

ATTACHMENT E

Planning Commission Resolution and Staff Report.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

3015 H Street • Eureka CA 95501
Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: June 21, 2018

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: **Garden Apartments Multifamily Development**
General Plan Amendment, Zone Reclassification Coastal Development Permit
and Notice of Merger;
Application Number 13974
Case Numbers GPA-18-001, ZR-18-001, CDP-18-001; NOM 18-005;
Assessor Parcel Numbers 016-152-020, 016-152-021, 016-152-022, and 016-222-001

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Please contact Michael Richardson (707) 268-3723, mrichardson@co.humboldt.ca.us, with questions.

cc: Coastal Commission

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
June 21, 2018	Garden Apartments Multifamily Development - General Plan Amendment, Zone Reclassification, Coastal Development Permit and Notice of Merger	Michael Richardson 268-3723

Project Description: This project proposes to rezone four adjacent parcels in the Myrletown area, northeast of the City of Eureka, just inside the Coastal Zone boundary, in order to accommodate a multi-family housing development called the Garden Apartments. The project involves: (1) a General Plan Amendment to change the land use designation of approximately 2.2 acres from CG (Commercial General) to RM (Residential Medium Density) with a density range of eight to thirty dwelling units per acre; (2) a rezone of said lands from CG (Commercial General) to RM (Residential Multifamily); (3) a Coastal Development Permit to construct the proposed 66 multifamily units and (4) a merger of the four properties together. The project is served by a paved County Road (Hubbard Lane), and public water and wastewater systems.

The rezone in part implements Phase II of a program from the 2014 Housing Element (H-IM37), which calls for the rezoning of selected properties to encourage multifamily uses, and to meet regional housing needs for lower income people.

Project Location: The project is located in Myrletown on the east side of Hubbard Lane, approximately 630 feet north of its intersection with Harris Street, on the properties known as 2755 Hubbard Lane, 2761 Hubbard Lane, and 2827 Hubbard Lane, and one parcel without address, all in the Southeast Quarter of Section 25, Township 5 North, Range 1 West. Together, the four parcels have a total area of 2.2 acres.

Present Plan Land Use Designation: Commercial General (CG)

Present Zoning: Commercial General (CG)

Case Numbers: GPA-18-001, ZR-18-001, CDP-18-001, NOM 18-005 **Application Number:** 13974

Assessor Parcel Number: 016-152-020, 016-152-021, 016-152-022, and 016-222-001

Applicant	Owner	Agent N/A
Kramer Properties Inc. 1589 Myrtle Ave, Ste. B Eureka, CA 95501	Klm LI Co 1589 Myrtle Ave, Ste. B Eureka, CA 95501	

Environmental Review: A Mitigated Negative Declaration has been prepared pursuant to the CEQA Guidelines.

Major Issues: None.

State Appeal Status: The LCP amendments must be certified by the California Coastal Commission.

GARDEN APARTMENTS MULTI-FAMILY DEVELOPMENT

Case Nos. GPA-18-001, ZR-18-001, CDP-18-001, NOM 18-005

Assessor's Parcel Numbers 016-152-020, 016-152-021, 016-152-022, and 016-222-001

RECOMMENDED COMMISSION ACTION:

1. Open the public hearing item and receive a staff report.
2. Receive public comment.
3. Close the public comment portion of the meeting and deliberate on the proposed ordinance amendments.
4. Make the following motions to approve the item.

a. Based on evidence in the staff report and public testimony, approve the Mitigated Negative Declaration, make all of the required findings for approval of the Coastal Development Permit and Notice of Merger as described in the Agenda Item Transmittal, and approve the Garden Apartments CDP and NOM subject to the recommended conditions of approval by approving Resolution of Approval #1; and

b. Make all of the required findings based on evidence in the staff report and public testimony and recommend the Board of Supervisors approve the General Plan Amendment and Zone Reclassification by approving Resolution of Approval #2 (roll call vote).

Executive Summary:

The ultimate objective of this application is to allow development 66 apartment units on a group of four parcels with existing commercial and residential structures. Before the units can be constructed, the Humboldt Bay Area Plan (HBAP) land use designation for the property needs to be changed from CG (Commercial General) to RM (Residential Medium Density), and the Zoning needs to be changed from CG (Commercial General) to RM (Residential Multifamily). The amendments to the Local Coastal Program will require certification from the California Coastal Commission. Also, a Coastal Development Permit must be approved, and the four parcels that comprise the +/- 2.2 acre project site will need to be merged together.

The property is currently being used for RV and boat storage with several existing structures including a single family home. The project involves demolishing the existing structures to construct the apartments and a community building. The 1 and 2 bedroom apartment buildings will range in size from 2,100 to 6,570 square feet. The onsite community building will total 1,510 square and will be used for a gathering and social area for the residents of the property.

Siding options for the proposed apartments will be either a horizontal cement board siding or board and batt style. Buildings will have composition roof shingles with roofline heights that range from 20' to 28'. The site will have 87 parking spaces with site lighting on the buildings and parking lot areas. All lighting will be shielded and directed such that direct lighting does not extend beyond the property boundaries, and energy efficient fixtures are utilized. New sewer, water, gas and electrical infrastructure will be installed to accommodate the project, along with new sidewalk along Hubbard Lane.

Site drainage will meet current Low Impact Development (LID) requirements of containing 85% of normal rain events onsite, with excess water utilizing a storm drain system that ties into the County's stormwater drainage system. LID features include +/- .25 acres of landscaping which will be planted throughout the property to enhance the visual components of the project. Approximately 20% of the landscaping area will be lawns and the remaining will be planter beds, with 50% native and drought tolerant plants; a consultant will be utilized to advise on landscaping areas. Fencing

around the property will be chain-link with privacy slats and wood rail cap. The applicant's goal is to break ground January 2019.

The project implements a program from the 2014 Housing Element (H-IM37) which calls for the rezoning of selected properties to encourage multifamily uses. The four parcels that make up the Garden Apartments are part of a group of 63 parcels nominated by property owners for potential rezone in Phase II. The Garden Apartments would satisfy 66 of the 77 units required by H-IM37. The rezoning of the remaining 11 units are a separate project, also in progress.

There are a series of findings that must be made to approve the project. As described in the staff report, and based on the on-site inspection, a review of Planning Division reference sources and comments from all involved referral agencies, the Department believes the necessary findings can be made to approve the project.

Alternatives

The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. The Department is confident that the required findings can be made and does not recommend further consideration of this alternative.

RESOLUTION (1)

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Resolution Number 18-

**Case Numbers CDP-18-001; and NOM 18-005
Assessor Parcel Numbers 016-152-020, 016-152-021, 016-152-022, 016-222-001**

Makes the required findings to certify compliance with the California Environmental Quality Act and conditionally approves the Garden Apartments Coastal Development Permit and Notice of Merger.

WHEREAS, Kurt Kramer submitted an application and evidence in support of approving the Coastal Development Permit for construction of a proposed 66 multifamily units and to merge the four properties together; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning and Building Department, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed Coastal Development Permit (Case Numbers CDP-18-001 and NOM 18-005); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on June 21, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that the following findings be and are hereby made:

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4, as required by Section 15074 (b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The findings in Attachment 2 of the Planning Division staff report support approval of Case Numbers CDP-18-001, NOM 18-005 based on the submitted substantial evidence; and
3. The Coastal Development Permit and Notice of Merger Case Numbers CDP-18-001, NOM 18-005 are approved as recommended and conditioned in Attachment 1. The Coastal Development Permit for the proposed multifamily structures will become effective immediately after the California Coastal Commission certifies the General Plan Amendment and Zone Reclassification for the property, which changes the Plan designation of the property from CG (Commercial General) to RM (Residential Medium Density) and the zoning from CG (Commercial General) to RM (Residential Multifamily). The Coastal Development Permit for the Notice of Merger will become effective when the Notice of Merger is recorded by the applicant after the effective date of the Planning Commission's action on that part of the project.

Adopted after review and consideration of all the evidence on June 21, 2018.

The motion was made by COMMISSIONER _____ and second by COMMISSIONER _____:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford
Director, Planning and Building Department

RESOLUTION (2)

RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF HUMBOLDT Resolution Number 18-

Case Numbers GPA-18-001 and ZR-18-001

Assessor Parcel Numbers 016-152-020, 016-152-021, 016-152-022, 016-222-001

Recommending the Humboldt County Board of Supervisors certify compliance with the California Environmental Quality Act and approve the Garden Apartments General Plan Amendment and Zone Reclassification.

WHEREAS, the 2014 Housing Element specifies in Implementation Measure H-IM37 that the County shall increase the inventory of lots in the affordable multifamily housing inventory to accommodate 77 additional units which are affordable to lower income households pursuant to Government Code Section 65583 (c) (1) (A); and

WHEREAS, the increase in inventory may be accomplished by any necessary rezoning to R-3: Residential Multiple Family or RM: Residential Multifamily, according to H-IM37; and

WHEREAS, Kramer Properties Inc. has submitted an application and evidence in support of approving a General Plan Amendment to re-designate an approximate 2.2 acres in the Humboldt Bay Area Plan (HBAP) from Commercial General (CG) to Residential Medium Density (RM) with a density range of eight to thirty dwelling units per acre and a Zone Reclassification from CG (Commercial General) to RM (Residential Multifamily); and

WHEREAS, the evidence has been submitted showing that the proposed General Plan Amendment and Rezoning satisfies the requirements of Housing Element Implementation Measure H-IM37 and is in the public interest, is consistent with the General Plan, is consistent with Chapter 3 of the Coastal Act (PRC 30200 et seq.), and does not reduce the residential density of the parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and

WHEREAS, the County Planning Division has reviewed the submitted application and supporting substantial evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning and Building Department, the Lead Department pursuant to Section 202 of Resolution No. 77-29, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes substantial evidence in support of making all of the required findings for approving the proposed General Plan Amendment and Zone Reclassification; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on June 21, 2018.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. All the above citations are true and correct; and
2. A Mitigated Negative Declaration was prepared in conformance with the California Environmental Quality Act (CEQA); and
3. The Planning Commission makes all the required findings for approving the proposed General Plan Amendment and Zone Reclassification as discussed in Attachment 2 of the staff report.

BE IT FURTHER RESOLVED that this Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold public hearings in the manner prescribed by law.
2. Certify compliance with the requirements of CEQA as required by state law.
3. Adopt the Planning Commission's findings.
4. Approve the Planning Commission recommended General Plan Amendment and Zone Reclassification and transmit them to the Coastal Commission for certification. The General Plan Amendment and Zone Reclassification will become effective upon certification by the California Coastal Commission.

Adopted after review and consideration of all the evidence on _____.

The motion was made by Commissioner _____ and seconded by Commissioner _____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford
Director, Planning and Building Department



AERIAL MAP

PROPOSED GARDEN APARTMENTS MULTI-FAMILY REZONE AND COASTAL DEVELOPMENT PERMIT

MYRTLETOWN AREA

CASE NUMBERS GPA 18-001, ZR 18-001, CDP 18-001, NOM 18-005

APN: 016-152-020, 016-152-021, 016-152-022 and 016-222-001

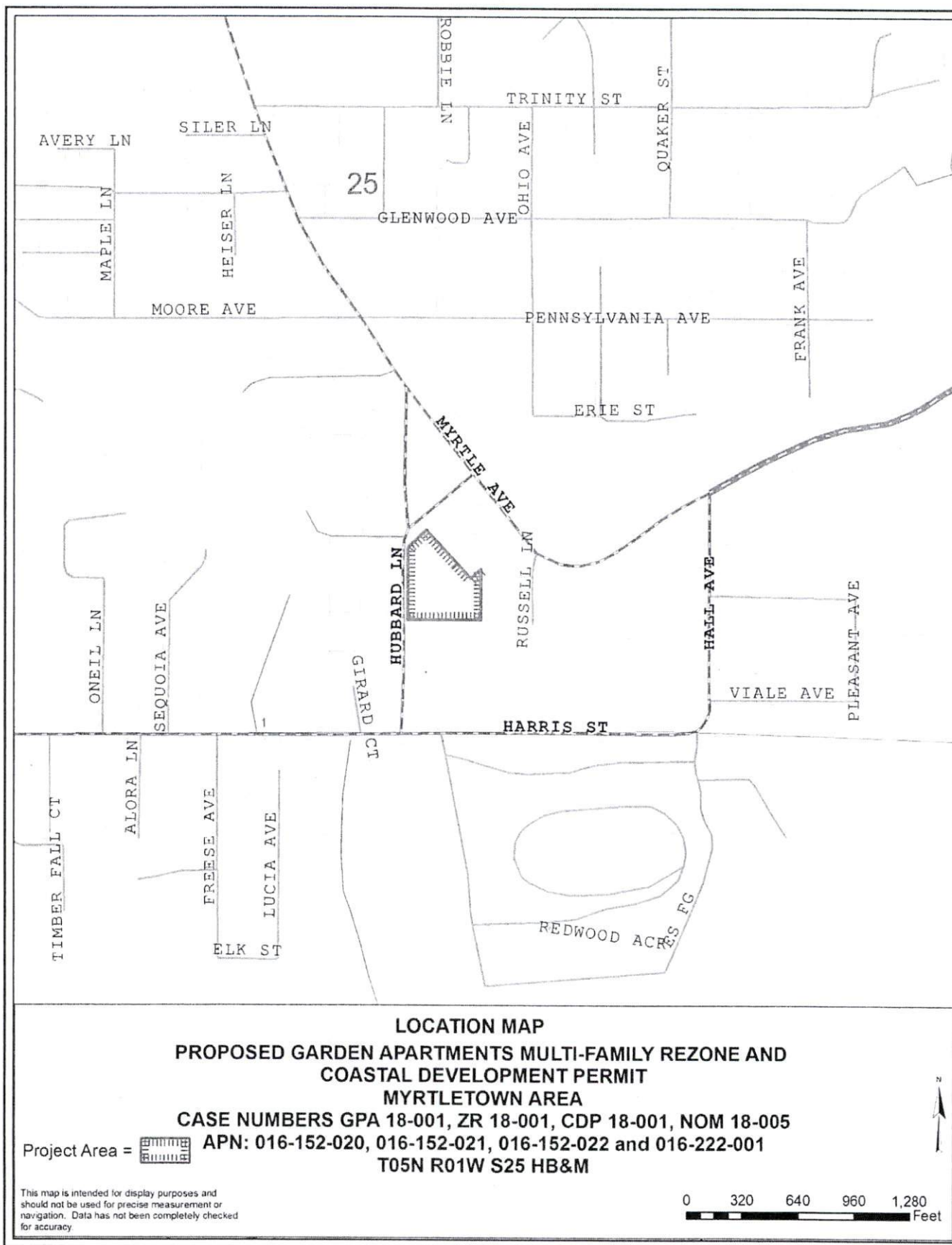
T05N R01W S25 HB&M

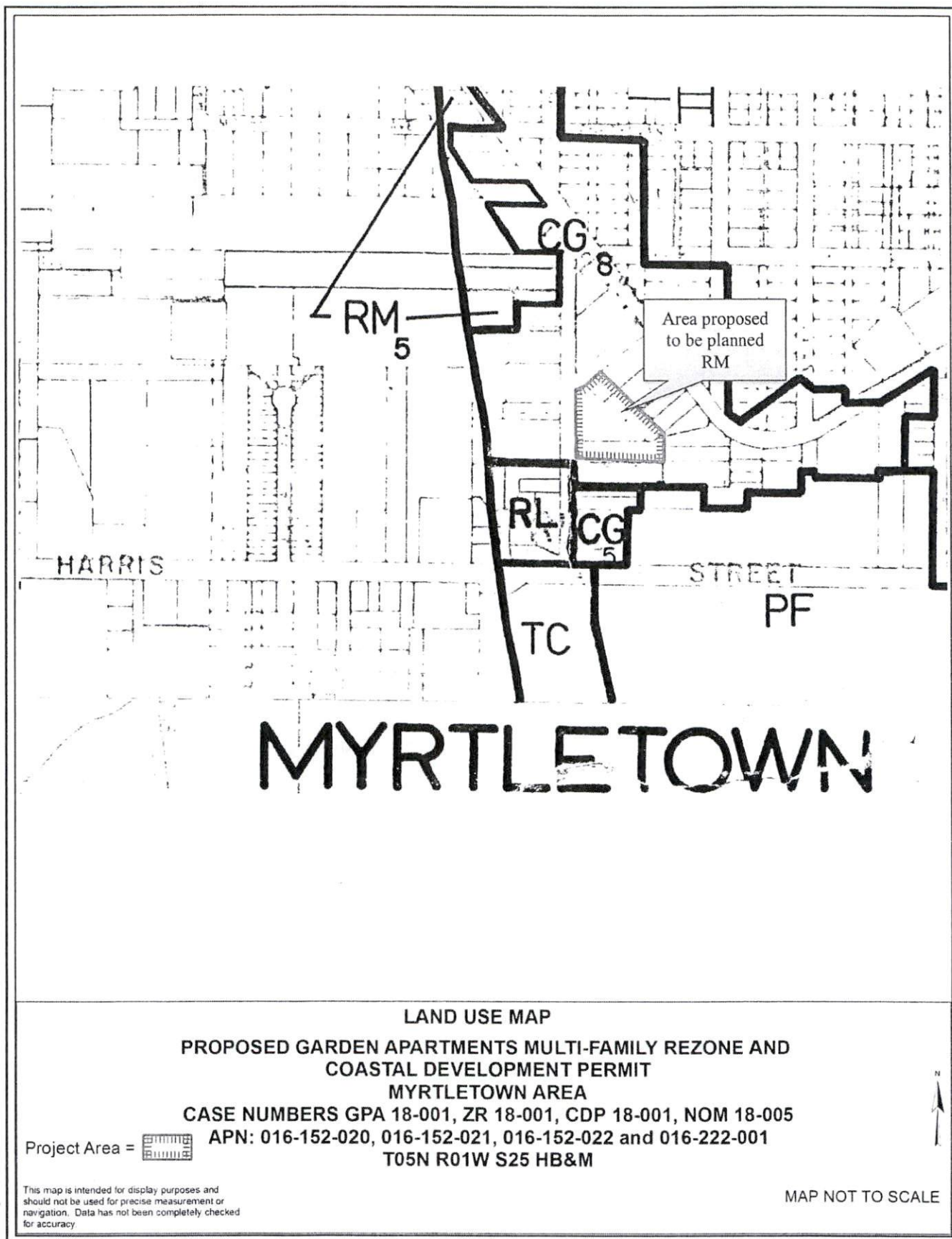
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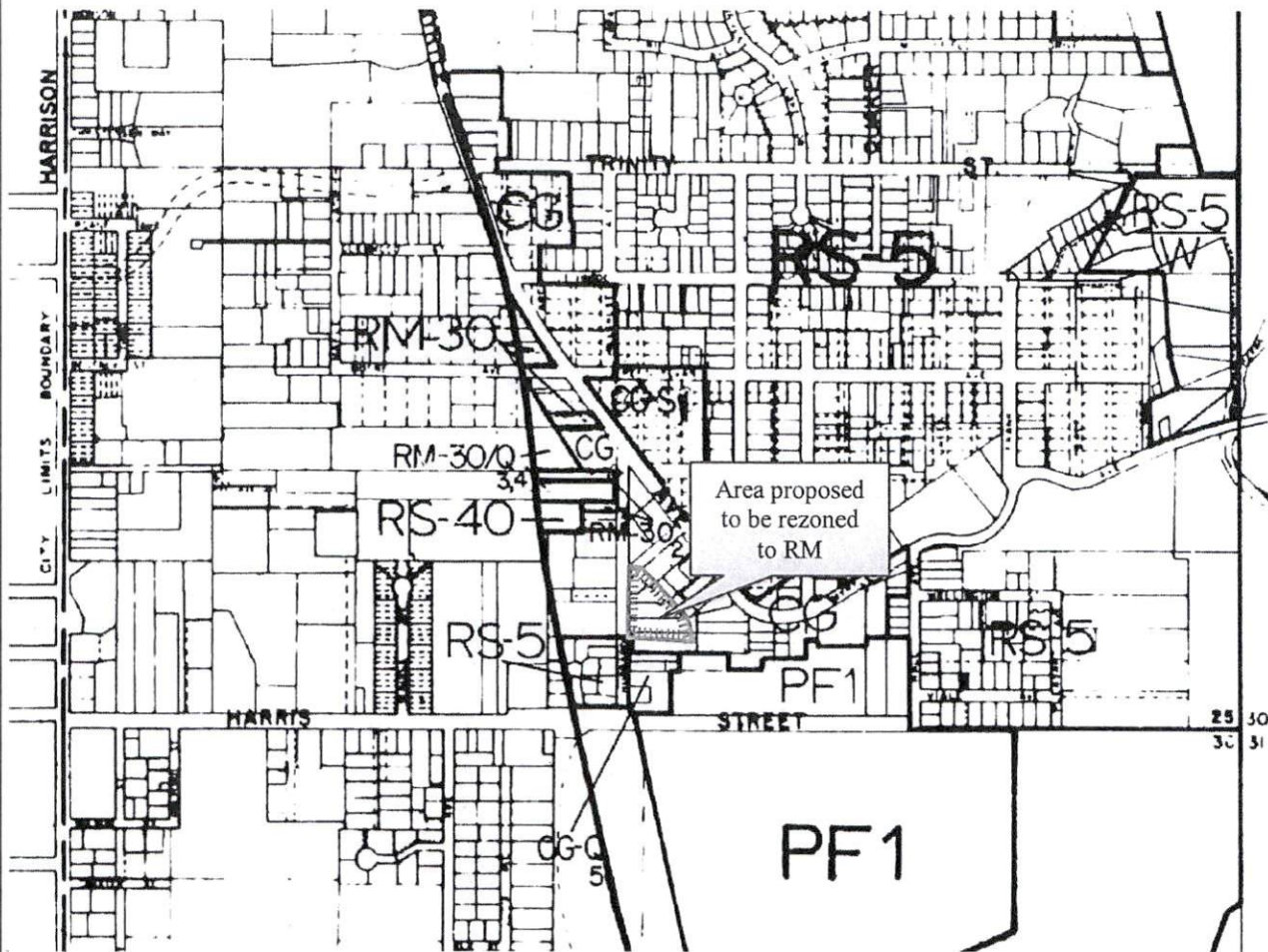
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should not be used for precise measurement or
navigation. Data has not been completely checked
for accuracy.

0 160 320
Feet









ZONING MAP
PROPOSED GARDEN APARTMENTS MULTI-FAMILY REZONE AND
COASTAL DEVELOPMENT PERMIT
MYRTLETOWN AREA
CASE NUMBERS GPA 18-001, ZR 18-001, CDP 18-001, NOM 18-005
APN: 016-152-020, 016-152-021, 016-152-022 and 016-222-001
T05N R01W S25 HB&M
Zoning Map E-16 (Coastal)

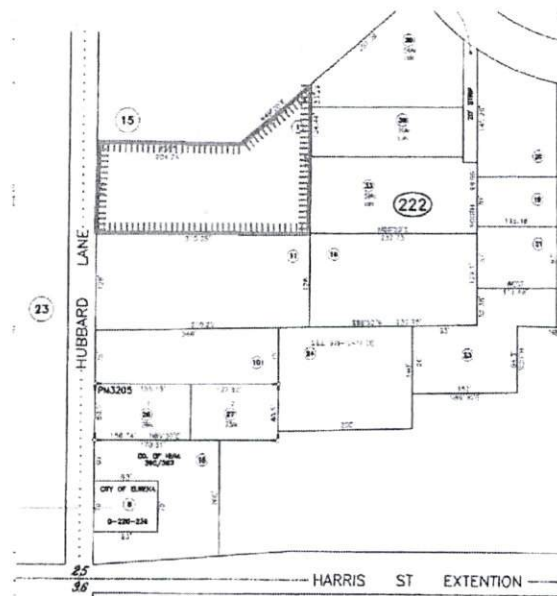
Project Area =

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 320 640 960 1,280 Feet



Assessor's Map Bk. 16, Pg.15
County of Humboldt, CA.



Assessor's Map Bk. 16, Pg.22
County of Humboldt, CA.

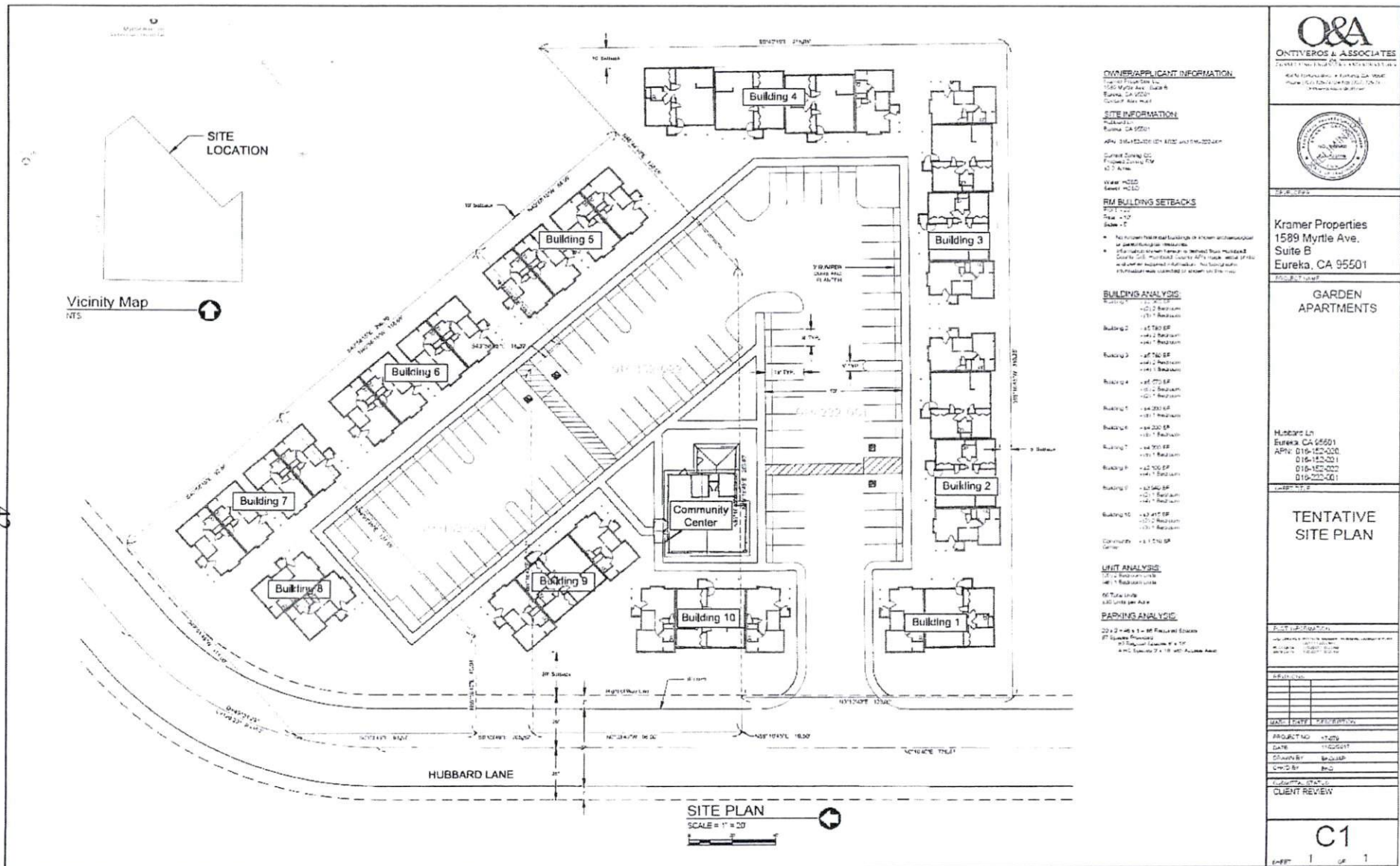
ASSESSOR'S PARCEL MAP
PROPOSED GARDEN APARTMENTS MULTI-FAMILY REZONE AND
COASTAL DEVELOPMENT PERMIT
MYRTLETOWN AREA
CASE NUMBERS GPA 18-001, ZR 18-001, CDP 18-001, NOM 18-005
APN: 016-152-020, 016-152-021, 016-152-022 and 016-222-001
T05N R01W S25 HB&M

Project Area =

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

MAP NOT TO SCALE





O&A
ONTIVEROS & ASSOCIATES
1589 Myrtle Ave., Suite B
Eureka, CA 95501
Phone: (707) 426-1111
Fax: (707) 426-1112



Kramer Properties
1589 Myrtle Ave.
Suite B
Eureka, CA 95501

GARDEN
APARTMENTS

HUBBARD LN
Eureka, CA 95501
APN: 016-152-000
016-152-001
016-152-002
016-152-003

TENTATIVE
SITE PLAN

DATE: 6/21/2018
BY: [Signature]
CHECKED BY: [Signature]

PROJECT NO: 13974
DATE: 6/21/2018
CHECKED BY: [Signature]

PROJECT NO: 13974
DATE: 6/21/2018
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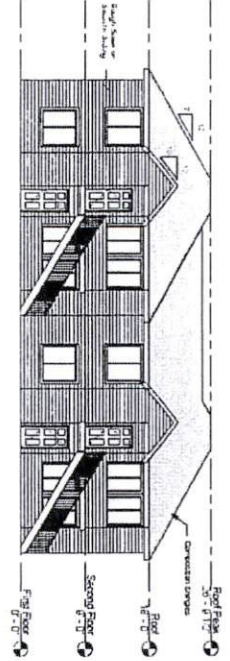
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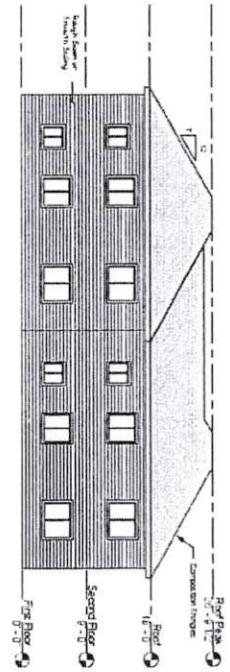
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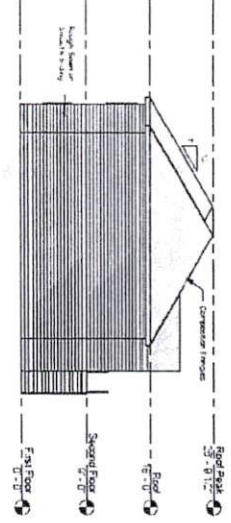
1 FRONT
1/8" = 1'-0"



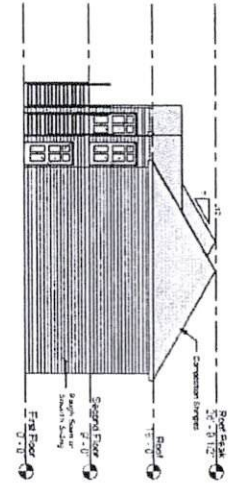
2 BACK
1/8" = 1'-0"



3 LEFT
1/8" = 1'-0"



4 RIGHT
1/8" = 1'-0"



BUILDINGS 2 & 4 ELEVATIONS



GARDEN
APARTMENTS

Architect: Paul J. Kramer
Architect License:
Foothill, CA

NO.	REVISION	DATE

Project Name	GARDEN APARTMENTS
Project Address	1713 N. 20th St., Foothill, CA 91030
Client Name	155-078
Project No.	1713 N. 20th St.
Drawn By	JAK/KSK
Check By	10/13
Scale	1/8" = 1'-0"
Sheet No.	2

ATTACHMENT 1

CONDITIONS OF APPROVAL

Coastal Development Permit Conditions of Approval

1. The applicant shall submit documentation that the Coastal Commission certified the General Plan Amendment to change the designation of the entire project site from CG (Commercial General) to RM (Residential Medium Density) with a density range of eight to thirty dwelling units per acre and Zone Reclassification of the entire site from CG (Commercial General) to RM (Residential Multifamily). Issuance of the Coastal Development Permit for the multifamily housing is predicated upon the Coastal Commission making these changes to the General Plan and Zoning. Changes to the project to address any requirements of the Coastal Commission may require a modification to the approved Coastal Development Permit at the discretion of the Planning Director.
2. The conditions on the Department of Public Works referral dated 4/20/2018 shall be completed or secured to the satisfaction of that department. Prior to performing any work on the improvements, contact the Land Use Division of the Department of Public Works.
3. The conditions on the Humboldt Community Services District (HCSD) referral dated 1/17/2018 shall be completed or secured to the satisfaction of that agency. Prior to performing any work on the improvements, contact the HCSD.
4. Building plans submitted for approval shall be consistent with those approved by the Planning Commission and shall achieve a minimum density of at least 16 units per acre consistent with H-IM37 of the Housing Element. Installation of landscaping consistent with the approved landscaping plan will be a condition of issuance of a final building permit. Modifications to these plans, including substitution of native plants, may be allowed subject to the written approval of the Planning Director or Planning Commission consistent with the Zoning Ordinance.
5. The applicant shall submit at least three (3) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 1-foot contour intervals;
 - (2) The location of all drainage improvements and related easements, including areas designated as treatment areas for Low Impact Development techniques demonstrating compliance with the MS4 program;
 - (3) Development standards including setbacks, maximum lot coverage, maximum height and two (2) parking spaces on consistent with Section 313-109.1 Humboldt County Code;
 - (4) All landscaped areas

B. Notes to be placed on the Development Plan:

- (1) "The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

- If archaeological resources are encountered during construction activities, the contractor on site shall cease all work in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist as well as the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

The Native American Heritage Commission (NAHC) can provide information regarding the appropriate Tribal point(s) of contact for a specific area; the NAHC can be reached at 916-653-4082. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the NAHC will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.

The applicant and successors are ultimately responsible for ensuring compliance with this condition."

- (2) "Construction activities shall be restricted to hours between 7:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 5:00 p.m. on Saturday. All proposed uses must comply with the noise standards identified in Table 13-C of the General Plan."
- (3) "The development is considered a Regulated Project under the State Water Board's Phase II Small Municipal Separate Storm Sewer System (MS4) Program. Areas identified as treatment areas shall be maintained for the life of the project. Development of low impact development techniques other than those included on the improvement plans shall require a site-specific analysis to demonstrate conformance with this standard."
- (4) "Please note that the information and requirements described and/or depicted on this Development Plan are current at the time of preparation but may be superceded or modified by changes to the laws and regulations governing development activities. Before commencing a development project, please contact the Planning Division to verify if any standards or requirements have changed."

6. The applicant shall cause to be recorded a "Notice of Development Plan" for all parcels on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$322.00 plus applicable recordation fees) will be required.
7. The applicant is required to perform all the mitigation described in the approved Mitigation and Monitoring Program in this staff report.

Coastal Development Permit Informational Notes

1. To minimize costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval that are administered by the Planning Department. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.

Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____ Condition _____
(Specify) (Specify)

2. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

- 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 will 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 (THPOs) for the Bear River Band of Rohnerville Rancheria, 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, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

- Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.

- The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition."

3. Under state planning and zoning law (CGC §66000 *et seq.*), a development project applicant who believes that a fee or other exaction imposed as a condition of project approval is excessive or inappropriately assessed may, within 90 days of the applicable date of the project's approval, file a written statement with the local agency stating the factual basis of their payment dispute. The applicant may then, within 180 days of the effective date of the fee's imposition, file an action against the local agency to set aside or adjust the challenged fee or exaction.
4. The term of the approved Coastal Development Permit for the multifamily housing development shall be 24 months from the certification of the Local Coastal Program amendment by the California Coastal Commission except where otherwise provided by law. An extension may be requested prior to the date in accordance with Section 312-11 of the Humboldt County Code.

Notice of Merger Conditions of Approval

1. The applicant shall submit a completed Notice of Merger and Certificate of Subdivision Compliance document along with legal document review fees, notary fees and recording fees, as applicable.
2. The applicant shall provide documentation from the County of Humboldt Tax Collector that all property taxes for the parcels involved in the Merger have been paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Notice of Merger to satisfy this condition.

Note: The purpose of this condition is to avoid possible title consequences in the event of a tax default and sale affecting the owner's real property interest. If property has delinquent taxes, the property cannot be combined for tax purposes. This means that the owner will receive two or more tax bills, and penalties and interest will continue to accrue against the land which has delinquent taxes. If five or more years have elapsed since the taxes on the subject property were declared in default, such property will be sold by the County Tax Collector for non-payment of delinquent taxes unless the amount required to redeem the property is paid before sale. Property combined by merger but "divided" by tax sale will require separate demonstration of subdivision compliance of all resultant parcels prior to the County's issuance of a building permit or other grant of authority to develop the subject properties.

3. A map revision fee as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$80.00) as required by the County Assessor shall be paid to the County Planning Division, 3015 "H" Street, Eureka. The check shall be made payable to the "Humboldt County Planning Division". The fee is required to cover the Assessor's cost in updating the parcel boundaries.

Notice of Merger Informational Notes

1. This merger does not guarantee that developable lots will result. Issuance of a building permit will require demonstration of all applicable development standards at the time a permit is requested.

2. The applicant shall comply with the provisions of Section 321-14 of the Humboldt County Code concerning reapportionment or payment of special assessments, if applicable.
3. The term of this approval shall be thirty-six (36) months from the date of the Planning Commission's action on this request.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Planning Commission must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

A. General Plan Amendment

1. Section 65358(a) of the California Government Code requires amendments of the General Plan be in the public interest.
2. State law and requires amendments to the Local Coastal Plan be consistent with Public Resources Code §30200 et seq.
3. Policy G-P8 of the 2017 General Plan requires findings that General Plan Amendments are:
 - a) in the public interest,
 - b) consistent with the Guiding Principles in Section 1.4; and
 - c) consistent with the applicable goals of the Plan.

B. Amendment to the Zoning Map

Section 312-50.3 of the Zoning Ordinance requires all the following findings for approval of changes to the Zoning Map:

4. The amendment is in the public interest; and
5. The amendment is consistent with the County General Plan; and
6. The amendment to the Zoning Map is consistent with Public Resources Code §30200 et seq.
7. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless certain site-specific findings are made.

C. Coastal Development Permit

Section 312-17 of the Zoning Ordinance requires all the following findings for approval of Coastal Development Permits:

8. The proposed development is in conformance with the County General Plan;
9. The proposed development is consistent with the purposes of the existing zone in which the site is located;
10. The proposed development conforms with all applicable standards and requirements of these regulations; and

11. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
12. The amendment does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the midpoint of the density range specified in the plan designation) unless certain site-specific findings are made.

D. Notice of Merger

Section 327.5-18 of the Humboldt County Code identifies the findings that must be made to approve the merger of contiguous parcels:

13. The parcel resulting from the merger meets applicable health, building and zoning requirements, and
14. Approving the merger would not create health or safety problems.

In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:

- a) is categorically or statutorily exempt; or
- b) will not have a significant effect on the environment and a negative declaration has been prepared; or
- c) has had an environmental impact report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in Section 15091 of the CEQA Guidelines have been made.

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Statement of findings: The following discussion identifies the evidence that supports the finding that the proposed project is consistent all the required findings.

A. General Plan Amendments

1. Public Interest. The General Plan Amendment is in the public interest if it benefits the County as whole and not just certain property owners.

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
65358(a) of the Government Code	The amendment must be in the public interest.	The proposed General Plan Amendment to change the designation of approximately 2.2 acres from CG (Commercial General) to RM (Residential Medium Density) will facilitate future construction of 66 multifamily units. Multifamily housing benefits the County as whole and not just certain property owners.

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
		<p>Such development increases the supply of affordable housing, and helps meet the demand for workforce housing that supports the County's economic development goals.</p> <p>The proposed density is 30 units per acre, which is expected to result in housing affordable to lower income households according to Standard H-S12 in the Housing Element. Considering the pronounced and ongoing lack of affordable housing in the County as documented in the Housing Element, the proposed Plan Amendment and future multifamily housing development would be in the public interest.</p> <p>The Plan amendment implements Implementation Measure H-IM37 of the Housing Element of the General Plan which is also in the public interest. The proposed project will result in the construction of 66 units at a density of 30 units per acre. Conditions of approval require the project be built at a density of at least 16 units per acre to meet the requirements of the Housing Element Implementation Measure H-IM37.</p> <p>Finally, the project site is situated in an existing urbanized area where potential nighttime light, noise, and land use conflicts between the future multifamily housing and neighboring uses will be minimized, and where public services are available including paved roads and public water and wastewater systems. Placing future development in areas already served with public services is also in the public interest.</p>

2. Coastal Act. The amendment is consistent with all the requirements of the Coastal Act as described in the table below.

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
Consistency with the Coastal Act: Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	<p>The proposed amendments must conform to the policies contained in Chapter 3 of the Coastal Act. Chapter 3 sets forth policies regarding all the following items:</p> <p>Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)</p>	<p>The proposed project site is located inland from the coast and would not impact the public's access to the sea.</p> <p>As a new development, the project will have coastal access through established roadways and transportation systems. Existing public access from the nearest public roadway to the shoreline will accommodate the future residents in the new development. Conditions of approval require improvement of sidewalks in the neighborhood that facilitates access to coastal resources.</p>
	<p>Recreation (including protection of water-oriented activities, ocean-front for recreational uses, aqua- cultural uses, and priority of development purposes)</p>	<p>The proposed amendment would not directly affect recreation because the property is not adjacent to any waterbody or coastal access. Also, the existing CG Plan designation is not intended to indirectly support recreational uses, rather it is intended to "allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well being and convenience of the community" (Section 4.10(A) of the HBAP). As shown on the Land Use Map there are other nearby CG-designated properties in the area, which provide for the integration of commercial services within the surrounding residential community.</p> <p>In addition, the change in land use would not impact "priority uses" under the Coastal Act, such as visitor-serving commercial recreational facilities or coastal-dependent uses. The site is not presently used for "priority uses". It is currently being used for RV and boat storage and a single family residence.</p>

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)	<p>The aerial map shows the project site is in an urban infill area that has community services and has long been developed and disturbed. The proposed RM Plan designation and the future multifamily use of the property will not impact marine resources because the nearest tidally influenced stream (Ryan Slough) is 2,300 feet to the northeast and separated by other urban development.</p> <p>Compliance with the water quality mitigation measures required as conditions of approval would capture and control storm drainage, utilize onsite infiltration and natural drainage channels, and minimize erosion, peak runoff, and interference with surface and groundwater flows. The water supply and sewage disposal needs of the development would be met by HCSD. Conditions of approval encourage the use of native plants and prohibit the use of invasive exotic plants for landscaping. All these measures protect water quality and biological productivity of marine resources.</p>
Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200	Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)	<p>The aerial map shows the project site is within an urban infill area that has community services and has long been developed and disturbed, and is surrounded on all sides by paved roads. The Humboldt County GIS shows no coastal natural resources nor ESHA'S within 2,000 feet of the site. Based on this information, the proposed multifamily plan designation and future multifamily use will have no direct impact on ESHA's.</p> <p>Conditions of approval include mitigation measures to protect ESHA's from potential indirect impact of the project, including water, noise, and light mitigation. In addition to the water quality protection measures described above, conditions of approval require outdoor lighting be shielded and directed so direct lighting does not extend beyond the property boundaries. Conditions of approval also encourage the use of native plants and prohibit the use of invasive exotic plants for landscaping. No agricultural</p>

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
		<p>or timberlands are involved with the development. Forested slopes separate the developed lands in the neighborhood from wetlands and streams. No archaeological or Tribal cultural resources are known to exist near the parcels. Based on this information no impacts on coastal land resources are expected.</p>
<p>Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200</p>	<p>Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)</p> <p>Location in existing developed areas, Protect scenic and visual qualities, and minimize adverse impacts.</p>	<p>The aerial map shows the project site is within an existing developed area with adequate public services. The Humboldt County GIS shows there are no coastal scenic or coastal view areas in the vicinity.</p> <p>The risks of natural and manmade hazards are minimal at the project location because it is relatively flat. The Humboldt County GIS shows there are no slope stability, or topographic concerns on or surrounding the project site, and there are no areas of potential liquefaction, earthquake faults or other geologic hazards. Matters of structural and geological stability would be minimized by adhering to building codes. Analysis of air pollution during future operation of the project demonstrates the multifamily use would be consistent with State air quality requirements. Mitigation measures imposed during future construction would reduce particulate pollution to a level consistent with state standards.</p>
<p>Administrative Regulations – Title 14, § 13551 and Public Resources Code, § 30200</p>	<p>Industrial Development including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants.</p>	<p>The proposed Plan amendment and future multifamily use of the property would have no impact on industrial development. There are no areas planned for industrial development in the vicinity.</p>

3. General Plan Consistency. The following table contains evidence that supports the finding that the project is consistent with the Policy G-P8 of the 2017 General Plan.

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
3.4 G-P8(A) - Public Interest	The Plan Amendment must be in the public interest.	See Finding #1 discussion above.
3.4 G-P8(B) - Guiding Principles	The Plan Amendment must meet one or more of the Guiding Principles in Section 1.4. Guiding Principle #3 is, "Promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels."	The Plan Amendment will facilitate construction of 66 units of multifamily housing at a density of 30 units per acre, which is considered by Housing Element Standard H-S12 to be affordable to lower income households. This project is consistent with Guiding Principle #3 because it facilitates creation of affordable housing opportunities to meet current and future demands for all income levels.
3.4 G-P8(C) - Consistent with the applicable goals of the Plan.	<p>The Plan Amendment must be consistent with the applicable goals of the Plan.</p> <p>G-G2. Plan Maintenance. A current General Plan responsive to community needs, which is updated on a regular basis.</p> <p>UL-G1. Urban Development Areas. Urban Development Areas serving as centers of business expansion, residential growth and public investments in infrastructure and services.</p> <p>UL-G2. Design and Function. Aesthetically appealing Urban Development Areas designed and planned for convenient access to work, shopping, recreation and neighborhoods.</p> <p>C-G4. Access to Active</p>	<p>The proposed Plan Amendment is consistent with G-G2 because it responds to the community need for affordable housing.</p> <p>The proposed Plan Amendment is consistent with UL-G1 because it locates residential growth within the Urban Limit Line.</p> <p>The proposed Plan Amendment is consistent with UL-G2 because as shown on the aerial map, site plan and building elevations, the project will be an aesthetically pleasing development with convenient access to nearby work, shopping, recreation and surrounding areas. The proposed Plan Amendment is consistent with UL-G2 and C-G4 because conditions of approval require the applicant install sidewalks between the subject property and the traffic signal on</p>

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
	Transportation. Improved access to non-motorized modes of transportation, including walking, bicycling, horseback riding and hiking.	Myrtle Avenue which will ensure safe pedestrian access from the site to the nearby store and other commercial areas.
	<p>H-G2. Housing Diversity. An adequate supply of all types of affordable housing for all income levels in all areas of the County, including urban, suburban, rural, hamlet and remote areas.</p> <p>H-G3. Workforce Housing. An adequate supply of rental and homeownership opportunities affordable to wage earners within close proximity to local businesses, recreational facilities, community services, transit corridors and schools.</p> <p>CO-G5. Open Space and Residential Development. Orderly residential development of open space lands that protects natural resources, sustains resource production, minimizes exposure to natural hazards, and seeks to minimize the costs of providing public infrastructure and services.</p> <p>WR-G10. Storm Drainage and WR-G11. Wastewater Management.</p>	<p>The proposed Plan Amendment is consistent with H-G2 and H-G3 because the proposed multifamily density is 30 units per acre. The project is expected to result in 66 multifamily units of housing affordable to lower income households according to Standard H-S12 in the Housing Element. Such development increases the supply of affordable housing, and helps meet the demand for workforce housing that supports the County's economic development goals.</p> <p>The proposed development will accommodate the County's affordable housing needs within an already developed area with adequate public services on the site. By encouraging development in these developed areas, the County is reducing the demand for residential development on open space lands, thereby protecting natural resources, sustaining resource production, minimizing exposure to natural hazards, and minimizing the costs of providing public infrastructure and services consistent with CO-G5.</p> <p>Conditions of approval include mitigation measures compliant with State water standards that would capture and control storm drainage utilizing onsite infiltration and natural drainage channels consistent with the goals WR-G10 and WR-G11. Conditions of approval also minimize erosion, peak runoff, and interference with surface and groundwater flows consistent with those goals.</p>

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
	<p>S-G1. Minimize Loss. Communities designed and built to minimize the potential for loss of life and property resulting from natural and manmade hazards.</p>	<p>The project would be serviced by HCSD so it would not contaminate surface or ground water, which is another goal of the Water Resources Element.</p> <p>As described previously, the project site and building code requirements ensure the future project will have minimal exposure to potential for loss of life and property resulting from natural and manmade hazards consistent with S-G1. See above response #2 Administrative Regulations – Title 14, § 13551 and Public Resources Code, §30200 (Development).</p>
	<p>AQ-G1. Improved Air Quality. Air quality that meets state and federal ambient air quality standards.</p> <p>AQ-G2. Particulate Emissions. Successful attainment of California Ambient Air Quality Standards for particulate matter.</p> <p>AQ-G3. Other Criteria Pollutants. Maintain attainment of Ambient Air Quality Standards for ozone and other criteria pollutants which may be subject to tightening standards.</p> <p>AQ-G4. Greenhouse Gas Emissions. Successful mitigation of greenhouse gas emissions associated with this Plan to levels of non-significance as established by the Global Warming Solutions Act and subsequent implementation of legislation and regulations.</p>	<p>Implementation of Mitigation Measures AIR #1-#5 that apply to the future construction of multifamily housing on the site require the air quality protection measures consistent with all the goals of the Air Quality Element.</p>

B. Amendments to the Zoning Maps

4. Public Interest. Since the proposed Land Use Map and Zoning Map amendments both result in a property allowing multifamily development, the Zoning Map amendment is in the public interest just as the Land Use Map is in the public interest as discussed in Finding #1 above. The public interest finding for the proposed changes to the Land Use Map equally apply to the proposed changes to the Zoning Map.

5. Consistent with the General Plan, and

6. Consistent with Public Resources Code §30200 et seq. Since the proposed Land Use Map and Zoning Map amendments both result in a property allowing multifamily development, the Zoning Map amendment is consistent with the General Plan and Public Resources Code §30200 et seq. just as the Land Use Map as discussed in Findings #2 and #3 above. The General Plan and Coastal Act consistency findings for the proposed changes to the Land Use Map equally apply to the proposed changes to the Zoning Map. In addition, the proposed Zoning Map change is consistent with the proposed General Plan designation because the RM Zoning Designation allows the same uses as the RM Plan designation.

B.7./C.12 Residential Density. The project may not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law. The following table explains how the project complies with that requirement.

Relevant Section(s)	Applicable Goals, Policies, or Standards	Evidence Supporting Finding
Housing Element Residential Development Potential	The proposed amendment shall not reduce the residential density for any parcel below the mid- point of the density range specified in the plan designation unless certain site-specific findings are made.	The project changes existing commercial uses to residential uses and does not preclude future residential development. The project does not reduce, but rather increases the residential density of the parcels, consistent with Housing Element Law.

C. Coastal Development Permits

8. Consistency with the General Plan

The following table identifies the evidence which supports finding that the proposed Coastal Development Permit for the future multifamily structures and lot merger will be in conformance with all applicable policies and standards of the Humboldt Bay Area Plan (HBAP) after the Plan is changed from CG to RM¹ on the project site.

¹ This analysis assumes the Land Use and Zoning designations for the subject property are changed before the Coastal Development Permit for the proposed multifamily development permit becomes effective because Condition of Approval #1 requires the applicant submit documentation that the Coastal Commission certified the General Plan and Zoning Ordinance amendments. Issuance of the Coastal Development Permit for the multifamily housing is

Section(s)	Applicable Requirements	Evidence Supporting Finding
Land Use, HBAP 4.10	Residential /Medium Density (RM): to make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services. The principal uses are identified as duplex, multiple unit and mobile home residential development for occupancy by individuals or families.	The proposed multifamily development is identified as a principal use in the RM designation. The lot merger will result in a building site that is more simple to develop with the intended multifamily uses.
Hazards §3.17 (HBAP)	New development shall minimize risks to life and property and assure stability and structural integrity of the natural landforms found on-site.	<p>The project site is located in an area of low fire hazard. The Humboldt Bay Protection District has recommended approval. The subject area is designated as having relative stability according to the County's geologic hazards map. There are no Earthquake Hazard Zones zone on the parcel.</p> <p>Safety criteria in the Airport/ Land Use Plan (ALUCP) for the Murray Field airport indicates the project site is within The conical surface protecting navigable paths for aircraft (FAR 77). The County's GIS shows the elevation of the property is 14 feet above the elevation of the airport runway. The maximum height of structures in the future RM zone is 45 feet, or 59 feet above the runway. Public Works did not identify any concerns with the future multifamily structure interfering with aircraft navigation. The project is located outside Airport Zone D, so no overflight avigation easements are required.</p> <p>The project site is within flood zone, C, an area of minimal flooding per Firm Map #06023CO865G. The flood hazard is minimal.</p>

predicated upon the Coastal Commission making these changes to the General Plan and Zoning.

Section(s)	Applicable Requirements	Evidence Supporting Finding
		<p>All referral agencies have recommended approval of the project and identified no issues related to hazards.</p> <p>The traffic analysis for the project that shows that with the sidewalk improvements required as conditions of approval, the future multifamily use will not cause significant traffic safety impacts in the area.</p> <p>The lot merger does not involve ground disturbance, so it will have no potential impact on public safety.</p>
Archaeological and Paleontological Resources §3.26 (HBAP)	Protect cultural, archeological and paleontological resources.	There are no known cultural resources at the project site. The North Coast Information Center, Wiyot Tribe and Blue Lake Rancheria were referred on the project. The Blue Lake Rancheria Tribal Historic Preservation Officer responded that she know of no cultural resources on the subject parcels, and recommended the project be conditioned with the Inadvertent Archaeological Discovery Protocol. That protocol is an informational note for the Coastal Development Permit. The lot merger does not involve ground disturbance, so it will have no potential impact on cultural resources.
Resource Protection §3.30 (HBAP)	Protect designated sensitive and critical resource habitats.	<p>See response to Finding #2 above (Marine Resources and Land Resources). The Department of Fish and Wildlife did not respond to the project referral, and it is assumed that no response means they have no objection to the project.</p> <p>The lot merger does not involve ground disturbance, so it has no potential impact on sensitive and critical resource habitats.</p>
Visual Resource §3.40 (HBAP)	Protect and conserve scenic and visual qualities of coastal areas.	<p>The aerial map shows the project site is within an existing developed area with adequate public services. The Humboldt County GIS shows there are no coastal scenic or coastal view areas in the vicinity.</p> <p>The lot merger does not involve ground disturbance, so has no potential impact on visual resources.</p>

9. Zoning Consistency, and 10. Development Standards. The proposed development is consistent with the purposes of the existing zone in which the site is located. The following table identifies the evidence which supports finding that the proposed future multifamily housing development will be consistent with the zoning that will be in effect at the time the Coastal Development Permit is issued².

Section(s)	Applicable Requirements	Evidence Supporting Finding
§313-6.2 Residential Multi-Family	Residential Multi Family is the principally permitted use.	The proposed future use will be multifamily after the Plan and Zoning designations are certified to allow it on the subject properties. The proposed merger is allowed in the zone by the Subdivision Regulations.
Min. Lot Size	5,000 square feet	The subject parcel is more than 2.2 acres after the lot merger.
Min. Lot Width	50 feet	Approximately 200 feet after the lot merger.
Max. Density	Thirty units per acre	The proposed future multifamily development will be 30 units per acre. The proposed merger facilitates achieving that density.
Max. Lot Depth	3 x lot width (200) =600'	Approximately 290 feet after the lot merger.
Yard Setbacks (a)	Front: 20 feet Rear: 10 feet Interior Side: 5 feet Exterior Side: 20 feet Minimum Setbacks Between Detached Multiple Unit Dwellings:	The proposed future multifamily structure will be required to conform to the minimum setbacks of the RM zone. The Preliminary Site Plan shows all the required setbacks will be met after the lot merger except possibly Yard Setback (c) for Buildings #5 - #8 and #10. Supplemental information will be provided to the Commission with more detail on this item prior to or at the June 21 meeting.
(b)	Minimum distance between buildings: Ten feet	
(c)	Minimum distance between the front of any dwelling unit in a building and any other building on-site: Twenty feet	
(d)	Minimum distance between the front of any dwelling unit and any side lot line: Twelve feet	
(e)	Minimum distance between buildings exceeding two (2) stories: Two foot (2') increase, over setbacks specified in this section, for each additional story.	
Max. Ground	Sixty Percent	The proposed future multifamily structure will

² See footnote #1

Section(s)	Applicable Requirements	Evidence Supporting Finding
Coverage		be required to conform to the maximum lot coverage limit. The Preliminary Site Plan shows 41 percent ground coverage after the lot merger.
Max. Structure Height	Fort-five feet	The proposed future multifamily structure will be required to conform to the maximum lot height limit. The Building Elevations shows a proposed 27 foot structure height. The lot merger does not affect nor is affected by the maximum structure height.
Permitted Main Building Types	Multiple Group	The proposed future use is considered Multiple Group structures. Multifamily use of the site will be facilitated through merger of the four existing underlying lots.

11. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§312-17.1.4	Proposed development will not be detrimental to the public health, safety and welfare or materially injurious to properties or improvements in the vicinity.	All referral agencies that have reviewed the project recommended approval of the proposed development. No detrimental effects to public health, safety and welfare were identified from either the future multifamily development nor the lot merger. As conditioned, the proposed development will not be detrimental to property values in the vicinity nor pose any kind of public health hazard. The proposed design has been accepted by the Greater Eureka Municipal Advisory Committee.

Notice of Merger

13. and 14. Applicable Health, Building and Zoning Requirements

The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Subdivision Regulations.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
§327.5-18	Legal, Contiguous Parcels	The property to be merged consists of three known legal parcels (APNs 016-152-020 - 22) created in June, 1984 by Parcel Map 2287 (Book 21 of Parcel Maps, Page 105). No information was submitted documenting the status of the fourth parcel APN 016-222-001. The project will merge the parcel of unknown status into the adjacent legal parcels resulting in one legal parcel and will bring the property into compliance with the Subdivision Map Act.
§327.5-18	Parcels meet health, building, and zoning requirements.	The parcels are presently zoned Commercial General, and proposed to be zoned Residential Multi Family. The merger will not affect the ability of the parcel to be developed consistent with health, building and zoning requirements of either zone.
§327.5-18	Merged parcel will not create health or safety problems.	There is no evidence that the merger will create any health or safety problems. Any construction will be required to meet all prescribed development standards and all applicable requirements of the County Building Regulations.

Environmental Impact: An Initial Study was performed for the proposed GPA, ZR, CDP and NOM as per Sections 15063 of the California Environmental Quality Act (CEQA) Guidelines. The Initial Study finds that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made and agreed on by the applicant. Those potential impacts were evaluated, and appropriate mitigation was identified, resulting in a Mitigated Negative Declaration being prepared. There is no evidence before the Department that the project, as mitigated, would have an adverse effect, either individually or cumulatively, on the environment. The Initial Study and Mitigated Negative Declaration are included in Attachment 4.

ATTACHMENT 3

Applicant's Evidence Supporting the Required Findings

Attachment 3 includes a list of all written evidence submitted by the applicant in support of making the required findings.

- Application Form (on file)
- Preliminary Site Plan (attached)
- Project Description (attached)
- Building Elevations (attached)

Attachment 4

CEQA Initial Study and Mitigated Negative Declaration

HUMBOLDT COUNTY PLANNING AND
BUILDING DEPARTMENT



INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**Garden Apartments Multifamily Rezone and
Coastal Development Permit**

GPA-18-001

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BACKGROUND

1. Project Title: GPA 18-001 Garden Apartments Multi-Family Rezone and Coastal Development Permit
2. Lead Agency Name and Address: Humboldt County Planning and Building Dept.
3015 H Street
Eureka, CA 95501-4484
3. Contact Person and Phone Number: Michael Richardson (707) 268-3723
4. Project Location: The project is northeast of the City of Eureka, Humboldt County in the Myrtletown area, and consists of four parcels totaling 2.2 acres, located off Hubbard Lane APNs 016-152-020, 016-152-021, 016-152-022 and 016-222-001
5. Project Sponsor's Name & Address: Kramer Properties Inc.
1589 Myrtle Avenue, Suite B
Eureka, CA 95501
6. Existing General Plan Designation: CG Commercial General
Humboldt Bay Area Plan
8. Existing Zoning Designation: CG
9. Coastal Zone: Yes

PROJECT DESCRIPTION

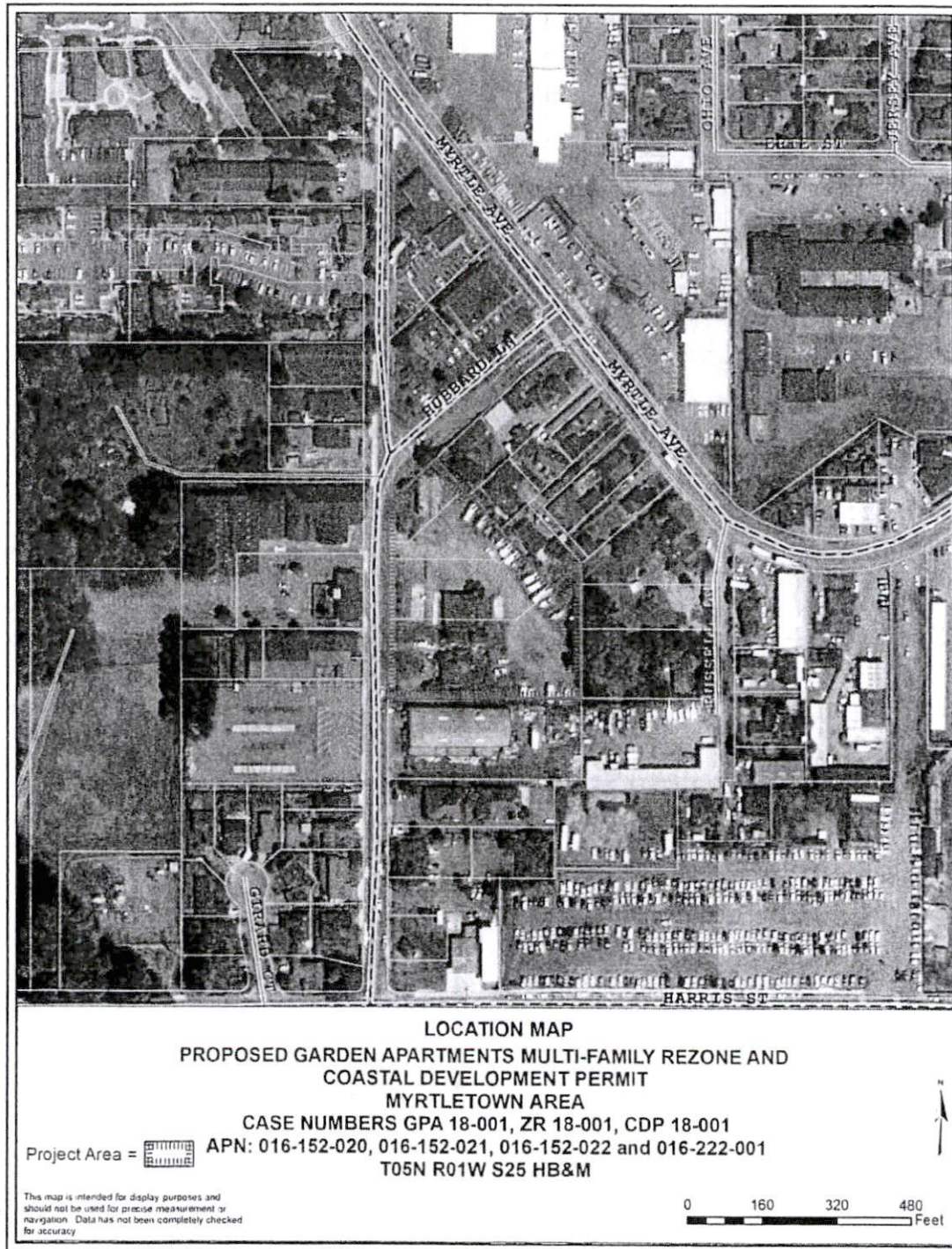
This project proposes to rezone four adjacent parcels in the Myrtletown area, northeast of the City of Eureka, just inside the Coastal Zone boundary, in order to accommodate a multi-family housing development called the Garden Apartments. The project involves: (1) a GPA to change the designation of approximately 2.2 acres from CG (Commercial General) to RM (Residential Medium Density) with a density range of eight to thirty dwelling units per acre; (2) a rezone of said lands from CG (Commercial General) to RM (Residential Multifamily); (3) an Amendment to the Local Coastal Plan (LCP), and (4) a Coastal Development Permit to construct the proposed 66 multifamily units. A more detailed project description is provided in Appendix D. *Preliminary Development Plans*, and Appendix E. *Project Description*.

The rezone in part implements Phase II of a program from the 2014 Housing Element (H-IM37) which calls for the rezoning of selected properties to encourage multifamily uses.

Project Location: The project is located in Myrtletown on the east side of Hubbard Lane, approximately 630 feet north of its intersection with Harris Street, on the properties known as 2755 Hubbard Lane, 2761 Hubbard Lane, and 2827 Hubbard Lane, and one parcel without address, all in

the Southeast Quarter of Section 25, Township 5 North, Range 1 West. Together, the four parcels have a total area of 2.2 acres and include APN numbers 016-152-020, 016-152-021, 016-152-022, and 016-222-001 (Figure 1).

Figure 1. Project Location Map



The parcels are part of a group of 64, nominated by property owners for potential rezoning as part of implementation measure H-IM37, the goal of which is to accommodate the County's housing need for extremely low, very low and low income households pursuant to Government Code Section 65583 (c)(1)(A). The ultimate goal of H-IM37 is to create 77 additional units; the proposed Garden Apartments would create 66 of those units.

The parcels are located in the Coastal Zone and within the Humboldt Bay Area Plan.¹ Under the proposed amendment, the current General Plan designation (CG) would change to RM Residential Medium Density; the current zoning designation (also CG) would change to RM Multi-family Residential. Along with the proposed changes to the General Plan and zoning regulation, the County will be reviewing a coastal development permit for demolition of the existing structures and construction of the new multifamily housing development. Although the site is well suited to multi-family residential use, CEQA review of the project is required. The project plan includes new sewer, water, gas and electrical infrastructure, along with new sidewalk along Hubbard Lane. Landscaping throughout the property will counteract aesthetic impacts and enhance the visual components of the project.

The Initial Study finds either no negative effects, or less-than-significant potential effects to the environment pertaining to agricultural and forestry, biological resources, energy, greenhouse gas emissions, hazardous materials, land use planning, mineral resources, public services, recreation, utility/service systems, and wildfire. It finds potentially significant effects that are reduced to less than significant levels with mitigation in the areas of aesthetics, air quality, cultural resources, geology/soils, greenhouse gas emissions hydrology/water quality, noise, transportation, and Tribal cultural resources. Beneficial effects are expected with respect to population/housing. Potential environmental effects are detailed in the Environmental Checklist, Section E below. Mitigation measures are summarized in Section XXII, Table 16.

The proposed project includes mitigation measures to minimize potential impacts in the areas noted, and as a result, the effects would be below thresholds of significance. There is no substantial evidence in light of the whole record that the project, with incorporated mitigations, would have a significant effect on the environment.

¹ Humboldt County. Humboldt Bay Area Plan of the Humboldt County Local Coastal Program, December 2014; <http://humboldt.gov/DocumentCenter/View/50844>.

DETERMINATION

On the basis of this initial study:

- ☐ I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Michael Richardson
Signature

5/14/18
Date

Michael Richardson
Printed Name

ENVIRONMENTAL SETTING

The 2.2 acre project site is relatively flat, mostly cleared of trees and is currently being used for RV and boat storage, with several existing structures. The parcels are adjoined to the west and north by Hubbard Lane; across the street are a vacant commercial property, retail property, and a church. The parcels are bounded on the northeast and east sides by single family and multi-unit residential structures, and separated from these by a fence and a buffer of single and grouped large trees. The southern project boundary lies adjacent to a commercial warehouse. The project parcels as well as all adjacent parcels are zoned commercial general (CG). The site falls within Coastal Zone boundaries, and is part of the Humboldt Bay Area Plan.

Myrtle town occupies the flattened top of a spur of marine terrace elevated above, north and west of Ryan and Freshwater Sloughs, but outside their wetlands and streamside management areas. The nearest Environmentally Sensitive Habitat Area (ESHA) is Ryan Slough wetland and Streamside Management Area, 2200' northeast of the site, and an intermittent stream 2000' away to the west. The site is partly vegetated with grass and shrubs, and partly non-vegetated with gravel parking areas and structures. The nearest forested areas are at least 400' to the northwest and south. Heavily wooded slopes in those areas separate the developed lands in the neighborhood from wetlands and streams. The parcels fall within the MS4 general stormwater permit area.

OTHER PUBLIC AGENCIES INVOLVED (e.g., permits, financing approval, or participation agreement)

Humboldt County (Building Department, Public Works, MS4 Stormwater Permit), Humboldt County Community Services District, Humboldt Bay Fire Protection District, and the California Coastal Commission.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant" prior to mitigation, as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input checked="" type="checkbox"/> Geology / Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources |
| <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

GARDEN APARTMENTS INITIAL STUDY - ENVIRONMENTAL FACTORS SUMMARY

PS = potentially significant

PSM = potentially significant unless mitigated

LS = less than significant

LSM = less than significant as mitigated

NI = no impact

	CATEGORY	BEFORE MITIGATION	MITIGATION MEASURES	AFTER MITIGATION
I	Aesthetics	PSM	Landscaping, lighting	LSM
II	Agriculture and Forestry Resources	NI		NI
III	Air Quality	PSM	ROM reduction measures, PM10 and dust controls, vehicle use reduction	LSM
IV	Biological Resources	LS		LS
V	Cultural Resources	PSM	Informational note; comply with California Health and Safety Code §7050.5	LSM
VI	Energy	LS		LS
VII	Geology/Soils	PSM	Zone 4 Seismic Requirements, Sedimentation & Erosion Control	LSM
VIII	Greenhouse Gas Emission	LS		LS
IX	Hazards & Hazardous Materials	LS		LS
X	Hydrology/Water Quality	PSM	Wastewater system design specs, discharge of wastewater/water quality	LSM
XI	Land Use/Planning	LS		LS
XII	Mineral Resources	NI		NI
XIII	Noise	PSM	Noise limit Lmax of 75 dBA at 50 feet	LSM
XIV	Population/Housing	LS		LS
XV	Public Services	LS		LS
XVI	Recreation	LS		LS
XVII	Transportation	PSM	Sidewalk gap closure, ADA curb ramps at the Hubbard Lane "Y"	LSM
XVIII	Tribal Cultural Resources	PSM	Inadvertent archaeological discovery protocol	LSM
XIX	Utilities/Service Systems	LS		LS
XX	Wildfire	LS		LS
XXI	Mandatory Findings	LS		LS

SOURCES

The following documents are referenced information sources utilized by this analysis:

1. California Air Pollution Control Officers Association, *Health Risk Assessment for Proposed Land Use Projects*, 2009. Available at: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.
2. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005.
3. California Department of Fish and Wildlife. *California Natural Diversity Database*. Available at: <https://www.wildlife.ca.gov/Data/CNDDDB>. Accessed April 2018.
4. California Department of Transportation. *California Scenic Highway Mapping System*. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. Accessed April 2018.
5. County of Humboldt, Cities of Arcata, Eureka, Fortuna, and Trinidad. Humboldt Low Impact Development Stormwater Manual, Vol 2.0, June 2016. Available at: http://northcoaststormwatercoalition.org/wp-content/uploads/2016/07/Humboldt-LID-Stormwater-Manual_V2.0.pdf, accessed April 2018.
6. Department of Conservation, California Geological Survey, *Special Publication 42, Interim Revision 2007: Fault-Rupture Hazard Zones in California*; available at <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>, accessed April 2018.
7. Eidsness, Janet P., THPO Blue Lake Rancheria, *CEQA Review and Comment by Wiyot Area THPOs - Case Study Best Practices, Blue Lake Rancheria Tribal Comments on AB 52 Consultation Steps*, June 8, 2015. Available at: http://www.opr.ca.gov/docs/Blue_Lake_Rancheria_060915.pdf. Accessed April 25, 2018.
8. Federal Emergency Management Agency, *FEMA Flood Map Service Center*. Available at: <https://msc.fema.gov/portal>. Accessed April 2018.
9. Federal Highway Administration. *Construction Noise Handbook*. Available at: https://www.fhwa.dot.gov/ENVIRONMENT/noise/construction_noise/handbook/handbook09.cfm.
10. Humboldt County. *Humboldt Bay Area Plan of the Humboldt County Local Coastal Program*, December 2014; <https://humboldt.gov/DocumentCenter/View/50844>.
11. Humboldt County, *Humboldt County Community Wildfire Protection Plan* (May 2013). Available at <https://humboldt.gov/762/Humboldt-County-Community-Wildfire-Prote>.
12. Humboldt County. *Humboldt County Code Zoning Regulations*. Available at: <http://www.humboldt.gov/DocumentCenter/View/4029>. Accessed October 2017.
13. Humboldt County. *Draft Environmental Impact Report For the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities*, Section 3.13 (Sept. 2017). Available at: <http://humboldt.gov/DocumentCenter/Home/View/60897>.
14. Humboldt County, *Eureka Community Plan 1995*, p 30, Section 2403 Multiple-Family Housing Design Review. Available at: <https://humboldt.gov/DocumentCenter/View/284>. Accessed April 10, 2018.

15. Humboldt County. *Humboldt County General Plan, Revised Draft EIR*, Chapter 3.2, Agricultural and Timber Resources. Available at: <http://humboldt.gov/DocumentCenter/Home/View/58831>. Accessed October 2017.
16. Humboldt County. *Humboldt County General Plan, Revised Draft EIR*, 3.11-2, Table 3.11-2. Listed Threatened or Endangered Species in Humboldt County. Available at: <https://humboldt.gov/626/Draft-Environmental-Impact-Report-EIR>. Accessed October 2017.
17. Humboldt County. *Humboldt County General Plan*, adopted October 23, 2017. Available at: <https://humboldt.gov/205/General-Plan>.
18. Humboldt County. *Humboldt County General Plan*, Natural Resources and Hazards, Chapter 2, Table 2-16: CNDDDB Non-Listed Species in Humboldt County. Available at: <https://humboldt.gov/DocumentCenter/Home/View/1367>. Accessed October 2017.
19. Humboldt County, *Humboldt County GIS Portal*. Available at: <http://gis.co.humboldt.ca.us>. Accessed April 2018.
20. North Coast Unified Air Quality Management District. *Air Quality Planning & CEQA*. Available at: <http://www.ncuaqmd.org/index.php?page=aqplanning.ceqa>. Accessed December 2017.
21. North Coast Unified Air Quality Management District. *District Rules & Regulations*. Available at: <http://www.ncuaqmd.org/index.php?page=rules.regulations>. Accessed December 2017.
22. North Coast Unified Air Quality Management District (NCUAQMD), 1995, *PM10 Draft Attainment Plan*. Available at: <http://www.ncuaqmd.org/files/NCUAQMD%20Attainment%20Plan%205-95.pdf>. Accessed March 29, 2018.
23. Stantec Consulting, *Air Quality/Greenhouse Gas Impact Analysis Report, Garden Apartments*, April 13, 2018.
24. Stantec Consulting, *Energy analysis, Garden Apartments*, April 13, 2018.
25. Stantec Consulting, *Garden Apartments Transportation Analysis*, April 13, 2018.
26. State of California Department of Transportation, District 5. Noise Impact Analysis, SR-68/Corral De Tierra Road, Monterey County, California 05-MON-68 PM-12.8/13.2, Feb. 2013, Table B. Available at: http://www.dot.ca.gov/dist05/projects/corraldetierra/noise_impact.pdf.
27. University of California Davis, *NRCS Soilweb*, available at: <https://casoilresource.lawr.ucdavis.edu/gmap/>. Accessed April 2018.

ENVIRONMENTAL CHECKLIST

The following Checklist follows the form of Appendix G of the CEQA Guidelines. The checklist describes the impacts of the proposed project during construction and operation phases. Thresholds of significance are included where available and appropriate. A discussion of each environmental issue summarizes the finding and the sources of fact or evidence used. In addition, proposed mitigation measures are given where applicable.

The environmental setting and impact discussion for each section of this IS/MND are based on existing information contained in the Humboldt County General Plan and associated Environmental Impact Report (EIR), the Humboldt Bay Area Plan, the Humboldt County GIS, and other reports listed in Section G, Sources.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less-Than-Significant as Mitigated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

I. AESTHETICS: LESS THAN SIGNIFICANT AS MITIGATED

	Issues: Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?				✗
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✗
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			✗	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		✗		
Note: certain projects within transit priority areas need not evaluate aesthetics. (Pub. Resources Code, § 21099.)				

Discussion:

a, b) Important scenic vistas and resources discussed in the Humboldt County General Plan are typically associated with public views of the ocean, mountains, hills, lakes, rivers, agricultural areas, canyons, open spaces and other natural features or historic features. There are no designated vista points or scenic highways in the project area.^{2, 3} No scenic resources such as trees, rock outcroppings or historic buildings will be destroyed or altered by the project.

c) The preliminary development plans (Attachment D) show that the proposed size and appearance of the buildings will be typical of multifamily residential buildings in the area, and is consistent with the design review criteria of the Eureka Community Plan (ECP).⁴ The plot plan shows parking in a central area surrounded by buildings, with curb and planter borders. Landscaping is planned throughout the property. Although the project will be visible from off-site, it does not differ significantly from other structures nearby. The building heights range from 20 to 28 feet, the buildings will have horizontal cement board siding or board and batt style, and asphalt composition shingle roofs. Setbacks between buildings and from the property lines will be consistent with other buildings in the neighborhood. A similar senior housing development

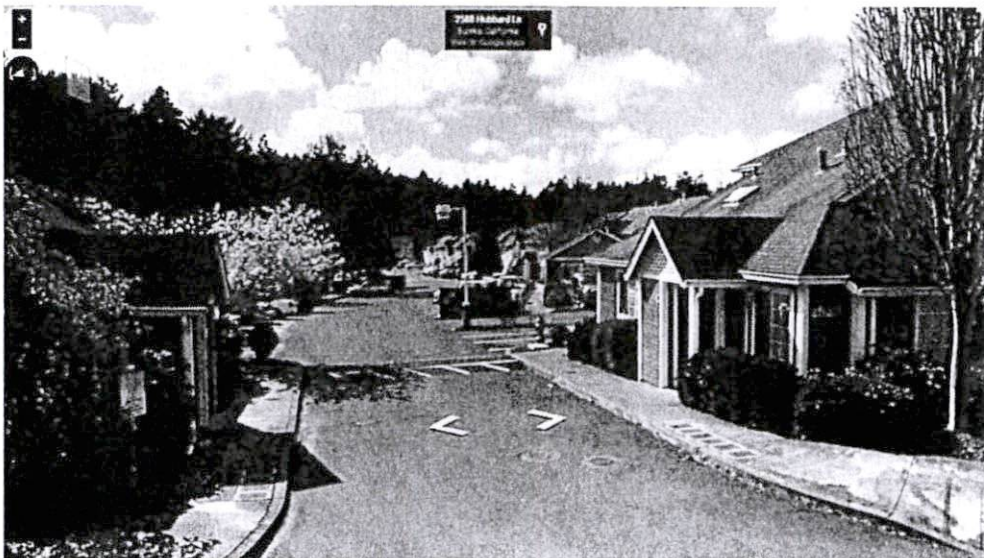
²Humboldt County. *Humboldt GIS Portal*. Available at: <http://gis.co.humboldt.ca.us>. Accessed April 2018.

³ California Department of Transportation. *California Scenic Highway Mapping System*. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm. Accessed December, 2017.

⁴ Humboldt County, *Eureka Community Plan 1995*, p 30, 2403 Multiple-Family Housing Design Review. Available at: <https://humboldt.gov.org/DocumentCenter/View/284>. Accessed April 10, 2018.

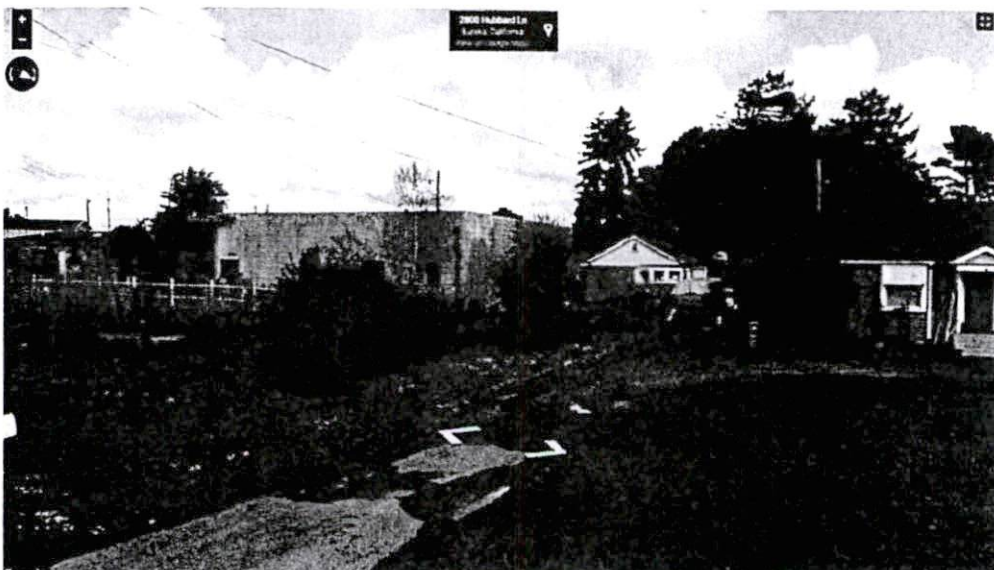
designed and built by the applicant is situated north and west of the proposed site on 2588 Hubbard Lane. An image of that multifamily development is shown below in Figure 2. An image of the existing structures on the property is shown in Figure 3. While the proposed development will change the scenic character of the site, the change in scenic character will be similar to other recent developments in the neighborhood. There are no scenic protections in the zoning ordinance or other regulations specific to this site.

Figure 2. Multifamily Housing Development Built by the Applicant that Will Be Similar to the Appearance of the Proposed Project.



Source: Google Maps accessed on May 10, 2018

Figure 3. Existing view of the subject property from the street.



Source: Google Maps accessed on May 10, 2018

d) The proposed project will include lighting in parking areas and sidewalks that will be visible to some extent off the project site. In spite of large trees around the site perimeter that in part screen views from surrounding properties, lighting from within individual apartments may be visible at night from off-site. The project site is currently lit by several perimeter and interior streetlights, but some viewers may find an increase in nighttime lighting around and inside buildings to be a significant change in views. The proposed exteriors, including rooftops, are to be constructed with non-reflective materials.

Mitigation Measures:

MM AES-1 All outdoor lighting, whether installed for security, safety, signage, or landscape design purposes, shall be shielded and/or positioned in a manner that broadcasts light downward and that will not shine light or allow light glare to exceed the lot boundaries. It shall be designed to use the lowest intensity lamp/wattage compatible with safety, and security lighting shall be designed to utilize motion-sensor technology so that lights are not on throughout the night.

MM AES-2 - The project shall design, install, and maintain landscaping for the parking areas, and all landscape areas as shown in the site plan in Attachment D. Appropriate trees and vegetation shall be located to reduce or soften the visibility of nighttime lights. Submittal of a development plan describing these requirements is a condition of approval.

II. AGRICULTURE AND FOREST RESOURCES: NO IMPACT

	Issues: Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				×
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				×

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				×
d) Result in the loss of forest land or conversion of forest land to non-forest use?				×
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				×

Discussion

a, b) The project parcels do not contain Prime or Unique Farmland, nor are they zoned for agricultural or Williamson Act use.⁵

c, d) Likewise, no forest or timber zoning will be disturbed or encroached upon, as the site and surrounding area contain no forest resource, nor are they zoned as forest or timberland. Therefore, no conversion will occur. The nearest timbered area is the County-owned parcel surrounding Redwood Acres about 600 feet south, across Harris Avenue.

e) Since the site and surrounding neighborhoods do not include or abut farmlands, the project will not individually or cumulatively result in loss of Farmland to non-agricultural use.

III. AIR QUALITY: LESS THAN SIGNIFICANT AS MITIGATED

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?		×		
b) Violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?		×		
c) Expose sensitive receptors to substantial pollutant concentrations?		×		
d) Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?			×	

⁵ Humboldt County. *Humboldt GIS Portal*.

Discussion of Air Quality Thresholds of Significance

In determining whether a project has significant air quality impacts on the environment, planners typically apply their local air district's thresholds of significance to projects in the review process. However, the North Coast Unified Air Quality Management District (NCUAQMD) has not formally adopted significance thresholds, but rather utilizes the Best Available Control Technology (BACT) emission rates for stationary sources as defined and listed in the NCUAQMD Rule and Regulations, Rule 110, New Source Review and Prevention of Significant Deterioration.⁶ Accordingly, the proposed project would be considered to have a potentially significant impact if project-generated construction or operational emissions would exceed the BACT thresholds for the criteria pollutants of primary concern, as identified in Table 1.

The NCUAQMD does not have recommended significance thresholds for Toxic Air Contaminants (TACs) but recommends the use of the California Air Pollution Control Officers Association's guidance document: *Health Risk Assessment for Proposed Land Use Projects* (2009) for the evaluation of health risks associated with exposure to TACs.⁷ Accordingly, incremental increases in cancer risk that exceed 10 in one million or acute and chronic non-carcinogenic health impacts that exceed a hazard index threshold of one would be considered to have a potentially significant impact.

Table 1 NCUAQMD Significance Thresholds

Pollutant	Significance Thresholds	
	Daily (lbs/day)	Annual (tons/year)
CO	500	100
NO _x	50	40
ROGs	50	40
PM ₁₀	80	15
PM _{2.5}	50	10
SO _x	80	40
Source: NCUAQMD 2015		

⁶ North Coast Unified Air Quality Management District (NCUAQMD), 1995, *PM10 Draft Attainment Plan*. Available at: <http://www.ncuaqmd.org/files/NCUAQMD%20Attainment%20Plan%205-95.pdf>. Accessed March 29, 2018.

⁷ California Air Pollution Control Officers Association, *Health Risk Assessment for Proposed Land Use Projects*, 2009. Available at: http://www.capcoa.org/wp-content/uploads/downloads/2010/05/CAPCOA_HRA_LU_Guidelines_8-6-09.pdf.

Discussion of Potential Air Quality Impacts

Information in this section is taken from the Air Quality and Greenhouse Gas Impact Analysis Report prepared for the project and included as Appendix A to this Initial Study.

a) Conflict with an Air Quality Plan

The NCUAQMD is listed as “attainment” or “unclassified” for all the federal and state ambient air quality standards with the exception of the state 24-hour Particulate Matter (PM₁₀) standard in Humboldt County only. As such, the NCUAQMD adopted the Particulate Matter (PM₁₀) Attainment Plan, which includes control strategies to reduce PM₁₀ emissions from various sources. Control strategies include transportation control measures such as encouraging the use of public transit and promotion of alternatively powered fleets and vehicles. Land use control measures encourage mixed use or more dense development. The PM₁₀ Attainment Plan also includes measures that limit residential burning as well as various measures to encourage the installation of U.S. EPA certified woodstoves (NCUAQMD 1995 and 2018b).

To assess the proposed project’s potential to obstruct implementation of an air quality plan, regional criteria pollutant emissions were analyzed. The primary pollutants of concern are particulate matter (PM₁₀ and PM_{2.5}). Although the NCUAQMD is unclassified/attainment for ozone, maintenance of federal and state ambient air quality standards for ozone is imperative, thus ozone precursors (reactive organic gases - ROG, and NO_x) are also a concern.

Air quality modeling was performed using project-specific details in order to determine whether the proposed project would result in criteria air pollutant emissions in excess of the applicable thresholds of significance.

Construction Emissions

The proposed project’s unmitigated construction emissions are shown in Table 2. The ROG emissions, primarily from architectural coatings, exceed the thresholds of significance. To reduce the ROG emissions, MM AIR-1, requires the use of low VOC paint (50 grams/liter). The mitigated emissions are shown in Table 3. With the incorporation of this mitigation, the ROG emissions are reduced to 45.03 pounds per day, which is below the threshold of significance to 50 pounds per day. The impact is therefore reduced to less than significant levels.

Particulate matter emissions, primarily PM₁₀, are of concern during construction because of potential fugitive dust emissions during earth-disturbing activities and result in localized pollutant concentrations. The NCUAQMD has not established significance thresholds specifically for fugitive dust emissions but has adopted a threshold for total PM₁₀ of 80 lbs/day (Table 2). This threshold includes emissions from both fugitive dust and PM emissions from vehicles. All PM₁₀ emission estimates for the proposed project were below the NCUAQMD significance thresholds, as shown in Table 2. Mitigation measures are not needed to reduce the PM₁₀ emissions to less than significant levels. Nonetheless, to further reduce the project’s Air Quality impacts MM AIR-2 and MM AIR-3 include the implementation of dust control measures and the reduction of vehicle idling times. Additionally, MM AIR-4 encourages the construction contractor’s work force to carpool or use alternative transportation methods to arrive at the worksite, further reducing construction PM₁₀

emissions of the project.

Therefore, the proposed project's potential to conflict with the NCUAQMD Particulate Matter Attainment Plan are considered less than significant.

Table 2 Summary of Construction-Generated Emissions of Criteria Air Pollutants - Unmitigated and Mitigated

Year	Emissions					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Daily Emissions (lbs/day) - Unmitigated						
2019	3.32	23.69	20.66	0.03	7.71	4.37
2020	210.21	11.71	12.74	0.02	0.78	0.64
Maximum Daily Emissions	210.21	23.69	20.66	0.03	7.71	4.37
Daily Significance Thresholds	50	50	500	80	80	50
Exceed Daily Significance Thresholds?	Yes	No	No	No	No	No
Daily Emissions (lbs/day) - Mitigated						
2019	3.32	23.69	20.66	0.03	7.71	4.37
2020	45.03	11.71	12.74	0.02	0.78	0.64
Maximum Daily Emissions	45.03	23.69	20.66	0.03	7.71	4.37
Daily Significance Thresholds	50	50	500	80	80	50
Exceed Daily Sig. Thresholds?	No	No	No	No	No	No
Annual Emissions (tons/year) - Unmitigated						
2019	0.39	2.77	2.51	0.004	0.24	0.17
2020	1.05	0.02	0.02	0.006	0.001	0.001
Annual Sig. Thresholds	40	40	100	40	15	10
Exceed Annual Sig. Thresholds?	No	No	No	No	No	No
Annual Emissions (tons/year) - Mitigated						
2019	0.39	2.77	2.51	0.004	0.24	0.17
2020	0.23	0.02	0.02	0.006	0.001	0.001
Annual Sig. Thresholds	40	40	100	40	15	10
Exceed Annual Significance Thresholds?	No	No	No	No	No	No
Notes: 1. Daily Emissions from Winter Results; 2. Emissions were quantified using CalEEMod, version 2016.3.2 based on estimated construction requirements for the proposed project. Totals may not sum due to rounding. Source: Stantec Consulting Services, Inc., CalEEMod 2016.3.2						

Operations Emissions

Long-term operation of the proposed project would generate an increase in traffic volumes on the local roadways within the proposed project vicinity and would increase localized emissions. The

annual operational emissions for the proposed project are shown in Table 3. These results include the benefits from project design and location using the CalEEMod mitigation component (increased density, diversity of uses, and pedestrian infrastructure). These features and regulations are considered part of the project baseline; however, the results are presented in the CalEEMod model output as mitigation, but they are not considered mitigation as required for CEQA compliance.

As shown in the table, the proposed project would exceed the daily ROG emissions due to area sources, primarily due to wood burning fireplaces. The PM₁₀ Plan included residential wood burning control measures to replace conventional woodstoves with cleaner-burning devices and encourage the reduction of woodstoves in new residential developments. The PM₁₀ Plan also encouraged communities to add provisions to its General Plans to limit the installation of wood burning fireplaces.

Humboldt County's General Plan does not include such provisions. The proposed project has committed to not including woodstoves, but wood burning fireplaces are not specifically prohibited. Thus, mitigation requiring the use of only natural-gas burning fireplaces (MM AIR-5) has been incorporated into the project to reduce the impact. As shown in Table 4, the mitigated operational emissions would be less than the thresholds of significance for all criteria air pollutants. The impact is less than significant.

Table 3 Summary of Operational Emissions of Criteria Air Pollutants - Unmitigated

Source	Emissions					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Daily Emissions (lbs/day)						
Area	102.71	2.04	130.15	0.23	17.51	17.51
Energy	0.02	0.18	0.08	0.001	0.01	0.01
Mobile	1.85	10.55	22.92	0.04	3.36	0.95
2020 Total	104.57	12.76	153.15	0.27	20.89	18.48
Daily Significance Thresholds	50	50	500	80	80	50
Exceed Daily Sig. Thresholds?	Yes	No	No	No	No	No
Annual Emissions (tons/year)						
Area	4.52	0.09	5.60	0.009	0.72	0.72
Energy	0.003	0.03	0.01	0.000	0.003	0.003
Mobile	0.29	1.58	3.37	0.006	0.48	0.14
2020 Total	4.81	1.70	8.99	0.016	1.20	0.86
Annual Significance Thresholds	40	40	100	40	15	10
Exceed Annual Sig. Thresholds?	No	No	No	No	No	No
Notes: 1. Daily Emissions from Winter Results. 2. Emissions were quantified using CalEEMod, version 2016.3.2 based on project details and estimated operating year for the proposed project. Totals may not sum due to rounding. Source: Stantec Consulting Services, Inc., CalEEMod 2016.3.2						

Table 4 Summary of Operational Emissions of Criteria Air Pollutants - Mitigated

Source	Emissions					
	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Daily Emissions (lbs/day)						
Area	1.47	1.05	5.85	0.006	0.11	0.11
Energy	0.02	0.18	0.08	0.001	0.01	0.01
Mobile	1.79	10.04	21.81	0.041	0.06	0.88
2020 Total	3.29	11.27	27.74	0.049	0.18	1.00
Daily Significance Thresholds	50	50	500	80	80	50
Exceed Daily Significance Thresholds?	No	No	No	No	No	No
Annual Emissions (tons/year)						
Area	0.24	0.05	0.51	0.000	0.006	0.006
Energy	0.003	0.03	0.01	0.000	0.003	0.003
Mobile	0.29	1.58	3.37	0.006	0.48	0.14
2020 Total	0.53	1.66	3.89	0.007	0.49	0.15
Annual Significance Thresholds	40	40	100	40	15	10
Exceed Annual Significance Thresholds?	No	No	No	No	No	No
Notes: 1. Daily Emissions from Winter Results. 2. Emissions were quantified using CalEEMod, version 2016.3.2 based on project details and estimated operating year for the proposed project. Totals may not sum due to rounding. Source: Stantec Consulting Services, Inc., CalEEMod 2016.3.2						

Operational Carbon Monoxide (CO) Hotspot. Localized high levels of CO (CO hotspot) are associated with traffic congestion and idling or slow-moving vehicles, particularly in highly congested areas. For this reason, the areas of primary concern are congested roadway intersections that experience high levels of vehicle traffic with degraded levels of service (LOS). Signalized intersections that are projected to operate at an unacceptable LOS E or F are of particular concern.

The proposed project is estimated to generate 483 total trips on a weekday, 537 trips on a Saturday, and 414 trips on a Sunday. A conservative assumption would estimate peak hour trips at 10% of the average daily trips, therefore, the proposed project may generate an additional 48 peak hour trips on a weekday, 53 on a Saturday, and 41 on a Sunday. As such, the proposed project is not anticipated to contribute a substantial amount of traffic such that the LOS of nearby roadways would be substantially degraded. Localized concentrations of CO are therefore considered to be less than significant.

Conclusion - Conflict with Air Quality Plans

With the incorporation of mitigation measures to reduce ROG emissions from architectural coatings (paint), limit fireplaces to natural gas only, implementation of dust control measures, and the reduction of vehicle idling times, the construction and operational emissions would not exceed

the thresholds of significance, and therefore would not obstruct or conflict with air quality plans. The impact is therefore reduced to less than significant levels.

b) Cumulative Air Quality Impacts

A cumulative impact analysis considers a project over time in conjunction with other past, present, and reasonably foreseeable future projects whose impacts might compound those of the project being assessed. Air pollution is largely a cumulative impact. Humboldt County is in nonattainment for the state PM₁₀ standard. The nonattainment status is a result of past and present development, and, thus, cumulative impacts related to PM₁₀ could be considered cumulatively significant.

As shown in Table 3 and Table 4, the proposed project's operational PM₁₀ emissions would not exceed the thresholds of significance established for this project. In addition, the proposed project would be required to comply with all applicable NCUAQMD rules and regulations. Therefore, the proposed project's individual emissions would not be expected to result in a cumulatively considerable net increase in an existing or projected air quality violation. The cumulative impacts would be considered less than significant for PM₁₀.

Although the region is in attainment for federal and state ozone standards, the proposed project would exceed ROG (ozone precursor) thresholds of significance and could contribute to a potential violation. With the incorporation of MM AIR-1 and MM AIR-5 the ROG emissions during construction and operation would be reduced to less than significant levels.

Conclusion - Cumulative Air Quality Impacts

The proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. The proposed project incorporates MM AIR-1 and MM AIR-5 to reduce ozone precursor emissions of ROG to a less than significant level.

c) Sensitive Receptors

This discussion addresses whether the proposed project would expose sensitive receptors to Naturally Occurring Asbestos (NOA), construction-generated fugitive dust (PM₁₀), and construction generated diesel particulate matter DPM. A sensitive receptor is a person in a population who is particularly susceptible to health effects due to exposure to an air contaminant. The following are land uses (sensitive sites) where sensitive receptors are typically located:

- Long-term health care facilities
- Rehabilitation centers
- Convalescent centers
- Hospitals
- Retirement homes
- Residences

- Schools, playgrounds and childcare centers

The proposed project is considered a sensitive receptor. The adjacent single-family residences would also be considered sensitive receptors.

Naturally-Occurring Asbestos

The California Department of Conservation maps NOA areas throughout the State of California. When inhaled, asbestos fibers may remain in the lungs and with time may be linked to such diseases as asbestosis, lung cancer, and mesothelioma. The risk of disease is dependent upon the intensity and duration of exposure. In California, NOA is most likely to occur in areas of serpentinite, ultramafic rock (igneous rock composed of greater than 90% iron-magnesium minerals), and fault/shear zones. Rock units considered to have a moderate likelihood of containing NOA include mafic rock (igneous rock rich in iron-magnesium minerals). Serpentinite, ultramafic, and mafic rock is not mapped within the project area. The closest known occurrence of ultramafic rock outcroppings in Humboldt County are approximately 20 miles east of the proposed project (USGS, 2011). Therefore, there is no potential health hazards resulting from NOA dust. There would be no impact.

Fugitive Dust (PM₁₀)

As previously discussed, PM₁₀ emissions would not exceed the thresholds of significance, nevertheless, the potential for localized PM₁₀ health impacts are a concern, therefore, the proposed project has incorporated MM AIR-2 requiring the implementation of BMPs to reduce potential impacts to a less than significant level.

Diesel Particulate Matter

Construction activities have the potential to generate DPM emissions related to the number and types of equipment typically associated with construction. Off-road, heavy-duty diesel equipment used for site grading, paving, and other construction activities result in the generation of DPM. However, construction is temporary and occurs over a relatively short duration. Operation of construction equipment is regulated by federal, state, and local regulations, including CARB and NCUAQMD rules and regulations, and occurring intermittently throughout the course of a day, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM for any extended period of time would be low. In addition, MM AIR-3 would be implemented to reduce emissions generated from construction equipment. Therefore, it is not anticipated the proposed project would expose sensitive receptors to substantial pollutant concentrations and impacts would be considered less than significant with mitigation incorporated.

Conclusion - Sensitive Receptors

Sensitive receptors would not be exposed to substantial pollutant concentrations with the implementation of mitigation measures.

d) Substantial odors and other emissions affecting a substantial number of people

While offensive odors rarely cause any physical harm, they can still be very unpleasant, leading

to considerable distress among the public and often generating citizen complaints to local governments and the NCUAQMD. The occurrence and severity of odor impacts depends on numerous factors, including nature, frequency, and intensity of the source, the wind speed and direction, and the sensitivity of the receptor. The nearest sensitive receptor in the vicinity of the proposed project site would be the residences adjacent to the proposed project. Construction activities associated with the proposed project could result in short-term odorous emissions from diesel exhaust associated with construction equipment. However, these emissions would be intermittent and would dissipate rapidly from the source. In addition, this diesel-powered equipment would only be present on site temporarily during construction activities. Therefore, construction would not create objectionable odors affecting a substantial number of people, and the impact would be less than significant.

Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations. The proposed project does not contain land uses typically associated with emitting objectionable odors. Therefore, it would not be considered to have the potential to expose persons to substantial sources of objectionable odors. Odors would primarily consist of the sporadic traveling of vehicles to the apartments and additionally from the use of equipment during landscaping and facility maintenance. These occurrences would not produce a significant amount of odors; therefore, operational impacts are less than significant.

Conclusion - Substantial Odors and Emissions

The proposed project would not create objectionable odors affecting a substantial number of people.

Mitigation Measures

The proposed project's potential adverse impacts to air quality would be **less than significant** with the implementation of the following mitigation measures:

- MM AIR-1** During construction, the project shall use low-VOC paint defined as less than 50 grams per liter for all architectural coatings (painting) of buildings.
- MM AIR-2** The following dust control measures shall be implemented during construction:
1. All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with coverage of all disturbed areas.
 2. All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
 3. All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 20 miles per hour.

4. All inactive portions of the development site that were previously disturbed during construction shall be covered, revegetated, or watered until a suitable cover is established. Alternatively, the applicant may apply County-approved non-toxic soil stabilizers (according to manufacturer's specifications) to all inactive construction areas.
5. All material transported off-site shall be securely covered to prevent dust emissions during transportation.

MM AIR-3 The following actions will be implemented to minimize unnecessary construction vehicle idling time. The ability to limit construction vehicle idling time will depend on the sequence of construction activities and when and where vehicles are needed or staged. Certain vehicles, such as large diesel-powered vehicles, have extended warm-up times following start-up that limit their availability for use following start-up. Where such diesel-powered vehicles are required for repetitive construction tasks, these vehicles may require more idling time. The project will apply a "common sense" approach to vehicle use, so that idling is reduced as far as possible below the maximum of 5 consecutive minutes allowed by California law; if a vehicle is not required for use immediately or continuously for construction activities, its engine will be shut off. Construction foremen will include briefings to crews on vehicle use as part of pre-construction conferences. Those briefings will include discussion of a "common sense" approach to vehicle use.

MM AIR-4 During construction of the project, the construction contractor shall encourage its work force to carpool or use alternative transportation methods to arrive at the worksite.

MM AIR-5 To reduce Reactive Organic Gases (ROG) emissions during operations, if fireplaces are included in the residences, they shall be equipped with only natural gas fireplaces.

IV. BIOLOGICAL RESOURCES: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✗	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?			✗	
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			✗	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✗
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✗
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✗

Discussion

a-c) Currently, the proposed project site is developed with a commercial business, several outbuildings and a single family residence. Existing buildings in the surrounding area are single family, multifamily and commercial. The nearest Environmentally Sensitive Habitat Area (ESHA) is Ryan Slough wetland and Streamside Management Area, 2,200 feet northeast of the site, and an intermittent stream 2,000 feet to the west as shown on the GIS map. The nearest forested areas are approximately 500' to the northwest and south. Forested slopes in those areas separate the

developed lands in the neighborhood from wetlands and streams. The site is partly vegetated with grass and shrubs, and partly non-vegetated with gravel areas currently used for parking. Given the nearly flat ground and distance from wetland and riparian areas, adverse effects are likely to be less than significant. The project does not involve direct removal, filling, or hydrological interruption in the vicinity of wetlands.

According to the California Natural Diversity Database (CNDDB)⁸ and the Humboldt County GIS, one endangered plant species (*Lilium occidentale* – western lily) may exist in Ryan Sough near the site, and two rare plant species may also exist in the area: *Carex praticola* – northern meadow sedge, and *Monotropa uniflora* – ghost-pipe. These plant species occur in forest habitat (*Monotropa uniflora*), meadows (*Carex praticola*), and riparian lands, wetlands and marshes (*Lilium occidentale*). The habitat value of the site where new development is going to be located is degraded due to commercial use over the years, and the likelihood of finding the above species is low. The project was referred to the Department of Fish and Game for comments, and if that office has any recommended conditions of approval, they will be incorporated in the project's requirements. However, past and present uses of the site preclude the presence of high quality habitat, so any impacts on special status or protected species, or wetlands is expected to be less than significant.

d-f) The proposed development site does not intersect with habitat of resident or migratory fish or wildlife species, nor is it part of any identified wildlife corridors. The wetlands, forested gulches, and sloughs in surrounding lands are protected, and provide habitat for plant and animal species. However, the site itself is not part of a zone designated as open space in the Open Space Action Plan, the County's means to preserve and conserve important habitat, nor is it within an adopted or proposed regional state habitat conservation plan. The project proposes a number of landscaped areas. Conditions of approval encourage the use of native plants and prohibit the use of invasive exotic plants for landscaping.

Based on the above, the project will have a less-than-significant impact on biological resources.

⁸ California Department of Fish and Wildlife, *California Natural Diversity Database*. Available at: <https://www.wildlife.ca.gov/Data/CNDDB>.

V. CULTURAL RESOURCES: LESS THAN SIGNIFICANT AS MITIGATED

	Issues: Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				×
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				×
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		×		

Discussion

a) According to Humboldt County GIS, the project parcels contain no mapped historic resources pursuant to Section 15064.5. However, there is a chance that historically or culturally significant materials may be discovered during construction. In the event that unknown sites exist at the site, the below mitigation measure will be implemented to reduce potential adverse impacts to a less-than-significant level.

MM CU-1 Informational Note. The following Informational Note must appear on the development plan and in the informational notes section of the conditions of approval:

“The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources may be encountered during construction activities, the following mitigation measures are required under state and federal law:

- “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 will 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 (THPOs) for the Bear River Band of Rohnerville Rancheria, 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, but are not limited to, obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include, but are not limited to, 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.”

- Pursuant to California Health and Safety Code §7050.5, if human remains are encountered, all work must cease and the County Coroner contacted.
- The applicant and successors in interest are ultimately responsible for ensuring compliance with this condition.”

With incorporation of these mitigation measures, staff finds that the project will not adversely impact cultural or historical resources at the site or within the adjacent neighborhood.

b, c) There are no known pre-historic or archeological resources on the proposed project site. In order to determine the presence or likely existence of archeological resources, including possible human remains, the project was referred to the Native American Heritage Commission, and the Wiyot, Bear River, and Blue Lake Tribes for comment. As of this date, only the Blue Lake Rancheria responded, with the opinion that the site is low sensitivity. The Rancheria recommends that we apply the inadvertent archaeological discovery protocol (see MM CU-1 above). If other Tribal organizations respond with recommendations, these will be made conditions of approval as well.

VI. ENERGY: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?			✗	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✗	

The proposed project would require energy during construction and long-term operation. The short-term construction and long-term operational energy consumption are discussed below.

Short-term Construction

Off-Road Equipment

The proposed project is anticipated to break ground as early as January 2019 and is to be completed in approximately 13 months. Table 5 provides estimates of the proposed project's construction fuel consumption from off-road construction equipment.

Table 5 Construction Off-Road Fuel Consumption

Phase	Fuel Consumption (gallons)
Demolition	32,556
Site Preparation	5,226
Site Grading	8,762
Building Construction	336,162
Paving	12,576
Architectural Coating	1,721
Total Fuel Consumption	397,003
Source: Stantec Consulting Services Inc. 2018	

As shown in Table 5, construction activities associated with the proposed project would be estimated to consume 397,003 gallons of diesel or gasoline. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the state. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region. Furthermore, proposed idling restrictions adopted to reduce potential air quality impacts would have the co-benefit of reducing fuel consumption. A conservative estimate would assume a five percent reduction in fuel use through idling restrictions.

On-Road Vehicles. On-road vehicles for construction workers, vendors, and haulers would require fuel for travel to and from the site during construction. Table 6 provides an estimate of the total on-road vehicle fuel usage during construction, which is 5,168 gallons. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the state. Furthermore, the proposed project will be encouraging construction workers to carpool to the work site. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Table 6 Construction On-Road Vehicle Fuel Consumption

Phase	Worker VMT	Vendor VMT	Hauling VMT	Worker Fuel Economy	Vendor Fuel Economy	Hauling Fuel Economy	Total Annual Fuel Consumption
Demolition	2,808	0	1,000	26.2	6.1	6.1	271
Site Preparation	1,728	0	0	26.2	6.1	6.1	66
Grading	2,160	0	0	26.2	6.1	6.1	82.
Building Construction	14,688	24,090	0	26.2	6.1	6.1	4,510
Paving	3,240	0	0	26.2	6.1	6.1	124
Architectural Coating	3,024	0	0	26.2	6.1	6.1	115
Total							5,168

Long-Term Operations

Transportation Energy Demand

Table 7 provides an estimate of the daily and annual fuel consumed by vehicles traveling to and from the proposed project. These estimates were derived using the same assumptions used in the operational air quality analysis for the proposed project.

Table 7 Daily Vehicle Fuel Consumption

Vehicle Type	Percent of Vehicle Trips	Daily VMT	Annual VMT	Average Fuel Economy (miles/gallon) ⁹	Total Daily Fuel Consumption (gallons)	Total Annual Fuel Consumption (gallons)
Passenger Cars	47%	1,650	602,192	34.2	48	17,608
Light Trucks	40%	1,407	513,416	26.2	54	19,596
Light-Heavy to Heavy-Heavy Diesel Trucks	12%	427	155,756	6.1	70	25,534
Other	0%	11	3,845	6.1	2	630
Motorcycles	1%	18	6,408	50	0	128
Total	100%	3,511	1,281,617	-	174	63,496
Notes: Percent of Vehicle Trips and VMT provided by CalEEMod. Average fuel economy is provided by United States Department of Transportation, Bureau of Transportation Statistics and reflects fuel economy of overall fleet, not just new vehicles. "Other" consists of buses and motor homes. Source: Stantec Consulting Services Inc. 2018						

⁹ As of December 2014, NHTSA indicated that the fuel economy of passenger vehicles averaged 34.2 miles per gallon and light trucks averaged 26.2 miles per gallon.

As shown above, daily vehicular fuel consumption is estimated to be 174 gallons of both gasoline and diesel fuel. Annual consumption is estimated at 63,946 gallons.

In terms of land use planning decisions, the proposed project would constitute development within an established community and would not be opening up a new geographical area for development such that it would draw mostly new trips, or substantially lengthen existing trips. The proposed project would be well positioned to accommodate existing population and reduce VMT. For these reasons, it would be expected that vehicular fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than for any other similar land use activities in the region.

Building Energy Demand.

The proposed project is estimated to demand 314,097.30 kilowatt-hours (KWhr) of electricity and 712,772.28 1000-British Thermal Units (KBTU) of natural gas on an annual basis as shown in the tables below.

Table 8 Electricity Usage

Land Use	Dwelling Units	Title 24 Electricity Energy Intensity (KWhr/size/year)	Nontitle 24 Electricity Energy Intensity (KWhr/size/year)	Lighting Energy Intensity (KWhr/size/year)	Total Electricity Energy Demand (KWhr/size/year)	Total Electricity Demand (KWhr/year)
Apartments	66	775.93	3,172.76	810.36	4,759.05	314,097.30
Notes: Energy use provided by CalEEMod. Source: Stantec Consulting Services Inc.						

Table 9 Natural Gas Usage

Land Use	Dwelling Units	Title 24 Natural Gas Energy Intensity (KBTU/size/year)	Nontitle 24 Natural Gas Energy Intensity (KBTU/size/year)	Total Natural Gas Energy Demand (KBTU/size/year)	Total Natural Gas Demand (KBTU/year)
Apartment s	66	9,200.58	1,599.00	10,799.58	712,772.28
Notes: Energy use provided by California Emissions Estimator Model (CalEEMod). Source: Stantec Consulting Services Inc.					

Discussion

a) Humboldt County confirmed that PG&E had adequate electricity and natural gas supplies to service new development through its service area. According to the Humboldt County General Plan Environmental Impact Report (EIR), approximately 1,721 new housing units and 3,130,717 square feet of commercial and industrial buildings are projected to be constructed during the General Plan Update planning period, from 2016 to 2040. Furthermore, federal and state regulations would help to ensure that sufficient energy supplies are available to serve projected development during the General Plan Update planning period including the proposed project. Additionally, PG&E is obligated to the CPUC to provide reliable service to new development within its service area. PG&E has approved the project through the referral process.

The proposed project represents less than 4% of the total General Plan buildout of new residential units and is located adjacent to existing facilities. Additionally, the proposed project would comply with CALGreen and Title 24 standards in place at the time building permits are issued. These regulations continue to become increasingly more stringent resulting in more energy efficient buildings and less energy demand. The potential need for new power generation facilities is unlikely. The impact is less than significant.

Construction and operation of the proposed project would not result in a wasteful or unnecessary use of energy. The following analysis evaluates the project's use of energy during construction and operation.

Construction Energy Demand

As summarized in Table 6 and Table 7, the proposed project will require 397,003 gallons of diesel fuel for construction off-road equipment and 5,168 gallons of gasoline for on-road vehicles during construction. The proposed project has incorporated idling restrictions and is encouraging construction workers to carpool to the work site. These features would serve to reduce the amount of fuel consumed by the project.

There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the state. Furthermore, the proposed project will be implementing idling restrictions and encouraging construction workers to carpool to the work site. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction sites in the region.

Building Energy Demand

Buildings and infrastructure constructed pursuant to the proposed project would comply with the versions of CCR Titles 20 and 24, including CALGreen, that are applicable at the time that building permits are issued. In addition, the County's General Plan includes policies and programs that seek to reduce energy consumption.

It would be expected that building energy consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than for any other similar buildings in the

region. Current state regulatory requirements for new building construction contained in the 2016 CALGreen and Title 24 would increase energy efficiency and reduce energy demand in comparison to existing residential structures, and therefore reduces actual environmental effects associated with energy use from the proposed project.

Transportation Energy Demands

The daily vehicular fuel consumption is estimated to be 174 gallons of both gasoline and diesel fuel. Annual consumption is estimated at 63,946 gallons.

The proposed project would constitute development within an established community and would not be opening up a new geographical area for development such that it would draw mostly new trips, or substantially lengthen existing trips. The proposed project would be well positioned to accommodate existing population and reduce VMT. For these reasons, it would be expected that vehicular fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than for any other similar land use activities in the region.

Conclusion

Construction and operation of the proposed project would not result in a wasteful or unnecessary use of energy. The impact is less than significant.

b) The Humboldt County Housing Element contains Implementation Measure H-IM18, Encourage Energy and Water Conservation to encourage new alternative energy systems, such as solar, wind and hydroelectric energy systems, among other water related items. This measure is intended to limit increases to a property's assessed value for property tax purposes when any of the above improvements are made and is to be fully implemented by April 30, 2018. The proposed project would not interfere with implementation of Measure H-IM18.

The Redwood Coast Energy Authority (RCEA) adopted its Comprehensive Action Plan for Energy (CAPE) in September 2012 to foster, coordinate, and facilitate countywide strategic energy planning, implementation, and education. The proposed project would not conflict with the CAPE.

The proposed project would comply with the versions of California Code of Regulations Titles 20 and 24, including CALGreen, that are applicable at the time that building permits are issued and with all applicable County measures.

Conclusion

The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Mitigation Measures

None.

VII. GEOLOGY AND SOILS: LESS THAN SIGNIFICANT AS MITIGATED

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				x
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?			x	
b) Result in substantial soil erosion or the loss of topsoil?			x	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				x
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				x
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			x	

Discussion

a) Based on Humboldt County GIS, the project site is located in a flat area where slope instability is low; it is not located in either an Alquist-Priolo Fault Hazard special studies zone, or other

mapped potentially active fault zone. However, the entire region is within Seismic Hazard Zone 4 as defined by the Uniform Building Code (UBC) with four being the highest risk zone. The nearest mapped earthquake fault the Alquist-Priolo Fault zone, 5.5 miles southwest of the proposed development. The Mad River fault zone is 5.8 miles northeast.^{10,11} As described below in mitigation measure MM GS-1, proposed structures will be set on footings or foundation conforming to building code requirements.

The project site has slopes less than 15%, and it is not susceptible to landslide. Soil types are relatively stable, and not subject to liquefaction. Based on the above, and incorporating building code mitigations, it is not expected that the project will directly or indirectly increase the risk of loss, injury, or death due to factors a)(i-iv) above.

b-d) Soils in the upland Myrtle town vicinity are mapped as fine, silty to loamy and moderately well-drained.¹² They developed on top of a marine terrace between forested gullies and wetlands of Ryan Slough. Soils at the site have undergone human disturbance, including filling, vegetation removal, soil compaction, altered runoff conditions, and road and building construction. The topography of the project site is such that slope instability is not expected. All areas disturbed during construction will be revegetated to control erosion and sediment per requirements of the Regional Water Quality Control Board (RWQCB) and Public Works. Surrounding areas would not be filled, dredged, or otherwise affected by construction or operation of this project. Given these site factors and safeguards, no substantial soil erosion, loss of topsoil, or risks to life or property are expected.

e-f) The project plan includes new sewer, water, gas and electrical infrastructure. Water and sewer in the project area provided by Humboldt County Community Services District. No known unique paleontological or geological features have been identified in the area. There is a potential that unknown sites exist on the project parcels; therefore, mitigation measures are to be implemented to reduce potential adverse impacts to a less-than-significant level. With incorporation of these mitigation measures, staff finds that the project will not adversely affect paleontological or geological features at the site or within the adjacent neighborhood.

Mitigation Measures

- MM GS-1** Zone 4 Requirements. The proposed residential buildings shall be constructed to comply with Zone 4 requirements using the latest edition of the California Building Code; it may be appropriate to exceed the requirements to minimize potential damage from ground shaking.
- MM GS-2** Sedimentation/Erosion Control. The project includes a design for a sediment and erosion control plan that conforms to local standards and the RWQCB. These standards normally require two types of measures used to control sedimentation

¹⁰ Department of Conservation, California Geological Survey. Special Publication 42, Interim Revision 2007: Fault-Rupture Hazard Zones in California; available at <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>.

¹¹ Humboldt County. *Humboldt GIS Portal*.

¹² University of California Davis, NRCS *Soilweb*, at <https://casoilresource.lawr.ucdavis.edu/gmap/>. Accessed April 2018.

and erosion: stabilization measures and structural control measures. Stabilization measures include temporary seeding, permanent seeding and mulching, intended to stabilize the soil to prevent erosion. Structural control measures including earth dikes, silt fencing, sediment traps and sediment basins, depending on the specific condition. Project construction shall incorporate all required sedimentation and erosion control measures specified in its approved plan.

VIII. GREENHOUSE GAS EMISSIONS: LESS THAN SIGNIFICANT AS MITIGATED

	Issues: Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✗	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✗	

An Air Quality and Greenhouse Gas Analysis was prepared by Stantec for the proposed project and summarized below. The report is provided as Appendix A herein.

Thresholds of Significance

The NCUAQMD has not yet identified recommended Greenhouse Gas (GHG) significance thresholds for the evaluation of development projects subject to CEQA review. However, on July 9, 2015 the NCUAQMD adopted Rule 111 for the evaluation of GHG emissions for stationary sources subject to New Source Review and federal Title V permitting requirements. In accordance with this rule, stationary sources that emit less than 25,000 tons per year of CO₂e are exempt from determining compliance. This threshold is intended for purposes of determining compliance with federal Title V stationary source permitting requirements and is typically not recommended for the evaluation of GHG emissions for stationary source projects subject to CEQA review.

However, various other air districts in the state have identified recommended GHG significance thresholds for stationary sources, including the Sacramento Metropolitan Air Quality Management District (SMAQMD), the Bay Area Air Quality Management District (BAAQMD), and the South Coast Air Quality Management District (SCAQMD). For stationary sources, these air districts have identified a GHG threshold of 10,000 MTCO₂e/year.

The SCAQMD has a draft threshold of 3,500 MTCO₂e for residential projects, but it has not yet adopted this threshold. BAAQMD and SMAQMD have developed a bright-line threshold for determining when a development project has the potential to generate a GHG impact. Both

BAAQMD and SMAQMD have established 1,100 MTCO₂e as a bright line threshold to screen out land use projects that are not likely to cause a considerable contribution to the impact of climate change. Although the County is not beholden to the BAAQMD and SMAQMD thresholds, the thresholds provide a useful comparison for determining significance.

In the absence of a NCUAQMD-recommended GHG significance threshold, a GHG significance threshold of 1,100 MTCO₂e/year has been used for evaluation of project-generated GHG emissions. This is significantly less than the 10,000 MTCO₂e for stationary sources. GHG emissions exceeding 1,100 MTCO₂e/year would be considered to have a potentially significant impact on the environment that could interfere with AB-32 GHG-reduction goals.

Discussion

Information in this section is taken from the Air Quality and Greenhouse Gas Impact Analysis Report prepared for the project and included as Appendix A to this Initial Study.

a) The proposed project may contribute to climate change impacts through its contribution of GHGs. The proposed project would generate a variety of GHGs during construction, including several defined by AB 32, such as CO₂, CH₄, and N₂O from the exhaust of equipment, construction hauling trips, and worker commuter trips. The proposed project may also emit GHGs that are not defined by AB 32. For example, the proposed project may generate aerosols from DPM exhaust. Aerosols are short-lived GHGs, as they remain in the atmosphere for approximately one week.

CalEEMod was used to estimate emissions from construction and operation of the proposed project. Detailed information on the assumptions is included in the Air Quality and Greenhouse Gas Analysis Report prepared for the project.

Constructions Emission Inventory

Construction emissions would be generated from the exhaust of equipment and the exhaust of construction hauling trips and worker commuter trips. The construction phases included demolition, site preparation, site grading, building construction, paving and architectural coating. MTCO₂e emissions during construction of the proposed project are presented in Table 10.

The construction-generated GHG emissions are considerably less than the 1,100 MTCO₂e threshold. However, in accordance with recommendations by various air districts including the SCAQMD, the construction emissions are amortized over the life of the project and added to the operational emissions to determine significance, as presented in Table 11.

Operational Emissions Inventory

Operational or long-term emissions occur over the life of the proposed project. As shown in Table 11, the operational emissions are less than the 1,100 MTCO₂e screening threshold. As such, the proposed project would have a less than significant impact on GHGs.

Table 10 Summary of Construction-Generated Greenhouse Gas Emissions

Construction Activity	MTCO ₂ e
2019	371.13
2020	3.45
Total	374.58
Amortized over 30 years ¹	12.49
Note: 1. GHG emissions are amortized over the 30-year life of the proposed project Source: Stantec Consulting Services Inc., CalEEMod 2016.3.2	

Table 11 Summary of Operational Plus Construction Greenhouse Gas Emissions

Source	Annual MTCO ₂ e
Area	47.88
Energy	133.55
Mobile	618.63
Waste	15.27
Water	15.42
Construction (amortized over 30 years)	12.49
Total	843.24
Threshold	1,100
Exceed Threshold?	No
Notes: Includes credit for locating near mix of uses, increased density, and connections to pedestrian infrastructure. MTCO ₂ e = metric tons of carbon dioxide equivalents. Emissions were quantified using CalEEMod, version 2016.3.2 based on project details and estimated operating year for the proposed project. Totals may not sum due to rounding. Source of emissions: Stantec Consulting Services Inc., CalEEMod 2016.3.2	

Conclusion

As shown in Table 11, the proposed project would generate 843.24 MTCO₂e of GHGs, which is less than the 1,100 MTCO₂e threshold used for this project and well below the 10,000 MTCO₂e established by various air districts for stationary sources projects. Therefore, the proposed project would result in a less than significant impact.

b) As previously noted, GHG emissions within California totaled 440.4 MMTCO₂e in 2015, which is the most recent year for which state-wide emissions inventories are available. By comparison, county-wide emissions in Humboldt County totaled approximately 1.3 MMTCO₂e in 2006. In comparison to the state-wide and county-wide emission data available, project-generated GHG emissions would be considered minor and would not be anticipated to result in a significant contribution to GHG emissions inventories that would interfere with GHG-reduction planning efforts. Additionally, as discussed in Impact GHG-1, the proposed project's GHG emissions will be below the significance thresholds recommended by the SMAQMD, BAAQMD and the SCAQMD. The proposed project will comply with the requirements implemented by the CARB to reduce GHG emissions and will be consistent with AB 32 GHG-reduction goals.

The proposed project would help to reduce overall net increases in GHG emissions through the provision of higher density residential uses near existing development that would serve to reduce VMT and through the building of newer, more energy-efficient buildings through compliance with more stringent Title 24 standards.

Conclusion

Although the proposed project would generate temporary GHG emissions during construction and minimal GHG emissions during operation, as discussed in Impact GHG-1, emissions from the proposed project would not exceed the 1,100 MTCO₂e threshold of significance. As such, the proposed project would not conflict with an applicable plan; therefore, impacts would be considered less than significant.

Mitigation Measures

None.

IX. HAZARDS & HAZARDOUS MATERIALS: LESS THAN SIGNIFICANT IMPACT

	Issues: Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				x
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				x
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			x	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			x	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			x	

Discussion

a-c) The proposed development does not involve use or storage of hazardous materials or generation of hazardous emissions, and therefore, accident conditions involving the likely release of hazardous materials are not expected. The project site is not included on a list of hazardous material sites, and therefore there will be no risk created to the public or the environment. Based on the above facts, **no impact** related to hazardous materials or emissions would result from the project.

d) The southernmost parcel involved in the project, 016-152-022, was identified in the past as the site of an underground storage tank containing petroleum products. The site was subject to a Phase I environmental assessment in 2014, after which the tank was removed and remediation completed. California DHHS confirmed completion of the cleanup by letter in 2014. No further hazardous materials are known to remain at the site, and therefore, the impact due to hazardous materials after mitigation is **less-than-significant**.

e) The project site is within two miles of the runway at the Murray Field Airport, which is located to the north of Highway 101. The Murray Field Airport is a general aviation airport owned and operated by the County. The site falls outside the 55-decibel future airport noise contour (Humboldt County GIS), which is classified as "clearly acceptable" for residential land uses. Based on the airport's predicted noise profile, volume of air traffic, the orientation of the runway, and the project's proposed use, the project would expose people to a safety hazard or excessive noise.

f) There is no adopted emergency response plan or emergency evacuation plan for the project site, so no interference with a plan is anticipated.

g) The project consists of typical residential units subject to state and local building and fire codes. No fuel storage or hazardous materials will be located at the site. Cal Fire's rating, which takes into account fuels, terrain, weather, and other relevant factors, rates the project site as moderate fire hazard severity. The Humboldt County Wildfire Fire Rating system, which evaluates wildland fires (emanating from forest, grassland, or open chaparral) designates the area as "low" (low wildfire hazard). The area is within the Humboldt #1 Fire Protection District. A letter from the District recommends approval of the project. Based on the above information, the project will have a **less-than-significant** likelihood of exposing people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Mitigation Measures

None.

IX. HYDROLOGY AND WATER QUALITY: LESS THAN SIGNIFICANT AS MITIGATED

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				×
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				×
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation on- or off-site;			×	
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;			×	

(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			x	
(iv) impede or redirect flood flows?				x
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				x
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			x	

Discussion

a) The project will be designed to minimize effects on water quality. Wastewater from the proposed new multifamily structures will go into the collection system operated by Humboldt Community Services District. Stormwater pollution during earth disturbing activities will be controlled by measures mandated by the RWQCB and Public Works. The project design includes stabilization measures (e.g. seeding and mulching) and/or structural control measures (e.g. earth dikes, silt fencing, sediment traps and basins) to keep sediments and other solid materials from entering the wastewater collection system.

Construction at the site and operation of the finished project falls under the State's Phase II MS4 Permit. Its site design measures, detailed procedures, and runoff reduction thresholds are set forth in the Humboldt Low Impact Development Stormwater Manual V2.0.¹³ The objectives of Low Impact Development for regulated projects like the multi-family development proposed are to capture and retain stormwater runoff from storm events, and to direct remaining runoff bioretention facilities or equivalent.¹⁴ Due to these design safeguards, the project will not violate current water quality standards, or substantially degrade water quality.

b) A municipal water provider supplies water for the project, and therefore no depletion of groundwater or surface water is expected.

c) i-iv) The project proposes minimal alteration to the existing drainage pattern of the site, and that alteration will be controlled by the Low Impact Development standards outlined in a) above. Therefore, adverse impacts from erosion, increased runoff, pollution, or flooding are expected to be less than significant.

¹³Humboldt County, Humboldt Low Impact Development Stormwater Manual V2.0. Available at http://northcoaststormwatercoalition.org/wp-content/uploads/2016/07/Humboldt-LID-Stormwater-Manual_V2.0.pdf. Accessed April 2018.

¹⁴ *Id.*, Appendix 1, Stormwater Control Plan for Regulated Projects, p 4., available at http://northcoaststormwatercoalition.org/wp-content/uploads/2017/06/Appendix-1_Stormwater-Control-Plan-for-Regulated-Projects.pdf. Accessed April 2018.

d) According to FEMA and Humboldt County GIS data, the site is not included in flood zones or floodways.¹⁵ Confirmation that runoff from the project would not cause flooding or exceed the capacity of the stormwater drainage system is required from Humboldt Community Services District (HCSD) prior to issuing the building permit. The site is not located within the 100-year flood zone or a mapped dam or levee inundation area and is not subject to seiche or mudflow or a mapped tsunami run-up zone; therefore there is no risk of release of pollutants due to project inundation under those conditions.

e) The project is required to comply with water quality and groundwater plans through its Public Works permits (see mitigation measure MM HWQ-2, below).

Mitigation Measures

MM HWQ-1 Wastewater System Design. The applicant shall comply with conditions as per the letter from the Humboldt Community Services District (HCSD) dated January 18, 2018.

MM HWQ-2 Discharge of Wastewater/Water Quality. The Waste Discharge Requirements, Stormwater Permit or Water Quality Certification as required from the California Regional Water Quality Control Board shall be obtained prior to performing any work on the improvements to the satisfaction of the Department of Public Works. Public Works approval is also required for the detention basin and stormwater drainage system prior to issuance of building permits.

X. LAND USE AND PLANNING: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				✗
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✗	

Discussion

a) The proposed project site is in a developed, somewhat urbanized area known as Myrtle town. This project would not physically divide that community. The proposed physical development and use would be similar to and compatible with other multifamily uses in the area.

¹⁵ Federal Emergency Management Agency, FEMA Flood Map Service Center, at: <https://msc.fema.gov/portal>.

b) Given that the purpose and effect of the project is a change in land use and zoning designations, a conflict with existing zoning and land use is inherent. However, completion of this project implements a part of the 2014 Housing Element, and helps meet state-mandated housing requirements. Although the sites immediately surrounding the project are zoned for commercial development, areas of similar multi-family and single family residential use are located nearby.

The rezone is in accord with Policy G-P8, Sections D and E: to maintain established uses otherwise consistent with a comprehensive view of the plan; or the proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.

The *existing* land use designation for the project site is Commercial General (CG) (Humboldt Bay Area Plan, or HBAP) as shown on the GIS. The stated purpose of CG land is, "... to allow the integrated development of commercial districts or neighborhood commercial centers providing for the economic well-being and convenience of the community." The *proposed* HBAP land use designation is RM, Residential Medium Density (8-30 units per acre). The stated purpose of RM land is, "... to make effective use of limited urban land and provide areas for residential use of mobile homes in urban areas, consistent with availability of public services." The effect of the project would be to provide lower cost housing and access to nearby commercial areas and services for its residents, compatible with both designations. The Coastal Development Permit (CDP) includes a determination of land use consistency.

Existing zoning for the site is also CG, Commercial General, whereas *proposed* zoning would be RM, Residential Multi-family. Both the existing and proposed land use and zoning designations for this area incorporate environmental protections. In addition, permits required for the construction phase will specify best practices that reduce environmental impacts to less than significant levels. Therefore, it is expected that the change from CG to RM land use designation, or the change in zoning from CG to RM, would have environmental impacts that are **less than significant**.

XI. MINERAL RESOURCES: NO IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				×
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				×

Discussion

a-b) The Humboldt County General Plan identifies the extraction of mineral resources as an important base for the economic well-being of the County, and actively protects known resources from conflicting land uses. The site contains no known mineral resources identified in the County's SMARA database, specific plan or other land use plan. There is no gravel or other mining within four miles of the project site. Therefore, no loss of mineral resource value or availability could occur from the proposed development. Therefore, **no impact** would occur as to mineral resource value or availability.

XIII. NOISE: LESS THAN SIGNIFICANT AS MITIGATED

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		x		
b) Generation of excessive groundborne vibration or groundborne noise levels?			x	

Discussion

a) The proposed project site located in a somewhat urbanized area, surrounded by commercial, single family and multi-family uses where noise is part of the various uses. Persons living in the proposed new homes will generate noise, but noise levels from these sources are expected to be compatible with the existing commercial and multifamily uses. The resulting impacts to human inhabitants and nearby wildlife are expected to be minimal due to the similar uses in the area. The project site is not in an area with mapped noise hazards.

The project could potentially result in short-term noise impacts from construction activities. Chapter 13 of the General Plan sets forth applicable appropriate short-term noise levels (L_{max}) as not to exceed 75 dBA in commercial general zones, or 65 dBA in residential areas, depending on a combination of health and nuisance considerations.¹⁶ There is an exception to the short-term noise level limits for heavy equipment noise for permitted construction. Section N-S7 (4) permits temporary and intermittent noise from heavy equipment and power tools used during construction of permitted structures to exceed the maximum levels when conforming to the terms of the approved permit.

Published estimates of typical portable construction equipment noise levels range from 67-96 dBA

¹⁶ Humboldt County, *General Plan*, Chapter 13, Table 13-C Land Use / Noise Compatibility Standards.

Lmax at 50 feet distance.^{17, 18} Construction activities at the site would be temporary and intermittent, and equipment would generate noise during daytime hours only, generally Monday through Friday from 7:00 AM to 6:00 PM. During the construction phase, equipment is required to mitigate excessive noise hazards to the levels specified in Mitigation Measure #MM N-1 below.

For these reasons, construction and operation phases of the project are expected to have **less than significant** noise impacts as mitigated.

b) Construction on the project site will be associated with groundborne vibration, but the effects will be intermittent, and are not expected to be excessive. For these reasons and those noted above, the project would not significantly expose persons to excessive groundborne vibration or noise levels. The proposed development would not increase exposure to groundborne vibration, and **less than significant** impact would occur.

Mitigation Measure

MM N-1 Construction activities must be conducted in such a manner that the maximum noise levels will not exceed Lmax of 75 dBA at 50 feet from the site.

XIV. POPULATION AND HOUSING: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			×	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				×

¹⁷ Federal Highway Administration. *Construction Noise Handbook*. Available at: https://www.fhwa.dot.gov/ENVIRONMENT/noise/construction_noise/handbook/handbook09.cfm.

¹⁸ State of California Department of Transportation, District 5. *Noise Impact Analysis*, SR-68/Corral De Tierra Road, Monterey County, California 05-MON-68 PM-12.8/13.2, Feb. 2013, Table B. Available at: http://www.dot.ca.gov/dist05/projects/corraldetierra/noise_impact.pdf.

Discussion

a, b) The development of 66 additional multi-family dwelling units on a parcel planned and zoned for the proposed development is not expected to induce substantial unplanned population growth. Instead the project is intended to meet an existing housing need. The project is consistent with the 8 to 30 dwelling units per acre allowed by the proposed zoning (RM). Because the existing use is not residential, the project will not result in a need for the construction of replacement housing or the displacement of people; it is instead intended to accommodate already displaced people. Based on the above, the Department finds no evidence indicating that the project will have an adverse impact on population and housing.

XV. PUBLIC SERVICES: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			×	
Police protection?			×	
Schools?			×	
Parks?			×	
Other public facilities?				×

Discussion

The development will directly access Hubbard Lane, a publicly maintained two lane paved road. The plot plan in Appendix D shows the proposed use will have a 1510 square foot community center building, and a central parking area. Some increased foot traffic between the developed project and neighborhood parks, businesses, and services is expected. Additionally, there would be slight increases in the demand for existing fire protection, police protection, schools and other public facilities as a consequence of the creation of the 66 additional dwelling units, but this increase would be within the capabilities of the existing infrastructure and services. All of the public service agencies have either recommended approval or conditional approval of the project, or had no

comment. Where the Department received recommendations for conditions of approval, they have been incorporated into the requirements for the project. No issues were identified with regard to the provision, construction of, or maintenance, of public services. The impacts of the project on fire protection are further reduced by a recommendation of approval from the Fire District stating they have no objections, and no comments at this time.

Based on the above, the Department finds no evidence indicating that the proposed new residential development will result in an adverse impact with regard to public services.

Mitigation Measures

None.

XVI. RECREATION: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✗	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			✗	

Discussion

a-b) The project would result in slight increases in the use of existing neighborhood and regional parks as a consequence of developing 66 additional multi-family dwelling units. Some of this impact will be minimized by the applicant's proposed construction of an on-site community center. The project will not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. The project is consistent with the planned buildout of the area at 8 to 30 dwelling units per acre. Based on the above, the Department finds no evidence indicating that the project will result in a substantial adverse impact on existing recreation facilities, and a **less than significant** impact related to recreation would occur.

XVII. TRANSPORTATION: LESS THAN SIGNIFICANT AS MITIGATED

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?		×		
b) For a land use project, would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1)?			×	
c) For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?			×	
d) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			×	
e) Result in inadequate emergency access?			×	

Discussion

a) The proposed project will include 66 apartment units and related amenities. The following analysis includes a discussion of project impacts on transportation including cumulative impacts.

Project Trips

Trip generation estimates were determined for the project based on rates provided in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition, 2017) for Multifamily Housing (Low-Rise) in a general urban/suburban setting. The County's transportation mode data indicates that the mode split in the Myrtle town community includes 90.7% vehicle use (82.5 % single occupancy/8.2% carpool), 2.3% walk, 0.4% use public transit or bike, and 6.6% work at home. The trip generation calculations are shown in Table 12. The project is expected to generate a total of 483 average daily trips (ADT), with 30 trips occurring during the AM peak hour and 37 trips occurring during the PM peak hour.

Table 12 Project Trip Generation Estimates

Land Use	Size	ADT	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Multi-Family Housing (Low-Rise)	66 Units	483	7	23	30	23	14	37

Source: Stantec Consulting Inc., 2018

Vehicle Miles Traveled

In January 2016, Office of Planning and Research published for public review and comment a Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA recommending that transportation impacts for projects be measured using a vehicle miles traveled (VMT) metric. In anticipation of the future certification of the revised CEQA Guidelines, the County has adopted OPR's recommendation to use the VMT metric instead of automobile delay to evaluate the transportation impacts of projects. (Note: the VMT metric does not apply to the analysis of project impacts on non-automobile modes of travel such as riding transit, walking, and bicycling). A project would have a significant effect on the environment if it would cause substantial additional VMT. If a project meets screening criteria, then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required.

The regional average daily VMT, derived from County data, is 26.79 miles. The local home based VMT was obtained from Caltrans, which provides sets of VMT data per Traffic Analysis Zone (TAZ). The project is located in TAZ 121. As shown in Table 13, existing average daily VMT in the TAZ 121, in which the project site is located, is 6.97 miles. This is well below the existing regional average daily VMT per capita. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average for the office use, the proposed project would not result in substantial additional VMT and impacts would be less than significant.

Table 13 Daily Vehicle Miles Traveled

Land Use	Regional Average	Regional Average minus 15%	TAZ 121
Residential	26.79	22.78	6.97

Source: Stantec Consulting Inc., 2018

Cumulative Impacts

Year 2040 conditions were assessed based on the County's Revised Draft Environmental Impact Report and data provided by County staff. The County's expected total household growth is 2.7%, with an associated VMT increase of 7.4% from 2010 to 2040. Humboldt County 2040 cumulative

conditions were projected based on traffic model run data and includes residential and job growth estimates and reasonably foreseeable transportation investments through 2040. No significant development or infrastructure projects were anticipated in the study-area. As shown in Table 14, the projected 2040 average daily home based VMT for TAZ 121 is 9.54 miles. This is well below the projected 2040 regional average daily VMT of 28.86 miles.

Table 14 Daily Vehicle Miles Traveled

Land Use			TAZ 121
	Regional Average	Regional Average minus 15%	
Residential	28.86	24.53	9.54

Given that the project site is located in an area where VMT is more than 15 percent below the projected 2040 regional average per office employee, the proposed project would not result in substantial additional VMT. Therefore, the proposed project would not contribute considerably to any substantial cumulative increase in VMT, and the cumulative impacts would be less-than-significant.

Alternative Transportation

As discussed previously, the County's transportation mode data indicates that the mode split in the Myrtle town community includes 2.3% persons walking and 0.4% use public transit or bike. The proposed project would not substantially affect the capacity utilization of local or regional transit routes resulting in unacceptable levels of transit service; or cause substantial increase in delays or operating costs such that significant adverse impacts in transit service levels could result. Therefore, impacts on local and regional transit capacity utilization, or transit delays would be less than significant.

Class II and Class III bicycle facilities on are provided on Harris Street and Myrtle Avenue. The proposed project would not generate a significant number of bicycle trips. Therefore, the proposed project would not affect bicycle travel or facilities in the project vicinity or to adjoining areas.

The study-area network provides pedestrian accessibility between the project site and vicinity commercial uses, schools and transit stop, however a sidewalk is currently not provided along the project site to a point approximately 130 feet south of the site's boundary. Mitigation Measure T&T-1 below would ensure that a sidewalk gap closure and installation of ADA curb ramps at the Hubbard Lane "Y" intersection are provided as part of project frontage improvements. This will facilitate pedestrian traffic to and from the site.

The proposed project would not result in additional VMT both under project and cumulative scenarios. In addition, sidewalk improvements to the Hubbard Lane "Y" intersection would improve accessibility. Therefore, the proposed project would result in less than significant impacts with mitigation.

b) As discussed in checklist threshold a) above, the project site is located in an area where VMT is more than 15 percent below the current and projected 2040 regional average per office employee, the proposed project would not result in substantial additional VMT. Therefore, the proposed project would not contribute considerably to any substantial increase in VMT for both project and cumulative conditions. Therefore, impacts from VMT would be less-than-significant.

c) The proposed project is not a transportation project. However, the proposed project would create Class I and Class II bicycle parking, while not changing any other streetscape furnishing along the project frontages. These features fit within the general types of projects that would not substantially induce automobile travel, and the impacts would be less than significant.

d) No significant traffic hazards have been identified in the project vicinity under existing plus project conditions. The proposed project would add approximately 483 one-way vehicle trips on a daily basis to the transportation network, including 30 one-way trips during the morning peak period and 37 one-way vehicles trips during the afternoon peak period. These trips would be dispersed to various streets within the project vicinity and would not add substantial trips to any one intersection in the project vicinity. Based on existing traffic data, the roadway segments and intersections in the vicinity of the project site would continue to operate acceptably. The proposed project does not propose any features that would increase conflicts between vehicles and other modes. The proposed project would not generate a substantial increase in vehicle traffic to and from the site and adjacent streets/intersections; and would not result in any evident traffic hazards related to queuing, blockages, reduction in sight distance, or potential conflicts with other modes. Under the cumulative conditions, the projected growth rate of a maximum of 7.4% would not result in exceedance of LOS "C" conditions, which is the County's minimum roadway and intersection standard. Therefore, impacts would be less than significant.

e) The Humboldt No. 1 Fire Protection District Headquarters is located on the northeast corner of the Harris Street/Hubbard Lane intersection, approximately 300' south of the project site. Emergency vehicle access to the project site would be provided via the propose driveway on Hubbard Lane. The proposed project would be reviewed by the County Fire Department to ensure adequate access for fire trucks is provided. The proposed project would have less than significant emergency access impacts.

Mitigation Measures

MM T-1: Prior to issuance of a grading permit, the Applicant shall submit site plans and detail design showing the sidewalk gap closure and installation of ADA curb ramps at the Hubbard Lane "Y" intersection to the County for review and approval.

XVIII. TRIBAL CULTURAL RESOURCES: LESS THAN SIGNIFICANT AS MITIGATED

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			x	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			x	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			x	

Discussion

a(i-ii) According to California Register of Historical Resources, the California Native American Heritage Commission, and Humboldt County GIS, no known or identified historic or pre-historic tribal cultural resources are located on the proposed project site. AB 52 applies to projects for which a lead agency had issued a NOP of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration on or after July 1, 2015. Therefore, the requirements of AB 52 apply to the project.

The project was referred to the Native American Heritage Commission and the Wiyot, Bear Lake, and Blue Lake Tribes for comment. As of this date, only the Blue Lake Rancheria responded, with the opinion that the site is has a low probability of containing Tribal Cultural Resources. The

Rancheria recommends that the inadvertent archaeological discovery protocol¹⁹ be applied to the permit. If other Tribal organizations respond with recommendations, these will be made conditions of approval.

There is a potential that unknown cultural resources exist at the site; therefore, mitigation measure MM CU-1 described above is to be implemented to reduce potential adverse impacts to a less-than-significant level in the event that cultural resources are later discovered. With incorporation of this mitigation measure, staff finds that the project will not adversely impact cultural or historical resources at the site or within the adjacent neighborhood.

XIX. UTILITIES AND SERVICE SYSTEMS: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			×	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			×	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			×	
d) Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure?			×	
e) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?			×	
f) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			×	

¹⁹ Eidsness, Janet P., THPO Blue Lake Rancheria, *CEQA Review and Comment by Wiyot Area THPOs - Case Study Best Practices, Blue Lake Rancheria Tribal Comments on AB 52 Consultation Steps*, June 8, 2015. Available at: http://www.opr.ca.gov/dos/Blue_Lake_Rancheria_060915.pdf. Accessed April 25, 2018.

Discussion

a-c) The project site is located within the water and sewer service area of the Humboldt Community Service District, which has indicated that it will be available to provide the necessary services. There is no evidence indicating that the project will result in a significant impact with respect to utilities and service systems. The project is conditioned to require construction of new water drainage facilities that meets requirements of the Department of Public Works, State Water Board, and MS4 stormwater permit standards. The Department finds no evidence indicating that the construction of on-site drainage improvements would result in a significant adverse environmental impact based on a review of the administrative record. Therefore, the on- or off-site improvements are anticipated to have **less than significant** environmental effects.

d-f) According to Humboldt County EIR documents, Humboldt Waste Management Authority (Eureka, HWMA) is responsible for the transportation of approximately 80 percent of the County's municipal solid waste to an out-of-area landfill.²⁰ The current landfills in use will allow the Humboldt County to meet its landfill disposal needs over the next 20 years.²¹ HWMA participates in the Countywide Integrated Waste Management Plan, and CalRecycle's waste reduction programs.²² The proposed project would not generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure, would not impact services, nor prevent attainment of waste reduction goals. Therefore, it would have **no impact** on overall waste management capacity.

XX. WILDFIRE: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Impair an adopted emergency response plan or emergency evacuation plan?			✗	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			✗	

²⁰ Humboldt County, *Draft Environmental Impact Report For the Amendments to Humboldt County Code Regulating Commercial Cannabis Activities*, Section 3.13 (Sept. 2017). Available at: <http://humboldt.gov/DocumentCenter/Home/View/60897>.

²¹ Humboldt County General Plan, Chapter 10.

²² *Id.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				×
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			×	

Discussion

The four parcels involved in the project have a fire rating of *low*. A state fire responsibility area is located 600 feet south, near Redwood Acres Fairgrounds. The County of Humboldt and the Fire Safe Council are in the process of updating the Humboldt County Community Wildfire Protection Plan (HWCCPP), which began in early 2017 and will be completed in late winter, 2019. Currently, the 2013 HWCCPP is in effect.²³

a) According to the HCCWPP, evacuation from the Eureka Plain Planning Unit will either travel north or south along Highway 101, depending on law enforcement recommendation based on fire behavior, wind patterns, traffic, and ingress of emergency vehicles. Streets and intersections near the project are well-marked, and there are no one-way-in, one-way-out roads associated with the project that could inhibit evacuation and emergency response vehicles, or leave residents stranded should the roads become blocked. The project is also located near an alternate evacuation route identified in the plan, Old Arcata Road/Myrtle Avenue, between Arcata and Eureka. While the project will increase the number of people residing in the area, infrastructure, evacuation routes, and fire protection are adequate to minimize impacts.

b-c) The site is mostly level, a quarter to a half mile distant from the nearest steep slopes and forested areas, so that the project will not exacerbate wildfire risks, and therefore would not expose project occupants to pollutant concentrations or increase risk of spreading a wildfire. The project does not involve installation or maintenance of infrastructure that may exacerbate fire risk or increase impacts to the environment. Based on the site location, configuration, and planned activities, the project poses **less than significant** impacts to wildfire risk.

d) The project site and surrounding area have slopes less than 15%, so that any post-wildfire runoff or drainage changes could be contained by site design features made to capture storm runoff.

²³ Humboldt County Community Wildfire Protection Plan (May 2013). Available at <https://humboldt.gov/762/Humboldt-County-Community-Wildfire-Prote>.

Therefore, the project itself is expected to have **less than significant** impact on downslope or downstream flooding or landslides caused by wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE: LESS THAN SIGNIFICANT IMPACT

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✗	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			✗	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✗	

Discussion

a) Although the site is within a quarter to half mile of habitat where rare and endangered species have been observed, it is not within an adopted or proposed habitat conservation plan. The habitat value of the site where new development is going to be located is already developed, and has previously been used for vehicle storage and commercial uses. Considering all evidence in the record, the project will not substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b) The proposed new multifamily development is compatible with the uses and design of

structures in the surrounding area. Humboldt County continues to suffer from inadequate housing, the environmental impacts of which have proven to be damaging in themselves. The administrative record suggests that the proposed project is not part of a trend that would significantly increase environmental impacts. Therefore, there would be no considerable cumulative impacts.

c) No evidence in the record suggests that the environmental effects of this project will substantially and adversely affect human beings, directly or indirectly. One intent of the project is to provide housing for lower income populations, which will increase access to services and reduce the impacts of unsheltered persons on the environment.

XXII. DISCUSSION OF MITIGATION MEASURES

See attached table below.

Table 15 Mitigation and Monitoring Plan

Item	Finding	Mitigation Measure	Reporting
I. Aesthetics	Less Than Significant Impact with Mitigation	<p>MM AES-1 Light and Glare - All outdoor lighting, whether installed for security, safety, signage, or landscape design purposes, shall be shielded and/or positioned in a manner that broadcasts light downward and that will not shine light or allow light glare to exceed the lot boundaries. It shall be designed to use the lowest intensity lamp/wattage compatible with safety, and security lighting shall be designed to utilize motion-sensor technology so that lights are not on throughout the night.</p> <p>MM AES-2 Landscaping - The project shall design, install, and maintain landscaping for the parking areas, and all landscape areas as shown in the site plan in Attachment D. Appropriate trees and vegetation shall be located to reduce or soften the visibility of nighttime lights. Submittal of a development plan describing these requirements is a condition of approval.</p>	<p>Time of construction/Ongoing Time of Building Permit Issuance</p> <p>Responsible Agency: Humboldt County Planning and Building Department (HCPBD)</p>
III. Air Quality	LTS Impact with Mitigation	<p><u>Controls on ROG emission</u></p> <p>MM AIR-1 During construction, the project shall use low-VOC paint defined as less than 50 grams per liter for all architectural coatings (painting) of buildings.</p> <p>MM AIR-5 During operations, if fireplaces are included, they shall be only natural gas fireplaces.</p> <p><u>Dust control measures during construction phase(s)</u></p> <p>MM AIR-2 The following dust control measures shall be implemented during construction:</p> <ol style="list-style-type: none"> 1. Water, treat, or cover all material excavated, stockpiled, or graded. Watering should occur at least twice daily, with complete site coverage. 2. Water or apply dust palliative in areas of vehicle traffic. 3. Suspend all land clearing, grading, earth moving, or excavation when winds are expected to exceed 20 miles per hour. 4. Cover, revegetate, or water inactive portions of the site until a suitable cover is established, OR apply County-approved non-toxic soil stabilizers in accordance with the local grading ordinance. 5. Material transported off-site to be securely covered, minimum of two feet of freeboard in the bed of the transport vehicle. <p><u>Controls on diesel-powered construction equipment during construction phase(s)</u> -</p> <p>MM AIR-3 Brief crews on vehicle use as part of pre-construction conferences.</p> <p><u>Circulation-related improvements to reduce motor vehicle use</u></p> <p>MM AIR-4 Encourage construction workers to carpool or use alternative transport.</p>	<p>Time of construction/Ongoing</p> <p>Responsible Agency: HCPBD</p>
V. Cultural Resources	LTS Impact with Mitigation	<p>MM CU-1 Supply informational note in plans pursuant to California Health and Safety Code §7050.5.</p>	<p>Time of plan submission and construction</p>

Item	Finding	Mitigation Measure	Reporting
			Responsible Agency: HCPBD
VII. Geology and Soils	LTS Impact with Mitigation	<p>MM GS-1 Zone 4 Requirements –Comply with Zone 4 requirements using the latest edition of the California Building Code; it may be appropriate to exceed the requirements to minimize potential damage from ground shaking.</p> <p>MM GS-2 Sedimentation/Erosion Control - Sediment and erosion control plan to conform to local standards and the RWQCB. These standards normally require both stabilization measures and structural control measures. Stabilization measures include temporary seeding, permanent seeding and mulching to prevent erosion. Structural control measures include earth dikes, silt fencing, sediment traps and sediment basins. Project construction to incorporate all required sedimentation and erosion control measures specified in its approved plan.</p>	Time of construction Responsible Agency: HCPBD
IX. Hydrology and Water Quality	LTS Impact with Mitigation	<p>MM HWQ-1 Wastewater System Design – Comply with approval conditions supplied by the Humboldt Community Services District (HCSD).</p> <p>MM HWQ-2 Discharge of Wastewater/ Water Quality – The Waste Discharge Requirements, Stormwater Permit or Water Quality Certification as required from the California Regional Water Quality Control Board to be obtained prior to performing any work on the improvements to the satisfaction of the Department of Public Works. Public Works approval is also required for the detention basin and stormwater drainage system prior to issuance of building permits.</p>	<p>Time of building Permit Issuance Responsible Agency: HCPBD</p> <p>Time of Construction Responsible Agency: Humboldt County Public Works (HCPW)</p>
XVII. Transportation	LTS Impact with Mitigation	MM T-1: Prior to issuance of a grading permit, the Applicant shall submit site plans and detail design showing the sidewalk gap closure and installation of ADA curb ramps at the Hubbard Lane "Y" intersection to the County for review and approval.	Time of Permit Issuance and Construction Responsible Agency: HCPBD
XVIII. Tribal Cultural Resources	LTS Impact with Mitigation	MM CU-1: Comply with Inadvertent Archaeological Discovery Protocol.	Time of building Permit Issuance

Attachment 5

Referral Agency and Public Comments

The project was referred to the following agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Date
County Building Inspection Division	✓	Approved	1/10/18
PG&E	✓	Approved	1/19/18
Humboldt Bay Fire Protection District	✓	Approved	1/9/18
Humboldt County Service District	✓	Conditionally Approved	1/17/18
California Coastal Commission	✓	Conditionally Approved	1/19/18
County Counsel			
Blue Lake Tribe	✓	Recommend Info Note	1/22/18
Bear River Tribe			
Wiyot Tribe			

SUPPLEMENTAL INFORMATION NO. 1

For Planning Commission Agenda of:

June 21, 2018

<input type="checkbox"/>	Administrative Agenda Item	}	
<input checked="" type="checkbox"/>	Public Hearing Item	}	
<input type="checkbox"/>	New Hearing Item	}	Item No. 7
<input type="checkbox"/>	Old Business Item	}	
<input type="checkbox"/>	New Business Item	}	

Re: Applicant: Garden Apartments
 Case Nos.: GPA-18-001, ZR-18-001, CDP-18-001, NOM-18-005
 File No.: APN 016-152-020, 016-152-021, 016-152-022, and 016-222-001

Attached for the Commission's record and review are the following supplementary information items:

1. Public Comment Neighbors Petition June 15 2018
2. OPR State Clearinghouse CEQA Letter of Compliance 6-18-18



App# 13974

WE THE PEOPLE SURROUNDING THE PARCELS
016-152-020, 016-152-021, 016-152-022, 016-222-001
WANT SAID LEFT AS THEY ARE. WHY
1, TRAFFIC, 2, ENVIRONMENT, 3, ELEMENT OF PEOPLE

Nancy Smith

Walter & Beulah 2609 Hall Ave Eureka WORK 1905
Guy & Beulah 2636 Myrtle Ave. Eureka, CA 95501
Red Jones 2640 Myrtle Ave Eureka Ca. 95501
Phil Jones 2640 Myrtle Ave Eureka Ca 95501
Jane Jones 2801 WILLIAMS ST Eureka Ca 95501
William & Beulah 2632 Myrtle Ave Eureka Ca
2626 Myrtle Ave Eureka CA 95501
Matthew 2626 Myrtle AVE Eureka Ca 95501

Gary Rooney 2572 Myrtle Ave 95501

Frank & Beulah 2566 Myrtle Ave 95501

Jason Pintado Myrtle Ave 95501

William Beulah Myrtle Ave 95501
Chris Watson Myrtle Ave 95501
Kelly Munn Myrtle Ave 95501

Art Munn Myrtle Ave 95501

Deanna Christiansen 2550 Myrtle 95501

SEAN KENNEDY 2546 Myrtle 95501

Tiffany Richardson 2546 Myrtle Ave 95501

Wm. Munn 2540 Myrtle 95501

Ronald & Beulah 2664 Myrtle 95501

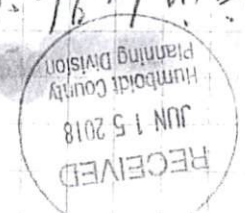
from Jones
Morgan Jones
Jeff Jones

Dr
Cody Cady
R.C.

Paula
B. Allen

Michael Scroggins

Trigian Henderson
y. h. h.



Ag# 13974

2074 Myrtle Ave Unit 1
Eureka CA 95601

2674 Myrtle Ave Eureka CA

2034 Hubbard Ln Eureka
95501

3000 Hubbard Lane Eureka, CA 95501

2644 Myrtle Ave Eureka CA
95501
2895 Skyline Dr Eureka 95503

1017 Emerald Ln Fortuna CA

2640 Myrtle Ave Eureka CA 95501

2312 Myrtle Ave Apt 2 Eureka CA
95501
2640 Myrtle Ave Eureka CA 95501



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

June 14, 2018

Michael Richardson
Humboldt County
3015 H Street
Eureka, CA 95501



Subject: Initial Study/Mitigated Negative Declaration - Garden Apartments Multifamily Rezone & Coastal
Dev. Permit
SCH#: 2018052040

Dear Michael Richardson:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on June 13, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2018052040
Project Title Initial Study/Mitigated Negative Declaration - Garden Apartments Multifamily Rezone & Coastal Dev.
Lead Agency Permit
Humboldt County

Type MND Mitigated Negative Declaration

Description This project proposes to rezone four adjacent parcels in the Myrtle town area, northeast of the city of Eureka, just inside the coastal zone boundary, in order to accommodate a multi-family housing development called the Garden Apts. The project involves: (1) a GPA to change the designation of approx 2.2 acres from CG to RM with a density range of 8 to 30 dwelling units per acre; (2) a rezone of said lands from CG to RM; and (3) an amendment to the local coastal plan.

Lead Agency Contact

Name Michael Richardson
Agency Humboldt County
Phone 707-268-3723
email
Address 3015 H Street
City Eureka
Fax
State CA **Zip** 95501

Project Location

County Humboldt
City Eureka
Region
Lat / Long 40° 46' 56.3" N / 124° 07' 47.3" W
Cross Streets Harris Ave & Hubbard Lane
Parcel No. 016152020, 016152021, 2 others
Township 5N **Range** 1W **Section** 25 **Base** HBM

Proximity to:

Highways HWY 101
Airports Murray Field
Railways
Waterways Ryan Creek, Eureka Slough, Humboldt Bay
Schools Worthington ES
Land Use current LU/Z: CG & CG; proposed LU/Z: RM & RM

Project Issues Aesthetic/Visual; Air Quality; Coastal Zone; Geologic/Seismic; Noise; Population/Housing Balance; Traffic/Circulation; Water Quality; Cumulative Effects

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Wildlife, Region 1E; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 1; Regional Water Quality Control Board, Region 1; State Water Resources Control Board, Division of Water Quality; Native American Heritage Commission

Date Received 05/15/2018 **Start of Review** 05/15/2018 **End of Review** 06/13/2018