



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
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***CITY OF EUREKA PUBLIC HEARING NOTICE***

**NOTICE IS HEREBY GIVEN** that the proposed development described below is within the coastal zone and, pursuant to the Eureka Local Coastal Program, the Coastal Development Permit is scheduled for a public hearing before the Development Services Director on Monday October 29 , 2018 at 11:00 a.m., in Room 207, Second Floor, Eureka City Hall, 531 “K” Street, Eureka, California.

**Project Title:** Caltrans 4<sup>th</sup> Street Safety Upgrade Coastal Development Permit

**Project Applicant:** Caltrans                      **Case No:** CDP-18-0009

**Location:** 4<sup>th</sup> Street from V Street to Myrtle Avenue **APNs:** N/A

**Zoning and General Plan Designation:** CS (Service Commercial)/HSC (Highway Service Commercial)

**Description:** Caltrans is proposing safety improvements within the existing right-of-way of 4<sup>th</sup> Street (Highway 101 southbound) from the Slough Bridge to Broadway. The project includes conversion from a 2-lane to a 3-lane facility, new asphalt, ADA curb ramps, striping, and drainage improvements as well as the section of the project between V Street and Myrtle Avenue is located within the City of Eureka’s coastal permit jurisdiction, and a Coastal Development Permit is required.

**Date of Project Application:** September 12, 2018

**Staff Contact Person:** Raquel Menanno, Assistant Planner; City of Eureka, Development Services Department, Community Development Division; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4113, fax: (707) 441-4202, email: [rmenanno@ci.eureka.ca.gov](mailto:rmenanno@ci.eureka.ca.gov)

All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing. Written comments on the project may be submitted at the hearing or prior to the hearing by mailing or delivering them to the Community Development Division, Third Floor, 531 K Street, Eureka. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. Appeals to the Planning Commission of the action of the Director on the project, or of the Planning Commission’s action to the City Council, may be made within 10 calendar days of the action by filing a written Notice of Appeal, along with the filing fees as set by the City Council, with the City Clerk. The City’s final action is not appealable to the California Coastal Commission. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Development Services Division, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact the department at (707) 441-4160; fax: (707) 441-4202; e-mail:

[planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov)



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## DIRECTOR OF DEVELOPMENT SERVICES

### ADMINISTRATIVE STAFF REPORT

October 29, 2018

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**Project Applicant:** Caltrans                      **Case No:** CDP-18-0009

**Location:** 4<sup>th</sup> Street from V Street to Myrtle Avenue

**APNs:** N/A    **Project Number:** CDP-18-0009

**Zoning and General Plan Designation:** CS (Service Commercial)/HSC (Highway Service Commercial)

**Description:** Caltrans is proposing to improve existing highway facilities located on 4<sup>th</sup> Street (Highway 101 southbound) within the City limits of Eureka from the Slough Bridge to Broadway (referred to as “Caltrans Project”). The Caltrans Project includes grinding, paving, reconstructing curb ramps to meet ADA standards, striping, and drainage improvements as well as the conversion of the existing highway from a 2-lane to a 3-lane facility. No expansion of the existing right-of-way is proposed. Portions of the Caltrans Project are located in the Coastal Zone, with one section between V Street and Myrtle Avenue located within the City of Eureka’s coastal permit jurisdiction (referred to as “CDP Project”), and a Coastal Development Permit from the City is required.

**Date of Project Application:** September 12, 2018

**Staff Contact Person:** Raquel Menanno, Assistant Planner; City of Eureka, Development Services Department, Community Development Division; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4113, fax: (707) 441-4202, email: rmenanno@ci.eureka.ca.gov

**Environmental:** For purposes of the California Environmental Quality Act (CEQA), Caltrans is the Lead Agency. The City of Eureka is a Responsible Agency. The Lead Agency is the California government agency that has the principal responsibility for carrying out a project and the principal responsibility for preparation and adequacy of the CEQA documents.

A Responsible Agency is an agency other than the Lead Agency that has a legal responsibility for approving a project. A Responsible Agency must, except under narrow

circumstances, use the Lead Agency's CEQA document when making a decision on the project.

Caltrans has determined that the proposed project is exempt from CEQA pursuant to a Class 1 categorical exemption (Section 15301), which exempts *the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use. Examples include but are not limited to: (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety.* Further, the Lead Agency has determined that use of the categorical exemption is not barred by one of the exceptions set forth in Section 15300.2 of the CEQA Guidelines.

The City of Eureka, as a Responsible Agency, must consider the CEQA documentation prepared by the Lead Agency, in this case, use of CEQA Class 1 Exemption, and must independently determine the adequacy of the use of the exemption.

**Appeal Jurisdiction:** The Director's action on the Coastal Development Permit is appealable to the Planning Commission. The City's final action on the Coastal Development Permit is not appealable to the Coastal Commission."

**Staff Recommendation and Suggested Motion:** Adopt a Resolution of the Director of Development Services approving the Coastal Development Permit subject to conditions of approval.

*"I hereby adopt a "Resolution of the Director of Development Services of the City of Eureka approving the Coastal Development Permit for Highway Safety Upgrades between Myrtle Avenue and V Street on 4<sup>th</sup> Street (Highway 101 Southbound)."*

**Background:**

The purpose of the Caltrans Project is to decrease traffic collisions and congestion, calm traffic, and enhance pedestrian visibility and access. The portion of US 101 within the Caltrans Project area contains alligator cracking, rutting, delaminating, and is degrading. This section of highway has been the site of multiple concerns from the public, City of Eureka Traffic Safety Committee (TSC), the Senior Action Coalition (SAC), and Caltrans Safety and Operational Investigations in regard to pedestrian mobility, congestion, and traffic collisions.

The Caltrans Project location has been previously constructed and/or paved and as such, would not require any new grading of any significance. There will be no imported borrow or disposal sites for the soil or grindings needed. Cut and fill will be minimal and

excavated soil will be reused onsite. Material excavated during drainage improvements and traffic signal related work will be returned to its original trench. Grindings will be stored off-site, and may be recycled into new asphalt. Storage of grindings in the Coastal zone may require a Coastal Development Permit from either the City of Eureka or the California Coastal Commission.

CDP Project work taking place at the intersection of 4<sup>th</sup> and V St will be located approximately 250 feet north/northwesterly of an off-channel projection of the Eureka Slough. Because the work is proposed within the existing highway/street right-of-way, and Caltrans will implement all appropriate Best Management Practices, the CDP Project is expected to have no effect on the Slough. The CDP Project scope, which includes: grinding, paving, reconstructing curb ramps to meet ADA standards, striping, and drainage improvements, is expected to be completed in a single construction season.

**Applicable Regulations:** The Eureka Municipal Code, Section 10-5.29310.1 specifies that a coastal development permit shall only be approved upon making the finding that the proposed development conforms to the policies of the certified local coastal program (LCP).

**Analysis:** The CDP Project site is located in the California Coastal Zone and a Coastal Development Permit is required. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the project is appealable to the state Coastal Commission. Staff has reviewed the adopted Local Coastal Program for goals and policies that may affect or be affected by the project and found the following:

Land Use Plan:

## **GENERAL PUBLIC FACILITIES AND SERVICES**

### ***Goal 4.A***

*To ensure the effective and efficient provision of public facilities and services for existing and new development.*

*4.A.4 The City declares that existing public works facilities, including water, wastewater, storm water, highway, and railroad facilities serving the Planning Area are essential to the economic and social wellbeing of the people and shall be maintained, enhance, and restored to assure orderly and balanced utilization and conservation of natural and human-created resources.*

The CDP Project proposes to improve highway facilities between Myrtle Avenue and V Street on 4<sup>th</sup> Street through grinding, paving, reconstructing curb ramps to meet ADA standards, striping, and drainage improvements. No expansion of the existing road prism is proposed.

## **RECREATIONAL AND CULTURAL RESOURCES**

### ***Archeological Resources***

*Goal 5.F*

*To identify, protect, and enhance Eureka's important archeological and cultural sites and their contributing environment.*

*5. F.2 The City shall solicit the views of the Native American Heritage Commission and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.*

Project referrals were sent to the three local Native American Tribes. Because all disturbance is confined to fill or previously disturbed ground, the Tribes requested inadvertent discovery language be included as a condition of approval.

If buried cultural resources are unearthed during construction, it is Caltrans' policy to halt all work in the area of the inadvertent discovery, until a qualified archaeologist can assess the significance of the find, and notify affiliated tribal representatives, and appropriate personnel across involved agencies. If human remains are inadvertently unearthed during construction, no further disturbance shall occur until the County Coroner has determined the origin and disposition of the remains as stated by law within California State Health and Safety Code section 7050.5.

There are no visitor serving or recreation uses on the property, and the site does not directly access Humboldt Bay.

**Implementation Plan (Zoning):**

The Implementation Plan (Zoning) regulations are adopted to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. The portion of US 101 within the Caltrans Project area has been the site of multiple concerns from the public, City of Eureka Traffic Safety Committee (TSC), the Senior Action Coalition (SAC), and Caltrans Safety and Operational Investigations in regard to pedestrian mobility, congestion, and traffic collisions. The Caltrans Project will decrease traffic collisions and congestion, calm traffic, and enhance pedestrian visibility and access, all of which increase the public's health, safety, and welfare as they utilize 4<sup>th</sup> Street in the City. As such, the CDP Project is not in conflict with, and is supported by, the Implementation Plan.

The proposed project was submitted to referral agencies and City departments for review and comment. No agencies or departments responded with any concerns or comments that would impact the public health or safety.

**Summary:**

Caltrans will incorporate Best Management Practices to ensure coastal resources will not be impacted. The proposed project does not conflict with the development standards contained in the City's Implementation Plan, nor does the CDP Project conflict with the

Land Use or Implementation Plan as the purpose of the project is safety improvements through repair and maintenance.

Based on the discussion above, the proposed project is consistent with the Local Coastal Program.

**Support Material:**

Attachment 1: Director Resolution ..... pages  
Attachment 2: Caltrans CEQA Exemption ..... pages  
Attachment 3: Vicinity Maps ..... pages  
Attachment 4: Plan Sheets ..... pages

**DIRECTOR OF DEVELOPMENT SERVICES  
RESOLUTION NO. 2018-\_\_**

**RESOLUTION OF THE DIRECTOR OF DEVELOPMENT SERVICES  
OF THE CITY OF EUREKA APPROVING THE COASTAL DEVELOPMENT PERMIT  
FOR STREET SAFETY UPGRADES BETWEEN MYRTLE AVENUE AND V STREET ON  
4<sup>TH</sup> STREET (HIGHWAY 101 SOUTHBOUND)**

WHEREAS, Caltrans is proposing to improve safety on an existing highway facility through grinding, paving, reconstructing curb ramps to meet ADA standards, striping, and drainage improvements (Caltrans Project); and

WHEREAS, the purpose of the Caltrans Project is to decrease traffic collisions and congestion, calm traffic, and enhance pedestrian visibility and access; and

WHEREAS, the Caltrans Project area extends from the Eureka Slough Bridge to Broadway on 4<sup>th</sup> Street (US Highway 101 southbound) in the City of Eureka; and

WHEREAS, the project area on US 101 contains alligator cracking, rutting, delaminating, and is degrading; and

WHEREAS, this section of highway in the Caltrans Project area has been the site of multiple concerns from the public, City of Eureka Traffic Safety Committee (TSC), the Senior Action Coalition (SAC), and Caltrans Safety and Operational Investigations in regards to pedestrian mobility, congestion, and traffic collisions; and

WHEREAS, one section of the Caltrans Project located between V Street and Myrtle Avenue (referred to as “CDP Project”) is within the coastal zone and the City of Eureka’s coastal permit jurisdiction and a Coastal Development Permit is required; and

WHEREAS, work taking place at the intersection of 4<sup>th</sup> and V Streets will be located approximately 250 feet from an off-channel projection of the Eureka Slough; and

WHEREAS, the proposed project was submitted to referral agencies and City departments for review and comment and no agencies or departments responded with any concerns or comments that would impact public health or safety.

NOW THEREFORE, BE IT RESOLVED by the Director of Development Services of the City of Eureka, that:

1. The Caltrans Project extends from the Eureka Slough Bridge to Broadway on 4<sup>th</sup> Street (Highway 101 southbound).
2. This portion of US 101 Highway contains physical damage of degradation, and has been the site of multiple concerns from the public, City of Eureka Traffic Safety Committee (TSC), the Senior Action Coalition (SAC), and Caltrans Safety and Operational Investigations in regard to pedestrian mobility, congestion, and traffic collisions.

3. The purpose of the Caltrans Project is to decrease traffic collisions and congestion, calm traffic, and enhance pedestrian visibility and access through grinding, paving, reconstructing curb ramps to meet ADA standards, striping, and drainage improvements.
4. One section of the Caltrans Project is located on 4<sup>th</sup> Street between V Street and Myrtle Avenue and is within the City of Eureka's coastal permit jurisdiction (referred to as "CDP Project").
5. The CDP Project location has been previously constructed and/or paved and as such, the project will not require any significant grading.
6. No imported borrow or disposal sites for soil are needed.
7. Cut and fill will be minimal and excavated soil will be reused onsite.
8. Material excavated during drainage improvements and traffic signal related work will be returned to its original trench.
9. Work taking place at the intersection of 4<sup>th</sup> and V Street will be located approximately 250 feet north/northwesterly from an off-channel projection of the Eureka Slough.
10. The CDP Project, as conditioned, will have no effect on the slough.
11. The CDP Project is expected to be completed in a single construction season.
12. The CDP project does not conflict with the Land Use and Implementation Plan as the purpose of the project is safety improvements through repair and maintenance.
13. The CDP Project, as conditioned, does not conflict and is in conformance with the adopted and certified Implementation Plan (Zoning) and the Land Use Plan.
14. For purposes of the California Environmental Quality Act (CEQA), Caltrans is the Lead Agency; the City of Eureka is a Responsible Agency.
15. Caltrans has determined that the proposed project is exempt from CEQA pursuant to a Class 1 categorical exemption (Section 15301).
16. The City of Eureka, as a Responsible Agency has considered the Class 1 Exemption prepared by Caltrans, and the Director of Development Services certifies that he has viewed and considered the information contained in the Class 1 Exemption, and concurs that the project is exempt from CEQA pursuant to a Class 1 categorical exemption (Sections 15301).
17. Both Caltrans and the City of Eureka have determined that use of the categorical exemption is not barred by one of the exceptions set forth in Section 15300.2 of the CEQA Guidelines.

BE IT FURTHER RESOLVED and determined by the Development Services Director that the project, as conditioned, is approved, and that the decision to approve with conditions the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written testimony submitted prior to the date of the decision; the staff report; site investigation; agency comments; project file; and, the evidence submitted with the permit application.

FURTHER, approval of the Coastal Development Permit is conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. Caltrans shall implement Best Management Practices as described in the application as standard measures during construction to avoid impacts to the Slough adjacent to 4<sup>th</sup> Street.

2. If cultural resources are encountered during any ground disturbing activities, the applicant and its construction contractor 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 Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted to evaluate the discovery and, in consultation with the applicant and lead agency, development of a treatment plan in any instance where significant impacts cannot be avoided shall be completed to the satisfaction of the Tribal Historic Preservation Officers prior to the resumption of construction activities at the location.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials.

3. If human remains are found by the applicant or construction contractor during grading or other construction activities, California Health and Safety Code 7050.5 requires that applicant or its construction contractor call the County Coroner immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission shall 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”

4. Violations of the conditions relating to ground disturbing activities shall be subject to penalties as allowed under current laws and codes.

5. Asphalt grindings will not be reused as fill for the project. If grindings are to be stored within city limits and/or within the Coastal Zone, then a Coastal Development, if required, will be obtained prior to storage of the grindings, to the satisfaction of the City of Eureka Development Services Department and/or the California Coastal Commission.

**PASSED, APPROVED AND ADOPTED** by the Director of Development Services of the City of Eureka in the County of Humboldt, State of California, on the 29<sup>th</sup> day of October, 2018.

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Rob Holmlund, Director of Development Services