



# Mill District Specific Plan Amendment Draft Supplemental Environmental Impact Report (SEIR)

August 29, 2024

This document has been prepared by:

**PLANWEST**   
PARTNERS, INC.

670 9th Street, Suite 201  
Arcata, CA 95521



# TABLE OF CONTENTS

**EXECUTIVE SUMMARY ..... i**

    ES.1    PROJECT LOCATION AND SETTING ..... i

    ES.2    PROJECT DESCRIPTION ..... i

    ES.3    ALTERNATIVES ..... iii

    ES.4    SUMMARY OF IMPACTS AND MITIGATION MEASURES ..... iv

**1. INTRODUCTION ..... 1**

    1.1    BACKGROUND ..... 1

    1.2    PROPOSED CHANGES TO THE FORTUNA GENERAL PLAN ..... 3

    1.3    CEQA UPDATES SINCE CERTIFICATION OF THE 2010 Previous FEIR ..... 7

    1.4    PURPOSE, SCOPE, AND LEGAL AUTHORITY ..... 8

    1.5    EXPLANATION OF DECISION TO PREPARE A SUPPLEMENTAL EIR ..... 8

**2. PROJECT DESCRIPTION ..... 9**

    2.1    PROJECT TITLE ..... 9

    2.2    LEAD AGENCY ..... 9

    2.3    PROJECT LOCATION ..... 9

    2.4    PROJECT SETTING AND SURROUNDING USES ..... 11

    2.5    PROJECT BACKGROUND ..... 13

    2.6    PROJECT OBJECTIVES AND CHARACTERISTICS ..... 21

    2.7    PROJECT COMPONENTS ..... 23

    2.8    CUMULATIVE IMPACTS ..... 50

    2.9    DISCRETIONARY ACTIONS WHICH MAY BE REQUIRED ..... 50

**3. ISSUES REQUIRING CHANGES TO PRIOR EIR ..... 53**

    3.1    LAND USE ..... 53

    3.2    TRANSPORTATION AND CIRCULATION ..... 74

    3.3    NATURAL AND CULTURAL RESOURCES ..... 94

    3.4    PARKS, RECREATION, AND VISUAL RESOURCES ..... 106

    3.5    PUBLIC HEALTH AND SAFETY ..... 111

**4. IMPACTS FOUND TO HAVE NO SUBSTANTIAL CHANGE FROM PREVIOUS ANALYSIS ..... 123**

    4.1    LAND USE ..... 123

    4.2    TRANSPORTATION AND CIRCULATION ..... 125

4.3 NATURAL AND CULTURAL RESOURCES..... 130

4.4 PARKS, RECREATION, OPEN SPACE, AND VISUAL RESOURCES ..... 137

4.5 PUBLIC FACILITIES AND SERVICES ..... 140

4.6 PUBLIC HEALTH AND SAFETY ..... 151

**5. MANDATORY CEQA TOPICS ..... 160**

5.1 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS..... 160

5.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES..... 162

5.3 GROWTH-INDUCING IMPACTS..... 162

**6. EIR Preparers..... 164**

6.1 Lead Agency ..... 164

6.2 EIR Consultant ..... 164

6.3 Sub Consultants..... 164

**LIST OF FIGURES**

Figure 1: Project Site ..... 5

Figure 2: Mill District Specific Plan Area ..... 10

Figure 3: Land Use and Zoning Change Areas within and Outside the MDSP ..... 29

Figure 4: MDSP Sub Areas..... 35

Figure 5: Proposed Fortuna Mill Commerce Center Improvements ..... 37

Figure 6 (3.2a): Overall Smart Growth Score for the Existing Condition..... 89

Figure 7 (3.2b): Overall Smart Growth Score for the General Plan Buildout Plus MDSP ..... 90

Figure 8: Flood Hazard Zones and the Project Site..... 112

Figure 9: Base Condition (Natural Profile) - 100 Year Event..... 118

Figure 10: Proposed Project Condition (Encroached Profile) - 100 Year Event..... 119

Figure 11: Water Surface Elevation for Base and Encroached Conditions..... 119

Figure 12: Change in Water Surface Elevation Between Base and Encroached Conditions ..... 120

**LIST OF TABLES**

Table 1: Summary of Impacts, Mitigations, and Significance Levels .....v

Table 2: Project Site ..... 3

Table 3: Project Site Information ..... 12

Table 4: Existing and Proposed General Plan Land Use Designations Within MDSP Boundary... 28

Table 5: Existing and Proposed General Plan Land Use Designations Outside MDSP Boundary. 28

Table 6: Existing and Proposed Zoning Classifications Within MDSP Boundary ..... 47

Table 7: Existing and Proposed Zoning Classifications Outside MDSP Boundary..... 47

Table 8: MDSP Area Assumed Buildout ..... 48

Table 9: City of Fortuna Tracking of Commercial and Industrial Square Footage..... 70

Table 10: Mill District Conceptual or Assumed Buildout..... 71

Table 11: Citywide Land Use Diversity and Density Scores (Existing Condition)..... 88

Table 12: Diversity and Density Scores Existing Condition plus MDSP..... 88

Table 13: Diversity and Density Scores General Plan Buildout without the MDSP ..... 91

Table 14: Land Use Diversity and Density Scores General Plan Buildout Plus the MDSP ..... 91

Table 15: Ideal Smart Growth Score Compared to the Countywide Smart Growth Score ..... 92

**LIST OF APPENDICES**

- Appendix A: Draft Mill District Specific Plan
- Appendix B: GHD Technical Memorandum “VMT Option 2 / Smart Growth Score”
- Appendix C: Cultural Resources Investigation Report of the Fortuna Mill Commerce Center
- Appendix D: Floodplain Encroachment Analysis Technical Memorandum
- Appendix E: Utility and Infrastructure Conceptual Design Technical Memorandum
- Appendix F: Aquatic Resources Delineation and Biological Impacts Analysis

---

# EXECUTIVE SUMMARY

---

## ES.1 PROJECT LOCATION AND SETTING

The proposed project is located in the City of Fortuna, Humboldt County, California and includes the Mill District Specific Plan (MDSP) Area, off-site improvement areas, and land use change areas not associated with the MDSP. The project encompasses a total area of 150.3 acres, 104.4 of which comprise the MDSP Area. The project is located about 20 miles south of Eureka and 253 miles north of San Francisco. The MDSP Area is bordered to the west by Highway 101 and South Fortuna Boulevard to the east, with key areas like Newburg Road to the north and Kenmar Road to the south. The project location provides significant access points and connectivity. The surrounding landscape features residential and commercial areas.

## ES.2 PROJECT DESCRIPTION

The MDSP is intended to implement the Fortuna General Plan 2030 Land Use Element Mill District Focus Area policies and facilitate the transformation of the former Pacific Lumber Company (PALCO) mill, which has been underutilized since its closure in 2004. The Mill District Focus Area policies aim to revitalize the local economy and enhance community amenities by accommodating mixed-use development that integrates residential, commercial, and compatible light-industrial development.

The MDSP and corresponding General Plan and Zoning amendments will enable the flexible and beneficial redevelopment of the MDSP Area by allowing a diverse range of land uses, providing a balanced transportation network, protecting and enhancing the Strongs and Mill Creek riparian areas, and providing integrated open space areas. MDSP allowable land uses include mixed use, flex space, transportation, general commercial, advanced manufacturing, office, residential, and industrial activities.

General Plan amendments to implement will revise the document narrative, the Mill District (MD) Land Use Designation, Mill District Focus Area policy, and modify industrial and commercial use caps in the Land Use Element. The General Plan Land Use Map will also be revised to expand the MDSP Area to include an adjacent underutilized light industrial/commercial area, remove non-MDSP areas, and apply an appropriate land use designation to the Riverwalk District land use change area. The MDSP implementing Zoning amendments will ensure consistency with the General Plan and include a new Q – Qualified Zone.

## Proposed General Plan Amendments

### 1. Deletion of Mill District Area Plan References:

- All references to the previously drafted Mill District Area Plan, which was not formally adopted into the General Plan, will be removed.

### 2. Modification of Mill District (MD) Land Use Designation:

- This amendment will expand the range of permissible industrial uses within the MDSP Area and modify the maximum allowable Floor Area Ratio (FAR) to align with the adjacent areas along South Fortuna Boulevard, where an FAR of 0.8 is allowed. This change reflects the City's strategic goal to encourage denser developments within the Mill District Area, including industrial.

### 3. Changes to Mill District Focus Area Policy:

- **LU-14.1 Compatible Uses:** The terminology and criteria will be changed from "appropriate light industrial" to "compatible industrial uses," which includes development standards to mitigate potential impacts on surrounding areas and uses.
- **LU-14.3 Open Space and Parkland:** Policies will be revised to allow certain developments within the 100-year floodplain areas of the Mill District so long as the development adheres to revised General Plan policies and floodplain regulations.

### 4. Changes to Commercial and Industrial Development Programs:

- The City plans to remove and replace arbitrary caps on commercial and industrial developments. Instead, a monitoring program will be established to actively track developments and address any signs of urban decay.

### 5. Changes to the General Plan Land Use Map and Zoning Adjustments:

- Proposed changes to the General Plan Land Use Map within and outside the MDSP boundaries are intended to ensure that land use designations are consistent with actual property uses and facilitate the provision of open space and recreational areas.

## Proposed Fortuna Municipal Code Amendments

1. Zoning classifications within Fortuna Municipal Code Title 17, Zoning Regulations, will be amended to support the range of uses envisioned in the MDSP, including the introduction of a new "Q" Qualified Combining Zone to accommodate diverse development standards and uses.

This Project Description includes several related projects that are related but located outside of the MDSP Area:

1. The City of Fortuna Riverwalk District land use change area is not directly related to the MDSP but involves a General Plan amendment to change the General Plan Land Use Designation as well as the Zoning Classification of land that is planned for future park use. These actions are combined with the MDSP for purposes of environmental review as they are on the same timeline.
2. The City of Fortuna sewer interceptor upgrade provides capacity for MDSP and surrounding area build out.
3. The City of Fortuna has received funding to plan and design the 12<sup>th</sup> Street and Kenmar U.S. 101 highway interchange improvements/roundabout projects, which are identified as Fortuna General Plan 2030 mitigations in Mitigation Measure 4.1-1a of the previous FEIR Section 4-1.1: cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (including exceeding, either individually or cumulative, LOS standards), and will be located partially within the MDSP Area and provide capacity for MDSP vehicle trips at buildout. The City of Fortuna prepared an Initial Study & Proposed Mitigated Negative Declaration for the Kenmar Road and US 101 Interchange Project in December 2022 (SCH Number 2022120278) and a Notice of Completion for this project was filed on December 9, 2022. CEQA Documents relating to the Kenmar Road and U.S. 101 Interchange Project may be accessed at the City of Fortuna Community Development Department, 621 11th Street, Fortuna, or online using CEQAnet at <https://ceqanet.opr.ca.gov/Project/2022120278>.

## ES.3 ALTERNATIVES

The previous FEIR is a Programmatic EIR intended to serve three purposes. First, it identified mitigation measures, included as policies and programs in the General Plan to avoid or reduce significant environmental effects associated with implementing the General Plan. Second, it established the environmental framework for adoption of the General Plan, providing information to the public, Planning Commission, and City Council concerning the potential consequences of the Plan. Third, it serves to streamline environmental review for subsequent

projects that implement the proposed plan (e.g., specific plans, individual projects), such as the MDSP.

Consistent with recommendations in the Governor’s Office of Planning and Research General Plan Guidelines Chapter 10, CEQA, this supplemental EIR contains the standard EIR content requirements (i.e., project description, environmental setting, significant effects, mitigation measures, etc.), but does not duplicate information and analysis that is already included in the program EIR, including the environmental setting, project alternatives, and cumulative impacts. The previous FEIR considered three Alternates in Chapter 9, Plan Alternatives: The No Project (Existing 1993 General Plan) Alternative; the Reduced Density Alternative; and the Resource Management Alternative, each of which included a discussion of the Mill District.

- Under the No Project Alternative, the existing 1993 General Plan and associated Land Use Diagram would remain in effect and continue to govern Fortuna’s development; the proposed General Plan 2030 would not be adopted, including the Mill District Land Use Designation and Focus Area Policy.
- Under the Reduced Density Alternative, the same goals, policies, and implementing programs would be adopted as under proposed plan, except that the commercial and industrial square footage targets would be adjusted downward to provide approximately 20% less commercial and industrial development and land use designations in certain areas would be changed to provide approximately 10% less residential development.
- Under the Resource Management Alternative, the same goals, policies, and implementing programs would be adopted as under proposed plan, except that areas of significant agricultural and biological resources would be designated as Agriculture (AG) and Open Space (OS), respectively.

The previous FEIR concluded that the reduced density alternative would have the least impact, followed by the resource management alternative, the proposed general plan, and the no project (existing 1993 general plan) alternative, and in accordance with CEQA guidelines section 15126.6(e), the reduced density alternative is identified as the “environmentally superior alternative”. Given that the previous FEIR adequately addresses alternatives for this action, this supplemental EIR does not duplicate that analysis. Pertinent discussions from the program EIR are appropriately cited and incorporated by reference into this subsequent EIR.

## **ES.4 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

The following table identifies, by impact topic, the significant project impacts, proposed mitigation measures, and post-mitigation significance. Additional information about the impacts and mitigation measures can be found in Chapter 3.

**Table 1: Summary of Impacts, Mitigations, and Significance Levels**

Summary of Environmental Impact	Level of Significance Under Proposed Plan	Mitigation Measures that Address the Impact	Significance After Mitigation
<b>3.1.1 LAND USE AND LAND USE PLANS</b>			
<p>Impact LU-01: Would the project physically divide an established community?</p> <p>The MDSP will continue to provide street connections and multi-modal pathway connections and is intended to become an integral part of the City transportation system. Given that the proposed changes to the Fortuna General Plan Land Use Element and the MDSP policies and performance measures are comparable to the Mill District Focus Area policy that was analyzed in the previous FEIR, the potential impacts are comparable and would not change the prior finding that the MDSP will not divide an established neighborhood.</p>	Less Than Significant	None required	Less Than Significant
<p>Impact LU-03: Would the project 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?</p> <p>The maximum height for new or altered buildings within the Project site allowed under the Fortuna General Plan, MDSP, and Fortuna Zoning Regulations would not constitute hazards to</p>	Less Than Significant	None required	Less Than Significant

Summary of Environmental Impact	Level of Significance Under Proposed Plan	Mitigation Measures that Address the Impact	Significance After Mitigation
<p>aircraft in flight and the permit process for design review would ensure that land uses do not generate emissions, such as light, glare, and smoke that would impair aircraft operations. These ongoing requirements would reduce the potential for conflicts from the Mill District Specific Plan to the implementation of the ALUCP to less than significant.</p>			
<p>Impact LU-03: Would the project result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land?</p> <p>The addition of industrial as an allowable use in the Mill District Land Use Designation, outside of the Creek Riparian and Trails Areas and the Residential Area, will offset the loss of industrial land in the Riverwalk District and the potential that the Airport Area may not be annexed to the City for industrial use, and ensure the City continues to meet the projected demand for industrial land. Therefore, a less-than-significant impact will occur.</p>	<p>Less Than Significant</p>	<p>None required</p>	<p>Less Than Significant</p>
<p><b>3.1.2 ECONOMIC IMPACTS</b></p>			
<p>Impact ECO-01: Would the project result in the development of new commercial or industrial space which exceeds the absorptive capacity for</p>	<p>Less Than Significant</p>	<p>None required</p>	<p>Less Than Significant</p>

<p><b>Summary of Environmental Impact</b></p>	<p><b>Level of Significance Under Proposed Plan</b></p>	<p><b>Mitigation Measures that Address the Impact</b></p>	<p><b>Significance After Mitigation</b></p>
<p>those uses in Humboldt County, potentially resulting in blight conditions?</p> <p>The removal of policies and programs that establish commercial and industrial square footage caps and the allocation of square footage by land use designation or area within the City would not in and of itself result in new building square footage or change where or when new commercial or industrial development would occur. The proposed Land Use Element policy and implementation programs would maintain the original policy objective, presumably to prevent urban decay and to track the distribution of development but do so through an ongoing monitoring and reporting program that engages the public, City policymakers, and interested parties rather than through a potentially arbitrary cap.</p> <p>Given that the FMCC development concept or other development within the MDSP does not identify future tenants and does not establish a specific commercial or industrial land use program to be developed according to a phasing schedule and would instead likely be developed over time according to regional demand, the removal of land use caps is replaced by an ongoing monitoring and</p>			

Summary of Environmental Impact	Level of Significance Under Proposed Plan	Mitigation Measures that Address the Impact	Significance After Mitigation
reporting program, the proposed Land Use Element amendments and MDSP would not be presumed to result in urban decay.			
<b>3.2.1 VEHICLE MILES TRAVELED</b>			
<p>Impact 3.2.1-01: Would the implementation of the MDSP result in a smart growth score whose deviation from the ideal score of “100 is at least 4% lower than the existing regional average deviation from the ideal score for Humboldt County, where the Countywide average deviation from the ideal score is 25.70?</p> <p>The General Plan and Zoning proposed to be applied to the MDSP Area could allow all residential development or all commercial/industrial development, or any mixture thereof. Because the conceptual development plan and the proposed General Plan and Zoning to be applied to the MDSP Area could allow a land use mix that exceeds the CEQA VMT threshold, the VMT impacts of the proposed MDSP would be considered potentially significant.</p> <p>New Policies are recommended to be added to Goal LU-1 in the Citywide Growth and Development and Goal LU-14 Focus Area: Mill District of the Land Element as mitigation measures to lessen potential VMT impacts of the</p>	Potentially Significant	<p><b>Proposed Policy LU-1.20</b></p> <p>The City shall work with HCAOG to incorporate findings and recommendations of the ongoing Multimodal and Vibrant Neighborhood Planning Project, or other similar HCAOG planning efforts, to develop and implement policies and programs to be included in the City General Plan, or other appropriate plans, and projects related to the City’s transportation system to reduce automobile dependency for local trips.</p> <p><b>Proposed Policy LU-14.5</b></p> <p>To the extent feasible, the proposed developments within the MDSP Area and within a walkable 0.5-mile distance to the Mill District shall seek to incorporate residential uses to complement proposed non-residential uses within the Mill District in order to achieve a more balanced land use mix within the City of Fortuna.</p>	Significant and unavoidable

<p><b>Summary of Environmental Impact</b></p>	<p><b>Level of Significance Under Proposed Plan</b></p>	<p><b>Mitigation Measures that Address the Impact</b></p>	<p><b>Significance After Mitigation</b></p>
<p>proposed MDSP and implementation of the Fortuna General Plan. The potential efficacy of these mitigation measures cannot be determined at this time. As a result, project-related VMT is considered a significant and unavoidable impact.</p>		<p><b>Proposed Policy LU-14.6</b></p> <p>The City shall work with the Fortuna Mill Commerce Center property owner and applicant for development within the MDSP Area to implement a Class I trail through the Mill District as part of the Great Redwood Trail and/or Strongs Creek Trail in order to provide a continuous active transportation corridor between Fortuna Boulevard and Newburg Road / 12th Street, as specified in the Mill District Specific Plan (MDSP) Bicycle and Pedestrian Access performance standard and shown on the circulation diagram.</p> <p><b>Proposed Policy LU-14.8</b></p> <p>The City shall work with HCAOG to incorporate findings and recommendations of the ongoing Multimodal and Vibrant Neighborhood Planning Project, or other similar HCAOG planning efforts, to plan and implement projects to improve low stress connectivity of nonmotorized transportation modes between the Mill District site and the surrounding established neighborhoods.</p>	

Summary of Environmental Impact	Level of Significance Under Proposed Plan	Mitigation Measures that Address the Impact	Significance After Mitigation
<b>3.3.1 TRIBAL CULTURAL RESOURCES</b>			
<p>Impact 3.3.1-01: Would the implementation of the MDSP disturb any human remains, including Native American remains interred outside of formal cemeteries?</p> <p>The archeological survey did not identify historic or prehistoric resources but suggested that resources could be present. The survey report recommended cultural resource monitoring for specific areas containing undisturbed soils and inadvertent discovery protocols that specify that work shall halt within 100 feet of the find and a qualified archaeologist and tribal representative(s) should be contacted immediately to evaluate the find. The recommendations contained in the survey report exceed the performance measures contained in the MDSP. As a result, mitigation measures are required to avoid impacts to human remains, including Native American remains, or Tribal Cultural Resources. Therefore, impacts from the project could be significant without the incorporation of mitigation that would require that MDSP performance measures provide the protections specified in the ARSC survey report recommendations.</p>	Potentially Significant	<p>CUL-1. Revise MDSP Cultural Resources Performance Measure as follows:</p> <p><u>Archaeological monitoring shall be required for any subsurface ground disturbance occurring within undisturbed soils which may be sensitive for cultural resources outlined in A Cultural Resources Investigation of the Fortuna Mill Commerce Center Final Report, Appendix D -previous Geotechnical Investigations and Cultural Sensitivity Map, which include (1) SHN Geotechnical Boring Location and ARSC sensitivity overlay Map; (2) SHN Test Pit Logs (2005), sensitive soils: Pages 25, and 27-29 of Document; (3) Geotechnical Test Pit Location with APE Aerial Overlay and Archaeological Monitoring Area Map; and (4) Archaeological Monitoring Area and APE Aerial Overlay Map, 1:3,000 Scale.</u></p> <p>Ground-disturbing activities shall be immediately halted upon the discovery of potentially significant Tribal cultural resources, historic, or archaeological materials such as (but not limited to) concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts</p>	Less Than Significant

Summary of Environmental Impact	Level of Significance Under Proposed Plan	Mitigation Measures that Address the Impact	Significance After Mitigation
		<p>(chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. <u>Contact the City of Fortuna, a professional archaeologist and representatives from the Bear River Band of Rohnerville Rancheria and the Wiyot Tribe. The professional historic resource consultant, Tribes and City officials will coordinate, provide an assessment of the find and determine the significance and recommend next steps. If human remains are encountered, all applicable requirements of the California Health and Safety Code and Public Resources Code shall be followed.</u></p> <p>Ground-disturbing project activities may continue in areas at least <del>66</del> <u>100</u> feet from the site of discovery or any nearby area reasonably suspected to overlie adjacent human remains, whichever is more restrictive, <del>per the requirements of CEQA</del></p>	

Summary of Environmental Impact	Level of Significance Under Proposed Plan	Mitigation Measures that Address the Impact	Significance After Mitigation
		<del>(Revised Guidelines, Title 14 CCR 15064.5 (f)).</del>	
<b>3.4.1 PARKS, RECREATION AND OPEN SPACE</b>			
<p>Impact 3.4.1-01: Would the implementation of the MDSP create an increased demand for access to open space that cannot be met.</p> <p>The amendment to Policy LU-14.3 to remove the requirement that the 100-year flood plain be maintained as open space does not reduce the land within the City and General Plan Planning Area designated as Open Space (OS). The expansion of Overlook Park and Strongs Creek Trail connectivity through the MDSP, defined by General Plan Policy LU-14.3 and the transportation concept of the MDSP set forth in the Bicycle and Pedestrian Access performance criteria, do not change General Pan policies or programs relating to the provision of open space and collectively enhance recreational opportunities for the community and would therefore not result in changes that would affect the previous FEIR determination that impacts to open space would be beneficial.</p>	Less Than Significant	None required	Less Than Significant
<b>3.5.1 FLOODING</b>			
Impact 3.5.1-01: Would the implementation of the MDSP	Less Than Significant	None required	Less Than Significant

<p><b>Summary of Environmental Impact</b></p>	<p><b>Level of Significance Under Proposed Plan</b></p>	<p><b>Mitigation Measures that Address the Impact</b></p>	<p><b>Significance After Mitigation</b></p>
<p>A. Place Housing or Other Structures Within a 100-Year Flood Hazard Area which would impede or redirect flood flows or expose people or structures to a significant risk of loss, injury, or death involving flooding.</p> <p>B. Place within a 100-year Flood Hazard Area structures which would impede or redirect flood flows;</p> <p>C. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee?</p> <p>MDSP performance standards require that development within the 100-year floodplain be consistent with the Health and Safety Element policies relating to flood hazards, in particular Policy HS-7.6, Regulating Land Uses in the 100-Year Floodplain, and City of Fortuna Municipal Code Title 15, Division 2, Floodplain Management Regulations. These General Plan policies, including expanded riparian setback buffer for Strongs and Mill Creeks, and City regulations, combined with MDSP performance measures, would minimize potential flood hazards, resulting in less than significant anticipated impacts relating to housing or other structures within a 100-Year Flood Hazard</p>			

<p><b>Summary of Environmental Impact</b></p>	<p><b>Level of Significance Under Proposed Plan</b></p>	<p><b>Mitigation Measures that Address the Impact</b></p>	<p><b>Significance After Mitigation</b></p>
<p>Area, structures that could impede or redirect flood flows within a 100-Year Flood Hazard Area, and people or structures that could be involved in flooding.</p>			

# 1. INTRODUCTION

---

## 1.1 BACKGROUND

A Draft Program Environmental Impact Report (State Clearinghouse # 2007062106) was prepared for the City of Fortuna General Plan 2030 (General Plan) in July 2010. The Fortuna City Council certified a Final Environmental Impact Report (previous FEIR) adopting the General Plan in October 2010. The General Plan projects that the City's buildout population would be 24,904 persons, an increase of 6,370 from 2009 and that employment within the City would grow by 9,625 employees from 3,342 in 2009 to 12,967 in year 2030.

The General Plan assumes that buildout would occur after the time horizon of the proposed plan (2030) based on then-current growth rates. It should be noted that population growth between the years 2010 and 2020 occurred at an average annual rate of 0.49 percent, rather than the projected 1.6 percent assumed in the previous FEIR. The current population of Fortuna is 12,256, based on estimates contained in Report E-5, published by the California Department of Finance, published in May 2023.

The General Plan identified the former PALCO mill site as a Citywide Opportunity, which are defined as unique, favorable, or advantageous conditions within the City's Planning Area. The General Plan Land Use Element included the Mill District (MD) Land Use Designation and defined a set of goals, policies, and implementation programs for the Mill District Focus Area (Goal LU-14). A draft Mill District Area Plan was prepared in 2008 prior to preparation of the Draft General Plan Program EIR.

The 2008 draft Mill District Area Plan outlined the goals, policies, objectives, programs, development concepts, design criteria, and land use plans for the Mill District. The draft Mill District Area Plan was evaluated as part of the proposed General Plan in the Draft General Plan Program EIR and is included as Appendix H to that document. The draft Mill District Area Plan is referenced in the Fortuna General Plan 2030, but was not adopted, either as part of the Fortuna General Plan 2030 or separately as an Area Plan.

The previous FEIR considered the re-designation of the Mill District (the former mill site and adjacent residential and commercial area) from manufacturing, commercial, multi-family and commercial to "Mill District," which is a mixed-use designation that allows retail, service, restaurants, entertainment, office, and residential uses. Approximately 24.1 acres of the MDSP Area, or 23 percent of the land, lies within the 100-year flood plain and was intended to be maintained as open space in Mill District Focus Area policy (LU-14.3 Open Space and Parkland). The General Plan Buildout Calculations (Previous FEIR, Draft PEIR Table 3.1-6) assumed that at buildout the Mill District Land Use Designation would accommodate 300 new housing units, with

a residential population of 702 people, and 300,000 square feet of non-residential development. The previous FEIR also projected that the Mill District would generate 309 peak hour trips during the morning peak hour and 913 trips during the evening peak hour.

Within the previous FEIR, most Mill District impacts were analyzed as a component of overall Fortuna General Plan 2030 buildout, except for Impact Topic 3.1-3: Result in Negative Community Character, Substantial Land Use Conflicts, or an Inadequate Amount of Industrially-Designated Land (Mill District Area Plan). This analysis noted that development of the Mill District would result in higher densities than the existing and surrounding development but concluded that potential impacts would be less than significant because the General Plan includes policies to preserve open space, cluster higher density development, and ensure the compatibility of new development with existing uses. In addition, the General Plan calls for phasing out industrial uses within the Mill District and concludes that that this will not result in an inadequate amount of industrially-designated land considering almost 80 acres of land within two proposed annexation areas are designated for industrial use. The two proposed annexation areas intended to accommodate future industrial demand include the Riverwalk District Annexation area, which was annexed into the City in 2013; however, this area was not planned or zoned for industrial use, and the Rohnerville Airport Annexation Area, which has not been annexed.

As described in Section 1.3, Use of this EIR as a Program EIR, the PIER evaluated the proposed General Plan's environmental impacts at a programmatic, or general, level, rather than a project-specific level. The previous FEIR analysis is considered the first tier of environmental review, creating the basis on which future project specific CEQA documents can build. The previous FEIR can be incorporated by reference into environmental documents prepared subsequently to address issues such as cumulative impacts and growth inducing impacts while allowing the subsequent documents to focus on new or site-specific impacts.

This Draft Supplemental EIR has been prepared to comply with the requirements of CEQA. The overall purpose of this Draft Supplemental EIR is to inform the City's decision makers and the public whether, as compared to the Mill District Focus Area policies contained in the City of Fortuna General Plan 2030, the proposed MDSP would result in any new significant impacts or an increase in the severity of significant impacts previously analyzed. The Fortuna General Plan 2030 approved in 2010, is the "baseline" for the analysis in this Draft Supplemental FEIR. The City, as the Lead Agency, has reviewed and revised as necessary all technical studies and reports to reflect its own independent judgment, including, without limitation, by relying on applicable City technical personnel and review of all technical subconsultant reports.

## 1.2 PROPOSED CHANGES TO THE FORTUNA GENERAL PLAN

This section generally summarizes the location, key characteristics, and objectives of the proposed project, which comprises implementation of the proposed Mill District Specific Plan (MDSP) including the buildout of a conceptual plan proposed by the property owner (hereafter referred to as the Fortuna Mill Commerce Center or FMCC), associated off-site improvements for which the MDSP will contribute a proportionate share of cost, and land use and zone change areas outside the MDSP Area. This section also describes the proposed changes to the General Plan Land Use Element, Land Use Map, Zoning Regulations, and Zoning Map necessary to achieve the MDSP objectives. The required approvals for the proposed project and the intended uses of this supplemental environmental impact report are also described.

The project site includes the MDSP Area and off-site improvement areas and is located in the City of Fortuna in Humboldt County, California. The Project Site is comprised of the following areas as shown in Figure 1: Project Site.

**Table 2: Project Site**

<b>Project Site Area</b>	<b>Acres</b>
Mill District Specific Plan Area	104.4
Roundabouts (12 <sup>th</sup> Street/Kenmar Rd)	32.7
City Sewer Lift Station & S. Fortuna Boulevard Land Use Change Area	1.1
Loni Drive Sewer Interceptor	3.51
S Fortuna Boulevard Intersection	0.7
Riverwalk District land use change area	6.9
<b>Total</b>	<b>150.3</b>

The current General Plan Land Use Designations and Zoning Classifications applied in the MDSP Area are not fully consistent, as characterized in the following:

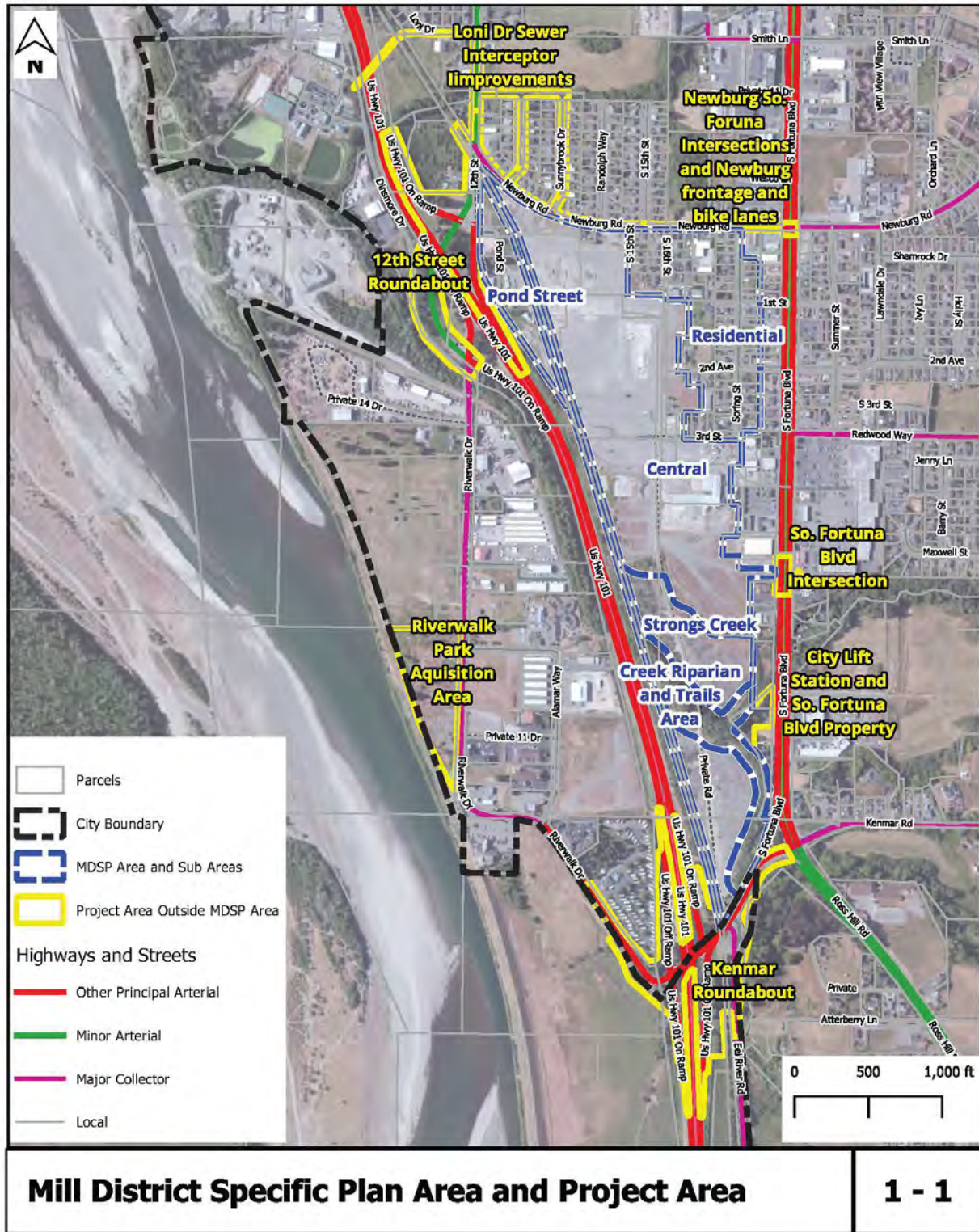
- the Heavy Industrial (M-2) Zoning Classification is applied to a former mill site portion of the Mill District. The M-2 Zoning Classification is inconsistent with the Mill District (MD) General Plan Land Use Designation, which is a mixed-use designation that only allows limited compatible light-industrial uses;
- the Sequoia Gas site has an Industrial (IND) General Plan land use which provides for warehouses, light manufacturing, general industrial uses, and general commercial uses that cater to industrial. The site is zoned Freeway Commercial (FC), however, which only allows a limited range of these uses as conditionally permitted and only when in conjunction with a principally permitted use;

- numerous single-family residences that are currently assigned the Mill District General Plan Land Use Designation are zoned Commercial Thoroughfare (C-T) and residential uses are not the intended purpose of this zone;
- portions of the former PALCO mill site, which are intended to be developed consistent with existing Mill District Focus Area policy do not currently have a Mill District (MD) General Plan Land Use Designation; and
- portions of properties that were likely not intended to be included in the Mill District Focus Area do have a Mill District (MD) General Plan Land Use Designation.

The proposed MDSP identifies changes to the General Plan Land Use Map and Zoning Map to address these inconsistencies. In addition, proposed amendments to the Mill District Land Use Designation and Mill District Focus Area policy will: (1) allow and encourage a range of industrial uses, given the General Plan goal to provide for adequate industrial land supply through annexation has not and likely will not occur; (2) allow development within the MDSP 100-year floodplain consistent with the General Plan; and (3) replace General Plan Industrial and Commercial square footage caps – which were likely included in the General Plan to limit the potential for urban decay – with policies and programs to ensure ongoing monitoring and reporting of commercial area conditions that is transparent and engages the City policymakers, the public, and interested parties.

The proposed project would allow the redevelopment of the former mill site, expand the Mill District General Plan Land Use Designation boundary by approximately six acres, and rezone for consistency any existing residential and commercial uses with Mill District General Plan Land Use Designations.

Figure 1: Project Site



A “Q” Qualified Combining Zone would be applied to approximately 80 acres of the MDSP Area. The Q Combining Zone will support a range of commercial and industrial uses as well as residential development. The proposed project would also contribute to the construction of off-site circulation and wastewater improvements at several locations outside the MDSP Area. In addition, this project would change the General Plan Land Use Designation and Zone Classification of approximately 7.5 acres of land adjacent to or related to the MDSP Area. Together, the MDSP Area and the off-site improvements are referred to as the proposed project, and these combined areas compose the project site, totaling approximately 150.3 acres (project site).

Based on the conceptual development plan submitted by the property owner, the MDSP is anticipated to result in a maximum building area of approximately 760,000 square feet within the Fortuna Mill Commerce Center and another approximately 220,500 square feet within other vacant or underutilized areas planned Mill District. This additional 220,500 square feet would likely be developed with commercial and industrial uses. In addition, implementation of the MDSP is anticipated to result in approximately 100 new housing units within three vacant or underutilized parcels, each averaging approximately one acre. It should be noted that the maximum theoretical development potential for the MDSP Area based on the maximum density or intensity allowed under the proposed Mill District Land Use Designation is significantly greater than the anticipated buildout described above.

If the total land planned Mill District and zoned primarily for employment-related uses were to develop at its maximum potential, a maximum Floor Area Ratio of 0.8, over 2,800,000 square feet could result. Additionally, if land zoned primarily for residential uses were developed at its maximum potential density of 29 units per acre, 770 total units could result. This Draft Supplemental EIR evaluates the impacts associated with the anticipated development based on the conceptual plans, or a total of 980,500 square feet of employment related development and 100 residential units. The Draft Supplemental EIR does not analyze maximum buildout potential of all allocated land uses within the MDSP Area, because it is not reasonably foreseeable based upon past and current development and population growth trends, and such buildout is highly speculative.

New development is expected to include: one to three story commercial buildings including hotels, retail, flexible retail and commercial services structures and one story flexible industrial, warehouse, and industrial structures; and up to three story multifamily structures. Structures, or groups of structures, would provide parking intended to accommodate the maximum number of required off-site parking spaces, or fewer than the maximum where the use of shared parking facilities is planned or the City provides off-site parking requirement flexibility consistent with Mill District Focus Area policy. A new public street will be constructed to connect Newburg Road and South Fortuna Boulevard. Site serving utilities and related infrastructure will likely be located

within the street or public utility easements. Newly defined buffers around Strongs Creek (100-foot) and Mill Creek (75-foot) will prohibit development, except for the development of the Strongs Creek Trail and appurtenant facilities. Additionally, off-site circulation and wastewater improvements (detailed plans for which have not yet been developed) would be constructed to support MDSP Area development.

Development associated with the proposed project would be regulated by the proposed MDSP, which would establish new implementing policies, land use development standards and design guidelines, as summarized in this project description. The information presented and described in this chapter focuses on aspects of the Specific Plan that are pertinent to the evaluation of the proposed project's potential effects on (i.e., changes to) the physical environment.

### 1.3 CEQA UPDATES SINCE CERTIFICATION OF THE 2010 PREVIOUS FEIR

Since 2010, there have been several changes in guidelines for EIRs under CEQA, mainly aiming to adapt to evolving environmental priorities and legal interpretations. Here are some key changes:

**Greenhouse Gas Emissions and Climate Change:** Over the years, there has been an increased emphasis on assessing greenhouse gas emissions and addressing climate change impacts in EIRs. This includes analyzing a project's contribution to climate change and evaluating its consistency with state and regional climate action plans.

**Vehicle Miles Traveled (VMT):** Significant changes came in 2020 when the criteria for assessing transportation impacts shifted from Level of Service (LOS) to Vehicle Miles Traveled (VMT). This change reflects a move towards promoting sustainable transportation options and reducing greenhouse gas emissions.

**Biological Resources:** Requirements around biological resources have been refined to provide more detailed guidelines on how to assess impacts on wildlife habitats and endangered species, reflecting advances in ecological science and conservation strategies.

**Cultural and Tribal Cultural Resources:** Recent years have seen a greater inclusion of assessments on cultural resources, including tribal cultural resources. CEQA guidelines now require consultation with Native American tribes early in the planning process to identify and mitigate impacts on tribal cultural resources.

**Water Supply Assessments:** There is an increased focus on water supply assessments, especially in drought-prone areas, to ensure that long-term water availability is considered and sustainable water management practices are incorporated into project planning.

**Wildfire Risk and Mitigation:** Recent amendments require detailed assessments to determine if projects impair emergency response or evacuation plans and evaluate if projects increase wildfire risks due to their location or design. Additionally, recent guidance emphasizes the importance of comprehensive mitigation measures rather than relying solely on shelter-in-place plans, incorporating community-wide evacuation standards and robust wildfire risk mitigation strategies into project planning.

## **1.4 PURPOSE, SCOPE, AND LEGAL AUTHORITY**

This Draft Supplemental Environmental Impact Report (SEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines to evaluate the potential environmental impacts associated with the amendments to the Fortuna General Plan Land Use Element and Land Use Map, the adoption and implementation of the MDSP and the Riverwalk District land use change area.

## **1.5 EXPLANATION OF DECISION TO PREPARE A SUPPLEMENTAL EIR**

### ***1.5.1 SUPPLEMENTAL EIR ANALYSIS***

Supplemental environmental review is a method of CEQA analysis where only minor additions or changes in a previously certified EIR can be made so that the previous FEIR can be used in the decision-making process to approve proposed revisions to a Project. The CEQA Guidelines Section 15163 explains that a supplement to an EIR is still subject to the same public notice, review, and circulation requirements of a full EIR, and is characterized by the following:

- A SEIR augments a previously certified EIR to address the fact that new information is now available and was not available at the time the EIR was certified, as described in Section 15163 of the CEQA Guidelines, and to examine mitigation measures and project alternatives accordingly.
- A SEIR need only contain the information necessary to make the previous FEIR adequate for the project as revised.

## **2. PROJECT DESCRIPTION**

---

### **2.1 PROJECT TITLE**

Mill District Specific Plan (MDSP)

### **2.2 LEAD AGENCY**

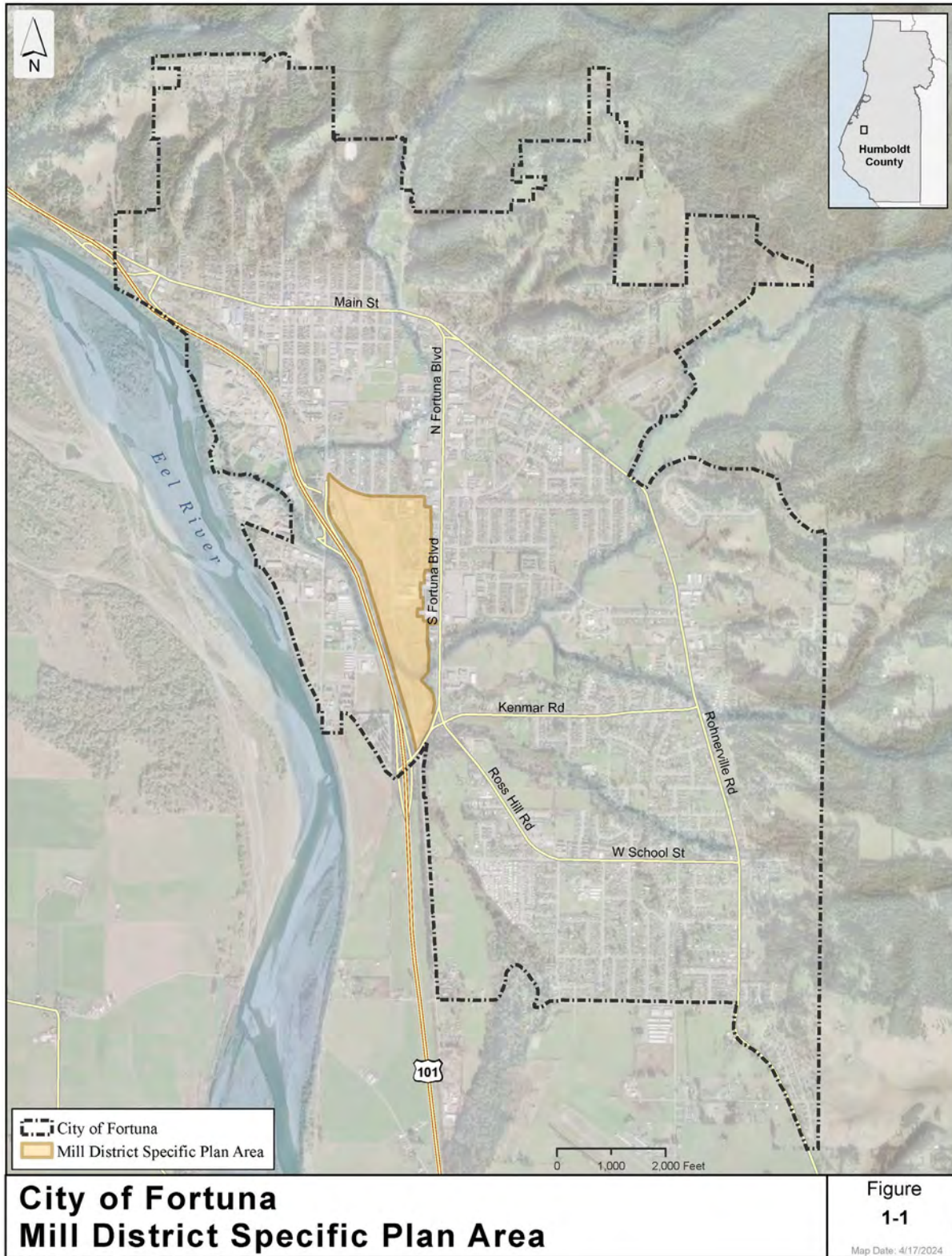
City of Fortuna  
621 11th Street  
Fortuna, CA 95540

### **2.3 PROJECT LOCATION**

The project site includes the MDSP Area and off-site improvement areas and is located in the City of Fortuna in Humboldt County, California. The City Fortuna is situated approximately 20 miles south of the City of Eureka and 253 miles north of the City of San Francisco. The City is bounded by steep hillsides, forest and agricultural land to the north, State Highway 36 and agricultural land to the south, hillsides and forest to the east, and the Eel River to the west.

The MDSP Area is located between Highway 101 and South Fortuna Boulevard between Newburg Road to the north and Kenmar Road to the south. An unnamed private road currently runs north/south through the middle of the area and does not provide public access to the area. Additional access to the area is from Spring Street, 1<sup>st</sup> Avenue, and 2<sup>nd</sup> Avenue (Figure 2: Mill District Specific Plan Area).

Figure 2: Mill District Specific Plan Area



## **2.4 PROJECT SETTING AND SURROUNDING USES**

### ***REGIONAL SETTING***

The City of Fortuna (City) is approximately 3,348 acres in area and is largely composed of single-use areas, with residential areas in the northern and eastern portions of the City and commercial and industrialized areas in the central and western portions of the City.

### ***SURROUNDING LAND USES***

In general, the land uses surrounding the MDSP Area include single family residential and commercial uses, including retail and services. To the north is primarily single family residential (planned Residential, Low Density and Residential, High Density) and Clendenen Cider Works (planned Agriculture); to the east is primarily commercial and is planned Corridor, Mixed Use; to the south is planned Agriculture and contains rural residential with agricultural activities further to the south; and to the west is Hwy 101, beyond which is freeway commercial oriented development including a recreational vehicle park, motels and restaurants, all of which have a Riverwalk District General Plan Land Use Designation.

### ***SITE SETTING***

The 104.4 acre MDSP Area is generally bordered by Newburg Road to the north, the South Fortuna Boulevard corridor to the east, U.S. 101 to the west, and Kenmar Road to the south. A significant portion of the MDSP Area includes the 73-acre former PALCO mill Fortuna site, which was an important local economic engine for the City from its inception in the 1970's to its closure in 2004. Since the mill's closure, portions of the former mill site have become blighted, representing a physical barrier for the surrounding area and a source of nuisance complaints and fires. The size and location of the former mill site provides an exceptional economic development opportunity for the community, the property owner, and the surrounding commercial areas.

The Fortuna General Plan identified a Mill District Focus Area and applied the Mill District Land Use Designation to a 94-acre area containing the mill site and adjacent single family residential area. The Mill District Land Use Designation supports single-use and vertical and horizontal mixed-use development (e.g., large-scale retail and services uses, restaurants, entertainment, office and residential uses) as part of a large integrated center. Mill District Focus Area policies associated with Goal LU-14 seek to accommodate and encourage a variety of compatible uses, and support a full range of community services that are served by a multi-modal street network.

An Administrative Draft Mill District Area Plan (Appendix H of the General Plan Previous FEIR) was prepared in 2008 for the Mill District that outlines goals, policies, objectives, programs, development concepts, design criteria, and land use plans. The Administrative Draft Mill District

Area Plan is referenced in multiple places in the General Plan and was evaluated as part of the General Plan in the previous FEIR. However, the Mill District Area Plan received no further consideration and was not adopted.

There are 121 Assessor's Parcels within the project area, including 118 Assessor's Parcels within the proposed MDSP Area. Four of the parcels are owned by the Great Redwood Trail Authority and two are owned by the City of Fortuna (one of which is listed as owned by the now defunct Fortuna Redevelopment Agency). The Project Site is comprised of the following areas:

**Table 3: Project Site Information**

<b>Project Site Area</b>	<b>Acres</b>	<b>Proposal</b>	<b>Purpose</b>
Mill District Specific Plan Area	104.4	General Plan Land Use Element Amendments, specific plan adoption, Zoning text and map amendments	Adopt specific plan to implement General Plan policy
U.S. 101 - 12 <sup>th</sup> Street Roundabout	15.0	Planning and design underway for interchange roundabouts that are included as General Plan 2030 mitigations.	Build out of MDSP relies upon completion of highway interchange projects and benefiting property owner(s) will be responsible for a proportionate share of cost
U.S. 101 - Kenmar Rd Roundabout	17.1		
Newburg/South Fortuna Intersection & Newburg frontage and bike lanes	1.6	Newburg Road frontage improvements including Class II bike path, intersection improvements, and signal timing	Condition of approval for MDSP
City Sewer Lift Station & S. Fortuna Boulevard Land Use Change Area	1.1	Apply Public (PUB) General Plan Land Use and Public Facility (PF) to City lift station APN 202-021-012-and Corridor Mixed Use (CMU) General Plan Land Use and Commercial Thoroughfare (C-T); Emerg Shelter (ES) to portion of APN 202-021-004	Correct Land Use Map and apply appropriate Land Use Designations to reflect that land is not within the MDSP
Loni Drive Sewer Interceptor	3.51	Future site-specific planning, including pipeline alignment, and engineering for City sewer interceptor	Build out of MDSP relies upon completion of sewer interceptor improvements and benefitting property

<b>Project Site Area</b>	<b>Acres</b>	<b>Proposal</b>	<b>Purpose</b>
			owner(s) will be responsible for a proportionate share of cost
S Fortuna Boulevard Intersection	0.7	Complete intersection improvement, including signals, lane modification, striping at South Fortuna Boulevard intersection with MDSP access street	Condition of approval for MDSP
Riverwalk District land use change area	6.9	Apply Parks, Greenways, & Recreation (PRK) General Plan Land Use and Public Facility (PF) Zone to the portion of APN 200-362-005 within the City of Fortuna	The City of Fortuna is seeking to amend the General Plan Land Use Designation and Zone Classification to support the future acquisition of this property for future park development
<b>Total</b>	<b>150.3</b>		

## 2.5 PROJECT BACKGROUND

As described in Section 1.1, the General Plan identified the former PALCO mill site as a Citywide Opportunity and the General Plan Land Use Element included the Mill District (MD) Land Use Designation and defined a set of goals, policies, and implementation programs for the Mill District Focus Area (Goal LU-14). As part of the General Plan 2030 approval, the Mill District (the Mill District Focus Area and adjacent residential and commercial area) were redesignated from manufacturing, commercial, multi-family and commercial to “Mill District-MD,” which is a mixed-use designation that allows large –scale retail and services, residential units, restaurants, entertainment venues, professional and administrative offices, compatible light-industry, public and quasi-public uses, and similar and compatible uses. Approximately 24.1 acres of the MDSP Area, or 23 percent of the land, lies within the 100-year flood plain and was intended to be maintained as open space in Mill District Focus Area policy (LU-14.3 Open Space and Parkland).

Since the adoption of General Plan 2030 in 2010, there has been little activity within the Mill District Focus Area, aside from improvements to a portion of the former PALCO mill that was sold to a local construction company. During this time, the owner of the former PALCO mill was marketing the remainder of their property. As described above, the vacant former mill site was beginning to be a nuisance for the community and the City of Fortuna initiated the preparation of the Specific Plan in 2021. This staff-led effort was conducted in close coordination with the property owners at the time, regional economic developers, and the California Department of

Fish and Wildlife. The Mill District Specific Plan involved public outreach that consisted of stakeholder meetings, community workshops, and public hearings.

### **EXISTING GENERAL PLAN LAND USE DESIGNATIONS**

This section describes the current General Plan Land Use Designations for the project site. The project site is almost entirely designated Mill District with some Corridor Mixed Use along South Fortuna Boulevard and Industrial in the northwestern corner along Highway 101 and 12th Street. Within the approximately 104-acre MDSP Area, approximately 94 acres are planned Mill District (MD); less than one acre is planned Corridor Mixed Use (CMU); ten acres are planned Industrial (IND); and the remainder is the former NCRA railroad ROW.

Outside of the MDSP Area, the City is planning to acquire a portion of an approximately seven-acre parcel that is designated Riverwalk District for the purpose of future parks and recreation development. Although not within the MDSP Area, the City is in the process of acquiring this site for future park expansion and because this project involves amendments to the General Plan Land Use Map, this proposed land use change is therefore included in this environmental document. The City of Fortuna filed a Notice of Exemption on March 8, 2019 for the Riverwalk Recreation Area Land Acquisition project finding that the acquisition of this land is exempt from CEQA because it can be seen with certainty that there is no possibility that the land acquisition would have a significant effect on the environment

In addition, an approximately 0.5-acre portion of a parcel located on the east side of Strongs and Mill Creek that was designated Mill District (MD) is not a part of the Mill District and is proposed to be designated Corridor Mixed Use (CMU). Lastly, the City South Fortuna Boulevard sewer lift station adjacent to the MDSP Area is currently designated Corridor Mixed Use (CMU) and is proposed to be changed to the Public (PUB) Land Use Designation.

Current General Plan Land Use Designations as adopted in October 2010 are described below:

**Mill District (MD).** This designation provides for single-use and vertical and horizontal mixed-use development as part of a large, integrated center. Uses may include large-scale retail and services, restaurants, entertainment venues, professional and administrative offices, residential units, compatible light-industry, public and quasi-public, and similar and compatible uses.

The floor to area ratio or “FAR” (the ratio of the gross building square footage permitted on a lot to the net square footage of the lot), for mixed-use development shall not exceed 2.0. FAR is a common zoning device to limit what is referred to as building “bulk,” or the size and shape of buildings and open space and their relationship to adjacent land. The

FAR for nonresidential uses shall not exceed 0.5. Residential densities shall be in the range of 7.0 to 29.0 units per gross acre.

**Fortuna Boulevard - Corridor Mixed Use (CMU).** This designation provides for single-use and vertical and horizontal mixed-use development oriented toward Fortuna Boulevard. Uses may include retail and service establishments, restaurants, entertainment uses, professional and administrative offices, residential units, public and quasi-public uses, and similar and compatible uses.

The mixed-use development FAR shall not exceed 2.0. The nonresidential use FAR shall not exceed 0.8. Residential densities shall be in the range of 12.0 to 29.0 units per gross acre.

**Industrial (IND).** This designation provides for warehouses, light manufacturing related to research and development, general industrial uses, general commercial uses that cater to industrial, public and quasi-public uses, and similar and compatible uses. The FAR shall not exceed 0.35.

The following tables and associated map identify the existing and proposed changes to General Plan Land Use Designations and Zoning Classifications within the proposed MDSP Area and changes to areas outside the MDSP Area that are related to the proposed project.

**Riverwalk District (RD).** This designation provides for single-use and mixed-use development oriented toward the Eel River. Uses may include retail and service establishments, hotels and conference centers, restaurants, entertainment venues, professional and administrative offices, public and quasi-public uses, and similar and compatible uses. The FAR in this district shall not exceed 0.80.

### ***EXISTING ZONING CLASSIFICATIONS***

This section describes the existing zoning districts within the project area. The MDSP Area is primarily zoned Heavy Industrial with the area largely developed with single and multiple residence structures zoned Multifamily Residential and Commercial Thoroughfare. Existing Qualified Combining zones are applied to areas zoned Multifamily Residential. Of the approximately 104-acre project site, approximately 73 acres are zoned Heavy Industrial (M-2); 14 acres are zoned Commercial Thoroughfare (CT); 18 acres are zoned Multifamily Residential (RM); approximately seven acres are zoned Freeway Commercial (FC), and the remainder is the NCRA ROW.

The following is a description of the currently applied Zoning Classifications.

**Heavy Industrial (M-2).** The purpose of the M-2 district is to provide appropriate sites for manufacturing and processing uses that, by their nature, require locations buffered from other uses so as not to create nuisances or have deleterious effects upon neighboring properties. Building height maximum is generally 48 feet except when adjacent to residential areas and the FAR shall not exceed 0.35. Additional lot size and yard requirements are shown below.

		Minimum Depth or Width in Feet of Required Yards		
Minimum Net Lot Area (Sq. Ft.)	Lot Coverage	Front	Side	Rear
20,000	No requirements	20	10, except when adjoining an R district designated for future residential development in the Fortuna general plan, then not less than 50 feet.	50; may be reduced to 20 feet by conditional use permit.
<b>Maximum FAR</b>		0.35	<b>Maximum Building Height</b>	48 feet

Permitted uses within the M-2 zone, those uses that do not require discretionary approval, include manufacturing, processing, assembling, contractors’ offices, research, wholesale, or storage uses. In addition to the permitted uses, there are a limited number of permitted accessory uses (uses that are allowed because they are incidental to and subordinate to the principal use but would not be allowed on their own) or conditionally permitted uses (uses that are not allowed as a matter of right within a zoning district, but may be approved through a public hearing process and require Planning Commission approval), including cafeterias and caretaker’s residences, respectively. Although the M-2 Zone is applied to the Plan area, it may not be consistent with the Mill District (MD) Land Use Designation, which is intended to support commercial mixed uses and allow only “compatible light-industry.”

**Multifamily Residential (R-M).** The RM district is intended to be applied in areas of the City where it is reasonable to permit and protect medium-high density apartment, townhouse, and condominium development. The RM district is intended to be applied in existing medium-high density areas, as well as other developed areas to encourage higher-density development and in undeveloped areas to allow for large-scale development projects. Maximum building height varies based on building setbacks but is generally the lesser of 40 feet or three stories. Non-residential FAR shall not exceed 0.60 and mixed use shall not exceed 0.80. Additional lot size and yard requirements are shown below.

Minimum Net Lot Area (Sq. Ft.)	Lot Width (Ft.)	Minimum Lot Depth	Minimum Depth or Width in Feet of Required Yards			
			Front	Side	Rear	Public Street
10,000	80	3 x lot width	20	5	10	10
<b>Maximum FAR</b>	0.60 non-residential 0.8 mixed use		<b>Maximum Building Height</b>		40 feet	

There are no uses that may be permitted without a discretionary approval in the R-M zone. The permitted use, five or fewer dwelling units, is subject to design review approval by the Planning Commission. Accessory uses that may be permitted in the R-M Zone include large child and community care facilities and public parks and playgrounds; however, if such uses require development, they are also subject to discretionary design review approval. The range of conditionally permitted uses in the R-M zone is very broad and includes the development of more than six residential dwelling units, mobile home parks, and the range of principally permitted commercial uses in the Neighborhood Commercial (N-C) zoning district (professional office, retail, and services such as barber and beauty shops, dry cleaners, and appliance repair).

**Commercial Thoroughfare (C-T).** The purpose of the C-T district is to provide for retail, wholesale, highway, and heavy commercial uses, along with amusement, transient residential, warehousing and distribution, maintenance, repair, and servicing activities. C-T districts are to be established in zones of two acres or larger and shall be located only in the immediate vicinity of arterial streets, freeways, or the service/frontage drives thereof. There is a maximum building height of 48 feet, non-residential FAR shall not exceed 0.8 and mixed-use shall not exceed 2.0. Additional lot size and yard requirements are shown below.

Minimum Net Lot Area (Sq. Ft.)	Minimum Lot Width	Minimum Depth or Width in Feet of Required Yards			
		Front	Side	Rear	
6,000	60	15	None, except when abutting an R district, then not less than 15 ft.	10, except when abutting an R district, then not less than 20 feet. Exceptions may be granted through a use permit.	
<b>Maximum FAR</b>	2.0 mixed use 0.8 non-residential		<b>Maximum Building Height</b>		48 feet

The CT is one of the more permissive Fortuna zones and allows a range of commercial uses without discretionary review, including automotive services, motels, office, restaurants, and food stores. Other uses require discretionary approval including major retail development and shopping centers greater than two acres, mobile home parks, warehousing and storage, commercial stables, and mobile food vending.

**Qualified Combining (Q).** Existing “Q” Qualified Combining Zones are applied to several areas within the MDSP Area. Qualified combining zones (or Q-zones) are intended to be combined with any principal zone in situations where sound and orderly planning support adding or deleting principal permitted or conditional uses to implement the Fortuna general plan. The qualified uses shall be specified in the ordinance applying in the Q-zone.

Within the area Zoned RM, Q Zone Ordinance No. 88-532 Z is applied. This Q Zone Ordinance requires that any development that increases the density of dwellings or intensity of use other than a single-family residence the area on South 15<sup>th</sup> and 16<sup>th</sup> Street, the properties on Spring Street, and the properties on the north side of 3rd Street west of Fortuna Boulevard that are zoned Residential Multifamily secure a use permit. Although not stated in the Ordinance, this “Q” Zone requirement is likely intended to ensure that utilities such as drainage and roadway capacity are available to serve denser development and further limits residential development within the Mill District.

### ***EXISTING UTILITIES***

The City is responsible for water, wastewater or sanitary sewer, and storm drainage, street maintenance, and police services within City boundaries and provides such services to developed areas within the MDSP Area. Major infrastructure in the MDSP Area can be seen in Figure 5.

**Water.** The City of Fortuna obtains water from five wells located along Eel River Drive between Drake Hill Road and Kenmar Road. The City’s distribution system includes 40 miles of piping, four reservoirs that store over eight million gallons of water, and eight pump stations. As of 2020, there are 5,727 water connections of which 5,170 are residential and 557 commercial/other. Based on current water demand for the system as a whole, the City is using approximately 1,300 acre-feet or 79% of its 1,642 acre-feet groundwater allocation under current water rights. City projections estimate an 8% increase in water use by 2025 which would total approximately 85% of the City’s water rights allocation (Humboldt LAFCO 2021).

City water mains exist throughout the northern section of the MDSP Area from the Fortuna’s Western Frontier shopping center along South Fortuna Boulevard, north to Newburg Road (Figure 5). These lines, located in City Pressure Zone 1, originally supported the various former wood processing uses in the MDSP Area. Currently, water mains supply

commercial and residential uses in the area. There do not appear to be significant water supply or distribution limitations to the existing infrastructure from which service would be extended to serve future MDSP Area development. Fire hydrants within the MDSP Area are located on Newburg Drive (2), Spring St. and 1<sup>st</sup> St. the west end of 3<sup>rd</sup> St., and two hydrants are identified within the former Mill property.

**Wastewater.** The City provides wastewater collection, conveyance, and treatment services through existing infrastructure including collection pipes, lift stations, gravity lines, and force mains that flow to the City's wastewater treatment facility along Dinsmore Drive. Wastewater is treated, disinfected, and discharged into Strongs Creek during the wet weather season (October – May 14) or percolation ponds during dry weather (May 15 – September 30). The City's wastewater treatment facility has a wet weather capacity of 3.8 million gallons per day. During the wet season of 2019 (January-April and November-December), the plant facility processed an average of 1.498 million gallons per day (MGD) which is approximately 40% of its treatment capacity (LAFCO 2021).

Existing wastewater collection pipes within the MDSP Area operate by gravity and generally flow north towards Newburg Road where larger interceptor lines flow along 12<sup>th</sup> Street and Loni Drive and eventually to the wastewater treatment plant. The City of Fortuna Strongs Creek sewer lift station is located near 1098 South Fortuna Boulevard. This lift station collects wastewater from areas east of South Fortuna Boulevard and directs flows across Strongs Creek to the Riverwalk area where wastewater flows by gravity north to the wastewater treatment plant. There is likely more capacity in the wastewater collection system associated with the sewer lift station located on South Fortuna Boulevard than the gravity system that flows north from Kenmar Road.

**Storm Drainage.** Some storm drainage infrastructure exists in the MDSP Area, which generally consists of drop inlets and drainpipes along Newburg Road and South Fortuna Boulevard. Additional infrastructure is in place to drain water along the western edge of the MDSP Area under Highway 101. However, the bulk of the MDSP Area consists of impervious surfaces with limited infiltration and drainage which can cause localized flooding. Storm drainage within the existing multifamily zoned area in the northeast of the MDSP Area flows north to Newburg Road. The Draft Mill District Area Plan notes that much of the land on which the former lumber mill was located is composed of fill that raised portions of the site from the natural drainage into Strongs Creek and, as a result, interrupted the natural drainage from the area along First, Second, and Third Avenues and Spring Street west of Fortuna Blvd. City staff has indicated that "Q" Zone Ordinance No. 88-532 Z, which applies to the residential areas 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Avenues, 15<sup>th</sup> and 16<sup>th</sup> Streets, and Spring Street and requires that a conditional use permit be approved for

development at densities beyond a single-family dwelling, was adopted in response to utility, and access issues in that area, in particular storm drainage. In order for more intense residential development to occur in the existing residential area storm drainage improvements would need to be designed and constructed and it may be necessary to direct stormwater flows west through the existing industrial area to the west.

**Electricity.** PG&E operates one main substation serving the City of Fortuna that is located near Newburg Park. The PG&E electric distribution system serving Fortuna is largely in place and PG&E is obligated under CPUC regulations to provide service to new customers within the City. New service requests, or requests for additional service, are generally governed by CPUC approved Rule 15 (Distribution Line Extensions) and Rule 16 (Service Extensions).

**Natural Gas.** PG&E supplies natural gas to the city. About a quarter of the natural gas supplied is from gas wells in the Tompkins Hill area northwest of the City of Fortuna, while the remainder is supplied from the Central Valley area near Red Bluff. PG&E's Fortuna office serves the city of Fortuna and falls within a service area that ranges almost as far south as Garberville. Natural gas is generally available throughout Fortuna, and PG&E is obligated to provide service to new and existing customers. There is a 12-inch high pressure main and regulator station on Fortuna Boulevard, which provides natural gas to the city. There are also natural gas lines running under Newburg Road. Natural gas is distributed in pipes that range from one inch to six inches and is transported into the area by pipes that are up to 12 inches in diameter. PG&E maintains these natural gas lines.

New service requests or requests for additional service are generally governed by Rule 15 (Gas Main Extensions) and Rule 16 (Gas Service Extensions). Most households in the MDSP Area are served by natural gas. Households and businesses located in areas without natural gas service use propane, which is available from Sequoia Gas located in Fortuna, as well as other propane providers.

**Communications.** AT&T provides landline telephone services in Fortuna and offers high-speed internet service through its optical fiber lines. In addition, cellular phone service is available in the City and is provided by a number of companies. Residents of Fortuna have three options for television services: standard cable, which is supplied by Optimum Communications; five local broadcast channels; or satellite service. Optimum Communications provides both cable T.V. and high-speed internet service in Fortuna. Other Internet service available in Fortuna includes satellite-based service.

## 2.6 PROJECT OBJECTIVES AND CHARACTERISTICS

In 2021, the City of Fortuna secured a State of California Local Early Action Planning Grant (LEAP) funding for planning that will accelerate housing production and Humboldt County Headwaters Fund monies intended to support important Humboldt County economic development projects. These resources allowed the City to initiate a planning process to determine the best method to ready the Mill District Area for development. The owner of the former mill site at that time was seeking to sell the land and did not express interest in leading this process. The City's intent was to refine the General Plan policies that govern the highest and best use of the land, define infrastructure needs and costs, seek public consensus for a feasible plan, increase certainty for potential developers and the City, and to identify feasible programs to fund needed infrastructure improvements.

The City selected a specific plan as the best tool to achieve its objectives, to be prepared pursuant to Sections 65450 - 65457 of the Government Code. A specific plan is a tool for the systematic implementation of the general plan that effectively establishes a link between general plan implementing policies and the individual development proposals in a defined area. A specific plan must be consistent with the general plan and include land use policies and maps regarding the distribution, location and extent of land uses, including open space; the location, and extent and intensity of needed components of public and private infrastructure; development standards; and implementation actions, including financing programs, necessary to carry out the plan.

The Mill District Specific Plan is intended to:

- **Leverage the Mill District location advantage:**
  - Maximize the benefits of:
    - exceptional access to, and visibility from, U.S. 101, and
    - equal proximity to downtown Fortuna via 12<sup>th</sup> Street or Fortuna Boulevard, which will enhance the importance of the 12<sup>th</sup> Street corridor.
- **Provide for a balanced transportation network:**
  - Design a safe and convenient street system in the Mill District that supports commerce and facilitates multimodal transportation including the use of public transit, bicycle, and pedestrian facilities for employees and visitors.
  - Integrate interchange and roundabout improvements for -12<sup>th</sup> Street and Kenmar Road into Mill District designs, enhancing the Mill District's already excellent freeway access.
  - Make private connections to the interior industrial land from Newburg Road, South Fortuna Boulevard and an existing unnamed private road that also support a potential future Mill District public street network.

- Provide direct public connections to the John Campbell Memorial Greenway / Strongs Creek Trail and the Great Redwood Trail
- Allow for a potential Pond Street connection from the existing unnamed private road and accommodate a potential future widening of 15th Street.
- **Protect the industrial character within the core of the Mill District in a manner compatible with existing and planned residential and commercial areas:**
  - Create sites for flexible commercial / industrial uses that allow for a range of building types and spaces compatible with adjacent residential areas to attract and accommodate:
    - small and large manufacturing
    - warehousing, transportation and distribution
    - industrial producers, fabricators, and artists
    - general commercial, restaurants, and lodging
    - live-work mixed uses
  - Integrate building design and landscaping criteria to demonstrate compatibility with the surrounding residential and commercial areas.
  - Provide commercial and industrial building frontages, landscape designs, and landscape buffer strips to ensure that future development is attractive and compatible with adjacent uses.
  - Plan for water, drainage, and wastewater infrastructure to address the needs of commercial and industrial development and the existing housing areas along 15th, 16th, and Spring Streets and to accommodate the vacant land planned for multifamily uses.
  - Allow for unique major retail and commercial service establishments that may benefit from proximity to, or high visibility from, U.S. 101, including in the southern portion of the Mill District.
  - Continue South Fortuna Boulevard shop front commercial uses into the Mill District along a future road to be named later with off street parking located behind and to the side of buildings.
  - Encourage pedestrian-oriented commercial opportunities of varying scale and size along the future road to be named later near South Fortuna Boulevard and along the Newburg Road portion of the Mill District.
  - Remediate contaminated areas to provide for the maximum range of allowable uses where feasible and where costs are prohibitive maximize the potential for industrial uses.
- **Protect and enhance the Strongs and Mill Creek riparian areas and provide beneficial and integrated open space areas.**

- Designate streamside management area buffers adequate to protect and enhance the Strongs and Mill Creek riparian corridors.
- Accommodate passive recreation improvements within the setbacks of Strongs and Mill Creek integrated with the John Campbell Memorial Greenway / Strongs Creek Trail.
- Ensure Low Impact Development (LID) areas are coordinated with stormwater requirements to address stormwater runoff from new development and integration with constructed wetland improvements within and adjacent to streamside management area buffers.
- Consider, and where appropriate, allow new development within the Strongs and Mill Creek 100-year floodplain that is outside riparian buffers and the floodway consistent with City of Fortuna flood hazard reduction regulations.

## 2.7 PROJECT COMPONENTS

### ***PROPOSED CHANGES TO THE FORTUNA GENERAL PLAN***

#### PROPOSED CHANGES TO THE GENERAL PLAN LAND USE ELEMENT POLICY

A series of changes to the Land Use Element are required to facilitate the MDSP. Change areas include amendments to the Element narrative, modifications to the Mill District (MD) Land Use Designation and Mill District Focus Area policy, and changes to modify industrial and commercial use caps. General Plan Land Use Map amendments are also required. The proposed land use changes are summarized in the following:

**References to Mill District Area Plan.** The General Plan was adopted in October 2010 and earlier Mill District planning activities were under way at that time. These former Mill District planning activities included the preparation of a draft Mill District Area Plan. As described earlier in this Project Description, the draft Mill District Area Plan was included in the General Plan, but was not adopted as part of the General Plan. Therefore, all General Plan references to Mill District Area Plan, are proposed to be deleted.

**Mill District (MD) Land Use Designation.** The proposed changes to the compatible uses within the Mill District Land Use Designation reflect the City's desire to allow for a range of industrial uses within the Mill District and to allow the nonresidential uses to occur at the same intensity levels as adjacent areas along South Fortuna Blvd, which allows a 0.8 FAR.

#### **Mill District (MD)**

This designation provides for single-use and vertical and horizontal mixed-use development ~~as part of a large,~~ **that is well** integrated ~~center and compatible with~~ **the surrounding community**. Uses may include ~~small-and~~ large-scale **light industry**, retail and services, restaurants, entertainment venues, professional and administrative offices, residential units, compatible ~~light~~ **heavy** industry, public and quasi-public, and similar and compatible uses.

The FAR for mixed-use development shall not exceed 2.0. The FAR for nonresidential uses shall not exceed 0.5~~8~~. Residential densities shall be in the range of 7.0 to 29.0 units per gross acre.

#### **Mill District Focus Area Policy and Proposed Changes:**

- **Mill District Focus Area Goal LU-14.** This proposed change removes reference to the Draft Mill District Area Plan and broadens reference to the function of streets within the Mill District to reflect the range of commercial activities expected within the area.

**Goal LU-14.** To provide a full range of community services that are served by a ~~street~~ **transportation** network that **serves commerce and** encourages walking and cycling by making the experience pleasurable and efficient. ~~(See Draft Mill District Area Plan for a complete Goals, Policies, and Program list).~~

- **LU-14.1 Compatible Uses.** The description of compatible uses is proposed to be changed from “appropriate light industrial” to “compatible industrial uses.” with appropriate development standards and other criteria to minimize future development impacts on existing and planned development in surrounding areas will be included in the MDSP.

**LU-14.1 Compatible Uses.** The City shall ensure a flexible scale and range ~~a variety~~ of compatible uses in the Mill District including industrial, retail, office, service commercial, appropriate light industrial, recreation, and residential uses. Minimize potential land use conflicts within and adjacent to the Mill District by applying appropriate land use designations and implementing appropriate development standards, buffer widths, and designs to minimize impacts from future development on existing and planned development in surrounding areas.

- **LU-14.3 Open Space and Parkland.** General Plan Mill District Focus Area Policy LU-14.3 requires Mill District 100-year floodplain areas to be maintained as Open Space to provide for public access and trail development. In addition, Natural and Cultural Resources Element Program NCR-15 directs the City to prepare a streamside management and wetland protection ordinance that would protect at least 50 feet around perennial streams and 25 feet around ephemeral streams,

where the buffers are measured from the top of the stream bank. Health and Safety Element Policy HS-7.6, Regulating Land Uses in the 100-Year Floodplain, allows non-residential development in the 100-year floodplain so long as no structure openings occur below the 100-year Base Flood elevation. The City's floodplain development regulations specify how construction can occur.

Proposed policy changes indicates that, like elsewhere within the City, portions of Mill District 100-year floodplain areas may be appropriate for development that is consistent with General Plan policy and zoning and building regulations relating to flood hazards.

The Mill District 100-year floodplain area was not part of the 778.4 acres of land designated as Open Space by the Fortuna General Plan and considered in the previous FEIR, the provision of which was determined to result in beneficial impacts relating to increased demand for open space access. Trail access within the Strongs and Mill Creek buffers would be maintained. The Riverwalk area contains the existing River Lodge, Riverwalk pathway, and Overlook Park, which are important scenic and recreational resources for community members and visitors. The City seeks to expand Overlook Park through the purchase of currently vacant property including an approximately eight acre triangularly shaped area between the Riverwalk Pathway and Riverwalk Drive north of the existing park. The new park would extend north about 150 feet beyond the Riverwalk Drive intersection with Alamar Way and would provide a direct connection to the John Campbell Memorial Greenway and the Riverwalk Pathway.

The City will allow development within Mill District 100-year floodplain areas to be used for more than open space purposes. The proposed setbacks for Strongs Creek and Mill Creek are protective of the riparian areas and would accommodate the John Campbell Memorial Greenway and Strongs Creek Trail and other trail connections to the Great Redwood Trail. The City would also support development within the 100-year floodplain consistent with General Plan Health and Safety Element policies and Fortuna Municipal Code Chapter 15.58, Provisions for Flood Hazard Reduction.

**LU-14.3 Open Space and Parkland.** The City shall ~~maintain~~ **protect the one hundred-year floodwayplain and creek buffer** areas in the Mill District as Open Space, **and allow development elsewhere within the 100-year floodplain where it can be demonstrated that it will not have cumulative adverse impacts on or off site;** provide for public access and trail development; apply **100 foot and 75 foot streamside** setbacks **from Strongs and Mill Creeks, respectively;** ~~as~~

~~warranted~~, encourage target FARs to be achieved with multistory buildings; and encourage park development as shown in the Mill District Area Plan's conceptual illustrations.

Program LU-16 through LU-18. These three Mill programs will be replaced with one implementation measure that will address Mill District Focus area policy and Land Use Designation as amended.

**LU-16.** The City shall prepare and adopt Mill District Area land use policies and standards through the adoption of a Specific Plan (MDSP). The MDSP shall include design guidelines, development standards, and other criteria to accommodate the allowable range of MDSP Area development options including building types and uses that are compatible with surrounding development and that ensure the protection of planned open space areas;

~~LU-17.~~ The City shall prepare a The MDSP shall include a diagrammatic connectivity map with desired network cross-sections that provides for all transportation modes, for the Mill District.

~~LU-18.~~ The City shall prepare and adopt a Mill District Area Plan as well as the major components of public infrastructure to support the land uses described in the General Plan; and that specifies the regulations, programs, public works projects, and financing measures necessary to carry provisions for out the phased development of the site.

#### **Commercial Development Policy Changes:**

- LU-6.6 Targeted Commercial Use and Development Levels / LU-7.4 Targeted Industrial Use and Development Levels. The policies and implementation measures relating to commercial and industrial "target" levels appear to have been prompted by concerns that urban decay could result from full buildout of commercial and industrial land uses within the City. The City has determined that these targets or caps are somewhat arbitrary and may not prevent physical deterioration in existing commercial and industrial space in the region. The City proposes to remove and replace commercial and industrial development caps with an ongoing monitoring program that will track commercial and industrial development, vacancies, and any related areas of physical deterioration. This information will be included in the annual General Plan report.

~~LU-6.6 Targeted Commercial Use and Development Levels.~~ To ~~grow consistent with projected commercial absorption rates and~~ avoid overbuilding that could result in high vacancy rates, the City shall ~~designate~~ monitor commercial use development levels (square footage) within the City as well as track conditions

relating to urban decay within Downtown and established shopping centers. To equitably distribute commercial uses.

**LU-8** Track new commercial development, pursuant to Policy LU-6.6, by Focus Area or City neighborhood as well as conditions relating to urban decay, in particular within Downtown and other shopping centers, in coordination with local associations and regional economic development organizations. If urban decay is recognized, identify available or new City programs to limit or reverse urban decay, attract businesses, and encourage increased business activity. Report on development levels and where development is occurring, urban decay conditions, and other findings related thereto, to the Planning Commission and City Council as part of the General Plan Annual Report. The City shall allow new commercial development, up to the following levels, to equitably distribute sales and employment generating uses in the City and annexation areas:

- ~~Commercial (COM) 168,000 SQ.FT.~~
- ~~Office (OFF) 172,000 SQ.FT.~~
- ~~Central Business District (CBD) 35,000 SQ.FT.~~
- ~~Mill District (MD) 250,000 SQ.FT.~~
- ~~Fortuna Blvd (CMU) 146,000 SQ.FT.~~
- ~~Riverwalk District (RWD) 150,000 SQ.FT.~~

**LU-7.4 Targeted Industrial Use and Development Levels.** ~~To grow consistent with projected industrial absorption rates and avoid overbuilding that could result in high vacancy rates, the City shall designate~~ monitor industrial use development levels (square footage) to within the City as well as track conditions relating to urban decay equitably distribute industrial uses.

**LU-9** Track new industrial development, pursuant to Policy LU-7.4, by Focus Area or City neighborhood as well as conditions relating to urban decay. Where urban decay or other indications of overbuilding or high vacancies are occurring, identify available or new City programs to limit urban decay, attract businesses, and encourage increased business activity. Report on development levels and where development is occurring, urban decay conditions, and other findings related thereto, to the Planning Commission and City Council as part of the annual General Plan annual report. The City shall allow new industrial development, up to the following levels, to equitably distribute sales and employment generating uses in the City and annexation areas:

- ~~South of Main Street in City 100,000 SQ.FT.~~
- ~~Riverwalk District Annexation 150,000 SQ.FT.~~
- ~~Rohnerville Airport Annexation 150,000 SQ.FT.~~

**PROPOSED CHANGES TO GENERAL PLAN LAND USE MAP**

Figure 3: Land Use and Zoning Change Areas within and Outside the MDSP shows areas within the outside the MDSP where changes are proposed to General Plan Land Use Designations within the MDSP Area intended to facilitate development consistent with MDSP objectives and align with Mill District Focus Area policy. The following tables identify the existing and proposed land use designations for the MDSP Area and the areas outside the MDSP Area where changes are proposed. Table 3: Project Site Information in the Site Setting above proposed additional information regarding the purpose of the proposed land use changes outside the MDSP Area.

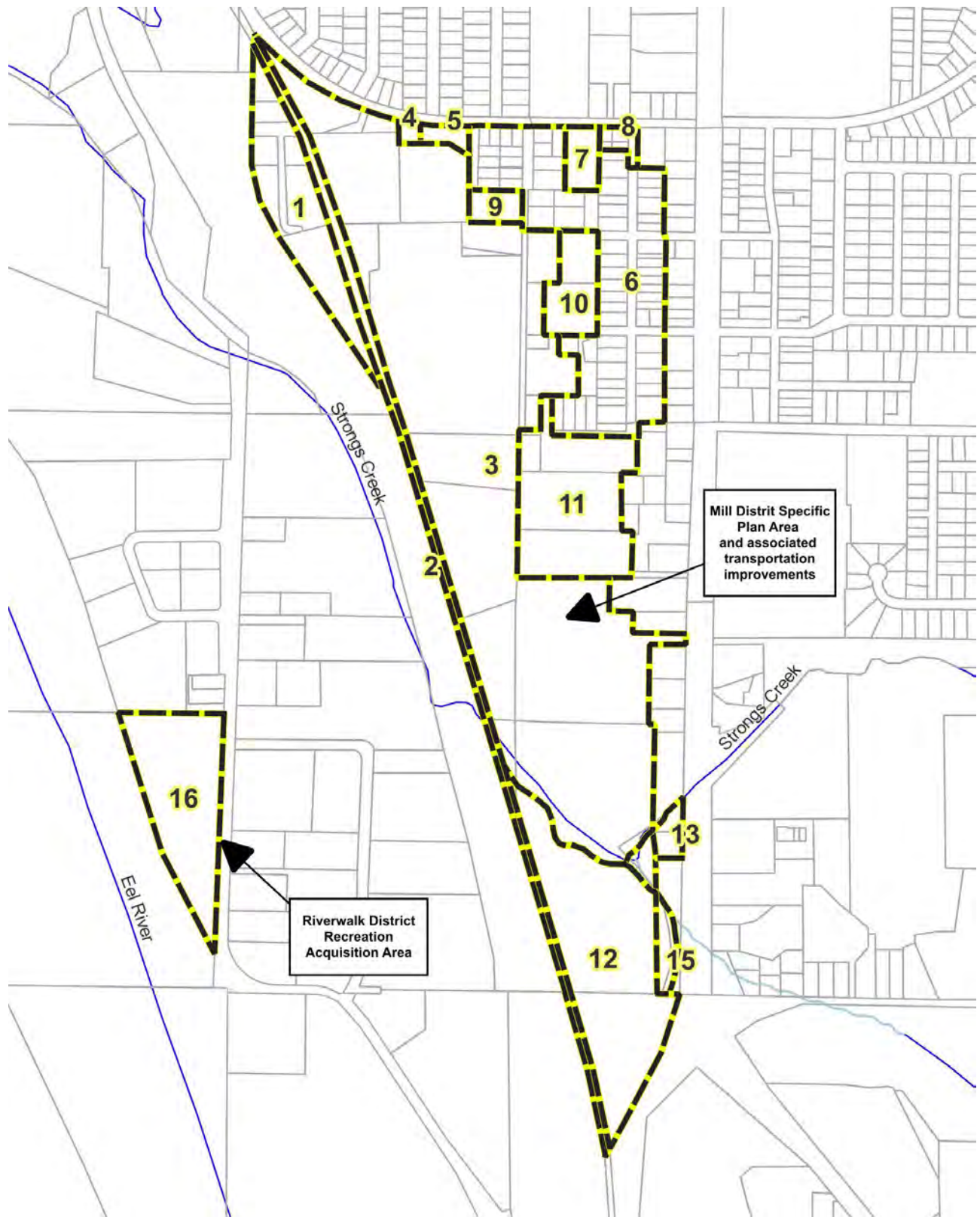
**Table 4: Existing and Proposed General Plan Land Use Designations Within MDSP Boundary**

Proposed General Plan Land Use Changes Within the MDSP Area Boundary			
Area	Acres	General Plan Land Use Designation	
		Existing	Proposed
1	5.90	Industrial (IND)	Industrial (IND)
2	4.18	Industrial (IND)	Industrial (IND)/None
3	52.94	Mill District [MD]	Mill District [MD]
4	0.23	Mill District [MD]	Mill District [MD]
5	0.49	Mill District [MD]	Mill District [MD]
6	14.97	Mill District [MD]	Mill District [MD]
7	1.05	Mill District [MD]	Mill District [MD]
8	0.51	Mill District [MD]	Mill District [MD]
9	0.84	Mill District [MD]	Mill District [MD]
10	2.35	Mill District [MD]	Mill District [MD]
11	7.95	Mill District [MD]	Mill District [MD]
12	12.04	Mill District [MD]	Mill District [MD]
15	0.80	Corridor Mixed Use (CMU)	Mill District [MD]

**Table 5: Existing and Proposed General Plan Land Use Designations Outside MDSP Boundary**

Proposed General Plan Land Use Changes Outside the MDSP Area Boundary			
Area	Acres	General Plan Land Use Designation	
		Existing	Proposed
13	0.63	Corridor Mixed Use (CMU)	Public (PUB)
14	0.5	Mill District [MD]	Corridor Mixed Use (CMU)
16	6.91	Riverwalk District (RD)	Parks, Greenways, & Recreation (PRK)

Figure 3: Land Use and Zoning Change Areas within and Outside the MDSP



**MILL DISTRICT SPECIFIC PLAN**

The MDSP Area boundary is proposed to encompass an approximately 104.4-acre area, comprised of 118 individual Assessor's Parcels with 79 separate owners. Property within the MDSP Area is subject to some or all General Plan Mill District Focus Area policies or MDSP Area policies and Performance standards.

**SPECIFIC PLAN ORGANIZATION**

The proposed project includes the adoption of the draft MDSP, which is included in Appendix A of this SEIR. The draft MDSP is organized in the following chapters:

**Chapter 1: Introduction.** This chapter describes the MDSP's organization, regional setting, authority, purpose and intent, and the objectives that would be used to guide future development within the MDSP Area.

**Chapter 2: Existing Conditions Summary.** This Chapter provides a brief overview of the MDSP Area, summarizing environmental, infrastructure, physical, and regulatory conditions, including habitat areas such as wetlands and riparian areas; potential hazards including flood; potential environmental contamination conditions, especially from past wood products storage and manufacturing; public services and infrastructure including stormwater management, circulation, trails, water and wastewater, energy, and other public services; and existing land use and zoning within the MDSP Area and surrounding neighborhoods.

**Chapter 3: Land Use, Open Space & Design.** This chapter defines the land use policy unique to the MDSP Area and identifies necessary General Plan Land Use Element amendments to allow the desired development. This chapter also describes the permitted, conditionally permitted, and prohibited MDSP Area land uses and development standards. This chapter also defines the MDSP Area design principles and establishes a set of design guidelines for development including site design, building character, lighting, buffers, landscaping, and signage.

**Chapter 4: Infrastructure & Community Services.** This chapter describes the conceptual circulation and mobility plan, major utility infrastructure improvements, and the public services required to implement the MDSP for multiple modes of transportation including trucks, bicyclists, walking, transit, and vehicles. It includes the conceptual roadway network and cross-sections. It also describes off-site roadway improvements that are proposed as part of this MDSP and also provides a description of the major utility infrastructure improvements to be provided at build-out of the Specific Plan and the public services required to serve users of the MDSP Area.

**Chapter 5: Infrastructure Financing.** This chapter summarizes the major infrastructure components necessary for buildout, indicates the timing of the improvements in relation to development, provides an indication of likely project costs, allocates costs to land uses within and outside the MDPS Area, and identifies financing sources and mechanisms to ensure that needed infrastructure is in place to serve development.

**Chapter 6: Specific Plan Implementation.** This chapter addresses the actions that are necessary to implement the MDSP by the City of Fortuna, other agencies, and future applicants to achieve the goals and objectives outlined in the MDSP.

#### SPECIFIC PLAN LAND USE POLICIES

The MDSP contains the following goals and policies to guide land use development within the MDSP Area.

**Goal LU-1.** Transform the former mill site, creating a center for industrial, commercial, and mixed-use development.

**Goal LU-2.** Strengthen, stimulate, and support the City’s economic and employment base and attract new development to Fortuna and the region.

**Goal LU-3.** Provide health and wellness, economic revitalization, environmental, transportation options, community identity, and improved quality of life benefits through the installation an important link in the John Campbell Memorial Trail system.

**Goal LU-4.** Implement performance standards and guidelines to assure high quality site and building design, and environmental protection, and ensure the timely and orderly development of the Mill District.

**Policy LU-1.** A broad range of compatible development is permitted in the Mill District including industrial, retail, office, service commercial, recreation, and medium and high-density residential uses, consistent with the Land Use element and Land Use diagram.

**Policy LU-2.** The design and development of the Mill District shall promote this area as a one of Fortuna and the region’s key employment centers.

**Policy LU-3.** Strongs and Mill Creeks shall be protected as an important riparian corridor that provide natural drainage, filter pollutants, recharge the groundwater supply, and provide important habitat critical for wildlife, including State or Federally listed threatened or endangered species, and support a crucial link in the “River to Forest” public walkways system as identified in the General Plan.

Policy LU-4. The Mill District’s design and development shall be compatible with adjacent uses. The following factors shall be considered in reviewing proposals for the development of new and/or expanding Mill District uses:

- Buildings shall be oriented to the street, residential areas, and transit services, wherever feasible;
- The site plan for individual projects shall include features to integrate the new development with surrounding uses;
- The site plan shall promote safe, comfortable, convenient, and barrier-free pedestrian travel within the District, between the District and adjacent uses, and to and from transit stops;
- The site plan promotes public safety;
- The site is well integrated with the rest of the city;
- The site plan promotes convenient access to streets, the bike and trail network, and public transit services;
- Off-street parking areas should be located in the side and rear yards and designed to be compatible with adjacent residential uses wherever feasible;

Policy LU-5. Loading and service areas shall be screened and landscaped to the greatest extent feasible and located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas; and

Policy LU-6. Design elements shall foster a sense of neighborhood identity including street signs, street lights, building materials and style, landscaping, fencing, and public spaces.

Policy LU-7. Public infrastructure upgrades and extensions shall be timed to coincide with or precede site development.

Policy LU-8. Mill District streets shall accommodate the movement of large trucks and include public transit, bicycle, and pedestrian facilities and shall maximize the safety of all street users:

- Safe, comfortable, and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas and other buildings and facilities.
- The Mill District shall be designed to support public transportation and the safe and efficient operation of the adjacent arterial and/or collector roads;
- The Mill District design shall facilitate the use of the great Redwood Trail; and
- The portion of the Strongs Creek “River to Forest” trail within the Mill District shall connect with access points to the Riverwalk area, Strongs Creek Plaza, and the Great Redwood Trail.

Policy LU-9. The City shall require the construction of a road through the Mill District that connects Newburg Road and South Fortuna Boulevard at Redwood Way to facilitate convenient walking, biking, truck, and automobile flow through the District. Appropriate connections shall

be provided to Pond Street, to existing Mill District industrial and commercial development, and to adjacent businesses near the intersection at South Fortuna Boulevard.

Policy LU-10. The City shall require a master plan for development of the Mill District that may be implemented in phased steps and that identifies the needs for, timing of, and financing for essential public infrastructure improvements.

Policy LU-11. Reduced parking standards and/or on-street parking may be permitted to reflect the increased intensity of development and accessibility by transit and other modes of travel. Shared parking is encouraged where it can be demonstrated that uses are complimentary.

#### MDSP SUB AREAS

The MDSP Area is divided into six subareas: 1) Pond Street Area, 2) Existing Residential Area, 3) Creek, Riparian and Trails Area, 4) Central Area, 5) Strongs Creek Area, and 6) Mill Creek Area. The following descriptions of the subareas is excerpted from the MDSP.

**Pond Street Area.** The Pond Street Area is approximately 6.0 acres and located in the north west corner of the MDSP area. It is bounded by the 12<sup>th</sup> street U.S. 101 exit in the west and the Great Redwood Trail right of way on the east. The dimensions and developable area of the Pond Street Area will change with the construction of the 12<sup>th</sup> Street/Newburg Road roundabout which will convert the northern portion of the site to the southeast quarter of the roundabout. At this time, it appears that that once the roundabout is developed, access to the Pond Street Area site will likely be across the Great Redwood Trail right of way from the new access road within the Central Area.

**Existing Residential Area.** The Existing Residential Area is approximately 20.0 acres and comprises the northeast quadrant of the MDSP area. It is bounded by 15<sup>th</sup> Street and the former mill site fence line on the west, Newburg Road in the north, commercial properties along the west side of Fortuna Boulevard on the east, and 3<sup>rd</sup> Avenue in the south. The Existing Residential Area is almost entirely built out with single- and multi-family residential units and contains two large, underdeveloped properties that are planned for future residential development.

**Creek Riparian and Trails Area.** The Creek Riparian and Trails Area is approximately 12.0-acres and includes the Strongs and Mill Creek stream and riparian buffer area and the Great Redwood Trail corridor through the MDSP area. The proposed Strongs Creek and Mill Creek buffers are protective of the riparian areas and would accommodate the John Campbell Memorial Greenway and Strongs Creek Trail and other trail connections to the Great Redwood Trail.

**Central Area.** The approximately 50.5-acre Central Area is bounded by the Great Redwood Trail Authority right of way in the west, Newburg Road in the north, the Residential Area in the east and the Strongs Creek Area in the south. It contains the existing industrial building and most of the now demolished former mill buildings. The planned larger industrial and distribution-related building are proposed to be within this area. The Central Area will be visible from U.S. 101 and visually buffered by required landscaping along the proposed public street that will connect Newburg Road and South Fortuna Boulevard.

**Strongs Creek Area.** The approximately 8.5 acre Strongs Creek Area gets its name from the abrupt change in elevation that defines this area and the historic Strongs Creek floodplain. Its northern boundary is the Central Area, the southern boundary is the Strongs Creek riparian buffer, the western boundary is the Great Redwood Trail Authority right of way, and the eastern boundary is undeveloped commercial land along the west side of Fortuna Boulevard. The Strongs Creek Area is planned to accommodate a range of industrial uses.

**Mill Creek Area.** The approximately 8.4-acre Mill Creek Area is bounded by Strongs and Mill Creek in the north and east, the Great Redwood Trail Authority right of way in the west and Kenmar Road in the south. It is connected to the rest of the MDSP area by the Strongs Creek Trail, Great Redwood Trail Authority right of way and a narrow bridge across Strongs Creek that will be used only for emergency access. The Mill Creek Area has a high degree of visibility from U.S. 101 and will have excellent freeway access from the proposed Kenmar roundabout.

Figure 4: MDSP Sub Areas



## OPEN SPACE, LANDSCAPE

The current General Plan Mill District Focus Area Policy LU-14.3 requires the Mill District 100-year floodplain to be maintained as Open Space to provide for public access and trail development. Natural and Cultural Resources Element Program NCR-15 directs the City to prepare a streamside management and wetland protection ordinance that would protect at least 50 feet around perennial streams and 25 feet around ephemeral streams, where the buffers are measured from the top of the stream bank. In addition, the Health and Safety Element Policy HS-7.6, Regulating Land Uses in the 100-Year Floodplain, allows development in in the 100-year floodplain. The City's floodplain development regulations specify how construction can occur.

This proposed change Policy LU-14.3 described above, reflects the fact that, like elsewhere within the City, portions of the 100-year floodplain within the Mill District may be appropriate for development consistent with General Plan policy and zoning and building regulations relating to flood hazards. The City will allow development within the 100-year floodplain and for the Mill District 100-year floodplain to be used for more than open space purposes. The proposed setbacks for Strongs Creek and Mill Creek are highly protective of the riparian areas and would accommodate the John Campbell Memorial Greenway and Strongs Creek Trail and other trail connections to the Great Redwood Trail. General Plan Natural and Cultural Resources Policy NCR-2.1, Riparian Corridor Protection, limits activities within buffer areas to passive recreational uses (hiking, biking, sightseeing, horseback riding), such as the planned Strongs Creek trail through the MDSP.

## DESIGN GUIDELINES

All permits for industrial or commercial buildings shall undergo discretionary design review to ensure their conformance with proposed Mill District Specific Plan Design Guidelines which were developed to be consistent with General Plan Community Design Element Policy and build on existing City design guidelines. The principal objective of the design guidelines is to assure compatibility with existing neighboring residential development and to improve the overall quality of the urban environment. Permits for residential and mixed-use buildings shall conform to City-wide objective design standards for mixed-use and multi-family residential development. The MDSP design guidelines are generally summarized in the following:

### **Site Layout and Building Design.**

- Facades visible from public streets should include architectural features such as reveals, windows and openings, changes in color and texture to add differentiation to the building elevation and reduce its visual mass.



- Noise generating functions should be located as far as possible from adjacent properties and buffered through appropriate sound attenuation or sound dampening methods.

#### **Buffer and Landscape Design**

- Landscaped Street Edge Zone to enhance the appearance and provide a development buffer adjacent to residential development with plantings, earth berms, and low walls to achieve compatibility.

#### **Parking Lot and Frontage Design**

- Minimize access drives to promote safety and reduce conflicts.
- Entry drives should be enhanced with ornamental landscaping, low-level decorative walls, monument-type signs, and other decorative features.

#### DEVELOPMENT STANDARDS

The proposed MDSP contains development standards that will be implemented primarily through the adoption of a “Q” zone. The proposed Q zone development standards incorporate City of Fortuna circulation and mobility facilities, infrastructure and utilities, and stormwater improvement standards. Development standards also address noise, inadvertent discovery of Tribal cultural resources, hazardous substances, and biological resources. and how a proportionate share of infrastructure costs will be allocated to proposed uses based on the demand for such improvements.

#### CIRCULATION AND MOBILITY IMPROVEMENTS

Implementation of the MDSP requires the following on- and off-site circulation and mobility improvements:

- Road to be Named Later. Install new public roadway, or developer owned roadway open to public use and subject to an irrevocable offer of dedication, extending from a point along Newburg Road generally across from Sunnybrook Drive to South Fortuna Boulevard across from Redwood Village Shopping Center south access road. The cross section shall contain at a minimum two vehicle lanes and a left turn lane within 78 foot right of way containing Class II bike lanes, gutters, curbs, sidewalks, streetlights, and public utility easements. Landscaping on both sides of street to be installed and maintained by owner outside the right of way. The new road shall also include the following associated improvements:
  - Pond Street Access Across Great Redwood Trail to the future road to be named later to APNs 200-381-001 through -009.
  - Access from the new road and all necessary easements and geometries to current APNs 202-011-046 through -048 and 202-011-050 to support truck traffic with multiple access points.

- Access from the new road to parking lot serving current APNs 202-021-013 and 202-021-019.
- Maintain fire, police, utility, and emergency access across the Strongs Creek bridge between the “lower valley industrial park area” and the Kenmar Road freeway commercial area.
- Strongs Creek Trail. Construct the John Campbell Memorial Greenway and Strongs Creek Trail, which is planned to cross through portions of the southern portion of the Plan Area along Strongs and Mill Creek. Trail improvements include the dedication of trail right of way, installation of a footbridge across Mill Creek and trails meeting Class I Bikeway standards extending along west side of Mill Creek to the Kenmar Road roundabout. Trail segments within the MDSP Area may also include connections between the Strongs Creek Trail and the Great Redwood Trail.
- Transit Services. Implement transit-related improvements on the west and/or east sides of the future road to be named later to provide for on-site transit services.
- Future Road to be Named Later/Newburg Road Intersection Improvements. Install intersection improvements as determined by Engineering Studies and approved by the City Engineer.
- Future Road to be Named Later/South Fortuna Boulevard Intersection Improvements. Install traffic signal and associated intersection improvements, including pole, mast arms, signal heads, lane and crosswalk striping, turn lanes, median pedestrian refuge area, accessible crosswalks and sidewalk ramps.
- Newburg Road Frontage Improvements. Install frontage improvements on the south side of Newburg Road along property boundary for approximately 1,175 feet (actual distance may be decreased by the future installation of the 12<sup>th</sup> Street roundabout) from 12<sup>th</sup> Street to 15<sup>th</sup> Street, including pavement, as necessary, Class II bike path from 15th Street to South Fortuna Boulevard, gutter, curb, sidewalk, streetlights, public utility easements.
- Kenmar Road Intersection Improvements. Install intersection improvements as determined by Engineering Studies and approved by the City Engineer
- Off-Site - Kenmar Road and South Fortuna Boulevard Frontage Improvements. Install frontage improvements on the north side of Kenmar Road and South Fortuna Boulevard along property boundary for approximately 750 feet (actual distance may be decreased by the future installation of the Kenmar Road roundabout) from the property boundary with the Great Redwood Trail to the southeast corner of the property along South Fortuna Boulevard, including pavement, as necessary, Class II bike path, gutter, curb, sidewalk, streetlights, public utility easements.
- Off-Site - Newburg Road/South Fortuna Boulevard Intersection Improvements. Contribute proportionate share of cost to conduct and implement optimization of signal timing plan and install necessary traffic signal and associated intersection improvements, including as necessary pole, mast arms, signal heads, lane and crosswalk striping, median pedestrian refuge area, accessible crosswalks and sidewalk ramps to provide a crosswalk across South Fortuna Boulevard on the south side of the intersection.

- U.S. 101 – Newburg Road and Kenmar Road Interchanges. Contribute proportionate share of cost to construct roundabouts at Kenmar Road and US 101 north and south bound ramps and roundabout at 12th Street/Newburg Road/Riverwalk Drive/Pond Street/U.S. 101 north bound ramp.
- Kenmar Road/Ross Hill Road Intersection. Contribute proportionate share of cost to construct intersection improvements as determined by Engineering Studies and approved by the City Engineer.
- Great Redwood Trail. Install connections between the Great Redwood Trail and a new road to be named later at specified locations, including the installation of crosswalks with median pedestrian refuge area (if required). Install accessible crosswalks and sidewalk ramps to provide access from the Great Redwood Trail to the Fortuna Mill Commerce Center

Circulation related performance standards:

- Public Road Improvement Standards. All improvements recommended in the traffic study and required by the City Engineer shall be constructed to City Standards or as approved by the City Engineer.
- Private Roads and Driveway Standards. Any internal access roads or driveways required by the City Engineer shall be constructed to the City standards. Road structural sections will be based upon R-value tests of the subgrade soils, utilizing Traffic Index values approved by the City Engineer. Typical sections shall be shown on improvement plans for all street improvements. Sidewalks, driveways, and handicapped ramps shall be constructed as a contiguous pour with curb and gutter at the time of roadway construction.
- Dedication of Easements. Dedication of any other easements not anticipated at this time, may be required to facilitate the construction of improvements necessary to support the conceptual development plan, and as required by the City Engineer.
- Street Names and Signs. Street name signs shall be installed at any new intersections where applicable and as required by the City Engineer. New street names shall be submitted and approved prior to submittal of improvement plans or building permit.
- Street Lighting. Street lights shall be installed at intersections. and other locations, in accordance with designs and standards for street lighting implemented through the design guidelines of the MDSP or, in the event that street lighting is not specified as part of the MDSP, Improvement Standards Section 22, page A18, and dedicated to the City and as required by the City Engineer.
- No Parking Signs. "No parking" signs shall be installed along the side of any street side where construction of a parking lane has been waived by the City of Fortuna, or as required by the City Engineer.

## INFRASTRUCTURE IMPROVEMENTS

*Water*

The Utility and Infrastructure Conceptual Design Technical Memorandum prepared by GHD, March 2024 (hereafter Utility and Infrastructure Conceptual Design), determined that the City of Fortuna water system, including source capacity, treatment, storage, and transmission is adequate to support the buildout of the MDSP Area. The existing water system infrastructure within the FMCC and other parts of the MDSP Area is aging, undersized, and located in a manner that conflicts with development plans, and as such would require substantial improvements to support the proposed development scenario and maintain connections to existing City service areas. Improvements would include the installation of water mains, valves, services, meters, back-flow preventers, and hydrants. Most water distribution facilities would be located within public and private roadways, private roadways with public utility easements, or areas adjacent to the travel way with public utility easements. New facilities would be designed to accommodate the FMCC (to the maximum possible extent given the surrounding City distribution system) and other planned developments within the MDSP Area. The size of buildings identified in the proposed development scenario may require site-specific improvements to provided needed fire flow (in addition to the City main distribution infrastructure), that may include on-site water storage tanks and pumps, which would be the responsibility of the property owner.

A conceptual water system infrastructure layout and design was prepared by the Fortuna Mill Commerce Center and evaluated by GHD on behalf of the City of Fortuna, based on City of Fortuna water supply system design standards that is part of the Fortuna Mill District Specific Plan Utility and Infrastructure Conceptual Design Technical Memorandum, March 2024, hereafter Utility and Infrastructure Conceptual Design. The Utility and Infrastructure Conceptual Design projected water demand based on the square footage or number of dwelling units contained in the MDSP conceptual development plan. Substantial portions of the existing water system infrastructure within the FMCC and other parts of the MDSP Area would require replacement to support the proposed development scenario.

Several existing water mains that are between six and twelve inches can be used to support a looped network of water mains to serve the MDSP Area. 6,500 feet of additional new twelve-inch water main is assumed to be needed and would extend from Newburg Road to South Fortuna Boulevard and is proposed to cross Strongs Creek and extend to Kenmar Road. The water mains are proposed to be located within public and private streets the alignment of which for most is existing and all of which are in existing disturbed area, with all necessary easements dedicated to the City. The water main crossing Strongs Creek is assumed to be attached to the existing single-lane bridge, but could alternatively be a new aerial crossing or a horizontal directional bore. Fire hydrants will be located approximately every 300 feet and valve clusters will be located approximately every 500 feet.

Individual water services would be located at the edge of the right of way or easement and extend from the water mains within the public or private streets and would be the responsibility of individual applicants. The conceptual water system may not provide adequate fire flow for the largest conceptual buildings (up to 8,000 gallons per minute when 5,000 gallons per minute is assumed to be available based on the conceptual design), and the installation of private on-site water tanks and pumps sized to meet fire flow requirements may be required.

Water system related performance standards:

- Water Mains. Water mains, as sized by the developer's engineer, and approved by the City Engineer, shall be extended within the MDPS Area in accordance with the City of Fortuna Improvement Standards, Section V-3, page 15.
- Fire Hydrants. Fire hydrants shall be installed every 500 feet within residential areas, and 300 feet within commercial areas, at locations approved by the Fortuna Fire Protection District and City of Fortuna Improvement Standards, Section V-3, page 15. A letter of approval from the Fortuna Fire Protection District, including a schematic diagram of approved fire hydrant locations, shall be provided prior to approval of the improvement plans. Provide easements to the Fortuna Fire Protection District for any on-site fire hydrant.
- Fire Flow. If additional fire flow is required for specific development(s) within the MDSP Area the applicant shall site and design on-site water storage tanks and pumps, so that adequate pressure and flows can be provided; or provide other means, acceptable to the Fortuna Fire Protection District and the City Engineer, to supply adequate water pressure and fire flows to the project.
- Water System Appurtenances. Water valves shall be installed in accordance with City of Fortuna Improvement Standards, Article V – Water Systems. All dead-end mains shall be provided with a standard blow off or other acceptable means of flushing in accordance with the City of Fortuna Improvement Standards, Article V – Water Systems. Backflow prevention shall be provided at all landscape irrigation and fire service connections.

#### *Wastewater*

The Utility and Infrastructure Conceptual Design determined that City wastewater treatment and disposal facilities located at the Tom Cooke Memorial Wastewater Treatment plant are adequate to support the buildout of the MDSP Area. However, some of the wastewater facilities that would convey wastewater from the MDSP Area to the Fortuna Wastewater Treatment Plant, in particular the Loni Drive interceptor, may not be adequately sized to accommodate the MDSP Area at full buildout.

The existing wastewater system infrastructure within the FMCC area are antiquated and would require replacement to support the proposed development scenario. Improvements would include the installation of wastewater mains, lift stations, and service connections. Most facilities

would be located within public rights of way, and private roadways with public utility easements, or areas adjacent to the travel way with public utility easements. New facilities would be designed to accommodate the FMCC conceptual site plan and other planned development within the MDSP Area.

The Utility and Infrastructure Conceptual Design provides a feasible conceptual design for the wastewater collection system to meet minimum City design standards. Modeled flows were developed based on land use and estimated occupancy of the conceptual site plan. The resulting conceptual design consists of a new six inch gravity collection system serving the Pond Street Area, Residential Area, and most of the Central Area of the Mill District and flowing to Newburg Road (the connection point may require a lift station), and a six inch gravity pipe for the remainder of the Mill District flowing to a lift station south of Strongs Creek and either pumped directly to the existing Strongs Creek Lift Station or connected to the City of Fortuna force main on the west side of Mill Creek that flows from the Strongs Creek Lift Station to the wastewater treatment plant. Any new creek crossings will either involve the attachment of the sewer main to an existing structure, new aerial crossings, or new horizontal directional drilling. The system is expected to consist of 5,200 feet of six in gravity pipe and 540 feet of four-inch force main, up to two six-inch creek crossings, 31 manholes, and up to two lift stations.

As indicated above, the Loni Drive interceptor force main is not adequate to handle cumulative wastewater flows from the MDSP Area and other sewage basins served by that interceptor. As a result, the Loni Drive inceptor will need to be improved in the future to handle expected flows. The project site includes the locations for several potential alternatives for upgrades to the backbone collection system, including an alignment within Newburg Road and 12<sup>th</sup> Street to the Loni Drive interceptor, as well as alternative alignments within Sunnybrook Lane or Meadowbrook Drive to a larger facility located on the south side of Rohner Creek that intersects 12<sup>th</sup> Street to the Loni Drive interceptor. Each alternative would involve the replacement of existing gravity flow wastewater facilities within their existing alignment (within the street right of way) with larger facilities sized to accommodate existing development, the MDSP Area, and other new planned development consistent with the General Plan within the sewer basin. A decision as to which alternative is selected will be made based on further engineering studies, ease of construction, operation cost, project cost, and potential environmental impacts.

Wastewater system related performance standards:

- Sewer Collection System. Sewer mains, as sized by the developer's engineer, and approved by the City Engineer, shall be extended within the project in accordance with the City of Fortuna Improvement Standards, Article VI – Sanitary Sewers.
- Sewer Main Sizing. The minimum size of sewer mains shall be 8", except for final runs within cul-de-sacs, or other area where there is no possibility of future extension of the

sewer main. Sewer manholes shall be installed at a maximum spacing of 300 feet. Sewer cleanouts to grade may be installed at the end of final runs within cul-de-sacs, other areas where there is no possibility of future extension of the sewer main, or at the end of a sewer main that will likely be extended in the future. Sewer cleanouts to grade can be installed no further than 150 feet from a manhole.

- Lift Stations. Sewer lift stations, to the extent that the City Engineer determines such facilities will be required, shall be sized by the developer's engineer, and approved by the City Engineer, in accordance with the City of Fortuna Improvement Standards, Article VI – Sanitary Sewers. To the extent that lift stations are required for the proper function of the wastewater collection system, special assessments may be required to ensure that adequate funding is available to support ongoing operations and maintenance.

### *Stormwater*

The FMCC and other planned development within the MDSP Area would be required to design and construct facilities that accommodate stormwater flows according to City of Fortuna standards as well as regional Low Impact Development standards for municipal separate storm sewer systems (MS4s).

The topography of the Mill District area and past excavation and fill, generate the need for the former mill site property to accept stormwater flows from some adjacent property. In order for planned residential development to occur in the existing residential area in the north east of the MDSP Area, storm drainage improvements would need to be designed and constructed to accommodate stormwater flows directed west through the former mill site. If it is found that the infrastructure needs to be increased in size to accommodate the development of adjacent parcels, a buyback agreement could be developed for the FMCC developer to recuperate costs.

The Utility and Infrastructure Conceptual Design used a digital elevation model and existing storm drain infrastructure locations to delineate and identify six drainage management areas (DMAs) within the Mill District, based on existing discharge locations, which include: Newburg Road; Pond Street; Storm drain north to Railroad; north Culvert to Railroad and U.S. 101; south Culvert to Railroad and U.S. 101; Strongs Creek from north; and Strongs Creek and Mill Creek from south.

The Utility and Infrastructure Conceptual Design provides recommendations for the minimum bioswale area with storage/treatment that each DMA would need to provide to meet minimum low impact development requirements. The Utility and Infrastructure Conceptual Design also identifies an estimated of 5,700 feet of 18-inch diameter drain pipe, drain inlets, and manholes that are likely to be located within the rights of way of public streets or easement associated with private streets to convey stormwater to the discharge locations.

Storm drainage related performance standards:

- Low Impact Development Standards. Design of all Storm Drainage Facilities shall include Low Impact Development Best Management Practices. Low Impact Development (LID) is a site design strategy that seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID techniques include the use of small-scale landscape-based best management practices (BMPs) such as vegetated natural filters and bioretention areas (e.g. vegetated swales and rain gardens) to treat and infiltrate storm water runoff. LID also requires preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. The project shall incorporate LID and use landscape-based BMPs sized to treat and infiltrate the storm water runoff volume from all impervious surfaces (e.g. roads, roofs, walkways, patios) produced from the 85th percentile 24-hour storm event, as determined from the local historical rainfall record or using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998). Refer to the City's LID Manual for additional details and references regarding LID Storm Water Best Management Practices.
- Storm Drainage Master Plan. All development shall comply, to the extent reasonably possible, with the recommendations of the City of Fortuna's 2005 Storm Drainage Master Plan (Winzler & Kelly), and the recommendations of the storm drainage analysis specific to the MDSP prepared by GHD in 2024. Specific provisions that should be incorporated into any development design, and/or addressed within the project Drainage Report include, but are not necessarily limited to:
  - Incorporate onsite and regional storm drainage detention.
  - New development shall not increase the estimated existing 25-year peak runoff volume from the site. Any increase beyond the peak 25-year event resulting from new development shall be retained or detained at the expense of the developer/owner.
- Storm Drainage Improvements. Storm Drainage Improvements, as determined necessary by the Drainage Report for the FMCC or other developments within the MDPS Area, and prepared pursuant to the requirements of the City of Fortuna. All of the measures recommended in these reports shall be incorporated into any and all improvement plans, site development plans, or building permits, in accordance with the City of Fortuna Improvement Standards, Article IV – Drainage Improvements. Appropriate easements to accommodate maintenance and repair of the improvements shall be provided on the final map. Specific storm drainage improvements required include, but may not be limited to the following:
  - Storm drain pipes and structures to deliver project storm water runoff to the nearest existing City-owned facility.
  - Lot grading (as shown on the Improvement Plans) to ensure post-project runoff does not flow to adjacent lots of the project.

- Lot grading (as shown on the Improvement Plans) to ensure off-site flows not routed through the project's storm drainage system do not change in character, location, or volume.
- Mitigation of storm water runoff flows as noted above to prevent post-development flows from exceeding pre-development flows.
- Marking for Storm Drainage Inlets. All storm drain inlets are to be marked with "No Dumping- Drains to River" using brass markers purchased from the City of Fortuna Public Works Division, or other supplier approved by the Public Works Division.
- Notice of Special Development Conditions. A "Notice of Special Development Conditions" shall be recorded noting the need for any private storm drainage easements to be created on any of the lots of this development, as determined by the approved final grading and drainage plan. The Notice shall state that no structures, uses, or modification of ground elevations shall be allowed that obstruct storm water runoff within the drainage easement(s).

As described in detail above, most of the circulation, mobility, and infrastructure improvements would be replacement facilities to be located within existing footprints or new facilities within existing disturbed areas. However, components of the water distribution, wastewater collection, and stormwater collection systems may involve new bridge attachments over, aerial pipes over, horizontal directional drilled stream crossings under, or the establishment of stormwater discharges to, the stream and riparian areas of Strongs and Mill Creek. The details of these facilities, such as the number, type, size, design, or location are not known at this time. The ultimate location and design of such facilities may trigger the need for approvals by state agencies under Section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne), Section 402 of the CWA National Pollutant Discharge Elimination System (NPDES), and Lake and Streambed Alteration Agreements pursuant to the California Fish and Game Code Section 1602, and each of which would be subject to its own CEQA process.

### ***PROPOSED ZONING CHANGES***

Proposed changes to zoning classifications within the MDSP Area are intended to facilitate development consistent with MDSP objectives, assure consistency with General Plan Land Use Designations and Mill District Focus Area policy, amended as proposed. Existing City zoning classifications do not provide the flexibility needed to implement General Plan Mill District Focus Area policy and proposed MDSP objectives. Two principal zoning designations, Light Industrial (M1) and Commercial Thoroughfare (C-T), are proposed for MDSP areas intended for employment related development and overall implementation of the broad range of uses allowed in the Mill District (MD) General Plan Land Use Designation. The MDSP proposes creation of a new "Q" Qualified Combining Zone (Q) pursuant to Fortuna Zoning Regulations Section 17.04.090. The Q zone will be combined with any principal zoning district where analysis supports adding or deleting principal permitted or conditional uses.

The draft MDSP Q zone contains a table indicating which uses are principally or conditionally permitted and additional tables that define lot sizes and other development standards and building requirements. The proposed design guidelines would also be a part of the proposed MDSP Q zone. The draft MDSP Q zone is contained in Attachment X of the draft MDSP. Properties that are zoned Multifamily Residential (R-M) would not change, but the “Q” qualified zone relating to drainage issues would be removed given that MDSP drainage planning would address this issue.

**Table 6: Existing and Proposed Zoning Classifications Within MDSP Boundary**

<b>Proposed Zoning Changes Within the MDSP Area Boundary</b>			
<b>Area</b>	<b>Acres</b>	<b>Zoning Classification</b>	
		<b>Existing</b>	<b>Proposed</b>
1	5.90	Commercial Thoroughfare (C-T)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q
2	4.18	Commercial Thoroughfare (C-T)/NULL	Public Facility (PF)
3	52.94	Heavy Industrial (M2)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q
4	0.23	Commercial Thoroughfare (C-T)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q
5	0.49	Commercial Thoroughfare (C-T)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q
6	14.97	Multifamily Residential (R-M)	Multifamily Residential (R-M)
7	1.05	Commercial Thoroughfare (C-T)	Commercial Thoroughfare (C-T)
8	0.51	Commercial Thoroughfare (C-T)	Multifamily Residential (R-M)
9	0.84	Multifamily Residential (R-M)	Multifamily Residential (R-M)
10	2.35	Multifamily Residential (R-M)	Multifamily Residential (R-M)
11	7.95	Heavy Industrial (M2)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q
12	12.04	Heavy Industrial (M2)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q
15	0.80	Commercial Thoroughfare (C-T); Emergency Shelter (ES)	Light Industrial (M1)/Commercial Thoroughfare (C-T)/Q

**Table 7: Existing and Proposed Zoning Classifications Outside MDSP Boundary**

<b>Proposed Zoning Changes Outside the MDSP Area Boundary</b>			
<b>Area</b>	<b>Acres</b>	<b>Zoning Classification</b>	
		<b>Existing</b>	<b>Proposed</b>
13	0.63	Commercial Thoroughfare (C-T); Emergency Shelter (ES)	Public Facility (PF)

Proposed Zoning Changes Outside the MDSP Area Boundary			
Area	Acres	Zoning Classification	
		Existing	Proposed
14	0.5	Heavy Industrial (M2)	Commercial Thoroughfare (C-T); Emergency Shelter (ES)
16	6.91	Freeway Commercial (FC)	Public Facility (PF)

### **PROJECTED BUILDOUT**

The current owner of the former PALCO mill site, has identified a conceptual development plan for site buildout, Figure 4, Proposed Fortuna Mill Commerce Center Improvements. This conceptual development plan, called the Fortuna Mill Commerce Center, is not intended to precisely define individual building footprints or locations, but rather estimates how development may be best arranged within the site and the total estimated building area given site dimensions, topography, resources, surrounding uses, and lot requirements. The Fortuna Mill Commerce Center comprises Areas 3, 5, 12, and 15 on Figure 3: Land Use and Zoning Change Areas within and Outside the MDSP. Table 6: Existing and Proposed Zoning Classifications displays the building square footage within the Fortuna Mill Commerce Center by land use type. Table 8: MDSP Area Assumed Buildout shows the full buildout of other vacant and developable land within the MDSP Area based on the likely floor area ratio of 0.5 and the maximum density of 29 dwelling units per acres.

**Table 8: MDSP Area Assumed Buildout**

Fortuna Mill Commerce Center Conceptual Development Plan	
Expected Use Type	Square Feet
Hotel	72,000
Retail	56,900
Retail Flex	43,200
Commercial Services	33,000
Flex Industrial	88,500
Industrial	84,900
Warehouse	381,000
<b>Total</b>	<b>759,500</b>
Summary Total	Square Feet
Commercial	205,100
Industrial	554,400

<b>Other Mill District Specific Plan Full Buildout</b>		
<b>Area</b>	<b>Square Feet</b>	<b>Dwelling Units</b>
Area 1	80,412	0
Are 11	140,089	0
Area 9	0	20
Area 10	0	55

It is also assumed that some level of mixed-use development will occur within the Fortuna Mill Commerce Center or elsewhere within the MDSP Area. As a result, a total of 100 units, including the 75 units proposed in Areas 9 and 10 are assumed to be development by project buildout.

It should be noted that the maximum theoretical development potential for the MDSP Area based on the maximum density or intensity allowed under the proposed Mill District Land Use Designation is significantly greater than the anticipated buildout described above. If the land planned Mill District and zoned primarily for employment-related uses were to develop at its maximum potential, a maximum Floor Area Ratio of 0.8, over 2,800,000 square feet could result. Additionally, if land zoned primarily for residential uses were developed at its maximum potential density of 29 units per acre, 770 total units could result. This Supplemental EIR evaluates the impacts associated with total anticipated MDSP Area development including the FMCC concept plan, or a total of 980,500 square feet of employment related development and 100 residential units. The Proposed SEIR does not analyze maximum buildout potential of all allocated land uses within the MDSP Area, because it is not reasonably foreseeable based upon past and current development and population growth trends, and such buildout is highly speculative.

Development within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout schedule that involves substantial speculative development, although some speculative buildings may be constructed. Given that there is no defined schedule and no readily available demographic or economic data that could support an objective absorption rate for MDSP buildout, this SEIR assumes that buildout would occur within the next 15 to 20 years. Factors that could affect MDSP buildout include local and regional economic and demographic trends, such as the development of the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal and Nordic Aquafarms Project at the Redwood Marine Terminal, and the expansion of Cal Poly Humboldt.

## 2.8 CUMULATIVE IMPACTS

According to Section 15355 of the CEQA Guidelines, cumulative impacts refer to:

“Two or more individual effects which, when considered together are considerable or which compound or increase other environmental effects. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of a project when added to other closely related past, present, and reasonably foreseeable probably future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.”

Additionally, Section 15130(a) of the CEQA Guidelines States:

“An EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable... When the combined cumulative impact associated with the project’s incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR... An EIR may determine that a project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant...if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.”

Pursuant to Section 15130(b)(1)(A) of the CEQA Guidelines, a list of past, present, and probable future projects producing related or cumulative impacts may be used as the basis of the cumulative impacts analysis

## 2.9 DISCRETIONARY ACTIONS WHICH MAY BE REQUIRED

Approvals required for development of the proposed project may include, but are not limited to, the following:

- Amendment of the Fortuna General Plan 2030 to modify the Mill District Land Use Designation and Mill District Focus Area policy to allow and encourage a range of industrial uses, allow development within the MDSP 100-year floodplain consistent with General Plan; and replace Industrial and Commercial square footage caps.
- Amendment of the City of Fortuna General Plan Land Use Map to apply Land Use Designations as set forth in the MDSP Area Land Use Map;
- Amendment of the City of Fortuna Zoning Map to apply Zoning Classifications as set forth in the MDSP Area Zoning Map;

- Approval of the MDSP to establish the land use and regulatory framework for the physical development of the project site. The MDSP would provide design guidelines and detailed standards for the development of the project site, and would eliminate the need to obtain separate entitlements where such would otherwise be required under the current applicable zoning regulations;
- Adoption of an ordinance establishing a “Q” Qualified Combining Zone to implement the allowed uses, development standards, design guidelines, and other development criteria in a manner consistent with the MDSP.

Additionally, subsequent development projects may also require review and approval by various departments or agencies outside of the City, including but not limited to those listed below. It should be noted that the following actions are associated with the future development of the City as it develops pursuant to the General Plan. That is, actions of the types listed here would occur whether or not the proposed Project was approved, and as such, these actions are listed as general items and are not directly associated with the proposed Project.

- Future development within the 100-year floodplain or other FEMA-mapped flood hazard area would need to be consistent with the developments required under the FEMA National Flood Insurance Program. Any development proposal within the regulatory floodplain/floodway will be subject to review and approval by the City’s Floodplain Administrator.
- National Pollutant Discharge Elimination System (NPDES) Construction General Permits will be required for grading activities of 1 acre or larger. The developer must file a Notice of Intent with the Regional Water Quality Control Board (RWQCB) and obtain a General Construction Activity Stormwater Permit pursuant to the NPDES regulations established under the CWA. This permit requires preparation and implementation of a Stormwater Pollution Prevention Plan, which is intended to prevent degradation of surface and groundwater during the grading and construction process.
- Future development affecting Waters of the U.S. or adjacent wetlands would need to fill out a permit from the U.S. Army Corps of Engineers issued pursuant to Section 404 of the Federal Clean Water Act (CWA).
- Prior to obtaining a CWA Section 404 permit, a future development may also need to obtain a water quality certification or waiver from the Regional Water Quality Control Board pursuant to Section 401 of the Federal CWA.
- Future development affecting native habitat within the bed, bank, channel, or riparian corridor may need a Streambed/Bank Alteration Agreement issued by the California Department of Fish and Wildlife pursuant to Section 1600 et seq. of the California Fish and Game Code.
- Future uses of parcels covered by a covenant recorded for the site, including APNs 200-363-060, 202-021-020, 202-011-046, 201-331-016, 201-331-013, 201-331-010, 201-331-012, and 201-331-017 (Covenant and Environmental Restriction on the Property), should

be communicated to the North Coast Regional Water Quality Control Board in advance, and shall be subject to Article III – Development, Use and Conveyance of the Burdened Property, which details the restriction on development and allowable use.

## 3. ISSUES REQUIRING CHANGES TO PRIOR EIR

---

### 3.1 LAND USE

#### 3.1.1 LAND USE AND LAND USE PLANS

As analyzed in the previous FEIR in Section 3.1 which is related to CEQA Guidelines Appendix G environmental factor XI, Land Use and Planning.

#### SUMMARY OF PREVIOUS FEIR FINDINGS

Potentially adverse impacts associated with land use were analyzed in section 3.1, Land Use and Land Use Plans, of the previous FEIR, which largely coincides with the Land Use and Planning topic XI, questions (a) and (b) in Appendix G of CEQA. The previous FEIR found that impacts relating to XI(a), physically dividing an established community, would be beneficial because the policies of the Fortuna General Plan 2030 and Mill District Focus Area would increase rather than decrease connectivity.

Regarding impact topic XI(a), the potential to conflict with applicable land use plans, policies and regulations adopted to avoid or mitigate environmental effects, the implementation of the Fortuna General Plan 2030 and Mill District Focus Area were determined to be less than significant relating to the City of Fortuna Zoning Regulations, Humboldt County Regional Transportation Plan, and the Humboldt County Airport Land Use Compatibility Plan. The previous FEIR found that even though the General Plan contained policies and programs to encourage infill development and reduce impacts to prime farmland, that because the Fortuna General Plan 2030 included land use designations, land use policies, and programs to annex portions of the unincorporated areas it would conflict with County Agricultural land use and zoning designations adopted by the County to preserve prime farmland by re-designating some of this farmland for urban use. However, this conclusion did not relate to the Mill District Focus Area, which was already within the City of Fortuna, so there was no potential for the Mill District Focus Area to conflict with County agricultural land use and zoning designations adopted to preserve prime farmland.

The previous FEIR also evaluated potential land use impacts to “negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land (Mill District Area Plan).” The previous FEIR noted that while Appendix G of the CEQA Guidelines does not identify “negative community character” as an evaluative environmental issue, it was included to provide a more in-depth analysis of the potential land use impacts of the proposed

Mill District Area Plan. The previous FEIR found that implementation of the Proposed Mill District Area Plan as a mixed-use area, which was previously planned and zoned for industrial uses, will not result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land.

The Land Use and Land Use Plans section of the previous FEIR also included an analysis of the then current impact topic Appendix G X(c), whether the Fortuna General Plan 2020 would conflict with any applicable habitat conservation plan or natural community conservation plan, which is now Appendix G Biological Resources IV(f). The previous FEIR determined that The Planning Area, including the Mill District Focus Area, is not subject to any applicable habitat conservation plan or natural community conservation plan and therefore, no impact would occur.

Since the certification of the previous FEIR, the following substantial changes are proposed to the Fortuna General Plan Land Use Element and Mill District Focus Area land use policies:

- Mill District (MD) Land Use Designation. The mixed-use MD Land Use Designation is proposed to be changed to allow “small-and large-scale light industry” and “compatible heavy industrial uses” that are “well integrated and compatible with the surrounding community” and the Floor Area Ratio is proposed to be increased from 0.5 to 0.8, which is the same as surrounding commercial areas.
- Goal and Policy LU -14, Focus Area: Mill District. The Mill District Focus Area Policy is proposed to be amended in the following manner:
  - LU-14.1, Compatible Uses, adds “industrial” to the listing of compatible uses and adds a sentence to illustrate how potential land use conflicts within and adjacent to the Mill District would be addressed by “applying appropriate land use designations and implementing appropriate development standards, buffer widths, and designs to minimize impacts from future development on existing and planned development in surrounding areas”.
  - LU-14.3 Open Space and Parkland, removes the reference to “parkland” in the title and requirement to preserve the 100-year floodplain for public access and trail development, and removes references to Mill District Area Plan, which was never adopted.
  - LU-14.4 Balanced Transportation, is modified to be more inclusive by replacing “streets and roadways system” with “transportation system” and to “include” modes of travel other than vehicles rather than “utilize.” This change is emphasized in the changes to the Mill District Focus Area implementation program which changes the reference to the preparation of a connectivity map to provide for all transportation modes.

Also, since the adoption of Fortuna General Plan 2030, the Humboldt County Airport Land Use Commission adopted an update to the Humboldt County Airport Land Use Compatibility Plan (ALUCP) in 2021. The Mill District Focus Area was located outside of the areas affected by the ALUCP at the time the Fortuna General Plan 2030 Final Program Environmental Impact Report was certified but is now within the Airport Influence Area Review Area 2 and Horizontal and Conical Surfaces of the Airport Protected Airspace for Rohnerville Airport.

## ENVIRONMENTAL SETTING

The Fortuna General Plan previously evaluated the environmental setting in terms of land use and there are no changes within the Mill District that would affect the environmental setting.

## REGULATORY SETTING

### Federal

The Fortuna General Plan previously described the federal and state regulatory setting relating to land use and there are no changes that would affect the Mill District.

### State

The Fortuna General Plan previously described the federal and state regulatory setting relating to land use and there are no changes that would affect the Mill District.

### Regional and Local

The Fortuna General Plan previously evaluated the local and regional land use regulatory setting and except for the 2021 update to the Humboldt County Airport Land Use Compatibility Plan, there are no changes that would affect the Mill District.

**Humboldt County Airport Land Use Compatibility Plan.** The Humboldt County Airport Land Use Compatibility Plan (ALUCP), adopted in 2021, is an update to the state-mandated airport land use compatibility plan for the areas around the public-use airports in Humboldt County. Within the City of Fortuna, the ALUCP applies to land use in areas surrounding Rohnerville Airport, the runway for which is located approximately 2,000 feet south of the City boundary.

The basic function of the ALUCP is to promote compatibility between the airport and surrounding land uses. ALUCP sets forth criteria and policies which the Humboldt County Airport Land Use Commission uses in fulfilling its duty to review certain airport and adjacent land use proposals around public use airports in Humboldt County. Additionally, the ALUCP sets compatibility criteria applicable to local agencies in their preparation or amendment of land use plans and ordinances and to landowners in their design of new development.

The ALUCP establishes Airport Influence Areas (AIAs) that represent the geographical extent of the ALUC's authority and define areas where noise, safety, airspace protection, and overflight notification policies and compatibility criteria are applied to certain proposed future land use policy actions. AIA Review Area 1 represents the area in which the policies and compatibility criteria associated with noise, safety, airspace protection and overflight notification apply. AIA Review Area 2 represents the area in which only airspace protection and overflight notification policies are applicable.

## IMPACT ANALYSIS

### Significance Thresholds

The proposed Project will have a significant land use impact if it would:

- A. Physically divide an established community;
- B. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or
- C. Results in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land (Mill District Area Plan).

This analysis addresses the significance criteria from the CEQA Guidelines Appendix G, X. Land Use and Planning items (a) and (b). Significance threshold "C" is an impact topic specific to the Fortuna General Plan.

### Methodology

The analysis in this section focuses on the compatibility of land uses identified in Mill District Land Use Designation, Mill District Focus Area policy, and the Mill District Specific Plan with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental impact and analyzes whether development facilitated by the project, or its proposed policies would physically divide communities. This section also analyzes whether the proposed land use and policy changes would result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land.

### Project Impacts and Mitigation

Impact LU-01: Would the project physically divide an established community?

**Previously Identified Level of Significance.** The Project was found to have no impact on an established community in the previously certified FEIR.

The previously certified FEIR noted that “(t)he proposed plan does not include proposals for the construction of new highways, railways, levees, utility infrastructure, large-scale development projects, or other improvements that are most often associated with physically dividing established communities.” The previous FEIR further states that “(t)he proposed plan facilitates development and redevelopment activities within the proposed focus areas and the expansion of development in the proposed annexation areas. However, no road closures are proposed within these areas or within any other portions of the General Plan Planning Area. Furthermore, roads constructed as part of new development within the proposed annexation areas could increase rather than decrease connectivity to, within, and across these areas. Finally, the proposed plan: (1) includes a proposal to develop a seasonal pedestrian undercrossing within the Strongs Creek channel as part of NCRA’s proposed River to Headwater trail system; and (2) requires the provisions of bikeways and pedestrian trails associated with new large development projects facilitated by the proposed plan. In addition, mitigation in Section 4.1 of (previous FEIR) requires improvements to certain roadways and intersections. These would all increase rather than decrease connectivity within the Planning Area.”

**Mill District Specific Plan Changes.** The MDSP would provide a street connection between Newburg Road and South Fortuna Boulevard at the Redwood Shopping Center that would improve connectivity for all modes of travel, provide an essential component of the Strongs Creek Trail which connects the eastern portion of the City and the Riverwalk Area, and provide multiple connections to the Great Redwood Trail. In addition, the Financing Plan associated with the Mill District Specific Plan defines proportionate share contributions from property within the project area towards important intersection improvement projects within the City.

The MDSP will continue to provide street connections and multi-modal pathway connections and is intended to become an integral part of the City transportation system. Given that the proposed changes to the Fortuna General Plan Land Use Element and the MDSP policies and performance measures are comparable to the Mill District Focus Area policy that was analyzed in the previous FEIR, the potential impacts are comparable and would not change the prior finding that the MDSP will not divide an established neighborhood.

### Mitigation Measure

No mitigation measures would be required.

### Significance After Mitigation

Impacts would be less than significant without mitigation.

Impact LU-02: Would the project 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?

**Previously Identified Level of Significance.** The previous FEIR found that the potential for the Fortuna General Plan 2030 and Mill District Focus Area policy to conflict with applicable land use plans, policies and regulations adopted to avoid or mitigate environmental effects to be less than significant as it relates to the City of Fortuna Zoning Regulations, Humboldt County Regional Transportation Plan, and the Humboldt County Airport Land Use Compatibility Plan. Other plans analyzed in this section of the previous FEIR are inapplicable to the Mill District Focus Area because they were only applicable within unincorporated areas.

**Mill District Specific Plan Changes.** Although not a change to the General Plan or Mill District Focus Area policy, the Humboldt County Airport Land Use Commission adopted an update to the Humboldt County ALUCP in 2021. The Mill District Focus Area was within the Horizontal and Conical Surfaces of the Airport Protected Airspace for Rohnerville Airport but previously outside of the areas affected by the ALUCP located and is now within the ALUCP Airport Influence Area (AIA) Review Area 2. The following is an analysis of the potential for the Mill District Specific Plan to conflict with plans that were adopted to avoid or mitigate environmental effects in regards to the Humboldt County ALUCP.

The Mill District Focus Area was located outside of the areas affected by the ALUCP at the time the Fortuna General Plan 2030 Final Program Environmental Impact Report was certified but is now within the AIA Review Area 2 which fully includes the Horizontal and Conical Surfaces of the Airport Protected Airspace for Rohnerville Airport. AIA Review Area 2 contains policies relating to airspace protection and overflight notification policies. AIA Review Area 2 does not contain policies that relate to airport noise or areas where noise and/or safety concerns may require limitations on the types of land use or the intensities or densities that may be developed. As a result, the ALUCP does not affect the range of allowable uses within the MDSP or the location, intensity, or density of such uses.

All of the MDSP Area is within AIA Review Area 2 and ALUCP Airspace Protection Compatibility Policies (Section 3.4) and Overflight Notification Policies (Section 3.5) are applicable to the MDSP Area. Airspace Protection Compatibility policies relate to tall structures, trees, other objects, or high terrain on or near airports, may constitute hazards to aircraft in flight. The ALUCP Airspace Compatibility Policy Map for Rohnerville Airport (Figure 9-3) shows the 14 Code of Federal

Regulations (CFR) Part 77 outer approach surface and associated transitional surface overlaying City of Fortuna boundaries. Part 77 establishes standards to protect airspace by defining imaginary surfaces in areas around airports that relate to structure height limitations. The location of each imaginary surface is based on the category or type of approach of each runway.

The Horizontal Surface is a plane 150 feet above the specifically defined airport elevation that extends out in all directions 10,000 feet from the runway. The Conical Surface is a surface that extends outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet. The Pond Street Area, Residential Area, and the northern portion of the Central Area are within the Conical Surfaces of the Airport Protected Airspace (FAR Part 77) for Rohnerville Airport and the remainder of the MDSP Area is within the Horizontal Surface.

The elevation of the Rohnerville Airport is between 340 and 390 feet above sea level and the highest elevation of the MDSP Area is approximately 60 feet above sea level. Therefore, the Horizontal Surface above the MDSP Area is at least approximately 430 feet above ground level (the elevation of the Horizontal Surface at the Mill District is  $340' + 150' = 490'$  minus  $60' = 430'$  feet above ground level) and the Conical Surface extends upward from that point at a slope of 20 to 1. The MDSP Area is approximately 7,500 feet from the nearest point of the Rohnerville Airport runway. FAA Part 77.9 requires that an applicant file a notice with the FAA if a proposed construction or alteration exceeds an imaginary surface above a runway, which would be approximately 75 feet above the Rohnerville Airport runway at the distance of the MDSP Area from the runway, or an elevation of 355 feet above ground level (7,500 feet multiplied by a slope of 100 to 1). Given that the maximum building height within the MDSP Area is 48 feet, a building that is designed in a manner consistent with the MDSP could not trigger FAA noticing requirements relating to building height.

In addition, the ALUCP and FAA requirements prohibit the release of any substances that would impair aircraft operations, including dust, steam, light emissions, (either direct or indirect), electrical interference, glare, smoke, and other potential hazards to flight from the property. The MDSP requires design review for new development, which would consider the potential for the generation of dust or glare and contains a performance standard relating to noise and screening that implements Fortuna General Plan 2030 policies relating to glare and dust. In particular, Policy LU-7.1, Minimize Nuisances, requires that industrial development avoid creating substantial pollution, glare, or other significant activity that would negatively affect adjacent uses and other areas of the city and Fortuna Municipal Code Section 17.05.110, Landscaping and screening.

To the extent that any proposed construction or alteration within the MDSP would trigger FAR Part 77 requirements to notice the FAA relating to height, the applicant must complete and

submit to the FAA, Form 7460-1, Notice of Proposed Construction or Alteration, at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest. In addition, if the City of Fortuna determines that a proposed use within the MDSP would generate potential hazards to aircraft in flight such as uses creating electrical interference, confusing lights, glare, or other disturbances that are also restricted from areas beneath the airspace protection surfaces, ALUCP Policy GP-4, Actions that Always Require ALUC Review, would require that the City of Fortuna refer the proposed permit to the ALUC prior to approval.

The maximum height for new or altered buildings within the Project site allowed under the Fortuna General Plan, MDSP, and Fortuna Zoning Regulations would not constitute hazards to aircraft in flight and the permit process for design review would ensure that land uses do not generate emissions, such as light, glare, and smoke that would impair aircraft operations. These ongoing requirements would reduce the potential for conflicts from the Mill District Specific Plan to the implementation of the ALUCP to less than significant.

#### Mitigation Measure

No mitigation measures would be required.

#### Significance After Mitigation

Impacts would be less than significant without mitigation.

Impact LU-03: Would the project result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land?

**Previously Identified Level of Significance.** The previous FEIR evaluated potential land use impacts relating to “an inadequate amount of industrially-designated land (Mill District Area Plan),” The previous FEIR noted that while Appendix G of the CEQA Guidelines does not identify “negative community character” as an evaluative environmental issue, it was included to provide a more in-depth analysis of the potential land use impacts of the proposed Mill District Area Plan. The previous FEIR noted that this is not a significance threshold identified in Appendix G of the CEQA Guidelines, but was added in order to provide a more in-depth analysis of the potential land use impacts of the proposed Mill District Area Plan. The previous FEIR found that the implementation Mill District Land Use Designation as a mixed-use area (which was previously planned and zoned for industrial uses) and Mill District Focus Area policy, will not result in negative community character, substantial land use conflicts, or an inadequate amount of industrially-designated land.

**Mill District Specific Plan Changes.** The Mill District Specific Plan includes proposed changes to Land Use Element policies that include allowing a range of industrial uses instead of only “compatible light industrial uses” in areas Planned Mill District – MD. The Mill District is intended to be a mixed-use area with single-use and vertical and horizontal mixed-use development. This change would allow a full range of light industrial uses and is paired with MDSP performance standards and design guidelines to ensure that development be compatible with adjacent uses. The MDSP also applies noise and screening performance standards that specify that parcels adjacent to existing or proposed residential areas provide attenuation measures such as structural features, construction materials, landscaping, and increased setbacks to reduce heat, trespassing, vibration, glare, dust, air quality impacts, or other annoyances and to reduce noise levels for proposed residential uses to at or below the City’s 60 dB Ldn exterior and 45 dB Ldn interior noise standards. In addition, the screening of off-street parking spaces that abut a residential use is required along all interior property lines pursuant to and consistent with (Fortuna Municipal Code Section 17.05.110D, Landscaping and screening). These criteria were prepared to be consistent with Fortuna General Plan Land Use Element policies LU-4, Residential Development, LU-5, Neighborhood Conservation & Enhancement, LU-6, Commercial Development, LU-7; Industrial Development, LU-14, Mill District Focus Area, and Fortuna Municipal Code Section 17.05.110 standards relating to landscaping and screening.

The policies and performance standards described above, all of which are consistent with General Plan policies intended to avoid or mitigate environmental effects, and the requirement that projects be consistent with design guidelines and that would be implemented as part of a conditional use permit, would ensure that the proposed changes to the Fortuna General Plan Land Use Element Mill District Focus Area policies, the proposed MDSP and Fortuna Zoning implementation would continue to result in less than significant impacts to community character or land use conflicts.

**Mill District Specific Plan Changes - Inadequate Industrially-Designated Land.** Regarding the amount of industrially-designated land, the Fortuna General Plan Land Use Map identifies two City areas approximately 80 acres in total that are designated Industrial (IND). Of the 80 acres zoned for industrial uses, 27 acres are south of Main Street area and west of 7<sup>th</sup> Street, and 53 acres are in the Dinsmore Drive area. The previous FEIR found that “the amount of land to be designated Industrial (IND) under the proposed plan will more than meet the City’s projected demand for industrial land through the year 2030.” The previous FEIR also indicated that two areas identified for future annexation were planned for industrial uses: The Riverwalk District (approximately 94 acres) and the Rohnerville Airport Annexation Area (approximately 104 acres that have not yet been annexed). Since the adoption of the General Plan in 2010, the Riverwalk District has been annexed to the City and the Riverwalk District General Plan Land Use Designation was applied. The Zoning that was applied to this area, Commercial Thoroughfare (C-

T) and Freeway Commercial (F-C) allow only “light service industries,” which include “bakeries, creameries, soft drink bottling plants, cleaning and drying plants, laundries, printing and engraving plants, and any other plant of a similar nature” (and only as an accessory use in the F-C Zone). As a result, the Riverwalk Area is no longer available for industrial use.

The City has indicated that industrial space is in demand within the City and should likely be accommodated within the Mill District. The Mill District has historically had over 300,000 building square feet of industrial space and extensive outdoor industrial uses. Most of the Central Area of the MDSP Area (the central portion of the former mill site) is subject to a land use covenant that limits future uses only to industrial uses due to historic contamination unless comprehensive soil and ground water remediation is completed. The Creek Riparian and Trails Areas and the Residential Area would not allow industrial uses due to the Zoning classification that is proposed to be applied and highly restrictive stream and riparian protections.

The addition of industrial as an allowable use in the Mill District Land Use Designation, (outside of the Creek Riparian and Trails Areas and the Residential Area), will ensure the City continues to meet the projected demand for industrial land and offset the loss of industrial land in the Riverwalk District and the potential that the Airport Area may be annexed for other than industrial uses. Therefore, a less-than-significant impact will occur.

#### Mitigation Measure

No mitigation measures would be required.

#### Significance After Mitigation

Impacts would be less than significant without mitigation.

### **3.1.2 ECONOMIC IMPACTS**

Economic impacts are analyzed in the Prior FEIR in Section 3.3, however, this is not an impact topic area in Appendix G of CEQA.

#### **SUMMARY OF PREVIOUS FEIR FINDINGS**

Potentially adverse environmental impacts associated with anticipated economic effects were analyzed in section 3.3, Economic Impacts, of the previous FEIR. However, this is not an impact topic area in Appendix G of CEQA. However, an EIR is required to analyze a project's significant physical impact on the environment and when a proposed development project is subject to CEQA, both direct and indirect (or "secondary") impacts of the project on the physical environment must be analyzed. Economic and social impacts of a project, though they may be included in a CEQA document, are not to be treated as "significant" impacts on the physical environment, as defined. To the extent that there is a direct or indirect causal connection between a change in economic or social circumstances and a change in the physical environment, the economic or social change may be used to establish whether the physical change is "significant."

The previous FEIR states that "California case law has established that CEQA may require urban decay or deterioration (e.g., blight) to be considered as an indirect environmental effect of a proposed project" and uses a threshold of significance that the proposed General Plan implementation would have a significant economic impact if it results in the development of new commercial (retail and office) or industrial space which exceeds the absorptive capacity for those uses in Humboldt County, potentially resulting in blight conditions. The stated rationale in the previously certified FEIR for this significant impact threshold was that if the supply of new commercial or industrial space in Fortuna exceeds the estimated new County-wide demand for such space, then there would be excess space supply, which could reasonably be expected to result in idle, unused commercial, office or industrial space which could potentially lead to blight.

The previous FEIR found that the potential for the implementation of the proposed plan to cause blight conditions would be less than significant because polices are included in the General Plan that would cap new commercial space in Fortuna at 973,460 square feet and new industrial space 400,000 square feet. These caps equal 26.7% and 30% of the County's projected 2030 commercial and industrial space demand, which is estimated to not exceed the absorptive capacity for these uses within the entire county, and therefore the development of the new commercial and industrial space subject to those caps would not result in blight conditions in the City of Eureka or in other parts of Humboldt County.

Since the certification of Fortuna General Plan 2030 Final Program Environmental Impact Report, the following substantial changes are proposed to the Fortuna General Plan Land Use Element policies relating to economic effects:

- LU-6.6 Targeted Commercial Use and Development Levels. Policy LU-6.6 and Program LU-8, which cap commercial development levels are proposed to be modified to remove specific square footage “caps” and replace the caps with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council whether urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.
- LU-7.4 Targeted Industrial Use and Development Levels. Policy LU-7.4 and Program LU-9, which cap industrial development levels is proposed to be modified to remove specific square footage “caps” and replace the caps with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council whether urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity.
- Previous FEIR, Draft PEIR Table 3.1-6, Proposed General Plan Buildout Calculations. The Project is anticipated to result in a maximum building area of approximately 926,150 square feet (651,486 square feet of industrial uses and 276,658 of commercial uses) and 100 new residential units, instead of 300,000 square feet of commercial building area and 300 new housing units as previously analyzed within the Mill District. This is a net reduction of approximately 23,342 square feet of commercial space and 200 residential units within the Mill District and the City, and a net increase of approximately 651,500 square feet of industrial space.

## ENVIRONMENTAL SETTING

The Fortuna General Plan previously evaluated the environmental setting in terms of economic impact and there are no changes proposed within the Mill District that would affect the environmental setting.

## REGULATORY SETTING

The Fortuna General Plan previously described the federal, state, and local regulatory setting relating to economic impacts and there are no changes that would affect the Mill District.

## IMPACT ANALYSIS

### Significance Thresholds

The proposed Project will have a significant land use impact if it:

- A. Results in the development of new commercial (retail and office) or industrial space which exceeds the absorptive capacity for those uses in Humboldt County, potentially resulting in blight conditions.

This analysis does not address a significance criterion from CEQA Guidelines Appendix G. Related to urban decay. CEQA Guidelines Section 15131 states that “(e)conomic or social information may be included in an EIR or may be presented in whatever form the agency desires.” “Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.” CEQA Guidelines Section 15131(b) also provides that “(e)conomic or social effects of a project may be used to determine the significance of physical changes caused by the project.” For example, the level of significance of a physical division of a community from the installation of rail lines could be measured by the social effect on the community.

The rationale from the previous FEIR for the significant impact threshold above is as follows (Page 3.3 - 4):

“If the supply of new commercial or industrial space in Fortuna exceeds the estimated new County-wide demand for such space, then there would be excess space supply. In this case, the estimated excess supply could reasonably be expected to result in idle, unused commercial, office or industrial space which could potentially lead to blight.

The determination of “significant” impacts in this analysis is based on Humboldt County as a whole since the regional commercial center is outside the City of Fortuna (e.g., the City of Eureka). As indicated in the policy background information above, new development in Fortuna would have a mixture of positive and negative economic impacts on existing businesses in Fortuna. For example, while new development would bring additional competition to existing Fortuna businesses, it would also bring additional shoppers from outside the City which would benefit existing Fortuna retailers. Additional development in the City’s redevelopment area would also provide a fiscal stimulus to the area that would benefit existing Fortuna businesses and community members based on the collection of any related sales or property taxes. At the County level, however, more commercial, office or industrial space in Fortuna could potentially result in fewer sales

and employment in these sectors in other jurisdictions unless there was sufficient overall growth in the commercial, office or industrial sectors. This could create the potential for blight impacts in those other jurisdictions.”

Urban decay is typically associated with the development of large commercial retail centers, particularly those that include “big box” retail uses that may result in economic impacts on existing commercial businesses. Urban decay can occur if new large retail centers capture a significant share of retail expenditures that contribute to the economic viability of the existing businesses. If existing businesses close because of competitive pressures and the buildings cannot readily be re-leased, general deterioration and decay of the buildings and properties is possible. This could be considered an indirect environmental impact.

Bakersfield Citizens for Local Control v. City of Bakersfield (2004) is the leading court case relating to urban decay. In Bakersfield, which involved the construction of supercenter stores, the court reviewed a series of decisions concerning the circumstances that require an EIR to address neighborhood deterioration and concluded proposed new shopping centers do not trigger a conclusive presumption of urban decay. However, when there is evidence suggesting that the economic and social effects caused by the proposed shopping center ultimately could result in urban decay or deterioration, then the lead agency is obligated to assess this indirect impact. Many factors are relevant, including the size of the project, the type of retailers and their market areas and the proximity of other retail shopping opportunities.

### Methodology

The previous FEIR defines the methodology for this analysis and lists a series of assumptions relating to the buildout period (2030), defines the commercial and industrial market area, market and demand factors, and projected demographic growth rates.

### Project Impacts and Mitigation

Impact ECO-01: Would the project result in the development of new commercial or industrial space which exceeds the absorptive capacity for those uses in Humboldt County, potentially resulting in blight conditions?

The analysis in this section focuses on whether the modification of existing General Plan Land Use Element policies and implementation programs that establish commercial and industrial “target” use levels and seek to equitably distribute such use levels within Land Use Designations within the City, and their replacement with ongoing programs to monitor commercial and industrial development and conditions within the City relating to urban decay and to report on such conditions as part of the annual General Plan report, coupled with the approval of the Mill

District Specific Plan, would result in economic or social changes that would cause substantial and adverse physical changes that would cause urban decay.

**Previously Identified Level of Significance.** The previously certified FEIR found that the potential for the Fortuna General Plan 2030 to result in the development of new commercial (retail and office) or industrial space that exceeds the absorptive capacity for those uses in Humboldt County, potentially resulting in urban decay (blight conditions), would be less than significant. Implementation of the proposed Fortuna General Plan 2030 could result in 973,460 square feet of new commercial space and 400,000 square feet of new industrial space in Fortuna, which represent 26.7% and 30% of the County’s projected 2030 commercial and industrial space demand. This level of development was determined to not exceed the absorptive capacity for these uses so it would therefore not result in blight conditions, or urban decay.

**Mill District Specific Plan Changes.** The following substantial changes are proposed to the Fortuna General Plan Land Use Element policies relating to economic effects:

Policy LU-6.6 and Program LU-8, which cap commercial development levels are proposed to be modified to remove specific square footage “caps” and replace the caps with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity. The following shows the specific changes to Policy LU-6.6 and Program LU-8:

**LU-6.6 ~~Targeted Commercial Use and Development Levels.~~** To ~~grow consistent with projected commercial absorption rates and~~ avoid overbuilding that could result in high vacancy rates, the City shall ~~designate~~ monitor commercial use development levels (square footage) within the City as well as track conditions relating to urban decay within Downtown and established shopping centers. ~~To equitably distribute commercial uses.~~

**LU-8** Track new commercial development, pursuant to Policy LU-6.6, by focus area or City neighborhood as well as conditions relating to urban decay, in particular within Downtown and other shopping centers, in coordination with local associations and regional economic development organizations. Where urban decay or other indications of overbuilding or high vacancies are occurring, identify available or new City programs to limit urban decay, attract businesses, and encourage increased business activity. Report on development levels and where development is occurring, urban decay conditions, and other findings related thereto, to the Planning Commission and City Council as part of the annual General Plan annual report. ~~The City shall allow new commercial development, up to the following levels, to equitably distribute sales and employment generating uses in the City and annexation areas:~~

- ~~• Commercial (COM) 168,000 SQ.FT.~~
- ~~• Office (OFF) 172,000 SQ.FT.~~

- ~~Central Business District (CBD) 35,000 SQ.FT.~~
- ~~Mill District (MD) 250,000 SQ.FT.~~
- ~~Fortuna Blvd (CMU) 146,000 SQ.FT~~
- ~~Riverwalk District (RWD ) 150,000 SQ.FT~~

Policy LU-7.4 and Program LU-9, which cap industrial development levels are proposed to be modified to remove specific square footage “caps” and replace the caps with an annual monitoring and reporting program to track new commercial development and conditions relating to urban decay and report annually to the Planning Commission and City Council and where urban decay or other indications of overbuilding or high vacancies are occurring, identify City programs to limit urban decay, attract businesses, and encourage increased business activity. The following shows the specific changes to Policy LU-7.4 and Program LU-9:

**LU-7.4 Targeted Industrial Use and Development Levels.** ~~To grow consistent with projected industrial absorption rates and avoid overbuilding that could result in high vacancy rates, the City shall designate~~ monitor industrial use development levels (square footage) to within the City as well as track conditions relating to urban decay ~~equitably distribute industrial uses.~~

**LU-9** Track new industrial development, pursuant to Policy LU-7.4, by focus area or City neighborhood as well as conditions relating to urban decay. Where urban decay or other indications of overbuilding or high vacancies are occurring, identify available or new City programs to limit urban decay, attract businesses, and encourage increased business activity. Report on development levels and where development is occurring, urban decay conditions, and other findings related thereto, to the Planning Commission and City Council as part of the annual General Plan annual report. The City shall allow new industrial development, up to the following levels, to equitably distribute sales and employment generating uses in the City and annexation areas:

- ~~South of Main Street in City 100,000 SQ.FT.~~
- ~~Riverwalk District Annexation 150,000 SQ.FT~~
- ~~Rohnerville Airport Annexation 150,000 SQ.FT~~

The MDSP is anticipated to result in a total building area of approximately 926,150 square feet (651,486 square feet of industrial uses and 276,658 of commercial uses), instead of 300,000 square feet of commercial building area, and result in approximately 100 new housing units, previously analyzed within the Mill District. This level of development would result in approximately 23,342 square feet less commercial building area within the Mill District and the City, and approximately 351,500 square feet more industrial square feet within the City. No industrial space was previously allocated to the Mill District. It should be noted that the maximum theoretical development potential for the MDSP Area based on the maximum density or intensity

allowed under the proposed Mill District Land Use Designation is significantly greater than the anticipated buildout described above. If the land planned Mill District and zoned primarily for employment-related uses were to develop at its maximum potential, a maximum Floor Area Ratio of 0.8, over 2,800,000 square feet could result. This level of development would far exceed industrial related development within the region in the past and projected demographic growth and is therefore considered unforeseeable and not analyzed further.

The prior analysis presumed that if the supply of new commercial or industrial space in Fortuna potentially exceeded the estimated new County-wide demand for such space during the planning period, there would be excess space supply and the presumed excess supply would reasonably be expected to result in idle, unused commercial, office or industrial space which would lead to blight, or urban decay. The prior analysis listed a series of General Plan policies that were intended to cap growth in commercial and industrial building area consistent with projected absorption rates and avoid overbuilding. Chief among the General Plan policies that limit the potential for urban decay are the caps on the amount of commercial and industrial development permitted in the City established by Policies LU-6.6 and -7.4, and Programs LU-8 and LU-9.

This section analyzes whether it is reasonable to presume that replacing existing commercial and industrial square footage caps and allocated maximum square footages by land use or City area with policies and programs to monitor development levels and economic conditions within the City, would cause urban decay.

The previous FEIR evaluated the employment-generating market effects that could occur within the City on a county-wide basis, suggesting that the county is the market area for commercial and industrial development and not the City. The analysis evaluated the “demand” for future commercial and industrial space, which refers to the space needs of workers in commercial and industrial space-utilizing occupations based on projected City demographic levels (population and employment growth) at buildout. The previous FEIR treated all land planned for commercial uses in the same manner, regardless of the commercial use type that may be developed within them (automobile sales or service, office, professional, retail sales large or small, retail services, or visitor accommodations), and assumed that the development of such land, beyond a level commensurate with demographic growth, would equally have the potential to cause urban decay. The previous FEIR also presumed that the development of industrial land beyond a level commensurate with demographic growth would have potential to cause urban decay.

Following the adoption of the Fortuna General Plan in 2010, a comprehensive update to the Humboldt County General Plan was adopted in 2017, and the City of Eureka General Plan update was adopted in 2018. Neither General Plan included caps on commercial or industrial development nor did either jurisdiction’s EIR presume that the adoption of the general plan updates had the potential to result in “urban decay”:

The Humboldt County General Plan plans 3,247 acres of land for industrial uses, 1,819 acres of which are considered developable and projected that 2,728,856 square feet of industrial development will occur during the planning period (2040). The maximum floor area ratio for industrial land is 3.0 and the land use map could allow 237,706,920 square feet of industrial development within these areas, which is over 80 times the projected development of industrial square footage during the planning period. The General Plan also planned 2,418 acres of land for commercial uses, 1,588 acres of which are considered developable and projected that 238,378 square feet of commercial development will occur during the planning period (2040). The maximum floor area ratio for commercial land is 3.0 and the land use map could allow 207,519,840 square feet of commercial development within these areas. This represents hundreds of times the projected development of commercial square footage during the planning period.

The City of Eureka General Plan Update Economic Development Policy Paper evaluated industrial development within the County and concluded that “If the City were to maintain its fair share of this growth, based on its existing share of countywide industrial employment (i.e., jobs in the four industry sectors identified above), it would capture an estimated 210 new industrial or warehouse-oriented jobs through 2040. This would be sufficient to support absorption of between 210,000 and 262,500 square feet of building space.” The report suggested that the City of Eureka needed to identify additional land to accommodate potential industrial development. The City of Eureka General Plan EIR did not contain assumptions that the supply of commercial or industrial land could result in an oversupply of constructed building space that would exceed population growth related absorption rates. The EIR did not evaluate the potential for blight or urban decay. The EIR suggested that the development of vacant or underutilized industrial sites would have a beneficial impact relating to blight.

City of Fortuna tracking of commercial and industrial square footage in relation to Policy LU-6.6 Targeted Commercial Use and Development Levels and Program LU-8 and LU-7.4 Targeted Industrial Use and Development Levels and Program LU-9 since 2010, shows the following.

**Table 9: City of Fortuna Tracking of Commercial and Industrial Square Footage**

<b>Commercial</b>			
<b>Land Use Designation</b>	<b>Allocation</b>	<b>New sf to Date</b>	<b>Balance Remaining</b>
Commercial (COM)	168,000	19,665	148,335
Office (OFF)	172,000	31,000	141,000
Central Business Districted (CBD)	35,000	0	35,000
Mill District (MD)	250,000	0	250,000
Fortuna Blvd. (CMU)	146,000	16,768	129,232
Riverwalk District (RWD)	150,000	34,648	115,352

<b>Totals</b>	<b>921,000</b>	<b>102,081</b>	<b>818,919</b>
<b>Industrial</b>			
<b>Area</b>	<b>Allocation</b>	<b>New sf to Date</b>	<b>Balance Remaining</b>
South of Main Street	100,000	9,000	91,000
Riverwalk District Annexation (RWD) <sup>1</sup>	150,000	0	150,000
Rohnerville Airport Annexation	150,000	0	150,000
<b>Totals</b>	<b>400,000</b>	<b>9,000</b>	<b>391,000</b>

The Riverwalk District was annexed to the City of Fortuna in 2013 and approximately 30 percent, or 57 acres of the area was planned for industrial uses. Of the portion of the Riverwalk Annexation Area planned Industrial, approximately 60 percent is used for aggregate processing facilities, approximately 25 percent contains a portion of the City wastewater treatment plant and dog park, and the remainder contains mostly commercial services or light industrial uses along Dinsmore Drive and about 2.5-acres along the far western edge of an auto wrecking yard that is almost entirely planned Riverwalk District. As indicated previously, the Rohnerville Airport Annexation Area has not been annexed and there are currently no plans to process an annexation application for this area.

The conceptual development plan for the Fortuna Mill Commerce Center and the assumed development plan for the remaining portion of the MDSP Area not zoned residential is as follows:

**Table 10: Mill District Conceptual or Assumed Buildout**

<b>Commercial</b>	<b>Use Type</b>	<b>Square Feet</b>
Fortuna Mill Commerce Center	Hotel	72,000
	Retail	56,900
	Retail Flex	43,200
	Commercial Services	33,000
Other MDSP Areas	Hotel / Restaurant	80,412
<b>Total Commercial</b>		<b>285,512</b>
<b>Industrial</b>		
Fortuna Mill Commerce Center	Flex Industrial	88,500
	General Industrial	84,900
	Warehouse	381,000
Other MDSP Areas	General Industrial	140,089
<b>Total Industrial</b>		<b>694,489</b>
<b>Total Square Feet</b>		<b>980,001</b>

The FMCC has not identified tenants for the building space in the conceptual development plan or if significant space is intended to be developed on a speculative basis. The MDSP Area is a unique site within the City and region, given its proximity to services, infrastructure, and transportation routes as well as its location as an urban infill site. Only 9,000 square feet of flexible industrial space has been developed within the City in the last 14 years and no major industrial developments have occurred in the region during this period.

As stated in the project description, development within the proposed MDSP area is projected to occur over time, based on market demand, and on an applicant-initiated build-to-suit basis rather than according to a phased buildout schedule that involves substantial speculative development, although some speculative buildings may be constructed. Given that there is no defined schedule and no readily available demographic or economic data that could support an objective absorption rate for MDSP buildout, this EIR assumes that buildout would occur within the next 15 to 20 years. Factors that could affect MDSP buildout include local and regional economic and demographic trends, such as the development of the Humboldt Bay Offshore Wind Heavy Lift Marine Terminal and Nordic Aquafarms Project at the Redwood Marine Terminal, and the expansion of Cal Poly Humboldt. Future unknown factors could also affect the demand for industrial space in Fortuna or the region.

The previous FEIR presumed that that if the Fortuna General Plan allowed commercial or industrial development levels that exceed the Humboldt County 2030 county-wide commercial and industrial space demand estimates, urban decay may occur in the City of Eureka or in other parts of the County. As indicated above, this assumption is not consistent with the methodologies of the CEQA analyses of other more recent General Plans in the County, as land planned for commercial and industrial development in the County could allow square footage levels more than 50 times greater than projected.

The current land use cap policies do not require that development occur at a pace commensurate with demographic growth and could allow all allocated development in one project or all development allowed city-wide within a short period of time. This disconnect could inadvertently allow urban decay to occur, in spite of its intent.

The proposed amendments to Land Use Element policy and implementation programs would remove specific square footage commercial and industrial caps as well as the allocation of square footage by land use designation within the City. The removal of policies and programs that establish commercial and industrial square footage caps and the allocation of square footage by land use designation or area within the City would not in and of itself result in new building square footage or change where or when new commercial or industrial development would occur. The proposed Land Use Element policy and implementation programs would maintain the original policy objective, presumably to prevent urban decay and to track the distribution of development

but do so through an ongoing monitoring and reporting program that engages the public, City policymakers, and interested parties rather than through a potentially arbitrary cap.

Given that the FMCC development concept or other development within the MDSP does not identify future tenants and does not establish a specific commercial or industrial land use program to be developed according to a phasing schedule and would instead likely be developed over time according to regional demand, the removal of land use caps is replaced by an ongoing monitoring and reporting program, the proposed Land Use Element amendments and MDSP would not be presumed to result in urban decay.

*Mitigation Measure*

No mitigation measures would be required.

*Significance After Mitigation*

Impacts would be less than significant without mitigation.

## 3.2 TRANSPORTATION AND CIRCULATION

### 3.2.1 VEHICLE MILES TRAVELED

As analyzed in the previous FEIR in section 4.1 which coincides with CEQA Guidelines Appendix G environmental factor XVI, Transportation/Traffic. Vehicle Miles Traveled (VMT) became a threshold to measure transportation impacts in for CEQA review in 2020 and was not analyzed as the transportation impact in the previous FEIR.

#### SUMMARY OF PREVIOUS FEIR FINDINGS

Section 2.7, Issues of Controversy and Issues to be Resolved, of the previous FEIR Project Description identified “(t)raffic and circulation impacts that may result from General Plan implementation (i.e., increased vehicle miles traveled, the circulation systems capacity to handle increased traffic demands)” as an area of controversy and evaluates the “ability of existing and planned bicycle and pedestrian facilities to accommodate projected growth...(and) limited opportunities.” However, the transportation, or Roadway and Highway System analysis in Chapter 4, Transportation & Circulation, did not consider increased vehicle miles traveled (VMT) as a transportation threshold of significance. The previous FEIR did provide some analysis of VMT in Section 2.6, Energy Conservation, where the Environmental Setting, under the heading “Gasoline,” states that “(b)ecause of its rural nature, Humboldt County residents have a higher vehicle miles traveled (VMT) than do more densely populated regions,” and finds that that because only about 57% of the City’s working age population works in the City of Fortuna “per-capita motor vehicle use, trip length, and resulting VMT are higher for Fortuna residents than if a greater proportion of the City’s working age population worked within the city limits.”

In Impact 5.6-1: Inefficient, Wasteful or Unnecessary Consumption of Energy, the previous FEIR lists General Plan land use and transportation policies and programs designed to reduce motor vehicle trips, reduce VMT, and maximize, transit use, including to:

- 1) provide a balance of residential and employment-generating uses, provide compact and mixed-use development, encourage infill, discourage leapfrog development, and provide housing near employment centers; and,
- 2) extend transit to new development, provide trails and bicycle paths in new development, and provide transit and non-vehicular connectivity.

The analysis in Section Impact 5.6-1: Inefficient, Wasteful or Unnecessary Consumption of Energy, concluded that due to the land use and transportation policy relating to VMT, the proposed plan will not result in the inefficient, wasteful or unnecessary consumption of energy, and a less than significant impact will occur. In spite of this finding, an analysis of transportation impacts relating to VMT to determine if the General Plan exceeded an applicable threshold of

significance indicating a significant impact. This Section evaluates whether the MDSP would result in a significant VMT impact when compared to regional averages for Humboldt County.

Section 4.2, Transportation and Circulation, of this SEIR describes each of the transportation CEQA topics, other than VMT, that were analyzed in the previous FEIR where MDSP impacts were found to have no substantial change from previous analysis, including 4.2.1-1 Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (including exceeding, either individually or cumulative, LOS standards) potential impact; 4.2.1-2 substantially increase hazards due to a design feature or incompatible uses; 4.2.1-3 result in inadequate emergency access; 4.2.1-4 result in inadequate parking capacity; 4.2.2-1 discourage or interfere with pedestrian circulation; 4.2.2-2 increased need for new pedestrian facilities; 4.2.2-3 discourage or interfere with bicycle circulation; 4.2.2-4 increased need for new bicycle facilities; 4.2.3-1 discourage or interfere with fixed route transit service; and 4.2.3-2 generate an increase in transit ridership.

## ENVIRONMENTAL SETTING

The Plan area is located between Highway 101 and South Fortuna Boulevard between Newburg Road to the north and Kenmar Road to the south. A private road to be named later runs north/south through the middle of the area and does not currently provide public access to the area. Additional access to the Plan area is from South 15<sup>th</sup> Street, South 16<sup>th</sup> Street, Spring Street, 1<sup>st</sup> Avenue, and 2<sup>nd</sup> Avenue.

### Existing Street Network

**Highway 101** is the primary north/south route connecting Fortuna to Eureka/Del Norte County in the north and Garberville/Mendocino County to the south and identified on the California Road System map as an Other Freeway or Expressway. It runs along the western edge of the Plan area and provides a high amount of visibility for the Mill District. Within the City of Fortuna, Highway 101 is a four-lane highway with on/off ramps at Kenmar Road/Riverwalk Drive, 12<sup>th</sup> Street (which are located at the north and south ends of the Mill District, providing excellent freeway access to the Plan area), and 3<sup>rd</sup> and Main Street.

**South Fortuna Boulevard** is a Minor Arterial that runs north/south along the eastern edge of the Plan area. It reaches from Kenmar Road in the south to Main Street/Rohnerville Road in the north. It is a four-lane divided roadway with a vegetated median, on-street parking, and signalized major intersections. Only a short portion of the street, from approximately Kenmar Road to the southern entrance of the Safeway shopping center has a designated bike lane in both traffic directions.

**Newburg Road** is Major Collector and an important east-west Fortuna City street that extends east from 12<sup>th</sup> Street to the eastern City of Fortuna boundary. The Highway 101, Fortuna Downtown and Riverwalk Area Complete Streets and Connectivity Planning Study, November 2016, indicated that the intersection of 12<sup>th</sup> Street and Newburg Road is a two way stop controlled intersection that operates at a level of service “D” at the AM peak and at a level of service “F” at the PM peak. The City of Fortuna is carrying out the 12<sup>th</sup> Street Interchange Modernization Project which identifies a preferred design concept as a five-leg roundabout at the 12th Street/US 101 NB Ramps intersection that incorporates a realigned Newburg Road as the fifth leg (North Roundabout). The existing Newburg Road connection to 12th Street would be closed by creating a cul-de-sac.

**Kenmar Road** is a two-lane two-way street that provides access to residential areas between Ross Hill Road and Rohnerville Road and identified on the California Road System map as a Minor Arterial. The US 101 southbound ramp at Kenmar Road operates at level of service “F” during the PM peak hour and the northbound ramp operates at acceptable levels of service during AM and PM peak hours. The Kenmar Road and Eel River Drive intersection operates at level of service “E” during AM and PM peak hours. The intersection of Kenmar Road, Ross Hill Road, and South Fortuna Boulevard is currently signalized but often experiences acceptable delays during morning and evening commute times. The city is in the process of redesigning the intersection to improve traffic flows and pedestrian/cyclist safety. The redesign of Kenmar Road is likely to include roundabouts at the west and east US 101 interchanges and may include the Kenmar Road and Eel River Drive intersection.

**South 15<sup>th</sup> and 16<sup>th</sup> Streets** are short north/south running dead end roads that extend south from Newburg Road. They provide access to residential units in the northeastern section of the Plan area.

**Spring Street** is a north/south running road that extends from Newburg Road and travels south to connect with 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Avenues. It primarily provides access to residential units in the northeastern section of the Plan area with minimal commercial access.

**1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Avenues** are short east/west running roads that extend west from South Fortuna Boulevard, insect with Spring Street, and then dead end to the west. They provide access to residential units and some commercial areas in the northeastern section of the Plan Area.

Currently there are no public north/south routes within the Plan area and there are only very limited east/west routes that serve the residential area on the eastern side. The residential area north of Third Street has a natural grid-configuration, but largely functions as a cul-de-sac neighborhood. Future residential, commercial, and mixed-use development potential would be enhanced by increasing connections between Newburg Road and South Fortuna Boulevard.

## Transit

**RTS Service and the Mill District.** The Redwood Transit System (RTS) provides limited intercity transit service to Fortuna via a mainline route that extends north-south between the communities of Scotia and Trinidad. The RTS provides connectivity for the communities of Eureka, Arcata, Fortuna, McKinleyville, Westhaven, Trinidad, Fields Landing, Rio Dell, Scotia, and King Salmon, as well as Cal Poly Humboldt, College of the Redwoods, and the California Redwood Coast-Humboldt County Airport. In addition, the Southern Humboldt Intercity (SHI) fixed route service runs north-south between Eureka and Benbow, traveling through Fortuna as well as Rio Dell, Redcrest, Weott, Meyers Flat, Miranda, Phillipsville, Redway, and Garberville along the way. There are three RTS bus stops adjacent to the Mill District: (1) South Fortuna Blvd. & Spring St. (O'Reilly Auto Parts); (2) South Fortuna Blvd. & Strongs Creek Drive (Strongs Creek Shopping Center); and (3) Kenmar Drive and Eel River Drive (Fortuna Park & Ride).

**Fortuna Transit Service.** The City of Fortuna operates the Fortuna Transit Service, which is a demand-response, curb-to-curb transportation service that provides rides for seniors ages 50 and older or disabled persons who are unable to drive. People younger than 50 years old may also be eligible for Fortuna Transit services if they provide a medical note stating they are unable to drive.

Passengers can schedule rides by calling dispatch. Passengers can make reservations up to one month in advance for medical appointments, one week in advance for other types of appointments, and the day before for purposes such as shopping.

Fortuna Transit operates almost entirely within city limits, using two zones as general guidance (a north zone and a south zone). These zones were developed to maximize service efficiency and effectiveness. Passengers can schedule rides Monday through Friday between 8:30 AM and 4:00 PM. Since 2018, Fortuna Transit has also provided transportation outside of city limits to Eureka for medical appointments on Tuesdays between 10:00 AM and 2:00 PM.

## Pedestrian/ Bicycle/Trails

The City of Fortuna has an extensive network of sidewalks along city streets. However, according to the General Plan, barriers often exist such as utility poles and incomplete pathways that create widespread gaps in the system. There is also a limited bicycle network that primarily consists of Class III bike routes (a bike route designated by signs or pavement markings for shared use with pedestrians or motor vehicles but have no separated bike right-of-way or lane striping) with some Class II bike lanes (bike lanes established along streets and are defined by pavement striping and signage to delineate a portion of a roadway for bicycle travel) along major roadways. Some walking trails exist including the Riverwalk Trail along the Eel River and the Rohner Park Trails.

The City seeks to create more pedestrian and cyclist facilities and plans to host the Great Redwood Trail which is a 320-mile-long rail to trail project stretching from San Francisco to Humboldt Bay along the entirety of, or portions of, the North Coast Railroad Authority rights-of-way (NCRA ROW) and other properties. A portion of the trail is planned to run along NCRA ROW, along most of the western edge of the Plan area adjacent to Highway 101. The John Campbell Memorial Greenway and Strongs Creek Trail also cross through portions of the southern portion of the Plan Area along Strongs and Mill Creek. The John Campbell Memorial Greenway will provide important recreational access for walkers and hikers to and across the southern portion of the Mill District. The John Campbell Memorial Greenway is proposed to be connected to the Great Redwood Trail which would provide recreational access for walkers and hikers within the Plan area.

## REGULATORY SETTING

### Federal

The Fortuna General Plan previous FEIR described the federal regulatory setting relating to land use and there are no changes that would affect the Mill District.

### State

#### **Senate Bill 743**

SB 743, passed in 2013, required the Governor's Office of Planning and Research (OPR) to develop new State CEQA guidelines that address transportation impact metrics under CEQA. On December 28, 2018, the CEQA Guidelines were amended to add Section 15064.3 determining the Significance of Transportation Impacts, which states that generally, VMT is the most appropriate measure of transportation impacts. In addition to making VMT the preferred metric, Section 15064.3(a) also prohibited the use of delay from being used to determine environmental impacts stating, "Except as provided in subdivision (b)(2) (regarding roadway capacity), a project's effect on automobile delay shall not constitute a significant environmental impact." This prohibition is reinforced by the CEQA Statute 21099(b)(2), "Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any." Beginning on July 1, 2020, the provisions of 15064.3 and 21099 applied statewide.

#### **Technical Advisory on Evaluating Transportation Impacts in CEQA**

The Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) (Governor's Office of Planning and Research, December 2018) provides advice and recommendations to CEQA lead agencies on how to implement SB 743. This includes technical

recommendations regarding the assessment of VMT, thresholds of significance, and mitigation measures to reduce VMT. Lead agencies may consider and use these recommendations at their discretion.

The Technical Advisory also provides guidance on impacts on transit. Specifically, the Technical Advisory suggests that lead agencies generally should not treat the addition of new transit users as an adverse impact. As an example, the Technical Advisory suggests that “an infill development may add riders to transit systems and the additional boarding and alighting may slow transit vehicles, but it also adds destinations, improving proximity and accessibility. Such development also improves regional vehicle flow by adding less vehicle travel onto the regional network.”

### **Vehicle Miles Traveled-Focused Transportation Impact Study Guide**

The Vehicle Miles Traveled-Focused Transportation Impact Study Guide (TISG) (Caltrans, May 20, 2020) provides directions to lead agencies regarding compliance with SB 743 from Caltrans’ perspective. The TISG replaces the Caltrans’ 2002 Guide for the Preparation of Traffic Impact Studies and is for use with local land use projects. The TISG largely endorses the OPR Technical Advisory for VMT impact analysis and includes the following objectives.

- Guidance in determining when a lead agency for a land use project or plan should analyze possible impacts to the state highway system (SHS), including its users.
- Guidance for Caltrans land use review that supports state land use goals, state planning priorities, and GHG emission reduction goals.
- Statewide consistency in identifying land use projects’ possible transportation impacts, to the SHS, and to identify potential non-capacity increasing mitigation measures.
- Recommendations for early coordination during the planning phase of a land use project to reduce the time, cost, and/or frequency of preparing a Transportation Impact Study or other indicated analysis.

### **Interim Local Development and Intergovernmental Review Safety Review Practitioners Guide**

The Interim Local Development and Intergovernmental Review (LDIGR) Safety Review Practitioners Guide (Caltrans, December 2020) provides guidance to Caltrans districts and lead agencies for analyzing safety impacts of projects on the state highway system (SHS). A proposed land use project or plan may affect the SHS by adding new automobile, bicycle, or pedestrian trips to state roadways; modifying access to state roadways; or affecting the safety of connections to or travel on state roadways. Caltrans is responsible for reviewing these projects and identifying opportunities for projects to contribute to safety improvements, where justified.

#### [Regional and Local](#)

### **Variety in Rural Options of Mobility (VROOM) 2022-2042**

The Variety in Rural Options of Mobility (VROOM) 2022-2042, which is the Regional Transportation Plan for the seven incorporated Humboldt County cities and the County of Humboldt that is updated every four years by the Humboldt County Association of Governments (HCAOG), is tailored to address the distinctive rural mobility needs of Humboldt County<sup>1</sup>. The plan embodies a long-term vision to improve transportation in the region through the following:

- **Climate Change Mitigation:** The plan underscores initiatives aimed at reducing transportation-related emissions, in alignment with broader environmental sustainability goals. It seeks a transportation system that minimizes its carbon footprint to reduce the impacts on climate change from regional development.
- **Infrastructure Resilience:** It emphasizes the need for resilient transportation infrastructure that can withstand natural disasters and sea-level rise induced by climate change. By promoting the upgrade and maintenance of critical infrastructure, it aims to ensure the longevity and reliability of the transport network in the face of evolving climate challenges.
- **Sustainable Mobility:** Advocates for a sustainable, equitable, and well-connected transportation network that caters to the diverse mobility needs of the community. This includes promoting alternative modes of transportation and improving accessibility to reduce dependency on personal vehicles.
- **Community Alignment:** Ensures that transportation plans resonate with community values and priorities. It underscores the importance of community engagement in shaping transportation policies that are synchronized with local needs and aspirations.
- **Regulatory Compliance:** Stresses the importance of adherence to state and federal transportation regulations, ensuring that the transportation strategies are compliant with the prevailing legal and regulatory frameworks.

### **Transit Development Plan (TDP) 2023-2027**

The Transit Development Plan (TDP) 2023-2027, a plan by HCAOG that seeks to refine the transit system in Humboldt County, including the Redwood Transit System that serves Fortuna and the City-operated Fortuna Transit that is a demand-response, curb-to-curb transportation service that provides rides for seniors ages 50 and older or disabled persons who are unable to drive. The objective of the TDP is to better meet the mobility needs of the residents. The following are the core elements and primary objectives outlined in this plan<sup>2</sup>:

- **Service Evaluation:** A thorough analysis of existing transit services to identify areas of improvement and ensure that the transit system is effectively meeting the mobility needs of the community.

---

<sup>1</sup> [https://www.hcaog.net/sites/default/files/vroom\\_2022-2042\\_full\\_report\\_0.pdf](https://www.hcaog.net/sites/default/files/vroom_2022-2042_full_report_0.pdf)

<sup>2</sup> [https://www.hcaog.net/sites/default/files/compressed\\_p226140\\_humboldt\\_cty\\_tdp\\_-\\_draft\\_final\\_v2\\_no\\_appendices.pdf](https://www.hcaog.net/sites/default/files/compressed_p226140_humboldt_cty_tdp_-_draft_final_v2_no_appendices.pdf)

- **Performance Metrics:** Establishing clear and measurable metrics for evaluating transit performance. This involves setting benchmarks that can help in assessing the efficiency and effectiveness of transit services.
- **Capital Plan Formulation:** Identifying and planning for capital needs to ensure that the transit system is well-resourced and equipped to deliver reliable services. This includes budgeting for new transit vehicles, facilities, and other critical infrastructure.
- **Funding Exploration:** Exploring various funding opportunities to secure the necessary financial resources for transit enhancement. This includes identifying potential grants, partnerships, and other funding sources that can help in supporting the transit development goals.
- **Marketing Strategies:** Developing robust marketing strategies to promote and augment transit usage within the community. This includes campaigns to raise awareness about transit services and incentives to encourage more people to use public transportation.

## IMPACT ANALYSIS

### Significance Thresholds

This analysis will address CEQA Guidelines Appendix G, Transportation, significance criteria XVII(b). All other transportation impact topics were adequately addressed in the previous FEIR, as described in Section 4.2, Transportation and Circulation, of this SEIR. A significant impact would occur if the project:

- b) conflicts with or is inconsistent with CEQA Guidelines § 15064.3, subdivision (b).

### Methodology

GHD prepared a Technical Memorandum, “VMT Option 2 / Smart Growth Score”: Methodology, Land Use Scenario Analysis, Thresholds of Significance, Significance Determinations and Mitigations, (hereafter Technical Memorandum), attached to this SEIR as Appendix B for this analysis which:

- describes the proposed methodology for assessing transportation impacts in the City of Fortuna consistent with SB-743 and current CEQA Guidelines,
- presents the methodology as applied to several land use scenarios in the City of Fortuna, and
- provides suggested thresholds of significance in assessing impacts for various project types.

The scenarios analyzed in the Technical Memorandum quantitative analysis include the baseline existing condition, the existing condition plus the proposed MDSP, General Plan buildout without

the proposed MDSP (cumulative condition), and the General Plan buildout plus the proposed MDSP.

The City of Fortuna does not have an adopted VMT CEQA threshold. Therefore, the Technical Memorandum uses the threshold set by the California Air Resources Board for the Shasta Regional Transportation Agency as the CEQA threshold for this analysis. The Shasta Regional Transportation Agency was selected because it covers an area with reasonably similar demographics and geography. This threshold would require that the MDSP achieve a total smart growth score that improves the deviation from the ideal smart growth score of 100 by at least 4 percent higher than existing regional average for Humboldt County, where “100” is ideal and the Countywide average deviation is 25.70. The smart growth score evaluates the land use characteristics of each neighborhood within a jurisdiction to assess the potential for interacting with complementary land uses through non-auto trips, and calculating scores measuring the land use diversity, density, and proximity to destinations. Land use characteristics represent the number of households, retail jobs, and non-retail jobs within analysis zones, which are hexagons sized so that the distance from the center of any given hexagon to the opposite edge of a neighboring hexagon is 0.5 miles, which represents a comfortable walking and biking distance.

### *Project Impacts and Mitigation*

Impact 3.2.1-01: Would the implementation of the MDSP result in a smart growth score whose deviation from the ideal score of “100” is at least 4% lower than the existing regional average deviation from the ideal score for Humboldt County, where the Countywide average deviation from the ideal score is 25.70?

**Previously Identified Level of Significance.** Vehicle Miles Traveled (VMT) became a threshold to measure transportation impacts in for CEQA review in 2020. VMT was therefore not analyzed as a transportation impact in the previous FEIR, which was certified in 2010. VMT was considered in the energy impacts analysis regarding the inefficient, wasteful or unnecessary consumption of energy. Based on the proposed General Plan land use and transportation policy, which has since been adopted, a determination of less than significant impact was made.

The previous FEIR evaluated 4.1-1, Cause an Increase in Traffic That is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System (Including Exceeding, Either Individually or Cumulative, LOS Standards); 4.1-2, Substantially Increase Hazards Due to a Design Feature or Incompatible; 4.1-3, Result in Inadequate Emergency Access; and 4.1-4, Result in Inadequate Parking Capacity.

In Impact 4.1-1, Cause an Increase in Traffic That is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System, the previous FEIR found that the General Plan would generate an estimated 79,002 additional daily automobile trips on the local roadway and highway

system which is a substantial increase in relation to the existing traffic load and capacity of the street system. At buildout, 18 of the 26 study intersections were expected to operate at an unacceptable LOS and will require improvement. One of these intersections identified for improvement (South Fortuna Boulevard/Newburg Road) relates to access in the MDSP but is not included within it.

In Impact 4.1-2, Substantially Increase Hazards Due to a Design Feature or Incompatible, the previous FEIR found that the General Plan contained specific policies and programs that would minimize hazards by establishing design standards for a variety of traffic, transit, and a variety of transportation modes. Other policies, including land use and circulation concepts, integrated early in the design phases of citywide development would minimize land use conflicts. Future intersection and roadway designs would need to comply with applicable standards, ensuring appropriate geometry for the safe movement of all types of transportation.

In Impact 4.1-3, Result in Inadequate Emergency Access, the previous FEIR determined future intersection and roadway designs would need to comply with applicable standards, ensuring appropriate geometry for the safe movement of all types of transportation and would result in adequate emergency vehicle access.

In Impact 4.1-4, Result in Inadequate Parking Capacity, the previous FEIR found that while the General Plan would facilitate new development, development would be required to design parking areas based upon the specific parking requirements generated by a particular land use. The City's current Zoning Code-required parking standards would also ensure adequate parking.

**Vehicle Miles Traveled.** The criteria for assessing transportation impacts has shifted from Level of Service (LOS), to VMT since General Plan 2030, including Mill District Focus Area policy, was adopted and the previous FEIR was certified. VMT impact analysis considers the total or average miles traveled by vehicles in an area, with a focus on reducing travel distances and associated environmental impacts like greenhouse gas emissions. Projects that reduce VMT support sustainability goals, such as promoting public transit and reducing urban sprawl. In contrast, LOS assesses roadway and intersection performance based on vehicle traffic volume and delay, aiming to improve vehicle movement efficiency, often through infrastructure expansions like road widening. While a focus on reducing VMT encourages alternative transportation and compact development, focusing on LOS improvements can lead to increased vehicle use and car-centric infrastructure.

**Mill District Specific Plan Changes.** The proposed MDSP continues to apply the Mill District (MD) land use designation within the specific plan area. Proposed General Plan Land Use Element amendments, the MDSP policies and performance measures, and the implementing zoning overlay would result in some changes from the Mill District Focus Area policy evaluated in the previous FEIR. The following describes the proposed changes that could have an effect on VMT.

The Mill District (MD) Land Use Designation is a mixed-use land use designation, and a General Plan amendment is proposed to expand the compatible uses within the Mill District Land Use Designation to allow a range of industrial uses, rather than just compatible light industry, and to allow the nonresidential uses to occur at the same intensity levels as adjacent areas along South Fortuna Blvd, which allows a 0.8 FAR. Changes to Land Use Element policy regarding targeted commercial and industrial use levels within the City, which are intended to limit overbuilding that could result in high vacancy rates, would remove square footage caps that are applied to certain areas (a maximum of 250,000 square feet of commercial is allocated to the Mill District) and to certain Land Use Designations and replace the caps with an active ongoing monitoring and reporting program.

The MDSP would implement the range of allowable uses defined in the Mill District (MD) Land Use Designation and Mill District Focus Area policy, as amended, through an area specific zoning overlay that would allow single use residential, commercial, or industrial developments and mixed-use development developments as principal permitted uses. The overlay zone would also implement design guidelines through a discretionary permit that are intended to assure compatibility between uses.

The previous FEIR assumed that 300 dwelling units and up to 300,000 square feet of commercial uses (employing approximately 700 persons) would occur at buildout in the Mill District (note that only 250,000 could be permitted based on Land Use Element Program LU-8). The projected buildout of the MDSP Area described in Section 2.7 of the Project Description lists anticipated uses and building square footage based on a conceptual development plan for Fortuna Mill Commerce Center site prepared by the owner of a substantial portion of the MDSP Area and buildout estimates for the remainder of the MDSP prepared by City staff: 205,100 square feet of new commercial, 554,400 square feet of new industrial, and 100 additional dwelling units. Given that the General Plan and Zoning could allow all residential or all commercial/industrial development, or any mixture thereof, the actual residential and commercial development density and intensity and uses at buildout could be different than what is in the conceptual plan. However, the anticipated uses and building square footage listed in Section 2.7 of the Project Description purposes of this SEIR is considered reasonable for purposes of this analysis.

### **VMT Analysis Methodology**

The following is a summary of the methodology used to determine smart growth scores that are contained in the Technical Memorandum. A complete description of the methodology is contained in the Technical Memorandum.

The smart growth score reflects the land use characteristics, comprised of the proximity of housing to commercial and service uses, that will influence whether people walk, ride, or drive to their destinations and the vehicle miles travelled by vehicle if driving is chosen. Each of these

characteristics are quantified in the land use inputs, diversity scores, density scores, and destinations scores described below. This analysis divides Fortuna into geographic units which are hexagons that are sized so that the distance from the center of any given hexagon to the opposite edge of a neighboring hexagon is 0.5 miles. The size of hexagons for this analysis is based on survey data of typical distances for walking trips by Americans, meaning that all the land use within a given hexagon and that of its six neighboring hexagons are within comfortable walking and biking distance.

### **Computing Land Use Inputs**

- For each hexagon, the existing land uses within it are quantified, including the number of households, retail jobs (service jobs that typically attract more trips by customers than commute trips by employees), and non-retail jobs (industries where the majority of trips are made by employees rather than customers).

### **Computing Diversity Scores**

- Scores are computed to measure the potential for interaction with complementary land uses, each representing a different type of transaction:
  - Jobs/Housing Diversity = the number of jobs, retail, and non-retail, in the seven hexagons compared to the number of households in the same hexagons, which represents a person's ability to walk to work or home-based work (HBW) trips. The jobs/housing diversity index represents an individual's opportunity to walk to/from their place of employment from where they live based on the mix of residential and employment land use within a given hexagon zone and its surrounding zones.
  - Retail/Housing Diversity = the number of retail jobs in the seven hexagons compared to the number of households in the same hexagons, which represents the opportunity to walk or bike locally for non-work trips, or home-based other (HBO) trips. The retail/housing diversity index represents an individual's opportunity to walk from their home to shopping trips based on the mix of residential and retail land use within a given hexagon zone and its surrounding zones.
  - Job/Mix Diversity = the number of retail jobs compared to non-retail jobs in the seven hexagons, which represents the opportunity for interactions between complimentary nonresidential uses to use walking or bicycling modes, or non-home-based work (NHB) trips. The jobs mix diversity index represents the opportunity for interaction between retail and non-retail users based on the mix of employment types within a given hexagon zone and its surrounding zones.

### **Computing Density Scores**

- Residential and employment density affect average travel behavior and VMT.
  - Residential density score = the number of households in each hexagon divided by the acreage of the hexagon.
  - employment density score = total number jobs in each hexagon by the acreage of the hexagon.
  - Density values are normalized to a 0 to 100 scale, where the hexagon with the highest density score for the region, in this case Humboldt County, receives a score of 100 and the lowest receives a score of 0.

### **Computing Destinations Scores**

- For each hexagon, a destinations score is computed for each of three trip types (home-based work, home-based other, and non-home-based work trips)
- The factors used to compute the destinations score for each trip type are from the regional travel demand model and include the “attractions” (the location of the ending point of a trip such as offices, shopping areas, schools, airports, etc.) and the travel impedance (the speed of the journey).

### **Combining the Individuals Scores into an Aggregate Score**

- The number of tips generated by each hexagon is determined by multiplying the land uses (households, retail employees, and non-retail employees) for each hexagon by assumed trip generation rates derived for each trip type (home-based work, home-based other, and non-home-based work trips).
- The total trips for each hexagon are converted into percentages by trip type and then adjusted based on elasticities to reflect the percentage change in vehicle trips or vehicle miles of travel given a percentage change in density or diversity The score is displayed in relative terms on a scale of 1 to 100, with 1 being the worst score possible and 100 the best.
- Scores are computed for each hexagon within the City of Fortuna and the hexagons that represent the MDSP Area and for the county as a whole to compare against the City and project area scores.

This methodology was validated by GHD using travel behavior data from Replica, a data and information provider to public agencies and the private sector, for the seven incorporated cities in Humboldt County as an independent check as to whether the underlying assumptions regarding travel behavior for this tool reflect actual travel behavior. Replica represents movement by combining data from three primary sources: public use population census data, proprietary locational data from telecommunications and other IT infrastructure in the region,

and field observations data from customer public agencies (ground truth). It is used by many public agencies for VMT-related work. Sections 2.3.1 through 2.3.4 of the Technical Memorandum show the graphical comparison between the output of the smart growth scores for Jobs/Housing Diversity, Retail/Housing Diversity, Mode Split for Short Trips, and Destinations and Replica data confirming the validity of this tool.

### **MDSP VMT Analysis**

The conceptual development plan for Fortuna Mill Commerce Center site prepared by the owner of a substantial portion of the MDSP Area and buildout estimates for the remainder of the MDSP prepared by City staff was the basis for the Project specific impact analysis. The MDSP land use inputs were used in combination with existing conditions (land use and trip estimates of existing uses within the City of Fortuna) and the cumulative condition, which is the buildout of the General Plan land uses without including any of the land use associated with the Mill District project.

**Existing Condition.** Most of the City's land use and associated vehicle trips are concentrated through the center of the City, in the land use designations flanked by north-south, major roadways, Main Street and Rohnerville Road to the east and west, which includes much of the City's Commercial pockets and low-density residential land use areas, Central Business District, Corridor Mixed Use areas, and east-adjacent to the Mill District area. While, more generally, residential and employment uses are located in similar areas of the City, the hexagons with the highest concentrations of households and jobs are in different hexagons.

- **Land Uses and Total Trips**

- **Existing Residential Land Use.** The highest concentrations of residential land use are in the center of the City, east of Fortuna Blvd, near 12th and Main Streets, Kenmar Road and West School Street from U.S. 101 to Rohnerville Rd.
- **Retail Land Use.** Retail and service jobs are also most concentrated near Main Street and Fortuna Blvd, as well as near Redwood Way, where Providence Redwood Memorial Hospital is located.
- **Non-Retail Land Use.** Non-retail jobs are mostly concentrated near 12th and Main Streets, and slightly south, near U.S. 101 and Riverwalk Dr.
- **Total Trips.** Total trips are also most concentrated in hexagons near 12th and Main streets, and along Fortuna Blvd and School Street, in areas where residential and employment uses are concentrated.

**Citywide Land Use Diversity and Density (Existing Condition).** The table below shows the citywide total diversity score for Fortuna, 74.0 or a deviation from the ideal score of 26.0, which indicates that the land use mix in Fortuna is housing-rich, and the jobs mix reflects more retail/service than non-retail/service employment. This is not unusual, given that Fortuna has

historically been a smaller, residential center within central Humboldt County. These scores suggest that the types of future development that would improve the smart growth scores should emphasize employment, specifically non-retail employment, rather than residential and retail uses as well as emphasize land use diversity and density. See Figure 3.2a for a disruptive map showing the overall smart growth score for the existing condition.

**Table 11: Citywide Land Use Diversity and Density Scores (Existing Condition)**

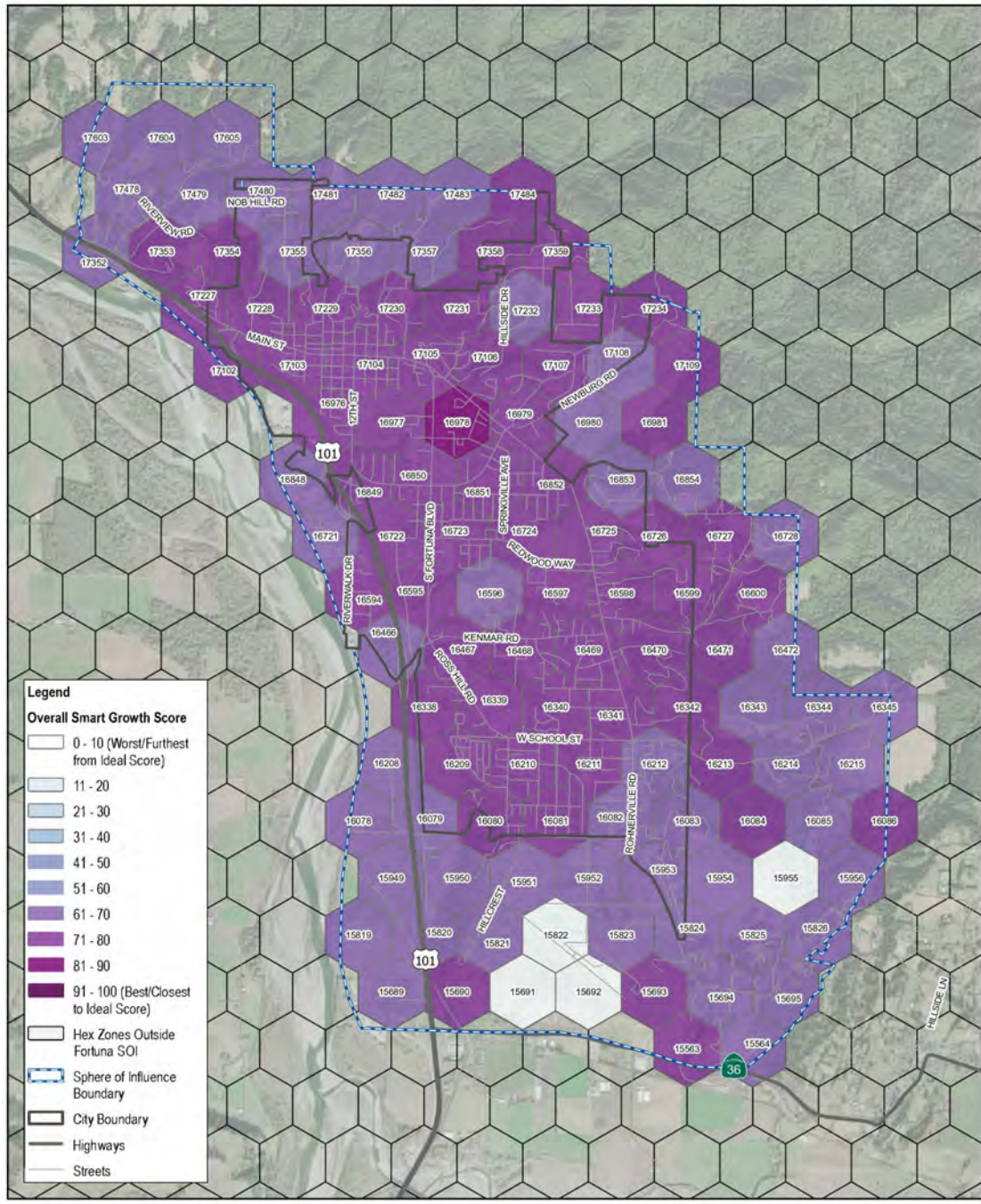
Diversity Scores			Density Scores		Average Destinations	Total Weighted Score	Deviation from Ideal Score
Jobs/ Housing Diversity	Jobs Mix Diversity	Retail/ Housing Diversity	Residential Density	Employment Density			
63.2	69.0	65.0	21.7	3.4	86.1	74.0	26.0

**Land Use Diversity and Density - Existing Condition plus MDSP.** This analysis assumes that the proposed Fortuna Mill Commerce Center Conceptual Site Plan plus the other vacant and developable land within the MDSP would add an additional 100 residential units, 646 retail jobs and 1,212 non-retail jobs within the four hexagons that cover the project area. The table below shows the existing condition (citywide total diversity score for Fortuna) plus the MDSP project scenario. With the addition of the MDSP at buildout, the overall citywide score improves by 0.3, from a score of 74 to 74.3, respectively and the deviation from the ideal score improves from the existing condition deviation of 26.0 to 25.7.

**Table 12: Diversity and Density Scores Existing Condition plus MDSP**

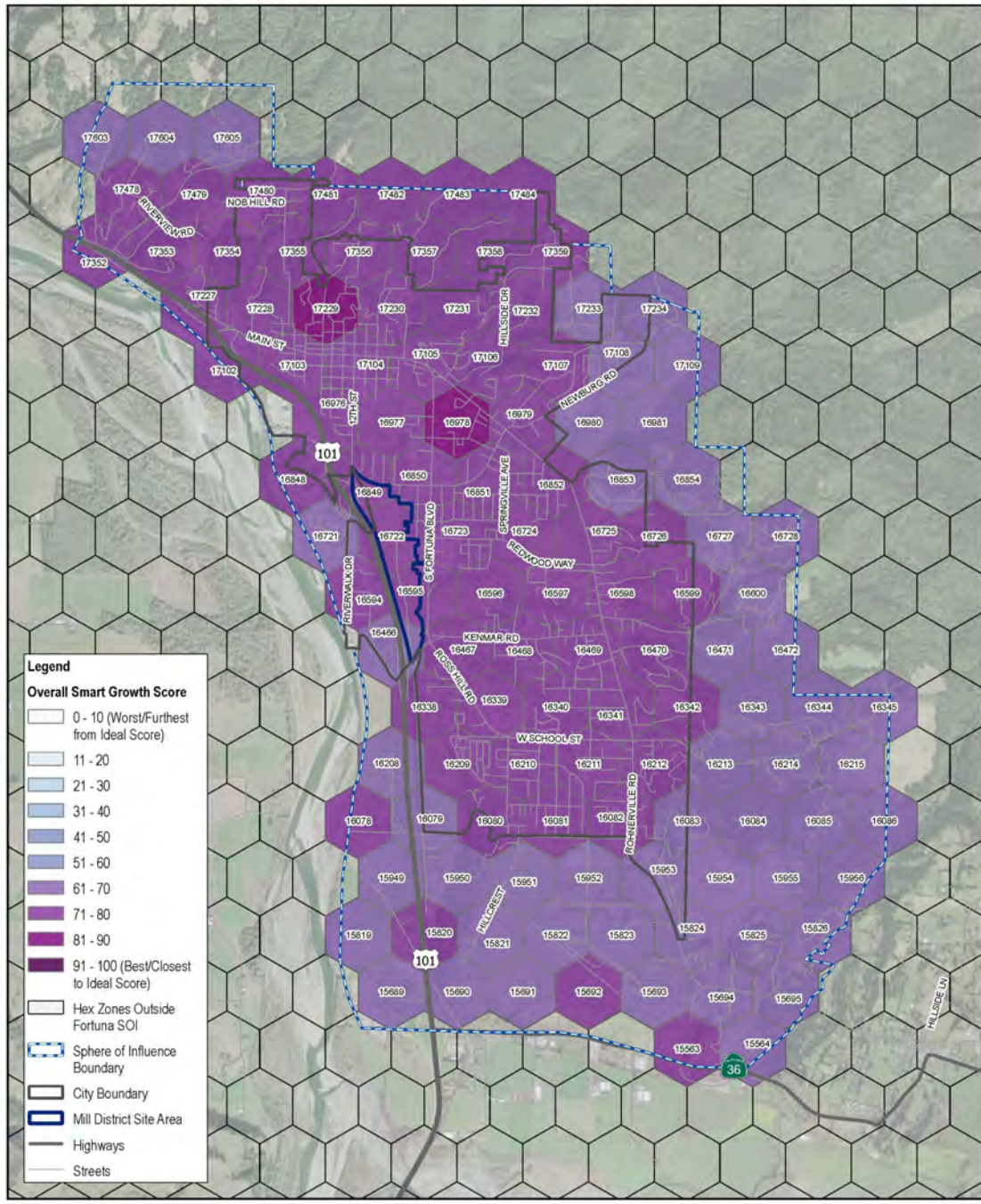
Diversity Scores			Density Scores		Average Destinations	Total Weighted Score	Deviation from Ideal Score
Jobs/ Housing Diversity	Jobs Mix Diversity	Retail/ Housing Diversity	Residential Density	Employment Density			
54.6	71.6	60.0	20.4	6.4	87.5	74.3	25.7

Figure 6 (3.2a): Overall Smart Growth Score for the Existing Condition



<p>Paper Size ANSI A</p> <p>0 1,750 3,500</p> <p>US Feet</p> <p>Map Projection: Lambert Conformal Conic                  Horizontal Datum: North American 1983                  Grid: NAD 1983 StatePlane California I FIPS 0401 Foot</p>			<p><b>CITY OF FORTUNA</b>  <b>VMT ANALYSIS</b></p> <p><b>EXISTING OVERALL</b>  <b>SMART GROWTH SCORE</b></p> <p><small>Data source: City Boundary, SOI Boundary, Streets: Fortuna GIS, 2022; Highways: TIGER, 2021; World Imagery: Mapbox. Created by: jppd</small></p>	<p>Project No. <b>12586262</b>                  Revision No. -                  Date <b>November 2023</b></p> <p style="text-align: right; font-weight: bold; font-size: 1.2em;">FIGURE 14</p>
---	--	--	---	--

Figure 7 (3.2b): Overall Smart Growth Score for the General Plan Buildout Plus MDSP



<p>Paper Size ANSI A</p> <p>0 1,750 3,500</p> <p>US Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California 1 FIPS 0401 Feet</p>			<p><b>CITY OF FORTUNA</b> <b>VMT ANALYSIS</b></p> <p><b>OVERALL SMART GROWTH</b> <b>SCORE (GP BUILDOUT</b> <b>PLUS PROJECT SCENARIO)</b></p>	<p>Project No. <b>12586262</b> Revision No. - Date <b>July 2024</b></p>
<p><b>FIGURE 23</b></p>				
<p>C:\Users\jpoell\Temp_Forest\Forest\Fortuna04_Mapping\112025\1_VMT_Options2_2024_May_Update\PlanMap_Mapping_2024_May_Update.aprx Print date: 07-Jul-2024 - 15:11</p> <p style="text-align: right;">Data source: City Boundary, SOI Boundary, Streets: Fortuna GIS, 2022; Highways: TIGER, 2021; World Imagery: Maxar; Created by: jpoell</p>				

**Land Use Diversity and Density - General Plan Buildout without the MDSP.** The General Plan Buildout without the MDSP scenario includes the land use distributions associated with the existing condition, plus the land use growth anticipated as part of the City’s General Plan buildout, without including any of the land use associated with the Mill District project. General Plan buildout assumptions were supplied by the City based on information from the most recent General Plan update. The citywide diversity, density, destinations and overall trip-weighted scores for the General Plan Buildout without the MDSP scenario. As shown, the citywide score improves by 0.2 between the Existing Condition and the General Plan Buildout without the MDSP scenario scenarios, from a score of 74 to 74.2, respectively and the deviation from the ideal score improves from the existing condition deviation of 26.0 to 25.8.

**Table 13: Diversity and Density Scores General Plan Buildout without the MDSP**

Diversity Scores			Density Scores		Average Destinations	Total Weighted Score	Deviation from Ideal Score
Jobs/Housing Diversity	Jobs Mix Diversity	Retail/Housing Diversity	Residential Density	Employment Density			
57.0	68.0	61.7	29.2	4.1	86.0	74.2	25.8

**Land Use Diversity and Density - General Plan Buildout Plus the MDSP.** The table below shows the citywide total diversity score for the Fortuna based on the General Plan Buildout Plus the MDSP condition is 75.1, while Jobs/Housing, Jobs Mix, and Retail/Housing are 55.2, 74.3 and 59.1, respectively, which results in an improvement in the overall citywide scores, from a total weighted score of 74 in the existing condition and the deviation from the ideal score improves from the existing condition deviation of 26.0 to 24.9. See Figure 3.2b for a disruptive map showing the overall smart growth score for the existing condition.

**Table 14: Land Use Diversity and Density Scores General Plan Buildout Plus the MDSP**

Diversity Scores			Density Scores		Average Destinations	Total Weighted Score	Deviation from Ideal Score
Jobs/Housing Diversity	Jobs Mix Diversity	Retail/Housing Diversity	Residential Density	Employment Density			
55.2	74.3	59.1	27.8	5.8	87.4	75.1	24.9

**Conclusion.** The tables above show that the total citywide score improves from the Existing Condition with each alternative. In the General Plan Buildout Plus the MDSP scenario, the citywide score improves the most, from 74.0 in the Existing Condition to 75.1, and the deviation from the ideal score also improves from 26.0 under the existing condition to 24.9. However, the threshold of significance for this impact would require that the MDSP achieve a total smart

growth score that improves the deviation from the ideal score of “100” by at least four percent when compared to the existing regional average deviation from the ideal score for Humboldt County, where the Countywide average deviation from the ideal score is 25.70 and the deviation from the ideal for the General Plan Buildout Plus the MDSP scenario would need to be 24.67 for a less than significant impact.

The following table shows the deviation from the ideal smart growth score compared to the countywide smart growth score that would be required for the General Plan Buildout Plus the MDSP to have a less than significant impact.

**Table 15: Ideal Smart Growth Score Compared to the Countywide Smart Growth Score**

<b>Ideal Score</b>	"A"	100.00
<b>Countywide Average</b>	"B"	74.30
<b>Deviation from Ideal</b>	"C" = A - B	25.70
<b>4% Less Deviation than Average</b>	"D" = C x 0.96	24.67
<b>Required Score for Less-than-significant</b>	"E" = A - D	75.33

While the score in the General Plan Buildout Plus the MDSP scenario does improve compared against the Existing Condition, the General Plan Buildout Plus the MDSP scenario would still result in a significant impact based on the threshold score of a 75.33 shown in the table above. The Technical Memorandum in Section 5.1, Alternative Project Land Use Mix, provides suggested changes to the land use mix (potential households, retail and non-retail jobs) of MDSP conceptual development scenario that would be is closer to the ideal land use and density mix and would likely generate vehicle fewer trips, and lower VMT. The suggested changes, which are to the assumed number of residential units and do not suggest a change the assumed number of jobs, are the minimum land use mix that would generate results below the threshold of significance for the Existing Condition plus MDSP and General Plan Buildout Plus the MDSP scenarios.

As described in the Mill District Specific Plan Changes above, the General Plan and Zoning proposed to be applied to the MDSP Area could allow all residential development or all commercial/industrial development, or any mixture thereof. The actual residential and commercial development density and intensity and uses at buildout could be very different than the conceptual development plan for Fortuna Mill Commerce Center site prepared by the owner of a substantial portion of the MDSP Area and buildout estimates for the remainder of the MDSP. Because the conceptual development plan and the proposed General Plan and Zoning to be applied to the MDSP Area could allow a land use mix that exceeds the CEQA VMT threshold, the VMT impacts of the proposed MDSP would be considered potentially significant.

The following new Policies are recommended to be added to Goal LU-1 in the Citywide Growth and Development and Goal LU-14 Focus Area: Mill District of the Land Element as mitigation

measures to lessen potential VMT impacts of the proposed MDSP and implementation of the Fortuna General Plan. The potential efficacy of these mitigation measures cannot be determined at this time. As a result, project-related VMT is considered a significant and unavoidable impact.

#### Mitigation Measure

##### **Proposed Policy LU-1.20**

The City shall work with HCAOG to incorporate findings and recommendations of the ongoing Multimodal and Vibrant Neighborhood Planning Project, or other similar HCAOG planning efforts, to develop and implement policies and programs to be included in the City General Plan, or other appropriate plans, and projects related to the City's transportation system to reduce automobile dependency for local trips.

##### **Proposed Policy LU-14.5**

To the extent feasible, the proposed developments within the MDSP Area and within a walkable 0.5-mile distance to the Mill District shall seek to incorporate residential uses to complement proposed non-residential uses within the Mill District in order to achieve a more balanced land use mix within the City of Fortuna.

##### **Proposed Policy LU-14.6**

The City shall work with the Fortuna Mill Commerce Center property owner and applicant for development within the MDSP Area to implement a Class I trail through the Mill District as part of the Great Redwood Trail and/or Strongs Creek Trail in order to provide a continuous active transportation corridor between Fortuna Boulevard and Newburg Road / 12th Street, as specified in the Mill District Specific Plan (MDSP) Bicycle and Pedestrian Access performance standard and shown on the circulation diagram.

##### **Proposed Policy LU-14.8**

The City shall work with HCAOG to incorporate findings and recommendations of the ongoing Multimodal and Vibrant Neighborhood Planning Project, or other similar HCAOG planning efforts, to plan and implement projects to improve low stress connectivity of nonmotorized transportation modes between the Mill District site and the surrounding established neighborhoods.

#### Significance After Mitigation

Significant and unavoidable

## 3.3 NATURAL AND CULTURAL RESOURCES

### 3.3.1 TRIBAL CULTURAL RESOURCES

As analyzed in the previous FEIR in section 5.4 Cultural Resources which coincides with CEQA Guidelines Appendix G environmental factors V, Cultural Resources and XVII, Tribal Cultural Resources.

#### SUMMARY OF PREVIOUS FEIR FINDINGS

The potential impacts on archaeological, historical, and paleontological resources within the General Plan Planning Area were considered less-than-significant with the implementation of protective General Plan policies and programs. The Eel River Valley's history of Native American occupation and the presence of archaeological finds suggest possible subsurface resources. However, a Sacred Lands File Check by the Native American Heritage Commission (NAHC) showed negative results. The General Plan Planning Area contains one historic building on the National Register of Historic Places, a historic district, and 72 other buildings, roads and sites known to be 45 years of age or older and the General Plan contains specific policies and programs intended to avoid substantial adverse changes in the significance of historical resources. None of these historic resources are located within the Mill District Focus Area.

The previous FEIR assumed that the Planning Area likely contains paleontological resources, and found that the General Plan contains programs that will avoid destruction of “unique” paleontological resources. Additionally, there was a potential for undiscovered human remains or archeological resources; however, General Plan policies and existing laws were determined to be sufficient to result in the identification of archaeologically-sensitive sites, the identification of any archaeological resources identified during archaeological field surveys or unearthed during construction activities, the assessment of these resources for significance, and the application of required mitigation measures for any identified/unearthed resources determined to be “historically significant” or “unique”.

#### ENVIRONMENTAL SETTING

The following environmental setting information is excerpted from the Cultural Resources Investigation Report of the Fortuna Mill Commerce Center which is included in this SEIR as Appendix C.

##### Archaeology

##### **Pleistocene-Holocene Transition—The Post Pattern (11,500 to 8,000 cal BP)**

The earliest evidence for human occupation of northwestern California is labeled the Post Pattern. This pattern is characterized by fluted projectile points and flaked stone crescents. There has been no evidence for this occupation in the project vicinity or anywhere in Humboldt County, California. An isolated fluted point was found on the coast in Mendocino County (Simons et al. 1985). The best evidence for the Post Pattern comes from the Borax Lake site in Lake County. Even though no intact cultural strata could be identified at the site, the presence of fluted points, stone crescents, and very large obsidian hydration rim measurements all indicate a Terminal Pleistocene or very Early Holocene occupation.

### **Early Holocene—Borax Late Pattern (8,000 to 5,000 cal BP)**

Contemporary archaeological theory posits that the original inhabitants of Humboldt County are represented by Borax Lake Pattern artifacts including the Borax Lake Widestem projectile point, handstones, millingslabs, small serrated bifaces, and cobble spalls. The first Archaic or Early period sites discovered in Humboldt County are CA-HUM-245 and 246 located on Pine Ridge (Flynn and Roop 1975, Jackson 1977). These sites acted to tie this area into the broader Borax Lake Pattern that was known throughout all other areas of northern California during this period. Hildebrandt and Hayes documented artifact assemblages associated with this pattern at sites along Pilot Ridge, to the south of the Pine Ridge area (West, Hildebrandt, and Hayes 1984). The significance of early to mid-Holocene archaeological assemblages in northern California lies in their antiquity and in the physical environment during this period. These assemblages reflect life-ways of 4,000-8,000 years ago during a warmer and drier climate which caused an expansion of Oak woodlands into higher elevations (West 1984). It has been proposed that this expansion of optimal resource patches resulted in distinct, highly mobile, upland focused subsistence systems represented by unique tool assemblages (West 1984, Hildebrandt and Hayes 1984).

The Borax Lake Pattern within far northern California also includes locations in lowland riverine environments as identified by Sundahl and Henn at CA-TRI-1008 on the Trinity River and again in Shasta County at CA-SHA-475 along a tributary of the Pitt River (1993). Although hypotheses regarding environmental change and subsequent highly mobile montane adaptations have been advanced, they have not been tested on a broad scale within the North Coast Range (Fredrickson 1974, Clewett and Sundahl 1983, Hildebrandt and Hayes 1984, West 1984, White 2000) until Angeloff (2011) reported on his analysis of existing collections from Pilot Ridge, Squaw Creek and Cox Bar. Angeloff (2011) identifies distinct tool assemblages along Pilot Ridge at sites CA-HUM-573, HUM-577, and HUM-367, while lower elevation sites contained relatively broad and homogeneous stone tool assemblages. This analysis suggests a relatively sedentary lifestyle in the upland areas associated with specialized use areas and stable village areas potentially relying on an expanded elk and deer population tethered to sparse water sources.

### **Middle Holocene Gap—Mendocino Pattern (5,000 cal BP to cal AD 500)**

During the middle period, upland areas of Humboldt County seem to have been virtually abandoned, likely due to a change in environment from a warm and dry middle Holocene to a cooler and wetter late Holocene that reduced the volume of subsistence resources in upland areas. According to G. James West's (1984) palynological analysis of data acquired on Pilot Ridge in Humboldt County, coniferous forests began to encroach on the upland areas during this period, effectively reducing the number of subsistence resources available to human beings. The archaeological record pertaining to upland areas reveals a relatively low artifact count attributable to the middle period (Hildebrandt and Hayes 1984) but this is likely a direct result of the relative dearth of synthesized archaeological information in northwestern California.

Hildebrandt (2007) notes that the transition from the Borax Lake Pattern to the later Mendocino Pattern (3,000 cal BP to cal AD 500) through the Middle Holocene is not well understood. There is almost no visible record dating between 5,000 and 3,000 cal BP, although it is unclear whether this represents a reduction in human population at the time, or simply a lack of well-dated archaeological remains from then region corresponding with this time period.

Use of these upland areas may have been task-specific during the middle period (Cassidy 1992) and therefore concentrated in discrete upland areas but visited just as intensively as the earlier inhabitants who sought a broader array or a more dispersed resource base within the more productive altithermal upland environment. Some coastal sites do provide evidence of occupation during this period, indicating to Hildebrandt (2007) that we may not be recognizing materials from this period.

The Mendocino Pattern first appears around 3,000 cal BP and continues in the North Coast Ranges through the Late Holocene until cal AD 500. Sites associated with this period in the region are specialized hunting camps found on ridgetops at higher elevation and generally include concave-base, side-notched, and corner-notched dart points; handstones and millingslabs; flake tools; and occasionally mortars and pestles. Hildebrandt and Hayes (1984) argue that these camps reflect logistical forays from more permanent villages along the major river valleys, and that the subsistence pattern of fish and acorn storage supported a more sedentary lifeway. Recent excavations at Jedediah Smith State Park in Del Norte County offer evidence of riverine occupation during the Mendocino Pattern time period (Tushingham 2009). In contrast to the coastal and uplands record, it appears that people were living intensively on the rivers of northern California during this period.

Additionally, artifacts representing the middle period have been associated with distinct mobility patterns that may have influenced the use of upland areas. Specifically, the McKee Uniface has been used as a marker of middle period land use. This artifact is highly distinct in its morphology, being a formed unifacial tool metrically discrete from other unifacial artifacts. Cassidy (1992)

studied the manufacture, use, and re-use of these artifacts at the Doe Peak site in northeastern California.

The Doe Peak site was dated using obsidian hydration data to between 2,500 and 3,300 years before present, which roughly concurs with Hildebrandt and Hayes (1984) determination of this artifact type representing the period between 1,100 and 2,800 years before present in the North Coast Ranges. Hildebrandt suggests further chronometric analysis of this artifact type may be in order. The Center for Indian Community Development-Cultural Resource Facility has recently conducted archaeological excavations along Tip-Top Ridge. Obsidian hydration analysis of a McKee Uniface from Tip-Top Ridge returned a relative date of 2,100 years before present (Burns 2007). In all cases, a relative reconstruction of the typological sequence places this artifact type solidly between 2,000 and 3,500 years before present.

Cassidy accurately distinguishes the flint knapping technique used in the manufacture of this artifact type as blade-core reduction, as evidenced by the preponderance of prepared blade cores at the site (1992). Using extensive evidence, Cassidy concludes that the formed artifacts and debitage found at the Doe Peak site represent a specialized tool manufactured in a distinct manner (1992). She further ventures that the combination of these factors suggests a specialized technological organization reflecting residentially mobile subsistence strategies as seen in the Inuit by Binford.

The evidence strongly suggests that the Doe Peak site was used by people who were residentially mobile and definitely using a distinct technological organization and stone tool reduction technique. What is clear from Cassidy's (1992) research is that the McKee Uniface was used as a hafted tool, most likely a projectile point as evidenced through reworking in the haft and breakage patterns reminiscent of projectile points. Additionally, mobility patterns as argued by Cassidy (1992) from the evidence at the Doe Peak site does suggest a relatively mobile settlement subsistence system was used by the manufacturers of this artifact type. While this period of time may reflect a decrease in use of the upland areas of northwest California, it more likely represents a highly specialized use of the upland areas. Archaeological expressions of middle period sites should leave evidence of highly specialized maintainable and durable tools that would leave less of a deposit in the archaeological record relative to earlier societies.

### **Late Period (Post cal AD 500)**

The archaeological theory pertaining to this area focuses on Late Period riverine and coastal based subsistence patterns. The late period was a time of increased populations and constricted resource bases; this led to intensive use and management of riverine and coastal resources as well as an increase in use and management of upland areas. During annual salmon runs people lived along the rivers; in the summer, people would break down into smaller groups, moving into smaller residential bases in coastal or upland areas (Whittaker 2006). Hildebrandt (2007) notes

that the details of Late Period occupation are not as clear for inland riverine areas as for the coast, due to the lack of excavated sites. Golla (2007) suggests that the Late Period archaeological signature likely relates to the migration of Algonquian and Athabaskan groups into the area between cal AD 100 and cal AD 800. These migrations likely pushed the Yuki out of portions of their more northern territory into something similar to the boundaries noted at European contact. This period also fits into the estimated time depth for the differentiation of southern Athabaskan dialects. Artifact assemblages reflecting this period reflect a substantially more sedentary residential base with artifacts such as toggle harpoons, net spacers, net weights, zoomorphs, calendar stones, Hopper mortars and pestles, large bifaces, phallic charmstones, Olivella beads, Tuluwat Barbed projectile points, adze heads, stylized pestles and mortars, and abalone pendants, among a variety of other artifacts. Temporal indicators for late period archaeological deposits are arrow sized projectile points, and bowl and hopper mortars and pestles among a wide variety of specialized tools found at task specific sites.

### **Tribal Cultural Resources**

The General Plan Planning Area and MDSP project site is within the traditional territory of the Wiyot tribe. The closest ethnographically recorded village site was at the mouth of Strong's Creek (tswokërok; Loud site BB), now approximately 0.52-miles west, however Llewelyn Loud's 1918 ethnographic map indicates the configurations of Strong's Creek and the Eel River were somewhat different from the modern day. No known Wiyot use was made of the project area.

There were three tribal groups, all speaking the Wiyot (Sulatelak) language. The Wiyot group occupied the lower Eel River, from its mouth up to just below the confluence with the Van Duzen River, and south across the Ferndale bottom and up to Bear River Ridge (Rohde 2014:5). The Patawats inhabited the lower Mad River, from its mouth to just below Blue Lake; the McKinleyville area north to Little River, and part of Mad River Slough. The Wiki held the Humboldt Bay and its surroundings.

There was only one dialect [of the Wiyot language] for the region bounded on the north by the valley of Little River, and on the south by the Bear River mountains. To the east the same dialect was spoken along Mad River for two or three miles above Blue Lake, and up Eel River for a mile or two above the mouth of the Van Duzen. On both of these rivers the eastern boundary of the Wiyot is where the deep cañons begin (Loud 1918:249).

The general picture of Wiyot geography provided by the various sources shows population concentrations along the lower stretches of the Mad and Eel Rivers and around Humboldt Bay. From there, Wiyot territory radiated outward, up the drainages of those three areas, to boundary lands along Little River to the north, high country ridgelines to the east, and Bear River Ridge to the south. The mountainous borderlands were often prairie areas used for hunting and gathering and were sometimes subject to dispute. Loud defines the Wiyot boundary line most precisely,

and the other sources, to the extent that they specify exact locations, generally concur. Four lowland locations were in border zones, and in these cases there is disagreement about which tribal groups claimed them.

## REGULATORY SETTING

### Federal

#### **National Historic Preservation Act (NHPA)**

The National Historic Preservation Act (NHPA) of 1966 is a piece of legislation designed to preserve historical and archaeological sites in the United States. The Act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices. It emphasizes the importance of preserving historical properties and cultural heritage, and requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties. Through Section 106 of the NHPA, federal agencies are mandated to consult with appropriate state and local officials, Indian tribes, and other interested parties to consider the effects of their projects on historic properties and to seek ways to avoid, minimize, or mitigate any adverse effects.

#### **Native American Graves Protection and Repatriation Act (NAGPRA)**

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 is a federal law that mandates federal agencies and museums receiving federal funding to disclose information regarding Native American cultural items in their possession. These items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. The law requires these institutions to provide detailed inventories and summaries of such items to affiliated tribes and Native Hawaiian organizations. Upon a valid claim, these institutions must facilitate the repatriation or proper disposition of the cultural items to the appropriate tribes or organizations. NAGPRA aims to address historical injustices by ensuring the respectful treatment and return of cultural items to their rightful custodians.

### State

#### **California Public Resources Code**

Public Resources Code section 5020 et seq. is California's state historic preservation statute. This statute does not prohibit local control of historic properties. Rather, it assists local entities in encouraging historic preservation. Public Resources Code section 5020.1 established the California Register of Historic Resources, which is the authoritative listing and guide to be used by cities to identify existing historic resources deserving of protection. Once a historic site is included in the register, any project that may have an adverse impact on the site is subject to

heightened scrutiny under the California Environmental Quality Act (CEQA). CEQA defines historic resources more broadly than does federal law, and includes both procedural and substantive project review requirements and imposes stricter environmental review requirements than required for federal review under NEPA.

### Regional and Local

#### **Tribal Historic Preservation Office (THPO)**

The Wiyot Tribal Historic Preservation Office, one of a growing number of Tribal Historic Preservation Office (THPOs) throughout the United States, is responsible for protecting, preserving, and managing Wiyot cultural resources on tribal land. The THPO also reviews public and private development within Wiyot ancestral territory, advising and assisting in identification and mitigation of significant resources. The THPO program was established under the National Historic Preservation Act of 1966, is administered by the National Park Service, and funded through annual Congressional appropriations.

### **IMPACT ANALYSIS**

#### Significance Thresholds

Proposed General Plan implementation will have significant impacts to cultural resources if it would:

1. Cause a substantial adverse change in the significance of an archaeological or historical resource as defined by CEQA Guidelines §15064.5;
2. Directly or indirectly destroy a unique paleontological resource; or
3. Disturb any human remains, including Native American remains interred outside of formal cemeteries.

Potential impacts 1-3 are not analyzed here but are further addressed in Chapter 4: Impacts Found to Have No Substantial Change from Previous Analysis.

This analysis will address significance criteria from the CEQA Guidelines Appendix G, V. Tribal Cultural Resources (a) and (b).

Appendix G criteria include:

1. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as sites, features, places, cultural landscapes that are geographically defined in terms of the size and scope of the landscape, sacred places,

and objects with cultural value to a California Native American tribe that are either of the following:

- a. 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
- b. 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.

### Methodology

An archeological survey was prepared by the Archaeological Research and Supply Company (ARCS) in December 2023, in consultation with the Bear River Band of Rohnerville Rancheria and the Wiyot Tribe. The ARCS survey and report were prepared consistent with CEQA compliance procedures by a consultant who meets the Standards and Guidelines for Archaeology and Historic Preservation (National Park Service [NPS], 1983) for archaeology.

On March 15, 2024, Pursuant to Senate Bill 18 and Assembly Bill 52, the City of Fortuna requested a Tribal Consultation List from the Native American Heritage Commission (NAHC). The NAHC provided the City with the list on March 19, 2024. On March 25, 2024, all Tribes included in the Tribal Consultation List were formally notified of the opportunity to request consultation for the purpose of preserving, or mitigating impacts to, Tribal cultural resources located within the project site.

On March 30, 2024, the City received a response from the Wiyot Tribe expressing satisfaction that the projects' activities do not appear to represent a source of significant impact(s) on Tribal cultural resources. The Wiyot Tribal Historic Preservation Officers (THPO) office requested government to government consultation if cultural resources appear during project work and that inadvertent archaeological discovery protocols apply for any ground-disturbing activities of the proposed project.

The City received a request for consultation from the Bear River Band of Rohnerville Rancheria (BRBRR) on April 15, 2024. City staff including the City Manager and Community Development Director met with BRBRR THPO at City Hall on April 22, 2024, and at the project site on April 30, 2024. BRBRR THPO requested inadvertent archeological discovery protocols including increasing the stop work buffer around potential Tribal cultural resource discovery to 100 feet and to receive all MDSP documents.

**The 90-day consultation request window pursuant to Senate Bill 18 closed on Monday, June, 24, 2024 with no additional Tribal consultation requests received.**

*Project Impacts and Mitigation*

Impact 3.3.1-01: Would the implementation of the MDSP disturb any human remains, including Native American remains interred outside of formal cemeteries?

**Previously Identified Level of Significance.** The previous FEIR evaluated Archaeological Resources, 5.4-1; Historical Resources, 5.4-2; Paleontological Resources, 5.4-3; and Human Remains, 5.4-4.

In Impact 5.4-1, Archaeological Resources, the previous FEIR found that the General Plan will facilitate future development within the Planning Area and that ground disturbing activities associated with the construction of this development could affect “historically significant” or “unique” archaeological resources. However, the General Plan contains policies and programs that will avoid substantial adverse changes in the significance of archaeological resources and the proposed project does not change policies relating to archeological resources.

In Impact 5.4-2, Historical Resources, the previous FEIR found that the General Plan would not facilitate major changes in land uses designations at historic places or in a historic district that is located in the MDSP Planning Area. The previous FEIR found that General Plan policies and programs would avoid substantial adverse changes in the significance of historical resources and a historic resources evaluation conducted for the MDSP Planning Area did not identify any historic findings.

In Impact 5.4-3, Paleontological Resources, the previous FEIR found that although the General Plan would facilitate development, the General Plan included programs that would avoid destruction of “unique” paleontological resources. A historic resources evaluation for the MDSP Planning Area did not identify any prehistoric findings.

In Impact 5.4-4, Human Remains, the previous FEIR found that although there is potential for undiscovered human remains within the General Plan Planning Area due to a long history of Native American residency in the Eel River Valley, adherence to existing federal laws and regulations in conjunction with the proposed General Plan policy and program would protect any human remains that may be discovered.

**Mill District Specific Plan.**

An archeological survey was prepared by the Archaeological Research and Supply Company (ARCS) in December 2023 for approximately 69 acres comprised of 21 Assessors Parcels. This survey supplements previous surveys conducted by the same consultant in 2021 and 2022, which together cover the entire Fortuna Mill Commerce Center portion of MDSP Area. No historic or prehistoric resources were identified as a result of these investigations.

ARSC requested a Sacred Lands Search from the NAHC in 2021. The Bear River Band of Rohnerville Rancheria and the Wiyot Tribe were contacted to inform them of the project and request background research. These information requests resulted in no comments from either entity regarding the presence of known archaeological or cultural sites within the project vicinity. The Bear River Tribal Historic Preservation Officer (THPO) recommended proceeding with the survey. In January 2024, the Bear River THPO conducted a site visit with ARSC, which resulted in no further comments or change in recommendation for archaeological monitoring during ground disturbance of native soils. ARSC spoke with the Wiyot THPO over the phone, who determined that a site visit was not necessary but that recommended that monitoring during project implementation be required.

ARSC carried out the survey in two parts. The first surveys were conducted in 2021 and 2022 and covered 53-acres over nineteen (19) parcels (largely the MDSP Central and Strongs Creek Areas). The second survey, conducted in December 2023, included a total of 16-acres on two parcels (largely the remainder of the Strongs Creek and Mill Creek Areas, and the portion of the Creek Riparian and Trails rea outside the Great Redwood Trail right of way). Surface visibility ranged from 0-10% during the initial survey, as nearly the entire project area is obscured by asphalt, and 0-50% during the amended survey, with some graded areas of exposed soil. In those areas where asphalt was not present and visibility was obscured by vegetation, systematic shovel probes and surface scrapes were employed at 15-meter intervals wherever possible. Zero (0) historic or prehistoric cultural markers were found as a result of the surveys.

The surveys determined that Fortuna Mill Commerce Center development which encompasses the largest undeveloped areas of the MDSP, will have “No Impacts with Conditions, as defined by CEQA”, and will not affect significant historic resources provided the following archaeological recommendations included in Section 1.5 of the survey report are followed:

- Archaeological monitoring of any subsurface ground disturbance occurs within the very limited areas containing undisturbed soils which may be sensitive for cultural resources outlined in Appendix D - previous Geotechnical Investigations and Cultural Sensitivity Maps.
- No other archaeological work is recommended for this project and inadvertent discovery protocol should be followed. There is always a potential of finding buried archaeological resources. If these or any other project conducted on these properties inadvertently expose cultural resources, all work shall halt within 100 feet of the find and a qualified archaeologist and tribal representative(s) should be contacted immediately to evaluate the find, as per the attached inadvertent discovery protocol (Appendix A - Inadvertent Discovery Tear Sheet).

The MDSP is subject to applicable California law relating to the policies and programs associated with Archaeological, Cultural & Historical Resources Goal NCR-7 in the General Plan Natural and Cultural Resources Element to foster the identification, protection, and enhancement of the City's archeological, historical, and paleontological resources.

In addition, the MDSP contains a performance standard regarding the inadvertent discovery of cultural resources during ground-disturbing activities. Should potentially significant historic or archaeological materials be encountered, such as concentrations of historic artifacts (including bottles and ceramics), prehistoric artifacts (such as chipped chert or obsidian, arrow points, and groundstone mortars and pestles), culturally modified ash-stained midden soils from pre-contact Native American habitation sites, concentrations of fire-altered rock, burned or charred organic materials, or remains of historic structures like stone-lined building foundations, wells, or privy pits, all ground-disturbing activities must be immediately suspended. Activities may resume only in areas that are at least 66 feet away from the discovery site, in accordance with the California Environmental Quality Act (CEQA) Revised Guidelines, Title 14 CCR 15064.5(f). Although this standard expands protections beyond the requirements contained in the policies and programs of the General Plan Natural and Cultural Resource Element (in particular Program NCR-41, which address the potential impacts of proposed development on historic, archaeological and paleontological resources), it is not consistent with the recommendations in the ARSC archaeological resources survey for the project, which specifies 100 feet rather than 66 feet.

The archeological survey did not identify historic or prehistoric resources but suggested that resources could be present. The survey report recommended cultural resource monitoring for specific areas containing undisturbed soils and inadvertent discovery protocols that specify that work shall halt within 100 feet of the find and a qualified archaeologist and tribal representative(s) should be contacted immediately to evaluate the find. The recommendations contained in the survey report exceed the performance measures contained in the MDSP. As a result, mitigation measures are required to avoid impacts to human remains, including Native American remains, or Tribal Cultural Resources. Therefore, impacts from the project could be significant without the incorporation of mitigation that would require that MDSP performance measures provide the protections specified in the ARSC survey report recommendations.

#### Mitigation Measure

CUL-1. Revise MDSP Cultural Resources Performance Measure as follows:

Archaeological monitoring shall be required for any subsurface ground disturbance occurring within undisturbed soils which may be sensitive for cultural resources outlined in A Cultural Resources Investigation of the Fortuna Mill Commerce Center Final Report, Appendix D -previous Geotechnical Investigations and Cultural Sensitivity Map, which include (1) SHN Geotechnical Boring Location and ARSC sensitivity overlay Map; (2) SHN

Test Pit Logs (2005), sensitive soils: Pages 25, and 27-29 of Document; (3) Geotechnical Test Pit Location with APE Aerial Overlay and Archaeological Monitoring Area Map; and (4) Archaeological Monitoring Area and APE Aerial Overlay Map, 1:3,000 Scale.

Ground-disturbing activities shall be immediately halted upon the discovery of potentially significant Tribal cultural resources, historic, or archaeological materials such as (but not limited to) concentrations of historic artifacts (e.g., bottles, ceramics) or prehistoric artifacts (chipped chert or obsidian, arrow points, groundstone mortars and pestles), culturally altered ash-stained midden soils associated with pre-contact Native American habitation sites, concentrations of fire altered rock and/or burned or charred organic materials, and historic structure remains such as stone-lined building foundations, wells or privy pits. Contact the City of Fortuna, a professional archaeologist and representatives from the Bear River Band of Rohnerville Rancheria and the Wiyot Tribe. The professional historic resource consultant, Tribes and City officials will coordinate, provide an assessment of the find and determine the significance and recommend next steps. If human remains are encountered, all applicable requirements of the California Health and Safety Code and Public Resources Code shall be followed.

Ground-disturbing project activities may continue in areas at least ~~66~~ 100 feet from the site of discovery or any nearby area reasonably suspected to overlie adjacent human remains.

#### *Significance After Mitigation*

Impacts would be less than significant after the incorporation of the above mitigation measure.

## 3.4 PARKS, RECREATION, AND VISUAL RESOURCES

### 3.4.1 PARKS, RECREATION AND OPEN SPACE

As analyzed in the previous FEIR in section 6.1 Parks, Recreation and Open Space which coincides with CEQA Guidelines Appendix G environmental factor XVI, Recreation.

#### SUMMARY OF PREVIOUS FEIR FINDINGS

The previous FEIR found that the General Plan would accommodate new development for an additional 13,415 residents which would necessitate the creation of 67 acres of new community parkland to be consistent with General Plan policy regarding park dedication requirements and Quimby Act requirements. Additionally, the plan accommodates increased utilization of existing park and recreational facilities from population growth and includes policies and programs to ensure that existing park/recreation facilities are adequately maintained to accommodate increased use. Furthermore, the General Plan designates 778.4 acres as Open Space and enhances trail connectivity to accommodate projected growth. The previous FEIR determined that the land allocated for parks and open spaces will meet the growing demand, resulting in a less-than-significant impact overall.

#### ENVIRONMENTAL SETTING

The Riverwalk District land use change area of the Project is adjacent to Overlook Park, a City Park. Overlook Park is a Mini/Pocket park approximately 4,000 square feet in size, not including the parking area or trailhead. Overland Park is located within City street right of way in the Riverwalk District Focus Area on the levee just north of River Lodge overlooking the Eel River. This park is an important scenic and recreational resource for community members and visitors and contains a small drought-resistant garden area and a picnic table.

The nearest recreational resource outside of the Project area is Newburg Park, a City Park at the intersection of Rohnerville and Newburg Roads. The Project site is linked to Newburg Park by the proposed **Strongs Creek** trail, which will extend from Overlook Park, through the MDSP Area, to Newburg Park and continue to the Headwaters Forest Reserve. This pathway is designed to connect directly to the Riverwalk Area through a creekside trail that passes beneath the Northwestern Pacific Rail line and US Highway 101, emerging at Alamar Way.

#### REGULATORY SETTING

##### Federal

The Fortuna General Plan previous FEIR described the federal and state regulatory setting relating to land use and there are no changes that would affect the Mill District.

### State

The Fortuna General Plan previous FEIR described the federal and state regulatory setting relating to land use and there are no changes that would affect the Mill District.

### Regional and Local

The Fortuna General Plan previous FEIR evaluated the local and regional land use regulatory setting and except for the 2011 update to the City's municipal code regarding Open Space for Multifamily Development, the 2012 Regional Bicycle Plan, the 2014 John Campbell Memorial Greenway, and Strongs Creek Trail Final Master Plan, there are no changes that would affect the Mill District.

### **John Campbell Memorial Greenway and Strongs Creek Trail Final Master Plan**

The John Campbell Memorial Greenway and Strongs Creek Trail Master Plan envision a trail that will provide Fortuna with multiple benefits, including transportation alternatives, active recreation, economic vitality, environmental preservation and resource restoration. The Master Plan sets the direction for opportunistic and incremental implementation over time. Part of Phase 3 for the Master Plan is a Highway 101 Overcrossing (1a), which is tied to implementation of Mill District Area Plan. The ultimate vision is for a linear park and multi-use trail connecting the Eel River to the Headwaters Forest Reserve, providing improved recreational and non-motorized access within the community. The project will improve east-west connectivity, link regional trails, and bolster Strongs Creek wetland restoration efforts.

### **Regional Bicycle Plan**

The Humboldt Regional Bicycle Plan (HCOAG 2018) is a regional plan that includes the City of Fortuna and is intended to facilitate projects and programs that will help build a bikeway system that makes bicycling throughout Humboldt County a safe, convenient, and practical means of transportation for all residents and visitors. Priority infrastructure projects will link adjoining jurisdictions' bicycle routes and thereby build a regional bicycle network. The Regional Bicycle Plan recommends a series of bikeways to connect all cities and unincorporated areas in the County, and also provide connections to adjacent counties. Table 4.6 City of Fortuna — Proposed Bikeway Projects, identifies a series of Class I, II, and III bikeways, including the 4.3-mile-long John C. Campbell Memorial Parkway and Class I Bikeway from the River Lodge to the eastern City limit as being priority projects.

## **IMPACT ANALYSIS**

### Significance Thresholds

Proposed General Plan implementation will have significant parks, recreation and open space impacts if it:

- A. Results in substantial adverse physical impacts associated with the provision of new or physically altered park and recreational facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives;
- B. Results in the increased use of existing parks or recreational facilities such that substantial physical deterioration of the facilities will occur or accelerate; or
- C. Create an increased demand for access to open space that cannot be met.

Thresholds A and B are addressed in Chapter 4: Impacts Found to Have No Substantial Change from previous Analysis. Further analysis was not performed because the MDSP does not propose changes to parks-related policies and programs (including park dedication requirements) that would impact increased demand for public parks. It also maintains or enhances connectivity and access to open space through the provision of the Strongs Creek Trail and connections to the Great Redwood Trail.

This analysis addresses the significance criteria from the CEQA Guidelines Appendix G, XV. Recreation items (a) and (b). Significance threshold “C” is an impact topic specific to the Fortuna General Plan previous FEIR.

Appendix G criteria include:

- 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?

### Methodology

The methodology to assess park, recreation and open space impacts of the Fortuna General Plan used in the previous FEIR relied on:

- Demand for parks and recreational facilities will increase within the Planning Area with increased development and population growth.
- The City’s parkland dedication requirement established through Policy PROS-1.5, Parkland Standards and Deduction, (e.g., five acres of parkland per 1,000 residents) is used in this analysis to assess park demand under the proposed plan.

*Project Impacts and Mitigation*

Impact 3.4.1-01: Would the implementation of the MDSP create an increased demand for access to open space that cannot be met.

**Previously Identified Level of Significance.** The previous FEIR evaluated Increased Demand for Public Parks, 6.1-1; Increased Use of Existing Park and Recreational Facilities, 6.1-2; and Increased Demand for Access to Open Space, 6.1-3. This expansion would be supported by policies including park dedication requirements, ensuring adequate new park space without the need for further mitigation.

In Impact 6.1-1, Increased Demand for Public Parks, the previous FEIR found that the General Plan, accommodating new development for an additional 13,415 residents, would necessitate the creation of 67 acres of new community parkland to meet Quimby Act requirements.

In Impact 6.1-2, Increased Use of Existing Park and Recreational Facilities, the previous FEIR found that the General Plan allowed for increased utilization of existing park and recreational facilities due to population growth and development intensification, but would maintain these facilities adequately to handle the increased demand through development requirements.

In Impact 6.1-3, Increased Demand for Access to Open Space, the previous FEIR found that the General Plan anticipated a rise in population to 24,904, thereby increasing the need for open space. This was addressed by designating 778.4 acres as Open Space and enhancing trail connectivity, thus providing substantial public access benefits. Considering developments in surrounding areas, it was expected that the allocation of land for parks and open spaces in regional plans will sufficiently meet the growing demand, resulting in a less-than-significant impact overall.

**Mill District Specific Plan Changes.** The proposed project does not change General Plan Parks policies and programs which are associated with Goal PROS-1, to provide a variety of parks that serve community needs and attracts and encourages active use by Fortuna's community members, workforce, and visitors, and does not change park dedication requirements. The proposed project would amend the Fortuna General Plan Land Use Element Mill District Focus Area Policy LU-14.3, Open Space and Parkland, to remove the requirement that the 100-year floodplain within the Mill District be maintained as open space. This amendment would maintain the requirement to provide for public access and trail development but would limit this requirement to the 100-foot and 75-foot streamside setbacks from Strongs and Mill Creeks, respectively, where the Strongs Creek Trail is proposed to be located and provide connections to the Great Redwood Trail. The Mill District 100-year floodplain area was not part of the 778.4 acres of land designated as Open Space by the Fortuna General Plan that, in combination with

policies associated with General Plan Goal PROS-1 and Pedestrian Facilities Goal TC4 (to develop safe and pleasant pedestrian ways that provide recreation opportunities), were determined to result in beneficial impacts relating to increased demand for open space access.

The expanded Strongs Creek and Mill Creek setbacks remain protective of riparian habitats while enabling the John Campbell Memorial Greenway and other trails under General Plan Policy LU-14.3. The setbacks of 100 feet for Strongs Creek and 75 feet for Mill Creek are more protective than Natural and Cultural Resources Element Program NCR-15 which directs the City to prepare a streamside management and wetland protection ordinance that would safeguard a minimum buffer zone of 50 feet around perennial streams and 25 feet around ephemeral streams, with the protective zones measured from the upper edge of the stream bank and can accommodate the proposed Strongs Creek Trail. General Plan Natural and Cultural Resources Policy NCR-2.1, Riparian Corridor Protection, limits activities within buffer areas to passive recreational uses (hiking, biking, sightseeing, horseback riding) like the Strongs Creek Trail.

The Riverwalk District land use change area is directly adjacent to and could be an expansion of Overlook Park in the Riverwalk Area and is directly connected to the John Campbell Memorial Greenway, which will pass through the MDSP, and Riverwalk Pathway. Once purchased, planned, designed, approved, funded, and constructed, the Riverwalk District land use change area would add approximately seven and one-half acres of new parkland to the City. In addition, any new residential subdivisions within the Mill District would be required to dedicate parkland or pay in lieu fees consistent with General Plan Parks Policy PROS-1.5, Parkland Standards and Dedication, and City of Fortuna Municipal Code Chapter 16.24, Dedications, Title 16, Subdivisions.

The amendment to Policy LU-14.3 to remove the requirement that the 100-year flood plain be maintained as open space does not reduce the land within the City and General Plan Planning Area designated as Open Space (OS), as enumerated in previous FEIR, Draft PEIR Table 3.1-5. The expansion of Overlook Park and Strongs Creek Trail connectivity through the MDSP, defined by General Plan Policy LU-14.3 and the transportation concept of the MDSP set forth in the Bicycle and Pedestrian Access performance criteria, do not change General Plan policies or programs relating to the provision of open space and collectively enhance recreational opportunities for the community and would therefore not result in changes that would affect the previous FEIR determination that impacts to open space would be beneficial.

#### Mitigation Measure

No mitigation measures would be required.

#### Significance After Mitigation

Impacts would be beneficial or less than significant without mitigation.

## 3.5 PUBLIC HEALTH AND SAFETY

### 3.5.1 FLOODING

As analyzed in the previous FEIR in section 8.5 Flooding which coincides with CEQA Guidelines Appendix G environmental factor IV, Hydrology and Water Quality.

#### SUMMARY OF PRIOR EIR FINDINGS

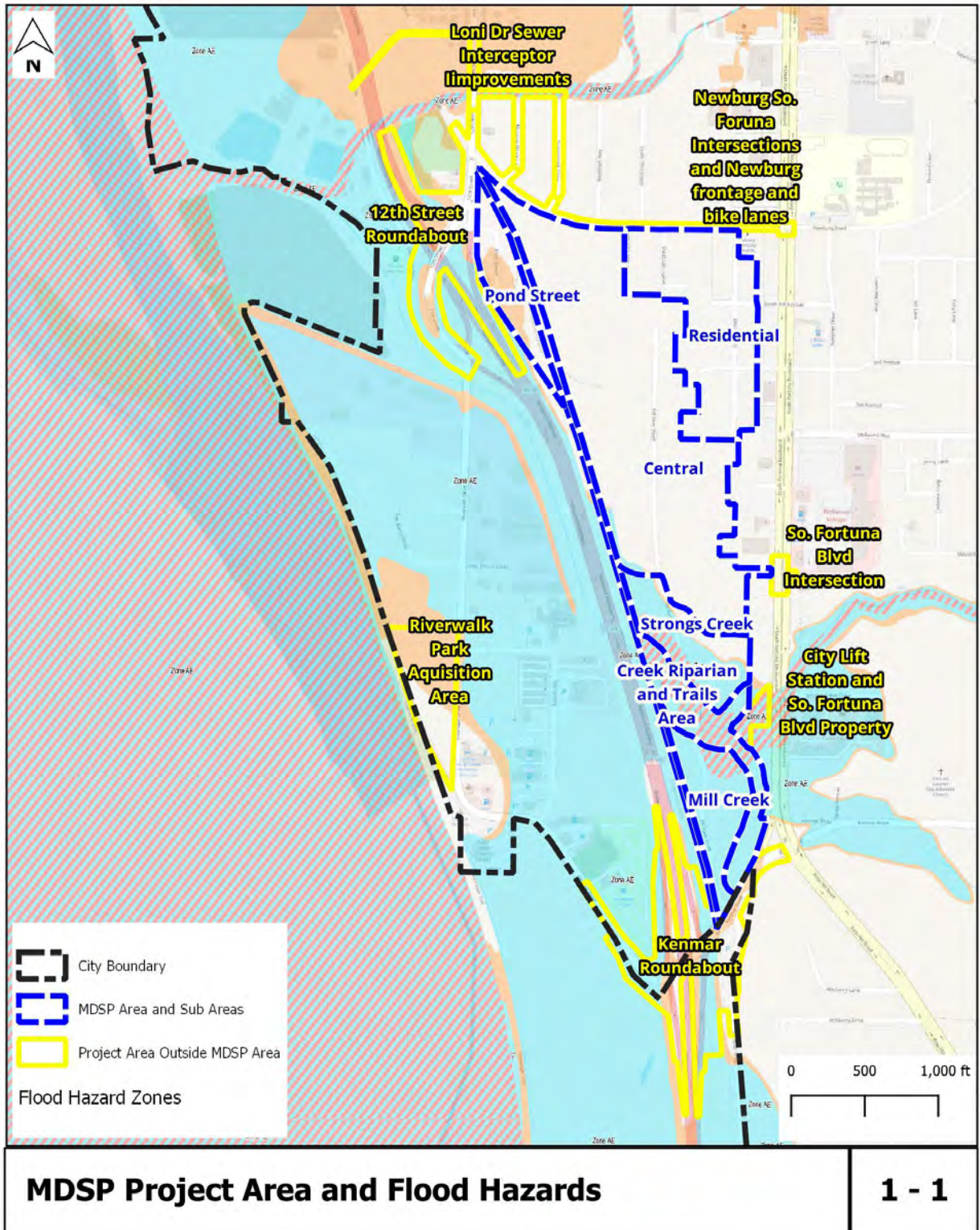
EIR findings for the Fortuna General Plan Planning Area indicate several potential flood-related impacts due to the inclusion of lands within the 100-year flood hazard areas as identified by FEMA. There is a risk of flooding to developments and populations during 100-year storm events because not all new construction is mandated to be elevated above the Base Flood Elevation. Mitigation measures require amending the Fortuna City Code to require that all buildings within these flood zones be elevated to or above the Base Flood Elevation and implementing hydrologic and hydraulic analysis for developments within these areas to ensure no increase in Base Flood Elevation levels. The Sandy Prairie Levee provides partial protection for portions of the General Plan Planning Area and the General Plan contains a series of policies intended to plan for and address flood hazards relating to this levee. With the mitigation to amend the Municipal Code to require that all buildings in the 100-year floodplain elevate the lowest floor to or above the Base Flood Elevation level and requiring a hydrologic and hydraulic analysis that demonstrates that the development will not increase Base Flood Elevation levels within the floodplain, General Plan flood impacts were determined to be less than significant.

#### ENVIRONMENTAL SETTING

The previous FEIR described the environmental setting in terms of flooding. As part of MDSP planning several reports related to drainage and flooding have been prepared by engineering consultants GHD Group that better describe the MDSP Utility and Infrastructure Conceptual Design Area, including a floodplain encroachment analysis (included as Appendix D) and a Utility and Infrastructure Conceptual Design technical memo (included as Appendix E) that contains drainage infrastructure analyses.

Figure 8: Flood Hazard Zones and the Project Site below shows the project relationship of the FEMA flood hazard zones to the Project Site.

Figure 8: Flood Hazard Zones and the Project Site



## REGULATORY SETTING

### Federal

The Fortuna General Plan previous FEIR described the federal and state regulatory setting relating to land use and there are no changes that would affect the Mill District.

### State

The Fortuna General Plan previous FEIR described the federal and state regulatory setting relating to land use and there are no changes that would affect the Mill District.

### Regional and Local

The Fortuna General Plan previous FEIR evaluated the local and regional land use regulatory setting and except for the 2011 update to the Fortuna Municipal Code and 2015 Humboldt County Low Impact Development Standards, there are no changes that would affect the Mill District.

### **City of Fortuna Municipal Code**

The City of Fortuna Municipal Code Title 15 Buildings and Construction, contains Chapter 15.58 Provisions for Flood Hazard Reduction. These regulations specify the requirements for construction in special flood hazard areas, including anchoring, construction materials and methods, and elevation and floodproofing to which all permits must comply.

## IMPACT ANALYSIS

### Significance Thresholds

The proposed Project would have a significant flood-hazard impact if it would:

- a) Place housing or other structures within a 100-year Flood Hazard Area as mapped on FEMA FIRM map;
- b) Place within a 100-year Flood Hazard Area structures which would impede or redirect flood flows; or
- c) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee.

This analysis addresses the significance criteria from the CEQA Guidelines Appendix G, IX. Hydrology and Water Quality (g), (h), and (i).

Appendix G criteria include if the project would:

- a) Violate any water quality standards or waste discharge requirements?

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- e) 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?
- f) Otherwise substantially degrade water quality?
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- j) Inundation by seiche, tsunami, or mudflow?

The previous FEIR does address significance criteria (a)-(g), (h), and (j) from CEQA Guidelines Appendix G, IX. Hydrology and Water Quality in other sections. These sections are addressed in Chapter 4: Impacts Found to Have No Substantial Change from previous Analysis. The following is a brief explanation for why no further analysis was performed in this section:

Criteria (a) is addressed in the previous FEIR under 5.1-3, Water Quality Standards and Waste Discharge Requirements. This is not analyzed in this section because the MDSP will adhere to City stormwater and LID requirements and comply with RWQCB requirements relating to existing soil and groundwater contamination.

Criteria (b) is addressed in the previous FEIR under 5.1-1, Groundwater Supply/Recharge. This is not analyzed in this section because the Planning Area for the MDSP is not identified as an important groundwater recharge area in the Eel River Valley Groundwater Sustainability Plan. The MDSP would protect the Strongs and Mill Creek stream and riparian area and comply with City of Fortuna flood and low impact development requirements and would therefore not increase impacts relating to Groundwater Supply/Recharge.

Criteria (c) is addressed in the previous FEIR under 7.3-1, Alter Existing Drainage Patterns Leading to Substantial Erosion or Siltation. The MDSP will to adhere to General Plan policies and programs that minimize sedimentation/erosion and any changes to the quantity and/or quality of water discharged into the municipal storm drain system as well as continue to adhere to City regulations for flood control, drainage, and grading permits, as well as storm water runoff controls under the State's NPDES programs that mitigate potential impacts associated with increased runoff. As there are no alterations to the course of streams or rivers proposed, the potential impacts remain unchanged.

Criteria (d) is addressed in the previous FEIR under 7.3-2, Increase Surface Runoff Leading to Increased Flooding. The MDSP will adhere to General Plan policies and programs that require the City to inspect and maintain drainage system facilities that adequately convey 25-year storm event runoff; the programming of improvements at such time as any storm drain facilities reach 90% of capacity; and require new development to route runoff through on-site bioretention measures and demonstrate that adequate storm drainage can be provided.

Criteria (e) is addressed in the previous FEIR under 7.3-3, Exceed Existing or Planned Storm Water Drainage System Capacity. As mentioned above, the MDSP will adhere to General Plan policies and programs that will not create or contribute runoff water in excess of the capacity of existing or planned storm water drainage systems.

Criteria (f) is addressed in the previous FEIR under 7.3-4, New or Expanded Storm Drainage Facilities. Any construction activities facilitated by the MDSP are regulated by the NPDES General Construction Storm Water Permit. Compliance with the storm water permit during construction activities requires the preparation of a SWPPP that contains BMPs to control the discharge of pollutants, including sediment, into local surface water drainages. In addition to complying with the NPDES programs, the MDSP will follow General Plan policies and programs to reduce impacts associated with construction of new storm water drainage facilities.

Criteria (j) is not addressed in the previous FEIR. However, the Fortuna General Plan Planning Area is outside of Humboldt County Tsunami Hazard Areas (California Department of Conservation, 2024). (California Department of Conservation. (2024). Humboldt County Tsunami Hazard Areas, <https://www.conservation.ca.gov/cgs/tsunami/maps/humboldt>)

### Methodology

A floodplain encroachment analysis was performed by GHD using the City's existing HEC-RAS model, which was developed and calibrated based on FEMA's HEC2 model files for the Flood Insurance Rate Study and updated using the most recent topographic information. The HEC-RAS model was used to calculate the water surface profile and inundation areas for both the Base Condition (natural profile) and the Proposed Project Condition (Encroached). The Proposed

Project Condition was developed by iteratively using the HEC-RAS encroachment methodology, Method 1, where the encroachment limits were specified. The proposed encroachments were limited to areas outside of the floodway and within the floodway fringe. The encroachment limits were adjusted to cause less than one foot of rise within the floodway fringe, minimal changes to upstream inundation areas, and cause no impact to roadways crossing Strongs Creek.

*Project Impacts and Mitigation*

Impact 3.5.1-01: Would the implementation of the MDSP

- A. Place Housing or Other Structures Within a 100-Year Flood Hazard Area which would impede or redirect flood flows or expose people or structures to a significant risk of loss, injury, or death involving flooding.
- B. Place within a 100-year Flood Hazard Area structures which would impede or redirect flood flows;
- C. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee?

**Previously Identified Level of Significance.** The previous FEIR evaluated impacts to structures within the 100-year flood area in Impact 8.5-1, Place Housing or Other Structures Within a 100-Year Flood Hazard Area; impacts from structures within the 100-year flood area impeding or redirecting flood flows in Impact 8.5-2, Place Structures Within a 100-Year Flood Hazard Area That Could Impede or Redirect Flood Flows; and exposing people to flood risk in Impact 8.5-3: Flooding -- Expose People or Structures to a Significant Risk Involving Flooding, Including as a Result of Levee Failure.

In Impact 8.5-1, Place Housing or Other Structures Within a 100-Year Flood Hazard Area, identified that the proposed General Plan implementation will allow the development of new housing or other structures within a 100-year Flood Hazard Area as mapped on a FEMA FIRM map and determined that policies that require new residential development, essential facilities and large public assembly facilities located within the 100-year to be elevated above base flood levels (HS-7.6 Regulating Land Uses in the 100-Year Floodplain), requires flood hazards studies for development in such areas (HS-7.8 Flood Hazards Study) as well as flood proofing (HS-7.12 Flood Control Design Criteria). However, the analysis concluded impacts of the General Plan 2030 would be potentially significant without the incorporation of a mitigation measure that required that all buildings constructed within the 100-year floodplain be elevated so that the lowest floor is at or above the Base Flood Elevation level.

In Impact 8.5-2, Place Structures Within a 100-Year Flood Hazard Area That Could Impede or Redirect Flood Flows, the previous FEIR found that impacts of the General Plan 2030 would be potentially significant without the incorporation of a mitigation measure that requires that studies required to be performed prior to development per HS-7.8, Flood Hazards Study, and PFS-5.14. Drainage Studies also include a hydrologic and hydraulic analysis that demonstrates that

the development will not increase Base Flood Elevation levels within the floodplain, i.e., no rise is permitted within the 100-year floodplain.

In Impact 8.5-3, Flooding -- Expose People or Structures to a Significant Risk Involving Flooding, Including as a Result of Levee Failure, the previous FEIR found that impacts of the General Plan 2030 would be less than significant with the implementation of General Plan 2030 policies designed to ensure that flood issues associated with the levee are quickly identified and resolved.

**Mill District Specific Plan Changes.** As part of the adoption of the MDSP, Mill District Focus Area Policy LU-14.3, Open Space and Parkland, is proposed to be modified to allow development within the 100-year floodplain. The MDSP would continue to be subject to policies from the General Plan Health & Safety Element relating to flooding and Chapter 15.58 of the Fortuna Municipal Code that regulates construction in flood-prone areas. Development within the floodplain would be required to follow strict standards that minimize the potential for flood damage, including elevating structures above the base flood elevation.

The MDSP Area is within the Strongs Creek Floodplain which is within the greater Eel River floodplain. The Strongs Creek watershed is one of the largest watersheds in Fortuna, with several smaller watersheds such as Jameson Creek and Mill Creek as tributaries. The City experiences localized flooding along Strongs Creek near its confluence with the Eel River at Dinsmore Drive and Loop Road. All of the MDSP Area south of Strongs Creek is within the 100-year floodplain (The Mill Creek Sub Area and Strongs and Mill Creek riparian areas) and 6.1 acres of the Strongs Creek Sub Area, while the remainder of the MDSP and project is in an area of minimal flood hazard. Figure X shows the regulatory floodway and the 100-year floodplain for the MDSP Area and surrounding area.

A substantial portion of the MDSP Area was a mill site that was closed approximately 20 years ago with most of the buildings removed. The former mill site is now comprised of predominantly impermeable areas, including asphalt and concrete paving, compacted aggregate base, and gravel fill. Mixed-use development, including residential, commercial, and industrial, are present in the northeast and along the eastern edge, while vegetated areas remain largely undisturbed in the Strongs and Mill Creek riparian area and on either side of the railway within the Great Redwood Trail right of way on the western perimeter. Development is proposed primarily within existing disturbed areas, involving the replacement of remaining asphalt, concrete, gravelly fill and limited vegetated areas with other impervious structures like buildings, loading docks, sidewalks, and paving.

The Floodplain Encroachment Analysis for Proposed Mill District Development, Technical Memorandum, December 2023 (GHD) used the definition of risk established by the Federal Highway Administration (FHWA), where risk shall mean the consequences associated with the probability of flooding attributable to an encroachment. Risk factors associated with the

implementation of a proposed action includes, but are not limited to, the following: 1) change in land use, 2) change in impervious surface area, 3) fill inside the floodplain, and 4) change in the 100-year water surface elevation (WSE).

The Floodplain Encroachment Analysis for Proposed Mill District Development was performed to evaluate the proposed conceptual site plan Fortuna Mill Commerce Center, in compliance with General Plan policy PFS-5.14, Drainage Studies, and Policy HS-7.8, Flood Hazards Study. This Technical Memorandum (Appendix D) determines the limits of encroachments by new construction within the floodplain, which is divided into floodway fringe and floodway that will cause a specified change in water surface elevation. The encroachment limits were adjusted to define the encroachment boundary that would cause less than one foot of rise within the floodway fringe, minimal changes to upstream inundation areas, and cause no impact to roadways crossing Strongs Creek.

**Figure 9: Base Condition (Natural Profile) - 100 Year Event. Source: Appendix D**

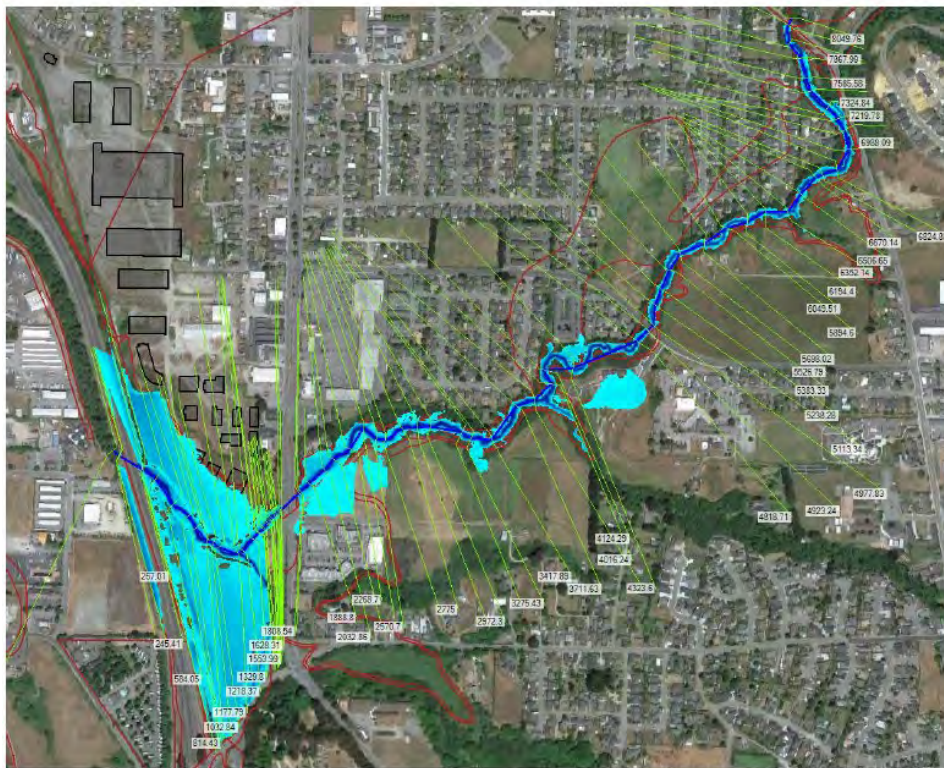


Figure 4. Base Condition (Natural Profile) – 100-YR Event

**Figure 10: Proposed Project Condition (Encroached Profile) - 100 Year Event. Source: Appendix D**

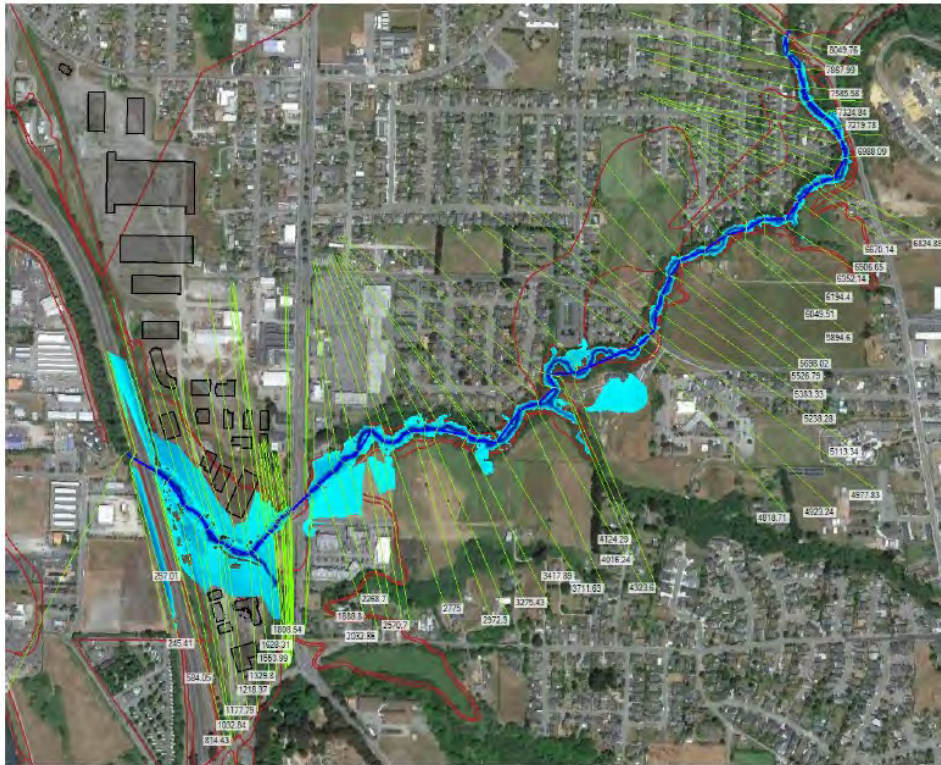
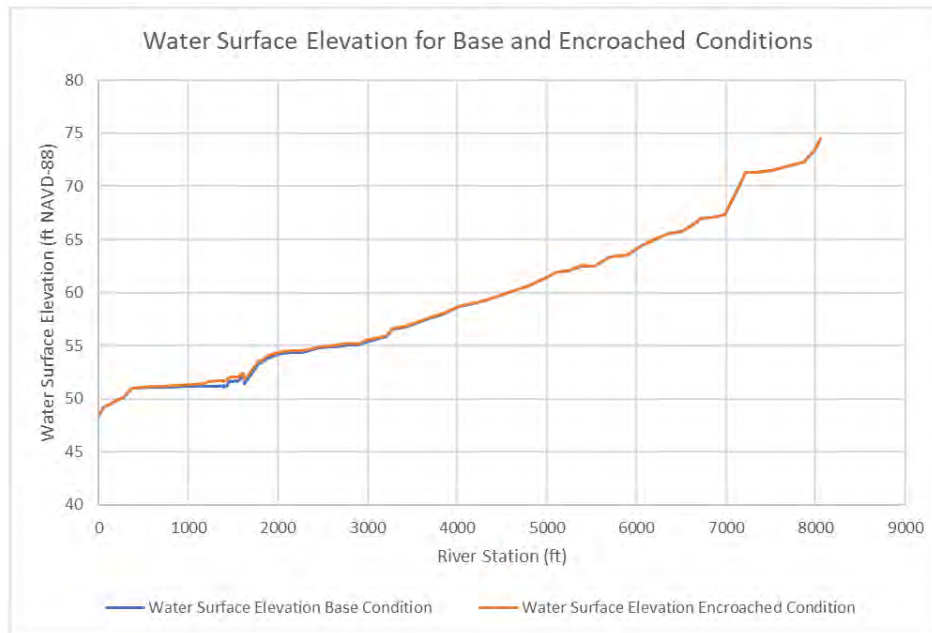
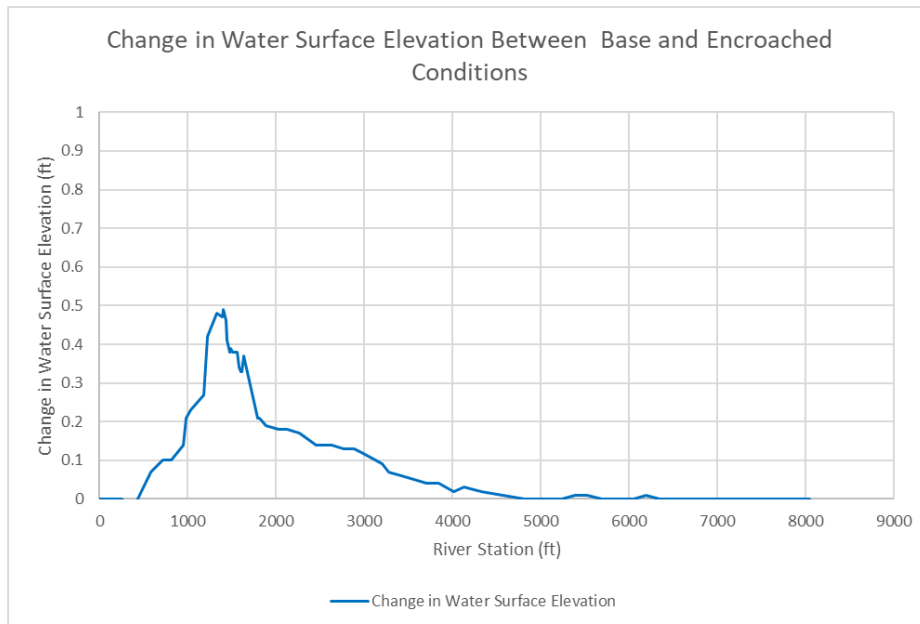


Figure 5. Proposed Project Condition (Encroached Profile) – 100-YR Event

**Figure 11: Water Surface Elevation for Base and Encroached Conditions. Source: Appendix D**



**Figure 12: Change in Water Surface Elevation Between Base and Encroached Conditions.**  
**Source: Appendix D**



The Floodplain Encroachment Analysis concluded the following:

1. Change in land use - Surrounding land uses consist of residential, commercial, industrial, and other uses common to an urban environment. The proposed Project includes the redevelopment of a previous wood mill site. Existing impervious areas will be used for the construction of buildings and parking areas.
2. Change in impervious surface area – The Proposed Project will be constructed on areas that are currently impervious. The existing impervious area will be converted to parking areas or buildings.
3. Fill inside the floodplain - There is no proposed fill within the floodway.
4. Change in the 100-year WSE - There would be no encroachment within the floodway. Encroachment within the floodway fringe would result in a change in the WSEs of less than one foot and significant change to the extent of flooding off site. A profile of the water surface elevations for the Base and Encroached condition are shown in Figure 6. The change in water surface elevation between the Base and Encroached conditions may be seen in Figure 7. Changes in water surface elevation and inundation areas were minimal and did result in increased impact to properties upstream (east of Fortuna Boulevard).

Mill District Focus Area Policy LU-14.3, as modified, applies a 100-foot streamside setback from Strongs Creek and 75-foot setback from Mill Creek and provides for public access and trail development within the setback area. Development within the Strongs and Mill Creek 100-year

floodplain would be outside riparian buffers and the floodway and subject to City of Fortuna Health & Safety Element policy and Municipal Code regulations for flood hazard reduction.

The City of Fortuna is proposing to change the land use of the portion of APN 200-362-005 outside the MDSP Area within the City of Fortuna in Riverwalk area, from Riverwalk District (RD) to Parks, Greenways, & Recreation (PRK) to support future acquisition of this property for future parks planning and implementation. This area appears to have been a part of historic lumber mill operations and currently contains about an acre of formerly paved or concrete area and a portion of the Riverwalk Overlook parking lot area.

The City seeks to acquire this land to preserve the important riverfront area, maintain public access, and for potential future public recreation development. The Parks, Greenways, & Recreation (PRK) land use designation allows indoor and outdoor recreational uses, golf courses, equestrian uses, trails, and public/quasi-public uses with a maximum floor area ratio of 0.10. The City proposes to rezone this area from Freeway Commercial (FC) to Public Facility (PF), where Public services and administrative offices, parks, public schools, and certain child care and community care facilities are principally permitted. Future development by the City would be subject to CEQA and general plan conformance review to ensure consistency with General Plan storm drainage and flood hazard policies and regulations.

The portion of APN 200-362-005 within the City of Fortuna is located behind the Eel River levee and is outside of the 100-year floodplain, but a portion of the parcel is within the 500-year floodplain. APN 200-362-005 and the River Lodge area are protected by the Sandy Prairie levee, which has effectively removed the portion of the City of Fortuna west of HWY 101 from the Eel River floodplain. The General Plan Health and Safety Element contains a series of policies and programs that are intended to address levee hazards and maintain levee protections. Environmental impacts relating to levees were fully analyzed in the previous FEIR Impact 8.5-3: Flooding -- Expose People or Structures to a Significant Risk Involving Flooding, Including as a Result of Levee Failure, and the proposed land use change to APN 200-362-005, which is currently planned for commercial uses and protected by Sandy Prairie Levee, does not affect the conclusions of that evaluation.

Consistent with the recommendation of the Floodplain Encroachment Analysis, the conceptual development plan does not show any development within the Floodway. While changes in the MDSP will permit development in flood-prone areas, new development would be required to be elevated above the 100-year Base Flood elevation, adhere to General Plan drainage and flood hazard policies and Municipal Code flood hazard reduction regulations. MDSP performance standards require that individual development proposals implement all drainage improvements necessary to accommodate the increased runoff of the development proposal and to provide an

adequate level of flood protection to the development proposal, to the satisfaction of the Public Works Director.

In addition, MDSP performance standards require that development within the 100-year floodplain be consistent with the Health and Safety Element policies relating to flood hazards, in particular Policy HS-7.6, Regulating Land Uses in the 100-Year Floodplain, and City of Fortuna Municipal Code Title 15, Division 2, Floodplain Management Regulations. These General Plan policies, including expanded riparian setback buffer for Strongs and Mill Creeks, and City regulations, combined with MDSP performance measures, would minimize potential flood hazards, resulting in less than significant anticipated impacts relating to housing or other structures within a 100-Year Flood Hazard Area, structures that could impede or redirect flood flows within a 100-Year Flood Hazard Area, and people or structures that could be involved in flooding.

*Mitigation Measure*

No mitigation measures would be required.

*Significance After Mitigation*

Impacts would be less than significant without mitigation.

## 4. IMPACTS FOUND TO HAVE NO SUBSTANTIAL CHANGE FROM PREVIOUS ANALYSIS

---

### 4.1 LAND USE

#### 4.1.1 Population and Housing

The previous FEIR section (3.2) analysis coincides with CEQA Appendix G environmental factor XIV, Population and Housing, with the exception of FEIR impact 3.2-3: Consistency with Adopted Regional Fair-Share Housing Demand Forecasts, which analyzes whether the proposed plan will limit housing development substantially below the adopted regional fair-share housing allocation, thereby requiring other jurisdictions to pick up this demand.

##### 4.1.1-1 POPULATION GROWTH INDUCEMENT POTENTIAL IMPACT:

The previous FEIR found that the General Plan does not directly induce substantial population growth because it does not contain specific development proposals but could indirectly induce substantial population growth by increasing the amount of land designated for residential use by both designating undeveloped land for urban development and increasing the intensity of existing urban development. The General Plan includes policies and programs to ensure that Fortuna's future growth will proceed in an orderly manner, but the General Plan would still facilitate substantial growth inducement resulting in significant and unavoidable impacts for which no feasible mitigation measures were identified. The proposed MDSP identifies a conceptual development layout for planning purposes but does not include specific proposals for development. The MDSP continues to plan for a mixture of urban land uses and replaces specific caps on commercial and industrial square footage with an ongoing monitoring program intended to avoid urban decay. The proposed changes to the General Plan and MDSP would not change the finding from the previous FEIR that potential indirect growth allowed by the General Plan could have significant and unavoidable impacts.

##### 4.1.1-2 POPULATION AND HOUSING DISPLACEMENT POTENTIAL IMPACT:

The previous FEIR found that the General Plan did not include specific development proposals and, therefore, would not have the potential to directly displace substantial numbers of existing people or housing. While the General Plan would facilitate infill, reuse and redevelopment in the urban core and would facilitate new development at the urban/rural interface, the Land Use Map would not require that newly non-conforming residential uses be removed. In addition, policies to protect existing residential uses were included. The MDSP continues to plan the Mill District

Focus Area for reuse and redevelopment with mixed-uses and it does not include policies or specific development proposals that would have the potential to directly displace substantial numbers of existing people or housing. The MDSP allows new residential development in areas that are designated Mill District and maintains zoning for multiple family where existing residential uses are present and includes detailed performance measures to assure land use compatibility between uses. As a result, the proposed changes to General Plan and MDSP would not change the previous FEIR finding that impacts relating to the potential for the General Plan to directly displace substantial numbers of existing people or housing would be less than significant.

#### 4.1.1-3 CONSISTENCY WITH ADOPTED REGIONAL FAIR-SHARE HOUSING DEMAND FORECASTS POTENTIAL IMPACT:

The previous FEIR found that the General Plan increased the amount of land where residential is the primary use, and the amount of land where residential use is permitted is sufficient to meet the then-current adopted regional fair-share housing allocation (2007-2014). The City's current certified Housing Element continues to accommodate the regional fair-share housing allocation. The MDSP does not include land that is a part of the Inventory of Affordable Housing Sites as identified in the current certified Housing Element (2019-2027). As a result, the proposed MDSP would not affect the conclusion that the Fortuna General Plan will not require other jurisdictions in the region to accommodate the anticipated growth.

## 4.2 TRANSPORTATION AND CIRCULATION

### 4.2.1 ROADWAY AND HIGHWAY SYSTEM

The analysis in the previous FEIR in section (4.1) coincides with CEQA Guidelines Appendix G environmental factor XVII, Transportation and Traffic, with the exception of 4.1-1, Cause an Increase in Traffic That is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System (Including Exceeding, Either Individually or Cumulative, LOS Standards).

#### 4.2.1-1 CAUSE AN INCREASE IN TRAFFIC THAT IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM (INCLUDING EXCEEDING, EITHER INDIVIDUALLY OR CUMULATIVE, LOS STANDARDS) POTENTIAL IMPACT:

The previous FEIR analysis of level of service impacts found that implementation of the General Plan would generate a substantial increase in daily automobile trips on the local roadway and highway system in relation to the existing traffic load and capacity of the street system. At buildout, 18 of the 26 study intersections were expected to operate at an unacceptable level of service (LOS) and will require improvement. With implementation of the mitigation measures and the General Plan policies, all of the critical intersections identified were anticipated to operate at an acceptable LOS, except for one that is located in the far northwestern edge of the City and not near to the MDSP. The operations of this intersection are not affected by the MDSP and therefore the MDSP would not worsen this significant impact. However, level of service is no longer considered impacts under the CEQA.

The previous FEIR identified the Mill District Focus Area as the fourth highest daily vehicle trip generator during the General Plan planning period. Therefore, the Mill District was a significant contributor to the need for off-site transportation infrastructure improvements. The MDSP includes a traffic level of service analysis that was prepared to determine fair share responsibility for off-site intersection improvements. The intersections identified by this analysis are all among the intersections included in previous FEIR Mitigation Measure 4.1-1a (intersection improvements to be implemented when financially feasible or as development occurs to maintain the LOS at acceptable levels). MDSP policy and performance standards would require fair share financial contributions towards the improvement of intersections that are affected by the buildout of the project. Any intersection improvements that are related to the MDSP would be carried out by the City and subject to CEQA review and any potential significant environmental impacts would be addressed by the City at that time. The MDSP does not result in level of service impacts beyond those identified in the previous FEIR.

#### 4.2.1-2 SUBSTANTIALLY INCREASE HAZARDS DUE TO A DESIGN FEATURE OR INCOMPATIBLE USES POTENTIAL IMPACT:

The previous FEIR found that implementation of the Transportation & Circulation Policies under Goal TC-1, to develop a safe, convenient, and uncongested road networks and programs contained in the General Plan would minimize hazards by establishing design standards for a variety of transportation modes and impacts would therefore be less than significant. Other policies that were found to lessen impacts were land use and circulation concepts that were intended to be designed early in the design phases of citywide development to minimize land use conflicts. Future intersection and roadway design would be required to meet applicable standards including appropriate geometry for the safe movement of all types of transportation. The MDSP will continue to implement General Plan Transportation and Circulation Element policies and would therefore not change impacts relating to hazards due to a design feature or incompatible uses.

#### 4.2.1-3 RESULT IN INADEQUATE EMERGENCY ACCESS POTENTIAL IMPACT:

The previous FEIR found that intersection and roadway design in the future would have to meet applicable standards that include appropriate geometry and emergency vehicle access. The MDSP would continue to be consistent with application of the General Plan standards and roadway design guidance evaluated in the previous FEIR, which found that no mitigation measures were required and that impacts were expected to be less than significant.

#### 4.2.1-4 RESULT IN INADEQUATE PARKING CAPACITY POTENTIAL IMPACT:

The previous FEIR found that although implementation of the General Plan would facilitate new development, the designs for which would be subject to existing regulations regarding off-street parking requirements generated by a particular land use and impacts would therefore be less than significant. The adopted General Plan Mill District Focus Area includes Policy LU-14.5, Parking Standards, which allows reduced parking standards and/or on-street parking in the Mill District to reflect the increased intensity of development and accessibility by transit and other modes of travel. The MDSP implements this General Plan policy by allowing parking standards to be reduced and/or on-street parking be counted towards parking to reflect the increased intensity of development and accessibility by transit and other modes of travel and by encouraging shared parking. In addition, the City's Zoning Code defines required off-street parking standards and the proposed policies and Programs would further ensure that adequate parking is provided. The MDSP would implement General Plan policy and would therefore not change the conclusions of the previous FEIR.

#### **4.2.2 Bicycle and Pedestrian Facilities**

The analysis in the previous FEIR in section (4.2) coincides with aspects of potential impacts (a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit and (f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities within the XVII. Transportation and Traffic topic in Appendix G of CEQA.

##### **4.2.2-1 DISCOURAGE OR INTERFERE WITH PEDESTRIAN CIRCULATION POTENTIAL IMPACT:**

The previous FEIR found that implementation of the General Plan would facilitate residential and commercial development and could generate a substantial demand for safe and convenient pedestrian facilities. The implementation of General Plan Pedestrian Facilities policies and programs would result in the creation of new facilities that would maintain or improve pedestrian circulation and result in a less than significant impact. The MDSP includes performance standard related to transit services and pedestrian access that are intended to facilitate a safe and convenient street system in the Mill District that supports commerce and facilitates multimodal transportation including the use of public transit, bicycle, and pedestrian facilities for employees, residents, and visitors. These changes do not introduce any new significant impacts to pedestrian facilities.

##### **4.2.2-2 INCREASED NEED FOR NEW PEDESTRIAN FACILITIES POTENTIAL IMPACT:**

The previous FEIR found that implementation of the General Plan would facilitate residential and commercial development and could generate a substantial demand for safe and convenient pedestrian facilities. Specific General Plan Pedestrian Facilities policies and programs would facilitate the development of these new facilities intended to serve present and future demand and therefore result in a less than significant impact. The MDSP includes performance standard related to transit services and pedestrian access that are intended to facilitate a safe and convenient street system in the Mill District that supports commerce and facilitates multimodal transportation including the use of public transit, bicycle, and pedestrian facilities for employees, residents, and visitors. These changes do not introduce any new significant impacts to pedestrian facilities.

##### **4.2.2-3 DISCOURAGE OR INTERFERE WITH BICYCLE CIRCULATION POTENTIAL IMPACT:**

The previous FEIR found implementation of the General Plan could generate a substantial demand for safe and convenient bicycle facilities. Implementation of the General Plan Bicycle &

Trail Facilities policies and programs would result in new bikeways, bicycle parking, and bicycle programs that would maintain or improve bicycle circulation to serve existing and future demand in Fortuna. For this reason, impacts were found to be less than significant. The MDSP includes performance standards related to bicycle and pedestrian access that are intended to facilitate a safe and convenient street system in the Mill District that supports commerce and facilitates multimodal transportation including the use of public transit, bicycle, and pedestrian facilities for employees, residents, and visitors. These changes do not introduce any new significant impacts to bicycle facilities.

#### 4.2.2-4 INCREASED NEED FOR NEW BICYCLE FACILITIES POTENTIAL IMPACT:

The previous FEIR found that General Plan implementation could generate a substantial demand for new bicycle facilities. However, implementation of the bicycle specific policies, projects, and programs contained in the General Plan would also result in the development of new bikeways, bicycle parking, and bicycle programs as a component of new development and a function of the City to serve both existing and future bicycling needs in Fortuna. The MDSP includes performance standard related to bicycle and pedestrian access that are intended to facilitate a safe and convenient street system in the Mill District that supports commerce and facilitates multimodal transportation including the use of public transit, bicycle, and pedestrian facilities for employees, residents, and visitors. These changes do not introduce any new significant impacts to bicycle facilities.

#### **4.2.3 Public Transportation**

The analysis in the previous FEIR in section (4.2) coincides with aspects of potential impact (f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities within the XVII. Transportation and Traffic topic in Appendix G of CEQA.

#### 4.2.3-1 DISCOURAGE OR INTERFERE WITH FIXED ROUTE TRANSIT SERVICE POTENTIAL IMPACT:

The previous FEIR found that implementation of the General Plan has the potential to impact public transportation when new land uses create an increase in transit ridership, and when new development occurs in areas that are not currently served by the fixed route bus system. The General Plan includes policies that require the funding and expansion of transit service that is responsive to growth patterns that was determined to reduce impacts to less than significant levels. The MDSP does not interfere with fixed route transit service and includes policy, standards, and improvements that are intended to provide on-site transit services at location(s) that provide convenient connections to the Great Redwood Trail, marked crossings of the new through road and walking or biking access points to Fortuna Mill Commerce Center development. As such, there are no expected changes to level of impact related to fixed route transit service.

**4.2.3-2 GENERATE AN INCREASE IN TRANSIT RIDERSHIP POTENTIAL IMPACT:**

The previous FEIR found that new development facilitated by the General Plan could result in an increase in transit ridership. The General Plan policies promote coordination with the Humboldt Transit Authority and the Redwood Transit Service and would support public transit services to meet the local and regional needs of residents and visitors. Impacts related to transit ridership were found to be less than significant. The MDSP may increase transit ridership but must be consistent with the General Plan policies described above and includes policy regarding coordination with the Humboldt Transit Authority and the Redwood Transit Service to promote and support public transit services consistent with policies in the General Plan so there would be no change in potential impacts.

## 4.3 NATURAL AND CULTURAL RESOURCES

### 4.3.1 HYDROLOGY AND WATER RESOURCES

The analysis in the previous FEIR in section (5.1) coincides with CEQA Guidelines Appendix G environmental factor IX, Hydrology and Water Quality.

#### 4.3.1-1 GROUNDWATER SUPPLY/RECHARGE POTENTIAL IMPACT:

The previous FEIR found that the General Plan would facilitate population growth that would increase the demand for groundwater and affect groundwater recharge rates by increasing the amount of impervious surfaces. The previous FEIR found that at buildout the City's water demand would more than double but this will not substantially deplete groundwater supplies because annual recharge of the Eel River Groundwater Basin would still exceed the increased withdrawals by a large margin; an increase in demand under the proposed plan will be partially offset by a reduction in groundwater use by agriculture; and the proposed plan contains specific policies and programs to minimize water use and maximize water conservation. Under buildout of the General Plan urban acreage will increase, but this increase would represent less than 1% of the Eel River Valley Groundwater Basin. Furthermore, the proposed plan contains specific policies and programs to minimize development of impervious surfaces and maximize recharge. For these reasons impacts to groundwater supply/recharge were found to be less than significant.

The MDSP Utility and Infrastructure Conceptual Design for the MDSP included an evaluation of the City of Fortuna water supply considering the City's 2020 Urban Water Management Plan and General Plan 2030 projections and found that the estimated MDSP daily water based on the conceptual Mill District layout is less than that of the previously analyzed water demand. In addition, the MDSP Area is not identified as an important groundwater recharge area for the Eel River (Eel River Valley Groundwater Sustainability Plan, Final Plan, Humboldt County, 2022 – Figure 14 Important Recharge Areas). The only portion of the City of Fortuna identified as an important groundwater recharge area in the Eel River Valley Groundwater Sustainability Plan are the portions of Upland Carlotta Recharge Area between the east side of Eel River Drive and the bluff. Therefore, development within the MDSP would not impact groundwater recharge. In addition, the MDSP expands protections for the Strongs and Mill Creek stream and riparian area and requires compliance with City of Fortuna flood and low impact development requirements. As such, the MDSP would not change anticipated potential impacts relating groundwater supply/recharge.

#### 4.3.1-2 RUNOFF WATER QUALITY POTENTIAL IMPACT:

The previous FEIR found that the General Plan would guide and facilitate new development which would include new impervious surfaces and activities that could deposit pollutants onto these

impervious surfaces, which could be transported in stormwater runoff. Existing federal, state, county, and city regulations, plans, and permits minimize pollutants in urban runoff. The adopted General Plan policies and programs were found significantly enhanced city requirements for new developments to include stormwater pollution reduction facilities and implement best management practices (BMPs) that reduce both point and non-point source stormwater pollutants during construction and operation. Impacts relating to water quality were determined to be less than significant and no mitigation measures were required.

The MDSP performance standards requires new development to incorporate stormwater pollution reduction facilities and implement best management practices (BMPs) during construction and operation, effectively minimizing both point and non-point source stormwater pollutants and require that new construction comply with Low Impact Development standards. This would maintain water quality standards and therefore not change impacts relating to runoff water quality.

#### 4.3.1-3 WATER QUALITY STANDARDS AND WASTE DISCHARGE REQUIREMENTS POTENTIAL IMPACT:

The previous FEIR found that the General Plan would facilitate and guide future development which will increase flows to the City's municipal waste water treatment plant and result in an increase City stormwater and treated wastewater discharges to the Eel River. City stormwater and treated wastewater discharges to the Eel River occur under National Pollution Discharge Elimination System permits. Any increases in City discharges would be required to be consistent with these permits issued by the RWQCB consistent with discharge requirements of the North Coast Basin Plan. The General Plan also includes policies and programs designed to minimize wastewater and stormwater flows as well as pollutants in these flows. The previous FEIR determined that impacts relating to water quality standards and waste discharge requirements would be less than significant. The MDSP would be required to adhere to General Plan policy relating to wastewater and stormwater quality, adhere to City stormwater and LID requirements, and comply with RWQCB requirements and would therefore not change the previous FEIR impact determination.

#### 4.3.2 BIOLOGICAL RESOURCES

As analyzed in the previous FEIR in section (5.2), which coincides with CEQA Guidelines Appendix G environmental factor IV, Biological Resources with the exception of (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance and (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. The potential impacts of (e) are evaluated in the previous FEIR under Land Use, 3.1-2: Conflict with Applicable Land Use Plans, Policies and Regulations Adopted to Avoid or Mitigate

Environmental Effects and (f) is evaluated in the previous FEIR under Land Use, 3.1-4: Conflict with any Applicable Habitat Conservation Plan.

#### 4.3.2-1 SPECIAL-STATUS SPECIES POTENTIAL IMPACT:

The California Natural Diversity Database search performed for the previous FEIR found that four special-status plant species and three special-status animal species occur in the planning area, and suggested that ten other special-status plant species and eleven other special-status animal species have the potential to occur in the General Plan Planning Area. The development of urban uses in portions of the Planning Area known or likely to contain special status species has the potential to cause substantial adverse impacts to these species, either directly or through habitat modification. The General Plan contains policies and programs designed to minimize impacts to special-status species and their habitat, and the proposed Land Use Diagram designates large tracts of undeveloped forest and prairie that represent potential special-status species habitat as open spaces, greenways, recreation, or very low urban use. The Strongs Creek through the Mill District Focus Area was found to support Coho Salmon and Coastal Cutthroat Trout, which are special status species. The General Plan policies and programs were found to reduce or avoid the significant impacts of the General Plan to less than significant levels. The MDSP is subject to General Plan policies related to special status species and riparian protections. The MDSP would not alter the presence or absence of special-status species or decrease the land planned for open space, greenways, recreation, or very low urban use, and enhances protections of Strongs and Mill Creek stream and riparian areas. As such, the MDSP does not change impacts to special-status species and their habitat.

#### 4.3.2-2 WILDLIFE AND FISH MANAGEMENT POTENTIAL IMPACT:

The previous FEIR found that creeks within the General Plan Planning Area represent movement corridors for listed fish species, while the riparian threads along these creeks, the bluffs, and the hillside forested areas in the eastern portion of the Planning Area represent movement corridors for listed terrestrial wildlife species. The General Plan Land Use Diagram designates some of these areas for urban uses which could result in the conversion of wildlife movement corridors and wildlife movement areas to urban uses, fragment existing wildlife habitat, and/or limit wildlife movement opportunities. However, the General Plan includes policies and programs designed to preserve these wildlife movement corridors to which the MDSP would be required to adhere. MDSP policies enhance Strongs and Mill Creek stream and riparian area protections and do not alter General Plan policies and programs that are designed to preserve wildlife movement corridors which therefore does not change the previous FEIR determination anticipating less than significant impacts.

#### 4.3.2-3 WATERCOURSES AND WETLANDS POTENTIAL IMPACT:

The previous FEIR found that the General Plan Planning Area included approximately 30 mapped wetlands and 13 of these could be impacted by development allowed by the Land Use Diagram. However, the General Plan contains policies and programs designed to avoid significant impacts to watercourses and wetlands, including but not limited to adopting buffer areas and land use controls around these features similar to Humboldt County's SMA Ordinance. In addition, federal and state regulations (Clean Water Act, Rivers and Harbors Act, etc.) require that any new development that could impact such features obtain permits from the appropriate regulatory agencies (USACE, FWS, RWQCB, DFW, etc.) intended to avoid significant impacts to watercourses and wetlands. Based on General Plan 2030 Figure 5-2, Wetlands, and an aquatic resources report prepared for the undeveloped portions of the project site (which is included in this SEIR as Appendix F), the MDSP does not include mapped wetlands and contains policies and performance measures intended to enhance the General Plan protections for Strongs and Mill Creek stream and riparian areas and therefore does not affect policies and programs designed to protect wetlands.

#### 4.3.2-4 RIPARIAN HABITAT AND OTHER SENSITIVE NATURAL COMMUNITIES POTENTIAL IMPACT:

A California Natural Diversity Database (CNDDDB) search performed for the previous FEIR did not identify any sensitive natural communities within the General Plan's Planning Area, but did record three such communities within the vicinity. While development and activities permitted under the General Plan Land Use Diagram could result in substantial adverse effects to any sensitive natural communities that may be present, the General Plan includes policies and programs designed to minimize such impacts. By complying with applicable laws and regulations, and implementing General Plan policies and programs, the General Plan will not have substantial adverse effects on sensitive natural communities. The MDSP enhances protections of Strongs and Mill Creek stream and riparian areas and does not affect policies and programs designed to comply with applicable laws and regulations, and the implementation of these policies and programs.

### **4.3.3 AGRICULTURAL & TIMBER RESOURCES**

The analysis in the previous FEIR in section (5.3) coincides with CEQA Guidelines Appendix G environmental factor topic II, Agriculture and Forestry Resources.

#### 4.3.3-1 CONVERT PRIME FARMLAND POTENTIAL IMPACT:

The previous FEIR shows existing farmland and timberland in Figure 5-4 and found that the Planning Area for the General Plan contains 923 acres of prime farmland. The project site and MDSP Area are not shown as either prime or non-prime agricultural land. The General Plan Land

Use Diagram designated an estimated 289 acres of prime farmland for urban use. General Plan policies and programs require clustering where development is proposed on prime farmland, the adoption of a land evaluation and site assessment system and encourages the continuation of existing agricultural activities to minimize farmland conversion. With restrictions on development as part of each proposed land use designation, and with implementation of the proposed policies and programs, the amount of prime farmland converted to non-agricultural use will be lower than the 289-acre estimate. The previous FEIR assumed that some proportion of the existing 289 acres of prime farmland would be converted to non-agricultural use, resulting in significant unavoidable impacts with no feasible mitigation available. Given that the project site and MDSP Area do not contain either prime or non-prime agricultural land, the adoption of the MDSP would not change this significance determination.

#### 4.3.3-2 CONVERT TIMBERLAND POTENTIAL IMPACT:

The previous FEIR shows existing farmland and timberland in Figure 5-4 and determined that the Planning Area for the General Plan contains 861 acres of timberland. The Land Use Diagram designates the majority of this timberland as Open Space (OS) or Parks, Greenways & Recreation (PRK). Based on Figure 5-4, the project site and MDSP Area do not contain timberland. The General Plan Land Use Diagram designated approximately 290 acres of existing timberland for urban uses. Policies contained in the General Plan are intended to lessen the amount of timberland converted. However, the previous FEIR assumed that some proportion of the existing 290 acres of timberland designated for urban use will be converted. Given that the project site and MDSP Area do not contain timberland, the adoption of the MDSP would not change this significance determination.

#### 4.3.3-3 CONFLICT WITH AGRICULTURAL ZONING OR WILLIAMSON ACT CONTRACTS POTENTIAL IMPACT:

The previous FEIR found that the General Plan Land Use Diagram designates the majority of agricultural and timber areas within the City boundary and the SOI for the same or compatible use and does not conflict with existing agricultural zoning. Approximately 396 acres of farmland and timberland under Williamson Act contract are in the SOI portion of the Planning Area (Figure 5-4). The General Plan does not designate any of this land for urban use (i.e., all Williamson Act parcels are designated AG or another agriculture-friendly use = Open Space (OS) or Parks, Greenways & Recreation (PRK). The previous FEIR determined that the General Plan does not designate any of the farmland and timberland under Williamson Act contract for urban use and would not conflict with existing Williamson Act contracts. No land within the project site or MDSP Area is zoned for agricultural use or subject to a Williamson Act contract. Therefore, the MDSP would not affect this significance determination.

#### 4.3.3-4 INVOLVES OTHER CHANGES THAT COULD RESULT IN CONVERSION OF FARMLAND TO NON-AGRICULTURAL USE POTENTIAL IMPACTS:

The previous FEIR found that agricultural operations can be incompatible with non-agricultural uses and suburban residents may object to the hours of operation, emissions, smells, and sounds associated with agricultural production. The General Plan designated land for residential development adjacent to existing agricultural activities that could lead to land use conflicts and eventual conversion of existing farmland to non-agricultural use. However, the proposed plan contains policies such as a “right to farm” ordinance that will limit such conflicts and conversion. The project site is planned for and zoned for urban uses, and not adjacent to agriculture or timber uses. The adoption of the MDSP would not alter the determination relating to potential impacts from other General Plan changes that could result in the conversion of farmland to non-agricultural use.

#### 4.3.4 MINERAL AND SOIL RESOURCES

The analysis in the previous FEIR in section (5.5) coincides with CEQA Guidelines Appendix G environmental factor VII, Geology and Soils.

##### 4.3.4-1 LOSS OF ABILITY OF A KNOWN MINERAL RESOURCE POTENTIAL IMPACTS:

The previous FEIR found that there are four aggregate extraction sites located within the unincorporated area along the General Plan Planning Area’s westerly boundary, two of which extend partially into the City of Fortuna. The proposed Land Use Diagram designates these sites for Industrial and Agricultural uses, neither of which specifically permits aggregate extraction operation and the previous FEIR included a new policy as mitigation that specifically permits the continued operation of existing mineral resource recovery/extraction operations to prevent a potentially significant impact that could occur if the adoption of the General Plan were to result in the loss of a delineated mineral resource recovery/extraction site.

Based on Humboldt County Surface Mining & Reclamation Act mapping, the Project site, including the Riverwalk District land use change area and the MDSP Area, does not contain aggregate extraction sites and would not change the previous FEIR significance determination relating to the potential for the loss of ability of a known mineral resource.

##### 4.3.4-2 LOSS OF A DELINEATED MINERAL RESOURCE RECOVERY/EXTRACTION SITE POTENTIAL IMPACTS:

The previous FEIR found that there are four aggregate extraction sites located within the unincorporated area along the General Plan Planning Area’s westerly boundary, two of which extend partially into the City of Fortuna. The proposed Land Use Diagram designates these sites for Industrial and Agricultural uses, neither of which specifically permits aggregate extraction

operation and the previous FEIR included a new policy as mitigation that specifically permits the continued operation of existing mineral resource recovery/extraction operations to prevent a potentially significant impact could that could occur if the adoption of the General Plan were to result in the loss of a delineated mineral resource recovery/extraction site.

Based on Humboldt County Surface Mining & Reclamation Act mapping, the Project site, including the Riverwalk District land use change area or the MDSP Area, does not contain aggregate extraction sites and would not change the previous FEIR significance determination relating to the loss of a delineated mineral resource recovery/extraction site.

#### 4.3.5 ENERGY CONSERVATION

The analysis in the previous FEIR in section (5.6) coincides with CEQA Guidelines Appendix G environmental factor VI, Energy except it does not include an analysis of potential impact (b) conflict with or obstruct a state or local plan for renewable energy or energy efficiency.4.3.5-1.

The General Plan determined that buildout would roughly double energy consumption within the Planning Area, and that the General Plan includes measures related to land use, transportation, and energy efficiency and energy conservation that would ensure that energy is not used in an inefficient, wasteful or unnecessary manner and, as a result, determined that the General Plan would not allow the use of energy in an inefficient, wasteful or unnecessary manner. The MDSP does not change policies relating to land use or transportation that would result in a different significance determination relating to the inefficient, wasteful, or unnecessary consumption of energy.

## **4.4 PARKS, RECREATION, OPEN SPACE, AND VISUAL RESOURCES**

### **4.4.1 VISUAL RESOURCES**

The analysis in the previous FEIR section (6.2) coincides with the CEQA Guidelines Appendix G environmental factor I, with the exception of impact

#### **4.4.1-1 SCENIC VISTAS POTENTIAL IMPACTS:**

Scenic vistas exist within the General Plan Planning Area and include northerly and easterly views of forested bluffs and meadows; westerly views of the Eel River and agricultural landscapes; and southerly views of the Van Duzen River and the Eel River Valley. The General Plan includes policies and programs that will minimize obstructions of such views and ensure that view corridors are created and protected in new development and land use designations will limit residential density and non-residential FAR. The General Plan was determined to not have a substantial adverse effect on scenic vistas. The MDSP Area was not identified as an area that could potentially block vistas from certain locations. In addition, the proposed MDSP contains design guidelines that would limit any potential for future MDSP development projects to impact scenic vista. The Riverwalk District land use change area is located within an area that could potentially block vistas from certain locations and would no longer be planned for commercial development that could potentially block views of scenic vistas. Therefore, the MDSP and Riverwalk District land use change area would not increase impacts to scenic vistas.

#### **4.4.1-2 SCENIC RESOURCES – NATURAL FEATURES POTENTIAL IMPACTS:**

The General Plan Planning Area contains or is adjacent to several natural scenic resources, including the forested hillsides and meadows, bluffs, the Eel and Van Duzen Rivers, the creeks and their associated riparian corridors, and agricultural landscapes. While development permitted under the General Plan Land Use Diagram would intrude into and/or replace some of the existing natural resources in the General Plan Planning Area, policies and programs are included in the General Plan to minimize and/or avoid such intrusion/replacement. As a result, the General Plan was determined to not substantially damage natural scenic resources. The MDSP Area, outside of the Strongs and Mill Creek and riparian areas for which the MDSP strengthens protections, and Riverwalk District land use change area (aside from views of the Eel River from Riverwalk Drive, the top of the Eel River levee and from River Lodge and the Riverwalk area) were not considered to be natural scenic resources, which were assumed to include the forested hillsides and meadows, bluffs, the Eel and Van Duzen Rivers, the creeks and their associated riparian corridors, and the agricultural landscapes. The MDSP and the Riverwalk District land use change area would not substantially damage these natural scenic resources and

could not intrude into and/or replace some of the natural scenic resources identified. Therefore, the MDSP and Riverwalk District land use change area would not change the previous FEIR significance determination relating to impacts to scenic resources- natural features.

#### 4.4.1-3 SCENIC RESOURCES – URBAN FEATURES POTENTIAL IMPACTS:

The General Plan Planning Area contains multiple urban scenic resources, including Fortuna’s Downtown, Rohnerville Historic District, and 75 other historic or eligible buildings, roads or sites. Development and redevelopment permitted under the General Plan could intrude into and/or replace some of these resources. However, General Plan land use designations include limits on the size and mass of new buildings to ensure that new development is consistent with existing development, and a wide range of urban design, aesthetics, and historic preservation policies and programs are proposed to preserve existing urban scenic resources and the previous FEIR determined that implementation would not substantially damage the visual integrity of Fortuna’s historic resources. The proposed Project does not change policies that are intended to protect the City’s urban scenic resources and the MDSP and Riverwalk District land use change area do not contain urban scenic resources or historic buildings and would not change the previous FEIR significance determination relating to impacts to scenic resources- urban features.

#### 4.4.1-4 VISUAL CHARACTER POTENTIAL IMPACTS:

The visual character of the City of Fortuna is of a small rural community dominated by forested hillsides, bluffs, the Eel River, the Rohnerville Plateau, agricultural land, and rural residential development in the topographically diverse outskirts, and one- to three-story residential, commercial and industrial development, parks, and riparian corridors in the flatter urban core. The previous FEIR found that the General Plan could potentially affect the rural small town character of Fortuna by removing or modifying the existing scenic resources, the existing visual character of the City, and/or introducing new development that is inconsistent with its existing visual character. The General Plan contains policies and programs that are intended to ensure that the existing visual character of the historic areas, neighborhoods, downtown, and other areas that contribute to the visual character of the City are preserved, resulting in a determination of less than significant impacts to visual character. The MDSP does not change policies that are intended to protect the City’s visual character, contains comprehensive design guidelines that are consistent with the General Plan Community Design policy and requires discretionary review for the construction of all buildings and landscapes and would therefore not change the previous FEIR significance determination relating to impacts to visual character.

#### 4.4.1-5 LIGHT AND GLARE POTENTIAL IMPACTS:

The light environment of the General Plan Planning Area was found to be “small town” in character with urban core lighting that transitions to a scattering of residential lighting associated

with rural residential uses to unlit hillside, forest, and meadow areas. The General Plan maintains the existing pattern of development and associated nighttime outdoor lighting is largely maintained. The designated five focus areas, including the Mill District Focus Area, and some other parts of the urban core, commercial, industrial, mixed use and public uses are designated for uses that are sometimes accompanied by high intensity lighting that may interfere with nighttime views. The General Plan contains policies and programs designed to ensure that lighting is controlled such that it does not conflict with nighttime views, and the previous FEIR determined that potential impacts were less than significant. The MDSP contains design guidelines that includes criteria specifically relating to light and glare that prohibits continuous all-night lighting except lighting intended exclusively for security purposes and further requires lighting that is appropriately scaled and the avoidance of over-lighting. Therefore, the MDSP would not change the previous FEIR significance determination relating to impacts to light and glare.

## 4.5 PUBLIC FACILITIES AND SERVICES

### 4.5.1 WATER SUPPLY AND DISTRIBUTION

The analysis in the previous FEIR in section (7.1) coincides with CEQA Guidelines Appendix G environmental factor XIX, Utilities and Service Systems.

#### 4.5.1-1 WATER SUPPLY POTENTIAL IMPACTS:

The previous FEIR determined that the City had access to an adequate water supply to support buildout and impacts to water supply would therefore be less-than-significant. An analysis of water supply conducted for the MDSP (included in this SEIR as Appendix E) found that water use associated with the conceptual Mill District layout is less than that of the previously analyzed water demand under the City's 2020 Urban Water Management Plan and General Plan 2030. Therefore, the MDSP would not change previous FEIR significance determination relating to impacts to water supply.

#### 4.5.1-2 WATER SUPPLY AND DISTRIBUTION FACILITIES POTENTIAL IMPACTS:

The previous FEIR found that the General Plan will increase development in underdeveloped and/or underutilized areas, particularly within the proposed Focus Areas and Annexation Areas, including the Mill District Focus Area. Future development will connect to the City's water system infrastructure and could exacerbate any existing system and pressure zone deficiencies. The City's five-year Capital Improvement Plan prioritizes water system improvement projects within the Planning Area. The General Plan also includes policies and programs designed to reduce impacts associated with new or expanded water supply and distribution facilities. With implementation of these policies and programs, and with completion of improvement projects identified in the City's five-year CIP, implementation of the General Plan was determined to not significantly impact the City's water system.

A water supply and distribution analysis conducted for the MDSP (included in this SEIR as Appendix E) found that the water distribution and treatment system located outside the MDSP area is adequate to support the buildout of anticipated development and identified needed improvements within the MDSP including the installation of water mains, valves, services, meters, back-flow preventers, and hydrants. New facilities would be designed to accommodate the FMCC and other MDSP area development. Most water distribution facilities would be located within public roadways, private roadways with public utility easements, or areas adjacent to the travel way with public utility easements. However, components of the water distribution, wastewater collection, and stormwater collection systems may involve new bridge attachments over, aerial pipes over, horizontal directional drilled stream crossings under, or the establishment of stormwater discharges to, the stream and riparian areas of Strongs and Mill Creek. The details

of these facilities, such as the number, type, size, design, or location are not known at this time. The ultimate location and design of such facilities would be subject to their own CEQA process and may trigger the need for approvals by state agencies under Section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne), Section 402 of the CWA National Pollutant Discharge Elimination System (NPDES), and Lake and Streambed Alteration Agreements pursuant to the California Fish and Game Code Section 1602. Therefore, the MDSP would not change previous FEIR significance determination relating to impacts to water distribution and treatment system.

#### **4.5.2 WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL**

The analysis in the previous FEIR in section (7.2) coincides with CEQA Guidelines Appendix G environmental factor XIX, Utilities and Service Systems.

##### **4.5.2-1 WASTE TREATMENT OR WASTE DISCHARGE REQUIREMENTS POTENTIAL IMPACTS:**

The General Plan will increase residential, commercial, and industrial development within the General Plan Planning Area which will increase discharges into the City's municipal waste water treatment plant. Because City stormwater and treated wastewater discharges to the Eel River currently occur under the existing National Pollutant Discharge Elimination System permits, any future increases in City discharges to the river will occur consistent with these permits. In addition, proposed policies and programs will minimize wastewater flows and pollutants in these flows by requiring that all new development to construct sewer infrastructure and route runoff through bioretention features; and require the City to comply with requirements of the Federal Clean Water Act and other discharge regulations and permits. As a result, the impact was determined to be less than significant. Development within the MDSP would be subject to NPDES requirements, General Plan policy relating to sewer and stormwater flows, and applicable Low Impact Development requirements and would therefore not change the previous FEIR significance determination relating to impacts to waste treatment or waste discharge requirements.

##### **4.5.2-2 WASTEWATER TREATMENT CAPACITY POTENTIAL IMPACTS:**

The previous FEIR determined that at General plan buildout, service population increases will generate increased wet-weather flows that would exceed the existing dry- and wet-weather capacities of the WWTP, but that General Plan policies and programs requiring that the City immediately embark on planning to upgrade the capacity of the WWTP and limits development to the availability of adequate WWTP capacity. Therefore, the treatment capacity of the WWTP would not be exceeded. The MDSP would not change such policies and would therefore not affect the previous FEIR significance determination relating to impacts to wastewater treatment capacity.

#### 4.5.2-3 IMPACTS OF CONSTRUCTING NEW OR EXPANDED WASTEWATER FACILITIES POTENTIAL IMPACTS:

The implementation of the General Plan will require or result in the construction of new wastewater treatment facilities or expansion of existing facilities. However, no specific development projects or wastewater facility improvements were proposed as part of proposed plan, so the specific environmental effects associated with constructing any new or expanded wastewater facilities cannot be identified at this time.

The existing wastewater system infrastructure within the FMCC area are antiquated and would require replacement to support the proposed development scenario. Improvements would include the installation of wastewater mains, lift stations, and service connections. The MDSP Utility and Infrastructure Conceptual Design (included in this SEIR as Appendix E) provides a feasible conceptual design for the wastewater collection system to meet minimum City design standards. Most wastewater facilities would be located within public and private roadways, private roadways with public utility easements, or areas adjacent to the travel way with public utility easements. However, components of the wastewater collection system may involve new bridge attachments over, aerial pipes over, horizontal directional drilled stream crossings under, or the establishment of stormwater discharges to, the stream and riparian areas of Strongs and Mill Creek. The details of these facilities, such as the number, type, size, design, or location are not known at this time. The ultimate location and design of such facilities may trigger the need for approvals by state agencies under Section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne), Section 402 of the CWA National Pollutant Discharge Elimination System (NPDES), and Lake and Streambed Alteration Agreements pursuant to the California Fish and Game Code Section 1602, and each of which would be subject to its own CEQA process. Therefore, the MDSP would not change previous FEIR significance determination relating to impacts to wastewater collection system.

### 4.5.3 STORM WATER DRAINAGE

The analysis in the Previous FEIR in section (7.3) coincides with potential impact (C)(iii) for CEQA Guidelines Appendix G environmental factor X, Hydrology and Water Quality and potential impact (a) for environmental factor XIX, Utilities and Service Systems.

Since the adoption of the General Plan in 2010, the cities of Eureka, Arcata, Fortuna, and Trinidad and portions of Humboldt County are now subject to the State Water Quality Control Board's general permit for municipal separate storm sewer systems (MS4 General Permit). Condition E.12 of the MS4 General Permit requires local agencies to ensure that development projects comply with post-construction stormwater requirements based on "low impact development" (LID) standards. These standards are intended to maintain a site's pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site.

Under direction from the Regional Water Board, the North Coast Stormwater Coalition, which includes the City of Fortuna, prepared the Humboldt LID manual to be consistent with the Statewide MS4 permit. The Humboldt Low Impact Development (LID) Standards mandate that all storm drainage facilities incorporate LID Best Management Practices (BMPs). LID is a site design approach aimed at replicating pre-development hydrology through methods such as infiltration, interception, reuse, and evapotranspiration. This approach uses small-scale, landscape-based BMPs like vegetated natural filters and bioretention areas (e.g., vegetated swales and rain gardens) to manage and filter stormwater runoff. Guidelines for this approach were outlined in the Humboldt Low Impact Development Stormwater Manual which was updated most recently updated in 2016.

Key elements of LID include preserving environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, and native vegetation. For developments, LID practices must be designed to manage stormwater runoff from all impervious surfaces, based on the 85th percentile of a 24-hour storm event, as per historical local rainfall data or using formulas from established standards like the Urban Runoff Quality Management manual.

Additionally, the City of Fortuna requires compliance with the MS4 National Pollutant Discharge Elimination System (NPDES) permit as outlined in the Humboldt County LID Stormwater Manual. Specific requirements for "Regulated Projects" under the MS4 permit include:

- Ensuring post-project runoff rates do not exceed pre-project rates for the 25-year, 24-hour storm event.
- Preparation of detailed stormwater drainage reports including maps and calculations.
- Location of drainage facilities in public rights-of-way or in unobstructed easements.

Furthermore, any new subdivisions must install comprehensive stormwater drainage systems designed to manage potential runoff from both within and outside the subdivision. These systems must prevent flood damage in accordance with local codes.

For larger projects that significantly increase impervious surfaces, hydromodification controls are required to maintain runoff rates at or below pre-project levels for the 2-year, 24-hour storm event. These controls must consider site-specific soil infiltration rates, and if these are low, alternative measures may need to be discussed with permitting authorities.

#### 4.5.3-1 ALTER EXISTING DRAINAGE PATTERNS LEADING TO SUBSTANTIAL EROSION OR SILTATION POTENTIAL IMPACTS:

At General Plan buildout, the City of Fortuna urbanized area will increase by 28% and the added volume of storm water runoff could lead to erosion of unlined drainage facilities and creeks within the General Plan Planning Area and leave sediment deposits in the creeks and Eel River. The General Plan includes policies and programs to minimize sedimentation/erosion and any changes to the quantity and/or quality of water discharged into the municipal storm drain system.

The Utility and Infrastructure Conceptual Design Technical Report for the Mill District (included in this SEIR as Appendix E) used a digital elevation model and existing storm drain infrastructure locations to delineate and identify six drainage management areas (DMAs) within the Mill District, based on existing discharge locations, which include: Newburg Road; Pond Street; Storm drain north to Railroad; north Culvert to Railroad and U.S. 101; south Culvert to Railroad and U.S. 101; Strongs Creek from north; and Strongs Creek and Mill Creek from south. This report provides contains a preliminary design for a feasible storm drainage system with recommendations for the minimum bioswale area with storage/treatment that each DMA would need to provide to meet minimum low impact development requirements, and identifies drain pipe, drain inlets, and manholes that are likely to be located within the rights of way of public streets or easement associated with private streets to convey stormwater to the discharge locations.

Most of the infrastructure improvements would be replacement facilities to be located within existing footprints or new facilities within existing disturbed areas. However, components of the stormwater collection systems may involve the establishment of stormwater discharges to the stream and riparian areas of Strongs and Mill Creek. The details of these facilities, such as the number, type, size, design, or location are not known at this time. The ultimate location and design of such facilities may trigger the need for approvals by state agencies under Section 401 of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act (Porter-Cologne), Section 402 of the CWA National Pollutant Discharge Elimination System (NPDES), and Lake and Streambed Alteration Agreements pursuant to the California Fish and Game Code Section 1602, and each of which would be subject to its own CEQA process. This, together with

City review of flood control, drainage, and grading permits, and storm water runoff controls under the State's NPDES programs demonstrate that the MDSP will not change impacts relation to erosion or siltation potential.

#### 4.5.3-2 INCREASE SURFACE RUNOFF LEADING TO INCREASED FLOODING POTENTIAL IMPACTS:

The previous FEIR stated that a gradual increase in impervious cover associated with new development, particularly within the proposed Focus Areas, such as the Mill District Focus Area, and Annexation Areas, could increase storm water runoff by up to 28%. The City has been monitoring the performance of its storm drain system through periodic updates of its Storm Drainage Master Plan and has been repairing deficiencies in the system as funding has permitted. The General Plan contains policies and programs that require the City to inspect and maintain drainage system facilities that adequately convey 25-year storm event runoff; the programming of improvements at such time as any storm drain facilities reach 90% of capacity; and require new development to route runoff through on-site bioretention measures and demonstrate that adequate storm drainage can be provided. With implementation of these proposed policies and programs, the General Plan was found to not substantially increase the rate or volume of surface runoff in a manner that could result in on- or off-site flooding.

The Utility and Infrastructure Conceptual Design for the MDSP Area (included in this SEIR as Appendix E) provides a feasible design and recommendations for the minimum bioswale area with storage/treatment that each Drainage Management Area that would need to meet minimum low impact development requirements. In addition to being consistent with General Plan policy regarding storm drainage and be consistent with the City Storm Drainage Master Plan, designs for drainage improvements would be required to meet the standards specified in the Utility and Infrastructure Conceptual Design Technical Report and be consistent with the MDSP storm drainage performance standards. This, together with City review of flood control, drainage, and grading permits, and storm water runoff controls under the State's NPDES programs demonstrate that the MDSP would not change the level of significance of impacts relating surface runoff.

#### 4.5.3-3 EXCEED EXISTING OR PLANNED STORM WATER DRAINAGE SYSTEM CAPACITY POTENTIAL IMPACTS:

For the same reasons discussed under impact 4.5.3-3 Exceed Existing or Planned Storm Water Drainage System Capacity Potential Impacts, the proposed plan will not create or contribute runoff water in excess of the capacity of existing or planned storm water drainage systems.

#### 4.5.3-4 NEW OR EXPANDED STORM DRAINAGE FACILITIES POTENTIAL IMPACTS:

Construction activities are regulated by the NPDES general construction storm water permit. Compliance with the storm water permit during construction activities requires the preparation of a stormwater pollution prevention program that contains BMPs to control the discharge of pollutants, including sediment, into local surface water drainages. In addition to complying with the NPDES programs, the proposed plan contains policies and programs to reduce impacts associated with construction of new storm water drainage facilities. As described above, the Utility and Infrastructure Conceptual Design for the MDSP Area provides a feasible design and recommendations that would meet state and City standards for storm drainage systems and discharges. For these reasons, the proposed MDSP will not change impacts associated with the construction of new storm water drainage facilities and expansion of existing facilities.

#### 4.5.4 SOLID WASTE

As analyzed in the previous FEIR in section (7.4) which coincides with potential impacts (d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals and (e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste for CEQA Guidelines Appendix G environmental factor XIX, Utilities and Service Systems.

##### 4.5.4-1 INCREASED SOLID WASTE DISPOSAL POTENTIAL IMPACTS:

At full buildout, the General Plan Planning Area population is projected to increase which the previous FEIR determined would result in a 120% increase of solid waste generated. The previous FEIR found that the General Plan would be served by a landfill with sufficient permitted capacity to accommodate solid waste disposal needs at full buildout. In addition, General Plan policy PFS-6.3, New Development, requires that all new development provide for have appropriate provisions for solid waste storage, handling, and collection, PFS-6.6, Construction Waste Recycling, requires the recycling of construction waste, to reduce the impact on landfills in accordance with State regulatory requirements, and Programs PFS-21 and 21 require the City to contract solid waste and recycling collection services with an appropriate vendor and comply with state requirements relating to recycling construction waste and waste diversion. The MDSP would be subject to all General Plan requirements relating to recycling, solid waste diversion and disposal and would therefore not affect the previous FEIR determination that City is served by a landfill with sufficient permitted capacity to accommodate solid waste disposal requirements of the General Plan.

#### 4.5.4-2 NON-COMPLIANCE WITH MANDATED SOLID WASTE REDUCTION REQUIREMENTS POTENTIAL IMPACTS:

AB 939 required cities to reduce their solid waste streams 50% by 2000 and 70% by 2015 and as of the time of General Plan adoption the City of Fortuna was not in compliance with state required reductions in its solid waste stream. The General Plan contains policies and programs designed to reduce, recycle, and re-use solid waste generated in the City, which were intended to bring the City into compliance with state requirements, in particular PFS-6.6, Construction Waste Recycling, and Program PFS-20, which requires that the City incorporate a requirement for the recycling of 50 percent of construction waste. The MDSP would be subject to these policies and programs, and thus would not alter the potential impacts evaluated by the previous FEIR.

#### **4.5.5 GAS, ELECTRICITY, AND COMMUNICATIONS**

The analysis in the previous FEIR in section (7.5) coincides with aspects of CEQA Guidelines Appendix G environmental factor XIX, Utilities and Service Systems potential impact (a) require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

##### **4.5.5-1 GAS, ELECTRIC AND COMMUNICATIONS FACILITIES POTENTIAL IMPACTS:**

The General Plan facilitates development which the previous FEIR determined could more than double at build out and in turn almost double the demand for electricity and natural gas, respectively. The permitted new development could either include the extension of natural gas, electricity and communication infrastructure to serve it or require system-wide improvements to the local natural gas, electricity and communication systems. The General Plan includes specific policies and programs that require energy conservation in new construction, the support of renewable energy sources and alternative energy technologies, and coordination with pertinent agencies when extending new services to reduce the potential impacts associated with new infrastructure. The MDSP would be subject to these policies and programs and would therefore not change the previous FEIR's potential impacts related to gas, electric and communications facilities.

#### **4.5.6 LAW ENFORCEMENT AND FIRE PROTECTION**

The analysis in the previous FEIR in section (7.6) coincides with CEQA Guidelines Appendix G environmental factor XIV, Public Services.

##### **4.5.7-1 INCREASED DEMAND FOR POLICE SERVICES POTENTIAL IMPACTS:**

The General Plan at buildout is expected to increase the General Plan Planning Area population, creating demand for additional City of Fortuna Police Department officers to maintain current officer to resident ratios. The General Plan contains policies and programs that require the City to maintain adequate police staffing levels, provide sufficient police facilities and equipment, and promote public safety education programs. These policies and programs ensure that the City maintains adequate police protection despite projected growth under the proposed plan. Development within the MDSP would be subject to General Plan policy relating to police service levels, therefore the MDSP will not change the previous FEIR significance determination relating to impacts from increased demand for police services.

**4.5.7-2 INCREASED DEMAND FOR FIRE PROTECTION SERVICES POTENTIAL IMPACTS:**

General Plan buildout will increase the General Plan Planning Area population creating additional demand for volunteer firefighters to maintain current firefighter to resident ratios. The General Plan contains specific policies and programs that require the City to support the efforts of the Fortuna Fire Protection District in providing fire protection services, maintaining adequate equipment and firefighting personnel, and maintaining mutual aid agreements. These policies and programs will ensure that the City maintains adequate fire protection through buildout under the proposed plan. Development within the MDSP would be subject to all General Plan policies regarding service levels, therefore the MDSP will not change the previous FEIR significance determination relating to impacts from increased demand for fire protection services.

**4.5.7 SCHOOLS**

The analysis in the previous FEIR in section (7.7) coincides with the school aspect of potential impact (a) for CEQA Guidelines Appendix G environmental factor XV. Public Services.

**4.5.7-1 SCHOOL SERVICES POTENTIAL IMPACTS:**

Fortuna General Plan buildout has the potential to impact schools in the Planning Area and previous FEIR assumed that buildout would result in an increase in the demand for school facilities and services in the City. The General Plan includes policies and programs designed to minimize school impacts, and new development will be required to pay the State-mandated school impact fees which are considered by the State to represent full mitigation for impacts to schools. The MDSP would be subject to General Plan Policies and school impact fees and would therefore not result in changes to impacts relating to school services.

## 4.6 PUBLIC HEALTH AND SAFETY

### 4.6.1 AIR QUALITY

The analysis in the previous FEIR in section (8.1) coincides with all potential impacts for CEQA Guidelines Appendix G environmental factor III, Air Quality, and aspects of environmental factor VII, Greenhouse Gas Emissions potential impact (b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

#### 4.6.1-1 CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY MANAGEMENT PLAN POTENTIAL IMPACTS:

The North Coast Air Basin is in “attainment” for all criteria pollutants except inhalant particulate matters with a diameter of 10 micrometers or less (PM10) which is in “nonattainment”. The previous FEIR determined that the General Plan would generate less than significant levels of PM10 during construction but would exceed PM10 significance thresholds and thus could contribute to an obstruction of the North Coast Unified Air Quality Management District’s (NCUAQMDs) PM10 Attainment Plan. The General Plan includes policies and programs intended to reduce construction and operational air emissions of PM10, and the NCUAQMD has a standard set of emission reduction measures that new development must comply with during construction and operation. However, despite implementing these policies, programs, and requirements, operational emissions were still expected to exceed the NCUAQMD threshold for PM10 under the Attainment Plan. This impact was found to be significant and unavoidable with no mitigation measures available beyond those provided by existing regulations, the General Plan Land Use Diagram, and the General Plan’s policies and programs. The MDSP maintains the Mill District as a mixed-use development area and must comply with all applicable NCUAQMD rules and regulations and General Plan policies to implement air emission reduction measures. As such, the proposed MDSP would not alter the potential impacts to the air quality management plan evaluated by the previous FEIR.

#### 4.6.1-2 VIOLATE AIR QUALITY STANDARDS OR CONTRIBUTE SUBSTANTIALLY TO EXISTING/PROJECTED AIR QUALITY VIOLATIONS POTENTIAL IMPACTS:

The previous FEIR determined that construction activities under the General Plan would produce air emissions. It anticipated that these activities would result in pollutant emissions below NCUAQMD thresholds for all criteria pollutants except carbon monoxide (CO). However, the CO emissions from construction were determined to be temporary, and activities are required to comply with NCUAQMD rules and regulations. Despite the inclusion of policies and programs in the General Plan that are intended to reduce CO emissions, the FEIR concluded that construction activities could potentially exceed the NCUAQMD threshold for CO.

New development permitted by the General Plan would also generate operational emissions of criteria pollutants. These emissions would come from stationary sources such as heaters, wood-burning fireplaces, restaurant exhaust, and industrial activities, as well as mobile sources including motor vehicles. The FEIR found that operational emissions would exceed NCUAQMD thresholds for reactive organic gases (ROG), nitrogen oxides (NOx), CO, and particulate matter (PM10). Even with compliance to applicable NCUAQMD rules and regulations, the promotion of mixed-use development for efficient land use and reduced motor vehicle use, and the implementation of policies and programs to lower operational emissions, the General Plan would still result in operational emissions above NCUAQMD thresholds for ROG, NOx, CO, and PM10.

The MDSP does not include changes to the General Plan air quality policies and programs and is subject to NCUAQMD regulations pertaining to air quality. As such, the MDSP would not alter the findings from the previous FEIR relating to the potential for violations of air quality standards or contributions to existing/projected air quality violations.

#### 4.6.1-3 RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF CRITERIA POLLUTANTS FOR WHICH THE REGION IS IN NON-ATTAINMENT POTENTIAL IMPACTS:

The previous FEIR found that the North Coast Air Basin is in “attainment” for the criteria pollutants ozone and PM2.5, but is in “non-attainment” for the criteria pollutant PM10. The General Plan’s implementation was found to generate PM10 during both construction and operation, and emissions associated with the General Plan during operation would be above the NCUAQMD significance threshold. This was found to be significant and unavoidable with no mitigation measures available beyond those required by existing regulations, the General Plan Land Use Diagram, and the General Plan’s policies and programs. The MDSP shall adhere to General Plan policies and programs that make air quality a consideration in the approval of new development. As such, the MDSP would not alter the potential impacts evaluated by the previous FEIR.

#### 4.6.1-4 EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS OR OTHER DANGEROUS CONDITIONS POTENTIAL IMPACTS:

The previous FEIR found that the General Plan would facilitate new development which would in turn generate construction and operational emissions of criteria pollutants. However, the previous FEIR identified the relatively low density of development permitted under the General Plan and the relatively low volume of traffic compared to larger urbanized areas as being less-than-significant for potential to generate substantial pollutant concentrations.

The previous FEIR determined that the City of Fortuna is a small rural community with no potential to develop large toxic air contaminants (TAC) generators, which are highly regulated and must comply with applicable regulations to avoid dangerous concentrations. The General

Plan contains policies and programs to avoid exposure to TACs. The MDSP would be subject to these General Plan policies or programs and would therefore not alter the potential impact on pollutant concentrations or other dangerous conditions as evaluated by the previous FEIR.

#### 4.6.1-5 CREATE OBJECTIONABLE ODORS AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE POTENTIAL IMPACTS:

The previous FEIR found that the General Plan would facilitate the development of agriculture, restaurants, industrial facilities, and a variety of other uses that are often associated with objectionable odors. The General Plan includes policies requiring all new businesses to minimize odors to an undetectable level off-site. The MDSP would adhere to these policies leaving anticipated potential impacts unchanged.

#### 4.6.1-1 CONFLICT WITH THE STATE GOAL OF REDUCING GHG EMISSIONS UNDER AB 32 POTENTIAL IMPACTS:

The previous FEIR found that the General Plan contains a substantial number of policies and programs that would minimize potential GHG emissions and maximize energy efficiency and alternative forms of transportation. The Land Use Diagram proposes an energy-efficient land use pattern where higher density uses are concentrated in the urban core. However, the previous FEIR determined that when combined with the emissions likely to be generated by all other development in the state during the time horizon of the proposed plan that the proposed plan will contribute to a state-wide inability to meet its AB 32 GHG emission reduction goals and potential General Plan impacts would be significant and unavoidable.

Since the adoption of the General Plan, the City of Fortuna has been collaborating with Humboldt County and all incorporated cities within the County to prepare a regional Climate Action Plan (CAP) to address the challenges of climate change. The primary goal of the CAP is to reduce greenhouse gas (GHG) emissions from local sources. Upon adoption by the City of Fortuna, the MDSP would be subject to the GHG emissions targets of the CAP and any applicable programs within the CAP that are intended to reduce emissions. Given that only a preliminary CAP has been prepared, this SEIR cannot determine that implementation of the MDSP would not result in less than significant GHG emissions. As a result, the MDSP would not alter the finding of the previous FEIR that implementation of the Fortuna General Plan would contribute to a state-wide inability to meet its AB 32 GHG emission reduction goal.

#### **4.6.2 NOISE**

The analysis in the previous FEIR in section (8.2) coincides with CEQA Guidelines Appendix G environmental factor XIII, Noise except for 8.2-1: Exposure of New Noise-Sensitive Uses to Existing Noise in Excess of Applicable Standards, which is not evaluated by CEQA.

#### 4.6.2-1 EXPOSURE OF NEW NOISE-SENSITIVE USES TO EXISTING NOISE IN EXCESS OF APPLICABLE STANDARDS POTENTIAL IMPACTS:

The previous FEIR found that the General Plan's Planning Area contained several large stationary noise sources and multiple mobile noise sources that generate noise levels above existing and proposed City standards at adjacent properties. The General Plan Land Use Diagram permits new urban development, including new noise-sensitive uses adjacent to some of these noise generators and the Health and Safety Element contains a series of policies and programs designed to minimize exposure to substantial existing noise levels. The MDSP is subject to General Plan policies and programs relating to exposure of new uses to noise levels above applicable standards and contains performance standards and design guidelines that would ensure that noise levels for residential uses are at or below the City's 60 dB Ldn exterior and 45 LDN interior maximum noise levels. As the MDSP does not propose changes in General Plan noise related policies or programs and includes specific performance measures to ensure General Plan compliance, there are no expected changes in potential impacts.

#### 4.6.2-2 RESULT IN A SUBSTANTIAL TEMPORARY/PERIODIC INCREASE IN AMBIENT NOISE LEVELS POTENTIAL IMPACTS:

The previous FEIR found that construction activities associated with the development facilitated by the General Plan would generate temporary periodic stationary and mobile source noise throughout the time horizon of the proposed plan. Where proximate to existing noise-sensitive uses, this construction noise could temporarily exceed both the State's and proposed recommended maximum acceptable exterior noise exposure levels although the FEIR determined that the General Plan's programs and policies would avoid any such exposure. The MDSP is subject to General Plan policies and programs related to exposure of new uses to noise levels above applicable standards and contains performance standards and design guidelines that would ensure that noise levels for residential uses are at or below the City's maximum 60 dB LDN exterior and 45 LDN interior noise levels. As the MDSP does not propose changes in General Plan noise related policies or programs and includes specific performance measures to ensure General Plan compliance, there are no expected changes in potential impacts.

#### 4.6.2-3 RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS POTENTIAL IMPACTS:

The General Plan Land Use Diagram permits: (1) the development of new stationary noise sources in proximity to existing noise-sensitive uses; (2) the development of new noise-sensitive uses adjacent to existing mobile noise sources (e.g., existing streets); and (3) new urban development that would increase traffic on, and mobile-source noise along, existing streets. The previous FEIR found that due to General Plan policy, impacts relating to new stationary sources of noise and noise associated with mobile noise sources on new noise sensitive uses would be less than

significant. However, the FEIR found that there are no feasible policies or mitigation measures to avoid exposure of existing noise-sensitive uses to increases in traffic noise above applicable standards. The MDSP proposes changes in development standards that would be implemented primarily through the adoption of a “Q” zone. The proposed Q zone development standards incorporate City of Fortuna development standards that address noise. Due to these development standards, MDSP would not alter the potential impact of stationary noise source impacts or mobile noise source impacts on new noise sensitive areas. As mobile noise source impacts on existing noise sensitive uses are unavoidable, the MDSP does not alter these impacts either.

#### 4.6.2-4 EXPOSURE TO EXCESSIVE GROUND BORNE NOISE OR VIBRATION POTENTIAL IMPACTS:

Construction activities associated with new development permitted under the General Plan could result in ground-borne noise and vibration. However, there are General Plan policies and programs designed to shield sensitive receptors from ground-borne noise or vibration via the use of berms and setbacks, and limiting construction activities to the hours of 7:00 a.m. to 8:00 p.m. The MDSP does not change the policies or programs concerning ground-borne noise or vibration and so the MDSP would not alter potential impacts.

#### 4.6.2-5 EXPOSURE TO EXCESSIVE AIRPORT NOISE POTENTIAL IMPACTS:

The previous FEIR found that development permitted under the proposed General Plan could expose new development around Rohnerville Airport to excessive noise. However, General Plan policies and programs require that new development be consistent with the noise standards of the ALUCP and would not expose new development to excessive airport/airplane noise levels. The MDSP Planning Area is outside of the Community Noise Equivalent Level (CNEL) contour lines reflecting noise exposure for the Rohnerville Airport in the Humboldt County Airport Land Use Compatibility Plan. As the MDSP would not alter the policies and programs and is outside of the airport noise exposure areas, adoption of the MDSP would not alter potential airport noise impacts.

### 4.6.3 GEOLOGIC AND SEISMIC HAZARDS

The analysis in the previous FEIR in section (8.3) coincides with CEQA Guidelines Appendix G environmental factor VII, Geology and Soils potential impacts (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, (ii) strong seismic ground shaking, (iii) seismic-related ground failure, including liquefaction, and (iv) landslides.

#### 4.6.3-1 FAULT RUPTURE POTENTIAL IMPACTS:

The eastern portion of the General Plan Planning Area is bisected by the Little Salmon Fault and two associated fault traces, each of which has an established Alquist-Priolo Fault Zone around them. The General Plan contains policies and programs that require the City to regulate and prohibit new development in these zones which limits potential fault rupture impacts to less than significant levels. The MDSP Area and project site are not within an Alquist-Priolo Fault Zone nor do they contain fault traces. As the MDSP does not contain faults and does not propose changes to policies and programs prohibiting new development around these faults, the MDSP will not change impacts relating to fault rupture.

#### 4.6.3-2 STRONG SEISMIC GROUND SHAKING POTENTIAL IMPACTS:

The previous FEIR found that the General Plan Planning Area is within a region of high seismicity and is likely to experience strong ground shaking during the time horizon of the General Plan. General Plan policies and programs require the City to map high-risk geologic hazard areas, prohibit new critical facilities in mapped geologic hazard areas, and adopt guidelines for evaluating and mitigating geologic hazards. New development facilitated by the General Plan must also comply with California Building Standards Code requirements for site investigations, design, and construction. The MDSP is subject to these policies and programs and the California Building Code and would therefore not alter potential impacts relating to strong seismic ground shaking.

#### 4.6.3-3 LANDSLIDES POTENTIAL IMPACTS:

The General Plan contains policies and programs regarding the mapping of high geologic hazard areas including landslide areas, the prohibition of new critical facilities in mapped geologic hazard areas, and guidelines for evaluating and mitigating geologic hazards. The previous FEIR found that these policies and programs in addition to compliance with California Building Code requirements for new development would reduce the potential risk for damage associated with landslides. The terrain within the MDSP Planning Area is flat, does not contain historic landslides, and is within an area identified as relatively stable in relation to seismic safety hazards according to Humboldt County webGIS seismic safety and slope stability hazards mapping. Adoption of the MDSP would not alter potential landslides impacts.

#### 4.6.3-4 LIQUEFACTION, LATERAL SPREADING, SUBSIDENCE AND EXPANSIVE SOILS POTENTIAL IMPACTS:

The previous FEIR identified the Eel River Valley as being underlain by the Hookton Formation which includes coastal plain and fluvial deposits and found that given the unconsolidated nature of this formation and its proximity to the Eel and Van Duzen Rivers, portions of the Planning Area

for the General Plan, including the MDSP Area are subject to varying levels of liquefaction, lateral spreading, subsidence, and expansive soils. However, the General Plan contains policies and programs designed to lessen potential hazards and development must comply with the California Building Code. The previous FEIR determined that impacts would be less than significant. New development within the MDSP would be required to be consistent with General Plan policy and the California Building Code and would therefore not change the level of impact found in the previous FEIR.

#### **4.6.4 HUMAN MADE HAZARDS AND EMERGENCY RESPONSE**

The analysis in the previous FEIR in section (8.4) coincides with aspects of CEQA Guidelines Appendix G environmental factor IX, Hazards and Hazardous Materials potential impacts (a) create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, (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, (c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, (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, and (f) impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

##### **4.6.4-1 EMERGENCY RESPONSE AND EVACUATION PLANS POTENTIAL IMPACTS:**

The previous FEIR found that new development facilitated by the General Plan would increase the need for emergency response and evacuation planning. However, the General Plan has policies and programs that require the City to coordinate with allied agencies in emergency response planning and to maintain its emergency response plan to ensure that emergency response and evacuation planning and the implementation of these policies and programs would result in less than significant impacts. The adoption of the MDSP would not alter City emergency response planning or preparedness.

##### **4.6.4-2 RELEASE OF HAZARDOUS MATERIALS POTENTIAL IMPACTS:**

The previous FEIR found that development activities allowed under the General Plan could result in the release of hazardous materials associated with the routine transport, use and storage of hazardous materials; upset and accident conditions involving the release of hazardous materials; and disturbance of listed hazardous materials sites and asbestos-containing structures. The

General Plan's Land Use Diagram permits new agricultural, residential, commercial, and industrial activities that may routinely transport, use, and store hazardous materials. The General Plan contains policies and programs that would reduce such risks to less-than-significant levels. The MDSP would be subject to all General Plan policy and local and station regulations relating to the release of hazardous materials and would not change hazardous materials related impacts.

#### 4.6.4-3 EMISSION OR HANDLING OF HAZARDOUS MATERIALS NEAR SCHOOLS POTENTIAL IMPACTS:

The previous FEIR found that the General Plan does not include proposals for new school sites or hazardous materials facilities. The General Plan contains policies and programs designed to minimize any potential exposure hazard to school. The proposed MDSP does not alter the less than significant impacts finding in the previous FEIR.

#### 4.6.4-4 AIRPORT HAZARDS ASSOCIATED WITH INCOMPATIBLE LAND USE POTENTIAL IMPACTS:

The previous FEIR found that the General Plan contains policies and programs to ensure that development within Airport Land Use Compatibility Zones is limited to that permitted within each zone by the Humboldt County Airport Land Use Compatibility Plan and would not result in a safety hazard for people residing or working around the Airport. The MDSP Area is not located within an Airport Land Use Compatibility Zone and would therefore not result in airport hazards associated with incompatible land uses.

#### 4.6.4-5 AIRPORT HAZARDS ASSOCIATED WITH CHANGES IN FLIGHT PATTERNS POTENTIAL IMPACTS:

The previous FEIR found that the General Plan would not result in any related changes in air traffic patterns or associated safety risks for Arcata-Eureka Airport or Rohnerville Airport. The MDSP would be consistent with the Fortuna General Plan and is not within airport land use compatibility area and would therefore not change the significance determination for this impact topic.

### 4.6.5 WILDLAND FIRES

The analysis in the previous FEIR in section (8.6) coincides with CEQA Guidelines Appendix G environmental factor IX, Hazards and Hazardous Materials potential impact (g), expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

**4.6.5-1 INCREASE EXPOSURE TO WILDLAND FIRES POTENTIAL IMPACTS:**

The previous FEIR found that the General Plan would designate some non-urban portions of the Planning Area subject to high fire hazards for urban uses. Policies and programs contained in the General Plan would reduce the wildland fire hazard, but the previous FEIR determined that mitigation measures were required to reduce potential impacts within wildland fire hazard areas. Based on the State mapping of Fire Hazard Severity Zones in Local Responsibility Area (areas within cities) for Humboldt County, the MDSP is mapped as “Unzoned,” which indicates that fire hazard severity is less than “Moderate.” Therefore, the MDSP is not subject to high or moderate fire hazard severity and as such would not increase exposure to wildland fires potential impacts and would therefore not affect the previous determination regarding the potential to increase exposure to wildland fires.

---

## 5. MANDATORY CEQA TOPICS

---

### 5.1 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

An EIR must disclose the significant unavoidable impacts that will result from implementation of a proposed project. Section 15126(b) of the CEQA Guidelines states that an EIR should explain the implications of such impacts and the reasons why the project is being proposed, notwithstanding such impacts. The previous FEIR disclosed the significant environmental impacts and significant unavoidable adverse impacts of the General Plan in the impact analysis in Chapters 3 through 8. Implementation of the proposed MDSP would result in the alteration of the physical environment. The proposed MDSP includes policies and proposes mitigation measures that either reduce or eliminate potentially significant impacts to a level below significance.

The previous FEIR determined that certain impacts would remain significant and unavoidable after implementation of the General Plan. Impacts to agricultural resources, air quality, hydrology/water quality, noise, transportation/circulation and utilities/services systems were unable to be mitigated to a level below significance. The addition of commercial and industrial space, infrastructure and utilities, and residential units as a result of the amendments to the General Plan and implementation of the MDSP does not change this determination.

#### **5.1.1 LAND USE**

The previous FEIR analyzed the significant and unavoidable adverse impacts related to Land Use and Planning, in particular conflict with County Agricultural land use and zoning designations adopted to preserve prime farmland by re-designating some of this farmland for urban use and cumulative significant unavoidable land use impacts by creating inconsistencies with Humboldt County's existing land use designations and zoning in currently unincorporated portions of the Planning Area (3.1-2: Conflict with Applicable Land Use Plans, Policies and Regulations Adopted to Avoid or Mitigate Environmental Effects). The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

#### **5.1.2 POPULATION AND HOUSING**

The previous FEIR analyzed the significant and unavoidable adverse impacts related to Population and Housing and found that the General Plan would facilitate substantial growth inducement (3.2-1: Population Growth Inducement) resulting from General Plan implementation. The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

### **5.1.3 TRANSPORTATION AND CIRCULATION IMPACTS**

The previous FEIR analyzed the significant and unavoidable adverse Transportation And Circulation impact related to exceeding City level of service standards (4.1-1: Cause an Increase in Traffic That is Substantial in Relation to the Existing Traffic Load and Capacity of the Street System (Including Exceeding, Either Individually or Cumulative, LOS Standards) resulting from General Plan implementation. The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR. In addition, this SEIR found that the conceptual development plan and the proposed General Plan and Zoning to be applied to the MDSP Area could allow a land use mix that would exceed the CEQA VMT threshold and the VMT impacts of the proposed MDSP would be considered significant and unavoidable. VMT was not analyzed as a CEQA impact in the previous FEIR.

### **5.1.5 AGRICULTURAL & TIMBER RESOURCES**

The previously certified FEIR analyzed the significant and unavoidable adverse impacts related to agricultural and timber resources due to General Plan implementation relating to the conversion of agricultural and timber land and conflict with County agricultural zoning or Williamson Act contracts (5.3-1: Convert Prime Farmland, 5.3-2: Convert Timberland, 5.3-3: Conflict with Agricultural Zoning or Williamson Act Contracts). The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

### **5.1.6 AIR QUALITY**

The previous FEIR discussed the significant and unavoidable adverse impacts related to air quality of General Plan implementation, including conflict with the PM<sub>10</sub> Attainment Plan, emissions of ROG, NO<sub>x</sub>, CO and PM<sub>10</sub> above regional thresholds, and conflict with the state goal of reducing GHG emissions under AB 32 (8.1-1: Conflict With or Obstruct Implementation of the Applicable Air Quality Management Plan, 8.1-2: Violate Air Quality Standards or Contribute Substantially to Existing/Projected Air Quality Violations, 8.1-3: Result in a Cumulatively Considerable Net Increase of Criteria Pollutants for which the Region is in Non-Attainment, and 8.1-6: Conflict with the State Goal of Reducing GHG Emissions Under AB 32). The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

### **5.1.7 NOISE**

The previous FEIR discussed the significant and unavoidable adverse impacts related to noise generation from implementation of the General Plan, including permanent increases in ambient noise levels due to mobile noise sources (8.2-3: Result in a Substantial Permanent Increase in Ambient Noise Levels. (Mobile noise source impacts on existing noise sensitive uses). The

changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

## **5.2 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

CEQA Guidelines §15126.2(c) requires an EIR to include a discussion of significant irreversible environmental changes since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitment of resources should be evaluated to assure that such current consumption is justified.

The previous FEIR evaluated the irreversible and irretrievable commitment of resources in Section 11.3, Significant Irreversible Environmental Changes. The proposed plan would not result in significant impacts after mitigation with respect to water, electricity, natural gas, fossil fuels, potential mineral resource extraction sites, and potential environmental accidents, because of the substantial number of policies and programs in the General Plan to minimize the use of water, electricity, natural gas, and fossil fuels, the use of such resources would not occur in an unnecessary, inefficient or wasteful manner. However, the General Plan would result in significant unavoidable losses of prime farmland and timberland, and contribute to a significant cumulative loss of sensitive plant and animal species habitat, by designating current areas of prime farmland, timberland, and sensitive species habitat for future urban use. In this respect, the proposed plan would result in significant irreversible environmental changes, even though a substantial number of policies and programs are proposed that would both minimize the loss of such resources and ensure that such loss does not occur in an unnecessary, inefficient or wasteful manner.

The commitment of resources resulting from the implementation of the General Plan was fully evaluated in the previous FEIR. The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

## **5.3 GROWTH-INDUCING IMPACTS**

Growth inducing impacts address the implications of the project for growth inducement in the project vicinity or broader area. Under CEQA, a project is generally considered to be growth inducing if it results in any of the following:

- 1) Extension of urban services or infrastructure into a previously un-served area;
- 2) Extension of a transportation corridor into an area that may be subsequently developed; or
- 3) Removal of obstacles to population growth (such as designation of an area for development that is not currently designated for development, or provision of major new public services to an area where those services are not currently available)

The previous FEIR evaluated growth inducing impacts in Section 11.2, Growth-Inducing Impacts. The General Plan re-designate lands currently designated for agricultural and timber use to urban use, especially in potential future Annexation Areas, and re-designated lands currently designed for low-density urban use to higher-density urban use, especially in the Focus Areas. Each of these actions were determined to result in the removal of obstacles to development that would foster economic and population growth. The General Plan also includes policies and programs designed to promote home ownership and economic activity in the City, thus further fostering economic and population growth. As a result, the General Plan was found to be growth inducing. The changes to the General Plan and the adoption of the MDSP do not change the conclusions presented in the previous FEIR.

## 6. EIR Preparers

---

### 6.1 LEAD AGENCY

#### City of Fortuna

City Manager (interim) .....	Amy Nilsen
City Manager (prior) .....	Merritt Perry, PE
Community Development Director .....	Shari Meads
Public Works Director.....	Brendan Byrd, PE

### 6.2 EIR CONSULTANT

#### Planwest Partners, Inc. (EIR)

Principal .....	Vanessa Blodgett
Project Manager .....	John Miller
Associate Planner .....	Sarah Wickman
GIS Analyst.....	Jason Barnes

### 6.3 SUB CONSULTANTS

#### GHD (Technical Reports)

Project Manager .....	Brett Vivian, PE Civil Engineer
Patrick Sullivan .....	PE Civil Engineer
Todd Tregenza .....	AICP Transportation Planner
Donald Hubbard .....	TE, ACIP, Transportation Planner
Azadeh Heydari .....	PE., Traffic Engineer
Paige Peel .....	AICP Transportation Planner
Pete Duin .....	EIT
Kerry McNamee.....	Environmental Planner