and most cost effective solution. This configuration would also provide for the best overall traffic operation over time.

With a preferred design alternative selected, in 2017 the City completed a Project Study Report to request funding from the state to complete the Project Approval and Environmental Documentation (PA&ED) phase of work. The project was subsequently recommended for award in the 2018 State Transportation Improvement Program (STIP). In 2020, staff began the PA&ED phase of work with the City’s selected engineering consultant, GHD. At the onset of the PA&ED phase of work, the City specifically identified the following goals:

- Simplify and improve navigation and traffic operations on Kenmar Road between Riverwalk Drive and Eel River Drive, including the Kenmar Road/US 101 interchange;
- Improve traffic operations, reduce congestion, and minimize conflicts at the Kenmar Road intersections;
- Improve safety at Kenmar Road intersections; and
- Improve the local and regional bicycle and pedestrian facilities through the Kenmar Road/US 101 interchange area.

Over the past two-years the project has advanced to the 30% design stage. As currently designed, the proposed Project would replace the existing intersections of US 101 and Kenmar Road at the interchange with two roundabouts (Exhibit 2b – Project Overview Map). The Project also includes modifications to the US 101 on- and off-ramps, relocation of the park and ride facility, lane improvements on Kenmar road, three retaining walls, various lighting, signage and drainage improvements, and the realignment of Eel River Drive and Riverwalk Drive. In addition to the proposed motor vehicle-related roadway safety improvements, the Project includes a segment of Class I bike path through the project area, in addition to other at-grade pedestrian and bicycle improvements to enhance

pedestrian connections and promote regional bicycle network continuity. The Class I bike path would be integrated into the developing Great Redwood Trail. As currently proposed, the Project would simplify and improve navigation and traffic operations on Kenmar Road and Eel River Drive, including the Kenmar Road and US 101 interchange.

It should be noted that although this project is being led by the City, the majority of the facilities and rights of way involved in the project belongs to Caltrans. As such, this project is considered a Capital Oversight project with Caltrans, and they have been involved in each step of the project development and design that has taken place over the past two-plus years. All facilities included in the current project have been designed in accordance with the Caltrans *Highway Design Manual, 7<sup>th</sup> Edition* (2020) and the National Cooperative Highway Research Program (NCHRP) Report 672 entitled “Roundabouts: An Information Guide, 2nd Edition”. Caltrans has provided concurrence on the current 30% design as proposed in the CEQA document.

### **III. ENVIRONMENTAL REVIEW:**

Since the Kenmar Road and US 101 Interchange Project is defined as a “project” under the California Environmental Quality Act (CEQA), the potential for environmental impacts must be considered by the lead agency prior to approving the project. Staff and consultants have prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) (Exhibit 3) and Appendices (Exhibit 4) to document the environmental determination for the project, as required by the California Environmental Quality Act (CEQA) (Public Resources Code, Div 13, Section 21000-21177), and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000-15387)). The initial study’s purpose is to consider the project’s physical changes to the environment, and to provide a basis for deciding whether to prepare an Environmental Impact Report (EIR), a Mitigated Negative Declaration or a Negative Declaration. CEQA encourages lead agencies to modify their projects to avoid significant adverse impacts or to identify mitigation measures that may be implemented during project construction or operations in order to reduce impacts to less than significant. During preparation of the Kenmar Road and US 101 Interchange Project Initial Study, mitigation measures were identified that reduce the level of impact to less than significant, compiled in a Mitigation Monitoring and Reporting Plan (Exhibit 2c).

#### **Public Review**

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) was completed and released for public review on January 21, 2023, initiating a 30-day public review period. During the public review period, the City received one written comment on the project. The Great Redwood Trail Agency (GRTA) submitted a letter dated February 17, 2023 (Exhibit 2d), expressing concerns that the project would pose a risk to possibly severing the rail right-of-way (maintaining its use for future rail), jeopardize railbanking, and create safety issues to future trail users crossing multiple lanes. The City has prepared a response to the GRTA, acknowledging the City’s intent to incorporate pedestrian and bicycle safety measures during final design, identifying that the project itself improves pedestrian and bicycle safety over existing conditions, and ensuring that project design will retain possible future railroad operations. The City will work with the Trail Agency during final design to demonstrate the City’s response to the Agency’s concerns, and will obtain applicable permits from that agency during final design. The City’s detailed response to the GRTA is included in the Final Initial Study/Mitigated Negative Declaration (Exhibit 5), along with additional text changes to the circulated Draft IS/MND. The letter does not alter any conclusions reached in the Draft IS/MND or provide new information of substantial importance relative to the draft document that would require recirculation of the Draft IS/MND pursuant to CEQA Guidelines Section 15073.5.

#### **Summary of Mitigation Measures**

The project review provided in the Draft IS/MND for each of the environmental check list items determines if a project has no “Potentially Significant Impacts”, or if it has potential significant impacts that may be mitigated to a less-than-significant impact. The environmental categories which have no chance of potentially significant impact and for which mitigation measures are not required include the following:

Aesthetics, Agriculture, Energy Resources, Greenhouse Gas Emissions, Hazards, Land use, Mineral Resources, Noise, Population and Housing, Public Services, Recreation Transportation, Tribal Cultural Resources, Utilities, and Wildfire.

Detailed discussion and analysis of each of these categories can be found in the attached IS/MND.

Environmental factors potentially affected by the project have been identified in the ISMND, and as demonstrated in the analysis, will be reduced to a level less than significant with project revisions incorporated or with mitigation adopted. The mitigation measures that were identified for these categories to reduce impacts to “Less than Significant” are summarized as follows:

- AQ-1: Reduce Air Pollution  
To avoid dust emissions, the contractor will implement BMPs, including watering of staging areas, soil piles, active graded areas, excavations, and unpaved access roads; sweeping adjacent public roads; reducing vehicle speeds on unpaved roads, and shutting equipment off when not in use.
- BIO-1: Protect Special Status Amphibians and Reptiles.  
Prior to ground disturbance within 50 feet of mapped wetlands, riparian habitat and Sensitive Natural Communities, a biologist shall perform a pre-construction survey and relocate any individuals of Northern Red-legged Frog, Yellow-legged Frog, or Western Pond Turtle or egg masses of Northern Red-legged Frog to nearby suitable habitat. If any of these species is observed in an active construction zone, construction will halt and the frogs or turtles shall be moved.
- BIO-2: Protect Special Status, Migratory, and Nesting Birds  
Nesting surveys shall be done if construction falls within avian nesting season, and protection measures will be implemented if nests are documented, per the terms of the mitigation measure.
- BIO-3: Compensatory Mitigation for Sensitive Natural Communities  
Construction within mapped Sensitive Natural Communities will be avoided to the greatest extent practicable. If impacts are unavoidable and Shining willow groves are removed or detrimentally impacted, mitigation will be at a rate of 1:1. A Plan will be prepared in coordination with State resource agencies with jurisdiction over sensitive natural communities prior to commencement of any construction activities.
- BIO-4: Avoidance and Minimization Measures to Protect Juxtaposed Wetlands  
The City shall implement measures for Waters of the United States and Waters of the State adjacent to areas of planned disturbance that will not be impacted (filled or excavated) during Project construction: The City shall attempt to avoid or minimize impacts to wetlands/waters in the final design plans. Adjacent wetlands shall be clearly identified in the construction documents and reviewed by the City prior to issuing for bid to ensure they are clearly marked as equipment exclusion zones during construction. Suitable perimeter control BMPs will be installed prior to any clearing or grading activities.
- BIO-5: Compensate for Loss of Wetlands and Waters

If fill cannot be avoided, the City shall compensate for the loss of seasonal wetland habitat so that there is no net loss in wetlands at a ratio of no less than 1:1.2, and in consultation with the NCRWQCB and regulatory agencies with jurisdiction over wetlands and waters.

- CR-1: Protect Archaeological or Tribal Cultural Resources during Construction

All recommendations resulting from the Extended Phase 1 investigation shall be implemented. This measure includes cultural resource awareness training of construction personnel prior to construction activities. Initial ground-disturbing activities near the previously recorded prehistoric resource shall be monitored by a Tribal Cultural Resource Monitor within 1,000 ft. and action taken per the terms of the measure.

- CR-2: Inadvertent Discovery of Archaeological Material

Work shall be stopped within 66 feet of cultural materials (for example: chipped or ground stone, historic debris, building foundations, or bone), per the requirements of CEQA (Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist has evaluated the materials and offered recommendations for further action and tribal representatives be notified.

- CR-3: Inadvertent Discovery of Human Remains.

If human remains are discovered within 66 feet at a minimum, the Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the Coroner determines that the remains are of Native American origin, compliance with State laws relating to the disposition of Native American burials will be followed, including NAHC (PRC, Section 5097). Descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition of the human remains

- GEO-1: Inadvertent Discovery of Paleontological Resources.

If fossils are found during excavation, construction activities shall be halted until a professional palaeontologist evaluates the find, and make recommendations for any necessary treatment that is consistent with currently accepted scientific practices.

- HAZ-1: Inadvertent Discovery of Hazardous Soils

A Preliminary Site Investigation (PSI) will evaluate soils and groundwater prior to construction to identify contaminants and identification of appropriate measures.

- NOI-1: Reduce Construction Noise Levels

Best management practices will reduce construction noise levels and minimize disruption the Riverwalk Drive RV Park, including scheduling work and locating stored equipment.

- TR-1: Maintain Emergency Access and Notify Emergency Responders

Contractors will provide adequate emergency access to all properties along the corridor during construction, shall plate over excavations, and shall notify emergency responders in advance of any temporary lane closures.

Detailed descriptions of these mitigation measures to be adopted are provided in the Mitigation Monitoring and Reporting Program (MMRP). In addition, detailed analysis for each area of environmental concern listed above is provided in the “Environmental Analysis” section of the ISMND. The MMRP also describes how the mitigation measures will be implemented during project design and/or construction, the timing of implementation, and the responsible party.

Based on the Findings of the IS/MND, staff recommends that the MND be adopted, since the project has been designed to avoid impacts, and the MND provides adequate mitigation to reduce the impacts to a less-than-significant level.

## **FINANCIAL IMPACT:**

In 2018, the City received \$550,000 in STIP funding to cover the costs associated with the PA&ED phase of work. This includes the development of the 30% engineering design as noted above, in addition to all of the special studies and other Caltrans studies required as part of the Project Report and Initial Study. There is no additional financial impact as a result of approving the project environmental document.

Currently, the project has no funding identified for future phases of work, however, staff are continuously evaluating grant funding sources.

## **RECOMMENDED COUNCIL ACTION:**

1. Receive staff presentation and review Council questions with staff;
2. Open Public Hearing;
3. Close Public Hearing;
4. Motion to adopt *Resolution 2023-08* and read by title only. Roll call vote.

## **ATTACHMENTS:**

1. *Resolution 2023-08, Adopting a Mitigated Negative Declaration of Environmental Impact a Mitigation, Monitoring, and Reporting Program, and Approving the Kenmar Road and US 101 Interchange Project*
2. Staff Report Exhibits: 2a. Vicinity Map; 2b. Project Overview Map; 2c. Mitigation Monitoring and Reporting Plan; 2d. Great Redwood Trail Agency letter, Karyn Gear, Interim Executive Director, February 17, 2023
3. Exhibit 3: Draft Initial Study & Mitigated Negative Declaration (ISMND) for the Kenmar Road and US 101 Interchange Project
4. Exhibit 4: Draft ISMND Appendices for the Kenmar Road and US 101 Interchange Project
5. Exhibit 5: Final ISMND for the Kenmar Road and US 101 Interchange Project

## EXHIBIT 1

### RESOLUTION 2023-08

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA ADOPTING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, A MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING THE KENMAR ROAD AND U.S. 101 INTERCHANGE PROJECT**

WHEREAS, the purpose of the Kenmar Road and U.S. 101 Interchange Project is to improve traffic at the Kenmar Road and U.S. 101 interchange by creating roundabouts, modifications to the on- and off-ramps, relocation of the park and ride facility, Kenmar Road lane improvements, and realignment of Eel River Drive and Riverwalk Drive;

WHEREAS, the City of Fortuna Community Development Department Planning Division had prepared an Initial Study/Mitigated Negative Declaration, incorporated herein by reference, for the project which determined that potential impacts can be avoided or mitigated to a point where no significant effects would occur because revisions in the project plans and construction activities have been made and there is no evidence that the project may have a significant effect on the environment;

WHEREAS, a Mitigation, Monitoring and Reporting Program has been prepared for the project, and implementation of mitigation measures incorporated into the project will be monitored pursuant to the Mitigation, Monitoring and Reporting Program;

WHEREAS, on January 21<sup>st</sup>, a Notice of Intent to Adopt a Mitigated Negative Declaration was completed and submitted to the Office of Planning and Research/State Clearinghouse and Humboldt County Recorder's Office to commence a 30-day public review period for review and comment on the Mitigated Negative Declaration, and a Notice of the public review period to consider approval of the Mitigated Negative Declaration was published in a general circulation newspaper pursuant to the California Environmental Quality Act (CEQA);

WHEREAS, one public comment was received during the public review period from the Great Redwood Trail Agency, dated February 17, 2023, and the concerns raised were adequately responded to in the City's response as provided in the Final Initial Study/Mitigated Negative Declaration dated March 8, 2023, incorporated herein by reference, and any new, avoidable significant effects were not identified during the public review period;

WHEREAS, changes or alterations have been required in, or incorporated into, the approval for the project, and these changes or alterations mitigate to a less-than-significant level or avoid the potentially significant environmental effects of the project as identified in the Initial Study and Proposed Mitigated Negative Declaration, and there is no substantial evidence in the record as a whole that the project as proposed and mitigated may have a significant effect on the environment;

WHEREAS, the Initial Study/Mitigated Negative Declaration of Environmental Impact identified no potentially significant effects on the environment, reflects the independent judgment and analysis of the City of Fortuna, has been prepared in compliance with CEQA and the State CEQA Guidelines;

WHEREAS, these determinations and findings are based on the analysis and reports as described in the Initial Study/Mitigated Negative Declaration;

NOW, THEREFORE BE IT RESOLVED, that the Fortuna City Council hereby:

- 1) Adopts the Mitigated Negative Declaration for the project as described in the Initial Study/Mitigated Negative Declaration dated October 18, 2022, circulated on January 21, 2023, and;
- 2) Approves and incorporates into the project all design elements, project-specific environmental protection actions, and the Mitigation, Monitoring and Reporting Program; and
- 3) Approves the Kenmar Road and U.S. Interchange Project.

PASSED AND ADOPTED on this 20<sup>th</sup> day of March, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Tami Trent, Mayor

ATTEST:

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Siana Emmons, City Clerk