Final EIR

McKinleyville Town Center Zoning Amendment

SCH# 2024031111

August 22, 2025



Prepared by

EMC Planning Group

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1.0 Introduction

1.1 CEQA Requirements

Before approving a project that may cause a significant environmental impact, the California Environmental Quality Act (CEQA) requires the County of Humboldt ("County"), acting as the Lead Agency under CEQA, to prepare and certify a final environmental impact report ("final EIR"). The contents of a final EIR are specified in CEQA Guidelines Section 15132, which states that:

The final EIR shall consist of:

a) The draft EIR or a revision of the draft;

b) Comments and recommendations received on the draft EIR either verbatim or in summary;

c) A list of persons, organizations, and public agencies commenting on the draft EIR;

d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

e) Any other information added by the Lead Agency.

All comments addressing environmental issues received on the draft EIR during the public review period from April 11, 2025 to May 27, 2025 have been addressed in this final EIR.

CEQA Guidelines section 15204(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project.

Per CEQA Guidelines section15204(a), CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

Likewise, a lead agency also need not respond to general reference materials submitted in support of comments, comments that repeat those already considered, or comments that are clearly irrelevant.

According to CEQA Guidelines section 15204(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR, as also described in CEQA Guidelines sections 15088(c) and 15132(d).

CEQA Guidelines section 15204(c) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR. Written responses to comments have been prepared to address comments on the project and have been sent to the commenting agencies and organizations.

CEQA Guidelines 15095(a) also requires that the lead agency file a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur. A copy of this final EIR is available for review at the following locations:

1. Humboldt County Planning and Building Department, 3015 H Street, Eureka.
2. McKinleyville Public Library, 1606 Pickett Rd, McKinleyville CA
3. County Planning and Building Website:

   https://humboldtgov.org/2564/McKinleyville-Town-Center-Master-Plan

1.2 Purpose of Public Review

CEQA Guidelines section 15200 indicates that the purposes of the public review process include the following:

- sharing expertise;
- disclosing agency analysis;
- checking for accuracy;
- detecting omissions;
- discovering public concerns; and

- soliciting counter proposals.

In compliance with CEQA public noticing requirements, Humboldt County prepared a draft EIR for the proposed project that was circulated for public review from April 11, 2025 to May 27, 2025. The County received comments from 25 organizations/individuals.

1.3 Final EIR

This final EIR has been prepared to address timely comments received on the draft EIR in the manner specified in the Notice of Completion/Availability and, together with the draft EIR, constitutes the complete *McKinleyville Town Center Zoning Amendment Final EIR*. This final EIR is organized into the following sections:

- Section 1 - introduction to the final EIR;
- Section 2- list of persons, organizations, and public agencies that commented on the draft EIR, written comments on the draft EIR and the responses to those comments; and
- Section 3- changes to the draft EIR made in response to comments on the draft EIR. Such changes clarify, amplify, or otherwise make modifications to the draft.

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Draft EIR Comments and Responses

2.1 CEQA Requirements

CEQA Guidelines section 15132(c) requires that a final EIR contain a list of persons, organizations, and public agencies that have commented on the draft EIR. A list of the correspondence received during the public review period is presented below.

CEQA Guidelines sections 15132(b) and 15132(d) require that a final EIR contain the comments that raise significant environmental points in the review and consultation process, and written responses to those comments. A copy of each comment letter or other form of correspondence received during the public review period is provided, with each letter identified by a number at the top of the first page. Individual comments to which responses are provided are numbered along the right margin in each letter. Responses corresponding to the numbered comments are presented immediately following each letter.

Where required, revisions have been made to the text or graphics of the draft EIR in response to comments. Comments that trigger changes to the draft EIR are so noted as part of the response. Revisions to the draft EIR are included in Section 3.0, Changes to the Draft EIR.

2.2 Written Comments on the Draft EIR

The County received written comments from the following agencies and organizations during the public review period:

1. Patricia Col, April 11, 2025;
2. Martha Henry, April 12, 2025:
3. Armand Prieditis, April 12, 2025;
4. Steven Thiele, April 12, 2025;
5. McKinleyville Municipal Advisory Committee Meeting Attendees (April 23, 2025);
6. Kelly Garrett, April 23, 2025;
7. Kevin Creed, April 25, 2025;

8. Stacy Becker, April 26, 2025;
9. Joyce Eggert, April 29, 2025;
10. Coalition for Responsible Transportation Priorities and Environmental Protection Information Center, May 7, 2025;
11. McKinleyville Community Services District, May 8, 2025;
12. Eugene Baker and Ann Story-Baker, May 9, 2025;
13. Jeanine Pfeiffer, May 14, 2025;
14. Kevin Creed, May 21, 2025;
15. Scott Shannon, May 26, 2025;
16. Kate McClain, May 26, 2025;
17. Mary Burke, May 27, 2025;
18. Ashton Hamm, May 28, 2025;
19. Emma Haskett, May 27, 2025;
20. Bonnie McGregor, May 27, 2025
21. Greg Pierson, Pierson Company, May 27, 2025;
22. Transition McKinleyville, May 27, 2025;
23. Douglas and Michelle Kamprath, May 27, 2025;
24. Concerned McKinleyville Residents, May 27, 2025;
25. California Department of Fish and Wildlife, May 27, 2025;
26. B. Douglas, May 20, 2025;
27. Patti Stuart, May 19, 2025;
28. Laura Norin, May 14, 2025; and

Comments and responses to comments on environmental topics are provided on the following pages.

2.3 Master Responses to Comments

A number of common issues were raised by commenters about the project and/or analyses contained in the draft EIR. Rather than provide a written response to each such comment as part of the response to individual comment letters/emails, Table 2-1, Comments and Master Responses, includes a list of common comments and responses to those comments. Responses to common comments in individual comment letters reference back to the applicable master response in Table 2-1 where applicable. A good-faith effort has been made to reflect the overall content of common comments. In some cases, responses to common comments made by individual commenters elaborate on the responses in Table 2-1.

Table 2-1 Comments and Master Responses

#	Comment	Response
1	A number of commenters expressed concern about the guidance/regulations in the Q-Zone Ordinance. Representative examples of such concerns are that the Q-Zone Ordinance: 1) would allow too much development and population growth/the planned residential density is too high; 2) does not provide sufficient public input/oversight over review and approval of future individual development applications; 3) would allow development that is inconsistent with the McKinleyville Community Plan, particularly with respect to conserving wetlands; 4) does not contain sufficient design guidelines/sufficient design review process; and 5) was prepared without a sufficient public process. _	These comments are acknowledged. However, these comments are about the project description rather than comments about the analysis of potential environmental impacts of the development allowed by the Town Center. CEQA Guidelines Section 15121 states: "*An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*" As described in Draft EIR Section 4.0, Project Description, the Q-Zone Ordinance was developed through a five-year public process conducted by the McKinleyville Municipal Advisory Committee and Humboldt County Planning and Building Department. The Q-Zone Ordinance is intended to establish a regulatory program to establish a town center for the community of McKinleyville as envisioned by the McKinleyville Community Plan, a component of the Humboldt County General Plan. In this context, the Q-Zone Ordinance constitutes the "project description" for CEQA purposes. That

		is, the draft EIR was prepared to evaluate the potential physical environmental impacts of developing the Town Center consistent with the development guidance in the Q-Zone Ordinance. The draft EIR does not propose development, nor did it influence the content of the Ordinance. Per CEQA Guidelines section 15088(a): "*The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments raising significant environmental issues received during the noticed comment period and any extensions and may respond to late comments."* CEQA Guidelines section 15204 provides additional insight into the scope/content of comments that require responses: "*(a) In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide*

		all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." To be clear, comments on the Town Center Ordinance, are not comments requiring a response as part of the response to comments for preparation of the FEIR. However, the comments on the Q Zone prepared for the town center are part of the record and will be considered as part of the final recommendation by the MMAC, and the Planning Commission and then potential adoption of the Town Center by the Board of Supervisors. The Q-Zone Ordinance established development standards related to building height, lot coverage, pedestrian and bicycle connections, Central Avenue reconfiguration and the configuration of Hiller Avenue, but did not establish maximum thresholds for the number of potential residents or the amount of commercial development that could occur as a result of this ordinance. In order to quantify the potential impacts associated with development of the Q Zone estimates of the number of residents and the amount of non-residential square footage were made based on the size of buildings allowed, the fact that parking is only allowed in a common parking area for non-residential development and the fact that the town center does not require development of additional streets. The projected development capacity for the project site is identified in Table 4-1, Projected New Mixed Use Town Center Development Capacity., Several commenters stated that the forecast development capacity and/or population growth for the project is too large. It should be noted that based on the analysis in Table 3-1, Existing

		Zoning and Development Capacity, residential development capacity and population growth under existing zoning regulations is substantially greater than allowed under the Q-Zone Ordinance as identified in Table 4-1, Regarding comments questioning whether the Q-Zone Ordinance is consistent with the wetlands protection policies in the McKinleyville Community Plan there are two factors. First is the change in the definition of wetland and second is whether the Community plan as written allows relocation of wetlands. Currently the McKinleyville Community plan defines a wetland as an area containing any one of three parameters associated with wetlands. Part of the proposal is to modify the Community Plan to use the more common definition of wetlands requiring hydric soils, water and wetland vegetation. The acreage of single parameter wetlands has been identified in the DEIR. This change is a policy decision by the Board of Supervisors and if approved this would result in a change in the Community Plan to allow this definition to be used in the Town Center. If this were to happen this would not be inconsistent with the Community Plan. The second comment comes from the perspective that all wetlands are protected and must remain in place. Comments to this effect are not supported by the policies of the McKinleyville Community Plan. Wetland Policy 14 reads as follows: *On existing parcels, development within Wetland Areas shall be permitted where the least environmentally damaging alternative of development techniques is employed and where mitigation measures have been provided to fully offset any adverse effects. Mitigation measures for*

		development within Wetland Areas shall, at a minimum, include those prescribed by the administration of the Open Space & Grading ordinance This policy is clear that the Community Plan seeks to protect wetlands, but in the event they must be relocated and mitigated for, that is permissible. The Town Center Q Zone establishing criteria for relocating wetlands and setting aside a mitigation area is thus consistent with the provisions of the Community Plan. The draft EIR includes analysis in Section 6.0, Biological Resources, which identifies impacts on wetlands resulting from the proposed change in wetland definition.
2	Several commenters expressed concern about the proposed "road diet" for Central Avenue. Representative examples of such comments are that the proposed redesign of the road would: 1) worsen existing congestion on Central Avenue; 2) cause motorists to further avoid using Central Avenue through the Town Center area, thereby causing congestion on surrounding streets; and 3) hinder emergency vehicle access. Other associated comments addressed the content, analysis and/or improvements in the "Traffic Operations Study for the McKinleyville Town Center Project" included as an appendix to the draft EIR.	The public process that developed the proposed Town Center ordinance sought to fulfill the goals and policies of the Community Plan. The primary related goal is in section 2351, goal 2: *To develop an area of mixed land uses which encourages bicycle and pedestrian travel yet allows for convenient and safe automobile access.* The primary policy is in McKinleyville Community Plan section 2352, policy 6: *The Town Center Area shall identify implementation alternatives associated with a Central Avenue pedestrian crossing. The alternatives should contain solutions which ease pedestrian traffic, including longer time frames at the crosswalk light, funding mechanisms for a pedestrian bridge over Central Avenue, and traffic calming measures as illustrated herein.* The policy objective of the Town Center Ordinance is to slow traffic on Central Avenue through the Town Center, and by expanding the area devoted to pedestrian and bicycle travel

		those modes of travel would be safer and more desirable, and by reducing lanes, provide a shorter path of travel for pedestrians to cross the street. The proposed roadway modifications would affect operations of the subject section of Central Avenue. As of 2020, effects of a project on operations of roadways, particularly as measured by traffic delays, otherwise known as "level of service", is not a component of analysis to be considered under CEQA. Rather, the focus of analysis for transportation impacts of proposed development is vehicle miles traveled. Consequently, the draft EIR does not address environmental impacts associated with changes in Central Avenue traffic operations, either directly or indirectly, and no further response is required. As described in Master Response #1, comments regarding the Central Avenue road diet design or function are comments on a portion of the overall project description. The decision on any changes to Central Avenue will be a policy decision by the Board of Supervisors with recommendations from the MMAC and the Planning Commission. The County undertook the Traffic Operations Study for the McKinleyville Town Center Project to inform the public about operational traffic effects of implementing the proposed road diet. Because the draft EIR is not required to address these effects, responses to associated comments are also not required. The County has no plans to construct the improvements identified in that study. Therefore, the improvements are not part of the project description.

3	Several commenters disagreed with the statement in draft EIR Section 2.5, Areas of Known Controversy, that no known areas of public controversy regarding the project have been identified to date. These commenters noted that the proposed road diet for Central Avenue has been a source of controversy.	It is acknowledged that the road diet for Central Avenue was of public concern during the County process to craft the Q-Zone Ordinance. The text of Section 2.5 did not explicitly state this specific concern, but rather referenced the fact that a range of considerations were raised by the public as part of this process, the Central Avenue road diet among them. To specifically address this comment, the text of Section 2.5 has been changed. Refer to Section 3.0, Changes to the Draft EIR.

SOURCE: EMC Planning Group 2025

Letter 1 – Patricia Col

From: Patricia Col
To: CEQAResponses
Date: Friday, April 11, 2025 1:30:24 PM

> **Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1 2650 multi family housing units on the roads in this town, are you dreaming. Fix the infrastructure before you start adding.

Letter 1 – Patricia Col

1. The commenter states that 2,600 multi-family housing units would be too much for local roadways and that infrastructure should be fixed first.

   Refer to Master Response #1 in Table 2-1. The comment does not address an environmental topic, and no further response is required.

Letter 2 – Martha Henry

From: Mark Henry
To: CEQAResponses
Subject: Deir
Date: Saturday, April 12, 2025 11:15:23 AM

> **Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1 I am a resident of Mckinleyville and live on Mckinleyville Ave. I am concerned that limiting car travel on Central will cause increased traffic on Mckinleyville. We currently have a large volume of traffic during commuting times in am and pm. Limiting car travel during the day will cause further congestion during quieter periods.

2 Additional concerns are Fisher, Hiller and Railroad do not have complete sidewalks or bike lanes to Central thus impeding safe travel on these primary connector roads. Additionally, will

3 there be a tram for disabled people and those wishing to stay dry during our long rainy season. The current bus schedule is insufficient to provide adequate transport through the town center. Sufficient transport would encourage people to avoid driving.
Thank you for your time.
Martha Henry

Letter 2 – Martha Henry

1. The commenter is concerned that limiting car travel on Central Avenue will increase traffic on McKinleyville Avenue and increase congestion.

   Refer to Master Response #2 in Table 2-1. The comment does not address an environmental topic, and no further response is required.

2. The commenter identifies a lack of bicycle and pedestrian facilities on Fisher, Hiller Road and Railroad Avenue and lack of connectivity from these roads to Central Avenue.

   Comment noted. The Q-Zone Ordinance provides direction for improving bicycle and pedestrian connectivity to Central Avenue by including enhanced pedestrian and bicycle facilities on both roads and on Central Avenue. The Ordinance also identifies requirements for internal site pedestrian and bicycle facilities that will help integrate the site with such improvements on the noted roadways.

3. The comment asks whether tram service will be provided and that the current bus schedule is insufficient to support the project

   A tram service is not proposed as part of the project. However, as noted in Section 4.0, Project Description, and further described in Section 13.0, Transportation, a transit center is planned within the project site that would function to substantially improve transit access, with the co-benefit of reducing individual vehicle travel and reducing associated environmental effects, including generating air emissions and greenhouse gas emissions (GHGs).

Letter 3 – Armand Prieditis

From: Armand Prieditis
To: CEQAResponses
Subject: Design ideas for the McKinleyville Town Center
Date: Saturday, April 12, 2025 3:54:03 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1

I would propose designing a city center modeled after an Italian piazza. The idea is to create a vibrant, pedestrian-friendly hub that fosters community interaction, commerce, and cultural events. Here are some of the design features characteristic of such a piazza:

1. Pedestrian-Only Central Square

- **Cobblestone or patterned pavement** in the center, with benches, fountains, and greenery.
- **No cars allowed**, but with limited access for emergency vehicles and delivery trucks at designated times.
- **Outdoor seating** for cafés and restaurants spilling into the square. Perhaps the township could provide covered outdoor areas for local businesses (shared or individual) with heaters for winter months.

2. Surrounding Buildings with Mixed-Use Spaces

- **Ground floors:** Restaurants, cafés, gelaterias, boutique shops, and small grocery stores.
- **Upper floors:** Apartments, offices, or boutique hotels to ensure activity at all hours.
- **Architectural style:** Classic Italian elements like arched colonnades, terracotta roofs, and balconies with flower boxes.

3. Public Amenities & Landmarks

- A **central fountain or statue** as a focal point.
- **String lights or lanterns** for evening ambiance.
- **Performance space** for live music, markets, or festivals.
- **Shaded areas** with trees or pergolas for comfort.

Appeal of an Italian Piazza-Style City Center

- **Vibrant Social Atmosphere** – Encourages people to gather, dine, and interact, fostering community bonds.
- **Boost to Local Businesses** – High foot traffic benefits restaurants, shops, and street vendors.
- **Aesthetic Appeal** – The charming, European-inspired design attracts tourists and residents alike.
- **Reduced Noise & Pollution** – A car-free zone means cleaner air and a quieter environment.
- **Flexible Event Space** – The square can host farmers' markets, concerts, and seasonal festivals.
- **Increased Safety** – Fewer cars mean fewer accidents, making it family-friendly.

Here are some ideas for a phased implementation plan:

Phase 1: Planning & Community Engagement (6-12 months)

1 con't.

- **Public workshops & surveys** to gather input on design preferences and concerns.
- **Traffic & feasibility studies** to assess pedestrianization impact on surrounding roads.
- **Conceptual designs** from urban planners/architects, with cost estimates.
- **Pilot events** (e.g., a monthly "car-free day" or temporary market) to test public interest.

Phase 2: Infrastructure & Small-Scale Changes (1-2 years)

- **Convert one street or block** into a pedestrian zone (start small).
- **Add bike lanes, benches, and planters** to improve walkability.
- **Upgrade utilities** (underground wiring, better lighting) for a cleaner look.
- **Encourage businesses** to add outdoor seating (offer incentives like space heaters and covered spaces).

Phase 3: Major Construction & Landscaping (2-3 years)

- **Pave the central square** with cobblestones or decorative concrete.
- **Install a fountain, performance stage, or public art piece** as a centerpiece.
- **Expand pedestrian zones** to adjacent streets, restricting car access further.
- **Build peripheral parking garages** (if needed) to offset lost street parking.

Phase 4: Final Touches & Programming (Ongoing)

- **Host regular events** (farmers' markets, concerts, festivals) to drive foot traffic.
- **Add seasonal decorations** (holiday lights, flower displays).
- **Monitor & adjust** based on feedback (e.g., more shade, better signage).

Funding could come from municipal bonds, state/federal grants for urban revitalization projects, and a special tax district. Local businesses could also pay for naming rights, developers could contribute to public spaces in exchange for building permits, and crowdfunding for residents (e.g., "buy a brick" for paving the plaza).

The idea is to start small, (e.g., one blocked-off street) to prove the concept before major investment, use temporary materials (like removable bollards) to test changes before permanent construction, and highlight economic benefits (increased property values, tourism) to gain political and business backing.

Italy, of course, has dozens of examples of such successful piazzas. Here are some: Piazza del Campo, Siena, Piazza Maggiore, Bologna, Prato della Valle, Padua, Piazza Navona, Rome, Vigevano's Piazza Ducale, Piazza delle Erbe, Verona, and Piazza Cordusio, Milan.

I hope this note finds some positive receptiveness.

Regards,

Dr. Armand Prieditis

1305 Conifer Ct.

McKinleyville, CA 95519

Letter 3 – Armand Prieditis

1. The commenter makes recommendations for designing the Town Center in the style of an Italian piazza.

   Comment noted. The comment does not address an environmental topic, and no further response is required. Also refer to Master Response #1 in Table 2-1.

Letter 4 – Steven Thiele

From: Steven Thiele
To: CEQAResponses
Date: Saturday, April 12, 2025 9:08:02 AM

> **Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1 I'm A resident of Northern Humboldt County.
I propose A civic Town Hall downtown with mix residential and commercial zones together, because the area is too diverse for participants to divide into separately.

Steven G. Thiele
P.O. Box 2593
McKinleyville, CA. 95519
Stevengethiele@gmail.com

Letter 4 – Steven Thiele

1. The commenter proposes a civic town hall with a mix of residential and commercial zones together.

   Comment acknowledged. The comment does not address an environmental topic, and no further response is required. Also refer to Master Response #1 in Table 2-1.

Letter 5 – Attendees at the April 23, 2025 McKinleyville Municipal Advisory Committee Meeting

Comments from MMAC
DEIR Public Comment Meeting
4/23/2025

Questions:

1. Twila Sanchez: Did the Traffic Study evaluate future conditions with the project?

2. Bonnie Oliver: Did the Traffic Study provide a reduction in trips based on the focus on pedestrian, bicycle and public transportation contained in the plan?

3. Pat Kaspari: While the CEQA analysis using VMT is less than significant, how will the operational impacts identified in the traffic study be addressed?

4. Bonnie MacGregor: Did the Transportation assumptions include complete build out?

5. Colin Fiske: Are the recommended improvements in the Traffic Study part of the project as they are not addressed in the EIR.

6. Name not Given: Why were the intersections of Mckinleyville and Washington not modeled?

7. Name not given: Comment on the Traffic Study, Concerned that the study does not show degradation of the Railroad/Central intersection when there is school traffic using that intersection and the School is contemplating adding another grade to the Middle School.

8. Name not given. Comment on the traffic study. Does not want to see LOS D at any intersection.

9. Name not given: Comment on Road Diet. Cannot narrow Central Avenue due to need to maintain utilities in the road.

10. Manny ?: Love trees, Like Central Avenue like it is, like roundabouts but do not want to see the road diet.

Comments from MMAC
DEIR Public Comment Meeting
4/23/2025

Comments on DEIR

A. Ken Free:
    a. The DEIR is inconsistent in its treatment of Central Avenue. Table 4.3 shows landscaping in the median of Central Avenue, but page 13.22 of the DEIR under Emergency Access says Central will have two through lanes and a center turn lane.
    b. In the Summary of Significant impacts and Mitigation Measures in Table 2-1 on page 2-4, the Air Quality Impacts 5-1 and 5-3 depend on contractors self-policing. Contractors will not do this.
    c. The additional traffic on McKinleyville Avenue and Railroad Avenue from the project will result in decrease property values.

B. Kelly Garrett: See Attached Letter Submitted at the meeting.

C. Colin Fiske: The Majority of the Traffic Noise is associated with the speed of a vehicle. I did not see in the DEIR where reduced speeds were associated with mitigating the noise along Railroad Avenue.

D. Bonnie MacGregor:
    a. Parks and Recreation was identified as a Less than Significant Impact with a huge amount of new development proposed.
    b. The2,680 new units would generate an additional 6,000 people. The density needs to be reduced.

E. Christian Messmer: Opposed to the Road Diet. Medians and School Road are not maintained and the medians on Central Avenue will not be maintained. The plan has been rushed and needs to be thoughtfully considered.
F. Kelley Garrett: The population of 6,000 people per in .17 square miles equates to 55 units per acre. Too many people without creating additional space for recreation.

Letter 5 – Attendees at the April 23, 2025 McKinleyville Municipal Advisory Committee Meeting

1. Ken Free (should be Kevin Creed)

    a. Comment a – the commenter states that the treatment of Central Avenue in Figure 4.3 is inconsistent with the description on page 13-22.

    Central Avenue will include two through lanes and a continuous left-turn lane. Figure 4.3 in the draft EIR has been modified to reflect this configuration. Refer to Section 3.0, Changes to the Draft EIR.

    b. Comment b – Mitigation measures for air quality impacts 5-1 and 5-3 depend on contractors policing themselves. Contractors will not do this.

    The noted mitigation measures require developer to meet specific performance standards. Mitigation measure 5-1 is enforceable by the County as part of its plan check process prior to approving building permits. Mitigation measure 5-3 is enforceable by the County as part of its standard mitigation monitoring obligations.

    c. Comment c – The additional traffic on McKinleyville Avenue and Railroad Avenue will decrease property values.

    The comment does not address an environmental topic. No response is required.

2. Kelly Garrett – the commenter identified that detailed comments were submitted in a separate letter. The separate letter is included in this final EIR as Letter 6. Please refer to that letter and the associated responses to comments.

3. Colin Fiske – the commenter state that traffic noise is associated with vehicle speed and the EIR does not address reduced speed as a mitigation for the traffic noise impact on Railroad Drive.

    Traffic calming measures were considered as a possible mitigation approach for the unavoidable traffic noise impact identified on Railroad Drive. A traffic calming mitigation was not included for several reasons. Traffic calming is intended to reduce vehicle speeds, typically to improve bicycle and pedestrian safety. Reducing speeds can also reduce noise from vehicles, as the primary source of traffic noise from such vehicles is tire friction as a vehicle travels along a roadway. The posted speed limit on Railroad Drive is 25 miles per hour. This is a low-speed limit common to neighborhood collector streets that inherently would limit traffic noise from tire friction. Second, a multitude of variables affect the extent to which traffic noise can be reduced by employing traffic calming features. These include, but are not limited to: existing speed limit on a roadway, type(s) of traffic calming measures employed, mix of vehicle types

using the roadway, distance between calming features, and effects of calming measures on traffic acceleration/deceleration, etc. In some cases, use of traffic calming measures such as speed bumps can actually increase the volume of air emissions from vehicles by causing drivers to decelerate before a bump and accelerate after crossing the bump.

In short, highly detailed analysis would have been necessary to determine an appropriate type/mix of traffic calming measures that would have required to effectively reduce traffic noise without potentially increasing air emissions, and the nominal speed reduction that might be possible through employing such measures, if any, would not likely have a measurable noise reduction benefit given the low-speed limit on Railroad Drive already limits vehicle noise levels.

4. Bonnie McGregor

    a. Comment a – parks and recreation impacts were identified as less-than-significant with a huge amount of new development proposed.

        As part of the CEQA process, potentially significant impacts associated with physical environmental change are to be evaluated. An increase in demand for a public service or public facility (e.g., parks) itself is not a physical environmental change that could give rise to a potentially significant impact. Rather, physical environmental change could result from constructing new facilities needed to meet the increase in demand. Potential environmental impacts from actions needed to meet the increase in park demand from the proposed project are addressed in draft EIR Section 16.6, Parks and Recreation.

    b. The commenter states that 2,680 units would generate 6,000 people. The density needs to be reduced.

        Refer to the Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

5. Christian Messmer – the commenter is opposed the Central Avenue Road diet and states that the plan has been rushed and needs to be thoughtfully considered.

    Refer to Master Response #2 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

6. Kelly Garrett – the commenter states that additional recreation space is needed for a population of 6,000.

    Refer to Master Response #1 in Table 2-1. Refer also to draft EIR Section 16.6, Parks and Recreation The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

Letter 6 – Kelly Garrett

To the Members of the McKinleyville Municipal Advisory Committee and Participating Public,

My name is Kelley Garrett, and I am here today as a concerned community member to comment on the Draft Environmental Impact Report (DEIR) for the McKinleyville Town Center — specifically its implications for rolling back wetland protections within the Town Center area.

The DEIR represents a significant departure from the environmental protections established in the McKinleyville Community Plan (MCP), particularly regarding the conservation of wetlands. It also fails to reflect the clear public sentiment expressed in the 2020 Town Center Survey [1].

Section 2602(1) of the MCP affirms that McKinleyville will maintain its rural character within Urban Areas by protecting streams, riparian corridors, greenbelts, wetlands, open spaces, and parks [2]. Section 3422(13) further limits allowable uses in wetlands to low-impact activities such as wildlife management, nature study, and restoration [3]. In addition, Section 3422(7) protects even marginal wetlands by defining them based on a single parameter — typically the presence of hydrophytic vegetation [3].

These policies reflect the community's longstanding commitment to ecological preservation. The MCP supports the protection and passive use of wetlands, not intensive development in or adjacent to them.

The results of the 2020 Town Center Survey reinforce this commitment [1]:

- **54.8%** of respondents *strongly disagreed* with reducing wetland buffers to allow development.
- **29.9%** *strongly agreed* that wetlands within the Town Center should remain undeveloped.
- Over **66%** prioritized open space and trails — uses that align with wetland conservation.
- The **top community priority** for undeveloped areas was an "undeveloped nature preserve with trails," underscoring broad public preference for maintaining the natural state of these spaces.

In contrast, the DEIR and proposed Q-Zone Regulations would:

- Replace the MCP's more protective single-parameter wetland definition with the less protective federal three-parameter standard [4].
- Allow the filling of up to **5.4 acres** of wetlands — a direct contradiction of MCP Section 3422, which restricts all new development in wetlands to low-impact, nature-based uses [3, 4].

These proposals are not only inconsistent with the MCP but also with the community's clearly stated values. The MCP was developed through extensive public input and reflects long-standing local priorities. Altering it in this way risks eroding public trust in the planning process, particularly as the changes appear driven by development interests rather than community benefit.

Moreover, piecemeal amendments like these can weaken the coherence and authority of the Community Plan over time. Amending the MCP for a single project may set a precedent that undermines environmental and land use standards across future developments. It risks creating a pattern of "spot amendments" that reshape the Plan to fit specific developments — rather than ensuring developments conform to the Plan.

The magnitude of the proposed changes warrants a full, standalone update to the Community Plan, with robust public engagement — not a quiet amendment through the DEIR process alone.

Under the California Environmental Quality Act (CEQA), conflicts between a proposed project and applicable plans must be disclosed, analyzed, and reconciled [5]. The DEIR does not fulfill this requirement.

For these reasons, I respectfully request that the MMAC make a motion directing the County to:

1. **Explicitly acknowledge** these policy conflicts in the Final Environmental Impact Report.

2. **Preserve the MCP's original wetland definitions** and the allowable uses for development within wetlands in the Town Center.
3. **If changes are to be considered**, initiate a transparent, community-led process to formally update the Community Plan — with full public participation.

Thank you for your time and thoughtful consideration.

Sincerely,
Kelley Garrett

References

1. *McKinleyville Town Center Survey Summary Report* (2020), Humboldt County Planning and Building Department.
2. *McKinleyville Community Plan*, Section 2602(1), Humboldt County General Plan, Adopted 2002.
3. *McKinleyville Community Plan*, Section 3422(7) and (13), Humboldt County General Plan, Adopted 2002.
4. *Draft Environmental Impact Report for the McKinleyville Town Center*, Section 6 and Appendix A, Humboldt County Planning and Building Department, 2024.
5. *California Environmental Quality Act (CEQA) Guidelines*, §15125(d), Governor's Office of Planning and Research.

Letter 6 – Kelly Garrett

1. The commenter states that the draft EIR represents a significant departure from the protections for wetlands established in the McKinleyville Community Plan and that departure is not consistent with the public sentiment in the 2020 Town Center Survey.

   Refer to Master Response #1 in Table 2-1, including the clarification that the draft EIR does not define any component of the proposed project. The draft EIR evaluates the environmental effects of implementing the Q-Zone Ordinance as proposed.

2. Amendments like these (the proposed Community Plan amendment), can weaken the coherence and authority of the Community Plan over time. Amending the MCP for a single project may set a precedent that undermines environmental and land use standards across future development. The Community Plan should be updated with robust public engagement.

   Comment noted. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

3. Under CEQA, conflicts between a proposed project and applicable plans must be disclosed, analyzed, and reconciled.

   Refer to the response to comment #2 above. An amendment to the Community Plan would not be needed if the wetland definition in the Q-Zone Ordinance was consistent with the Community Plan. Impacts of amending the wetlands definition in the Community Plan are analyzed and reconciled as described in draft EIR Section 6.0, Biological Resources.

4. The commenter provides a recommendation that the McKinleyville Municipal Advisory Committee make a motion to direct the County to take a series of actions, including to preserve the wetland definition in the McKinleyville Community Plan.

   The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

Letter 7 – Kevin Creed

4/25/2025 (updated comments)

4/21/2025

To: John Ford

Director of Planning & Building

County of Humboldt

3015 H Street Eureka, CA 95501

From: Kevin Creed

McKinleyville resident

Re: Comments on Draft EIR for McKinleyville Town Center

Summary

I am presenting my comments on issues in the dEIR, noting the document page number to which I am referring. I think there are serious deficiencies and unreasonable mitigation alternatives. The most significant issues are summarized below and are not adequately addressed by the draft EIR. More detailed assessments are presented further down.

New comments are underlined and in bold font.

- **Central Avenue reconfiguration:** This proposal is flawed for the following reasons:
  1. The reconfiguration would force excess traffic on to McKinleyville Avenue and Railroad, consequently exposing residences along those streets to an increase in noise and toxic air emissions;
  2. The permanent increased traffic noise and emissions will also have a negative effect on property values along McKinleyville Avenue and along Railroad.
  3. The County and the EIR consultant have deemed the permanent increased traffic noise as impact 11-2 and 'Significant and Unavoidable' (see page 11-17), and as such, have defacto deemed it **acceptable**, but to whom, the residents along those streets?
  4. One lane traffic each way, bounded by physical barriers/landscaping to the right, **would prevent drivers from pulling over to yield to emergency vehicles, thus delaying the response of emergency personnel**. Without a continuous left hand turn lane (in contrast to left hand turn pockets), the emergency vehicles, especially fire trucks would not have a way through. (Note: The Arcata Fire District McKinleyville station responded to 1375 (3.8 per day) incident responses in 2024) **Inconsistency in EIR on Central**

4 con't. **Avenue reconfiguration was clarified by Director Ford at the 4/23 MMAC meeting. The two lanes of traffic and one center turn lane should allow emergency vehicles to pass traffic. But, nonetheless, the reconfiguration will complicate and possibly delay emergency responses.**

5 ○ The domino effect of the reconfiguration of Central is exasperated by the fact that there is no street to the east of Central that runs parallel to Central that would be a viable alternate north/south route through town. This was not noted in the EIR, perhaps because it is outside the boundary of the project. However, the impact of the reconfiguration is compounded by this fact and should be noted.

6 ○ The bike lanes do not need to be wider to be safer. Rather the priority should be to physically separate them from the right lane of traffic; a large concrete curb & pilons would be effective; landscaping separation is not necessary.

- **Sections 2-5 and 2-6**

7 ○ These sections indicate, 'No know areas of public controversy regarding the project have been identified to date.' .. and, 'The County is not aware of any issues to be resolved., respectively. **These two statements particularly together are not the least bit credible**. Any project of this magnitude and nature inherently produces controversy and unresolved issues at the outset and beyond. For example, reconfiguring Central Avenue down to one lane of traffic each way. Is the County actually suggesting that 100% of McKinleyville residents agree on this approach?

○ **It became clear at the 4/23 MMAC meeting that there is controversary and unresolved issues, therefore, these statements should be removed from the dEIR.**

- **Impact 5.3 Air Quality : Operation of Construction Equipment Would Expose Sensitive Receptors to Toxic Air Contaminants , Significant Impact**

8 ○ The mitigation measure listed for this impact is wholly inadequate, lacks effective and independent oversight for compliance and leaves residents along Railroad and McKinleyville Avenue vulnerable to unchecked diesel emissions from construction equipment.

○ **Perhaps a mitigation alternative is to have a minimum percentage, e.g. 25%, of the dirt-disturbing construction equipment to be electrical motor driven, thus avoiding the diesel emissions. Perhaps the County can obtain grants to demo this approach as proof-of-concept ... there is enough lead time to do so. The EIR should be updated with some reasonably effective alternatives of mitigation.** see detailed comment below.

- **Landscape Implementation and Maintenance Costs**

9 ○ The dEIR and the draft McK Town Center Ordinance do Not address what the source of the funding source is for both the initial installation of all the planned landscaping, nor the source of funding for the ongoing maintenance.

○ The County and/or developer cannot make the erroneous assumption that MCSD is going to be responsible for these costs. **And, if the County**

9 con't. commits to the maintenance they must adhere to that commitment. It is important to address this in the dEIR because a failure to maintain landscaping is a more significant negative impact, e.g. aesthetics, than no landscaping at all.

The draft EIR for this project has serious flaws and unsubstantiated assumptions that need to be corrected.

Detailed Assessment

Page 1-9

~~In the list of abbreviations, the consultant has listed 'Bay Area Air Quality Management District, aka BAAQMD' which is wholly inapplicable, and have failed to list relevant agency, i.e., North Coast Unified Air Pollution Control District. This is sloppy, unprofessional work. Makes me think that they just copy/pasted text from some other irrelevant document. Makes me wonder what other corners or poor proofing reading has been done.~~

My erroneous assumption. This is explained further on in the dEIR.

Page 2-3, Sections 2.5 and 2.6

These sections indicate, 'No know areas of public controversy regarding the project have been identified to date.' .. and, 'The County is not aware of any issues to be resolved., respectively. These two statements particularly together are not the least bit credible. Any project of this magnitude and nature inherently produces controversy and unresolved issues at the outset and beyonod. For example, reconfiguring Central Avenue down to one lane of traffic each way. Is the County actually suggesting that 100% of McKinleyville residents agree on this approach?

It became clear at the 4/23 MMAC meeting that there is controversary and unresolved issues, therefore, these statements should be removed from the dEIR.

Page 2-4, Table 2-1, Summary of Significant Impacts and Mitigation Measures

Impact 5.3 Air Quality : Operation of Construction Equipment Would Expose Sensitive Receptors to Toxic Air Contaminants , Significant Impact

10 **Mitigation 5-4:** All construction plans shall include the following requirements to reduce TAC emissions during construction: a. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes; and b. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator.

These mitigation measures are doomed to failure for the following reasons:

10 con't.

- Lack of independent oversight to monitor compliance. It is unreasonable that the various contractors will effectively self-police, in the field with stop watches. They are going to be concentrating on the job at hand.
- Lack of active regulatory oversight by NCUAPCD. This comment is not a negative statement against the air district but rather reflects the reality of the situation. The air district does not permit/regulate self-propelled construction equipment, e.g. graders, backhoes, etc. At best they can observe exhaust emissions from equipment make a trained professional assessment as to whether or not a specific piece of equipment is emitting an excess of particulate matter based on the observed opacity of exhaust. But, in order for this to even happen, someone would have to call the air district with a complaint/concern about the emissions. Then an air district inspector would have to visit the site (which may not be the same day or next ... a limited number of inspectors can only reasonably cover so much territory in so much time). And .. even then, if the inspector determines an excess quantity of exhaust emissions, the air district can only issue a Notice of Violation for 'Nuisance Emissions', not a NOV for toxic air contaminants violation.
- Part B of the provisions, that is equipment is properly tuned to meet manufacturer's specifications as determined by a 'certified visible emissions evaluator.' Which begs the question who is this individual employed by?
- It sounds like a mitigation with an inherent conflict of interest built in.
- Thus, leaving the residents along Railroad, McKinleyville Avenue and part of Hiller susceptible to unmitigated, serious impacts from the construction equipment emissions.
    - **Perhaps a mitigation alternative is to have a minimum percentage, e.g. 25%, of the dirt-disturbing construction equipment to be electrical motor driven, thus avoiding the diesel emissions. Perhaps the County can obtain grants to demo this approach as proof-of-concept ... there is enough lead time to do so.**
    -

Pages 2-4 to 2-17, Impacts 6-1 to 9-2. Note: I am not qualified to accurately assess these impacts and, therefore, the absence of any comments from me does not equate to an absence of deficiencies in the assessments and/or mitigations.

Page 2-17, Impact 11-1, Temporary Noise Increase from Construction Activities

11 Mitigation Measure 11-1 is unreasonable and insufficient in the same manner as Mitigation Measure 5-4.

And like Mitigation Measure 5-4, the dEIR does not list what manner of recourse negatively affected residents have, whom are they supposed to call for resolution that has their well being as the top priority versus the project progress.

Page 2-18, Impact 11-2, Serious, Permanent Traffic Noise Level Increases at Existing Sensitive Receptors on Railroad Drive

12 The document indicates, **'No certain feasible mitigation' and an unmitigated Serious and Unavoidable determination.**

This determination is not true because the cause of the traffic noise level increase is that with the reconfiguration of Central Avenue, drivers are going to use McKinleyville Avenue and Railroad as the alternate route to avoid the traffic mess on Central Avenue.

This is not only an increase in noise pollution and impact to residence, but it would also add an increase in vehicles emissions to which residence along McKinleyville Avenue and Railroad would be exposed.

And, the increase in traffic along these routes would foreseeably and reasonably have a negative impact on the residents' home value and resale opportunity.

13 The effective mitigation measure should be listed to Not reconfigure Central Avenue down to one lane of traffic each way. But the dEIR avoids addressing this obvious mitigation measure.

14 **The traffic analysis should be extended to include McKinleyville Avenue south to Washington, along Washington to School Road so that the dEIR accurately reflects the aggregate increase in traffic noise impact to residents. This additional length of roadway is much less that the stretch of McKinleyville Avenue from Railroad to Murray Road that was included in the traffic assessments.**

Likewise, this route from School Road and along Washington and McKinleyville Avenue is foreseeably going to be a preferred route for construction related vehicles because it is a short connection between the freeway to the town center and avoids Central Avenue. Thus it is reasonable to have the EIR address the added traffic, noise and emissions especially during the construction phase.

I expect my written comments to become part of the official project records per CEQA and Brown Act requirements. And,I look forward to a timely written response.

Thank you,

R. Kevin Creed

kcreed1887@gmail.com

C: McKinleyville Municipal Advisory Committee : cob@co.humboldt.ca.us

County Supervisor Steve Madrone smadrone@co.humboldt.ca.us

EMC Planning Group: Ron Sissem, Senior Principal

Sissem@emcplanning.com

Arcata Fire Protection District: rmacdonald@arcatafire.org

Humboldt County Sheriff's Office: hso@co.humboldt.ca.us

McKinleyville Community Services District: Pat Kaspari, General Manager, mcsd@mckinleyvillecsd.com

North Coast Journal: Thadeus Greenson, thad@northcoastjournal.com

Mad River Union: Jack Durham , editor@madriverunion.com

Letter 7 – Kevin Creed

1. The commenter identifies that the Central Avenue road diet ("reconfiguration") would force traffic onto McKinleyville Avenue and Railroad Avenue, thereby exposing residents along those streets to increased noise and toxic air contaminants.

   The traffic study investigates vehicle delay changes that are projected as a result of adding project traffic to the local roadway network. Determining the number of new vehicle trips and their distribution onto the local road network is a prerequisite to evaluating vehicle delay and changes in traffic congestion, commonly known as "level of service". Level of service changes are not considered potential impacts under CEQA. The traffic study was prepared solely for informational purposes at the request of the McKinleyville Municipal Advisory Committee.

   Traffic generation and distribution information included in the traffic study and can be used in combination with traffic noise data found in draft EIR Table 11-1, Project Contribution to Future Traffic Noise Levels, to evaluate changes in traffic noise on McKinleyville Avenue south to School Road. Table 11-1 includes data which supports the conclusion that traffic noise impacts from the project on McKinleyville Avenue north of Hiller Road are less than significant. This is due to the fact the +4 dB traffic noise increase from the project would not cause future traffic noise levels to exceed 60 dB. Refer to the analysis on page 11-17 of the draft EIR for the criteria used to determine the significance of traffic noise impacts.

   Traffic volume information included in the traffic study shows that future traffic volumes from the proposed project on McKinleyville Avenue south of Heartwood Drive (the southernmost intersection on McKinleyville Avenue evaluated in the traffic study) of interest to the commenter would be no greater than the future project volumes on McKinleyville Avenue north of Hiller Road. In fact, the volumes are forecast to be about 11 percent lower during the AM peak traffic hour and 8 percent lower during the PM peak traffic hour than on the segment north of Hiller Road. Therefore, the project traffic noise increase on the road segments of interest to the commenter would be no greater (and very likely lower) than on the section of McKinleyville Avenue north of Hiller Road, or a maximum of +4 dB. The traffic study data also shows that future traffic volumes without the project on McKinleyville Road south of Heartwood Drive would also be no greater than for the segment of McKinleyville Drive north of Hiller Road. Consequently, associated traffic noise volume would or no greater than 55 dB as shown in Table 11-1 for McKinleyville Avenue north of Hiller Road. The +4 dB traffic noise increase from the project, when added to the 55 dB traffic noise level without the project, would not exceed 60 dB on the southern segment of McKinleyville Avenue to Washington Avenue to School Road of interest to the commenter. The associated project traffic noise impact would be less than significant.

Toxic air contaminants from traffic are primarily a concern when the source is heavy-duty diesel trucks. As described in draft EIR Section 5.0, Air Quality, the proposed project is not expected to generate a significant volume of new heavy-duty diesel truck traffic trips under operational conditions.

2. The commenter notes that traffic noise and emissions will lower property values.

   The comment does not address an environmental topic. No response is required.

3. The commenter asks to whom the significant unavoidable traffic noise impact identified for Railroad Avenue is acceptable.

   The draft EIR does not deem this impact to be acceptable. The determination that an environmental impact is significant and unavoidable requires the lead agency, in this case Humboldt County, to make a statement of overriding considerations that explains the reasons for approving a project despite such an impact. This statement typically takes the form of identifying how the economic, social, legal or technological benefits of a project outweigh the unavoidable adverse environmental impact. Only by making this finding may the unavoidable impact be considered acceptable from a CEQA perspective. See CEQA Guidelines section 15093, Statement of Overriding Consideration.

4. The commenter states that without a continuous left hand turn lane designed into the Central Avenue road diet cross-section, emergency vehicle response could be impeded.

   Comment noted. Refer to Master Response #2 in Table 2-1. County staff has since clarified that the depiction of the proposed Central Avenue road cross section in Figure 4-3, Planned Central Avenue Cross-Section, should be modified to show that the middle lane of the cross-section would be a continuous left-hand turn lane rather than a landscaped median with left-turn pockets. Refer to Section 3.0, Changes to the Draft EIR, where a revised version of Figure 4-3 is provided.

5. The commenter states that problems with reconfiguring Central Avenue will be exacerbated by the fact that there is no road parallel to Central Avenue on the east that would be an option to travel on Central Avenue.

   Comment noted. The comment does not address an environmental topic. No response is required.

6. The commenter suggests that bike lanes do not need to be wider to be safer, but rather should be separated from traffic.

Comment noted. Refer to Master Response #2 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

7. The commenter notes that Sections 2-5 and 2-6 of the draft EIR indicate that there are no areas of known controversy regarding the project and no issues to be resolved, but this is not the case. The commenter references as reconfiguring Central Avenue as a source of controversy.

   Refer to Master Response #3 in Table 2-1.

8. The commenter suggests that the mitigation measure for impacts associated with reducing construction equipment toxic air contaminants is inadequate and lacks enforcement oversight and describes a mitigation alternative that requires 25 percent of construction equipment to be electrically powered.

   The commenter is referencing mitigation measure 5-4, which requires that developers prepare a construction management plan that includes best management practices for reducing toxic contaminant air emissions from construction equipment. The measures are taken from regulatory guidance from the U.S. Environmental Protection Agency and California Air Resources Board. Local air districts, including the Bay Area Air Quality Management District, often reference similar factors as means to assure that construction TACs are minimized.

   To add oversight as suggested by the commenter, mitigation measure 5-4 has been refined to identify responsibilities for assuring that the management practices are implemented or accounted for. Please refer to Section 3.0, Changes to the Draft EIR. The County Department of Planning and Building is responsible for monitoring implementation of mitigation measures as described in the Mitigation Monitoring and Reporting Program that must be prepared for the project and approved by the Humboldt County Board of Supervisors as one of the resolutions that will be considered during the public hearing(s) to be held to consider whether or not to approve the proposed project. The Mitigation Monitoring Program will be available to the public as part of the Board of Supervisor's project consideration package prior to the first Board hearing on the project.

   The recommendation for alternative mitigation is acknowledged, as it is clear that electric-powered construction equipment would produce fewer toxic air contaminants. This recommendation can be considered by the Humboldt County Board of Supervisors as part of its deliberations to certify the EIR prior to making a decision to approve or disapprove the project.

9. The commenter states that neither the draft EIR nor the Town Center Ordinance address landscaping installation or maintenance costs and that without maintenance, aesthetic impacts are possible.

An EIR is not required to address funding for constructing or installing improvements associated with a proposed project, nor funding for maintaining project improvements. Funding for public or private improvements is a project implementation consideration except where such funding is required as part of a program adopted by a local agency that is designed to lessen a project's contribution to a cumulatively significant environmental impact. In such cases, the funding would be required pursuant to a uniformly applied policy or regulation adopted by the local agency that functions to mitigate the project's contribution to the cumulative impact.

10. The commenter states that mitigation measure 5-4 is doomed to failure for reasons noted in the comment.

    Refer to the response to comment #8 above.

11. The commenter states that mitigation measure 11-1 is unreasonable and insufficient because it does not provide recourse for negatively affected residents.

    Mitigation measure 11-1 has been changed to require that project applicants identify a construction noise coordinator who can be contacted by the County and/or local residents in any case where construction noise is deemed to be in violation of the construction best management practices identified in the mitigation measure. Refer to Section 3.0, Change to the Draft EIR.

12. The commenter states that the draft EIR conclusion for Impact 11-2 that the traffic noise increase on Railroad Avenue would be unavoidable is not true - the cause of the noise increase is more traffic on Railroad Avenue due to drivers avoiding Central Avenue due to the planned road diet improvements. This would also increase exposure to vehicle emissions.

    As described in draft EIR Section 11.0, Noise, the analysis of potential traffic noise and traffic associated air quality impacts on sensitive residential receptors, including sensitive receptors along Railroad Drive, is based on the volume of new vehicle trips projected to be distributed onto local roads at project buildout. The commenter does not provide evidence for concluding that traffic volumes on Railroad Drive would increase relative to those identified in the draft EIR due to trips diverted from Central Avenue due to driver choices. It would be speculative to determine if and to what degree the Central Avenue road diet might or might not change the behavior of drivers such that the distribution of vehicle trips onto Railroad Drive would increase relative to the analysis in the draft EIR. CEQA Guidelines section 15145, Speculation, notes that if a particular impact is too speculative for evaluation, this conclusion should be noted and the discussion of the impact should be terminated.

13. The commenter identifies that the effective mitigation to traffic noise increases on Railroad Drive would be to not reconfigure Central Avenue down to a single lane in each direction.

Refer to the response to comment #12 above.

14. The commenter suggests that the scope of the traffic analysis be expanded to include McKinleyville Avenue south to Washington Avenue, and Washington Avenue to School Road to accurately reflect the aggregate increase in traffic noise along these roads and to note that this may be a preferred route for construction vehicles to access the site.

    Refer to response to comment #1 above.

    Regarding construction traffic noise changes on the road segments of interest to the commenter, the draft EIR evaluates short-term construction noise effects for on-site construction activities starting on page 11-15. Construction noise impacts were determined to be less than significant with implementation of mitigation measure 11-1, which includes limiting the period of construction to the hours of 8:00 am to 5:00 pm. The project site would build out over many years. Construction traffic noise would be intermittent and would be of limited volume during the construction period for individual future projects. Construction traffic may utilize a range of routes to access the site, which suggests that construction traffic volumes on the road segments of the interest to the commenter would likely be even more limited and occur over a limited period of the day when construction activity is taking place. Volumes would be substantially below the project buildout volumes described above where traffic noise increases from the project were already found to be less than significant.

Letter 8 – Stacy Becker

From: Stacy Becker
To: CEQAResponses
Subject: McKinleyville Town Center Zoning Amendment
Date: Saturday, April 26, 2025 8:49:14 AM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1 Regarding the "road diet" portion of this EIR: YES! I have been a McKinleyville resident for 23 years and Central has always been more of a freeway than a town-centered, pedestrian-friendly road. This road tends to be a major critique of many - lending downtown McKinleyville it's "strip mall" feel. Chamber efforts have helped- maturing and blooming trees, flower baskets, all good for decorative/friendly touches, but nothing would make more of a difference than implementing the solutions suggested by this plan. Imagine a town center road that allows school children crossing without a fleet of school staff and parents acting as crossing guards...

Stacy Becker, McKinleyville, CA

Letter 8 – Stacy Becker

1. The commenter states support for the Central Avenue road diet design.

   See Master Response 1. No response required.

Letter 9 – Joyce Eggert

April 29, 2025

Attn: Long Range Planning Division,
Planning and Building Department

1 I very much disagree with the idea of reducing Central Avenue in McKinleyville to only 2 lanes. This plan would further delay downtown traffic that is already slow due to several traffic signals. I am in my 70s and live several miles away from the shopping center. There is no way other seniors nor myself can walk miles from home to shop and then return carrying purchases.

The idea that the majority of the community is in favor of this plan is false. It is an expensive waste of taxpayer money to revamp Central Avenue. I doubt significant numbers of the McKinleyville population want to walk to shop, and few would actually do so. I don't foresee anyone wanting to walk along Central Avenue in the wind and rain. The inconvenience will result in stores ending up with less business, not more.

This idea should definitely appear on a ballot so that everyone can get the chance to express their opinion of this boondoggle by voting.

Joyce Eggert

Joyce Eggert,
McKinleyville resident

Letter 9 – Joyce Eggert

1. The commenter disagrees with the idea of reducing Central Avenue to two lanes as proposed as part of the road diet design and feels the idea should appear on a ballot.

   Comment noted. Refer to Master Response #2 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

Letter 10 - Coalition for Responsible Transportation Priorities and Environmental Protection Information Center

May 7, 2025

Humboldt County Planning and Building Department
Long Range Planning
3015 H Street
Eureka, CA 95501

via email: CEQAresponses@co.humboldt.ca.us
cc: jford@co.humboldt.ca.us

RE: Draft McKinleyville Town Center Environmental Impact Report

Dear Humboldt County Planning and Building Department:

The Coalition for Responsible Transportation Priorities (CRTP) and the Environmental Protection Information Center (EPIC) appreciate the opportunity to comment on the McKinleyville Town Center Zoning Amendment Draft Environmental Impact Report (DEIR). We recognize and appreciate both the extensive public process and the significant investment of staff time that have led to the development of the Zoning Amendment, and we support many aspects of it, including the designation of the majority of the Town Center for mixed uses, the focus on walkable and bikeable design and pedestrian-friendly street frontages, the significant parking policy reforms, and the new street designs for bike and pedestrian safety.

Our comments herein are focused on improving the accuracy, completeness, and defensibility of the DEIR.

1

1. The EIR must clearly state that the county will not pursue the traffic study's recommended infrastructure changes, or must reassess impacts.

Appendix E to the DEIR is the Traffic Operations Study for the McKinleyville Town Center Project ("traffic study"). The sole purpose of this study is to predict future congestion at certain intersections in the vicinity of the Town Center, as measured by vehicular level of service (LOS), and recommend infrastructure changes at those intersections to reduce vehicular delay.

Vehicular congestion is no longer considered an environmental impact under CEQA, and LOS impacts are not considered in the main body of the DEIR. However, the traffic study is included as an appendix, and is relied upon in certain DEIR assessments, including the assessments of air quality, energy, noise, and transportation impacts. It is unclear whether these impact assessments use as inputs the traffic study's analysis of current conditions, projected future conditions, or projected future conditions with "mitigation" from the study's recommended delay-reducing

1 con't. infrastructure changes. Public statements from county staff since the release of the DEIR have asserted that the traffic study's recommended infrastructure changes are not part of the CEQA "project" and are not analyzed in the DEIR, but other public statements have strongly implied that the county intends to construct these changes at some point.

If the county intends to construct the traffic study's recommended infrastructure changes, then they are clearly part of the "project" for CEQA purposes. CEQA defines a project as the whole of an action with the potential for either a direct physical change in the environment, or a reasonably foreseeable indirect physical change. The traffic study's recommended infrastructure changes would clearly be a direct result of the development of the Town Center pursuant to the Zoning Amendment. The county must therefore either clearly commit not to construct the traffic study's recommended infrastructure changes, or must assess them in the EIR. Planning to construct the changes but putting off analysis to a future time would be a clear case of prohibited CEQA "piecemealing."

2 We strongly urge the county to take the option of committing not to construct those changes, because they work contrary to the objectives of the project. Stated objectives include designing Central Avenue to "ease pedestrian and bicycle traffic, including traffic calming measures" and designing "intersections and streets within the Town Center to facilitate pedestrian movement, provide bicycle connections to commercial areas and transit stops" (p.4-10 et seq.). Reducing congestion by definition results in increased vehicular speeds, the opposite of traffic calming. Furthermore, the specific changes recommended by the traffic study all pose some level of increased risk to bicycle and pedestrian travel:

- The traffic study recommends intersection signalizations and roundabouts as congestion relief measures. However, safely accommodating bicyclists and pedestrians at roundabouts requires features like pedestrian hybrid beacons, and safely accommodating these users at signalized intersections requires features like bike turn boxes, "no right on red" rules, and longer crossing times for pedestrians—all features which are likely to increase vehicular delay. If signalized intersections or roundabouts are designed to minimize vehicular delay, therefore, they will not have such features and will not be safe for bicyclists and pedestrians.
- The traffic study recommends turn pockets and slip lanes at several intersections. Turn pockets increase pedestrian crossing distance and require additional mixing zones between bicycle and car/truck traffic. Slip lanes have all of these effects as well as increasing turning speeds and decreasing driver attentiveness. Both features, while they decrease vehicular delay, are inherently dangerous for bicyclists and pedestrians.[1]

[1] See for example Jiang et al. 2020, Impact of right-turn channelization on pedestrian safety at signalized intersections, Accident Analysis & Prevention 136: https://www.sciencedirect.com/science/article/abs/pii/S0001457519308802.

3

- The traffic study recommends ending the Central Avenue lane reduction north of Heartwood Drive in order to increase vehicular capacity to the south. In contrast, CRTP supports—and many McKinleyville residents advocated for—the eventual continuation of the lane reduction throughout McKinleyville. The current street design results in higher-speed traffic and longer pedestrian crossing distances with less safe bike infrastructure, and any limitation on the lane reduction will allow these impacts to continue.

4 These recommended infrastructure changes result partly from the fact that the traffic study does not consider bicycle, pedestrian or transit LOS, Quality of Service, or level of traffic stress (LTS)—only vehicular LOS. If other modes of transportation had been considered, it would have been noted, for example, that pedestrians already often have to wait through more than one full signal cycle at signalized intersections on Central Avenue, a condition which if applied to vehicles would result in LOS F.

In fact, in adopting a target vehicular LOS, the county's General Plan Policy C-P5 also states that "Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible," a standard not met by the traffic study's proposed changes. Even the traffic study itself recommends changing county policy to allow more vehicular delay in the Town Center area, to improve safety and create a more pedestrian-friendly environment (see p.18).

5 We therefore again strongly urge the county to commit in the EIR *not* to construct the infrastructure changes recommended by the traffic study. However, if the county does intend to construct those changes, or fails to commit not to, then they are clearly part of the "project" for CEQA purposes, and their impacts must be analyzed. These impacts are different in nature than those already analyzed in the DEIR, necessitating substantial changes to the document. For example, CEQA guidance is clear that "Building new roadways, adding roadway capacity in congested areas, or adding roadway capacity to areas where congestion is expected in the future, typically induces additional vehicle travel."[2] Therefore, if these capacity-increasing changes are included in the Town Center project, the EIR's vehicle miles traveled (VMT) assessment must be revisited, as the projects are likely to induce additional VMT. Furthermore, in light of the

6 safety hazards discussed above, the EIR would also have to revisit its assessment of whether, per the CEQA Guidelines Checklist, the project would "substantially increase [transportation] hazards due to a design feature" or "decrease the performance or safety of [bicycle and pedestrian] facilities."

Finally, we note that the traffic study itself is flawed in the following ways:

[2] Governor's Office of Planning and Research. April 2018. Technical Advisory on Evaluation Transportation Impacts in CEQA. See https://lci.ca.gov/docs/20180416-743_Technical_Advisory_4.16.18.pdf.

7

- The study states that traffic volumes "were assigned to project area roadways based on existing travel patterns." Existing travel patterns will clearly change as the Town Center project is built out, so this assumption is fundamentally flawed.
- The study uses the Humboldt County Travel Demand Model to estimate trip generation, but such models are notoriously bad at accounting for factors such as induced travel or travel evaporation,[3] both core features of transportation behavior related to changing land use and infrastructure. The study appears not to include any consideration, for example, of planned public transit improvements or transportation demand management measures included in the Town Center Zoning Amendments. In fact, the study admits that the model is "somewhat insensitive to roadway design and context" (p.8).
- The study analyzes only peak hour vehicular traffic, meaning that any proposed changes are focused on temporary vehicular delays occurring during a very small period of time on any given weekday. The study does not assess traffic conditions at any other times in order to offer other possibilities for prioritizing infrastructure investments.

2. The vehicle miles traveled (VMT) analysis in the DEIR is not credible.

8

The DEIR relies on the Humboldt County Travel Demand Model to assess VMT impacts. As noted above, such models are known to fail when it comes to predicting induced travel and travel evaporation in response to changes in vehicular capacity and other infrastructure and/or land use changes. Furthermore, the result of the VMT analysis—asserting that the per capita VMT in the Town Center would be 3.3 (less than 20% of the countywide average) and the per employee VMT would be 2.2 (15% of the countywide average)—are extremely dubious.

It is patently clear that per capita VMT varies significantly in different areas of the county. Research generally finds that VMT is lower in both more densely developed areas, areas with a mix of uses, and near town or city centers,[4] all of which would suggest that the county's lowest VMT would be found near downtown Eureka. It is also without doubt that future McKinleyville Town Center development will have lower VMT than the countywide average, given the plan for higher density and a mixture of uses in the Town Center. However, a five- to six-fold difference in per capita VMT between the Town Center and the countywide average strains credulity.[5]

[3] See for example Volker et al., 2020, Induced travel in the environmental review process, Transportation Research Record: https://journals.sagepub.com/doi/10.1177/0361198120923365. Excerpt: "…travel demand models do not typically include all of the feedback loops necessary to accurately predict the induced travel effect."

[4] See for example Buehler, 2011, Determinants of transport mode choice: a comparison of Germany and the USA, Journal of Transport Geography 19: https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=47c58200b85b7f5a3db2b879cf75b52c4c8e0055.

[5] For comparison, a recent national analysis found a difference of about 37% in per capita VMT between core urban counties and completely rural counties in the US. Ngo et al., 2024, The impact of urban form on the relationship between vehicle miles traveled and air pollution, Transportation Research Interdisciplinary Perspectives 28: https://www.sciencedirect.com/science/article/pii/S2590198224002744.

8 con't. Another recent document produced for the county, the Humboldt County VMT Study by Fehr & Peers, used commercial mobile phone location data to estimate VMT in different parts of the county, and found a range of residential per capita VMT from 13.7 in Eureka up to 27.9 in Ferndale. While the data used for the Fehr & Peers study, like the travel demand model, also suffer from limitations and weaknesses, and direct comparisons would be inadvisable, the result of the Fehr & Peers study seems somewhat more credible than the DEIR's results.

9 Furthermore, we object to the use of the countywide average as the baseline for VMT analysis. As both the DEIR and the Fehr & Peers study show, and as suggested by a large body of academic research, there is significant variation in per capita VMT in different parts of the county with different development patterns. A countywide average that combines such widely varying numbers results in a relatively meaningless figure. A more defensible approach would be to compare future Town Center VMT with current VMT in the McKinleyville area, not the countywide average.

10 Finally, since the VMT assessment was also the basis for the DEIR's greenhouse gas (GHG) impact assessment, the GHG assessment must also be revisited.

3. The DEIR's noise impact analysis must consider traffic calming as a mitigation measure, but must rule out building setbacks as mitigation.

11 The DEIR concludes that the project's noise impact on sensitive receptors on Railroad Drive will be significant and unavoidable (Impact 11-2), as well as cumulatively significant and unavoidable (p.18-16). The conclusion that the impact is unavoidable relies on an assertion that there are no feasible mitigations measures which could reduce the impact below the level of significance. However, the DEIR considers only three kinds of mitigation measure: soundwalls, "quieter" paving materials, and extra insulation (p.11-20). This analysis fails to consider one of the most effective potential mitigation measures: traffic calming.

Road noise is typically dominated by the noise of tires on pavement, which is proportional to the speed of traffic.[6] Slower traffic produces significantly less noise. Road design features which reduce vehicle speeds are well known and certainly feasible on Railroad Drive. Therefore, the DEIR must require traffic calming on Railroad Drive as a mitigation measure for significant noise impacts. Traffic calming should also be incorporated into the required mitigation for Impact 11-3, traffic noise impacts to future sensitive receptors on Central Avenue.

Additionally, the DEIR suggests building setbacks as mitigations measures for noise Impacts 11-3 and 11-4. However, building setbacks and frontages are specifically regulated in the Town Center Zoning Amendment. Additional setbacks would significantly modify the project by effectively reducing development density and pushing buildings away from the sidewalk, negatively impacting the pedestrian realm and creating a more car-dominated landscape. These

[6] See for example: https://environment.transportation.org/focus-areas/noise/noise-overview/.

11 con't. changes would undermine the project's objectives, which call for key features like "higher density housing," "a full range of commercial uses," "pedestrian-oriented neighborhoods and commercial areas," and "human-scale residential and commercial areas" (p.4-10 et seq.). Setbacks are therefore not an appropriate mitigation measure.

12 Finally, the DEIR's noise impact assessment is based on the traffic study, which as discussed above has significant flaws. It is unclear whether the noise assessment assumes the implementation of the infrastructure changes recommended by the traffic study (p.11-17), which would increase traffic capacity and speed, and therefore noise.

4. The county's CEQA tiering intentions must be clarified.

13 The DEIR states that future projects in "substantial compliance" with the Zoning Amendment will receive ministerial approval, and "no new CEQA documentation would be required" if the development capacity is consistent with the levels contemplated in the EIR (p.4-21). While "tiering" is allowed under CEQA, it "does not excuse the lead agency from adequately analyzing reasonably foreseeable significant environmental effects of the project."[7] Tiered projects are not exempt from CEQA documentation, but rather their impacts may be subject to less scrutiny only if they have already been contemplated in the original EIR. It is certainly possible to envision future projects in the Town Center area which are consistent with the Zoning Amendment, or for which the Zoning Amendment is irrelevant, but which have specific impacts that are not foreseen or contemplated in this DEIR. The EIR should clarify that tiering does not exempt future projects from CEQA entirely, and that projects with impacts unforeseen in the present EIR are not subject to tiering.

5. The VMT, greenhouse gas (GHG), and air quality effects of parking policies should be acknowledged in the DEIR.

14 The DEIR acknowledges that the Zoning Amendment eliminates off-street parking requirements for non-residential uses (p.13-13). This is accurate. However, the Zoning Amendment also eliminates off-street parking requirements for residential uses, and in fact includes a maximum parking ratio for residential uses (see Section 5.1.2 of the Zoning Amendment).

The elimination of parking minimums and creation of new parking maximums, along with other parking reforms in the Zoning Amendment, are transportation demand measures which will likely reduce vehicular travel, since residential parking availability is strongly correlated with

[7] CEQA Guidelines 15152(b)

14 con't. mode choice.[8] This effect should be considered in the DEIR's assessments of air quality PM-10 impacts (p.5-18), VMT impacts (p.5-22), and GHG impacts (p.9-16).

6. The DEIR's alternatives analysis is flawed.

15 The DEIR's statutorily required alternatives analysis considers an option of reduced density and intensity of development (Alternative 2), but does not consider an analysis of increased density. Increasing density—while further investing in pedestrian and bicycle infrastructure, improved transit service, and traffic calming—is a feasible option that would go even further toward accomplishing the project's objectives, and as such should be analyzed in the EIR.

16 Furthermore, the analysis of Alternative 2—the only alternative considered aside from the No Project alternative—is deeply flawed. The DEIR asserts that Alternative 2 would reduce VMT, and therefore reduce impacts to transportation, air quality, and other related areas. However, as discussed above, the relevant transportation metric is VMT per capita, not overall VMT, and lower development densities are associated with higher per capita VMT. Thus, Alternative 2 would clearly increase transportation impacts, and likely impacts to air quality and other related areas. This fundamentally undermines the DEIR's claim that Alternative 2 is the Environmentally Superior Alternative.

Thank you for your consideration.

Sincerely,

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[8] See for example Millard-Ball and West, 2020, Residential parking supply has a stronger influence on household travel choices relative to a neighborhood's walkability and access to transit, Policy Brief: https://escholarship.org/content/qt0nq3t3x3/qt0nq3t3x3.pdf.

Letter 10 – Coalition for Responsible Transportation Priorities and Environmental Protection Information Center

1. The EIR must clearly state that the County will not pursue the traffic improvements included in Appendix E of the draft EIR or must reassess impacts. The traffic study is not considered in the main body of the draft EIR, but is relied on in certain draft EIR assessments, including air quality, energy, noise, and transportation. It is unclear whether these assessments as based on future conditions that include the mitigations from the traffic study. If the County intends to construct the improvement identified in the traffic study, the draft EIR must evaluate the impacts of the improvements.

   As noted in Master Response #2 in Table 2-1, the traffic study was not prepared as a basis to address potential transportation impacts of the proposed project. It was prepared in significant part, to disclose the effects of the proposed road diets for Central Avenue and Hiller Road on traffic operations – that is, on changes in vehicle delays resulting from implementing the proposed road diet changes, and to identify traffic improvements (e.g., intersection signalization, roundabouts, etc.) that could mitigate increases in delay that are not consistent County policy.

   The EIR assessments to which the commenter refers do, in part, reference the vehicle trip generation and distribution projections prepared for the project that are included in the traffic study, but do not reference or rely on any part of the traffic study analyses related to changes in vehicle delay (e.g., level of service) projected to result from the road diets. Nor do the assessments rely in whole or part on the traffic operations improvements identified in the traffic study that are recommended to ensure that vehicle delay would not exceed acceptable levels with the contribution of new traffic from the proposed project to the local road network.

   Were the County to consider the traffic study improvements necessary as a means to address CEQA-associated impacts of the proposed project, which do not include vehicle delay/level of service, the improvements would be considered part of the project. In that case, it would be necessary to evaluate the environmental effects of constructing and operating these improvements. The draft EIR does not do so because the County is not proposing that the improvements be constructed. The McKinleyville Municipal Advisory Committee requested that a traffic operations analysis be conducted solely to understand the effects of the proposed road diet on traffic operations. The traffic study results were not intended to be a consideration in or a component of the CEQA analysis for the project.

2. The commenter states that the County should not commit to constructing the traffic improvements identified in the traffic study because they would work contrary to the objectives of the project. The recommended intersection signalizations and roundabout improvements, as well as other recommendations regarding turn pockets and slip lanes would require features that

assure pedestrian and bicycle safety, but at the same time, those features would increase vehicle delay. If the improvements are solely intended to reduce vehicle delay, then bicycle and pedestrian safety could be compromised.

Refer to the response to comment #1 above. The improvements recommended in the traffic study are not being proposed for implementation by the County. Consequently, the commenter's concerns about pedestrian and bicycle safety would not be at issue.

3. The commenter supports continuing the Central Avenue road diet (Central Avenue lane reduction) throughout McKinleyville. The current street design results in higher-speed traffic and longer pedestrian crossing distances with less safe bike infrastructure.

   Comment noted. Refer to Master Response #2. This recommendation can be considered by the Humboldt County Board of Supervisors as part of its deliberations in deciding to approve or disapprove the project.

4. The commenter states that the recommended infrastructure improvements in the traffic study result partly from the fact that the traffic study does not consider bicycle, pedestrian or transit LOS, Quality of Service, or level of traffic stress (LTS) – only vehicular LOS. If other modes of transportation had been considered, it would have been noted, for example, that pedestrians already often have to wait through more than one full signal cycle at signalized intersections on Central Avenue, a condition which if applied to vehicles would result in LOS F. In fact, in adopting a target vehicular LOS, the County's General Plan Policy C-P5 also states that "Level of Service improvements for automobiles should not adversely affect Level of Service and/or Quality of Service for other modes of transportation, if possible," a standard not met by the traffic study's proposed changes. Even the traffic study itself recommends changing county policy to allow more vehicular delay in the Town Center area, to improve safety and create a more pedestrian-friendly environment (see p.18).

   Refer to Master Response #2 in Table 2-1.

   The commenter is suggesting that a quantitative analysis be applied to assess the quality of transportation modes other than motor vehicles. Such analysis would be relevant to the CEQA process only in terms of policy consistency, though would otherwise be useful information in helping to understand the project area's transportation system if the project is implemented. The Humboldt County General Plan acknowledges the need for this type of analysis as indicated in Policies C-P5, C-P27, and C-S7. As noted by the commenter, there are numerous methodologies that could potentially be used for this type of analysis. However, there is no generally accepted standard for these analyses - local agencies have taken a range of approaches in applying them. To date, Humboldt County has not adopted standards or performance goals for multimodal

analysis. Further, the Q-Zone Ordinance provides plan level development direction and does not include detailed roadway designs. This limits the ability to apply these types of analyses.

A major emphasis of the project is to encourage use of non-vehicle transportation options, and the project does include a number of physical improvements to further this goal as described in draft EIR Section 4.0, Project Description.

5. The commenter urges the County not to commit to constructing the Central Avenue traffic improvements recommended in the traffic study. If the County intends to construct the improvements, the impacts of the improvements must be evaluated in the EIR, particularly the potential that the improvements could induce travel, thereby increasing vehicle miles traveled - an effect that is not considered in the draft EIR. Pedestrian and bicycle safety impacts of the improvements would also need to be evaluated.

   Refer to response #1 above. The County is not planning to construct the noted improvements.

6. The commenter notes that if the capacity-increasing changes included in the traffic study are included in the Town Center project, the EIR's vehicle miles traveled (VMT) assessment must be revisited, as the projects are likely to induce additional VMT. Furthermore, in light of the safety hazards discussed above, the EIR would also have to revisit its assessment of whether, per the CEQA Guidelines Checklist, the project would "substantially increase [transportation] hazards due to a design feature" or "decrease the performance or safety of [bicycle and pedestrian] facilities."

   See the response to comment #1 above. The recommended improvements identified in the traffic study are not part of the proposed project. There is no need to revisit other related analyses in the draft EIR.

7 and 8. The commenter states that the traffic analysis is flawed because it:

- states that traffic volumes "were assigned to project area roadways based on existing travel patterns." Existing travel patterns will clearly change as the Town Center project is built out, so this assumption is fundamentally flawed;
- uses the Humboldt County Travel Demand Model to estimate trip generation, but such models are notoriously bad at accounting for factors such as induced travel or travel evaporation, both core features of transportation behavior related to changing land use and infrastructure. The study appears not to include any consideration, for example, of planned public transit improvements or transportation demand management measures included in the Town Center Zoning Amendments. In fact, the study admits that the model is "somewhat insensitive to roadway design and context" (p.8); and

- analyzes only peak hour vehicular traffic, meaning that any proposed changes are focused on temporary vehicular delays occurring during a very small period of time on any given weekday. The study does not assess traffic conditions at any other times in order to offer other possibilities for prioritizing infrastructure investments.

Regarding trip distribution assessment, the comment pertains to the traffic operations analysis which, as noted previously, is not part of the CEQA analysis. The description of trip assignment in the traffic operations study is correct though is intended to refer to regional distribution (for example, the proportions of traffic ultimately destined to the north, south, east, west, and within McKinleyville). This regional assignment was also calibrated in consideration of output obtained from the Humboldt County Travel Demand Model. Project-generated volumes were then assigned at a finer-grained level to local streets in consideration of the circulation network that would exist in the future with implementation of the project.

Regarding trip generation estimates using the County Travel Demand Model, this comment also pertains to the traffic operations analysis which, as noted previously, is not part of the CEQA analysis. As tools designed for use in high level and regional analysis, transportation demand models are generally based on the mix and density of land uses, as well as the capacity and connectivity of the roadway network, and these are the standard tools used in planning to evaluate projects such as the Town Center (as well as larger scale analyses such as general plans). As such, they are by their nature not highly responsive to detailed design elements. Since specific development projects are not proposed at this time and the nuances of particular future land uses could not be accounted for, the model was used for the trip generation estimate. While the project includes a transit center, the characteristics of the future transit service and the associated infrastructure are not currently known at a high level of precision. Transportation demand management is also difficult to quantify given the general nature of the analysis, since such programs need to be specifically designed based on the land uses they would serve.

It is noted that the model does account for "internal capture" trips. By introducing residential, office, and retail development in the Town Center, there would be increased job and shopping opportunities for McKinleyville residents and workers to meet many of their needs locally. As a result, while existing residents may currently need to travel to Arcata or Eureka to access various services, the availability of new services in McKinleyville would enable future Town Center residents and employees to use modes other than personal vehicles, as destinations could be more conveniently accessed by walking, bicycling, or transit.

With respect to concerns regarding the model's ability to account for induced travel demand, this phenomenon is associated with major roadway capacity improvements that may influence traveler choices on when and how often to drive their automobiles. The proposed project includes no such major roadway capacity increasing components, and in fact is supportive of

strategies such as a future road diet that will reduce roadway capacity. Accordingly, there are no anticipated effects on induced demand associated with the project.

Regarding analysis of peak hour traffic volumes, the comment pertains to the traffic operations analysis which, as noted previously, is not part of the CEQA analysis. The commenter is correct that such an approach focuses on the project's effects on traffic patterns during two select peak periods. However, this approach is the standard methodology for conducting transportation impact analyses in Humboldt County, throughout California, and nationally, and is required to assess General Plan LOS criteria. Since the a.m. and p.m. commute hours are when the road network is most heavily used, this approach is intended to provide insight into the levels of vehicle delay that would be expected during these periods.

9. The commenter objects to the use of the countywide average as the baseline for VMT analysis. As both the draft EIR and the Fehr & Peers study show, and as suggested by a large body of academic research, there is significant variation in per capita VMT in different parts of the county with different development patterns. A countywide average that combines such widely varying numbers results in a relatively meaningless figure. A more defensible approach would be to compare future Town Center VMT with current VMT in the McKinleyville area, not the countywide average.

   The countywide average was used as the baseline for the VMT analysis based on best practices and available guidance. The *Technical Advisory on Evaluating Transportation Impacts in CEQA*, Governor's Office of Planning Research, 2018 (referred to as the Technical Advisory), identifies travel demand models as one of the tools to use in evaluating VMT. For residential projects, the Technical Advisory recommends comparing projects to a citywide or regional average, while the regional average is recommended as the baseline for office projects. As the commenter indicates, conditions do vary considerably throughout the county, but this is part of the rationale of using the countywide average as a point of comparison – the intent of SB 743 is to identify locations that would result in relatively efficient trip patterns and would result in reduced levels of VMT onto the regional network. In Humboldt County, those locations are typically where existing development patterns are densest, including communities such as Eureka, Arcata, and McKinleyville. Comparing the project's forecast VMT per capita to the Humboldt countywide average appropriately recognizes these location-based efficiencies in a manner that is consistent with SB 743 and guidance contained in the Technical Advisory.

   The Humboldt County VMT Study referenced by the commenter was completed in July 2024, after the modeling for the VMT analysis for the draft EIR was conducted. The study uses a very different approach than a travel demand model, as it is based on "big data" collected via apps used in mobile devices. As a result, the data reflect real-world travel patterns, while travel demand models are based on population, land use data, and the characteristics of the roadway

network. While the VMT Study provides valuable insights into current travel patterns in Humboldt County, and is currently used to evaluate impacts for development projects, it only reflects travel patterns under existing conditions and is not a travel forecasting tool. Further, much of the existing development in the vicinity of the Town Center is single-family residential, as well as retail development on parcels along the Central Avenue corridor. Given that the Town Center project would be substantially different as a result of the increased density and additional commercial uses, the use of current day "big data" VMT metrics would be unlikely to accurately reflect future trip patterns associated with the proposed project.

Regarding the use of an appropriate level of geography for a baseline, the Humboldt County VMT Study includes examples of how its recommended approach can be applied to assessing project level VMT, and the examples in unincorporated Humboldt County use the countywide average as the baseline. The use of the countywide average as the baseline in the Town Center draft EIR is consistent with this approach.

10. The commenter states that since the VMT assessment was also the basis for the GHG assessment, if the VMT assessment changes, the GHG analysis must be revisited

    Comment noted. The component of the GHG analysis that relies on the VMT analysis is concerned only about whether the VMT per capita impact of the project is less than significant or less than significant with mitigation, not the absolute VMT per capita value. The draft EIR determination that the VMT impact is less than significant remains valid. Therefore, no changes to the GHG analysis are required.

11. The commenter identifies that the noise analysis in the draft EIR must consider traffic calming as a mitigation measure for the traffic noise impact on Railroad Drive but rule out setbacks as mitigation.

    Traffic calming measures were considered as a possible mitigation approach for the unavoidable traffic noise impact identified on Railroad Drive. A traffic calming mitigation was not included for several reasons. Traffic calming is intended to reduce vehicle speeds, typically to improve bicycle and pedestrian safety. Reducing speeds can also reduce noise from passenger vehicles, as the primary source of traffic noise from such vehicles is tire friction as a vehicle travels along a roadway. The posted speed limit on Railroad Drive is 25 miles per hour. This is a low-speed limit common to neighborhood collector streets that inherently would limit traffic noise from tire friction. Second, a multitude of variables affect the extent to which traffic noise can be reduced by employing traffic calming features on a roadway. These include, but are not limited to: existing speed limit on a roadway, type(s) of traffic calming measures employed, mix of vehicle types using the roadway, distance between calming features, effects of calming measures on traffic acceleration/deceleration, etc. In some cases, use of traffic calming measures such as

speed bumps can actually increase the volume of air emissions from vehicles by causing drivers to decelerate before a bump and accelerate after crossing the bump. In short, highly detailed analysis would have been necessary to determine an appropriate type/mix of traffic calming measures that would have required to effectively reduce traffic noise without potentially increasing air emissions, and the nominal speed reduction that may have been possible through employing such measures would not likely have had a measurable noise reduction benefit given that the low-speed limit on Railroad Drive already limits vehicle noise levels.

12. The commenter notes that the noise assessment is based on the traffic study, which is flawed, and it is unclear whether the noise assessment assumes implementation of the Central Avenue improvements recommended in the traffic study.

    The noise assessment does not assume implementation of Central Avenue improvements identified in the traffic study. Refer to the response to comment #1 above.

13. The commenter states that the County's CEQA tiering intentions must be clarified as the draft EIR states that no new CEQA documentation would be required for future projects if their respective development capacities are consistent with those identified in the draft EIR. The EIR should clarify that tiering does not exempt future projects from CEQA entirely, and that projects with impacts unforeseen in the present EIR are not subject to tiering.

    Draft EIR Section 1.3, Type of EIR, summarizes the context for the potential to tier CEQA for future individual projects from the draft EIR, which functions as a program EIR. CEQA Guidelines section 15168(c), identifies how a program EIR may be used to determine whether future individual projects require additional environmental documentation. Section 15168(c)(1) states that additional CEQA documentation would be required for such projects if they would have effects that were not examined in a program EIR. Sections 15168(c)(2) and 15168(c)(5) state that no new environmental documentation would be required if such projects are within the scope of the project covered in a program EIR. Factors which determine whether a future project is within the program EIR scope include consistency with land use and overall density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure as described in the program EIR.

    On page 4-21, the draft EIR states no further environmental documentation would be required for future projects that are within the overall development capacity for the project site as identified in the draft EIR. This statement is intended to be analogous to the guidance in CEQA Guidelines sections 15168(c)(2) and 15168(c)(5) as noted above, as development capacity is a function of density and building intensity. It is agreed that future individual projects which are not consistent with the land use, overall development capacity or residential densities and/or building intensities identified in the draft EIR, or which may otherwise not have been foreseen

as part of the program of development identified in the Q-Zone Ordinance and evaluated in the draft EIR, could give rise to environmental impacts not addressed in the draft EIR. Such projects would require further environmental review, e.g., preparation of an initial study (or use of a similar checklist or screening tool) to determine whether new or more severe impacts than addressed in the draft EIR could occur. If so, a mitigated negative declaration or EIR may be required.

It is important to note that the town center ordinance is specific about the types of uses permitted and those requiring additional permitting. Permitted uses and the development associated with them do not require additional discretionary review, provided the development complies with the Town Center Ordinance and the projections in this EIR. Such ministerial projects are exempt from additional CEQA review. Projects requiring discretionary permits are subject to CEQA and may be adequately addressed by this EIR but may also require additional environmental review as discussed above.

14. The commenter notes that the parking regulations in the Q-Zone Ordinance function as transportation demand measures which will likely reduce vehicle travel. The benefits of these regulations should be considered in the air quality, GHG, and VMT impact analyses in the draft EIR.

    Comment noted. It is agreed that the parking regulations do provide environmental benefit in the form of reduced air emissions, reduced GHG emissions, and reduced VMT. Based on uncertainty with regards to how the benefits from these regulations can be isolated and quantified, no attempt was made to do so in the associated sections of the draft EIR. Therefore, the associated analyses in the draft EIR are conservative.

15. The commenter states that the draft EIR does not consider an increased density alternative. Such an alternative could go further towards achieving the project objectives and should be analyzed.

    The choice about the range of alternatives to be discussed in an EIR is at the discretion of the lead agency, in this case the County of Humboldt, subject to the following guidance provided in CEQA Guidelines section 15125.6(f), Consideration and Discussion of Alternatives to the Proposed Project:

    > Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making.

The draft EIR is not flawed because it doesn't evaluate a higher density alternative. An EIR is not required to consider every conceivable alternative to a project. The alternatives selected by the County are its effort to foster informed public participation and informed decision making.

The primary consideration for selecting alternatives is whether they would avoid or substantially lessen any of the significant effects of the project. An additional consideration is the extent to which an alternative reduces one or more significant unavoidable impacts of the project to less than significant versus lessening the significance of an impact that is already reduced to less than significant by implementation of mitigation measures. This "priority" on avoiding significant unavoidable impacts is based on CEQA Guidelines section 15126.6(a), which states in part:

> "Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation".

"Significant impacts" here are impacts that have been identified as unavoidable. For the proposed project, the only significant unavoidable impact is traffic noise on Railroad Drive. Alternative 2, Reduced Project Scale, was defined based on its ability to substantially lessen or avoid the significant unavoidable impact and secondarily, to lessen the significance of significant, mitigable impacts. Defining alternatives based on their potential to "further accomplish the project's objectives" as suggested by the commenter is not a criterion for selecting alternatives for analysis.

The commenter's desire that an alternative be evaluated that increases density would appear to also result in an increase in total residential development capacity. Increased development capacity has the potential to result in increased vehicle trip volume, including increased vehicle trip volume on Railroad Drive. This would have the potential of worsening the significant unavoidable traffic noise and would be contrary to the priority for selecting alternatives.

16. The commenter states that the analysis of Alternative 2 is flawed because it concludes that the alternative would reduce total VMT and associated transportation, air quality and other impacts, when the appropriate metric for evaluating VMT impacts is VMT per capita, not total VMT.

    It is agreed that lower residential development densities tend to produce higher VMT per capita. Footnote 2 in Table 20-2, Reduced Project Scale Development Capacity, in the draft EIR, identifies the reduction in development capacity assumed for Alternative 2 to be 20 percent. The actual reduction is development capacity based, not development density based. However, the

text preceding the table does state that residential density is being reduced as part of the alternative – this is incorrect. The text has been modified to ensure consistency with the actual approach to defining the alternative – reducing development capacity versus reducing development density. Refer to Section 3.0, Changes to the Draft EIR. Also, an error in Table 20-1 has been identified. Total reduced scale residential development capacity should be 2,120 multiple-family dwelling units, not 1,880 units, a reduction of 530 units relative to the proposed project, not 770 units as shown in the table. Changes to Table 20-1 are also identified in Section 3.0, Changes to the Draft EIR. The change does not materially affect the impact analysis for this alternative or the conclusion that it is the environmentally superior alternative.

Letter 11 - McKinleyville Community Services District

May 8, 2025

Humboldt County Planning and Building Department
Long Range Planning Division
3015 H Street
Eureka, CA 95501
Sent via email: CEQAresponses@co.humboldt.ca.us

RE: McKinleyville Town Center DEIR Comments
SCH # 2024031111

To Whom it May Concern:

On April 10, 2025, the McKinleyville Community Services District (MCSD or District) received a Notice of Availability (NOA) for the Draft Environmental Impact Report (DEIR) from the Humboldt County Planning and Building Department (County or Lead Agency) for the McKinleyville Town Center Zoning Amendment (Project), State Clearing House # 2024031111. MCSD appreciates the opportunity to provide feedback and understands the Lead Agency will accept comments through May 27, 2025. As the Agency that provides water, sewer, streetlights and Parks & Recreation services to the community of McKinleyville, MCSD has jurisdiction over these services and the related infrastructure associated with them. MCSD offers the following comments and recommendations in our role as Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.). These comments are intended to minimize Project impacts on public resources.

Project Description
The County is proposing rezoning actions that would implement the vision and policies in the General Plan and the McKinleyville Community Plan for developing a Town Center in McKinleyville. The McKinleyville Community Plan identifies the Town Center location, which is illustrated and described in the DEIR. The rezoning actions would: 1) change existing zoning from a combination of residential, commercial, and public facility classifications to Mixed Use; and 2) apply Q-Zone combining zone regulations that modify the underlying Mixed-Use regulations, and that are intended to facilitate development design consistent with the Town Center vision.

The Town Center site is approximately 134 acres in size. New development capacity would be limited to vacant areas of the site, nearly all of which are located west of Central Avenue. As such, the DEIR focuses on environmental setting conditions in the vacant area west of Central Avenue and the impacts of developing that area. Up to 2,650 multi-family residential dwelling units, 632,800 square feet of retail/commercial building, and 271,200 square feet of office building capacity is being assumed. Existing developed portions of the site could redevelop over time, but it is assumed that such projects would not increase the existing number of residential units and/or amount of nonresidential building square footage on the subject sites.

The proposed project also includes a general plan amendment that would modify the definition of a wetland found in the McKinleyville Community Plan to ensure the definition is consistent with definition in the General Plan.

Once the County approves the rezoning and general plan amendment actions, it would be possible

for the County to consider applications for individual projects within the site. At this time, the County has been in discussions with Life Plan Humboldt about its intent to develop a senior, aging-in-place project on about 15 acres of vacant land located south of Hiller Road. This is the only "reasonably foreseeable" individual project being considered within the project site as known to the County as of the date of the DEIR. Individual future projects proposed within the site that are consistent with the proposed zoning would not require further CEQA review. Projects which are not consistent may require further CEQA review, subject to the discretion of the Humboldt County Director of Planning and Building.

1 **Potential Impacts**

In general, the McKinleyville CSD is very supportive of this project and feels like the DEIR adequately addresses all potential impacts from this important addition to McKinleyville. MCSD offers the following comments in our role as Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.).

Section 14.0 – Water Demand & Supply

The District worked closely with EMC Planning Group on this section of the DEIR. MCSD feels the analysis of potential impacts and the mitigation measure presented in the Section, more than adequately address the potential effects of the project. The District has been working with Life Plan Humboldt on the necessary water system upgrades to service that project, and as stated in the DEIR, the District will work with the owners of any future development to address specific project needs related to the water supply system.

Section 15.0 – Wastewater

The District worked closely with EMC Planning Group on this section of the DEIR. MCSD feels the analysis of potential impacts and the mitigation measure presented in the Section more than adequately address the potential effects of the project. The District has been working with Life Plan Humboldt on the necessary wastewater system upgrades to service that project, and as stated in the DEIR, the District will work with the owners of any future development to address specific project needs related to the wastewater system.

Section 16.7 – Parks & Recreation

MCSD feels the analysis of potential impacts presented in the Section more than adequately address the potential effects of the project. The District will continue to work with the County on the allocation of Quimby[1] funds generated from the Town Center to further develop and improve the Parks in McKinleyville.

Section 16.0 – Transportation

The District has extensive water and sanitary sewer infrastructure under all the existing roads within the Town Center boundary. Routine maintenance of these facilities frequently requires District vehicles and personnel to occupy one or more existing travel lanes on these roads and detour traffic around the work. The lack of through roads in McKinleyville frequently does not allow detours to adjacent roadways to get around the work and requires occupying travel lanes on the existing roads including reversing the flow of travel in the lanes or using turn lanes as travel lanes.

[1] The Quimby Act, which is within the Subdivision Map Act, authorized the legislative body of a city or county to require the dedication of land or to impose fees for park or recreational purposes as a condition to the approval of a tentative map or parcel subdivision map if specified requirements are met.

The District is fully aware of the need to help further ensure the safety of pedestrians and bicyclists along all the roads in McKinleyville and is aware of the potential conflicts between various modes of travel. The District does not have concerns about the proposed improvements detailed in the DEIR for Hiller Avenue or the other roads surrounding the Town Center. We feel these changes can be designed with minimal impact to District access to our infrastructure and feel that the proposed changes to Hiller would make our work, and the Public's interaction with our work, safer.

2 The District is, however, concerned with the proposed modifications to Central Avenue and potential impacts to the District's ability to access and maintain our water and sewer infrastructure under Central Avenue. The District has two water mains that run under Central Avenue as well as a sanitary sewer main that carries much of the wastewater flow from the east side of McKinleyville to our Wastewater Treatment Plant on the west end of Hiller Avenue. Potable water, firefighting water and sanitary sewer laterals come off the east and west sides of the associated mains and cross Central Avenue to service the businesses and residences.

Much of the existing commercial development along this portion of Central Avenue consists of restaurants and fast-food franchises. Although the District has a well-developed Fats-Oils-Grease (FOG) program to reduce the impacts of these constituents on the sanitary sewer system, this section of the sanitary sewer system requires the most routine maintenance. Routine maintenance consists of cleaning the sanitary sewer main a minimum of four times a year. When this work is performed, the District's equipment occupies one travel lane of Central Avenue and traffic is directed around the work using the other existing travel lane.

It is unclear from "Figure 4-3, Planned Central Avenue Cross Section" where our sewer main is located with respect to the proposed improvements, but the sewer main likely crosses under the easternmost proposed Landscape, under the Class 1 bikeway, under the next landscape buffer and under the northbound travel lane. This layout would make maintenance difficult and any repairs requiring the excavation of the sewer main would mean excavating through these features, increasing the repair costs significantly.

Routine maintenance for the water system consists of annual valve exercising. This takes place for one to two weeks of the year. Again, the District's vehicles occupy one of the travel lanes and the traffic is diverted to the other lane. With the loss of one travel lane, traffic will be diverted to the center turn lane, assuming there is not a vegetated median as shown on the cross section in the DEIR. Again, the cost for the repair or replacement of the water line under the bike lane or landscaping will increase these costs dramatically.

3 Given the likelihood that the Project would not be deemed to have Significant Impacts using the VMT methodology for CEQA, the McKinleyville Municipal Advisory Committee (MMAC) requested a more robust traffic study be performed as part of the EIR analysis, which the County agreed to perform. As stated in the DEIR in the introduction to Section 13: "*The key source of information used in this section is the McKinleyville Town Center Q-Zone (Humboldt County 2024) and analysis conducted by W-Trans, the project transportation consultant. W-Trans also prepared an operations analysis. That analysis is not utilized in this EIR. However, it is included in Appendix E for informational purposes, in part, to show how the County's planned road diets for Central Avenue and Hiller Road would affect traffic flow.*"

Indeed, the Study did make findings that: "*Under Future volumes with the addition of project traffic, six of the eight study intersections will operate at a level of service worse than LOS C during one or both peak hours.*" For four of the impacted intersections, Murray Road/McKinleyville Avenue, Murray

3 con't. Road/Central Avenue, Railroad Drive/McKinleyville Avenue, and Hiller Road/McKinleyville Avenue the W-Trans Report recommends traffic signals and/or roundabouts to achieve acceptable Levels of Service (LOS) and all of these recommendations should be implemented at some time whether the proposed Town Center project happens or not.

The W-Trans Report recommends that a southbound turn pocket be added back in at the Hiller/Central Avenue intersection and that the two southbound lanes that are being proposed to be eliminated, be added back in 100-feet north of the intersection of Heartwood Drive and Central Avenue. It does not appear to be a good use of anybody's money to eliminate two travel lanes, only to add them back in the future.

4 The District is concerned that the County is not conforming to the General Plan Circulation Element that requires:

C-P3. Consideration of Transportation Impacts in Land Use Decision Making. Decisions to change or expand the land use of a particular area shall include an analysis of the impacts to existing and proposed transportation facilities and services to minimize or avoid significant operational, environmental, economic, and health-related consequences.

C-P5. Level of Service Criteria. The County shall strive to maintain Level of Service C operation on all roadway segments and intersections…

As stated in the W-Trans Traffic Study, the proposed changes to Central Avenue would not maintain the Level of Service C operation at six intersections, and two of those intersection would be eliminating travel lanes with the proposed changes. The report further recommends that these lanes be added back in at a later date. That does not seem to be a wise use of Public funding. The District highly encourages the County to determine how and when the proposed improvements will be funded and constructed to conform to the General Plan and consider the imposition of Impact Fees or other means to fund the recommended improvements.

It should be noted that another detailed level planning study has been performed for this section of Central Avenue and is cited in the DEIR. The County's "McKinleyville Multimodal Connections Project," October 2022, Mark Thomas, was a detailed planning and engineering analysis focused on improving the safety and multimodal use of Central Avenue. This detailed study recommended that the two travel lanes and central turn lane be maintained but reduced to 11-feet wide and a multiuse trail be added to the west-side of Central Avenue between Railroad Drive to Bella Vista Avenue. If adopted, that proposed design would address many of the District's concerns expressed in this letter and would still greatly improve bicycle and pedestrian safety.

5 The District would also disagree with the statement in Section 2.5-Areas of Known Controversy in the DEIR that there are no known areas of public controversy regarding the project. The proposed change to Central Avenue has been extremely controversial during the development of the Town Center Ordinance and continues to be so. The District would suggest that the Central Avenue proposed design contained in the DEIR should not be implemented without further detailed analysis, design charrettes, public input and review of design alternatives, leading to a final design selection.

Thank you for providing the District with an opportunity to respond. We hope this delineation of our concerns regarding the potential impact on the operation of McKinleyville's municipal services are useful to the DEIR process.

Sincerely,

James Biteman
MCSD Board President

Patrick Kaspari, PE
General Manager, MCSD

Letter 11 – McKinleyville Community Services District

1. The commenter states that the draft EIR adequately addresses all potential impacts, that the McKinleyville Community Services District (MCSD) worked closely with the draft EIR consultant to address water demand and supply and wastewater issues, that parks and recreation issues are more than adequately addressed, and that MCSD is not concerned with proposed Central Avenue and Hiller Road improvements because they can be designed with minimal impact on MCSD access to its infrastructure.

   Comment noted. The draft EIR consultant acknowledges MCSD's support and collaboration in addressing environmental issues associated with its role as a responsible agency under CEQA.

2. The commenter states MCSD's concern with the effect of Central Avenue improvements on its ability to access and maintain its water and sewer infrastructure under the road.

   Refer to Master Response #1 regarding the project description in the draft EIR, which includes descriptions of the planned Central Avenue and Hiller Avenue cross-sections. The comment does not address an environmental topic and no further response is required. MCSD and the County Department of Public Works will need to collaborate on the final Central Avenue design to address the commenter's concern.

3. The commenter states that the Central Avenue road improvements evaluated in the operational traffic study included as an appendix to the draft EIR recommends improvements for the Hiller Road/Central Avenue intersection to compensate for the loss in volume with the lane reductions on Central and this does not seem to be a good use of money.

   The proposed project does not include plans to construct the improvements identified in the traffic study. The commenter's recommendation to construct the improvements can be considered by the Humboldt County Board of Supervisors as part of its deliberations to certify the EIR prior to making a decision to approve or disapprove the project. Refer to Master Response #1 in Table 2-1 regarding the comment about noted intersection improvements.

4. The commenter notes concern that the County is not conforming to General Plan Circulation Element Policies C-P3 and C-P5, and suggests that the County determine if and when the improvements recommended in the traffic study be funded and constructed to conform to General Plan policies.

   Policy C-P3 requires the County to analyze decisions to change or expand land use to address impacts to existing transportation facilities and services to minimize or avoid significant operational, environmental, economic and health related concerns. Policy C-P5 states that the County will strive to maintain Level of Service C on all roadway segments and intersections.

The draft EIR addresses environmental impacts associated with the proposed Central Avenue and Hiller Road road diet improvements, consistent with Policy C-P3. The draft EIR is not required to address effects of land use decision on roadway operations or address associated economic effects. The draft EIR also addresses potential health risks of the proposed project. The traffic study included as an appendix to the draft EIR was prepared to address operational impacts of the proposed road diet improvements. As had been previously stated, operational effects of the project on the local road network are not a topic to be addressed under CEQA. The traffic study does conclude that a range of transportation improvements would be required to maintain Level of Service C on Central Avenue under post-project conditions. These improvements are not proposed as part of the project. The County has the discretion to consider if and when to construct the improvements and how to reconcile the potential inconsistency with Policy C-P5, and the Humboldt County Board of Supervisors has the discretion to weigh General Plan policy inconsistencies that may be posed by a proposed project against other social, economic, and/or environmental considerations as part of its deliberations to approve or disapprove the project.

5. The commenter states that MCSD disagrees with the statement in Section 2.5 regarding Areas of Known Controversy because the changes to Central Avenue have been controversial.

   Refer to Master Response #3 in Table 2-1.

Letter 12 - Eugene Baker and Ann Story-Baker

MAY 13 2025
Humboldt County
Building Division

2404 Blackbird Ave.
McKinleyville, 95519
May 9, 2025

Humboldt County
Planning and Building Dept.
Attn: Long-Range Planning Div.
3015 H Street, Eureka 95501

RE: McKinleyville Town Center Plan HEADING IN WRONG DIRECTION

To Whom It May Concern,

1 Attached is a copy of a response to the invitation for comment on the DEIR for the McKinleyville Town Center Plan, submitted by two other Mckinleyville residents. My wife and I do not have a background in planning or development, but we have lived here for 10 years, and totally agree with these comments. We moved here in part because we like the small town atmosphere, but both the entire "town center" concept as proposed, as well as the DEIR created to allegedly preserve existing community standards as well as CEQA seem to fail by design. It (the plan) appears to be a naked attempt to cash in by the current property owners as well as the County (which will realize new income from developer fees).

Rather, from our point of view, a development of this size and complexity will cause huge disruption, noise, and years of traffic and pedestrian dislocation. Bottom line? None of the actors who have come up with the concept and the DEIR (an effort to mask a whole series of projects and new construction as "planned") will actually live here, or will have to put up with the chaos and ultimate degradation of the natural and social environment here. Also, it seems that McKinleyville residents, who do not have a city council to protect us from such encroachment, are being dumped on again by a County bureaucracy that does not want to deal with better organized constituencies in Eureka or Fortuna, for example.

2 In summary, my wife and I object strenuously to the degree of development outlined in the town center plan (both residential and commercial), and are alarmed at the apparent intentional short-cuts and omissions in the DEIR that should protect the natural environment and retain the density aspects of a small-town community. None of the local residents we talk to think this is a good idea, so WHO are you listening to?

Regards,

E Baker

Eugene Baker and Ann Story-Baker

Attachment/1

Revise the McK Town Center plan

The Draft Environmental Impact Report (DEIR) for the McKinleyville Town Center, currently out for 45-day public review, fails to uphold several key principles of the McKinleyville Community Plan (MCP)—particularly the values this community has consistently championed.

First and foremost, the DEIR weakens community-based wetland protections. MCP Section 2602 affirms that McKinleyville will maintain its rural character in Urban Areas by protecting streams, riparian corridors, greenbelts, wetlands, open spaces and parks. Section 3422 further restricts new development in wetlands to low-impact uses such as wildlife management, nature study and restoration. Notably, the MCP defines wetlands broadly to include even marginal areas.

In contrast, the DEIR proposes filling up to 5.5 acres of wetlands for commercial and residential development and seeks to deregulate an additional 0.6 acre of marginal wetland through an MCP amendment that narrows the definition of a wetland. These actions represent a significant departure from MCP policy—one that is not fully disclosed, evaluated, or justified with appropriate transparency.

❖ LETTERS

Second, the DEIR falls short in preserving McKinleyville's rural, small-town character. The MCP envisions a Town Center defined by modest-scale development with a coastal village atmosphere. Yet the DEIR offers no architectural guidance to protect this identity — there is no mention of natural materials, rural form, or stylistic cohesion. At full build-out, the DEIR proposes housing for 6,000 additional residents within the Town Center footprint, yielding a projected density of 55 persons per acre — a figure comparable to urban neighborhoods in New York City. By contrast, the current McKinleyville planning area averages just 1.3 persons per acre.

While the Q-Zone Regulations (Appendix B of the DEIR) permit mixed-use buildings with housing over retail, they do not require it. Developers could bypass this vision entirely by building only standalone commercial or residential projects. Worse, the DEIR lacks a phasing plan, making it possible for the area to be built out in a piecemeal and unbalanced way (e.g., all housing, little retail).

The MCP calls for the creation of a Town Center Design Review Committee to ensure development reflects community goals. The DEIR omits this entirely, instead proposing an administrative zoning clearance — a ministerial process with minimal design oversight.

Further, while the MCP highlights the importance of new civic spaces within the Town Center like a public plaza, community hall, or performance venue, these features are either absent or vaguely referenced in the DEIR. Similarly, although pedestrian and bicycle safety are top community priorities, the DEIR offers no enforceable infrastructure plan to support them.

The 2020 Town Center Survey reaffirmed what many in this community already know: McKinleyville residents support wetland preservation, walkable public spaces and locally oriented businesses. We deserve a Town Center that reflects our values — not just the demands of development.

We urge fellow residents to submit comments on the DEIR and request that the county revise the plan to align with the McKinleyville Community Plan and honor the community's clear and consistent input.

Send your letters of comment by Tuesday, May 27 at 5 p.m. to:

Humboldt County Planning and Building Department

Attn: Long Range Planning Division

3015 H St., Eureka, CA 95501

Hard copies of the DEIR are available at McKinleyville Library and the Senior Center. To access the DEIR online, visit *humboldtgov.org/DocumentCenter/View/137379*.

Sincerely,

Kelley Garrett

Kate McClain

McKinleyville residents

Letter 12 – Eugene Baker and Ann Story-Baker

1. The commenter raises concerns that a project of the size and complexity proposed will cause huge disruption, noise, and years of traffic and pedestrian relocation, and that McKinleyville residents are being dumped on by the County.

   Refer to Master Response #1 in Table 2-1 regarding the project description. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

2. The commenter states objection to the proposed degree of development and are alarmed at the intentional short-cuts and omissions in the draft EIR that should protect the natural environment and retain the density aspects of a small-town community.

   Refer to comment #1 above. The commenter does not identify any of the referenced short-cuts or omissions in the draft EIR. Therefore, no specific response to the comment can be provided.

Letter 13 - Jeanne Pfeiffer, PhD

From: JEANINE PFEIFFER
To: Ford, John; Planning Clerk
Cc: JDunnBos.humboldt.ca.us; ceqaresponses@humboldt.ca.us; Madrone, Steve; kelleybrookgarrett@gmail.com; newsroom@northcoastjournal.com; news@madriverunion.com; jack@madriverunion.com
Subject: Public Comment for McKinleyville Town Center DEIR Re: Severe lack of accessible information: Trying to parse the McKinleyville Town Center Master Plan
Date: Wednesday, May 14, 2025 2:08:08 PM
Attachments: image001.png

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear County Planners, Staff, and Leaders:

As a professional and new resident of McKinleyville, I have vested interests in ensuring my newly adopted localities are healthy, well-planned, and well developed.

In witnessing the public events associated with the McKinleyville Town Center DEIR, it appears that the County is undervaluing community input and expertise, including the 2020 Community Survey with >330 participants. This is a grave and costly mistake.

Please extend the review of the McKinleyville Town Center DEIR to a minimum of 75 days.

My top concerns regarding the Proposed Project Alternative ("the Project") include the following:

1. Mckinleyville Community Plan (MCP) Conflicts – The proposed Project Breaks from the Community Plan and violates California Government Code §65300 (consistency with General Plan)

2. The Project, as it stands, fails to incorporate rural design standards or community oversight. There are no architectural guidelines to preserve rural identity, despite a 2020 Community Survey showing strong support for a 'gentrified country' aesthetic.

3. The MCP-required Town Center Design Review Committee has been eliminated. Why?

4. The Project emphasizes high-density housing without mixed-use guarantees; instead of a phasing strategy to ensure balanced, community-serving development including (but no limited to) wetland protection, walkability, small-scale local businesses, and open space, the DEIR promotes wetland fill, vague open space commitments, and removes oversight.

5. The Public Needs More Time. The DEIR is over 1,000 pages long, and, as noted in my April 14th email (copied below), has not been conveyed to the public in a manner that makes it easy for the public to comment upon the content. Comparable projects in Sebastopol, Cotati, Windsor, and Arcata received 60–90 days of review; whereas McKinleyville received only 45 days.

Our community, and the generations that succeed us, deserve better.

Thank you for your attention.

Jeanine Pfeiffer, PhD
ethnoecologist
707.969.7490

> On Apr 29, 2025, at 16:28, JEANINE PFEIFFER <jeanine.pfeiffer@icloud.com> wrote:
>
> It is not often that a well-crafted email is so obviously left unread and unanswered.
>
> > On Apr 29, 2025, at 10:51, Ford, John <JFord@co.humboldt.ca.us> wrote:
> >
> > Hi Jeanine:
> >
> > You can find the DEIR at: https://humboldtgov.org/DocumentCenter/View/137379/McKinleyville-Town-Center-Zoning-Amendment-DEIR-with-Appendices
> >
> > You can also find it broken down by chapters at: https://ceqanet.opr.ca.gov/Project/2024031111
> >
> > Please let me know if you have questions
> >
> > John

From: JEANINE PFEIFFER <jeanine.pfeiffer@icloud.com>
Sent: Monday, April 14, 2025 4:29 PM
To: JDunn@co.humboldt.ca.us; Ford, John <JFord@co.humboldt.ca.us>; ceqaresponses@humboldt.ca.us
Cc: Madrone, Steve <smadrone@co.humboldt.ca.us>
Subject: Severe lack of accessible information: Trying to parse the McKinleyville Town Center Master Plan

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Planning Director/Staff (Unsure who this is, as the name "John Ford" is listed in the first paragraph on the website, but when we click on the email address, it is directed to someone else?):

I am a McKinleyville resident, and I have a significant number of neighbors who have the same concerns and questions noted in this email.

This is a follow-up request for action, in response to the April 11th - County of Humboldt-Government FaceBook post noting the following:

.....

" ?

The plan outlines a vision to create a vibrant, walkable town center that includes a mix of housing, businesses, public spaces and preserved wetland areas. Part of the plan is to create a vibrant town center where people can live, work and gather, with easy access via walking, biking, driving or public transit.

To move this vision forward, the county is proposing:

- Rezoning the area as Mixed Use-Urban (MU1) to allow housing, shops and civic uses.
- Adopting a "Q-Zone" combining regulations that, among other guidance, would modify the proposed principal Mixed Use zoning regulations.
- Updating the definition of wetlands to better align with the county's General Plan.

These changes could support up to:

2,650 multi-family housing units
632,800 square feet of retail/commercial space
271,200 square feet of office space

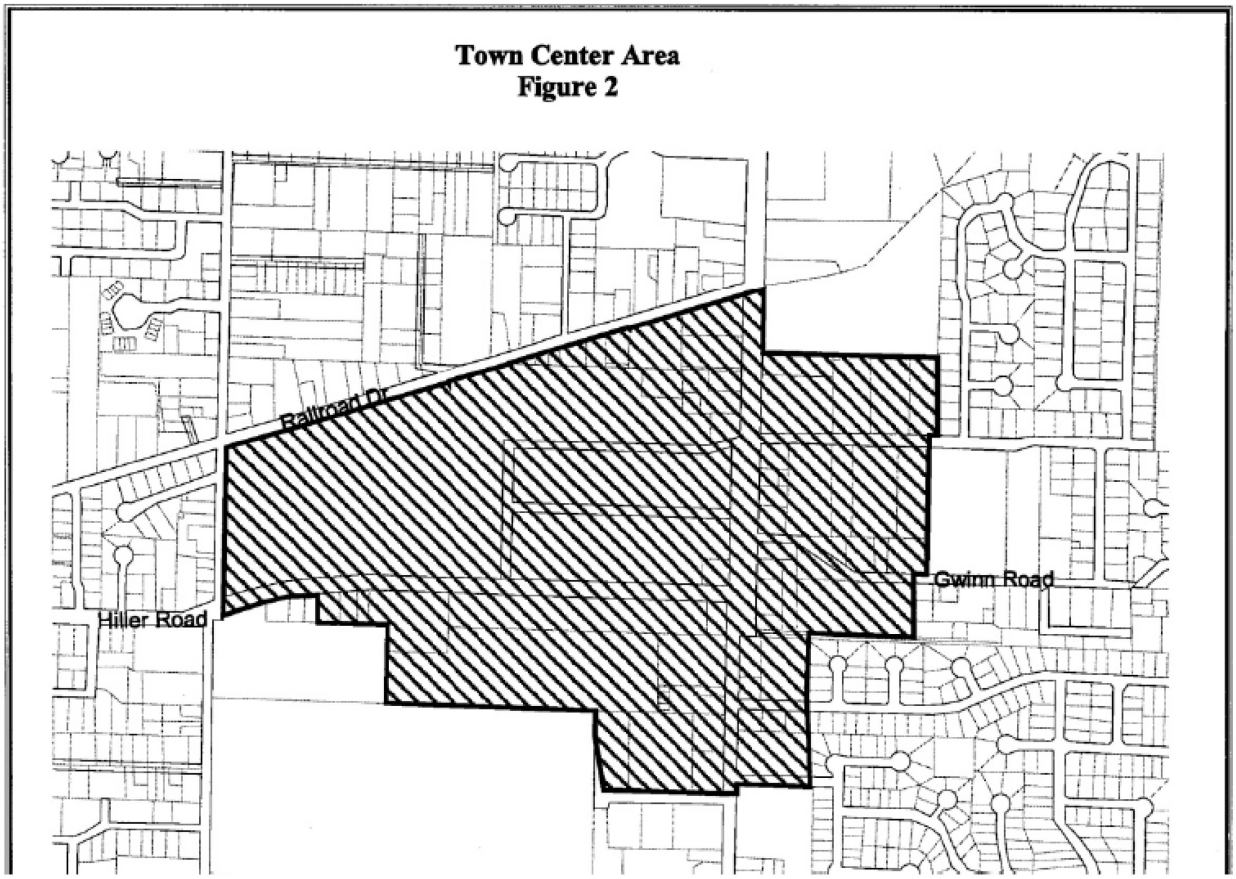
Development would occur gradually over time, with each project reviewed individually through the county's standard zoning confirmation process known as "Zoning Clearance Certification."

The Draft Environmental Impact Report examines how the proposed zoning changes could affect the local environment. Community members are encouraged to review the DEIR and provide feedback during the public comment period."

.....

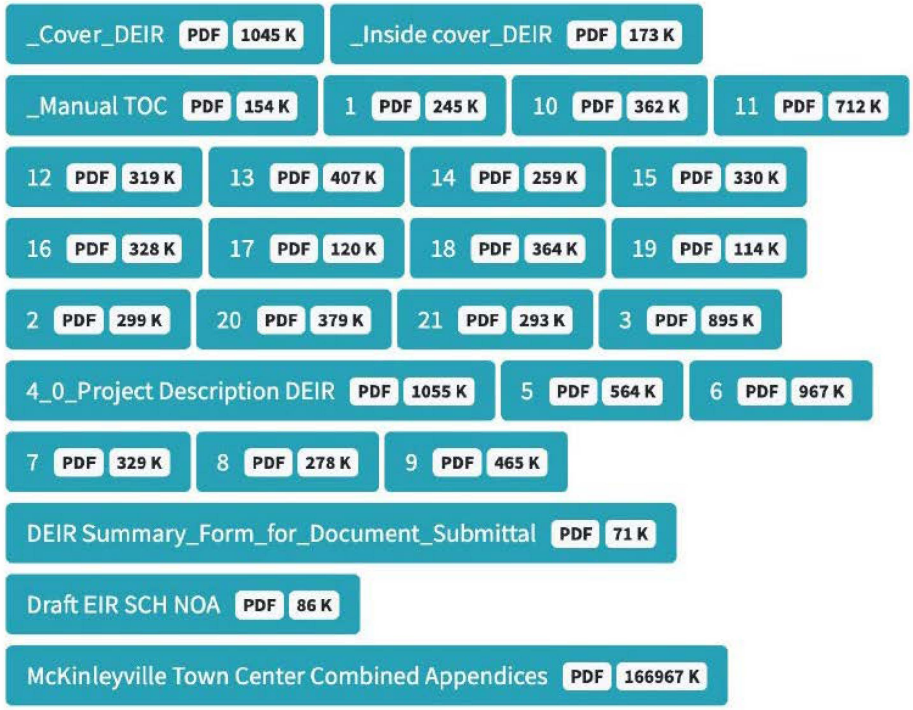
Our primary concern is how difficult (impossible?) it is to parse the planning documents so that we can actually understand what is being planned. This was likely not done deliberately, with the intent of making it impossible to figure out what, exactly, is being proposed. But that is the outcome.

1. The DEIR that we are supposed to review and comment on, McKinleyville Community Plan (2022, rev. 2017) Section 2350 (Pages 10-12) contains only vague and abstract phrasing, and a map with a polygon. So, **no real information there,**



2. Documents associated with the McKinleyville Town Center EIR link to a plethora of PDF files, most of which are untitled, and each of which requires clicking on and downloading one-at-a-time to see if it yields relevant information....a process which is incredibly time-consuming and inefficient.

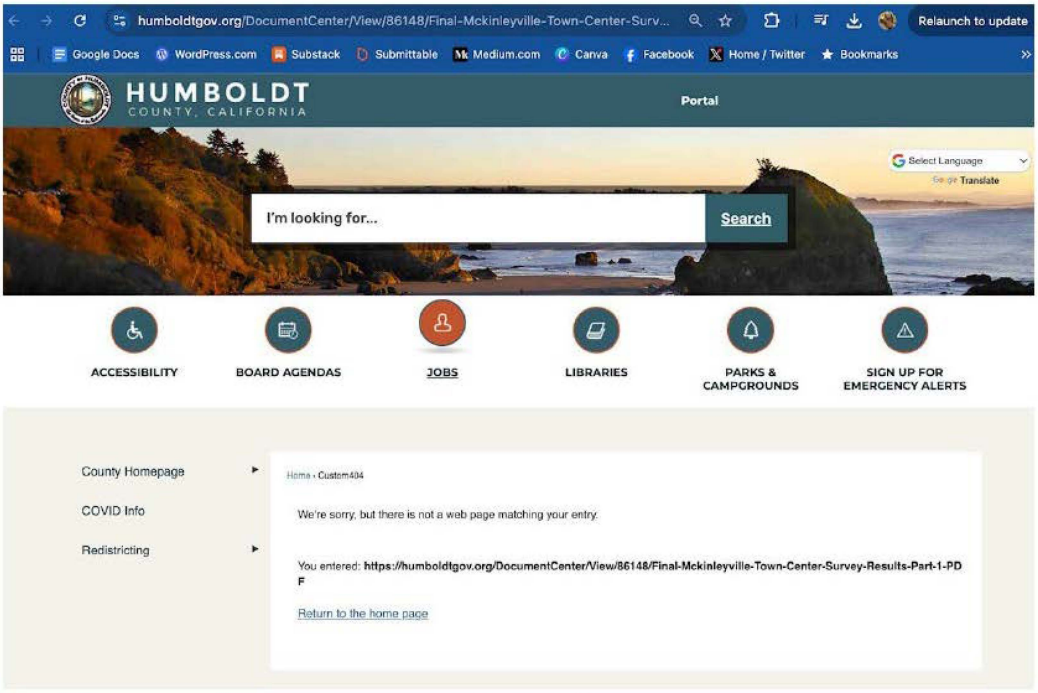
Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]



Notice of Completion [NOC] Transmittal form



3. When we click on other document links, such as the "Final McKinleyville Town Center Survey Results," the result is an error page. **Again, no information.**



When it is this difficult for a member of the public to ascertain what is being planned, we end up wasting everyone's time.

A clear synopsis on the main page, along with clear diagrams, would be immensely helpful.

The public deserves better information, including a more streamlined process for accessing that information. Only a small % of McKinleyville residents will be present at the April 23 meeting; thus, everyone not present at the meeting, or wanting to provide informed commentary, needs much more than what is currently available on the website.

Thank you for your kind attention to this email.

Jeanine Pfeiffer, PhD
ethnoecologist
www.jeaninepfeiffer.com

Letter 13 – Jeanne Pfeiffer, PhD

1. The commenter states that it appears that the County is undervaluing community input and expertise, including the 2020 Community Survey with >330 participants. This is a grave and costly mistake.

   The County has in cooperation with the MMAC been conducting public meetings, taking public input and synthesizing this input since 2019. The 2020 survey is an important part of the public input process. The Town Center Ordinance takes into account the findings of the ordinance. There are some things that are in direct opposition, such as developing a town center with small shops, restaurant, live/workspace versus preserving wetlands in their existing state. The plan seeks to provide both wetland areas and commercial areas where people can come and shop and meet.

2. The commenter requests to extend the review of the McKinleyville Town Center draft EIR to a minimum of 75 days.

   A 45-day public review period is statutorily required per Public Resources Code section 21091. This is the common review period employed for review of a draft EIR in Humboldt County and is typical for review of draft EIRs across California. The 45-day review period may be extended at the discretion of the lead agency, in this case the County of Humboldt. The County did not feel there were extenuating circumstances that mandated extending the required review period. The County followed guidance from the California Office of Land Use and Climate Initiatives regarding noticing for and circulating the draft EIR to state agencies. The County followed its standard protocol for providing notice of availability of the draft EIR to local agencies and to County residents, including McKinleyville residents, and provided the community with opportunities to verbally comment on the draft EIR during the 45-day public review period.

3. The commenter states that the proposed project breaks from the Community Plan and violates California Government Code §65300 (consistency with General Plan)

   The commenter does not state specifically how the project breaks from the Community Plan so no specific response can be provided. Refer to Master Response #1 in Table 2-1 and to other previous responses regarding concerns of other commenters regarding biological resources protection, design review, project approval discretion, and other associated concerns raised by other commenters.

4. The commenter states that the project fails to incorporate rural design standards or community oversight. There are no architectural guidelines to preserve rural identity, despite a 2020 Community Survey showing strong support for a 'gentrified country' aesthetic.

Refer to Master Response #1 in Table 2-1. The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

5. The commenter states that the MCP-required Town Center Design Review Committee has been eliminated. Why?

   Refer to Master Response #1 in Table 2-1. The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

6. The commenter states that the project emphasizes high-density housing without mixed-use guarantees; instead of a phasing strategy to ensure balanced, community-serving development including (but not limited to) wetland protection, walkability, small-scale local businesses, and open space, the DEIR promotes wetland fill, vague open space commitments, and removes oversight.

   Refer to Master Response #1 in Table 2-1. The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

7. The commenter states that the public needs more time. The draft EIR is over 1,000 pages long, and, as noted in my April 14th email (copied below), has not been conveyed to the public in a manner that makes it easy for the public to comment upon the content. Comparable projects in Sebastopol, Cotati, Windsor, and Arcata received 60–90 days of review, whereas McKinleyville received only 45 days.

   Refer to the response to comment #2 above.

Letter 14 – Kevin Creed

May 21, 2025 DRAFT

To: John Ford
Director of Planning & Building
County of Humboldt
3015 H Street Eureka, CA 95501

From: Kevin Creed
McKinleyville resident

Re: Comments on Draft EIR for McKinleyville Town Center: Wetlands Impact

Summary

The enclosed comments address specifically the wetlands impact section of the draft EIR for the McKinleyville Town Center project. The comments address:

- Jurisdictional determination sequencing vs approval of final EIR
- Q-Zone amendments to allow significant impact on existing wetlands with CEQA implications
- Deficiencies in the draft EIR with regards to wetlands protection and hazardous materials releases
- Deficiencies in specificity of responsibilities for the Wetlands Mitigation and Monitoring Plan

Impact 6.6, in Summary Table of Impacts

Mitigation Measure 6-6a.indicates: *Prior to commencement of construction activities* ....The draft EIR needs to be amended to clarify that in this context 'construction activities' include any disturbance of soils during site preparation. Because, in other parts of the dEIR a distinction is made between the site preparation, grading and construction phases. It must be clear that the requirement to submit to USACE jurisdictional wetland determination reports is all encompassing prior to any site disturbance and before the draft EIR can be finalized.

The draft EIR does not indicate the turn-around time that USACE must meet to make a jurisdictional determination following submission of the reports. Without this information in the EIR it is not feasible to assess the implications of the ultimate jurisdictional agency requirements on the environmental impact of the project especially before the draft Final EIR is submitted to the County Planning Commission and Board of Supervisors for approval.

Impact of Q-Zone Amendments to Wetlands Determination

Pg 6-48, *". In McKinleyville, a one-parameter definition of wetlands was defined in the McKinleyville Community Plan. As described in Section 4.0, Project Description, the proposed Q-Zone regulations would modify this Community Plan requirement by requiring that the USACE three criteria definition be used to define wetlands solely within the Town Center site."*

To make a change to the McKinleyville Community Plan to amend the Q-Zone regulations for the benefit of the developer/project owner and to the detriment of the wetlands environment is WRONG!!! This circumvents the intent of CEQA and compromises the integrity of the County oversight role. How many times in the future will the County approve project specific regulatory amendments to appease the developer/project owner?? This would set a far reaching, detrimental precedent. What good is a community plan if it is compromised in this manner??

The 1 parameter criteria for defining wetlands should be applied over the 'all 3' parameters criteria because the 1 parameter approach is more environmentally protective.

Mitigation 6-6a, pg. 2-12: 14 Acre Offset Mitigation Clarification

EIR needs to specify that the 14 acres of offset wetland must be continguous.in contrast to multiple separate parcels which total up to 14 acres. That is: one 14 acre site versus fourteen 1 acre sites.

The requirement should be that the 14 acres must be continuous.

Mitigation 6-6C: b. ...Purchase or dedication of land for wetland mitigation/offset ...

- How long is the project owner/developer responsible for maintaining the wetland?

- What review is provided by which agency(ies) to assess that the specific land purchased or dedicated will support a wetland on its own??
- Who monitors compliance and health of the offset wetland??
- If the offset wetland fails, what are the consequences for the Town Center project owner/developer?

Mitigation 6-6D, pg. 2-14 Wetland protection from hazardous materials releases

Mitigation 6-6D states, in part, '*Potential fuel spills and leaks from construction vehicle/equipment fueling operations shall be prevented from entering wetlands/waterways. Designated fueling areas should be on a level grade and shall be at least 50 feet from any wetlands/waterways. The fueling area shall be protected by a berm to prevent runoff from leaving the fueling area.*

This mitigation is significantly inadequate because:

- It does not list all hazardous materials associated with construction equipment beyond fuel. Any release of these hazardous materials pose a significant risk to the wetlands.
  - Oil, engine and hydraulic (25 - 40 gal
  - Coolants, antifreeze (5 gal)
  - Brake fluid (5 gal)
  - Diesel and/or gasoline fuel (40 – 50 gal)
- The mitigation only refers to protections at: '*Designated fueling areas should be on a level grade and shall be at least 50 feet from any wetlands/waterways. The fueling area shall be protected by a berm to prevent runoff from leaving the fueling area.*

This mitigation is flawed because:

- Hazardous materials (aka Hazmat) releases from construction equipment can occur anywhere onsite but this mitigation only addresses fueling operations at a fixed fueling station;
- The mitigation requires only a berm at the fueling area preventing hazardous materials runoff, but as such would thus allow contamination of site soils within the fueling area;
- The mitigation fails to address mobile refueling operations common for construction equipment will be allowed or not;
- The mitigation/EIR fails to require hazmat spill containment kits on each piece of construction equipment stocked with sufficient absorbents for all the types of hazmat liquids specific to each piece of construction equipment;

- The EIR fails to require certification that all construction equipment operators are currently trained in how to respond to hazmat releases from the equipment per Cal-OSHA's HAZWOER Standard, Title 8, 5192;
- Any equipment operator not trained per the above is not allowed to operate any construction equipment onsite until such training is completed. Certification of compliant HAZWOPER training for all equipment operators shall be maintained onsite by each applicable contractor;
- All contractors and operations must comply with the all hazardous materials and hazardous waste programs under the site with the Humboldt County Division of Environmental Health as designated by Cal EPA as the Certified Unified Program Agency for the county.

Mitigation Measure 6-6C, pg. 2-13

Mitigation Measure 6-6C reads, in part, '*If impacts to jurisdictional wetlands are unavoidable, compensation for temporary and/or permanent impacts to jurisdictional wetlands shall be mitigated as required by the regulatory permits as informed by the Q-Zone regulations regarding protection, and conservation of wetland areas. Mitigation would be provided through one or more of the following mechanisms:*

a. A Wetland Mitigation and Monitoring Plan shall be developed that outlines mitigation and monitoring obligations for impacts to wetlands and other waters as a result of construction activities.

The EIR fails to specify who is responsible for developing the Wetland Mitigation and Monitoring Plan and fails to specify a deadline by which it must be submitted for approval.

The EIR must be more precise as to which oversight agency(ies) must formally review and approve the plan. As written the mitigation is too vague and thus is subject to misinterpretation, a 'crack' through which critical assessment and oversight is missed.

If you or your staff have any questions concerning the above don't hesitate to contact me.

Kevin Creed, McKinleyville resident

Cc:

Humboldt County Board of Supervisors : cob@co.humboldt.ca.us

Humboldt County Planning Commission : planningclerk@co.humboldt.ca.us

McKinleyville Municipal Advisory Committee : cob@co.humboldt.ca.us

County Supervisor Steve Madrone smadrone@co.humboldt.ca.us

Humboldt County Division of Environmental Health:
ENVHEALTH@co.humboldt.ca.us; mhoyos@co.humboldt.ca.gov

EMC Planning Group: Ron Sissem, Senior Principal

Sissem@emcplanning.com

Arcata Fire Protection District: rmacdonald@arcatafire.org

Humboldt County Sheriff's Office: hso@co.humboldt.ca.us

McKinleyville Community Services District: Pat Kaspari, General Manager,
mcsd@mckinleyvillecsd.com

North Coast Journal: Thadeus Greenson, thad@northcoastjournal.com

Mad River Union: Jack Durham , editor@madriverunion.com

Letter 14 – Kevin Creed

1. The commenter states that Mitigation Measure 6-6a should be revised to define construction activities as disturbance of soils.

   Comment noted. Measure 6.6a has been revised to state, "prior to ground disturbing activities". Refer to Section 3.0, Changes to the Draft EIR.

2. The commenter states that the draft EIR does not indicate the turn-around time that the U.S. Army Corps of Engineers must meet to make a jurisdictional determination following submission of the reports and without this information in the EIR it is not feasible to assess the implications of the ultimate jurisdictional agency requirements.

   Turnaround times for U.S. Army Corps of Engineers jurisdictional determinations vary widely and would not provide the jurisdictional requirements referred to by the commenter. Permit conditions and compensatory mitigation measures are part of the permit application process and cannot be determined until a project is at a design level where impacts can be calculated. As detailed on page 1-5 of the draft EIR, "The analysis in this EIR addresses environmental effects of the proposed project at the level of specificity possible given information available in the zoning documents prepared by the County for rezoning the Town Center site as described in Section 4.0, Project Description. It is anticipated that the site will build out over time via a series of future individual projects that would constitute the "program" of actions for which this EIR identifies the potential environmental effects. The project description includes information on the only reasonably foreseeable individual project being contemplated within the site - the Life Plan Humboldt project. That information is included to provide general context about that project's relative contribution to the environmental impacts of developing the Town Center site over time; the information does not constitute a project-specific evaluation of that project's environmental impacts.

3. The commenter states that draft EIR represents a significant departure from the protections for wetlands established in the McKinleyville Community Plan.

   Refer to Master Response #1 in Table 2-1. Regarding Q-Zone Ordinance consistency with wetlands protection direction in the McKinleyville Community Plan. Prior to its deliberations to approve or disapprove the Q-Zone Ordinance, the Board of Supervisors will first consider approving a Community Plan amendment that would modify the wetland definition found in the Community Plan to ensure the definition is consistent with the definition in the General Plan. If the Board of Supervisors approves the amendment, the Q-Zone Ordinance will be consistent with the McKinleyville Community Plan with regard to defining wetlands within project site and direction for mitigating loss of wetlands.

4. The commenter states that the EIR needs to specify that the 14 acres of offset wetland must be contiguous.

   A comprehensive wetland mitigation plan is planned. Any wetland mitigation plan would be subject to review and approval of the permitting agencies and require management objectives, responsibilities, and funding sources as described in Mitigation Measure 6-6a and 6-6c. The 14 acres is a specifically described area within the Town Center and is contiguous.

5. The commenter asks how long is the project owner/developer responsible for maintaining the wetland? What review is provided by which agency(ies) to assess that the specific land purchased or dedicated will support a wetland on its own? Who monitors compliance and health of the offset wetland? If the offset wetland fails, what are the consequences for the Town Center project owner/developer?

   The Town Center Ordinance requires the wetlands to be retained in perpetuity through a conservation easement, and the mitigation plan must include the long term plan for ownership and maintenance of the wetland mitigation area (see Ordinance section 6.5.7). The commenter states that mitigation measure 6-6d is inadequate because of the lack of detail regarding all hazardous materials that could enter a wetland.

   The intent of mitigation measure 6-6d is to acknowledge the proximity of wetlands to construction areas and require protection from fueling/spills. Details and Best Management Practices for other hazardous materials are typically contained in the Construction Stormwater General Permits and Stormwater Pollution Prevention Plan that must be prepared and implemented for individual projects.

6. The commenter states that mitigation measure 6-6c is inadequate as it does not identify who is responsible for developing the Wetland Mitigation and Monitoring Plan and does not include a deadline for submittal.

   The Town Center Ordinance includes the following language:

   > *6.3 Prior to issuance of any permits or granting of any entitlements on property within the Town Center a wetland delineation shall be completed delineating all three parameter wetlands (HCC Section 314-61.1.7.6.5) which exist on the property. Previously developed property is exempt from this requirement. This exemption extends to storm drain ditches graded to transport storm water outside of a natural channel or wetland.*
   >
   > *6.4 Prior to issuance of construction permits or as part of a subdivision approval, a plan must be reviewed and approved by the approving authority demonstrating that either the wetland areas will be protected in place in accordance with HCC section 314-61.1.7.6.6) or identifying how the wetland areas will be relocated and conserved.*

   The protocol is in place that requires an assessment of the wetland resources and a plan to either protect in place or prepare a mitigation plan. In addition, the USACE will require a permit as will the Regional Water Quality Control Board.

Letter 15 – Scott Shannon

From: Scott Shannon
To: Ford, John
Cc: CEQAResponses; COB; Madrone, Steve
Subject: Comments re McKinleyville Town Center DEIR
Date: Monday, May 26, 2025 3:51:22 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Mr. Ford, et alia:

I have been a homeowner in McKinleyville and a resident of Humboldt county for 24 and 42 years respectively, and I'm writing to you today to comment on the Draft Environmental Impact Report (DEIR) for the proposed McKinleyville Town Center.

My criticisms of the DEIR and the Town Center project in general can be summarized as follows:

1 1) Many of the assumptions and projections in the DEIR and the Town Center concept itself are based on the current County General Plan and McKinleyville Community Plan, neither of which have been updated to reflect our new local economic realities.

2 2) The DEIR does not specifically identify increased population numbers and densities resulting from the Town Center project as "significant and unavoidable" impacts, when in the long term they could prove to be the most negative impacts of all.

3 3) The DEIR does not provide an estimate of the increase in absolute numbers of motor vehicles that would necessarily result from the completion of the proposed Town Center, nor does it outline any realistic solutions for dealing with those thousands of additional cars.

4 4) The Town Center proposal as currently envisioned has a palpably inorganic, contrived feel to it. It is not a grassroots movement arising out of the communal desires of the town's residents. Rather, it is utopian centralized planning being imposed upon the people by oligarchic powers-that-be, and as such, the entire process involved with its creation feels fundamentally undemocratic and even oppressive in character.

Discussion:

5 1) The County General Plan and McKinleyville Community Plan as originally devised date to the boom period of cannabis cultivation, which ended years ago. Thus, any proposals and projections that were based on those past economic conditions are now obsolete.

It should stand to reason, then, that McKinleyville in this new era of stagnant or diminishing growth does not need "an expanded grocery store, additional shops, a department store, hardware home supply, restaurants, office space, medical and dental clinic, a movie complex, town green for athletic and civic events, civic buildings, library, high density residential, laundromat, farmers market, residences above shopfronts, child care facilities, and art galleries."

For one, we already have (or had) many of those things, and we should not waste resources replacing what we obviously weren't able to sustain in the first place. The present-day economy of McKinleyville is objectively shrinking, not growing, so planning for anticipated growth is actually the precise opposite of appropriate.

There are two vivid local examples of this economic contraction. First, we're facing the ongoing loss of an entire shopping center's-worth of formerly-thriving retail establishments that once included a supermarket and national-chain department and drug stores, plus an adjoining movie complex. This in addition to numerous small businesses scattered throughout town that have failed in recent years.

5 con't. But even more to the point, the current landowner of the main subject property can't even manage to keep their existing retail spaces occupied. That alone speaks to the fundamental futility of the entire enterprise.

2) Adding 6,000+ new residents to a semi-rural bedroom community of 15,000 is obviously going to strain services and existing infrastructure, and increased crowding will lead to an overall decline in quality of life for everyone. Furthermore, the estimates of employment generation in the DEIR seem wildly optimistic to me. People will only get and keep jobs if the economy supports the creation of new businesses, which given our present realities is very much an open question. Thus, the Town Center really does not guarantee any significant number of new jobs, let alone thousands of them. The only thing that is genuinely certain if the Town Center is built to capacity is that there will be 6,000 more people here, which, without commensurate employment, can ultimately lead only to societal decline.

Just because the Town Center sounds great on paper to some doesn't mean it will actually result in those desired outcomes. A relevant local example of an "idea whose time has come" that has fallen far short of expectations is the Airport Business Park. Now almost 35 years after its creation, it has yet to achieve even 10% of its built-out state. The courthouse there is also basically a "white elephant" that cost millions yet is never used for its intended purpose. But at least those dead-end developments didn't result in civic blight, which a failed Town Center most certainly would.

6 3) These 6,000 new residents will come here with cars, yet nowhere in the DEIR is even an estimate given of just how many more vehicles the completed Town Center will bring to McKinleyville. Everything related to vehicular traffic appears to be analyzed in terms of VMT alone. As a statistician, I can state with confidence: this is wholly inadequate. The most salient and straightforward descriptive statistic to examine here is an estimate of the absolute number of additional vehicles.

Vehicle ownership in the US is currently 0.85 cars per person, thus 6,000x0.85=5,100 additional vehicles that will be using our already congested roads. With basically only one arterial road into and out of the center of town, there's no feasible way Central Avenue can safely accommodate that kind of increase in traffic volume. Yet the only "solutions" proposed in the DEIR are restrictions like "road diet" and "traffic calming," which do not in any way address the fundamental problem of our roads already being at capacity and unable to bear the burden of thousands more vehicles.

7 4) I think the principal objection people have to the Town Center idea is its sheer size. The vast scale of it seems wholly inappropriate for a small town of 15,000. We don't need or want anything even approaching the magnitude that's being proposed. And it's simply not credible that this is all about "creating a unique identity for McKinleyville." That's just a trite platitude. A community's identity derives from its PEOPLE, not a cluster of buildings artificially tacked onto it by vested capitalist/corporatist/governmental forces.

Recommendations:

8 1) Update the County General Plan and McKinleyville Community Plan to acknowledge current local economic realities, and modify the Town Center project goals and DEIR accordingly.

2) Be forthright about the likely negative effects of adding 6,000+ new residents to a small town with no real guarantees of job creation. It's truly "pie in the sky" to assume a priori that building new retail space will automatically mean it will be occupied, thrive, and provide people with living-wage jobs. It's far more likely that it won't.

3) If the County really wants to relieve congestion on Central Avenue, create a second direct route from US-101 to the center of town. Hiller Road is the obvious choice. I recommend that the County petition the California Dept. of Transportation for a new exit on US-101 at Hiller, just like Trinidad Rancheria has done to create a new and safer traffic alternative for access to its casino. As long as Central Avenue is the only arterial street leading directly to McKinleyville's core, it will remain congested and a danger to those who use it. (I no longer drive on Central at all between School and Hiller out of fear for my safety; haven't for years now.)

Moreover, make the proposed improvements on Hiller Road between Central Avenue and McKinleville Avenue a top development priority independent of whether or not the proposed new Town Center is approved or built. This

8 con't.

stretch has been in dire need of sidewalks and street lighting for decades.

4) Public commenting has its place in the process, but to be perfectly frank, most people nowadays lack the speaking/writing skills needed to effectively convey their opinions and concerns to government. (I, myself, utterly fail at public speaking.) The only real voice such people have is their vote. Consequently, I urge the County to allow the RESIDENTS of McKinleyville to cast votes on an advisory ballot measure on whether the Town Center as proposed should or should not be built. I realize the results of such a vote cannot be binding, but it would at least help reassure people that they retain some degree of democratic control over their community and accustomed way of life.

I hope my remarks and suggestions have been helpful, and I thank you for the opportunity to comment on this important civic matter.

Very truly yours,

J Scott Shannon
3280 Barnett Avenue
McKinleyville
jss3280@gmail.com

Letter 15 – Scott Shannon

1. The commenter states that many of the assumptions and projections in the draft EIR and Town Center concept are based on the current General Plan and Community Plan, neither of which have been updated to reflect local economic realities.

   The commenter does not identify the referenced assumptions and projections, so no specific response can be provided.

2. The commenter states that the draft EIR does not identify increased population and densities resulting from the Town Center project as "significant and unavoidable impacts, when in the long term, they could be the most negative impacts of all.

   The draft EIR evaluates the direct and indirect impacts of implementing development per the Q-Zone Ordinance guidance at the level of development capacity identified in Table 4-1 of the draft EIR and resulting population and employment growth as identified in Table 4-2 of the draft EIR. Population growth leads to a range potential impacts that are addressed throughout the draft EIR. Population growth itself is not considered a potentially significant impact unless it is "unplanned" and even then, it is the direct and indirect impacts of that growth that are evaluated under CEQA.

   Under existing zoning regulations, land within the Town Center could be developed at significantly higher residential density (with a higher population), as reflected in Table 3-1 in the draft EIR, and scale (e.g., up to seven stories) than would be permitted under the Q-Zone Ordinance regulations. Development under existing zoning could occur with a lesser, integrated mix of uses and lack of urban design guidance that would have substantially lower potential of achieving the vision for the Town Center. Population growth resulting from implementing the Q-Zone Ordinance is not unplanned.

3. The commenter notes that the draft EIR does not include an estimate of the increase in vehicles that would occur with the project or realistic solutions for dealing with them.

   A draft EIR must evaluate the impacts of vehicle miles traveled that would result from a proposed project. Section 13.0, Transportation, includes this analysis. It is not the absolute number of cars that leads to a vehicle miles traveled impact, it is the total number of vehicle miles per capita that serves as the transportation impact metric. A draft EIR is not required to evaluate how increased traffic volume affects the performance of the roadway network onto which those vehicles are distributed. Refer also to Master Response #2 in Table 2-1 regarding the traffic study prepared for the project.

4. The commenter feels the project design is inorganic and does not reflect the desires of town residents.

Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

5. The commenter states that projections/proposals for new Town Center growth that may be based on past economic trends are misplaced because the local economy is stagnant and local businesses have been closing.

   Comment noted. Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

6. The commenter provides data on car ownership and states that the draft EIR doesn't address increased vehicles on the road network, only vehicle miles traveled.

   Refer to the response to comment #3 above.

7. The commenter states that the people object to the sheer size of the Town Center idea.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

8. The commenter makes several recommendations to address prior comments: 1) update applicable plans using current economic data; 2) be forthright about population growth impacts; 3) relieve congestion on Central Avenue by creating a second direct route to U.S. Highway 101, possible at Hiller Avenue; 4) make the proposed improvements to Hiller Avenue whether the Town Center is approved or not; and 5) allow McKinleyville residents to cast votes on an advisory ballot measure about whether or not to approve the proposed project.

   Recommendation 2 is addressed in response to comment #2 above. The remaining recommendations can be considered by the Humboldt County Board of Supervisors as part of its deliberations prior to making a decision to approve or disapprove the project. These recommendations do not address specific issues with the analysis is the draft EIR. No further response is necessary.

Letter 16 – Kate McClain

From: Kate McClain
To: CEQAresponses@co.humboldt.ca.us
Cc: Ford, John
Subject: McKinleyville Town Center DEIR
Date: Monday, May 26, 2025 10:16:54 AM

> **Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear Humboldt County Planning and Building Department:

Thank you for the opportunity to comment on the McKinleyville Town Center Zoning Amendment Draft Environmental Impact Report (DEIR). I recognize the significant investment in staff time and energy to create the Zoning Amendment. However, as an engaged resident in this project for the last 10 years, I am deeply concerned that the proposed project and DEIR
deviate substantially from the vision, policies, and priorities outlined in the McKinleyville Community Plan (MCP).

MCP was created in 2002 and included in the 2017 Humboldt County General Plan. Over the last 10 years, McKinleyville residents have organized 3 well attended community events to receive input. We have submitted our findings to the Planning Department all along the way. Using the McKinleyville Municipal Advisory Committee as the vehicle for controlling the decision making, has sidelined the process for including the diversity of community voices. No one in our 3 community events ever suggested such dense housing to be concentrated on this property. This "Town Center" is clearly a "business deal" to benefit the finances of the land owner and State pressure to address housing shortages.

I join with other McKinleyville residents in submitting the following major areas of concern:

1

1. The Project Conflicts with the McKinleyville Community Plan (MCP)

- Over 6 acres of protected wetlands are proposed for fill.
- The project eliminates the Wetlands Combining Zone.
- Violates MCP Sections **2601**, **2602**, and **3422**, which emphasize the protection of wetlands, open space, and rural character.
- Violates **California Government Code §65300**, requiring consistency with the General Plan.

2

2. Lack of Rural Design Standards and Community Oversight

- The MCP-required **Town Center Design Review Committee** has been eliminated.
- No architectural or rural design guidelines are included in the DEIR.
- The **2020 Town Center Survey** showed strong community support for a "gentrified country" aesthetic—completely ignored in the DEIR.

2 con't.

- The absence of oversight threatens the integrity and identity of the Town Center.

3. High-Density Housing Without Mixed-Use Guarantees

3

- The DEIR prioritizes "high-density residential to support a commercial core" (p. 16-15), but the proposed **Q-Zone only** permits—not requires—mixed-use buildings.
- No phasing or implementation strategy ensures that commercial or civic components are built alongside housing.
- This risks allowing imbalanced development and missed opportunities for vibrant, community-serving spaces.

4. 2020 Community Survey Priorities Ignored

4

- Over 330 residents participated in the 2020 public survey.
- Top community priorities included:
  - Wetland protection
  - Walkability and pedestrian/bike safety
  - Support for small-scale local businesses
  - Access to open space
- These priorities are not reflected in the DEIR, which promotes wetland fill, removes oversight, and weakens commitments to open space and local business.

Conclusion

5

The McKinleyville Town Center should reflect the vision and values expressed in our MCP and public surveys. The current DEIR undermines those goals. I urge the County to:

- Revise the DEIR to align with the MCP,
- Restore the Design Review Committee and rural design standards,
- Include mixed-use mandates and phasing requirements,
- Respect survey priorities.

Sincerely,

Kate McClain 707 496-0865, 1786 Timothy Rd, MCKinleyville.

Letter 16 – Kate McClain

1. The commenter states that the project conflicts with the conflicts with the McKinleyville Community Plan regarding loss of wetlands because over 6 acres of wetland would be lost, the Wetlands Combining Zone is eliminated, violates several sections of the McKinleyville Community Plan with regards to wetlands, and violates a California Government Code section requiring consistency with the General Plan.

   The points raised are about the effect of implementing the Q-Zone Ordinance as currently proposed. Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

   The wetlands impact of implementing the Ordinance are addressed in draft EIR Section 6.0, Biological Resources, as are mitigation measures for impacts identified as potentially significant or significant.

2. The commenter is concerned about the lack of rural design standards and community oversight.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

3. The commenter states that high density housing is proposed to support a "commercial core" but does not require mixed use buildings or include phasing or implementation strategies that ensure commercial or civic components are built alongside housing. These risks could allow imbalanced development and missed opportunities for vibrant, community-serving spaces.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

4. The commenter states that the priorities for Town Center identified in a 2020 community survey are not reflected in the draft EIR, which promotes wetland fill, removes oversight, and weakens commitments to open space and local business.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. The community survey was considered by the Humboldt County Planning and Building Department and the McKinleyville Municipal Advisory Committee as part of their process to craft the Q-Zone Ordinance. The draft EIR has no relationship to the content of the Ordinance.

5. The McKinleyville Town Center should reflect the vision and values expressed in our McKinleyville Community Plan surveys. The draft EIR undermines those goals. The draft EIR should be aligned with the Community Plan, restore the design review committee and rural design standards, include mixed use mandates, and respect survey priorities.

Refer to Master Response #1 in Table 2-1. Refer also to the response to comment #4 above – the draft EIR is not associated with the content of the Q-Zone ordinance. The comment addresses the content of the Q-Zone Ordinance.

Letter 17 – Mary Burke

May 27, 2025

RE: Comment letter for McKinleyville Town Center Zoning Amendment EIR

"A town needs public squares; they are the largest, most public rooms." - A Pattern Language

I am in support of the ways in which the McKinleyville Town Center Ordinance plans for our future through providing housing, a mixed use commercial zone, and traffic calming; however the deficiency of the project's EIR is in a limited analysis of alternatives and limited definition of "vibrant" town center.

1 The EIR does not include an alternative for the desired future condition of a "vibrant" town center that is achieved through a balance of the proposed dense mixed use and multifamily development with an abundance of well-planned and dedicated open space in addition to the necessary wetland mitigation area. The proposed density of housing in the area west of Safeway without also planning for open space that allows people to experience the restorative energy of being in natural and public open spaces is contrary to the goal of creating a vibrant town center that reflects the vision embodied in the McKinleyville Community Plan and in multiple community forums.

2 In the analysis of alternatives, the term "vibrant" appears to be achieved solely in the development of structures and therefore indicates that the only evaluated purpose of a town center is economic - housing and commercial activity of the planned mixed use zone. These factors are important and can be delivered while also accomplishing beneficial community health outcomes achieved through accessible public spaces and welcoming open spaces. The Michigan Economic Development Corporation provides a complete picture of the services of public space "…whether it's a park or plaza…makes it possible for people to be outside their own home or business, and experience community. These spaces are an anchor or centerpiece for a downtown not just visually, but civically and socially. They are places that everyone can access and that everyone has in common. It is a place to meet. Public open space in a downtown serves many purposes, often at the same time. They contribute to individuals' well-being, physically, emotionally and mentally, and sense of belonging, all while benefiting community health socially, economically, culturally and environmentally." Additionally the MEDC describes how properties adjacent to parks increase in value and desirability; and parks are venues for events and organized gatherings. The number of visitors to the town center increases the economic activity in the surrounding businesses and creates a sense of community and a sense of community pride. Parks and greenspaces have been shown in many studies to improve mental health, lower mortality, and lead to a reduction in income-related health inequities.

There are many examples of intentional open spaces in the center of town that make a place unique and desirable for residents and visitors - Central Park and Golden Gate Park are two world renown examples that can be studied for design principles and community health

outcomes. McKinleyville's Town Center deserves a plan that achieves a balance of development while also providing abundant public and open space.

3 The EIR has evaluated alternatives based on a "vibrant" metric that appears to be based on density of housing and provision of commercial space. The EIR needs to define "vibrant" to be able to assess the alternatives with a more complete analysis of community health including social, economic, cultural and environmental indicators. Life Plan Humboldt's development is

4 being designed as a community, with these sorts of community health indicators included in the development plan and this project should not be held up if the larger Town Center ordinance is the subject of delay and controversy.

I appreciate the opportunity to provide public comment on the McKinleyville Town Center Zoning Amendment EIR and for the dedication of County staff to bring forward a process that allows for the community's vision for our future.

Mary Burke, McKinleyville resident

Letter 17 – Mary Burke

1. The commenter states that the draft EIR does not include an alternative for the desired future condition of a "vibrant" town center. The density of development west of Safeway does not include planning for open space, which is contrary to the goal of creating a vibrant town center that reflects the vision embodied in the Community plan and in multiple community forums.

   Regarding the discussion of alternatives in the draft EIR, refer to the Letter 10 – Coalition for Responsible Transportation Priorities and Environmental Protection Information Center, and the response to comment #15. The purpose of alternatives defined in a draft EIR is avoid or substantially lessen one or more of the significant environmental impacts of a project as described in draft EIR Section 21.1, CEQA Requirements. Defining an alternative based on the subjective term "vibrant" is not inherently consistent with the purpose of defining and evaluating alternatives in a draft EIR. Alternative 2, Reduced Scale Alternative, as evaluated in the draft EIR, could subjectively be considered to produce a vibrant Town Center to the extent that it retains the mix of uses and amenities already identified in the vision for Town Center as embodied in the Q-Zone Ordinance.

   Regarding planning for open space, refer to Master Response #1 in Table 2-1. Note that the 14-acre area reserved for wetland mitigation would be improved to provide for passive open space use (e.g., paths, benches, etc.). This is part of the intended function of this area. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

2. The commenter states that the alternatives analysis in the draft EIR only addresses vibrancy in the context of developing structures. This indicates that the only evaluated purpose of a town center is economic. Accessible open space provides beneficial community health outcomes.

   Refer to the response to comment #1 above.

3. The commenter suggests that the EIR needs to define "vibrant" to be able to assess the alternatives with a more complete analysis of community health including social, economic, cultural and environmental indicators.

   Refer to the response to comment #1 above.

4. The commenter states that the Life Plan Humboldt project includes community health indicators and should not be held up if the Town Center ordinance is the subject of delay and controversy.

   Comment noted. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

Letter 18 – Ashton Hamm

From: Ashton Hamm <ashton@uxouxouxo.com>
Sent: Tuesday, May 27, 2025 4:20 PM
To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>
Subject: McKinleyville DEIR Comment

> **Caution:** This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Hi there,

1 I'm a resident of Humboldt County (Arcata) and I'd like to make a comment for the McKinleyville Town Center Project. In general for the proposed mitigation plans (and specifically impacts 6-1 through 6-7) I'd like to propose consultation with the Wiyot Tribe for best management practices about identified protected species and restoration practices. I think it's imperative that tribal consultation happens and specifically with the Wiyot Tribe whose land this project is located on.

Thank you,

--
Ashton Hamm, RA
(they/them)
uxo architects
707.273.4805
uxouxouxo.com

Letter 18 – Ashton Hamm

1. The commenter states that consultation with the Wiyot Tribe should be consulted to review the mitigation plans for impacts 6-1 to 6-7 as identified in the draft EIR.

   As described in draft EIR Section 7.0, Cultural and Tribal Resources, the County offered tribal consultation to potentially affected tribes pursuant to California Assembly Bill 52. Tribal consultation is intended to identify, early in the CEQA process, whether a proposed project being evaluated under CEQA may have potential to affect tribal cultural resources. The County requested consultation with the Wiyot Tribe, among others. The County will offer the Wiyot Tribe the opportunity to make recommendations on the mitigation plan. The mitigation measures and ordinance will be modified to reflect this.

Letter 19 – Emma Haskett (Life Plan Humboldt Project)

From: Emma Haskett <emmah@planwestpartners.com>
Sent: Tuesday, May 27, 2025 6:34 PM
To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>
Subject: Re: Life Plan Humboldt-Mckinleyville Town Center DEIR Comments

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1 **One additional comment:** Life Plan Humboldt intends to mitigate 1, 2 & 3 parameter onsite wetlands, and we would like this to be acknowledged in the DEIR.

Thank you!

On Tue, May 27, 2025 at 11:43 AM Emma Haskett <emmah@planwestpartners.com> wrote:

> Hello,
>
> I am writing on behalf of the Life Plan Humboldt development, thank you for the opportunity to comment on the DEIR:
>
> 2 **Page 315, Sec. 16.5 Land Use Planning - Analysis, Impacts, and Mitigation Measures:** We request that the final sentence of this section be revised to clearly state that 30 units per acre is the **maximum** allowable residential density for mixed-use development in commercial zones (edit in blue): *This essentially creates the potential for mixed-use development in commercial zones with a residential density of up to 30 units per acre.*
>
> 3 **Page 437, Map 2 - Frontage Types Regarding Nursery way 'street type':** Map 2 designates Nursery Way as a "Street Type 1," which includes a requirement that buildings fronting this street be a minimum of two stories. Life Plan Humboldt's site

3 con't. plan includes one-story cottage-style residences along Nursery Way, designed specifically to support accessibility and aging-in-place for older adults. This creates a direct conflict between the zoning standard and the project's intended land use. We request that the County revise the Q-Zone standards for this segment of Nursery Way. The requirement for two-story buildings is incompatible with the scale, purpose, and functional accessibility needs of Life Plan Humboldt's residents.

4 **Page 445, Sec 4.1.2.1 - Regarding Nursery way in the circulation plan:** Nursery Way serves as the primary access point for the Life Plan Humboldt (LPH) campus, a planned Residential Care Facility for the Elderly (RCFE). As such, it will experience significant and consistent pedestrian use, including by older adults with mobility limitations. The proposed designation of Nursery Way in the community circulation plan raises serious concerns regarding pedestrian safety and compatibility with the intended land use. We urge the County to closely examine how this circulation classification will impact pedestrian safety on a campus designed to serve vulnerable populations. In alignment with LPH's mission and design objectives, the project is committed to improving Nursery Way for access to both pedestrian and bicycle public access. We request that the DEIR include mitigation measures or design standards that reflect the unique transportation needs of an RCFE and prioritize pedestrian-oriented improvements along Nursery Way

Thanks again, please reach out with any questions,

Emma
--
Emma Haskett
Project Manager / OPR
Planwest Partners Inc.
Arcata, CA 95521
Cell: (707) 845-3270

Letter 19 – Emma Haskett (Life Plan Humboldt Project)

1. The commenter states that the Life Plan Humbolt project intends to mitigate for 1, 2, and 3 parameter wetlands within its project site.

   Comment acknowledged.

2. The commenter requests that the final sentence of Section 16.5, Land Use Planning – Analysis, Impacts, and Mitigation Measures on page 315 of the draft EIR be modified to indicate that 30 units per acres is the maximum allowable residential density for mixed use development in commercial zones.

   The only reference in the draft EIR to residential density in a mixed-use zone is in Table 3-1, Existing Zoning and Development Capacity, in Section 3.2, Community Plan, General Plan, and Zoning. Footnote 2 in the table indicates that under existing zoning, 30 units per acre is assumed as the residential development capacity allowed in existing commercial/office (C-2) zones.

3. The commenter requests that to promote consistency with the design of the Life Plan Humboldt project, that the Q-Zone Ordinance regulations regarding Street Type 1 be modified to allow one story buildings to front on Nursery Way rather than two story buildings.

   Refer to Master Response #1 in Table 2-1. This is a comment about the Q-Zone Ordinance content rather than a comment on an environmental topic. The comment should be directed to the Humboldt County Director of Planning and Building and/or the McKinleyville Municipal Advisory Committee for consideration prior to the Ordinance being considered for approval by the Humboldt County Board of Supervisors.

4. The commenter notes that the proposed designation of Nursery Way in the circulation plan raises serious concerns regarding pedestrian safety and compatibility for future residents of the Life Plan Humbolt project. The commenter requests that the draft EIR include mitigation measures or design standards that reflect the unique transportation needs of a residential care facility for the elderly.

   The draft EIR does not and would not function to provide design standards. This is not an impact evaluated in an EIR. These are items that can be addressed either in the Town Center ordinance or in the improvement plans prior to development.

Letter 20 – Bonnie McGregor

RE: Comments on the Draft Environmental Impact Report of the McKinleyville Town Center Zoning Amendment

Submitted by Bonnie MacGregor*

I appreciate all the work to develop the Town Center Ordinance/Q Zone on the part of County Planning Staff over the course of 5 years, as well as the complex analysis on the part of the EMC Planning Group to create the DEIR. I do have several substantive concerns that I see need to be addressed from the perspective of the community. Indeed, while the DEIR reports that they see no areas of controversy, all of these concerns have generated controversy.

Areas of Concern and Comments:

Density of Residential Housing / Increase in Population

- Section 4.4 of the DEIR is the focus of my greatest concern. Indeed, it has elicited concern from many residents of McKinleyville because of the dominance of residential development and the density of both residential and retail/commercial units.
  - In all of the Q Zone / Town Center Ordinance document there is only one reference to multi-family residential housing and that is found on page 5 in the table titled MU1: "Mixed Use (Urban)." It lists "Multi-Family Residential (Minimum density 16 Units/acre)" with footnote 4 "The parcel surrounded by Railroad Avenue, the wetland parcel and north of Hiller can have up to 25% devoted to multi-family residential without a commercial component. 1
  - The DEIR, however, states that all the 106 acres of undeveloped vacant land would be developed with new multi-family residential units at 'an assumed and used' 25 units/acre (maximum) or 70% of the developable land; as well as an assumed non-residential building coverage of all the rest with no reference to other uses including the open space stipulated in the Q Zone Ordinance.
  - It was not until the "County Town Center Rezone Notice of Preparation" of 3/28/24 that announced the DEIR process that "an expected Town Center development capacity" was provided to the public. This was after the MMAC accepted the final draft Town Center Ordinance.
  - At no time, in all the meetings of the McKinleyville Municipal Advisory Committee or special community meetings to present and elicit input on the Town Center Ordinance was such a maximum units/acre or coverage of land discussed. Nor did any planner answer the question of allowed population density though it was asked at several meetings precisely so the community could get a picture of what would be allowed.
  - Such a density of residential units allowing a 36% increase in the population of McKinleyville within less than a ¼ sq.mi. defies the intent

1 con't. and goals of the McKinleyville Community Plan. It is, in fact, a massive change in the MCP without public notice or opportunity for public input.

2
- DEIR 3.2 neglects to include a significant paragraph of the McKinleyville Community Plan (MCP) Town Center section #2350 describing the nature of the Town Center resulting in a clear deviation from the MCP:
  "Design of the commercial area is intended to create an aesthetic composition of buildings and open space that will encourage frequent use. Guidelines will help create a basis for building siting to assure a traditional village form and to avoid the standard strip shopping center look. The design encourages pedestrian and bicycle use, yet allows for convenient and safe automobile access."
  The proposed density of development does not "assure a traditional village form" but rather a dense urban residential/commercial center.

3
- While there was much discussion of parking in the Town Center during the development of the Ordinance, and language in the Q Zone/Ordinance, there is no study or reference to parking in the DEIR which would be necessary for "convenient and safe automobile access" particularly for elders, families with babies and toddlers and people with disabilities who do not live in TC housing. It would also impact the projected development coverage of land.

<u>Open Space and Parkland</u>

4
- The DEIR correctly quotes the MCP as calling for including "an abundance and variety of open spaces."
- During the Town Center Ordinance process there was much discussion of Open Space; and, indeed, in the TC Ordinance it states in Section 5.5 Public Open Spaces:
  "The development in the town center shall provide open space areas where the public can gather, vendors can display goods and provide opportunities for other public enjoyment. A minimum of three percent of the developable but undeveloped area of the Town Center shall be devoted to this open space. A minimum of 20,000 square feet of this shall be provided in a common open space area. This shall be outside of other required components of the site design and may be centralized at one location. Provisions shall be made to demonstrate how this provision will be addressed either at the time of subdivision or when the first new development is proposed."
  - However, the DEIR gives no consideration of the topic, nor does it consider the proscribed amount of open space in it's calculation of developable land. This is a serious omission.
  - Neither the TC Ordinance nor the EIR addresses the MCP requirement that 3 acres of parkland must be generated for every 1,000 new residents. The discussion and analysis of Parks and Recreation requirements is relegated to Section 16.0 in the DEIR, the section titled Effects Found to

4 con't. Be Less than Significant. The requirement is dismissed by proclaiming the Wetland area as a passive parkland.

5
- Adding 6,122 new residents to the town, without adding the additional acres of new parkland would significantly impact the community and its resources. Parks and Recreation as the current 17,000 residents use these parks and facilities.
- Pierson Park, the only open space and recreation facilities in the Town Center Area, is the place where the existing community gathers. It would become the backyard of the new residents and push out, rather than welcome in, the current residents.
- Suggesting the existing parks will be adequate and that the MCSD would be able to create and manage new parkland as the need arises is not an adequate mitigation.

Transportation

While there has been substantive input from others on transportation issues, I would submit this observation about the assumptions and proposed plans for reduction of vehicle use:

McKinleyville, to whatever degree of urbanization it is currently or will be developed, is located on the far north coast of California, hundreds of miles away from urban centers. While the airport for Humboldt County is close-by the cost of flights are prohibitive for most people so cars are the vehicles that provides access to the "outside world."

Many McKinleyville residents have jobs, and/or rural agricultural and livestock property that require trucks. They drive into town to do their shopping and would still do that for whatever the Town Center businesses have to offer.

McKinleyville is a preferred community for inter-generational families because of the residential nature of the town, larger yards, and family oriented activities. These families travel, shop, and transport their children in cars. And, the current senior and wheelchair using population cannot walk or use bicycles to shop, especially since Humboldt County's climate is rainy or drizzly for up to 9 months of the year.

Entertainment, cultural, government facilities for Humboldt County are not located in McKinleyville. And, with the proposed land use for the Town Center, it will not be able to develop. Until there is a robust user-friendly inter-city transportation system, people will drive their cars.

6 To create a "unique" Town Center that only will be used by the new 6,000 residents and does not draw people from other parts of the county or state – as suggested in

6 con't. | the DEIR as a denial of the need for mitigation – defies the MCP purpose for a Town Center and restricts the economic and cultural development potential.

Design Review and Administration:

7 There has been community concern about the designation of the MMAC – an advisory committee appointed by the Board of Supervisors for general purposes of advising them about McKinleyville concerns – as the Design Review Committee mandated in the McKinleyville Community Plan. The result of that decision was

- Members of the community with expertise, experience, and a diversity of perspectives and interests were not included in the deliberations and development of standards decisions
- Members of the community were only allowed 3 minutes within a MMAC meeting format to provide input on decisions being discussed. These comments were not recorded in the minutes so no record exists.
- There resulted a perception – as expressed in the DEIR – that there was no community dissent.

While the standards for development in the Town Center – with the exception of residential density and open space – follow the requirements of the MCP, all of the "review for compliance with the provisions of this ordinance shall be through a Zoning Clearance Certificate issued by the Director of Planning and Building." And, "requests to deviate from the provisions of this Q-Zone may be allowed subject to approval of a Conditional Use Permit by the Planning Commission."

- This is not in compliance with the objectives and goals of the MCP Section 1600 "Public Participation" which state that:
  "Providing opportunities for community members to be involved in developing and monitoring the implementation of adopted plan policies. · Establishing performance review methods for assessing the efficiency and continued appropriateness of adopted plan policies, their application, and administration. · Ensuring that the public is well informed about and is enabled to give input on planning initiatives and the review and consideration of significant development projects"
- This takes all the future development decisions about the design of the Town Center out of the hands of the citizens of McKinleyville as even the MMAC is not allowed to make development plan decisions.
- The community option of incorporating as a city is years away from being decided so the area of McKinleyville proposed to give the town a 'unique identity' and reflect
- While the current Director of Planning and Building has been deeply involved in the process of developing the Town Center Ordinance/Q Zone and has listened to the public input and tried hard to balance the interests of the land owner, the needs of the first developer, the demands of the State, and the desirability of

7 con't.

having the Town Center developed for the use of the whole community, there is no guarantee that either he, in the future, or any new appointee of any future Board of Supervisors will have the same capacity of will.

- This same Director of Planning, according to the DEIR, will have the responsibility of reviewing and overseeing all the mitigation requirements and efforts called for in the DEIR. Given the already overbearing load of responsibility this position has for the whole of the unincorporated area of this very geographically large county, this is not feasible, advisable or simply humanly possible.

Conclusion and Alternatives:

The McKinleyville Community Plan (MCP) and County General Plan framework are still the long range statement of public policy for the use of public and private lands in McKinleyville. If members of the community, or public officials, believe it needs updating, there is a public process for updating a community plan that is transparent and properly orchestrated.

The development of a Town Center Ordinance was undertaken as a fulfillment of a policy mandate in the MCP and all publicly noticed meetings were held with that understanding. To change that intention, to creating a Q Zone Overlay that would update the MCP, without publicly announcing that action so there could be a hearing process, does not appear to be lawful and it certainly is not fair to the current citizens of McKinleyville.

Furthermore, changing the Wetlands designated parameters is not the only change to the MCP in the Ordinance, Q Zone, and DEIR so that it no longer is about fulfillment of the MCP, it is about radically altering some of most salient intentions, policies, and goals.

Central to the alteration of the MCP is the concentration of multi-family residences at a scale and density that no longer remotely resembles the description of the purpose and qualities of the Town Center.

With so much good and well-meaning work put into the development of the Town Center Ordinance, it is not my wish to assail that document. However, I do question using this process to simultaneously change the MCP. It seems a legal question as to whether this can be done in this way.

My recommendations and Alternatives would be to:

8

1. Move forward with the Town Center Ordinance as fulfillment of the MCP and mitigate for the parts of the DEIR that speak to that. Then, at a ater date, engage in an authentic update of the MCP. This timing would be determined by the schedule of the Planning Department commitments to other communities

8 con't.

and in consideration of the current examination of the prospect of incorporation of McKinleyville as a city.

2. Reduce the maximum multi-family dwelling units by 50% while keeping the transportation mitigation plan to build a transit center. The simultaneous development would best fulfil the purpose and design of the Town Center and insure a more organic development of commercial businesses in response to the needs/desires of residents within the Town Center, in the greater McKinleyville area, and interested people beyond.
3. Revise the DEIR after consideration of the MCP mandate for parkland and the TC Ordinance stipulations about open space, applying these inclusions to consideration of the proposed density of building and population growth.
4. Create and appoint a Design Review Committee that informs and supports the work of the Director of Planning and Building in his reviews for compliance and requests for deviation. This would fulfill the MCP mandate, comply with the objectives and goals for community participation in ongoing planning, and alleviate some of the burden placed on the Planning Director.

* I am a trained social scientist who has thoroughly studied the McKinleyville Community Plan; initiated community discussions; actively advocated for the development of a Town Center Ordinance for four years, as part of the McKinleyville Organizing Committee, helping to precipitate the official process by the County Planning Department and the McKinleyville Municipal Advisory Committee (MMAC); and participated in all the opportunities for community input on the development of the Ordinance over the past 5 years.

Letter 20 – Bonnie McGregor

1. The commenter lists several points about residential density assumed in the Q-Zone Ordinance and draft EIR. It is noted that the Q-Zone Ordinance defines multi-family residential density at a minimum of 16 units per acre, but the draft EIR assumes 25 units per acre. With this difference, the total potential Town Center population and density of residential use would be greater than previously understood by the public or by the McKinleyville Municipal Advisory Committee. This change is inconsistent with the goals of the Community Plan without public notice.

   Refer to Master Response #1 in Table 2-1 regarding crafting of a CEQA project description based on the Q-Zone Ordinance content.

   The 16 units per acre density is noted as a minimum in the table entitled "MU1: Mixed Use (Urban)" in the Ordinance. The General Plan identifies assumed density ranges for residential land use designations. The Residential Medium land use designation, which is implemented through standards in the Residential Multiple Family zoning district, allows multifamily development at a density of 7-30 units per acre. No other residential land use designation allows multifamily development or residential development at more than eight units per acre. Therefore, this zoning designation best captures the type and minimum residential density envisioned to create a vibrant mixed-use Town Center.

   As described in Master Response #1, the Q-Zone Ordinance established a form-based code to establish the form and function of the buildings. Development needs to fit into the limitations established by these design standards. As noted by the commenter, the Q-Zone Ordinance does not define projected development capacity for Town Center, because the limitations are established by the form-based provisions. A development capacity projection is foundational to assessing potential impacts of a proposed project. To assure that the draft EIR conservatively evaluated potential impacts of future Town Center development, the County assumed residential development density at the higher end (25 units per acre), but not the maximum density of 30 units per acre (as allowed per the Residential Medium land use designation) in the development capacity projection in Table 4-1. This was done to promote the potential that the draft and final EIR would capture and disclose to the public the potential environmental impacts of future individual mixed-use projects whose residential component would exceed the minimum of 16 units per acre identified in the Q-Zone Ordinance.

   The Town Center site may not build out at an average residential density of 25 units per acre, but this was chosen for analysis in the draft EIR to ensure potential impacts from development are adequately disclosed and addressed. The numbers identified in the DEIR are for

environmental impact assessment only, while the regulations of the Q-Zone are based on what is allowed in the Form-Based code.

2. The commenter states that the draft EIR omits an important paragraph in section 2350 in the Community Plan that describes the nature of the Town Center, and states that the proposed density of development does not "assure a traditional village form" as stated in section 2350.

   Refer to Master Response #1 and to the response to comment #1 above.

3. The commenter states that there is no reference about parking in the draft EIR, which affects convenient and safe automobile access and would impact projected development coverage of land.

   Analysis of parking access to various end users in a proposed development or plan is not a required component of a defensible CEQA document. Parking requirements for future uses within Town Center are established in the Humboldt County Code and must be met by future individual projects. Parking requirements can affect building capacity though residential development densities for various residential land use types and building coverage for non-residential land use types consider parking requirements. Parking is addressed as a component of the Q-Zone.

4. The commenter suggests that the draft EIR gives no consideration for providing open space as part of the project or consider the proscribed amount of open space in its calculation of developable land. Neither the Ordinance nor the draft EIR identify the Community Plan requirement that 3 acres of parkland be provided for every 1,000 new residents. The requirement is dismissed by proclaiming the wetland area as passive open space.

   A CEQA analysis is concerned primarily with the physical resource impacts of a proposed project. Whether or not a proposed project meets the standards of the responsible jurisdiction is not an environmental impact under CEQA. Projects that trigger demand for new park and recreation resources can have an associated impact if new park and recreation resources must be constructed and operated to meet that demand. If so, the physical impacts of constructing and operating those resources must be addressed under CEQA.

   Refer to draft EIR Section 16.6, Parks and Recreation, for an explanation of how the County intends to address the park needs of new residents within Town Center. Information in that section includes reference to the parkland ratio the commenter suggests is not found in the draft EIR. The Community Plan requires that all new residential development must either dedicate parkland or pay a park impact fee. The Quimby Act allows the County to collect park and recreation impact fees in-lieu of requiring a developer(s) to provide park facilities within a proposed project site. Those fees must be committed to providing new park resources and/or to

improving park and recreation resources. In the case of the proposed project, since Pierson Park is already located within the Town Center boundary, the County has determined that collecting park impact fees from new project developers within Town Center would be preferable to requiring them to dedicate park land within the vacant areas of the Town Center site west of Central Avenue. The fees can be used to improve Pierson Park to help accommodate additional demand created by the project. This approach also considers that the 14-acre wetland preservation area within the site will be improved as a passive recreation resource, and that the Q-Zone Ordinance requires a minimum of three percent of the developable but undeveloped area of the Town Center be devoted to open space, to include a minimum of 20,000 square feet of common open space area.

5. The commenter states that not adding new parkland will significantly impact the community and will push existing residents out of Pierson Park, and using existing parks and expecting MCSD to maintain them is not adequate mitigation.

   As noted in the response to comment #5 above, an EIR is required to address the physical impacts of developing and maintaining new park and recreation resources. The draft EIR contains this analysis in Section 16.6. The draft EIR does not identify significant environmental impacts associated with parks and recreation, and therefore, does not identify using existing parks as a mitigation. The decision by the County to collect park and recreation impact fees in lieu of requiring parkland dedication within the project site is a project description/project design issue, not an EIR analysis issue. Refer to Master Response #1 in Table 2-1. Refer also to the content of the MCSD's comment on the draft EIR in Letter #5, page 2, under Section 16.7 where the MCSD states that the analysis of parks and recreation impacts "more than adequately addresses the potential effects of the project."

6. The commenter suggests that the draft EIR denies the need for mitigation of VMT impacts by stating the project will not draw people from other parts of the county or state.

   Potential VMT impacts of the project are addressed in draft EIR Section 13.0, Transportation. The draft EIR does not state that the Town Center would not draw people from other parts of the county or state. The analysis reflects guidance from the California Office of Planning and Research (now the Office of Land Use and Climate Initiatives) which states that individual retail businesses with building square footages of 50,000 square feet or less can generally be assumed to focus on providing local-serving services and therefore, can be assumed to have less-than-significant VMT impacts. This is opposed to typical "big-box" retailers whose building square footages tend to be larger than 50,000 square feet. The Q-Zone Ordinance expressly prohibits big-box uses as noted in the discussion of VMT impacts in the draft EIR. This is a criterion used in CEQA documents to assess potential VMT impacts of retail uses being proposed across the state and is not unique to the draft EIR.

7. The commenter expresses concern about the design review approach in the Q-Zone Ordinance and that it allows future development approval decisions to be placed in the hands of the Director of Planning and Building.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

8. The commenter provides a summary of conclusions based on prior comments in the comment letter and provides recommendations for the process to adopt the Q-Zone Ordinance, update the Community Plan, reduce the maximum residential density by 50 percent, revised the draft EIR after amending the open space provisions of the Community Plan, and create a design review committee.

   Comment noted. The comment does not address specific issues with the analysis in the draft EIR. The recommendations can be considered by the Humboldt County Board of Supervisors as part of its deliberations to certify the EIR prior to making a decision to approve or disapprove the project.

Letter 21 – Greg Pierson

May 27, 2025

Mr. John Ford
Humboldt County Planning Director
3015 H Street
Eureka, CA 95501

Delivered via email:
ceqaresponses@humboldt.ca.us
JFord@co.humboldt.ca.us

Re: Comments on the McKinleyville Town Center Draft Environmental Impact Report

Dear Mr. Ford,

Please accept these comments on the McKinleyville Town Center Draft Environmental Impact Report (DEIR) on behalf of the Pierson Company.

1 **Chapter 2 – Summary**
Throughout the DEIR, there are various triggers for additional studies that may be required of developers (e.g., Mitigation Measure 11-2 noise study). Please update Chapter 2 to include a consolidated list of all the studies developers need to complete, noting this list may need to specify project type and location within the Town Center. These mentioned studies are currently scattered throughout the DEIR. For purposes of transparency and clarity, please add a comprehensive list of all the potential and mandatory studies included in the DEIR that developers need to prepare prior to obtaining approval from the Planning Department.

2 **Chapter 4. Project Description**
Hazard trees. It should be noted that the project area includes some mature spruce trees in poor health that need to be removed to maintain public safety. To date, trees have fallen on the pharmacy and fences, as well as into roadways. Additional trees may need to be removed to protect public safety and can be replanted in the 14-acre wetland mitigation area as needed to offset the loss of the trees. Please update the project description to account for this necessity.

Wetland Reserve Area. Wetland preservation and conservation is summarized on page 4-6 and show in Figure 4-7 on the following page. We request several adjustments:

3 1. The 14-acre wetland area on Figure 4-7 is clearly demarcated with a straight line on the eastern edge. In reality, this wetland area may not have a straight line as shown, accounting for the constraints and opportunities associated with establishment of successful wetlands related to topography and drainage. Please provide flexibility for adjusting the final layout of the wetland reserve area shown in Figure 4-7 as Wetlands (WR) to accommodate site specific requirements.

4 2. On the portion of our property zone to be zoned as Mixed Use, there are 4.63 acres of wetlands. At a 1.5: 1 ratio, that sums to 6.95 acres of wetlands required for mitigation, assuming all 4.63

4 con't. acres must be impacted. There are 0.9 acres of existing acres in the 14-acre wetland reserve area shown in Figure 4-7. Accounting for the 0.9 acres of existing wetlands and the additional area needed for wetland mitigation, there will be a balance of additional non-wetland acreage in the 14-acre wetland reserve area. We do not agree to being precluded from additional development in the balance of the wetland reserve area where wetland mitigation is not required and existing wetlands are not present. Please revise the project description to account for this flexibility.

5 3. A number of additional amenities are included in the wetland reserve area, such as trails. As a developer, we should receive credit for establishment of these additional public amenities and should not be expected to pay an additional park fee, on top of these amenities and open space.

Chapter 6 – Biological Resources

6 **Page 6-33.** Item 6.2 refers to a 14 acre area with general boundary parameters loosely described. Please add a cross reference to a figure that clearly shows the referenced 14-acre area (e.g., Figure 4-2, green area labeled Wetlands (WR), if this is the case).

7 **Page 6-34.** Item 6.3 notes a wetland delineation is required on "the property." Additional specificity is needed to clarify *which* property requires an assessment for three-parameter wetlands. Cross referencing an area clearly labeled on a figure is requested.

8 **Page 6-34.** Item 6.5.6 addresses monitoring and requires an annual report for a minimum of five years. The Regional Board and USACE typically allow reporting in Year 1, 3, and 5. They also allow monitoring to cease prior to five years if the established success criteria is met ahead of schedule. We request revision of this sub-section to align with Regional Board and USACE reporting standards, as presumably a single report would be prepared in Year 1, 3, and 5 and submitted to all jurisdictional agencies concurrently.

9 **Page 6-13**. Halquin lotus is listed with a moderate to high potential of occurrence. This should be changed to "present," as the species was observed.

10 **Page 6-23 and 6-24. Lake or Streambed Alterations.** There are no lakes or watercourses in the project area that are jurisdictional to CDFW. The section should be removed and is not applicable to the project.

11 **Page 6-40. Mitigation Measure 6-1 - Focused Special Status Plant Surveys.** Part C of the mitigation measure includes requirements that are more onerous than what are typically included in CEQA documents, specifically:

- Requiring five years of monitoring for a species that is only CRPR listed and not also federally and/or state listed is beyond what should be necessary to mitigate for the species. Please revise text to require up to five years of monitoring for species that are federally and/or state listed monitoring only.
- Requiring quarterly reporting for year 1 monitoring is also excessive and impractical for species that are not always blooming or visible during all months. Annual reporting should be sufficient. If species success can be documented in under five years, further reporting should not be required.
- Outside of the coastal zone where ESHA is not present, mitigation at ratios beyond 1:1 is also excessive. The DEIR proposes a ratio of 3:1, which should be amended to 1:1, especially given annual monitoring is required to confirm success.
- For many species, counting individual plants is likely infeasible. Please revise the language to demonstrate success based on square footage area, not individuals.

Page 6-42. Mitigation Measure 6.3 – Western Bumble Bee.

12 • On page 6-19, the Potential to Occur table documents that Western bumble bee have a "low potential" to occur. As such, a mitigation measure for the species is not required and Mitigation Measure 6.3 should be removed from the EIR. Case in point, the DEIR does not include mitigation measures for the numerous other species that were determined to have low potential to occur.

13 • As written, the measure fully precludes any development from commencing between August 1 and March 31. This is impractical and will stop development. The measure needs to be revised to accommodate development that needs to start outside of the optimal flight period for Western bumble bee. On many other projects, CDFW has not objected to mitigation measures that require pre-construction surveys, even if the pre-construction survey is occurring outside of the April 1 – July 31 window.

Page 6-46. Mitigation Measure 6.5 – Nesting Birds.

14 • Typo. The month "August" is missing from the fourth line of the mitigation measure.

15 • The measure includes a buffer of 1,000 feet for larger raptors. This is twice the distance that CDFW has required on numerous other CEQA documents in Humboldt County, which include buffers ranging from 50 ft (small birds) to 500 ft (raptors). Please rephrase to indicate buffers for active nests will range from 50 ft to 500 ft, depending on species, or as otherwise determined in consultation with CDFW. This revised language should be sufficient to meet the needs of all parties.

16 **Starting on Page 6-47. Potential Wetlands or Waters.** The section, including Mitigation Measure Bio-6, makes numerous references to CDFW's jurisdiction over wetlands. CDFW does not have jurisdiction over wetlands through their LSAA or CESA permitting, although they are acknowledged as a state responsible agency under CEQA, which is different. The section and mitigation measure should be revised to omit CDFW as an agency with permitting jurisdiction over wetlands that are separate from three-parameter wetlands. The project area does not include any watercourses that are jurisdictional to CDFW.

Page 6-41. Riparian Habitat or Other Sensitive Natural Community.

17 • The Conclusion section states that the area north of Hiller Road will be evaluated for SNCs as determined by the required focused plant survey. However, Mitigation Measure Bio 6-1 does not actually include any language that would require such an evaluation and the referenced language is actually included in Mitigation Measure 6-7.

18 • Additionally, an on-site biological evaluation already occurred on the area north of Hiller Road to support preparation of this document; thus, this information should already be known without requiring additional investigation at the developer's expense.

19 • Because the biological review was already completed (our representative met the County's biological consultant in the field) and did not result in any mapped SNCs on the subject property north of Hiller Road, Mitigation Measure Bio 6-7 should be removed in its entirely.

Chapter 9 – Greenhouse Gas

Page 9-21. Mitigation Measure 9-1 GHG.

20 • Mitigation Measure 9-1 prohibits installation of permanent natural gas infrastructure. This measure impractically limits commercial kitchen or other appliances that require natural gas and do not have all-electric alternatives (i.e., Emergency generators). The mitigation measure must be revised to allow use of natural gas appliances where electric alternatives do not exist or are not feasible to use. The area needs to have gas infrastructure to allow for emergency generators, commercial kitchens, and alternative means of cooking and heating a home in the likely event of a power outage.

21 • Mitigation Measure requires EV support infrastructure consistent with Tier 2 standards but does not define those standards. Please include what is actually required by the Tier 2 standards in the mitigation measure. Page 9-20 mentions Tier 2 standards but does not define them. However, Page 9-20 says Tier 2 standards are voluntary. If Tier 2 standards are voluntary, how can compliance with Tier 2 standards be mandatory under any mitigation measure as a required action? We request that the Tier 2 standards remain voluntary, as they are currently defined.

Chapter 11 – Noise

22 **Page 11-18. Railroad Drive Noise Impact Mitigation.** The analytical traffic noise mitigation text under the Mitigation heading beginning on page 11-18 lists several options for mitigating traffic noise before concluding the strategies are uncertain; the impact is conservatively assumed to be significant and unavoidable. Does this mean that developers/applicants will not be required to complete any measures for traffic noise impacts on Railroad Drive between Central Avenue and McKinleyville Avenue since they are challenging and thus infeasible? Or, does this mean that developers/applicants may need to complete some TBD menu of the referenced options if required by the County, but the resulting reduced noise levels may still be too high anyway? We assume this is most sensibly the former (no implementation of any measures required) but would like the County to confirm given the unclear language. If the later, we request that the County please be more specific about what will actually be required in the Final EIR.

23 **Page 11-19. Mitigation Measure 11-2.** This mitigation measure seems to require a noise report if developers are proposing residential uses specifically and singularly. Please confirm this is correct. Are there any undeveloped areas along Central Avenue where new residences can be developed? Does this requirement apply to re-development (demolition of existing structures and reconstruction of new residential development)? Please note, these studies will cost between $10,000 and $20,000 and will continue to drive up the cost of housing.

Chapter 12 – Public Services
Page 12-6. School Impact Fees.

24
- The DEIR references a school district's authority to levy school impact fees on developers under "specified conditions" but does not specify what the conditions are or demonstrate if they specified conditions are in any way applicable to the development described in the DEIR. Please update the DEIR to clarify what the applicable conditions are and what the fee may be.
- Page 5 of this version of the referenced legislation indicates fees are $1.93 for residential development and 31 cents for commercial developed and will be adjusted for inflation. What are the current fees required under SB 50 that are specifically applicable to the project? http://www.leginfo.ca.gov/pub/97-98/bill/sen/sb_0001-0050/sb_50_bill_19980827_chaptered.pdf
- The DEIR includes the school impact fees as a basis for avoiding future school overcrowding, to avoid a significant impact to public services. The DEIR does not conclude that an impact will occur yet requires mitigation in the form of a school impact fee. Additionally, there is lack of sufficient information describing (a) if the specified conditions in SB 50 are applicable and thus likely to be triggered, and (b) what are the fees to be levied if specified conditions are triggered, which constitutes differed mitigation.

Page 12-7. Fire Protection Fees.

25
- The DIER states, "Title III, Division 2, Chapter 10 of the Humboldt County Code allows the Board of Supervisors to adopt a Fire District Development impact fee for all non-exempt Development within the unincorporated areas of the County and within the boundaries of a Fire District. The Board of the fire district must adopt certain findings of need and submit those to the County for consideration. This has not yet been accomplished by the Arcata Fire Protection District. Once this fee is established, new development is required to pay impact fees to support capital facility costs for maintaining fire protection service capacity. The fee is paid to and collected by Humboldt County on or before the time of issuance of a building permit." On page 12-9, the DEIR says the project would contribute to the need to construct a new fire station, with a TBD location. The DEIR is assuming (a) TBD fire impact fees will be assessed and paid by developers at a (b) TBD location of a new fire station to avoid a significant impact related to fire protection services. This is deferred mitigation.

26
- Additionally, the adjacent fire station was just expanded with our cooperation. Does the expanded fire station not meet the service demands of the built out Town Center?

Chapter 13 – Transportation
Page 13-17. Transit Center.

27
- The text on page 13-17 states, "the precise location of the transit center has not been fixed but is anticipated to either be in the existing McKinleyville Shopping Center Development or immediately behind it along the extension of Nursery Road." Both of these locations are privately owned. As a public facility, the transit center should be located in the public right of way. If a public facility is to be located on private property, then purchase of the private property by a public entity (e.g., McKinlevyille Community Services District) would first be required. This process needs to be specified in the Final EIR.

28
- As written, the DEIR is silent on who is paying for the transit center property and development. Inclusion of the transit center in the project description is effectively migratory to offset potentially significant environmental impacts associated with VMT and emissions. As such, the process to fund development of the transit center needs to be described with greater certainty; otherwise, this is deferred mitigation. One cannot simply waive a magic wand to materialize a public transit center on private property. If public funds are not identified to fund the transit center, will the development described in the DEIR beyond the 50% build out be precluded?
- As written, we worry the County is silently assuming the landowner will fund the property and development of the transit center as a quid pro quo requirement in order to obtain County approval to build out the Town Center. In a larger community where a developer is building an entire town, a developer-funded transit center may be more appropriate. In this situation, a small area of an existing town has been identified for development to meet state-mandated housing requirements. Passing the costs of the transit center onto the developer would not be appropriate or welcomed.

Chapter 16 – Recreation

29 **Page 16-18. Park Fees.** The DEIR states the 14-acre reserved for wetlands will serve as a passive park amenity and be subject to TBD park fees collected by McKinleyville Community Services. The 14-acre wetland area will remain in the private ownership of L & A Enterprises, LLC and has been set aside to balance anticipated unavoidable wetland impacts. We do not agree payment of a park fee is required anywhere within our property because we are providing the "amenity"; nor do we plan to pay a park fee for the 14-acre wetland area. This requirement would be an obstruction to developing the Town Center as described in the DEIR. In addition, any reserved area we provide that is not required for wetland mitigation should be counted toward fulfilling all open space and landscaping area requirements for our property, as such may be specified in the ordinance and in other sections of the EIR.

Chapter 18 – Cumulative Impacts

30 Any mitigation measures removed from the biological chapter as a result of our comments should also be deleted on page 18-8 for consistency.

Appendix B – Q-Zone Regulations/Project Description

31 There are two development details that were unclear in the Q-Zone Regulations and the project description. Please clarify:

- Are balconies facing streets and trails allowed?
- Are roll-up doors specifically to enclose indoor-outdoor eating areas or similar uses allowed?

Other

32 The DEIR notes requirements to pay fees for school impacts, fire protection, transit (via a transit center), and parks. There are multiple developers that will help to build out the Town Center. The DEIR does not describe how these fees will be proportionally assigned to various developers or if it is expected they will be borne by our company alone, as a primary developer in the Town Center. Given the fees are used to

32 con't. support services described in the DEIR to effectively mitigate significant environmental impacts, failure to explain how the fees will be structured and levied in order to offset potential significant impacts via mitigation by incorporation into the project is differed mitigation.

Sincerely,



Greg Pierson
Pierson Company

Letter 21 – Greg Pierson

1. The commenter requests that draft EIR Section 2.0, Summary, but updated to include a list of all studies developers need to complete with specification for project type and location.

   The commenter's request is about facilitating development implementation. An EIR is not intended to function as a development implementation tool. As part of the CEQA process, the County will prepare a mitigation monitoring and reporting program for consideration by the Board of Supervisors prior to its deliberations to approve the project. That document will be a list of all mitigation measures in the EIR and the timing required for when each must be implemented.

2. The commenter requests that the project description be updated to note that the project area contains dead trees that need to be removed to protect public safety.

   The Town Center Ordinance section 6.6.1.1 already takes this into account with the following requirement:

   > 6.6.1.1 The Spruce Grove north of Hiller and South of Railroad will be preserved as a buffer between the developed Town Center and the wetland preserve to the west. Prior to development around the trees an arborist shall provide a report on the health and viability of the trees. Any trees deemed hazardous or in declining health shall be removed. Trees approved for removal shall be replaced with like species. A minimum of 50% of the area containing the grove shall be retained for public open space and up to 50% may be incorporated into the developed environment.

   .

3. The commenter requests changes to Figure 4-7, noting that the wetland area may not be defined by a straight line that represents its eastern edge.

   The boundary of the wetland area shown in the figure is illustrative as to the general intended location of a wetland reserve area.

4. The commenter does not agree to being precluded from additional development in the wetland area where wetland mitigation is not required and existing wetlands are not present.

   Comment noted. Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

5. The commenter requests that credit be received for establishing amenities within the wetland area.

The comment addresses a development implementation issue. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

6. The commenter requests that Item 6.2, on page 6-33 of the draft EIR be modified to cross reference a figure that clearly shows the referenced 14-acre area.

   The information referenced in the comment is quoted from the Q-Zone Ordinance itself. The referenced 14-acre area is illustrated in Map 1, Zoning Map, in the Ordinance.

7. The commenter requests that Item 6.3 on page 6-34 be modified to define which property is being referenced.

   The information referenced in the comment is quoted from the Q-Zone Ordinance itself. The reference to "property" refers to all undeveloped land that is within the Town Center boundary.

8. The commenter requests that the monitoring schedule identified in Item 6.5.6 on page 6-34 of the draft EIR be modified to align with the requirements of the California Regional Water Quality Control Board and U.S. Army Corp of Engineers.

   The information referenced in the comment is quoted from the Q-Zone Ordinance itself. This is part of the proposed project developed in discussions with the community.

9. The commenter states that the status of "Potential to Occur on Project Site" for the Harlequin lotus should be changed in Table 6-1, Special-Status Plant Species with Potential to Occur in the Project Vicinity, to "present" since it has been observed within the site.

   Comment noted. Refer to draft EIR Section 3.0, Changes to the Draft EIR, where this change has been made.

10. The commenter states that the text regarding Lake or Streambed Alterations on pages 6-22 to 6-23 of the draft EIR should be removed since there are no lakes or watercourses in the project area that are jurisdictional to the California Department of Fish and Wildlife.

    The referenced text is included as regulatory information. It does not imply or state that there are lakes or watercourses within the site that are jurisdictional to this agency.

11. The commenter states that mitigation measure 6-1, Focused Special-Status Plant Surveys, includes requirements that are more onerous than what is typically required. Specifically, requiring monitoring for species not listed under as threatened or endangered by the Federal Endangered Species Act (FESA) or California Endangered Species Act (CESA), the frequency of monitoring and reporting, mitigation ratios, and methods of assessing mitigation success.

CEQA Section 15380 provides guidance for what should be considered endangered, rare, or threatened species, including a definition of "species" (subdivision [a]), definitions of "endangered," "rare,", and "threatened" (subdivision [b]), defining state or federally listed species as endangered, rare, or threatened (subdivision [c]), and specifying that: (d) A species not included in any listing identified in subdivision (c) shall nevertheless be considered to be endangered, rare or threatened, if the species can be shown to meet the criteria in subdivision (b). Based on this definition, public agencies must address plant species that may not be listed under the FESA or CESA, but may nevertheless meet the definition of rare or endangered provided in CEQA. The California Department of Fish and Wildlife works in collaboration with the California Native Plant Society and with botanical experts to maintain the Inventory of Rare and Endangered Plants. Species listed as 1B (rare, threatened, or endangered in California and elsewhere) or 2B (rare, threatened, or endangered in California, but more common elsewhere) meet the CEQA definition of rare or endangered. The California Department of Fish and Wildlife advises that impacts to plant species with a California Rare Plant Rank in the Inventory be disclosed by the lead agency during project review to ensure compliance with CEQA.

Mitigation measure 6-1 requires focused special-status plant surveys for species listed as 1B or 2B by the California Native Plant Society, consistent with the requirements of CEQA.

If special-status plant species are identified and plants will be salvaged or seed collected and planted in a mitigation area, success criteria are important to determine if restoration activities have worked. Replanting or reseeding rare plants can be a difficult and uncertain undertaking depending on the species and habitat requirements. A 3:1 ratio achieved at least once over five years is intended to ensure that there is a reasonable expectation that the plants have been established in the mitigation area.

Quarterly monitoring and reporting during Year One is intended to ensure a mitigation area remains suitable for plant establishment after planting/seeding efforts. Management actions in new mitigation areas are frequently needed, such as invasive species removal, trash removal, irrigation, repairs to fencing or signage, etc.

In paragraph c, "(i.e., three plants observed in mitigation area for each plant lost from the project site)" is intended to be an example explanation of a mitigation ratio. Depending on the species and size of the mitigation area, area could be used to calculate presence.

12. The commenter states that measures for Western bumble bee should not be included due to the low potential to occur.

The project site contains suitable foraging and nesting habitat for Western bumble bee and this mitigation measure remains relevant. Please also see comments from the California Department of Fish and Wildlife (Letter 25, below).

13. The commenter states that measures for Western bumble bee should be revised to allow for pre-construction surveys outside of the optimal flight period.

    Mitigation for special-status bumble bees is currently evolving as scientific understanding of the species has developed after the California Department of Fish and Wildlife identified bumble bee species as candidates for listing. The presence or absence of bumble bees is difficult to determine in suitable habitat. According to the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023), survey efforts should be timed during the Colony Active Period, when floral resources are present, ideally during peak bloom. For Western bumble bee, three on site surveys should take place spaced two to four weeks apart from April through September (pages 3 and 4, CDFW 2023).

    Please also see comments from the California Department of Fish and Wildlife (Letter 25, below).

14. The commenter notes that the month "August" is missing from mitigation measure 6.5.

    Comment noted. Measure 6.5 has been updated in the FEIR to include the month "August".

15. The commenter states that nesting buffers in mitigation measure 6.5 for Nesting Birds and Raptors, should be revised from 50 to 1,000 feet to 50 to 500 feet.

    Measure 6.5a states, "Appropriate minimum survey radius surrounding the work area is typically 250 feet for passerines, 500 feet for smaller raptors, and 1,000 feet for larger raptors." The 1,000-foot radius is referring to where surveys should take place, not nesting buffers. 6.5b states, "If the qualified biologist documents active nests at the project site, an appropriate buffer between each nest and active construction shall be established in coordination with CDFW." Nesting buffers are not specified in the measure and are dependent on a number of factors, including species, nest location, proximity to construction activities, etc.

16. The commenter states that CDFW does not have jurisdiction over wetlands through their LSAA or CESA permitting.

    As stated in Section 6.2, Regulatory Setting, CDFW is involved in all aspects of wetlands regulation, permitting, and mitigation in conjunction with other State and Federal government agencies that issue wetlands permits. The comment is correct that CDFW does not have permitting jurisdiction over wetlands on this property. This change has been reflected in Section 3.0 of this FEIR.

17. The commenter states that the area north of Hiller Road will be evaluated for Sensitive Natural Communities (SNCs) as determined by the focused plant survey. This language is not included in measure 6-1.

    Comment noted. The text has been modified in the FEIR to remove, "(to be determined by the required focused plant survey above)" from Impact 6-7, Conclusion. Surveys and mapping of the Coastal dune willow - Sitka willow - Douglas spiraea thickets Shrubland Alliance do not need to occur concurrently with focused plant surveys, however the mitigation measure requires surveys to occur during the late spring/early summer when species are identifiable.

18. The commenter states that an on-site biological evaluation already occurred in the area north of Hiller Road and further investigation is not needed.

    Sources of information used to prepare the Biological Resources section of the EIR are listed on Page 6-1. A wetland delineation was prepared for the area north of Hiller Road, however documentation of botanical or other biological surveys was not provided. Special-status plant surveys or sensitive natural community delineation or mapping have not been conducted north of Hiller Road.

19. The commenter states that a biological review occurred in the area north of Hiller Road and Measure 6-7 should be removed.

    For purposes of preparing the EIR, a reconnaissance-level biological survey of the project site was conducted on July 3, 2024, to confirm conclusions stated in documents submitted and to document qualitative observations of plant and wildlife habitats. Special-status plant surveys or sensitive natural community delineation or mapping have not been conducted north of Hiller Road.

20. The commenter states that mitigation measure 9-1, which prohibits installation of natural gas infrastructure is impractical as it limits uses like commercial kitchens and do not have all-electric alternatives such as emergency generators, and that the area needs to have gas infrastructure.

    As stated starting on draft EIR page 9-18, the County has elected to follow guidance provided by the Bay Area Air Quality Management District regarding evaluating the significance of GHG impacts of new development. "The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development)" is one of the fundamental performance standards for new development identified in that guidance to reduce GHG emissions. This standard addresses the need to reduce associated with use of natural gas in buildings. Since the Q-Zone Ordinance is not intended to explicitly address GHG emissions issues, this requirement is included as a mitigation measure. The mitigation measure is focused on natural gas use in buildings.

21. The commenter states that the Tier 2 voluntary electric vehicle infrastructure requirements identified in mitigation measure 9-1 need to be defined and asks why, if the measures are identified as "voluntary" in the draft EIR text, they are required in the mitigation.

    The Tier 2 standards can be found in the California Green Building Standards Code-Part 11, Title 24. They are identified in sections associated with residential development and non-residential development, as the requirements for each differ. The Code identifies mandatory measures for new residential and non-residential development and two levels, Tier 1 and Tier 2, that identify measures that are above and beyond the mandatory requirements. In this context, the Tier 1 and Tier 2 measures and not required by the Code. However, Bay Area Air Quality Management District guidance focuses on GHG reduction measures needed in new development to help meet the State's 2045 GHG emissions reduction target. Tier 2 measures are the most effective of the three tiers of measures at facilitating electrification of the state transportation fleet, which is a fundamental state strategy for achieving the 2045 reduction target.

22. The commenter asks whether developers are required to implement any of the options for reducing traffic noise on Railroad Avenue described on draft EIR page 11-18.

    No. The noted measures are listed to identify options for reducing traffic noise impacts on Railroad Drive. All were found to be infeasible. Since no traffic noise reduction options are required as mitigation, developers are not required to implement measures to reduce traffic noise on Railroad Drive.

23. The commenter asks whether mitigation measure 11-2 requires a noise report solely for residential uses and whether the mitigation measure applies to redevelopment of sites that would include residential uses.

    The mitigation measure applies to residential uses, as residents are considered noise sensitive receptors. The mitigation measure applies to redevelopment that would include new residential development. There are several undeveloped sites along the segment of Central Avenue within the project site.

24. The commenter asks for clarification regarding the reference to "specified conditions" in the discussion of school impact fees under Senate Bill 50 on page 12-6 of the draft EIR, asks for the fee amount, and questions why the draft EIR requires the fees as mitigation if there is no school impact identified in the draft EIR.

    The reference to "specified conditions" is about a school district charging school impact fees that exceed the statutory cap in effect at the time a developer is issued a building permit – not about whether school impact fees must be paid by new development. All school districts levy

school impact fees on developers and are statutorily permitted to do so. School impact fees are set by local school districts. The commenter can check with the affected school districts, the McKinleyville Union School District and the Northern Humboldt Union High School District about their current fees. Fees are not uniform among school districts nor are they static. Fees are assessed as the time of building permits, so current fees could be higher over time as development proceeds within the project site.

There is no mitigation in the draft EIR that requires payment of school impact fees, so there is no deferred mitigation. Payment of the fees is statutory requirement. A mitigation measure to require payment of these fees is not needed.

25. The commenter states that the draft EIR is assuming that developers will pay a fire impact fee for a new fire station in a location to be determined that is needed to avoid a significant impact and suggests this is deferred mitigation.

    The draft EIR does not assume that the project will result in a significant environmental impact associated with fire protection services. There is no significant impact associated with fire protection identified in the draft EIR, so there is no mitigation that can be construed as deferred. If a new fire station is needed in the future to meet district wide demand for services, the environmental effects of constructing and operating it would be evaluated in a future CEQA process for that project once the station location and design are known. An increase in demand for public service is not the basis for determining impact significance, it is the physical environmental impact of constructing and operating new public facilities that may be needed to meet that demand that is subject to CEQA analysis.

    Payment of development impact fees of all types, including fire protection fees, is a common requirement, with fees due at the time a building permit is issued.

26. The commenter asks whether or not the existing adjacent fire station would meet the increase in demand created at Town Center buildout.

    The EIR consultant communicated with the Arcata Fire Protection District as part of the fact-finding process to identify if the District may need to construct new fire protection facilities in response to cumulative development demands over time, including the Town Center project. The District identified the potential need for a new fire station for that purpose. The mechanism is already in place for the Fire District to develop an Impact fee program. That program would identify the facility need and cost and establish the fee based upon those known factors. Since this process already exists, and there is not an immediate need for an additional station, the impacts of an additional station are not being evaluated in this EIR.

27. The commenter states that if the proposed transit center is ultimately located on private property, purchase of the property by a public entity would first be required. This should be specified in the draft EIR.

    The commenter raises a development implementation question that does not address specific issues with the analysis in the draft EIR. No further response is required.

28. The commenter states that the draft EIR is silent on who is paying for the transit center property and development. The process to fund the transit center needs to be described with greater certainty, otherwise, this is deferred mitigation. The transit center could be precluded if public funds are not identified. Passing the costs of the transit center on to the developer would not be appropriate or welcome.

    Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

    The draft EIR evaluates the environmental impacts of constructing and operating new development within Town Center per the guidance in the Q-Zone Ordinance. An EIR does not assess the financial responsibility for or feasibility of public or private improvements that would implement improvements associated with the project being evaluated. The transit center requirement is part of the Q-Zone Ordinance content. This should be discussed as part of the hearings on the Q Zone.

29. The commenter suggests that the draft EIR states that the 14-acre area reserved for wetlands will serve as a passive park amenity and be subject to park fees that are to be determined. The commenter does not agree that park fees are required because the wetland reserve area is owned by the commenter and the commenter is providing the amenity. The commenter states that he should be given credit against fees for any reserved area the commenter provides that is not required for wetland mitigation.

    The draft EIR does not state that the wetland reserve is "subject to park fees that are to be determined." The draft EIR makes no representation about obligations to pay park and recreation fees related specifically to this component of the proposed project.

    Refer to the response to comment #28 above. Developers who provide public benefit commonly request that the benefit derived be off set by a reduction in applicable development impact fees. A developer and local agency typically negotiate development impact fee reduction questions at the time a project is proposed. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

30. The commenter notes that any biological mitigation measures that are removed as a result of the commenter's input should also be deleted from Section 18.0, Cumulative Impacts.

    Comment noted. No biological resources mitigation measures have been removed.

31. The commenter states that the Q-Zone Ordinance is unclear about whether balconies facing the street are allowed and whether roll-up doors to enclose indoor-outdoor eating areas or similar uses are allowed.

    Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. The draft EIR includes a summary of the Q-Zone Ordinance in Section 4.0, Project Description. This should be discussed as part of the hearings on the Q Zone.

32. The commenter states that the draft EIR does not describe how development fees and costs will be apportioned among the multiple developers that will build out the Town Center and that since fees are being described in the draft EIR as mitigation for significant impacts, failure to include this description is deferred mitigation.

    Refer to responses to comments #25 and #28 above.

Letter 22 – Transition McKinleyville

From: Sandra Rosas
To: Ford, John
Cc: Steven Saint Thomas; jessicanb@gmail.com; Madrone, Steve
Subject: Comments on McKinleyville Town Center Rezone DEIR
Date: Tuesday, May 27, 2025 5:59:36 PM

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

ATTN: Long Range Planning
Planning and Building Department
3015 H Street
Eureka, CA 95501

Subject: Public Comment on McKinleyville Town Center Zoning Amendment DEIR
On behalf of concerned McKinleyville residents, we submit the following public comments on the Draft Environmental Impact Report (DEIR) for the McKinleyville Town Center Zoning Amendment.

1 1) We propose a third alternative for analysis within the DEIR, Community-Based Alternative 3. We propose that this alternative be developed to retain much of the **open-space parcel behind Safeway as a civic park**–protecting and enhancing wetlands, open space and our rural culture as per the McKinleyville Community Plan, and with nature trails and public infrastructure for community use. Community-Based Alternative 3 incorporates suggestions 2-5 as iterated below, as an **equitable, fiscally sound, and environmentally responsible path forward**. This alternative strengthens alignment with the McKinleyville Community Plan while avoiding the policy conflicts posed by the DEIR's Alternatives 1 and 2.

2 2) With the current proposed project alternative(s), **we request a comprehensive reworking to prioritize the safety and wellbeing of our community—especially our children**. Specifically, we call for phased housing development to be coordinated with phased safety improvements at key corridors, including Railroad Drive and Central Avenue, to ensure our children can safely walk or bike to school within the Town Center. The DEIR references historical population data at a school site scheduled to close (Morris) and does not account for those students being moved in fall of 2026 to the school site within the Town Center along Central Avenue. These foreseeable changes to traffic and environmental impacts increase the urgency for multi-modal (bike/pedestrian/wheelchair) safety updates in this area and merit full analysis under the current DEIR.

3 3) We propose that the **Town Center Boundary be expanded in the area of Central Avenue's civic right-of-way** to run from Anna Sparks all along Central to Murray Avenue. Using only civic infrastructure–and street calming measures–such as raised crosswalks, bulb-outs, separated pedestrian and bike pathways, street furniture, public art, landscaping, pocket parks, outdoor pop-up business infrastructure and etcetera will allow for a comprehensive expansion of opportunity for community social and recreational access benefitting the town's entire commercial core.

4 4) In addition, we request that the proposed Town Center Ordinance be amended to expand the allowable civic uses within **MU1: Mixed-Use (Urban)** to **allow urban agriculture, community gardens, public parks, civic plazas, civic infrastructure for pop-up business, and cultural/recreational civic spaces**. These uses are vital to realizing the community's vision for a vibrant, inclusive, and resilient Town Center. They are also entirely consistent with the intent of mixed-use zoning, which is to create **lively, pedestrian-friendly areas that integrate residential, commercial, and civic functions**.

4 con't.

- **Urban agriculture and community gardens** promote local food production, sustainability, and public health, while also serving as green space and community gathering areas. These uses are low-impact and align with both the McKinleyville Community Plan and broader County objectives related to ecological stewardship, health, and climate resilience.
- **Civic Parks and Pop-up Business Infrastructure**—whether temporary or permanent—provide flexible space for small entrepreneurs, artisans, and community events. These uses foster economic diversity, activate the public realm, and lower barriers for local participation in the Town Center's evolution.
- **Cultural and Recreational Civic Spaces** promote **social equity, health, creativity, and civic participation**—key functions in any thriving, inclusive community.

5

5) To ensure the long-term vitality, identity, and economic resilience of the McKinleyville Town Center, we recommend that the Town Center Ordinance be amended to include the development and implementation of a Strategic Arts and Economic Development Plan—with dedicated components for **Arts, Culture, and Local Economic Development**.

This plan should be adopted as a foundational element of the Town Center's civic framework, guiding future public and private investments in community arts, public space activation, local enterprise support, and cultural identity. Such a plan should:

- Identify locations for community arts spaces, public performance areas, and murals or rotating exhibitions.
- Support climate resilience and sustainable development strategies.
- Provide strategies to support local artists, craftspeople, and cultural entrepreneurs.
- Encourage the adaptive reuse of vacant or underutilized commercial buildings for creative and civic uses.
- Prioritize community-driven placemaking projects that foster intergenerational connection and civic pride
- Offer the community expanded social and recreational opportunities.
- Align with workforce development and small business support initiatives to ensure that arts and cultural investments also contribute to economic vitality.
- Be coordinated with public grant funding strategies to pursue state, federal, and philanthropic resources.

A Strategic Arts and Economic Development Plan will strengthen McKinleyville's identity as a distinct, rural, and creative community, stimulate local economic growth, and enhance the livability of the Town Center through public engagement, cultural programming, and local business development. It also positions the community to secure external funding and catalyze investment consistent with community values and the McKinleyville Community Plan.

6

6) Furthermore, we urge the County to revise the project alternative(s) to focus on the **revitalization of existing underutilized commercial parcels** within the developed Town Center footprint, rather than incentivizing wetland fill. To this end, we propose the addition of a **Vacancy Tax Incentive**, which would:

- **Impose a modest vacancy tax** on commercial properties left unleased or unoccupied for more than six consecutive months, excluding those undergoing active permitting, renovation, or community-serving use;
- **Generate reinvestment funds** for small business support, façade improvements, and interim community uses;
- **Create financial pressure** on property owners to offer realistic lease rates and utilize existing space productively;
- **Remove the need to develop on sensitive environmental areas**, including the more

6 con't.

than six acres of wetlands currently proposed for fill; and
- **Advance key goals of the McKinleyville Community Plan**, including commercial revitalization and the preservation of rural town character and rural assets.

As the below signed members of Transition McKinleyville, we urge the County to revise the project accordingly to reflect the community's vision and values.

Sincerely,

Steven Saint Thomas, Permaculturist, Transition McKinleyville
1165 Perini Rd., McKinleyville, CA 95519

Trudy Thomas, Permaculturist, Transition McKinleyville
1165 Perini Rd., McKinleyville, CA 95519

Jessica Bowles-Martinez, MUSD Parent
1641 Windsor Ave, Mckinleyville CA 95519

Kelley Garrett, Environmental Planner
2390 Bryan Rd, McKinleyviile CA 95519
Linda Mays, Library Assistant, Humboldt County Library
Homeowner in McKinleyville

Catherine DeSantis
McKinleyville resident since 2014, Humboldt County resident since 1990.

Shelly Reider
1945 Wavecrest Avenue, McKinleyville CA 95519

Mitch Reid
1945 Wavecrest Avenue, McKinleyville CA 95519

Letter 22 – Transition McKinleyville

1. The commenter suggests evaluating a "Community-Based Alternative 3" that would retain much of the open-space parcel behind Safeway as open space as a civic park to better reflect alignment with the Community Plan and avoid conflicts posed by Alternatives 1 and 2 in the draft EIR.

   The comment does not specify how much of the open-space parcel referenced is proposed as a civic park. As such, it is assumed that the area west of Safeway and north of Hiller Road is being proposed. Draft EIR Section 20.3, Alternatives Considered but Rejected, includes several alternatives whose more detailed analysis in the draft EIR was considered by the County, but where the need for a detailed analysis was rejected. One of these was open space. This alternative would have protected the project site (the undeveloped portion of the site west of Safeway). The rationale for not evaluating this alternative idea in detail is described on page 20-6 of the draft EIR.

   It is unclear on what basis the commenter suggests that there are conflicts associated with having evaluated Alternatives 1 and 2 as described in the draft EIR. No such conflicts are identified in the comment. Alterative 1, No Project, is a mandated alternative to be evaluated under CEQA. It considers impacts of developing the site under existing zoning in the absence of guidance provided in the Q-Zone Ordinance. Alternative 2, Reduced Project Scale, was evaluated as a basis to avoid a significant unavoidable impact of the project (traffic noise on Railroad Drive). An alternative must avoid or substantially lessen one or more of the significant impacts identified for a proposed project.

2. The commenter asks that the current project alternatives be reworked to prioritize the safety and wellbeing of the community-especially children. Phased development is recommended to be coordinated with phased safety improvements on Central Avenue and Railroad Drive, particularly for school children, including those that will be transferred to the existing school site in the Town Center in 2026.

   Refer to the response to comment #15 in Letter 10 regarding the basis for crafting alternatives considered in an EIR.

   The comment does not provide specificity as to what safety improvements are being recommended. Therefore, it is unclear how the alternative concept proposed differs from the proposed project. The bicycle and pedestrian features of the Q-Zone Ordinance are designed to improve connectivity and walkability within Town Center, including through improvements proposed as part of the road diet design for Central Avenue. Those improvements are, in significant part, intended to slow traffic and improve bicycle and pedestrian safety on Central Avenue as is suggested in the comment.

The draft EIR does not identify that potential impacts to bicycle or pedestrian safety will occur with implementation of the Town Center project. Consequently, there is no CEQA basis for examining the type of alternative being suggested by the commenter. If the commenter is suggesting that the Q-Zone Ordinance content be modified to address the noted concerns, refer to Master Response #1 in Table 2-1.

3. The commenter suggests that the Town Center boundary be expanded to extend proposed Central Avenue road diet features (street calming measures that include raised crosswalks, bulb-outs, separated pedestrian and bike pathways, street furniture, public art, landscaping, pocket parks, etc.) from Anna Sparks to Murray Avenue.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

4. The commenter requests that the proposed Town Center Ordinance be amended to expand the allowable civic uses within MU1: Mixed-Use (Urban) to allow urban agriculture, community gardens, public parks, civic plazas, civic infrastructure for pop-up business, and cultural/recreational civic spaces.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

5. The commenter asks that the Town Center Ordinance be amended to include the development and implementation of a Strategic Arts and Economic Development Plan—with dedicated components for Arts, Culture, and Local Economic Development.

   Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

6. The commenter urges the County to revise the project alternative(s) to focus on the revitalization of existing underutilized commercial parcels within the developed Town Center footprint, rather than incentivizing wetland fill. To this end, we propose the addition of a Vacancy Tax Incentive that would impose a modest vacancy tax on unleased/occupied commercial properties, generate reinvestment funds, create financial pressure to offer realistic lease rates, remove the need to develop on sensitive wetlands, and advance key goals of the Community Plan.

Refer to Master Response #1 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

Letter 23 – Douglas and Michelle Kamprath

To whom it may concern.

First off, a big thank you to those who have taken their time and energy to put together a draft plan for our town center area.

We have some suggestions regarding the Mckinleyville Community Plan that address concerns raised by The Mckinleyville Community Services District as well as other community members regarding the reconfiguration of Central Avenue through town in an effort to create a more bicycle and pedestrian friendly town center that isn't dominated by the ubiquitous automobile.

The Services District apparently has important water infrastructure burried beneath Central Avenue running both parallel and perpendicular to the roadway. This infrastructure can, and does, occasionally need maintenance. There is also the possibility of needing to replace some of it that would require the excavation of the roadway.

Many are concerned about "bottlenecks" in town from the elimination of a lane in each direction.

1 We have an idea regarding the roadway, traffic calming ideas, and also the intersection at Murray and Central.

Murray Road and Central Avenue is a prime candidate for a "round about". This intersection is heavily used and is a bottleneck at critical times of day. Keeping the traffic moving there would improve Mckinleyville's flow of traffic.

2 Regarding Central Avenue. We drive down H street in Eureka with some regularity and it occurred to us that H street in Eureka is a good model for Central Avenue. Reduce the width of the four lanes to whatever is reasonable in the engineers view and change the speed limit to 30 mph with a possible 25 mph in the town center area. With the additional roadway available from reducing lane width create a bicycle lane on the West side of the road, possibly separated by some type of obstacle, to give a sense of safety. At 30 mph people are more able to be mindful of pedestrians and stop for crossings. Reducing roadway

2 con't.

width and the speed limit would calm the whole thing down from its current "buzz".
In regards to crossings, perhaps one or two more of the flashing crossings (possibly even at roundabouts) would also help to make Central Ave. a safer street and more user friendly to pedestrians.

Sincerely,

Douglas and Michele Kamprath
Mckinleyville residents on Blake Rd.

Letter 23 – Douglas and Michelle Kamprath

1. The commenter notes that the Murray Road and Central Avenue intersection is a prime candidate for a roundabout.

   Comment noted. Refer to Master Response #2 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

2. The commenter states that H Street in Eureka is a good model for Central Avenue.

   Refer to Master Response #2 in Table 2-1. The comment does not address specific issues with the analysis in the draft EIR. No further response is required.

Letter 24 - Concerned McKinleyville Residents

To: John Ford
Director of Planning & Building
County of Humboldt
3015 H Street Eureka, CA 95501
jford@co.humboldt.ca.us

Re: Comments on the *Draft Environmental Impact Report of the McKinleyville Town Center Zoning Amendment* (SCH# 2024031111)

We are a group of concerned McKinleyville residents, homeowners, permaculturists, environmental professionals, retirees, and business owners. We submit these comments to express our grave concerns about the integrity, legality, and alignment with community values of the McKinleyville Town Center Zoning Amendment and its Draft Environmental Impact Report (DEIR). The planning process has been compromised by conflicts of interest, misuse of public resources, and a fundamental departure from the vision articulated in the McKinleyville Community Plan (MCP), which, in concert with the Humboldt County General Plan, comprises the General Plan for the McKinleyville community.

1 The DEIR reframes the purpose of the MCP's placemaking Town Center Ordinance —from fostering a vibrant, civic-oriented center that enhances rural community character and provides the community with increased social, civic, and recreational opportunities—to promoting "a higher density of residential units to support a commercial core" (DEIR p. 16-15).

2 Mega-housing as an economic driver is certainly not a goal of the Town Center Ordinance. The project proposed with this DEIR is an **expedited** plan for thousands of housing units with **ministerial approval only** and with no architectural standards to protect and enhance our rural character. It promises little-to-no new public open space, fails to address or analyze glaring pedestrian safety and accessibility issues within the Town Center boundaries (e.g. lack of sidewalks on Gwin Rd), and fails to create any significant new social, civic, or recreational opportunities for our community. How does this project reflect community placemaking?

3 The DEIR's shift in project purpose misrepresents the actual project purpose, narrows alternatives, and misleads the public. In *County of Inyo v. City of Los Angeles*, 71 Cal. App. 3d 185 (1977), the Court of Appeals of California stated repeatedly that "an accurate, stable, and finite project description is the sine qua non of an informative and **legally sufficient** EIR" (emphasis added). This DEIR fails that test.

I. CEQA Violations and Environmental Deficiencies

A. Deficient Alternatives Analysis

4 The DEIR unlawfully excludes any preservation-focused alternative for the Town Center's last major open space (APN 510-132-031). No reduced-footprint, open space, or civic park alternatives were studied, despite their clear potential to reduce significant environmental impacts.

This omission violates **CEQA Guidelines §15126.6**, which require evaluation of reasonable alternatives. In *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, the California Supreme Court emphasized that discussion of alternatives is central to CEQA compliance.

5 The County's rejection of a park or hybrid alternative, claiming it doesn't meet project objectives, is circular and unlawful. Indeed, the MCP "Require[s] the dedication of open and recreation spaces as part of the approval of major subdivisions and other significant development projects" (MCP, p. 2). The project objective should have incorporated this requirement for open and recreation spaces. A park or hybrid alternative would have been consistent with an objective that aligned with the MCP.

B. Failure to Assess Cumulative Impacts

6 The DEIR proposes development of the last remaining 40-acre green space in McKinleyville's urban core, yet fails to analyze its cumulative loss in the context of:

- Wetland destruction;
- Sensitive Natural Community loss;
- Tree canopy and biodiversity reduction; and
- Disappearance of community green infrastructure.

Under **CEQA §15130**, such cumulative losses must be analyzed when impacts are "cumulatively considerable."

C. Improper Piecemealing

7 The DEIR and Appendix B–the Ordinance, propose wetland mitigation in anticipation of future, undefined projects. This is a textbook case of CEQA **piecemealing**—the prohibited segmentation of projects to avoid full environmental review. It allows mitigation before any development proposal is disclosed or assessed.

8 Additionally we echo DEIR comments provided to the County by the Coalition for Responsible Transportation Priorities (CRTP) and the Environmental Protection Information Center (EPIC): "If the county intends to construct the [DEIR Appendix E] traffic study's recommended infrastructure changes, then they are clearly part of the 'project' for CEQA purposes. ...The county must therefore either clearly commit not to construct the traffic study's recommended infrastructure changes, or must assess them in the EIR." (Letter dated May 7, 2025, available at the following link: https://transportationpriorities.org/wp-content/uploads/2025/05/Comments-on-Town-Center-DEIR-April-2025.pdf.)

9 CEQA Guidelines §15003(h) and §15378 require evaluation of the "whole of the action." *Laurel Heights* reiterated that interdependent actions must be evaluated together. The County cannot separate mitigation from future development proposals simply to expedite approval.

D. Conflicts with Adopted Plans

10 The DEIR fails to disclose or analyze its many inconsistencies with the MCP and Humboldt County General Plan, violating **CEQA Guidelines §15125(d)**. These inconsistencies include:

- Elimination of more than 6 acres of wetlands protected by MCP Sections 2601, 2602, and 3422;
- Removal of the Wetlands Combining Zone overlay;
- Redefinition of "wetlands" using a new three-parameter test not adopted in the MCP; and
- Effective abolishment of the MCP-mandated Town Center Design Review Committee (Section 2642).

By presuming that the DEIR proposed zoning changes will be adopted to remove a "Wetland Combining Zone" overlay and that a proposed, future amendment of the MCP to deregulate one-parameter wetlands will occur, the Ordinance violates California Government Code §65860, mandating zoning ordinance consistency with the General Plan (i.e. MCP). (In *County of Amador v. El Dorado County Water Agency*

10 con't.

(1999) 76 Cal.App.4th 931, the court emphasized that CEQA requires environmental review to be based on an existing, adopted general plan, not on speculative future amendments.)

Community Context From the MCP Section 2600: "The protection and enhancement of the community's rural qualities within the Urban Development Area is a priority with this Plan. Streams, streamside management areas, wetlands, open spaces, recreational areas and parks accessible to the public at large are identified as features which enhance the rural qualities within our community. The community has a history of protecting these features, and this Plan contains policies intended to carry this tradition forward to the next generation. As the community grows, these features will deliver a higher quality of life to its residents."

II. Process Failures and Public Participation Barriers

A. Inadequate Public Process

11

In September 2019, Planning Director Ford proposed that the McKinleyville Municipal Advisory Committee (MMAC) take the lead in shaping the Town Center Ordinance, rather than convening a broader community-based working group. The MMAC accepted this role, positioning itself as both a public advisory body and a key driver of ordinance content. This consolidation of roles blurred lines between community representation and policy authorship, reducing opportunities for wider public participation and collaborative design.

At the County's behest the MMAC later appointed itself as the Town Center Design Review Committee, violating MCP Section 2642, Policy 1, which calls for the formation of an ad hoc Design Review Committee. (See also, p. A-6, "Design Standards Committee.") This consolidation of authorship and oversight is a clear procedural conflict of interest and undermines public trust and transparency.

Additionally, the DEIR's release was marked by:

- Failure to analyze the 2020 Town Center Survey results;
- Failure to post or publicize project development meetings in an accessible, timely manner;
- Failure to update the project website with current documentation;
- Failure to make the electronic document readily navigable through the use of hyperlinks, e.g., in the Table of Contents, table and figure references, and other internal and external references; and
- Failure to make hard copies of the 1,000+ page DEIR available locally.

11 con't.

These are not minor errors—they violate CEQA's mandate for public participation and transparency.

Given the length and highly technical nature of the Draft EIR—and its profound implications for the future of McKinleyville—we request that the public comment period be extended by at least 60, and preferably 90, additional days. Furthermore, at least three well-publicized public meetings should be held in McKinleyville during this extended period. These meetings must be scheduled at varied times and days to ensure broad accessibility and should include participation from members of the Planning and Building Commission as well as the authors of the Draft EIR and Q-Zone regulations. These representatives must be available and prepared to engage directly with public questions and concerns. Fast-tracking this process with only a 45-day comment period and minimal public engagement undermines transparency and meaningful participation.

B. Undemocratic Approval Process

12

Section 4.6 of the DEIR proposes that future project approvals be ministerial—issued solely by the Planning Director—if deemed "substantially consistent" with the Q-Zone regulations and this DEIR. This eliminates oversight by the Planning Commission and Board of Supervisors, bypasses public hearings, and gives overly broad discretionary power to an unelected official. Such ministerial approval circumvents the democratic process and removes any legal recourse for residents. For example, a large single-use structure (such as a massive data center or corporate complex) could be approved behind Safeway with no public input, even if inconsistent with the MCP, as long as the Planning Director deems it "substantially consistent" with the Q-Zone regulations and the DEIR. This framework must be rejected and replaced with robust public oversight.

III. Conflicts of Interest and Ethical Breaches

13

- In 2020, developer Greg Pierson publicly confirmed a **quid pro quo** agreement with the County—accepting increased housing in exchange for development rights. Such arrangements must be disclosed under CEQA and government ethics requirements.
- In 2023, Mischa Schwartz conducted wetland assessments on parcel APN 510-132-031 using County funds, after previously assessing the site for Pierson in 2019 and 2021. This dual role creates a serious conflict of interest and erodes the integrity of the analysis. Additionally, the use of taxpayer dollars to finance studies that ultimately support **private development goals**—especially when those goals involve environmental degradation (like filling wetlands)—can be

13 con't.

construed as a **misallocation of public funds**. CEQA requires that environmental review be **public-serving**, not a subsidy for private gain.

- The County solicited private funding for the DEIR from entities with a financial interest in the project. CEQA requires environmental review to be independent and free from undue influence.

IIII. Overdevelopment, Housing Policy Failures, and Community Character Conflicts

14

The proposed project would increase McKinleyville's population by up to **6,122 residents**, representing **growth in excess of 35%**. While our community supports additional housing (particularly, affordable housing), such a drastic increase threatens to overwhelm existing infrastructure, intensify traffic and public services burdens, and irrevocably alter McKinleyville's rural character. The DEIR itself acknowledges that a *Reduced Project Scale* alternative would meet the project's core objectives with significantly fewer environmental consequences. An alternative with the density of the *Reduced Project Scale*, or with even lower density, must be adopted in place of the Proposed Project if this project is to remain consistent with the MCP and CEQA's mandate to minimize environmental harm.

In tandem with excessive growth, the DEIR and proposed ordinance allow for **building heights of up to four stories** in areas of the Town Center, including adjacent to residential neighborhoods. This is incompatible with McKinleyville's low-rise rural aesthetic and the MCP's policy framework emphasizing modest, human-scaled development. To protect community character, building heights should be capped at **three stories (30 feet)** across all zones in the Town Center, with any additional height subject to robust discretionary review.

Moreover, despite placing new housing near jobs, transit, and civic amenities, the DEIR **fails to require affordable housing**, with apparently no plan for such housing apart from up to 50 senior units tied to the Life Plan Humboldt project. This omission represents a missed opportunity to meet urgent local needs and promote equity and diversity. At least **25% of all new housing units** must be deed-restricted affordable to **low- and very-low-income households** in perpetuity. Inclusionary zoning or a comparable affordability requirement must be added to the Q-Zone ordinance to ensure that growth is inclusive and responsive to our community's needs.

V. Flawed Technical Analyses

A. Traffic and Vehicle Miles Travelled (VMT)

15 The DEIR traffic study uses outdated travel patterns and ignores known shifts due to the closure of Morris Elementary School and the relocation of students to a school site within the Town Center by Fall 2026.

Also, we echo the CRTP and EPIC comments of May 7, 2025, as follows: The DEIR's VMT analysis assumes per capita travel at 15–20% of county averages—an implausibly low figure. It fails to account for induced travel or local variation, relying on a model insensitive to land use context.

B. Wetlands and Natural Communities

16
- Figure 4-5 of the DEIR (page 4-15) depicts proposed bike paths through designated Wetland Restoration (WR) areas. While we support multimodal infrastructure, these proposals risk ecological harm. The DEIR fails to assess the impacts of these bike paths and to require enforceable mitigation strategies.

17
- The DEIR fails to assess the impact of changing the MCP's wetland definition from a one-parameter to a three-parameter test. This change could exclude 10% of currently protected wetlands without any environmental impact analysis—a direct CEQA violation.

18
- The DEIR describes "Protection and Conservation of Wetland Areas" in Appendix B—the Ordinance, McKinleyville Town Center Q-Zone Regulations--and states wetlands will be conserved through on-site protection and through ***relocation and replacement of wetlands*** to an area of APN 510-132-031 that lies just east of McKinleyville Avenue (Map 1–Zoning Map). The Ordinance fails to acknowledge that said action is in conflict with MCP policies that protect wetlands from new development.

19
- Furthermore, the area of APN 510-132-031 proposed for wetland mitigation would expose the proposed resource to unacceptable levels of roadside runoff and significantly reduced wetland buffer areas as compared to existing conditions—greatly compromising the function and value of said mitigation.

VI. Community-Oriented Alternatives and Policy Solutions

A. Preserve the Open Space as a Civic Park

20 Retain APN 510-132-031 as a civic park with nature trails and passive recreation infrastructure. This would honor the MCP's call to protect wetlands while providing a generational opportunity to create a public green space in the Town Center core. This alternative avoids policy conflicts and legal issues posed by the DEIR's Alternative and Alternative 2.

B. Expand the Town Center Boundary within the Highway Right-of-Way

21 Extend the Town Center boundary along Central Avenue from Anna Sparks to Murray Avenue using street calming, bike/ped pathways, bulb-outs, pocket parks, art installations, and flexible public-use zones. Such an alternative would allow for a comprehensive expansion of opportunity for community social and recreational access benefitting the town's entire commercial core utilizing just the County's old state highway right-of-way. The highway right-of-way is as much as 40' in places as measured from the top-of-curb and outward away from the street.

C. Revise Allowable Civic Uses in MU1

22 Amend the Q-Zone Ordinance to prioritize the following as civic uses in the Mixed Use (Urban) zoning:

- Urban agriculture and community gardens;
- Civic pop-up business infrastructure; and
- Civic plazas and cultural spaces.

These low-impact civic uses enhance livability and are entirely consistent with the intent of mixed-use zoning, which is to create lively, pedestrian-friendly areas that integrate residential, commercial, and civic functions.

D. Adopt a Strategic Arts & Economic Development Plan

23 To ensure the long-term vitality, identity, and economic resilience of the McKinleyville Town Center, we recommend that the Town Center Ordinance be amended to include the development and implementation of a Strategic Arts and Economic Development Plan—with dedicated components for Arts, Culture, and Local Economic Development. This plan should be adopted as a foundational element of the Town Center's civic framework, guiding future public and private investments in community arts, public space activation, local enterprise support, and cultural identity.

Such a plan should:

- Support local artists, markets, cultural spaces, and placemaking;
- Encourage adaptive reuse of vacant buildings;
- Promote the Integration of public art into infrastructure design; and
- Support climate resilience and sustainable development strategies.

A Strategic Arts and Economic Development Plan would strengthen McKinleyville's identity as a distinct, rural, and creative community, stimulate local economic growth, and enhance the livability of the Town Center through public engagement, cultural programming, and local business development. It would also position the community to secure external funding and catalyze investment consistent with community values and the McKinleyville Community Plan.

E. Implement a Vacancy Tax Incentive

24

To promote infill development and reduce pressure on undeveloped open spaces:

- Impose a modest vacancy tax on underutilized commercial properties; and
- Reinvest proceeds in façade improvements and small business support.

This would pressure landowners to lower unrealistic lease rates and reduce speculation, and it would refocus the project to support revitalization of existing underutilized commercial parcels within the developed Town Center footprint, rather than incentivizing wetland fill.

F. Pedestrian Safety Alternatives at Central Avenue

25

Alternatives must be developed to meet the Town Center purpose and needs, which include pedestrian safety at Central Avenue crossings. The McKinleyville Community Services District has raised significant concerns that may preclude a "road diet" on Central Avenue due to their need to service municipal water/sewer infrastructure, which requires access to the mid center-of-street "mains" and closure of adjacent lanes. Perhaps such an issue could be minimized by realigning Central such that said infrastructure is situated under either the northbound or the southbound lane (rather than mid-street)—allowing for servicing of facilities from outside the lane(s) of traffic and minimizing traffic obstructions. A soft-build using temporary infrastructure and quick-build techniques such as those that will soon be implemented on Hiller Avenue could be employed as a trial-run alternative.

VII. Requested Corrective Actions

26

We respectfully urge Humboldt County to:

1. **Reject** the current DEIR and the Q-Zone ordinance as incomplete and legally deficient.
2. **Reject** the wetland fill and the proposed redefinition of wetlands within the Town Center.
3. **Prohibit** any wetland mitigation that would reduce the function and value of existing wetlands within the Town Center.
4. **Withdraw** the proposal for ministerial approval, and reinstate public hearings.
5. **Reinstate** an independent, stakeholder-based Town Center Design Review Committee.
6. **Disclose** all consultant actual or potential conflicts of interest related to this process.
7. **Disclose** all Town Center developer/property owner communications with the County related to this process.
8. **Align** the project purpose with the MCP's objective to foster a vibrant, civic-oriented town center that enhances rural community character and provides the community with increased social, civic, and recreational opportunities.
9. **Extend** the public review period for the DEIR by at least 60, and preferably 90, additional days.
10. **Initiate** a public process to revise the Q-Zone Regulations to ensure that they:
    - Preserve key open spaces,
    - Revitalize existing commercial parcels,
    - Align with the MCP's rural character and ecological priorities,
    - Require that at least 25% of any new housing units be deed-restricted affordable to low- and very-low-income households, and
    - Incorporate pedestrian safety at Central Avenue crossings.
11. **Initiate** a new, fully independent EIR with meaningful public participation and review.

Thank you for your work on this project and for your consideration of our comments.

Sincerely,

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Humboldt Waterkeeper: Jennifer Kalt, jkalt@humboldtwaterkeeper.org

Letter 24 – Concerned McKinleyville Residents

1. The commenter states that the draft EIR reframes the purpose of the MCP's placemaking Town Center Ordinance —from fostering a vibrant, civic-oriented center that enhances rural community character and provides the community with increased social, civic, and recreational opportunities—to promoting "a higher density of residential units to support a commercial core" (DEIR p. 16-15).

   The purpose of the proposed project is best characterized by introductory text to draft EIR Section 4.1, Project Description. Here, the draft EIR states that the project vision is to implement the General Plan and Community Plan vision for the Town Center site "to be developed with a mix of commercial, civic, and residential uses, public gathering spaces, open space, and wetland preservation. Part of the vision is to develop a mix of land uses that are served by robust pedestrian, bicycle, and transit facilities, and to identify implementation alternatives associated with a Central Avenue pedestrian crossing which ease pedestrian traffic. Reference to this vision is made throughout Section 4.0, Project Description, and in other locations in the draft EIR.

   The commenter has isolated a single statement in the draft EIR to suggest that this reference is the entire basis for claiming that the draft EIR is "reframing" the purpose of the project. This is not the case. In fact, it is true that in general, higher density housing placed next to commercial areas supports the economic health of the commercial areas. This would be true for higher density housing within the Town Center supporting future commercial uses within the Town Center and by virtue of its proximity to existing commercial uses in the Central Avenue corridor, also supporting their economic health.

2. The commenter states that mega-housing as an economic driver is not the goal of the Town Center Ordinance and that the project proposed with the draft EIR is an expedited plan for thousands of housing units with ministerial approval only and with no architectural guidelines. The comment identifies additional criticisms of the project.

   Refer to Master Response #1 in Table 2-1. The draft EIR did not create the project description that identifies the potential for ministerial approval. This is identified in the Q-Zone Ordinance. Concerns about the project description itself do not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

3. The commenter states that draft EIR's shift in project purpose misrepresents the actual project purpose, narrows alternatives, and misleads the public. In *County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185 (1977),* the Court of Appeals of California stated repeatedly that "an accurate, stable, and finite project description is the sine qua non of an informative and legally sufficient EIR" (emphasis added). This DEIR fails that test.

Refer to response to comment #1 above. The draft EIR project description, which is the basis for evaluating potential impacts of the project, clearly reflects the content of the Q-Zone Ordinance. Where information is included in the project description that is not taken directly from the Q-Zone Ordinance, it is included as a basis to prepare a complete project description for evaluating environmental impacts. This is true for example regarding Town Center development capacity calculations as shown in Table 4-1 and explained in Master Response #1. There is no evidence provided in the comment that the project description in the draft EIR is inaccurate, unstable or variable.

4. The commenter states that draft EIR unlawfully excludes any preservation-focused alternative for the Town Center's last major open space (APN 510-132-031). No reduced-footprint, open space, or civic park alternatives were studied, despite their clear potential to reduce significant environmental impacts. This omission violates CEQA Guidelines section 15126.6 which requires evaluation of reasonable alternatives.

   Refer to the response to comment #15 in Letter 10 regarding the focus of selecting alternatives to the proposed project. There are innumerable alternatives that could have been selected for analysis. There is no basis for suggesting that omitting a specific alternative of preference to the commenter for analysis in the draft EIR is unlawful. The comment also seems to focus on providing open space without balancing the objectives stated in the alternatives analysis. The objectives are all goals and policies taken from the McKinleyville Community Plan.

5. The commenter states that the County's rejection of a park or hybrid alternative, claiming it doesn't meet project objectives, is circular and unlawful, that the Community Plan requires dedication of open and recreation spaces as part of subdivisions, and that a hybrid alternative would be consistent with an objective that requires dedication of park and recreation space.

   The County did not reject a "hybrid" alternative because a hybrid alternative, whatever the commenter's assumed definition of hybrid might be, was not considered by the County. Second, conversion of the entire site to a park is clearly not consistent with the General Plan and Community Plan vision for the Town Center site as described in draft EIR Section 20.3. The project objectives are rooted in that vision.

   It must also be recognized that Pierson Park already exists within the Town Center. The Town Center ordinance will provide 14 acres of passive open space, and three percent of the development must be dedicated to open space with at least 20,000 square feet located in one place.

   Refer to the response to comment #4 in Letter 20 regarding the County's basis for requiring payment of park impact fees in-lieu of requiring dedication of park space within the

undeveloped portion of the Town Center. The Community Plan allows payment of park impact fees in-lieu of parkland dedication.

6. The commenter states that the draft EIR proposes development of the last remaining 40-acre green space in McKinleyville's urban core and fails to adequately analyze associated cumulative impacts on wetlands, sensitive natural communities, tree canopy and biodiversity reduction, and disappearance of community green infrastructure

   The draft EIR does not propose development. Refer to Master Response #1 in Table 2-1.

   Regarding cumulative impacts on wetlands and sensitive natural communities, refer to draft EIR pages 18-7 through 18-10 where the geographic scope for considering cumulative impacts on such resources is defined, cumulative impacts of past and present development are discussed, and where the project contribution to those impacts is described. The geographic scope for evaluating cumulative impacts on wetlands and sensitive natural communities is not limited to McKinleyville as seems to be implied by the commenter.

7. The comment acknowledges that the property in question is within McKinleyville's urban core which is an infill parcel that has no connectivity to wildlife travel corridors, and it is a previously disturbed parcel which has been used for cattle grazing for many years. The result of the Town Center will be to relocate sensitive species and wetlands, preserve a Spruce grove and redwood grove which will be retained as ordinance requirements. The 14 acres open space will go from being grazing land to space the public can experience. The ordinance includes requirements for landscaping and there are other requirements to protect water quality through low impact development measures that are already adopted. It should be pointed out that 14 acres of a 45 acre development area is being retained as habitat area with public access. The commenter states that draft EIR and Appendix B–the Ordinance, propose wetland mitigation in anticipation of future, undefined projects. This is a textbook case of CEQA piecemealing—the prohibited segmentation of projects to avoid full environmental review. It allows mitigation before any development proposal is disclosed or assessed.

   Refer to the discussion in Section 1.3, Type of EIR. The draft EIR is programmatic. That is, it evaluates the reasonably foreseeable impacts of implementing a program of activities that are geographically related. Those activities are individual future projects to be proposed within the Town Center and other physical development activities needed to support such development. The future projects do not need to be defined at present and could not be as none are currently proposed, with the exception of the LifePlan Humboldt project. Development of the site as a whole can reasonably be expected to result in loss of wetlands. The entire purpose of CEQA is to identify and mitigate or avoid the reasonably foreseeable anticipated significant adverse impacts of a proposed project. Piecemealing is about failure to disclose the full range or

potential impacts of a project by failing to consider the whole of the project. The project description and the analysis of environmental effects of implementing the project clearly address the whole of the project.

8. The commenter echoes draft EIR comments provided to the County by the Coalition for Responsible Transportation Priorities and the Environmental Protection Information Center: "If the county intends to construct the [DEIR Appendix E] traffic study's recommended infrastructure changes, then they are clearly part of the 'project' for CEQA purposes. …The county must therefore either clearly commit not to construct the traffic study's recommended infrastructure changes or must assess them in the EIR."

   Refer to response to comment #1 in Letter 10.

9. The commenter also states that CEQA Guidelines §15003(h) and §15378 require evaluation of the "whole of the action." *Laurel Heights* reiterated that interdependent actions must be evaluated together. The County cannot separate mitigation from future development proposals simply to expedite approval.

   It is unclear what the commenter is referring to by separating mitigation from future development proposals. The primary function of a program EIR is to identify potential impacts from the whole of the action (the program of activities) being proposed. The program of activities for the proposed project is development of the Town Center site as identified in draft EIR Section 4.0, Project Description. Where mitigation measures for potentially significant impacts are identified in the EIR, future individual projects that implement the program are obligated to implement the mitigation measures for impacts to which those individual projects contribute.

10. The commenter states that draft EIR fails to disclose or analyze its many inconsistencies with the MCP and Humboldt County General Plan, violating CEQA Guidelines §15125(d). These inconsistencies include elimination of more than 6 acres of wetlands protected by MCP Sections 2601, 2602, and 3422; removal of the Wetlands Combining Zone overlay; redefinition of "wetlands" using a new three-parameter test not adopted in the MCP; and effective abolishment of the MCP-mandated Town Center Design Review Committee (Section 2642). By presuming that the draft EIR proposed zoning changes will be adopted to remove a "Wetland Combining Zone" overlay and that a proposed, future amendment of the MCP to deregulate one-parameter wetlands will occur, the Ordinance violates California Government Code §65860, mandating zoning ordinance consistency with the General Plan (i.e. MCP).

    The draft EIR evaluates the impacts of the proposed project, which includes the zoning standards and regulations proposed as part of the Q-Zone Ordinance and amendment of the

Community Plan to modify its definition of wetlands. A zoning action would not be proposed if the action was already consistent with existing zoning, nor would an amendment to the Community Plan be proposed if the Q-Zone Ordinance was already consistent with the Community Plan. Regarding wetlands effects, the draft EIR identifies the change in wetland acreage that would be lost due to the proposed Community Plan amendment versus wetland that would be lost under existing Community Plan wetlands definition and mitigates for the increased loss due to the proposed Community Plan amendment.

Refer to Master Response #1 in Table 2-1 regarding concerns about development review oversight.

11. The commenter states that there were a number of project consideration process failures and barriers to public participation in that process and to commenting on the draft EIR.

    Comment noted. The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

12. The commenter raises concerns about language in Section 4.6 of the draft EIR that future project approvals can be ministerial and that this is undemocratic because it eliminates Planning Commission and Board of Supervisors discretion and does not allow for public input.

    Refer to the response to comment #2 above.

13. The commenter expresses concerns about conflicts of interest associated with the proposed project.

    The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

14. The commenter identifies a range of concerns regarding the project scale, building heights, and affordable housing.

    Refer to Master Response #1 in Table 2-1. The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. As identified in prior responses, the draft EIR is not the source of the development standards for Town Center – these are found in the Q-Zone Ordinance. Affordable housing requirements are not imposed on new development through the CEQA process. No further response is required.

15. The commenter states that the draft EIR traffic study ignores the planned relocation of students to a school within the Town Center and identifies an implausibly low vehicle miles traveled per capita figure.

The vehicle miles traveled assessment addresses the per capita impacts of the proposed project, which are largely unassociated with minor changes in local trip distribution that may occur with the anticipated relocation of students.

16. The commenter states that Figure 4-5 of the DEIR (page 4-15) depicts proposed bike paths through designated Wetland Restoration (WR) areas and the DEIR fails to assess the impacts of these bike paths and to require enforceable mitigation strategies.

    The bike path locations are illustrative. Their final locations will be decided as individual projects build out. Bike paths are not intended to traverse through the wetland area.

17. The commenter states that the DEIR fails to assess the impact of changing the MCP's wetland definition from a one-parameter to a three-parameter test. This change could exclude 10% of currently protected wetlands without any environmental impact analysis—a direct CEQA violation.

    Please refer to Master Response #1 in Table 2-1. Mitigation for the loss of wetlands is required with specific mitigation criteria withing the Q Zone, in addition permitting must be obtained from the U.S. Army Corps of Engineers and Regional Water Quality Control Board. On page 6-48 of the DEIR, it is reported that there would be a loss of .64 acres of one parameter wetlands. The potential change in the Community Plan has been identified as part of the proposed project. The change in wetland definition has not been ignored by the DEIR analysis.

18. The commenter identifies that the Q Zone establishes a wetland conservation to allow relocation and replacement of wetlands but fails to acknowledge that this action is in conflict with the MCP policies.

    The comment does not identify how the Q Zone wetland policies are inconsistent with the MCP. Based upon the comment above it is anticipated that the comment refers to changing the definition of wetland from a single parameter to three parameters. In association with the Q-Zone is a modification to the Community Plan that would allow this change in the definition of wetlands within the town center. At that point the Q Zone is not inconsistent with the MCP. .

19. The commenter states: the area of APN 510-132-031 proposed for wetland mitigation would expose the proposed resource to unacceptable levels of roadside runoff and significantly reduced wetland buffer areas as compared to existing conditions—greatly compromising the function and value of said mitigation.

    This is a comment without seeing the design of the future mitigation area. There will be no additional runoff from roads, and areas on the site that are developed will need to mitigate impacts to water quality through some type of Low Impact Development measures to cleanse

water before it is released into a wetland. The 14-acre wetland preserve will not be subject to future development other than what is allowed to provide public access.

20. The commenter states that APN 510-132-031 as a civic park with nature trails and passive recreation infrastructure. This would honor the MCP's call to protect wetlands while providing a generational opportunity to create a public green space in the Town Center core. This alternative avoids policy conflicts and legal issues posed by the DEIR's Alternative and Alternative 2.

    Refer to the responses to comments #4 and #5 above

21. The commenter suggests extending the Town Center boundary along Central Avenue from Anna Sparks to Murray Avenue using street calming, bike/ped pathways, bulb-outs, pocket parks, art installations, and flexible public-use zones. Such an alternative would allow for a comprehensive expansion of opportunity for community social and recreational access benefitting the town's entire commercial core utilizing just the County's old state highway right-of-way. The highway right-of-way is as much as 40' in places as measured from the top-of-curb and outward away from the street.

    Refer to the response to comment #3 above. This would require an amendment to the McKinleyville Community Plan.

22. The commenter recommends amending the Q-Zone Ordinance to prioritize the following as civic uses in the Mixed Use (Urban) zoning: urban agriculture and community gardens; civic pop-up business infrastructure; and civic plazas and cultural spaces. These low-impact civic uses enhance livability and are entirely consistent with the intent of mixed-use zoning, which is to create lively, pedestrian-friendly areas that integrate residential, commercial, and civic functions.

    Refer to the response to comment #4 in Letter 22.

23. The commenter suggests amending the Q-Zone Ordinance to include the development and implementation of a Strategic Arts and Economic Development Plan—with dedicated components for Arts, Culture, and Local Economic Development. This plan should be adopted as a foundational element of the Town Center's civic framework, guiding future public and private investments in community arts, public space activation, local enterprise support, and cultural identity.

    Refer to the response to comment #5 in Letter 22.

24. The commenter recommends that to promote infill development and reduce pressure on undeveloped open spaces a vacancy tax should be imposed on underutilized commercial

properties with proceeds to be reinvested proceeds in façade improvements and small business support and revitalization of commercial parcels rather than incentivizing wetland fill.

Refer to the response to comment #6 in Letter 22.

25. The commenter suggests developing alternatives to meet the Town Center purpose and needs, which include pedestrian safety at Central Avenue crossings and address comments raised by the McKinleyville Community Services District regarding access to utility infrastructure in Central Avenue. Ideas for redesigning Central Avenue are provided.

    Refer to Master Response #2 in Table 2-1.

26. The commenter provides a list of corrective actions that address prior comments.

    Refer to Master Response #1 in Table 2-1 for all corrective actions that address the project description. The remaining corrective actions do not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

Letter 25 – California Department of Fish and Wildlife

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 27, 2025

John Ford
Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

SUBJECT: MCKINLEYVILLE TOWN CENTER ZONING AMENDMENT (SCH# 2024031111)

Dear John Ford:

On April 9, 2025, the California Department of Fish and Wildlife (CDFW) received the Draft Environmental Impact Report (DEIR) from the Humboldt County Planning and Building Department (County; Lead Agency) for the McKinleyville Town Center Zoning Amendment (Project). CDFW appreciates the opportunity to provide feedback and understands the Lead Agency will accept comments through May 27, 2025.

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations (Fish & G. Code, §§ 1801 & 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Pub. Resources Code, §21000 et seq.). These comments are intended to minimize Project impacts on public trust resources.

Project Description

The Project is located in the unincorporated community of McKinleyville in Humboldt County, California. The 134-acre Project site currently consists of developed and vacant parcels and includes residential and commercial development as well as more extensive undeveloped land to the west, including several acres of wetland. The intent is to develop the area with a mix of commercial, civic, and residential uses, public gathering spaces, open space, and wetland preservation. The Town Center will be designed to support both vehicle and non-vehicular traffic. To guide future development, the County

proposes to rezone the entire Town Center site to Mixed Use-Urban (MU1) and adopt Q-Zone (Q) combining regulations that would modify the principal zoning standards and regulations. Portions of the site would be developed according to the principal zoning classification (MU1), and other areas would adhere to three overlay classifications created by the Q-Zone: 1) Residential Multiple Family (R-3), 2) Public Facilities (PF1), and Streamside Management Areas and Wetlands (WR). The rezoning actions would establish a development capacity of up to 2,650 multi-family residential units, 632,800 square feet of retail and commercial uses, and up to 271,200 square feet of office uses. The area designated WR would be reserved for wetland conservation, restoration, and mitigation associated with future development elsewhere in the Town Center. The County is also considering an amendment to the McKinleyville Community Plan that would modify the definition of a wetland within the Town Center site, requiring all three wetland parameters (hydrology, soil, and vegetation) to be present rather than just one.

Biological Significance

The Project site contains functional wildlife habitat in an urban landscape, offering refuge, foraging opportunities, and breeding habitat to a variety of native wildlife. Extensive wetlands also provide ecosystem services, such as groundwater recharge and sediment filtration. The site's wetlands, grasslands, and scattered trees may support several special status species, including western bumble bee (*Bombus occidentalis*; state candidate), northern red-legged frog (*Rana aurora*; CDFW Species of Special Concern [SSC]), Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*; California Rare Plant Rank [CRPR] 1B.2), and Harlequin lotus (*Hosackia gracilis*; CRPR 4.2) among others. In addition to wetlands, the Project site may also contain Sensitive Natural Communities (SNCs).

Comments and Recommendations

CDFW would like to offer the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to CEQA (Pub. Resources Code, §21000 et seq.).

<u>Western Bumble Bee</u>

As mentioned in the DEIR, western bumble bee is currently a candidate for listing pursuant to CESA and may therefore qualify as an endangered, rare, or threatened species under CEQA (CEQA Guidelines §15380). Due to range

contractions, populations are currently restricted to higher elevations in the Sierra Nevada, with a few observations in northern California (Xerces Society et al. 2018, Xerces Society et al. 2025). Although there have been no recent sightings on the coast, there are historical occurrences of western bumble bee in McKinleyville (CDFW 2025), and the Project site contains suitable foraging and nesting habitat. Vegetation removal and ground disturbance have the potential to adversely impact the species and its habitat through loss of floral resources, burrow collapse, nest abandonment, and direct mortality.

Although the DEIR acknowledges the potential for significant impacts to western bumble bee and incorporates a mitigation measure to avoid or minimize impacts, the measure should be revised for clarity and efficacy. The proposed survey method may fail to detect species presence because it hinges on identifying nests, which are notoriously difficult to find, even for experienced biologists (Liczner and Colla 2019). Conducting several surveys during the colony active period (March through August in coastal Humboldt County) would increase the probability of detection. Non-lethal photo vouchers, as described in the California Bumble Bee Atlas Point Surveys or the USFWS Survey Protocols for Rusty Patched Bumble Bee, are considered the most efficient and accurate means of identifying bumble bees without causing unnecessary harm. However, capture is a form of take and would require additional authorization from CDFW (Fish & G. Code §§ 1002, 1002.5, 1003, & 2081 subd. (a)). The Project proponent may prefer to assume presence and implement avoidance measures rather than conducting focused surveys. CDFW recommends revising Mitigation Measure 6-3 to include seasonal avoidance and outline alternative approaches (**Recommendation 1**):

a) *Clear vegetation and conduct ground-disturbing activities outside the colony active period (March through August) to avoid peak flight season and discourage bumble bees from nesting in the Project area.*

b) *If seasonal avoidance is not possible, consult with CDFW at least one year prior to subdivision approval or issuance of construction permits to evaluate potential impacts and other feasible avoidance measures. A meaningful evaluation of risk may necessitate conducting habitat assessments and/or appropriately timed surveys* (as described above).

c) *If western bumble bee is detected and take cannot be avoided, project proponents should obtain an Incidental Take Permit (ITP).*

CDFW may only authorize take of endangered, threatened, or candidate species if specific conditions are met; most notably, impacts must be minimized and fully mitigated (Fish & G. Code, § 2081 subd. (b); see Cal. Code Regs., tit. 14, § 783.4.). CDFW therefore recommends the County refine potential minimization and mitigation measures that would be implemented if western bumble bee were detected. The DEIR currently proposes avoidance buffers, which are a practical minimization measure and would be incorporated into an ITP; however, the list of minimization measures should be expanded to include phased vegetation removal, which would retain patches of floral resources during construction (**Recommendation 2**). The current proposal to relocate or evict nests is a form of take (Fish & G. Code, § 86) and should not be considered an avoidance or minimization measure. There is also little data to suggest relocation would be successful. CDFW therefore recommends removing the reference to nest relocation or eviction and instead touching on practicable and well-established mitigation measures, such as land acquisition and habitat restoration or enhancement (**Recommendation 3**). Mitigation could potentially be accomplished within the 14-acre wetland area, where upland hummocks, wetland margins, and buffers could be planted with native pollinator-friendly species. If onsite mitigation within the protected wetland area is not feasible, a deed restriction, conservation easement, or similar instrument may be warranted to ensure the long-term ecological function of an off-site location (**Recommendation 4**).

Wetland Mitigation

CDFW appreciates the County's efforts to develop a framework for wetland mitigation, which includes dedicating a 14-acre area to wetland conservation. However, there are some minor discrepancies between the proposed Q-Zone regulations and the DEIR wetland mitigation measure, which appears to defer mitigation to individual developers. In contrast, the Q-Zone regulations require a plan for wetland mitigation prior to approval of a subdivision or the issuance of construction permits. CDFW understands the intent was to establish a comprehensive plan to avoid piecemealing wetland mitigation and any associated loss of habitat values and connectivity. To reconcile these differences and clarify objectives, CDFW recommends editing Mitigation Measure 6-6 to define responsibilities and timelines for wetland mitigation. Specifically, the County should remove terms that suggest an incremental approach (e.g., "individual project developers") and instead require a wetland mitigation and monitoring plan that addresses *all* wetlands within the Town

Center site prior to granting any entitlements or issuing development permits (**Recommendation 5**). The plan should include a deed restriction or other site protection instrument applied to the entire 14-acre wetland conservation area, as well as an outline of long-term management objectives, responsibilities and funding sources (**Recommendation 6**).

Summary of Recommendations

Revise Mitigation Measure 6-3 as follows:

1) Include seasonal avoidance and outline alternative approaches, as detailed above.
2) Expand the list of feasible minimization measures to include phased vegetation removal, which would retain patches of floral resources during construction.
3) Remove the reference to nest relocation or eviction and instead touch on practicable and well-established measures, such as land acquisition and habitat restoration or enhancement.
4) If onsite mitigation within the protected wetland area is not feasible, a deed restriction, conservation easement, or similar instrument may be warranted to ensure the long-term ecological function of an off-site location.

Revise Mitigation Measure 6-6 as follows:

5) Remove terms that suggest an incremental approach (e.g., "individual project developers") and instead require a wetland mitigation and monitoring plan that addresses *all* wetlands within the Town Center site prior to granting any entitlements or issuing development permits.
6) The plan should include a deed restriction or other site protection instrument applied to the entire 14-acre wetland conservation area, as well as an outline of long-term management objectives, responsibilities and funding sources.

John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 6

Thank you for the opportunity to comment on this DEIR. Please contact Kathryn Rian, Environmental Scientist, with any questions or comments.

Sincerely,

DocuSigned by:
Tina Bartlett
1D82AD67303A474...

Tina Bartlett, Regional Manager
Northern Region

ec: John Ford
jford@co.humboldt.ca.us

State Clearinghouse, Office of Planning and Research
State.Clearinghouse@opr.ca.gov

Rebecca Garwood, Michael van Hattem, Kathryn Rian
California Department of Fish and Wildlife
CEQACommentLetters@wildlife.ca.gov

References

CDFW. 2025. California Natural Diversity Database. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved April 29, 2025, from https://wildlife.ca.gov/Data/CNDDB.

Liczner, A.R. and S.R. Colla. 2019. A systematic review of the nesting and overwintering habitat of bumble bees globally. Journal of Conservation 23: 787- 801. Available from https://link.springer.com/article/10.1007/s10841-019-00173- 7.

Xerces Society, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the State of California Fish and Game Commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus Franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as Endangered under the California Endangered Species Act. Available from https://xerces.org/publications/policy-statements/california-esabumble-bee-petition-2018.

Xerces Society, Wildlife Preservation Canada, York University, University of Ottawa, The Montreal Insectarium, The London Natural History Museum, Bee Spotter. 2025. Data accessed from Bumble Bee Watch, a collaborative website to track and conserve North America's bumble bees. Retrieved April 29, 2025 from http://www.bumblebeewatch.org/app/#/bees/lists.

Letter 25 – California Department of Fish and Wildlife

1. CDFW notes that the proposed survey method in mitigation measure 6-3 for Western bumble bee may fail to detect species presence because it hinges on identifying nests, which are notoriously difficult to find, even for experienced biologists. Recommendations include the following:

   - Include seasonal avoidance and outline alternative approaches.
   - Expand the list of feasible minimization measures to include phased vegetation removal, which would retain patches of floral resources during construction.
   - Remove the reference to nest relocation or eviction and instead touch on practicable and well-established measures, such as land acquisition and habitat restoration or enhancement.
   - If onsite mitigation within the protected wetland area is not feasible, a deed restriction, conservation easement, or similar instrument may be warranted to ensure the long-term ecological function of an off-site location.

   Mitigation for special-status bumble bees is currently evolving as scientific understanding of the species has developed after the California Department of Fish and Wildlife identified bumble bee species as candidates for listing. Based on recommendations of the California Department of Fish and Wildlife, revisions to mitigation measure 6-3 have been made. Refer to Section 3.0, Changes to the Draft EIR. The possibility of utilizing the wetland area as compensatory mitigation is noted.

2. CDFW recommends editing mitigation measure 6-6 to define responsibilities and timelines for wetland mitigation. Specifically, the County should remove terms that suggest an incremental approach (e.g., "individual project developers") and instead require a wetland mitigation and monitoring plan that addresses all wetlands within the Town Center site prior to granting any entitlements or issuing development permits. The plan should include a deed restriction or other site protection instrument applied to the entire 14-acre wetland conservation area, as well as an outline of long-term management objectives, responsibilities, and funding sources.

   A comprehensive wetland mitigation plan is planned as reflected in the Q-Zone. Mitigation Measure 6-6 will be revised to reflect the requirements of the Q-Zone consistent with the comments of CDFW.

Letter 26 – B. Douglas

Re: Town center

From bdouglass8407@gmail.com <bdouglass8407@gmail.com>
Date Tue 5/20/2025 1:03 PM
To Ford, John <JFord@co.humboldt.ca.us>

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Sent from my iPhone

> On May 14, 2025, at 1:52 PM, bdouglass8407@gmail.com wrote:
>
1 > Mckinleyville already has many abandon buildings and spaces how is building more going to help if people can't afford the space rent? This will just be more empty buildings for the homeless to dump their trash and hangout in. Town center is a bad idea

Letter 26 – B. Douglas

1. The commenter states that McKinleyville already has many abandoned buildings and spaces. How is building more going to help if people can't afford the space rent? This will just be more empty buildings for the homeless to dump their trash and hangout in. Town center is a bad idea.

   The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

Letter 27 – Patti Stuart

FW: McKinleyville Town Center

From CEQAResponses <CEQAResponses@co.humboldt.ca.us>
Date Mon 5/19/2025 8:49 AM
To Yandell, Rodney <RYandell@co.humboldt.ca.us>; Ford, John <JFord@co.humboldt.ca.us>

Please find the public comment below

Laura McClenagan

-----Original Message-----
From: Patti Stuart <pjstuart320@gmail.com>
Sent: Monday, May 19, 2025 8:10 AM
To: CEQAResponses <CEQAResponses@co.humboldt.ca.us>
Subject: McKinleyville Town Center

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

1 I'm writing to say that I oppose any plan that seeks to urbanize my small town. I moved here to live in a small town only to find that the planning department seems to see McKinleyville as the place where they can allow builders to do whatever they want. If people want to live in a high density setting with very little oversight and reasonable rents, go to Redding. Stay out of the wetlands and leave our little town alone.

Sincerely,
Patti Stuart
2298 Timothy Court
McKinleyville
Sent from my iPad

Letter 27 – Patti Stuart

1. The commenter states opposition to any plan that seeks to urbanize her small town. She moved here to live in a small town only to find that the planning department seems to see McKinleyville as the place where they can allow builders to do whatever they want. If people want to live in a high density setting with very little oversight and reasonable rents, go to Redding. Stay out of the wetlands and leave our little town alone.

   The comment does not raise concerns about the analysis of environmental impacts contained in the draft EIR. No further response is required.

Letter 28 – Laura Norin

McKinleyville Town Center Zoning Amendment Draft EIR

From Laura Norin <lnorin@zoho.com>
Date Wed 5/14/2025 4:51 PM
To Ford, John <JFord@co.humboldt.ca.us>

Caution: This email was sent from an EXTERNAL source. Please take care when clicking links or opening attachments.

Dear John Ford:

1 I am a McKinleyville resident and am in the process of reviewing the McKinleyville Town Center draft EIR. The draft EIR is a substantial document (over 1,000 pages), and the development that would be opened up through the proposed rezoning could be transformative to the community, in ways both positive and negative. The projected population increase of 6,122 would represent an increase of about 35% to the town's population, resulting in a wide array of impacts that merit careful consideration. Please extend the public comment period for the draft EIR to 90 days to allow for more time for community review and input. More comments may be forthcoming following two community meetings about the draft EIR that are being held in McKinleyville this week.

Thank you,
Laura Norin

Letter 28 – Laura Norin

1. The commenter that states that draft EIR is a substantial document (over 1,000 pages), and the development that would be opened up through the proposed rezoning could be transformative to the community, in ways both positive and negative. The projected population increase of 6,122 would represent an increase of about 35% to the town's population, resulting in a wide array of impacts that merit careful consideration. Please extend the public comment period for the draft EIR to 90 days to allow for more time for community review and input. More comments may be forthcoming following two community meetings about the draft EIR that are being held in McKinleyville this week.

   A 45-day public review period is statutorily required per Public Resources Code section 21091. This is the common review period employed for review of a draft EIR in Humboldt County and is typical for review of draft EIRs across California. The 45-day review period may be extended at the discretion of the lead agency, in this case the County of Humboldt. The County did not feel there were extenuating circumstances that mandated extending the required review period. The County followed guidance from the California Office of Land Use and Climate Initiatives regarding noticing for and circulating the draft EIR to state agencies. The County followed its standard protocol for providing notice of availability of the draft EIR to local agencies and to County residents, including McKinleyville residents, and provided the community with opportunities to verbally comment on the draft EIR during the 45-day public review period.

Table of Contents

3.0 CHANGES TO THE DRAFT EIR 3-1

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3.0
Changes to the Draft EIR

3.1 CEQA Requirements

CEQA Guidelines section 15132 requires that a final EIR contain either the draft EIR or a revision of the draft EIR. This final EIR incorporates the draft EIR by reference and includes revisions to the draft EIR made primarily in response to comments included in Section 2.0, Response to Comments.

This section contains text from the draft EIR with changes indicated. Additions to the text are shown with underlined text (underline) and deletions are shown with strikethrough text (~~strikethrough~~). The changes are described below.

3.2 Changes to Section 2.0, Summary

Page 2-3

The following clarification is made:

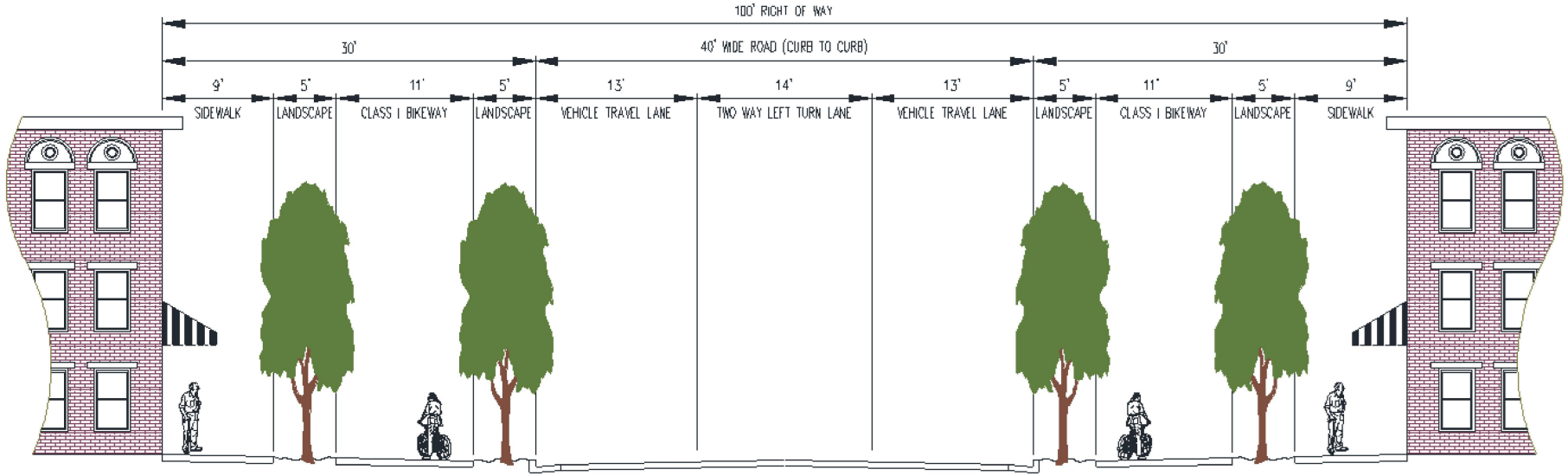
~~No known areas of public controversy regarding the project have been identified to date.~~ As part of its process to craft the proposed Q-Zone regulations, as described in Section 4.3, Process to Create the Q-Zone Combining Zone, County staff and the McKinleyville Municipal Advisory Committee solicited public input on the project. A range of ideas and considerations were raised and addressed. Comment letters received in response to the Notice of Preparation (included in Appendix A) identify issues of interest/concern to the respective commenters. The road diet proposed for Central Avenue was a topic of controversy identified as the Q-Zone Ordinance was being developed.

3.3 Changes to Section 4.0, Project Description

Page 4-11, Figure 4-3

The following clarification is made:

Figure 4-3 has been revised to show that the proposed Central Avenue cross-section includes two through lanes and a continuous center left-turn lane, rather than a landscaped median with left-turn pockets as illustrated in the draft EIR. See the revised figure below.



CENTRAL AVE PROPOSED TYPICAL SECTION

-NOT TO SCALE -

3.4 Changes to Section 5.0, Air Quality

Page 5-24

5-4 All construction plans shall include the following requirements to reduce TAC emissions during construction:

a. Idling of construction equipment and heavy-duty diesel trucks will be avoided where feasible, and if idling is necessary, it will not exceed three minutes; and

b. All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications and will be checked by a certified visible emissions evaluator.

The construction permits will not be issued until these requirements are shown on the construction plans. The inspector for this area shall conduct periodic review of the site (at least three times per week) to ensure these requirements are being complied with.

Implementation of this mitigation measure would reduce exposure of sensitive receptors to construction TACs to a less-than-significant level by requiring cleaner engines, limiting idle times, and restricting non-compliant equipment.

3.5 Changes to Section 6.0, Biological Resources

Page 6-13, Table 6-1

Harlequin lotus (*Hosackia gracilis*)	--/--/4.2	Broad-leafed upland forest, coast bluff scrub, coast prairie, cismontane woodland, coastal scrub, closed-cone coniferous forest, meadows and seeps, marshes and swamps, north coast coniferous forest, valley and foothill grassland. Wetlands and roadsides, elevation 0-700 m. Blooming Period: March – July.	~~Moderate to high potential to occur~~ Present on project site as determined in project botanical survey report (GHD 2023).

Page 6-42, Mitigation Measure 6-3

6-3 Suitable foraging and nesting habitat for Western bumble bee is present within the project boundary. One of the following options shall be implemented prior to vegetation removal:

Option 1: Seasonal Avoidance

Clear vegetation and conduct ground-disturbing activities outside of the colony active period (March through August) to avoid peak flight season and discourage bumble bees from nesting in the project area.

Option 2: Assume presence of Western bumble bee

Assume presence and obtain Incidental Take Authorization from the California Department of Fish and Game (Section 2081 of the Fish and Game Code. Avoidance measures identified in the permit will be implemented. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required.

Option 3: Conduct focused surveys for Western bumble bee

If seasonal avoidance is not possible, consultation with the California Department of Fish and Wildlife shall occur at least one year prior to ground disturbance to evaluate potential impacts and other feasible avoidance measures, including habitat assessments and/or surveys.

Surveys shall occur during the ~~optimal flight~~ colony active period for the western bumblebee (~~April 1 – July 31~~March through August). Prior to tree removal, vegetation clearance, grading, or the initiation of any construction activity in any undeveloped area of the project site, developers of future individual projects shall hire a qualified biologist to conduct a pre-construction survey of small mammal burrows and thatched/bunch grasses. If the survey results are negative (i.e., no bumble bee activity observed), a letter report confirming absence shall be prepared and submitted to the Humboldt County Planning and Building Department, where it will be kept on file, and no further mitigation is required.

If bumble bee nests are detected and the area can be avoided, a qualified biologist shall supervise the installation of protective fencing/flagging a minimum of 50 feet around the nest area prior to construction and phase vegetation removal, to retain patches of floral resources during construction. The fencing/flagging will be checked at least once per week by a biological monitor until construction is complete to ensure that the protective fencing/flagging remains intact. The qualified biologist can conduct the weekly checks or train a biological monitor selected from the construction crew by the construction contractor (typically the project foreman) to check the fencing/flagging and provide weekly updates. Documentation of the fencing/flagging installation shall be provided to the County prior to the start of ground disturbance activities. Documentation of the weekly checks and timely maintenance of fencing/flagging (if needed) shall be provided to the Humboldt County Planning and Building Department quarterly during construction.

If bumble bee nests are detected and the area cannot be avoided, the qualified biologist shall coordinate with the California Department of Fish and Wildlife to obtain Incidental

Take Authorization. Compensatory mitigation, such as land acquisition and habitat restoration or enhancement would be required. ~~determine the appropriate method of relocation or eviction of the nests.~~

After it has been confirmed that the habitat area is no longer occupied, a letter report will be prepared and submitted to the Humboldt County Planning and Building Department. Individual project applicants shall be responsible for implementation of this mitigation measure with oversight by the Humboldt County Planning and Building Department.

Page 6-46, Mitigation Measure 6-5

6-5 To avoid impacts to nesting birds during the nesting season (March 15 through August 15), construction activities that include any tree removal, vegetation clearance, or ground disturbance (such as grading or grubbing), shall be conducted between August 16 and March 14, which is outside of the bird nesting season. If construction activities must commence during the bird nesting season, then a qualified biologist shall conduct a pre-construction survey for nesting birds to ensure that no nests would be disturbed during project construction.

Page 6-48, Protected Wetlands or Waters

The Q-Zone for the McKinleyville Town Center includes specific requirements related to the potential fill of wetland areas. These are listed below as they appear in the Q-Zone ordinance. The numbering beginning with "6" is a coincidence and should not be confused with other mitigation measures within Section 6 of the DEIR.

6.1 Wetlands are a valuable resource and shall be conserved through onsite protection of wetlands or through relocation and replacement of wetlands on a no net loss basis. Wetland Areas will continue to be an amenity of the Town Center through protection, enhancement, and relocation of wetlands.

6.2 The 14 acres of property south of Railroad, east of McKinleyville Avenue, north of Hiller Road and west of the spruce trees is envisioned as a wetland preservation and conservation area. Wetland areas within the Town Center may be filled and relocated to this area.

6.3 Prior to issuance of any permits or granting of any entitlements on property within the Town Center a wetland delineation shall be completed delineating all three parameter wetlands (HCC Section 314-61.1.7.6.5) which exist on the property. Previously developed property is exempt from this requirement. This exemption extends to storm drain ditches graded to transport storm water outside of a natural channel or wetland.

6.4 Prior to issuance of construction permits or as part of a subdivision approval, a plan must be reviewed and approved by the approving authority demonstrating that either the wetland areas will be

protected in place in accordance with HCC section 314-61.1.7.6.6) or identifying how the wetland areas will be relocated and conserved.

6.5 Plans to relocate wetland areas shall include:

6.5.1 A mapped delineation of the wetlands to be impacted,

6.5.2 Wetlands to be filled shall be replaced on a 1.5:1 basis, where a minimum of 1.5 square feet of wetland shall be provided for each square foot of wetland impacted. This ratio is based upon equivalent wetland replacement. Credit may be given for wetland replacement which has a higher habitat value but in no case shall the replacement ratio be less than 1:1 and mitigation shall provide an equal value of wetland habitat impacted.

6.5.3. Grading plan showing how the site will be configured to ensure successful wetland creation,

6.5.4 Storm water shall not drain directly into retained or recreated wetlands but shall be subject to some passive treatment either through a bioswale or sheet flow across grassland.

6.5.5. The planting scheme and plant material proposed.

6.5.6. Success and Monitoring Criteria: Annual monitoring criteria to rate the success of the wetland creation or enhancement effort. The monitoring period shall be a minimum of 5 years but shall not be concluded until the success objectives have been achieved for three consecutive years. Each year a monitoring report shall be provided to the Planning and Building Department evaluating the success of the plan implementation and provide suggested remedial measures needed to achieve the success criteria.

6.5.7 The plan shall describe the long-term plan for ownership and maintenance of the wetland conservation area. Retained and relocated wetlands shall be protected from future development through a permanent conservation easement or other instrument ensuring the biological resource values of the wetland areas will be maintained or enhanced in perpetuity.

6.5.8 The Planning and Building department shall consult with the California Department of Fish and Wildlife prior to approval of the plan.

6.5.9 Mitigation credit will be given for relocation of the drainage channel parallel to McKinleyville Avenue if it is moved to the east and graded to support a riparian stream cross section in such a manner as to allow bicycle and pedestrian connectivity along McKinleyville Avenue.

The combined results of the Aquatic Resources Delineation Report, L&A Enterprises, Aquatic Resources Delineation Report Life Plan Humboldt, and McKinleyville Town Center Wetlands Mapping Project prepared by GHD as previously described, show approximately 5.47 acres of three-parameter and an additional 0.64 acres of one-parameter wetlands delineated within the project boundary as shown in Figure 6-1, Aquatic Features. If the Q-Zone regulations are adopted, 0.644

acres of one-parameter wetland within the project site would no longer be protected. The 5.47 acres of three-parameter wetlands would remain protected. The three-parameter wetlands likely fall under the jurisdiction of the USACE, and the RWQCB ~~and/or the CDFW~~.

Page 6-45, Mitigation Measure 6-6a

6-6a Prior to commencement of ~~construction activities~~ ground disturbance activities in addition to the requirements of the Q-Zone, the project developer shall demonstrate permits or clearances have been issued by U.S. Army Corps of Engineers, and the Regional Water Quality Control Board.

If impacts to a federally jurisdictional features may occur, a Clean Water Act Section 404 Nationwide Permit may be needed. If the proposed activity would not otherwise qualify for a Nationwide Permit, individual project developers shall proceed with obtaining an Individual Permit from the USACE.

If impacts to a wetland not subject to federal jurisdiction, but subject to state jurisdiction may occur, fill authorization shall be sought from the North Coast Regional Water Quality Control Board.

~~For any wetland impacted by individual projects, the project developer shall comply with Humboldt County's Streamside Management Areas and Wetlands Ordinance (Title 3, Section 314-61.1); the McKinleyville Community Plan; and the Q-Zone wetlands regulations that require onsite protection of wetlands or through relocation and replacement of wetlands on a no net loss basis, wetlands to be replaced on a 1.5:1 basis (or minimum 1:1 basis for replacement of filled wetlands with higher value habitat), and identify other wetland planning and wetland creation and enhancement monitoring actions. Mitigation shall be sufficient to ensure no net loss of wetland area, function, or value, either through wetland creation, restoration, or the purchase of wetland credits through an approved wetland mitigation bank. The 14-acre area of the site proposed for wetland preservation may be used as mitigation for replacing wetlands in other locations of the Town Center site that are filled.~~

A Water Quality Certification (Section 401 of the Clean Water Act) from the North Coast Regional Water Quality Control Board must also be obtained if determined necessary through the wetland assessment and subsequent regulatory agency consultation.

6-6b ~~In accordance with Humboldt County's Streamside Management Areas and Wetlands Ordinance (Title 3, Section 314-61.1) and McKinleyville Community Plan, a minimum 50-foot wetland buffer area as measured from the edge of site disturbance to the closest~~

~~edge of defined wetlands shall be maintained to prevent degradation to wetland features or detract from the natural resource values. If disturbance within the buffer must occur, restrictions per the section on "Development Within Wetland Buffer Areas" in the Community Plan shall be implemented.~~

6-6c ~~If impacts to jurisdictional wetlands are unavoidable, compensation for temporary and/or permanent impacts to jurisdictional wetlands shall be mitigated as required by the regulatory permits as informed by the Q-Zone regulations regarding protection, and conservation of wetland areas. Mitigation would be provided through one or more of the following mechanisms:~~

a. ~~A Wetland Mitigation and Monitoring Plan shall be developed that outlines mitigation and monitoring obligations for impacts to wetlands and other waters as a result of construction activities. The Wetland Mitigation and Monitoring Plan would include thresholds of success, monitoring and reporting requirements, and site-specific plans to compensate for wetland losses resulting from the project, consistent with Q-Zone wetland regulations. The Wetland Mitigation and Monitoring Plan shall be submitted to the appropriate regulatory agencies and County for review and approval during the permit application process.~~

b. ~~To compensate for permanent impacts, the purchase and/or dedication of land to provide suitable wetland restoration or creation shall ensure a no net loss of wetland values or functions. If restoration is available and feasible, wetlands shall be replaced on a 1.5:1 basis (or minimum 1:1 basis for replacement of filled wetlands with higher value habitat) consistent with Q-Zone regulations.~~

~~Individual project applicants shall comply with terms and conditions of the permits, including measures to protect and maintain water quality, restore work sites, and mitigation to offset temporary and/or permanent wetland impacts. Applicants shall be responsible for implementation of this mitigation measure prior to issuance of a building permit.~~

6-6d ~~Prior to initiation of ground disturbance or construction activities, individual project applicants shall protect wetlands or waterways adjacent to disturbance areas through the use of best management practices for erosion control and vehicle/equipment fueling. This includes installing wildlife-friendly silt fencing between the project site and adjacent wetlands/waterways. Silt fencing will prevent soil from washing off project sites into wetlands/waterways and exclude construction activities from protected areas.~~

~~Potential fuel spills and leaks from construction vehicle/equipment fueling operations shall be prevented from entering wetlands/waterways. Designated fueling areas should be on a level grade and shall be at least 50 feet from any wetlands/waterways. The fueling area shall be protected by a berm to prevent runoff from leaving the fueling area.~~

~~Individual project applicants shall be responsible for implementing these mitigation measures with oversight by the Humboldt County Planning and Building Department as needed. Compliance with this measure shall be documented and submitted to the Planning Department Director prior to ground disturbance for any subject individual project.~~

Page 6-51, Impact 6-7, Conclusion

Coastal dune willow - Sitka willow - Douglas spiraea thickets Shrubland Alliance occurs on the project site south of Hiller Road and may occur on the project site north of Hiller Road ~~(to be determined by the required focused plant survey above)~~ and project implementation could cause direct loss of sensitive natural communities, if present in the impact areas; this is considered a significant adverse environmental impact.

3.6 Changes to Section 11.0, Noise

Page 11-16

11-1 The following best management practices shall be applied during periods of project construction for all future individual projects and other activities within the site needed to support future development. The management practices shall be included in all construction documents, subject to review and approval by Planning and Building Director prior to issuance of any construction permit:

a. Construction activities shall not occur outside the hours of 8:00 am to 5:00 pm and shall be prohibited on Sundays and holidays;

b. All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source;

c. Noise-producing equipment shall not be operating, running, or idling while not in immediate use;

d. All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from noise-sensitive land uses; and

e. To the extent possible, construction staging areas shall be located at the greatest possible distances from nearby noise-sensitive land uses.

For all construction activities, the developer shall designate a construction noise disturbance coordinator who will be responsible for responding to complaints about construction noise, including potential non-conformance with the best management practices listed above. The construction noise coordinator's name and telephone number shall be posted on a sign of at least 4'X4" with text at least 4" high at all boundaries of individual construction sites. The Sign shall also include the number of the Planning and Building Department, Post Approval Monitory Team. The same contact information shall also be included in all construction documents and verified as such by the Planning and Building Director. The disturbance coordinator shall determine the cause of noise complaints and shall require that reasonable measures be implemented to correct the problem. For each response to a noise complaint, the disturbance coordinator shall report to the Planning and Building Director regarding the source of the complaint and how the complaint was addressed.

3.7 Changes to Section 20.0, Alternatives

Page 20-14

The following clarification is made:

Alternative Description

This alternative would retain the project site boundaries, but reduce development capacity for each of the proposed mixed uses by 20 percent. This would be achieved by incrementally reducing residential development ~~density~~ capacity and incrementally reducing non-residential development ~~intensity~~ capacity. The purpose of the alternative is to substantially lessen or avoid the significant unavoidable traffic noise impact and to lessen a range of significant, mitigable impacts that are not related to the size of the development footprint. Table 20-2, Reduced Project Scale Development Capacity, shows the development capacity that would be permitted with this alternative and the change from development capacity for the proposed project.

Table 3-1 Reduced Project Scale Development Capacity

Land Use	Proposed Project Capacity[1]	Reduced Scale Capacity[2]	Change
Multi-family Residential	2,650	~~1,880~~ 2,120	~~<770>~~ <530>
Retail/Commercial	632,800	506,240 Building Square Feet	<126,560 Building Square Feet>
Office	271,200	216,960 Building Square Feet	<54,240 Building Square Feet>
Total		1,880 Dwelling Units 723,200 Building Square Feet	<770 Dwelling Units> <180,800 Building Square Feet>

SOURCE: Humboldt County Planning Department 2024, EMC Planning Group 2024

NOTE:
1. From Table 4-1
2. Proposed Project Capacity x 0.8