



COMMUNITY DEVELOPMENT SERVICES
PLANNING DIVISION
COUNTY OF HUMBOLDT

<http://co.humboldt.ca.us/CDS/Planning>

DATE: July 20, 2011

TO: Robert S. Wall, AICP
Senior Planner
City of Eureka
Community Development Department
531 K Street
Eureka, CA 95501-1146

SUBJECT: Response to comments from the City of Eureka on the Draft Subsequent Environmental Impact Report for the Multifamily Rezoning Program (SCH # 2009022077)

Dear Rob,

Thank you and the other City staff for taking the time and making the effort for your thorough and well considered comments on the Draft Subsequent Environmental Impact Report for the Multifamily Rezoning Program. Significant changes have been made to the document in response, as explained below.

Please let me know if you or any other City staff have any additional comments or suggestions.

Thanks!

Michael Richardson, Senior Planner

County's responses to the July 13, 2011 comments from the City of Eureka on the Draft Subsequent Environmental Impact Report for the Multifamily Rezoning Program:

Comment: it is apparent the necessary analysis and determination of feasible mitigation has not been undertaken. The City is concerned that there may be feasible mitigation measures available to the County which may diminish the impact of this project to the City which have not been analyzed by the County.

Response: Feasible mitigation measures are included in the SEIR. Additional feasible mitigation identified prior to certification of the SEIR may also be incorporated into the Project.

Comment: The SEIR includes an often cited mitigation measure which essentially states that the County will look for better housing sites at a future date. This approach is fundamentally inconsistent with environmental and land use planning.

Response: The proposed rezoning responds to a deficiency in the residential land inventory of the 2009 Housing Element. The SEIR proposes mitigation measures, such as Mitigation Measure 25 that may lead to reduced traffic safety impacts of the Project in the future by substituting parcels with fewer traffic safety impacts for those under consideration. Including mitigation measures with potential for effective mitigation of future impacts is consistent with environmental and land use planning.

Further, the Housing Element is required by state law to be updated every five (5) years. One of the required sections of the Housing Element is to evaluate the effectiveness of the implementation programs in the previous Housing Element. It is reasonable to expect future iterations of the Housing Element may lead to a refinement of the multifamily land inventory through this required evaluation. Future refinements to the multifamily land inventory may reduce the program's impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered.

Including mitigation measures with potential for effective mitigation of future impacts is allowed by CEQA (§15126.4 of the Public Resources Code (PRC) - Consideration And Discussion Of Mitigation Measures Proposed To Minimize Significant Effects). The SEIR does not conclude this mitigation measure will reduce the described impacts to less than significant levels. It is unclear how this approach is "fundamentally inconsistent with environmental and land use planning".

Comment: It is hoped that the City will have an opportunity to actually read the Final Environmental Impact Report, inclusive of the chosen sites, before the EIR is certified.

Response: The City were provided responses to their comments prior to certification of the EIR. The sites will be selected by the Board of Supervisors, which is scheduled to make their decision during a public hearing on July 26, 2011. The City was invited to that public hearing.

Comment: Chapter 3, page 23, "Q" Zones: Regarding all chosen candidate sites within the City's Sphere of Influence, the City requests that the County denote within its zoning criteria for each site that the properties are subject to the Martin Slough Interceptor Traffic Impact Fee.

Response: A proposed new mitigation measure would require collection of all applicable fees, including traffic impact fees, prior to building permit issuance (see below).

Mitigation Measure XX. The Q-Zone shall require the County collect all applicable fees, including traffic impact fees, prior to building permit issuance

Comment: Chapter 4, page 32, paragraph 1: The statement that the County avoided "repetition" in not doing an exhaustive evaluation of CEQA alternatives is of great concern to the City. This statement is one of many examples of the SEIR project being a foregone conclusion not worthy of rigorous environmental analysis. Please clarify where this chosen method is codified with the CEQA Guidelines.

Response: The EIR states, "This DSEIR groups together candidate sites to avoid unnecessary repetition." This approach allows, for instance, the discussion of traffic impacts for two neighboring candidate sites which access the same street to cover both properties at the same time. Since the traffic impacts are not likely going to be substantially different between two adjoining properties accessing the same street, separate discussion of traffic impacts for both properties would be repetitive. This approach is consistent with §21002.1 of the Public

Resources Code (Use Of Environmental Impact Reports; Policy), which encourages focusing discussion of the EIR on significant effects on the environment.

Comment: Chapter 4, page 32, paragraph 4: The conclusion that utilizing commercially zoned areas for multi-family housing projects would be detrimental to economic development within the County is lacking empirical evidence. For example, the County could affix a “Q” Combining Zone to some commercial properties which would permit a true mixed use of properties and provide affordable housing.

Response: A few of the properties on the candidate sites list are zoned commercial, but most are zoned single family residential. The candidate sites list reflects the properties where owners are willing to rezone their properties to multifamily. Allowing multifamily uses in commercial areas is already allowed by the County’s zoning ordinance, and does not need to be a part of the Q-Qualified Zone.

The County recognizes the importance of maintaining a balance of residential to commercial properties to promote an appropriate job/housing balance. The alternative referenced in the above comment focused on converting commercial development potential to increase housing opportunities. It was rejected because of concerns it would not maintain a healthy jobs/housing balance, and because there is a larger inventory of developable properties zoned for single family uses. This issue was analyzed in the Building Communities technical background report for the General Plan Update, which is incorporated by reference in the SEIR, includes empirical evidence of the importance of maintaining an adequate inventory of commercial property.

Comment: Chapter 4, page 38, Table 3: Based on the analysis within the SEIR, or lack thereof, and past comments with regard to the County General Plan Update, the City is obviously in favor of a continuation of the existing Eureka Community Plan densities. The City is in support of more analysis and proposed mitigation of the Project densities. Alternatives A and B are not supported at this time by the City.

Response: Comment noted.

Comment: Chapter 4, page 39, paragraph 1: The statement that public transit use would be higher is contradicted by the statement on page 40, paragraph 4, which states that the project would increase the number people and cars on the roads.

Response: These statements are not in conflict. Increased housing development is expected to lead to both increased public transit use and an increased number of people and cars on the roads. New multifamily development in areas served by public transit is expected to result in a higher proportional share of public transit use than single family development because households living in apartments have fewer cars than households in single family neighborhoods, and are more dependent on public transit to get to work or to satisfy other daily needs.

Comment: Chapter 4, page 41, paragraph 3: The statement that the rezone “could indirectly result in the demolition of historic structures” is not backed by data. If there is a potential threat to an historic structure, the SEIR is required to identify which historic structures or properties are actually at risk.

Response: Protection of historic structures normally begins with creating an inventory of the historic structures to be protected. The County does not have an inventory of all historic structures within the County jurisdictional area. Without this historic structure inventory, the County may not be able to successfully prevent all demolition of historic structures, particularly

those at imminent risk of failure or collapse due to a lack of maintenance. Accordingly, the statement in the DSEIR that the rezoning could indirectly result in demolition of historic structures seems reasonably well supported by data.

Comment: Chapter 4, page 43, paragraphs 4 & 5: Clarification within the SEIR is warranted to explain why sites with on-site sewage disposal are precluded from being placed in the Affordable Multifamily Housing Inventory. Furthermore, an explanation as to why HCD may deem on-site sewage disposal housing sites as not officially producing affordable housing units is of interest. The County should cite an official HCD policy regarding the matter of on-site sewage in order to support its CEQA alternatives analysis.

Response: Standard H-S19 in the 2009 Housing Element precludes sites with on-site sewage disposal from being placed in the Affordable Multifamily Housing Inventory:

H-S19. Standards for Extremely Low, Very Low and Low Income Sites in the Residential Land Inventory. A minimum required 120 percent of the RHNA Plan allocations for extremely low, very low and low income housing units shall be accommodated on sites suitable and zoned for multifamily residential development by right (no discretionary review is required). Multi-family sites shall be considered suitable if they contain one or more developable acres planned and zoned for at least 16 dwelling units per acre and can be provided with public water and sewer services within the planning period. No more than 100 units can be counted on any single parcel.

It recognizes that the area required for on-site sewage disposal normally makes it impractical to develop multifamily housing affordable to lower income households at a density of 16 units per acre, as required by state law (§65583.2(h) of the Government Code: Inventory of land suitable for residential development).

The Surplus Affordable Multifamily Land Inventory, which comprises 443 of the 980 multifamily units required, are not subject to the restrictions in H-S19. Two (2) of the properties on the candidate sites list are served by on-site sewage disposal systems. The candidate sites list reflects those owners willing to have their properties rezoned to multifamily.

Comment: Chapter 4, page 43, paragraph 7: Regarding the Expanded Rural Rezones Alternative, please prove which resource-zoned properties were considered for this alternative.

Response: The Expanded Rural Rezones alternative considers rezoning agricultural lands without public sewer in the surrounding areas of cities, such as the Freshwater area north of Eureka, or the agricultural lands immediately to the south.

Comment: Chapter 4, page 46, bullet points 1 & 2: The City strongly disagrees with the conclusions that support the Rezone More Properties Alternative. The project in and of itself is slated to be approved with a Statement of Overriding Considerations. Rezoning more properties beyond the project only exacerbates already unmitigated and unacceptable environmental impacts to the City, particularly traffic impacts.

Response: Staff is not recommending the Rezone More Properties Alternative at this time.

Comment: Chapter 5, page 48, Mitigation Measure 2: Mitigation Measure 2 should also include biological findings from a qualified professional.

Response: This mitigation measure is proposed to be modified as suggested (see below):

Mitigation Measure 2: Subject to review and approval by the Planning Director, the developable area of candidate sites may be expanded if site specific information is provided by a licensed civil engineer showing actual flood hazards, slope hazards, earthquake fault hazards or other constraints on the ground are less than the amount shown in Attachment 1. The developable area of candidate sites may also be expanded outside of the coastal zone, subject to review and approval by the Planning Director, if site specific information is provided by a qualified biologist that the Streamside Management Area or Other Wet Areas of the property on the ground are less than the amount shown in Attachment 1.

Comment: Section 5.2 Aesthetic Impacts, page 64, Mitigation Measure 7: This mitigation measure is characterized with permissive recommendations and statements rather than requirements. Terms such as "should and avoid" will achieve more compliance when revised to read "shall and will not." The mitigation measure also includes the following: "Good landscaping is critical to the quality of any multifamily project." This is a statement rather than an enforceable mitigation measure. This statement should be revised to enforce a condition of approval or a landscaping performance standard.

Response: An alternative mitigation for aesthetic impacts will be presented to the Board of Supervisors to place a D- Design Control combining zone on the selected candidate sites within the sphere of influence of the City of Eureka to establish more clear and compulsory requirements to more effectively mitigate aesthetic impacts as suggested.

Comment: Section 5.4 Air Quality, page 85, paragraph 7: This paragraph states that "the County is in the process of preparing an update to its General Plan which includes an Air Quality Element with specific air emission minimization/reduction policies. However, this update has not yet been adopted by the County and is thus not applicable to the proposed project." The County is, however, obligated to review this Project under the General Plan EIR for the aforementioned Element.

Response: The SEIR for the proposed multifamily rezones considers the EIR for the 1984 Framework Plan when it states on page 87 that, "The 1984 Framework Plan uses urban growth boundaries to discourage land speculation at the urban or suburban fringe. As such, it discourages urban sprawl by keeping development contained, and thus limiting vehicle emissions by geographically keeping development within the urban study areas." The SEIR is consistent with the EIR for the 2009 Housing Element since it is implementing the 2009 Housing Element.

Comment: Section 5.4 Air Quality, page 88, paragraph 7: This paragraph seems to indicate the County is concerned with weighing the balance between environmental benefits and the increased cost of producing affordable housing, but offers no clear method on how to address it.

Response: The proposed mitigation measures in the SEIR balance environmental benefits and the increased cost of producing affordable housing. Additional balanced new mitigation measures proposed above may also address this comment.

Comment: Section 5.5 Biological Resources, page 89, paragraph 8: Please provide the Wetlands, SMA, and Watercourse Maps listed Exhibit ##?

Response: The requested maps were provided on July 20, 2011.

Comment: Section 5.5 Biological Resources, page 97, paragraph 2: This paragraph alludes to additional biological mitigation measures to be added to this project as a part of the General Plan Update. However, see comment regarding Section 5.4 Air Quality, page 85, paragraph 7,

which states that the GPU is in progress and Air Quality policy is not to be added to the SEIR. Please list the additional mitigation measures within the subject SEIR.

Response: Implementation Measures BR-IM1 to 3 in Chapter 10 of the Planning Commission Hearing Draft of the GPU are as follows:

BR-IM1. Biological Resource Maps. The County shall maintain best available data in the form of GIS maps for the location and extent of wetlands, critical habitats, streamside management areas, rookeries, and ranges of species identified in the California Natural Diversity Database.

BR-IM2. State and Federal Agency Permitting Coordination. The County shall maintain efficient and timely procedures for project referral to state and federal agencies for biological review and consultation.

BR-IM3. Staff Training. Building and Planning Division staff shall receive periodic training related to the field identification of biological resources and mitigation of impacts. The County shall maintain efficient and timely procedures for project referral to state and federal agencies for biological review and consultation.”

These mitigation measures are not proposed to be implemented as part of this multifamily rezoning program. It is beyond the scope of this project to implement the General Plan Update.

Comment: Section 5.5 Biological Resources, page 97, Mitigation Measure 16: This mitigation measure essentially states that the County will look for better housing sites at a future date or during another Housing Element Update. As mentioned previously within this letter, the deferment of identifying less environmentally impactful sites in the future does not constitute sound environmental planning practice. Additionally precedent California Case Law specifically precludes the deferment of mitigation to future dates [see Sundstrom v. County of Mendocino (1988) 202 Cal. App 3d 296].

Response: The proposed rezoning responds to a deficiency in the residential land inventory of the 2009 Housing Element. Future refinements to the multifamily land inventory may reduce the program’s impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered. It seems that sound environmental planning practice would include mitigation measures that might lead to reduced impacts on the environment by influencing the selection of sites in future residential land inventories.

The comment misinterprets the intent of this mitigation measure as deferring mitigation. Biological impacts of the current rezoning will be mitigated in accordance with site-specific mitigation measures in the SEIR. A second tier of mitigation may be applied in the next Housing Element Update. This SEIR does not predict any specific reduced impacts from the second tier of mitigation, and does not conclude the second tier of mitigation will reduce any impacts to less than significant levels.

Including mitigation measures with potential for effective mitigation of future impacts is allowed by CEQA (§15126.4 of the Public Resources Code (PRC) - Consideration And Discussion Of Mitigation Measures Proposed To Minimize Significant Effects).

Comment: Section 5.6 Cultural Resources, page 105, paragraph 3: Appendix K of the CEQA Guidelines which used to contain the criteria for protecting historical and archeological resources no longer exists.

Response: Comment noted. Appendix K guidelines have been incorporated into CEQA at §15064.5 and the County will follow the CEQA requirements. The reference to Appendix K will be updated.

Comment: Section 5.6 Cultural Resources, page 106, paragraph 3: This paragraph again alludes to additional mitigation measures to be added to this project as a part of the General Plan Update, but fails to specify the measures within the SEIR.

Response: Section 5.6 Cultural Resources, page 106, paragraph 3 of the DSEIR identifies a mitigation measure proposed in the General Plan Update, but does not include this as a proposed mitigation measure. It is beyond the scope of the multifamily rezoning program to implement the General Plan Update.

Comment: Section 5.6 Cultural Resources, page 106, Mitigation Measure 18: This mitigation measure again states that the County will look for better housing sites at a future date or another Housing Element Update. See previous discussion regarding deferment of mitigation.

Response: Including mitigation measures with potential for effective mitigation of future impacts is consistent with the provisions of CEQA designed to reduce impacts of new development on the environment.

Comment: Section 5.7 Geology and Soils, page 111, paragraph 8. This paragraph should specify which earthquakes had a range of 6.2 and 6.9.

Response: The SEIR referred to the 1992 earthquakes in the Cape Mendocino area (magnitudes 7.1, 6.6, and 6.7). The paragraph in the SEIR was modified to be more clear.

Comment: Section 5.7 Geology and Soils, page 117, paragraph 2: This section denotes a "Table XX." Is this 20 or a placeholder?

Response: The paragraph is revised to refer to Table 5B.

Comment: Section 5.7 Geology and Soils, page 120, paragraph 3: This paragraph states that several beaches were previously described as impaired when no such explanation exists.

Response: The paragraph revised to refer to the explanation in the Hydrology section of the SEIR.

Comment: Section 5.7 Geology and Soils, page 120, paragraph 9: The discussion of not adding mitigation measures from the General Plan Update is noted here again. For internal consistency, please clarify if they are or not. The SEIR appears to allow it and then describe why the GPU mitigation is not being used.

Response: The SEIR describes the mitigation in the GPU, and recommends against including it as mitigation because it is beyond the scope of the multifamily zoning program to implement the GPU.

Comment: Section 5.7 Geology and Soils, page 121, Mitigation Measure 20: See previous discussion regarding deferment of mitigation.

Response: Including mitigation measures with potential for effective mitigation of future impacts is consistent with the provisions of CEQA designed to reduce impacts of new development on the environment.

Comment: Section 5.8 Hazardous Materials and Hazards, page 134, paragraph 2: This section denotes Attachment XX and Table XX.

Response: The references have been updated.

Comment: Section 5.10 Land Use Planning, page 152, paragraphs 1 and 5: XX references to placeholder tables and attachments.

Response: The reference has been updated.

Comment: Section 5.11 Mineral and Energy Resources, page 167, paragraph 4: This paragraph denotes a reference to a pending starting date of mid-2010 for the new power plant. Please revise.

Response: The reference has been updated.

Comment: Section 5.11 Mineral and Energy Resources, page 169, paragraph 5: This paragraph denotes a reference to a public release date of late 2010 for an EIR/EIS for a wind energy project. Please revise.

Response: The reference has been updated.

Comment: Section 5.12 Noise, page 172-173, paragraph 7-cont.: The SEIR is utilizing outdated information regarding the noise analysis. The County should utilize its General Plan Update noise data for this analysis and the derivation of appropriate existing conditions.

Response: The SEIR uses the most recent data available.

Comment: Section 5.12 Noise, page 173, paragraph 5: Placeholder reference to Section 5.XX.

Response: The reference has been updated.

Comment: Section 5.12 Noise, page 174, paragraph 5: This paragraph appears to contain subject matter (a discussion of temperature inversions) not relevant to the noise analysis.

Response: The text has been updated.

Comment: Section 5.12 Noise, page 177, paragraph 1: Paragraph 1 contains an explanation of why GPU EIR mitigation measures are not referenced or analyzed within the Project SEIR. Again, the City is on record as questioning why the proposals, inclusive of the Forster-Gill proposal, are all being subjected to exclusive review and mitigation measures when all three projects will have cumulative impacts on the City of Eureka. The Multi-Family rezone SEIR should be revised accordingly to reference the additional projects which have reasonable foreseeable impacts that could benefit from consistent mitigation measures. The City requested that this Project be reviewed relative to the GPU and Forster-Gill project (see March 2, 2011, NOP letter to Michael Richardson).

Response: Both the GPU and the Forster-Gill project include alternatives that would maintain current general plan and zoning designations in the area surrounding the City of Eureka. Since those projects are still under consideration, the alternatives that would maintain current general plan and zoning designations alternatives are considered reasonable and foreseeable. The

Cumulative Impact analysis in the SEIR for this Project considers the effects of the project with buildout of other properties allowed under current general plan and zoning designations.

The Forster-Gill project is not a part of the proposed project, and has a separate DEIR which addresses cumulative impacts. Likewise, the GPU will have a separate EIR which will address cumulative impacts.

Comment: Section 5.13 Population and Housing, page 178, paragraph 3: This paragraph denotes multiple references to unknown chapters and sections of the SEIR. Please revise.

Response: The references have been updated.

Comment: Section 5.13 Population and Housing, page 178, paragraph 4: The use of 2010 Census data is available. The SEIR should reference the latest population data for the County. Please revise.

Response: The references have been updated.

Comment: Section 5.13 Population and Housing, page 182, paragraph 3 & page 183 paragraph 5: The subject paragraphs appears to be out of context and intended for a previous section within the SEIR. The paragraph describes public safety issues of bacteria on Humboldt County beaches.

Response: The referenced paragraph states that the presence of bacteria on Humboldt County beaches is a public health issue. This seems appropriate in the broader discussion of the impacts of the Project on the population.

Comment: Section 5.14 Public Services, pages 195 & 196: These pages articulate that the new fire station proposed for the Ridgewood Village project, has undergone environmental review. As noted previously, the County states within the SEIR that mitigation measures and analysis from the GPU and other pending projects cannot be used for the Project SEIR. The City is requesting the document to be revised for consistency.

Response: In Section 5.14 Public Services, pages 195 & 196, the SEIR describes the environmental impacts from construction and operation of a typical new fire station, using an example included in the EIR for the Ridgewood Village project. The description of environmental impacts in that document describe the existing setting, and the expected impacts from construction and operation of a typical new fire station.

Other data which describe existing setting from the Ridgewood Village project, and technical reports prepared for the GPU, is also used in the SEIR. It is unclear how the use of such data is inconsistent with the assumption in the SEIR that the GPU and Ridgewood Village project will result in residential densities similar to those reflected in the 1984 Framework Plan and 1995 Eureka Community Plan.

Comment: Section 5.15 Recreation, Page 202: The main goal of the Project is to provide affordable housing opportunities adjacent to urban services. The City notes that the SEIR provides no description or analysis of the City of Eureka's Parks and Recreation programs and facilities. This analysis was specifically requested within our March 2, 2011, Notice of Preparation Comment letter to Michael Richardson. Please revise the SEIR to address our March 2, 2011, request.

Response: The City's comments from March 2, 2011 were as follows: "Recreation: Similar to our cumulative traffic concerns, the impact of the increased density on the City's recreation facilities and parks should be analyzed under the land use assumptions of the County's current general plan update, the Ridgewood Village proposal."

The response on Page 257 in the SEIR references the discussion in §5.15 (Recreation), and explains that the SEIR considers the Forster-Gill Project with the existing general plan designations, and Alternative D of the GPU (the 1984 Framework Plan and 1995 Eureka Community Plan), which are reasonably foreseeable projects.

The SEIR includes the following analysis, which responded to the City's NOP comments referenced above:

"Community and neighborhood park facilities are described in Section 9 of the Community Infrastructure and Services Technical Report. Tables 9.1 through 9.12 in that report detail the park and recreation facilities found in Humboldt County's seven incorporated cities as well as within the Manila, McKinleyville, and Willow Creek Community Services Districts and Resort Improvement District No. 1 and summarized in Table 34 below. The Technical Report also contains narrative descriptions of the activities of the Northern Humboldt and Rohner Community Recreation and Park Districts. School playgrounds in Humboldt County are often the most accessible facilities for recreation use by children and families.

Parks and recreation facilities are also provided by private individuals and groups. For example, most communities have a health club that offers items such as weight lifting and fitness classes. In addition, there are parks open to the public and operated by private non-profit groups such as the Redwood Fields in Cutten and Tooby Park in Garberville.

The following table lists acres of local and community parks in the areas served by NSA's. Park operators include special districts and non-profit organizations. Total neighborhood and community park acres are compared to unincorporated area population within the Planning Watershed as defined in the GPU.

Parks located within incorporated cities are in many cases they are the closest facilities to unincorporated communities, but are not included in this analysis. Additional detail regarding facility type and park location can be found in Sections 9.1.1 and 9.1.2 of the Community Infrastructure and Services Technical Report. The report contains narrative descriptions of the activities of the Northern Humboldt and Rohner Community Recreation and Park Districts. School playgrounds in Humboldt County are often the most accessible facilities for recreation use by children and families.

Parks and recreation facilities are also provided by private individuals and groups. For example, most communities have a health club that offers items such as weight lifting and fitness classes. In addition, there are parks open to the public and operated by private non-profit groups such as the Redwood Fields in Cutten and Tooby Park in Garberville.

Community and neighborhood park facilities are described in Section 9 of the Community Infrastructure and Services Technical Report. Tables 9.1 through 9.12 in that report detail the park and recreation facilities found in Humboldt County's seven incorporated cities as well as within the Manila, McKinleyville, and Willow Creek Community Services Districts and Resort Improvement District No. 1 and summarized in Table 34 below. The Technical Report also contains narrative descriptions of the activities of the Northern Humboldt and Rohner Community Recreation and Park Districts. School playgrounds in Humboldt County are often the most accessible facilities for recreation use by children and families.

5-3, County Parks and Trails of the Parks, Recreation, and Open Space section of the Natural Resources and Hazards Technical Report.

TABLE 34: Neighborhood and Community Parks by NSA

NSA's	Park Acres by Operator Type			Acres Per 1,000 Persons*
	District	Non-Agency	Total	
1-Redway, Phillippsville NSA's	0	30	30	5.7
7-Hydesville NSA	0	0	0	0.0
11-McKinleyville NSA's	63.3	0	63.3	3.4
12-Eureka, Manila NSA's	12	11	23	0.3
Total	75.3	41	116.3	n/a

*Figures apply to the entire Planning Watershed, described in the 2002 Natural Resources and Hazards Report.

Coastal Accessways

The California Coastal Act encourages local agencies to provide maximum access to recreational opportunities within the coastal zone. Numerous coastal access points have been identified within each of the approved coastal plans for the coastal zone portions of the county. A complete listing of the coastal access points is included in the Natural Resources and Hazards Report Volume 1, Appendices. The *Local Coastal Plan Issue Identification Report, September 2003*, http://co.humboldt.ca.us/planning/local_coastal_plans/lcpupdate_default.asp includes additional information regarding coastal access points, including inventories for each local coastal plan to reflect changes based on physical changes to shoreline...

The County mitigates the impacts of the Project through on-going residential development permit review procedures in §5.1, in combination with the requirements listed below in Table 36. The Coastal Access policies require new development not interfere with existing access to coastal resources in the coastal zone.

The Public Recreation and Public Lands land use and zoning classifications limit the allowed uses to protect recreation uses from new development. The Parkland Dedication requirements provide funding for development of new parks in urban areas. The Trails policies ensure protection of existing trails, and encourages development of new trails...

One example of how the regulations in §5.1 and Table 35 are used to mitigate impacts to recreation facilities is described in the Draft EIR for the Central Estates Phase 2 Final Map Subdivision and Planned Development Project, SCH# 2008072106, available at the Planning Division offices, 3015 H St. Eureka, CA,

On page 65, the EIR states that mitigation for the project on parks and recreation impacts is provided by conditioning the project approval to require the project provide parkland in accordance with the provisions of the McKinleyville Parkland Dedication Ordinance, which is listed in Table 35 as §314-110.1. Multifamily developments indirectly resulting from the Project will similarly be required to fund repair existing park facilities, and construction of new facilities."

Comment: Section 5.17 Utilities and Service Systems, page 248, paragraph 8: Please provide an analysis of how the County will “coordinate with service providers to limit development within the service boundaries” if sewage treatment capacity or water supplies cannot be secured or the existing wastewater treatment system or water supply system cannot accommodate additional development?

Response: The County will coordinate with service providers to limit development within the service boundaries by not issuing building permits for new homes where protection of public health and safety require new service connections for new homes, and the property is within the boundaries of a community services district which has placed a moratorium on new service connections .

Comment: Section 5.17 Utilities and Service Systems, page 249, paragraph 8: See internal consistency request regarding the use of data from the GPU and other pending County projects.

Response: As mentioned previously, it is unclear how the use of data describing existing conditions from the Ridgewood Village project, and technical reports prepared for the GPU is inconsistent with the assumption in the SEIR that the GPU and Ridgewood Village project will result in residential densities similar to those reflected in the 1984 Framework Plan and 1995 Eureka Community Plan.

Comment: Section 5.17 Utilities and Service Systems, page 250, Mitigation Measure 25: See previous discussion regarding deferment of mitigation.

Response: Future refinements to the multifamily land inventory may reduce the program’s impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered. This mitigation is consistent with CEQA requirements to protect the environment by including measures that may lead to reduced impacts on the environment.

Comment: Section 5.17 Utilities and Service Systems, page 251, paragraph 2. Please provide empirical evidence within the SEIR that supports the statement made within paragraph 2: “In the Eureka NSA’s, the existing development potential is already more than can be served by existing capacity of public wastewater collection systems, and the small marginal increase in development potential in these areas resulting from the Project will not significantly impact the public wastewater collection system compared to existing conditions.”

Response: Table 45 in the SEIR shows the increased development potential in the area served by the Humboldt Community Services District resulting from the project is 401 units, which is 11% of the 3,579 potential units presently allowed by the 1984 Framework Plan and 1995 Eureka Community Plan. This was described by the SEIR to be a “small marginal increase” in development potential. The words “small” and “marginal” have been deleted in the Final SEIR.

Comment: The “Transportation and Circulation” section of the MF Rezones DEIR appears to be a hurried approach to solving a housing element deadline without sufficient analysis of the impacts. In and around the City of Eureka the sites selected for multi-family are adjacent to the streets that already have below standard levels of service. Mitigation measures that call for the next update of the Housing Element to identify other candidate sites with fewer traffic impacts suggests that the current sites selected are not appropriate.

Response: The SEIR describes the impacts of the project on traffic levels of service. The current sites selected are appropriate for consideration because they are owned by persons willing to rezone their properties to multifamily. Similar efforts in the future may identify other sites which would have fewer impacts on traffic than those currently being considered.

Comment: Pg 211, a. "Major Collectors and Major Collectors..." This should read "Major Collectors and Minor Collectors.."

Response: The text has been updated.

Comment: Pg 211, para 3 "See Table 36..." This should refer to Table 37.

Response: The text has been updated.

Comment: Pg 215, INPACT ANALYSIS "...impacts on agricultural and forest resources..." Should this be "impacts to the transportation network"?

Response: The text has been updated.

Comment: Pg 215, IMPACT 5.16-B Does the County have a congestion management agency to establish a level of service standard?

Response: The Department of Public Works performs the duties of a congestion management agency for the County.

Comment: Pg 216, para 8 "The Project proposes increasing development potential in the more urban areas of the County." The "more urban areas" of the County are more likely to have existing traffic constraints.

Response: While the more urban areas of the County may be more likely to have existing traffic constraints than more rural areas, there are also more alternative routes available in urban areas, better access to alternative forms of transit, and better access to services and other destinations to meet the daily needs of residents, which result in fewer and shorter vehicle trips.

Comment: Pg 217 para 1 Impact 5.16-C seems to be out of place in the report as the paragraphs preceding and following this item are referring to Impacts 5.16 A and B.

Response: The paragraph is placed correctly; the discussion following the paragraph refers to Site-Specific or NSA-Specific Impacts, which is different than the Project Level Impacts described in the paragraphs above.

Comment: Pg 217, para 3 "...the relative increase is so small compared to the existing baseline that the Project in itself may not cause a substantial increase in the existing traffic load" How did the County arrive at the numbers for the baseline traffic? The City of Eureka considers any increase in traffic that causes an additional 5 seconds of delay at an intersection that is already below LOS C to be substantial. The City also requires project specific traffic analysis for any development that generates more than 50 peak hour trips and a traffic impact study for any project that generates more than 100 peak hour trips.

Response: The baseline figures presented in the SEIR were from traffic counts of existing conditions for the General Plan Update.

Comment: Several of the existing ADT's shown in Table 39 are incorrect.

Response: The Final SEIR will be revised to include updated ADT's if such data is available.

Comment: Pg 218, Table 38 Table 38 shows 4165 new Project Trips being generated in and around the Eureka area. Many of the City's arterial and major collector streets are at or are nearing capacity as shown in Table 39. Placing additional multifamily units in this area will have a significant impact not only on these streets but also on other neighborhood streets that will be used to bypass congested streets.

Response: The SEIR describes traffic impacts resulting from the Project, and considers them to be significant and unavoidable. Mitigation Measure #3 is presented to reduce development potential in the next update of the Housing Element to achieve no net increase in development potential from the Project at buildout.

The SEIR does not predict this mitigation will be effective enough to reduce all the impacts of the project to less than significant levels. However, the mitigation measure may be effective in the future.

In addition, County efforts are under way to address traffic mitigation on a regional basis, such as the Memorandum of Understanding between the County and the City

which requires traffic impact fees to be collected in areas served by the Martin Slough Interceptor project. There are also several large residential development proposals that may require traffic impact fees to be collected for improvements to roads and intersections in the Eureka area.

Comment: Pg 218, para 1 “The Project-generated ADT produced by each parcel was then distributed amongst the major roadways...” What method was used to distribute the traffic? The City should be more involved in analyzing the impacts of Project-generated traffic on City Streets.

Response: High end traffic distribution assumed the worst case scenario, which added each generated trip to each collectors and arterials.

Comment: Pg 219, Table 39 Several of the ADT’s for City streets do not match information that we have on file.

Response: The ADT figures in Table 39 represent the best information available at the time it was written. It will be revised to incorporate updated information when it becomes available.

Comment: Pg 220, para 1. “As can be seen in the table above, ...the LOS for many roadways did not actually degrade ...” 2 of the 7 street segments listed for Eureka show a LOS drop and 4 of the 7 segments are already below acceptable Levels of Service standards with existing traffic. For some reason one street segment is shown as improving with the additional project traffic.

Response: The SEIR describes the traffic impacts, and considers them to be significant and unavoidable. As mentioned previously, mitigation measures are proposed in the SEIR to reduce the traffic impacts of the project, and County efforts are under way to address traffic mitigation on a regional basis, including a Memorandum of Understanding between the County and the City which requires traffic impact fees to be collected in areas served by the Martin Slough Interceptor project.

Existing LOS Harrison Avenue north of Buhne Street should be B, not A as shown in Table 39. The SEIR will be updated accordingly.

Comment: Pg 220, para 4 “...it was assumed that all traffic would branch off onto the intersecting major roads in equal proportions.” WHY? Traffic is going to someplace or from someplace and is never split equally just because there is a roadway. The GEA model (with City/County oversight) should be used to track the trips from the Project onto and through the existing street system.

Response: This was a simplifying assumption to set the low-end range of potential impacts. The high end range assumed traffic distributed to all segments in neighborhood. Further refinement of the projected traffic impacts using the GEA model might allow greater precision, but the method used in the SEIR establishes a reasonable range of potential effects for analysis and determination of mitigation measures.

Comment: Pg 220, para 5 “...approximately half of the drivers will travel westbound ...while the other half may travel eastbound...” Existing splits in traffic or the GEA model should be used for this type of analysis.

Response: As mentioned previously, further refinement of the projected traffic impacts using the GEA model might allow greater precision, but the method used in the SEIR establishes a reasonable range of potential effects for analysis and determination of mitigation measures.

Comment: Pg 220, para 6 “...one in which the initial low-end traffic was distributed and another in which the initial high-end traffic on one road way carried over to another road.” I’m not sure what this is saying.

Response: This sentence continues discussion of the method used to establish a range of likely impacts. It is trying to explain that the high-end figures anticipate the worst case scenario, where all the additional traffic in an area from multifamily development on the rezoned properties uses the same collector or arterial road.

Comment: Pg 221, para 2 and 3 “...the resultant LOS of the major networked roadways does not appear to be significantly effected...”, “...minor drops in service levels will likely occur...” Of the 8 roadway segments shown in and around the City of Eureka 7 are listed at LOS F with existing plus distributed project (high) traffic. Many of the roadways connect with City Streets that could be used as a bypass and additional Project traffic will impact those street segments.

Response: The SEIR shows roads near Eureka are more likely to carry high volumes and experience constraints compared to other areas. As mentioned previously, mitigation measures are proposed in the SEIR to reduce the traffic impacts, and County efforts are under way to address traffic mitigation on a regional basis, including as a Memorandum of Understanding between the County and the City which requires traffic impact fees to be collected in areas served by the Martin Slough Interceptor project.

Comment: Pg 224, para 2 “...numerous minor roads do exist and can provide alternative, less congested routes of travel...” These minor roads are our neighborhood streets and we shouldn’t expect them to take additional traffic. In fact if bypass traffic begins using these streets the City would be required by the neighborhood to address the additional traffic.

Response: The SEIR assesses the impacts on major roadways without relying on the mitigating network effects to local neighborhood streets. The discussion in the SEIR would have been incomplete if it failed to mention the likely use of those streets by some traffic.

Comment: Pg 224, para 4 and 5 “Numerous policies in the Framework Plan, community plans and coastal plans seek to avoid traffic and circulation impacts.” “The circulation policies listed below require projects to incorporate measures to mitigate circulation impacts...” The Eureka Community Plan (1995) is a poor example of a document that requires mitigation for projects to reduce traffic impacts. Few of the measures described within this document including a funding mechanism for financing any of the mitigation measures have been implemented. The Eureka Community Plan was approved by the County with over-riding considerations at the objection of the City of Eureka

Response: Funding mechanisms such as traffic impact fees are one part of an overall strategy to mitigate traffic impacts. The 1995 Eureka Community Plan transportation improvement funding mechanism is being implemented through a Memorandum of Understanding between the County and the City which will provide funding for road and intersection improvements in the Eureka area as mentioned previously. Other policies and implementation measures cited in the SEIR are also used to mitigate traffic impacts from new development indirectly resulting from the proposed rezoning program.

Comment: Pg 226, para 2 and 4 “...the project may have significant impacts on the transportation network.” “...there may be other properties in the unincorporated areas which would have fewer impacts on traffic than those that appear on the list considered by this DSEIR.” Why doesn’t the list include these properties? Shouldn’t we be looking at locating at least a portion of the multi-family units in locations that would reduce impacts on the urban area roadways?

Response: The list of candidate sites includes all the properties where the owners were willing to have their property rezoned to multifamily at that time. There were no other properties that met that criteria. However, the SEIR anticipates additional property owners may come forward in the future who support rezoning their property, and it encourages the County consider substituting them for the selected candidate sites. The SEIR includes properties in Redway, Hydesville and Phillipsville, which are presently unaffected by traffic impacts.

Comment: Pg 227, para 4 “Additional mitigation measures...” Why aren’t these additional measures part of this document? Why put off the mitigation to the General Plan Update?

Response: The SEIR identifies the additional mitigation measures in the General Plan Update that may be implemented with this Project. These mitigation measures will be considered by the Board of Supervisors, but it is beyond the scope of the Project to implement the General Plan Update.

Comment: Pg 227, Mitigation Measure 25 “...In the next update of the Housing Element, identify other candidate sites...” Some multi-family units will be constructed before the next update of the Housing Element. Changing sites at that time will create a haphazard placement of the multifamily units.

Response: This comment reveals one way Mitigation Measure 25 may not to reduce the impacts of the project to less than significant levels. While this mitigation may be effective to reduce the future environmental impacts of the Project, the effectiveness is not guaranteed.

Comment: Pg 227, para 8 “Selecting only candidate sites adjacent to streets with high capacity for increased traffic levels...” I don’t believe we have any of these types of arterials or major collectors in Eureka.

Response: This comment supports a position that for the proposed rezoning program to avoid all traffic impacts, none of the candidate sites in the Eureka area should be rezoned.

Comment: Pg 228, para 2 “The above measures mitigate the impacts...” Approving the Project with the future possibility of changing the sites is not mitigation for the project. What are the mitigations for this project?

Response: As mentioned previously, future refinements to the multifamily land inventory may reduce the program’s impacts on the environment by substituting properties into the inventory with fewer environmental impacts than those currently being considered. This mitigation is consistent with CEQA requirements to protect the environment by including measures that may lead to reduced impacts on the environment. The SEIR contains numerous other mitigation measures as well.

Comment: Pg 228, para 4 “...the existing zoning designations for all the candidate sites allow considerable development potential with and without further

environmental review.” Major developments within the current zoning require traffic impact studies with mitigation to reduce impacts. Rezoning that creates significant traffic impacts also requires mitigation.

Response: The SEIR studies the traffic impacts of the Project, and proposes mitigation to reduce the impacts on traffic. Additional mitigation may be incorporated into the Project to further reduce the traffic impacts, including several new measures developed to respond to the City’s comments, as described above.

For example, to respond to comments from the County Public Works Department, the following requirements are recommended for each of the candidate sites selected for rezoning:

19. To ensure that the necessary traffic, road access and safety concerns are properly address for the rezone parcels, the following provisions shall be incorporated and implemented as Q-zone requirements.

A. The project will be evaluated to determine the extent of needed traffic improvements relative to road capacity, intersection functionality, normal and emergency access, and on-street/off-street parking, non-motorized transportation (pedestrians, bicycles, etc...), and road surfacing.. Appropriate requirements will be imposed to ensure that design standards and adequate service levels are maintained and consistent with General Plan and Community Plan policies and standards.

B. Access Road Standards (Road Category Standards are described in Appendix to Title III, Division 2 of the Humboldt County Code)

Road Category	Maximum number of dwelling units served by the road	
	Inside the State Responsibility Area (County Code Section 3112-3)	Outside the State Responsibility Area (Appendix to Title III, Division 2 of the Humboldt County Code)
Road Category 2	Up to 2	Up to 10
Road Category 3	Up to 8	Up to 20
Road Category 4	Up to 100 ¹	Up to 100
Road Category 5	none specified	none specified
Road Category 6	none specified	none specified

Footnotes:

¹ None specified in County Code Section 3112-3; therefore the maximum dwelling units shown in Appendix to Title III, Division 2, Humboldt County Code applies.

- All roads and driveways shall comply with Visibility Obstruction Regulations (Title III, Division 4 of the Humboldt County Code) and the Protection and Control of County Roads (Title IV, Division 1 of the Humboldt County Code.)
- Driveways onto County arterial roads shall be minimized in number.
- Dead end roads shall have an adequate turnaround at their termination pursuant to Figure 10 in Appendix to Title III, Division 2 of the Humboldt County Code; and County Code Section 3112-7.
- No roadway grade in excess of 16% shall be permitted unless it has been demonstrated to be in conformance with the County Roadway Design Manual pursuant to County Code Section 3112-5
- The maximum length of dead-end roads shall be in conformance with the standards specified in Humboldt County Code Division 11 of Title III, Section 3112-11.
- Access roads shall be paved, and pedestrian and other non-vehicular access shall be provided consistent with neighborhood needs.
- Road and sidewalk improvement requirements for any project shall be allowed to be phased to require improvements commensurate with the portion of the expected development potential shown in Table A-1 proposed for construction

- The applicant shall attempt to create a road maintenance association for non-county maintained roads, if none exists.