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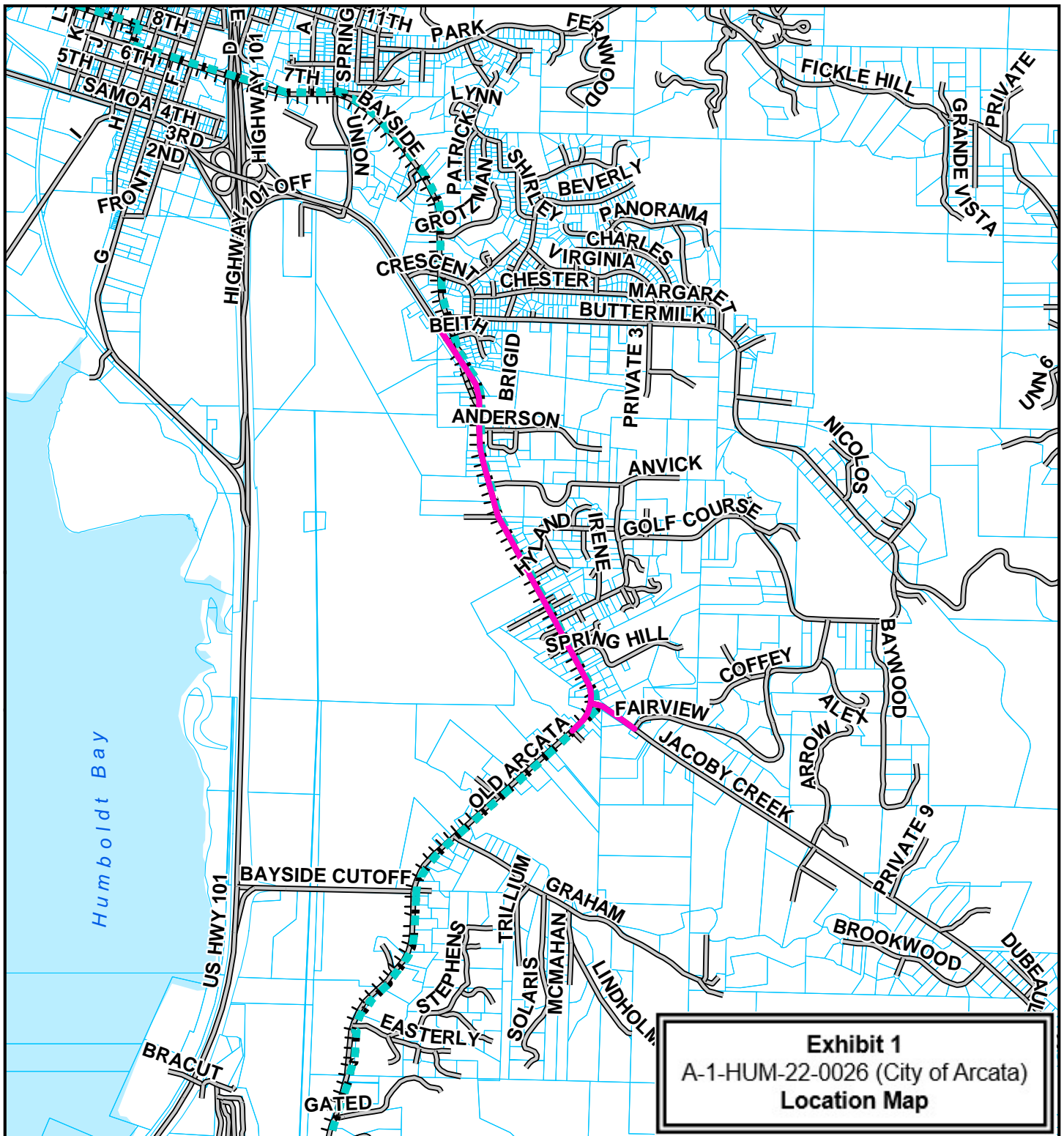
A-1-HUM-22-0026 (City of Arcata)

October 28, 2022

EXHIBITS

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LOCATION MAP

PROPOSED CITY OF ARCATA COASTAL DEVELOPMENT PERMIT

BAYSIDE AREA

PLN-2022-17654

APN: 000-000-000

T05N R01E S04 HB&M

Project Area = 

Coastal Zone Boundary 

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

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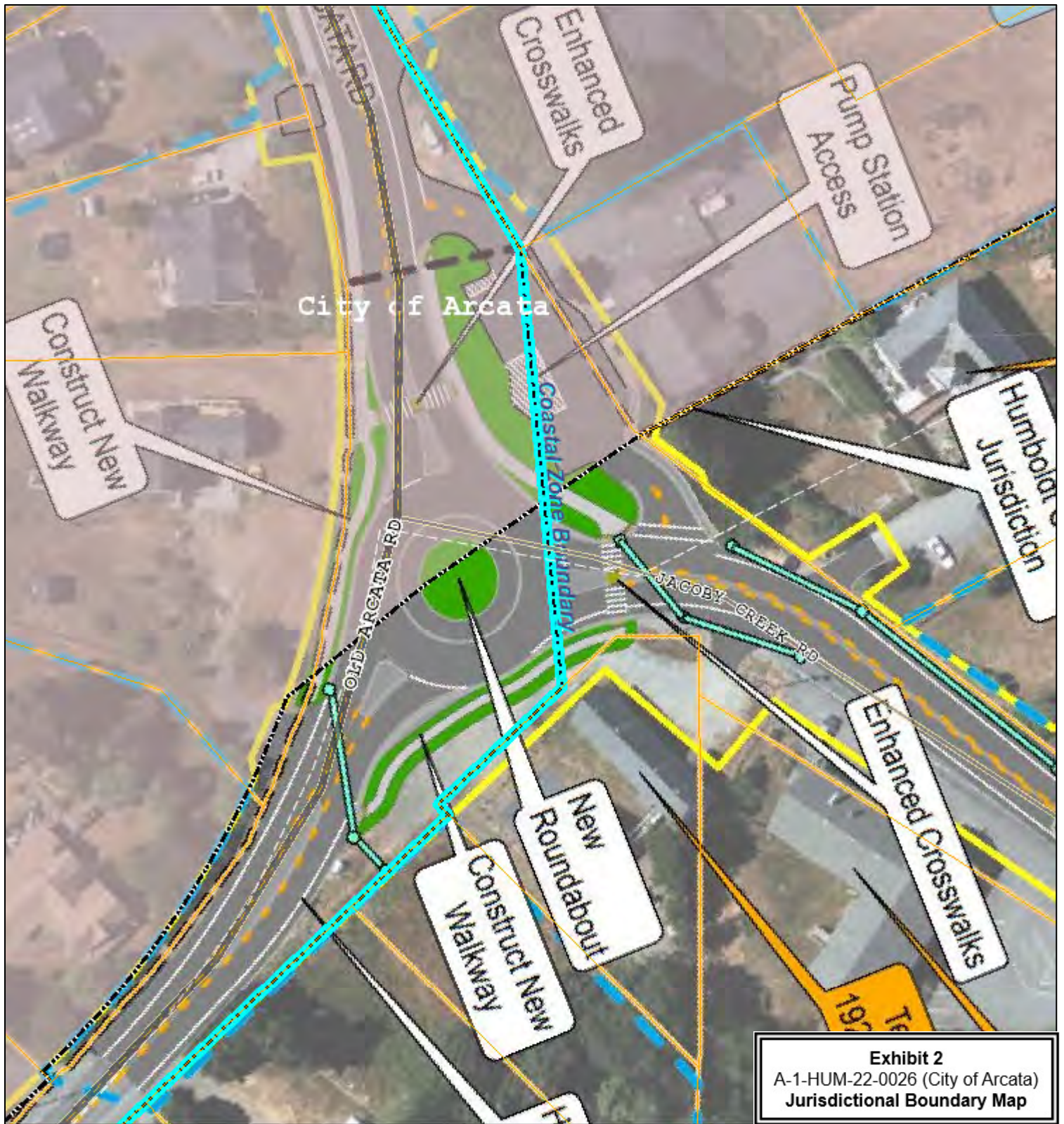


Exhibit 2
A-1-HUM-22-0026 (City of Arcata)
Jurisdictional Boundary Map



Humboldt County WebGIS Map
Humboldt County Planning and Building Department

- | | | |
|---------------------------|---------------------------|-------------------------------|
| Highways and Roads | — Private or Unclassified | — Intermittent |
| Principal Arterials | — Major River or Stream | — Subsurface |
| Minor Arterials | Blue Line Streams | — Counties |
| Major Collectors | — Perennial 1-3 | — Parcels (Owners, no labels) |
| Minor Collectors | — Perennial >4 | — Coastal Zone Boundary |
| Local Roads | | — Arcata City Limits v14 |

0 0.0075 0.015 0.03 mi
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RF = 1:1,128 1 in = 94 ft



3/15/2022, 1:32:16 PM Web AppBuilder 2.12 for ArcGIS
Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.
Source: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Zonehaven, City of Arcata, GHD, Ontiveros & Associates

2. Project Description

The Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements Project (Project) would improve motorized and non-motorized transportation and user safety in Bayside, California (Figure 2-1). The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile.

2.1 Project Background

In 2016, City Staff identified the need to address the lack of adequate bicycle and pedestrian facilities along Old Arcata Road within city limits (SHN and Omni Means 2017). The need for improvements was later substantiated during a City-led community design charrette process, which included the identification of deficiencies and potential improvements of the roadway. The results of the community design charrette led to the development of a Project Study Report (PSR) (City of Arcata 2017), and City Council selection of a preferred alternative in November 2017. In 2018 the City secured partial funding for Project development and construction through State Transportation Improvement Program (STIP).

The City first prepared an Initial Study/Proposed Mitigated Negative Declaration (ISMND) to comply with CEQA's environmental analysis and disclosure requirements. The ISMND was circulated between January 20, 2021, and February 22, 2021. The ISMND identified the likely environmental consequences associated with the Project, and recommended mitigation measures to reduce potentially significant impacts. See Appendix E for the Final ISMND and Response to Comments.

The Notice of Completion and ISMND were filed with the Office of Planning and Research State Clearinghouse on January 15, 2021, and the ISMND was made available for public review on January 20, 2021. The Notice of Intent was submitted to the Humboldt County Clerk-Recorder January 19, 2021 and was published in the Mad River Union on January 20, 2021. The review period ended at 5:00 pm on February 22, 2021. The document was made available for review at the City of Arcata website at <https://www.cityofarcata.org/720/Old-Arcata-Road-Design-Project>. The ISMND was distributed to local, State, and federal responsible and trustee agencies, and a notice of availability was distributed to regional tribal governments.

Written and voicemail comments were received from 39 individuals, agencies, or organizations. As described in Section 1.8 – Areas of Controversy and Key Issues to be Resolved, comments included statements for and against the Project, including the proposed roundabout at the intersection of Jacoby Creek Road and Old Arcata Road. Given the fair argument raised regarding disagreement with the ISMND's findings specific to potential impacts to historic resources and Bayside's potential standing as a historic district despite the ISMND's finding of no significant impacts to historical or other resources, the City decided to prepare an EIR for the Project.

The Draft EIR was initially made available for a 45-day public review on August 9, 2021. The review period ended at 5:00 pm on September 27, 2021. The City received numerous comments and prepared responses to all comments received during the public circulation period in the Final EIR. The Final EIR was issued and publicly posted on November 23, 2021. Following posting of the Final EIR, the inadvertent omission of wetland impacts was discovered on December 1, 2021, and the City Council's planned certification of the EIR was subsequently postponed, pending the completion of the recirculation process as outlined in Section 15088.5 of the CEQA Guidelines, reflected herein.

2.2 Purpose and Need

The purpose of the Project is to improve connectivity and safety on an existing roadway for non-motorized and motorized travelers in Bayside, California and increase the use of active modes of transportation. The Project is intended and designed to serve current City population. The Project was initially developed during a community-driven design charrette process for preliminary design concepts (SHN and Omni Means 2017). Project benefits include heightened driver awareness, particularly at the intersection of Jacoby Creek and Old Arcata Roads, and filling the gap for non-motorized travel between the Jacoby Creek School and Jacoby Creek Road. The Project would also reconstruct or rehabilitate the existing roadway pavement in order to extend its useful life.

Many of the existing walkways, driveways and curb ramps within the Project corridor are non-compliant with current accessibility codes and standards and create a barrier to pedestrian mobility. In addition, there is a lack of pedestrian facilities and connectivity between Hyland Street and Jacoby Creek Road, and a lack of pedestrian facilities on Hyland Street (sidewalks).

The existing roadway pavement (travel lanes and bike lanes) is extremely deteriorated and considered to be in "poor" condition with an average pavement condition index (PCI) of 61.6 (NCE 2017). Old Arcata Road is the primary backbone for the Bayside (southern Arcata) transportation network and pavement failure would result in significant social and economic impacts to the community, including residents and businesses. Old Arcata Road acts as an alternative route and oversized load route for Highway 101, provides access to important facilities such as the Sunnybrae Middle School, Jacoby Creek Elementary School, and the Bayside Post Office, provides access to unincorporated areas, and may serve as a future Humboldt Transit Authority bus route for public transportation.

The 2016 Caltrans EIR for the Eureka-Arcata Route 101 Corridor Improvement Project evaluated Level of Service for the Jacoby Creek Road and Old Arcata Road intersection for both 2013 and 2041. Level of Service is a standard to measure operating level (e.g., wait time for turning and maneuverability) and does not evaluate other safety conditions, such as speed, collisions, or pedestrian safety and access. While the 2013 Level of Service meets current standards, the 2041 Level of Service, especially for turning left onto Old Arcata Road from Jacoby Creek, was found to be very poor (Level of Service C for AM Peak Hours and Level of Service F for PM Peak Hours). Additionally, the Caltrans EIR noted that in 2008, a roundabout was installed at Indianola Cutoff and Old Arcata Road, which effectively and substantially reduced traffic speeds in the vicinity of this intersection (Caltrans 2016).

2.3 Goals and Objectives

The goal of the Project is to link critical activity centers within the Bayside community, including schools, neighborhood facilities, and residential areas. The Project seeks to accommodate the expected volume and diversity of users, which includes a range of ages, experience levels, speeds, trip purposes, and mobility modes. The Project includes the following objectives:

- Rehabilitate and reconstruct the roadway pavement, and improve traffic striping and signage
- Improve intersection safety at the intersection of Old Arcata and Jacoby Creek Roads, as well as other intersections within the Project corridor
- Extend pedestrian connectivity from Jacoby Creek Road intersection to Buttermilk Road intersection, and provide for safer routes to schools for students and families
- Increase multimodal transit use by improving bicycle and pedestrian facilities via shared use pathways, re-stripped bicycle lanes, improved and extended sidewalks, and enhanced cross walks
- Decrease speed, calm traffic, improve traffic operations, and increase safety at the intersection of Jacoby Creek and Old Arcata Road, an area identified by the Bayside community as unsafe particularly for pedestrians and bicyclists due to speeding vehicles and an uncontrolled intersection
- Create a "gateway" at the southern entrance to Arcata

- Improve subsurface storm drainage infrastructure and accommodate additional City underground utility improvements as needed (water and sewer)
- Maintain consistency with City policies in the Transportation Element of the General Plan and the Bicycle and Pedestrian Master Plan for alternative transportation, and recommendations provided by the Transportation Safety Committee
- Improve traffic operations and pedestrian safety at Hyland Street near Jacoby Creek School
- Implement a project that does not require permanent right of way acquisitions
- Minimize potential environmental impacts to the extent feasible, particularly in the Coastal Zone
- Apply accepted traffic engineering standards to guide selected roadway and safety improvements

2.4 Project Location

The Project is primarily located within the limits of the City of Arcata (Figure 2-1). The proposed roundabout and other roadway improvements at the Jacoby Creek Road intersection, along with its eastern and southern approaches (on Jacoby Creek Road, and Old Arcata Road, respectively) are located within the jurisdiction of Humboldt County. The Coastal Zone boundary is located on the eastern edge of Old Arcata Road (Figure 2-2). The primary permitting jurisdiction resides with the Local Coastal Programs of both the City of Arcata and Humboldt County for their respective portions of the Project. Work would generally occur within the existing City of Arcata or Humboldt County right of ways. Necessary permissions will be received for any work outside existing right of ways.

The Project corridor along Old Arcata Road and Hyland Street is primarily bound by private residences, including medium-high density residential, rural residential, and low density residential housing. The Jacoby Creek Elementary School and Mistwood Education Center are located along the Project corridor, as are small businesses (zoned Commercial Mixed), a U.S. Post Office, and the Bayside Community Hall. The area between Highway 101 and Old Arcata Road includes Agricultural-Exclusive properties within the City of Arcata, in the Gannon Slough and Jacoby Creek bottomlands. Several small Public-Facility parcels are located adjacent to the Project corridor, including community gardens.

2.5 Project Components

The Project includes intersection and pedestrian safety improvements along Old Arcata Road. As described in more detail below, the Project includes road resurfacing, a paved walkway, sidewalks and curb ramps, crosswalks, speed humps, lighting, signage, a retaining wall, and stormwater drainage and infrastructure improvements. New pavement would extend into residential and commercial driveways along Old Arcata Road to ensure smooth transition between existing and new pavement elevations. Construction of a new sidewalk along approximately 375 feet of Hyland Street is also included in the Project. Particular constraints within the Project alignment may warrant adjustments to the standards to address site specific issues. Refer to Figure 2-3 through Figure 2-6 for an overview of key Project components. Briefly, the Project includes the following components:

- Repaving along Old Arcata Road and Adjacent Bike Lanes
- New and Replacement Pedestrian Walkways
- Crosswalks and Speed Humps
- Improvements Near Jacoby Creek Elementary School
- Jacoby Creek Road Roundabout
- Landscaping
- Lighting
- Utility Improvements

The Project would terminate approximately 300 feet south of the proposed Jacoby Creek Roundabout along Old Arcata Road. The Jacoby Creek Road pavement improvements would terminate approximately 400 feet east of the proposed roundabout. Drainage improvements on Jacoby Creek Road would terminate approximately 650 feet east of the roundabout.

The Project is being designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets, 7th Edition (2018). In addition, the Project would be designed in accordance to other specific applicable standards, including the California Manual on Uniform Traffic Control Devices (MUTCD; CA MUTCD 202`); the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design; the 2019 California Building Code and portions of the Caltrans Highway Design Manual, 7th Edition (2020). The design for the proposed roundabout geometrics, including bike ramps, follows the National Cooperative Highway Research Program (NCHRP) design standards (FHWA 2010). Design standards applied to proposed Pedestrian-Actuated Rectangular Rapid-Flashing Beacons (RRFB) follows the MUTCD Interim Approval for Optional Use of Pedestrian-Actuated Rectangular Rapid-Flashing Beacons at Uncontrolled Marked Crosswalks (IA-21).

As part of the Project design process, the City would conduct a design-level geotechnical and pavement investigation for the Project. The City will finalize 100% designs in accordance with the recommendations made in the Project's geotechnical and pavement investigation report.

2.5.1 Repaving Along Old Arcata Road and Adjacent Bike Lanes

Old Arcata Road would be repaved between the approximately 600 feet south of the Buttermilk Road to the proposed new roundabout at the Jacoby Creek Road intersection. Repaving would extend approximately 300 feet beyond the new roundabout along both Jacoby Creek Road and Old Arcata Road. The existing roadway width, alignment, and footprint would generally remain the same between the Buttermilk Road Roundabout and Hyland Street, including 10-foot wide travel lanes and adjacent five-foot wide bikes lanes. A left hand turn lane for northbound traffic is proposed at the Jacoby Creek School parking lot at the Hyland Street intersection. South of Hyland Street, the existing roadway alignment would be shifted east up to five feet to accommodate a new six-foot wide walkway, described below.

The existing asphalt roadway would be rehabilitated by overlaying the existing surface and/or grinding-out and replacing the existing surface. Excavation would not extend into the native subgrade, except in isolated areas where deeper excavations may be required to remediate poor soil/subgrade conditions. **The pavement overlay will be three to six inches thick.**

Portions of most existing driveways, including the Bayside Post Office driveway, would also be repaved throughout the Project Area.

2.5.2 Striping, Signage and Vehicle Control

The repaved Old Arcata Road and Jacoby Creek Road segments would include required striping and signage in order to comply with California Manual on Uniform Traffic Control Devices (MUTCD) requirements.

2.5.3 New and Replacement Pedestrian Walkways

The existing walkway between the Buttermilk Road Roundabout and Hyland Street would be replaced to a width of approximately six feet.

South of Hyland Street, the existing roadway alignment would be shifted east up to five feet to accommodate a new six feet wide walkway. The six feet wide walkway would be separated from the roadway by a five feet wide vegetated strip that would also be designed to convey stormwater where practical. Areas of new asphalt roadway would be constructed over 12 to 16 inches of base material and a similar depth of excavation.

2.5.4 Crosswalks and Speed Humps

Existing cross walks and speed humps would be upgraded coincident with repaving. New **Replacement of existing** speed humps would be located north of the Hyland Street intersection and south of Jacoby Creek School to improve safety and provide vehicular speed control. A raised crosswalk in front of Jacoby Creek School at the Hyland Street intersection would remain. Crosswalks would also be integrated into the new Jacoby Creek Road Roundabout, discussed below. All crosswalks across Old Arcata Road and Jacoby Creek Road are proposed to include user activated warning lights (e.g., LED enhanced signs or rectangular rapid-flashing beacons[RRFB]). **The crosswalks would also include detectable warning surfaces, which will be cast in wet concrete during construction and secured with anchors.**

2.5.5 Improvements Near Jacoby Creek Elementary School

In front of Jacoby Creek School, a new six feet wide sidewalk is proposed on the west side of the road in addition to a left hand turn lane for northbound Old Arcata Road. The on-street diagonal parking would be eliminated to accommodate the sidewalk and turn lane. Some minor modifications to the school parking lot are also proposed, including replacing a portion of the raised landscape island with paved parking stalls. Construction of a new sidewalk along approximately 375 feet of Hyland Street is also included in the Project. Where necessary, curb ramps and gutters would be integrated into the sidewalk design. A new retaining wall would be constructed near the Jacoby Creek Road roundabout.

New concrete for the retaining wall, sidewalks, and walkways will be colorized to improve visual connectivity to maintain consistency with the existing rural setting of the community. Stamped and colored concrete will be applied to roadway dividing medians. The retaining wall near the Jacoby Creek intersection would be approximately one foot above the road grade. Depending on the final design grade, a fence (approximately four feet tall) would be attached to the top of the retaining wall for edge protection. The fence would be transparent, most likely coated black chain link. A fence of similar style would also be installed on the opposite side of Old Arcata Road in front of the City pump station. The retaining wall and fencing would not impede views within or adjacent to the Project corridor or otherwise diminish the visual character of the vicinity.

The five paved diagonal parking spaces on Old Arcata Road in front of Jacoby Creek Elementary School would be eliminated in order to accommodate the proposed improvements.

2.5.6 Jacoby Creek Road Roundabout

A new roundabout is proposed for the intersection at Jacoby Creek Road and Old Arcata Road to improve traffic flow and user safety. Crosswalks, signage, lighting, and paved walkways would be integrated into the roundabout. A new retaining wall would extend along the west side of Old Arcata Road adjacent to the roundabout. The total length of the wall would be 200 feet. Modifications and repaving of the roadway that serves the Bayside Post Office may also be required.

The roundabout would be configured to be within existing City and County right of way with no permanent encroachments onto private property (easements may be required for temporary construction, but the Project has been designed to avoid all permanent acquisition of private property). Excavation to accommodate the roundabout and roadway approaches is expected to be approximately two to four feet, although some isolated deeper excavations may be required to remediate poor soil/subgrade conditions.

Concrete improvements associated with the roundabout, including the roundabout apron, sidewalk, and walkways would include integral color to darken the concrete and provide a weathered look, designed to blend into the existing community aesthetic and character and avoiding a stark visual alteration. If desired by community members, sculptural pieces may also be installed in the roundabout center, in coordination with the City and other stakeholders.

2.5.7 Landscaping

Trees removed during construction will be replaced in other nearby locations. Tree removal would be limited to one or two locations near the roundabout at the intersection of Jacoby Creek Road and Old Arcata Road. Tree removal would not occur on any private property. All tree plantings associated with the Project will include appropriate tree species designed to blend into surrounding mature vegetation.

The center of the roundabout will be mounded to a height of approximately three to five feet above grade and landscaped with appropriate vegetation species. Plantings would be consistent with other City roundabouts and public right of ways. The City anticipates using grasses and/or other drought tolerant species. All new plantings would be designed to maximize connectivity with existing landscaping and mature trees.

2.5.8 Lighting

The Project would include streetlight installation in conjunction with the new Jacoby Creek Road roundabout. Lighting would be designed to protect wildlife and nighttime views, including views of the night sky. The Project will be designed to be consistent with the City's design guidelines, Section 9.30.070 (Outdoor Lighting) of the Arcata Land Use Code, and the recommendations of the International Dark-Sky Association, which includes standards for fixtures, shielding, wattage, placement, height, and illumination levels. To comply with these requirements, lighting for the Project will be the minimum lumens necessary, directed downward, shielded, and pedestrian level when feasible. This will ensure lighting is contained within the site and does not cause significant lighting and glare impacts for surrounding land uses and sensitive habitat areas.

2.5.9 Utility Improvements

Utility improvements would include storm drain, sanitary sewer, and water infrastructure improvements. The Project includes improvements to the underground storm drain infrastructure that extends along the length of planned improvements in discrete locations. Improvements include new and upgraded storm drain catch basins, storm drain piping, and storm drain junction boxes. Excavation and trenching depths for storm drain systems will be approximately four feet to six feet max. Work would also include the installation of shallow swales to convey stormwater runoff.

Existing sanitary sewer laterals in the public right of way may be replaced with new cleanouts placed at the edge of the right of way if they are found defective upon inspection during the course of road resurfacing. Depth of excavation/trenching for sewer lateral replaced would be approximately three feet (six feet max).

Water service connections in the public right of way may be updated, along with resetting and/or installation of water meters within City/Public right of way if they are found defective upon inspection during the course of road resurfacing.

2.5.10 Wetland Establishment

If impacts to wetlands are unavoidable, the Project would include onsite wetland creation within the City's right-of-way between Old Arcata Road and Bayside Road at the compensatory ratios to be required by jurisdictional permitting agencies (Figure 2-2). Groundwater data would be obtained by the City and used to inform wetland design grading depths to ensure wetland hydrology criteria are met. The criteria for meeting wetland hydrology as defined by the U.S. Army Corps of Engineers (USACE) is flooding or ponding, or a water table within 12 inches of the soil surface for 14 or more consecutive days five out of ten years (50 percent of the time) (USACE 2010) Wetlands would be established by excavating to a target elevation.

2.6 Project Construction

Construction of the Project would involve construction staging, establishing site access, hauling, dewatering, and traffic control. A Temporary Traffic Control Plan would be developed by the contractor and approved by the City prior to Project implementation to ensure flow of traffic along the Project corridor.

Following construction, the contractor would demobilize and remove equipment, supplies, and construction wastes. The disturbed areas along the Project alignment would be restored to pre-construction conditions or stabilized with a combination of grass seed (broadcast or hydroseed), straw mulch, rolled erosion control fabric, rock, and other plantings/vegetation. Construction would primarily include trimming and/or removal of trees and vegetation, excavation and grading, concrete and asphalt paving, replacement of sanitary sewer laterals, and trenching and excavation to install new sanitary sewer laterals and storm drainage systems (inlets, pipes, and/or culverts). Construction would also include installation of new lighting, new and upgraded crosswalks and speed bumps, a retaining wall, and signage along the Project alignment. All construction activities would be accompanied by both temporary erosion and sediment control best management practices (BMPs) typically applied to all City projects.

It is not anticipated that any temporary utility extensions, such as electric power or water, would be required for construction.

2.6.1 Construction Time, Duration, and Hours

Construction would begin as soon as late 2022, extending into 2023. Construction is anticipated to occur over a six to eight month construction window. If feasible, vegetation clearing would occur during the non-bird nesting season, between August 31st and February 1st. Work near wetlands would only occur during the dry season between May and October. Compliance with the requirements contained in the Arcata General Plan Noise Element (Policies N-5d and N-5e) and the Arcata Land Use Code (Section 9.30.050[D][2]), will minimize potential noise impacts from short-term construction activities. These requirements place limitations on the days and hours of construction activities to allow construction schedules to take advantage of the weather and normal daylight hours, and to ensure that nearby residents as well as nonresidential activities are not disturbed by the early morning or late night activities. Hours of construction would be limited to 8:00 a.m. to 7:00 p.m. on Monday through Friday and from 9:00 a.m. to 7:00 p.m. on Saturdays. Heavy-equipment related construction activities are not allowed on Sundays. Construction on Sunday or legal and county holidays is not currently anticipated except for emergencies or with prior approval from the City of Arcata. All stationary and construction equipment are required to be maintained in good working order and fitted with factory approved muffler systems.

2.6.2 Construction Equipment

A variety of construction equipment would be used to build the Project. This would include, but not necessarily be limited to, excavators, backhoes, front end loaders, scrapers, graders, concrete saws, jackhammers, chainsaws, rollers, asphalt pavers, compactors, air compressors, generators, and pneumatic tools. A variety of trucks including concrete mixers, haul trucks, and water trucks would also be required. Site preparation, including demolition, clearing and grading of the Project site as necessary would require the removal and off-haul of materials. This would include, but not necessarily be limited to, vegetation, concrete, asphalt and fill, and certain existing utilities that would be removed and replaced.

2.6.3 Construction Staging Areas

Construction staging areas would be identified during the design phase of work and are expected to occur within the Project footprint, or within paved, graveled or designated, previously disturbed areas. For impact analysis purposes, two staging areas were preliminarily identified—one at the southern end of the Project corridor and the other at the northern end of the Project corridor. Spoils or construction materials would be stored on site within

previously designated staging areas only. Excess spoils would ultimately be hauled off-site for disposal and reuse by the contractor.

2.6.4 Construction Dewatering

If needed, temporary groundwater dewatering would be conducted to provide a dry work area. Dewatering would involve pumping water out of a trench or excavation. Groundwater would typically be pumped to Baker tanks (or other similar type of settling tank) or into a dewatering bag. Following the settling process provided by a tank or filter, the water would be used for dust control and compaction. Discharge water from Baker tanks would not be discharged into wetlands or any water bodies.

2.7 Operation and Maintenance

Following construction, general operation and maintenance activities associated with the proposed Project would be limited to typical roadway maintenance, including annual inspections, trash/debris removal, vegetation management, repaving, and painting.

2.8 Environmental Protection Actions Incorporated into the Project

The following actions are included as part of the Project to reduce or avoid potential adverse effects that could result from construction or operation of the Project. Additional mitigation measures are presented in the following analysis sections in Chapter 3, Environmental Analysis. Environmental protection actions and mitigation measures, together, would be included in a Mitigation Monitoring Program at the time that the Project is considered for approval.

2.8.1 Environmental Protection Action 1 – Stormwater Pollution Prevention Plan (SWPPP)

The Project will seek coverage under State Water Resources Control Board (Water Board) Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. The City will submit permit registration documents (notice of intent, risk assessment, site maps, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and certifications) to the Water Board. The SWPPP will address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP will include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner will oversee implementation of the Project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.

2.9 Required Agency Approvals

The following permits and approvals are likely to be required prior to construction.

- CEQA compliance
- NEPA compliance
- City of Arcata Coastal Development Permit
- Humboldt County Coastal Development Permit
- Humboldt County Grading Permit
- Humboldt County Encroachment Permit

- North Coast Regional Water Quality Control Board Clean Water Act Section 401 Water Quality Certification
- USACE Clean Water Action Section 404 permit

2.10 AB 52 Consultation

The CEQA requires lead agencies to determine if a proposed Project would have a significant effect on tribal cultural resources. The CEQA Guidelines define tribal cultural resources as: (1) a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in PRC Section 5020.1(k); or (2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in PRC Section 5024.1(c), and considering the significance of the resource to a California Native American tribe.

The City had previously engaged with tribal representative through the AB 52 process during the ISMND prepared for the Project. Coordination with the tribes remains active and ongoing. To complete AB 52 required for this EIR, the City again sent notification letters to the Wiyot Tribe, Blue Lake Rancheria, and Bear River Rancheria on June 11, 2021. The three tribes responded, noting tribal cultural resourced had not been identified in the Area of Potential Effect at this time and that the EIR need not address AB 52 specifically. In their responses, the tribes recommended a tribal monitor be present during archaeological testing and data recovery in locations known to be sensitive. This request has been integrated into the Project (see Section 3.4 – Cultural Resources, Mitigation Measure CR-1). The City sent the three tribes an AB 52 closure letter on July 27, 2021.

2.10.1 Project Site Assessment and Special Studies

Table 2-1 below depicts studies completed, study topic and study author for the proposed Project. Given Caltrans has funding and National Environmental Policy Act (NEPA) responsibilities for the Project, all reports included in Table 2-1 have also been reviewed and approved by Caltrans.

Table 2-1 Project Site Special Studies Summary

Name of Study	Topic of Study	Study Author
Preliminary Environmental Study	Environmental Analysis Required for the Project	GHD
Historic Properties Survey Report for the Old Arcata Road Improvements Project	Historic and Archeological Resources	Pacific Legacy, William Rich and Associates, and JRP Historical Consulting
Archaeology Survey Report for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy and William Rich and Associates
Historic Resources Evaluation Report for the Old Arcata Road Improvements Project	Historic Resources	JRP Historical Consulting
Old Arcata Road Historic Resources Report	Historic Resources	JRP Historical Consulting
Post-Review Discovery and Monitoring Plan for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy
Environmentally Sensitive Area Action Plan for Cultural Resources for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy
Phased Identification and Evaluation Plan for the Old Arcata Road Improvements Project	Archaeological Resources	Pacific Legacy
Final Special Status Plant Survey and ESHA Evaluation for the Old Arcata Road Improvement Project	Special Status Plants and Environmentally Sensitive Habitat Areas (ESHA)	GHD
Old Arcata Road Wetland Delineation Report	Wetlands	GHD
Natural Environment Study – Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements	Natural Resources	Northstar Environmental
Initial Site Assessment – Old Arcata Road Improvements Project	Hazards	GHD
Visual Resources Technical Memorandum for the Old Arcata Road Improvement Project	Visual Resources/Aesthetics	GHD
Vertical Area of Potential Effect (APE) – Old Arcata Road Improvement Project	Design	GHD

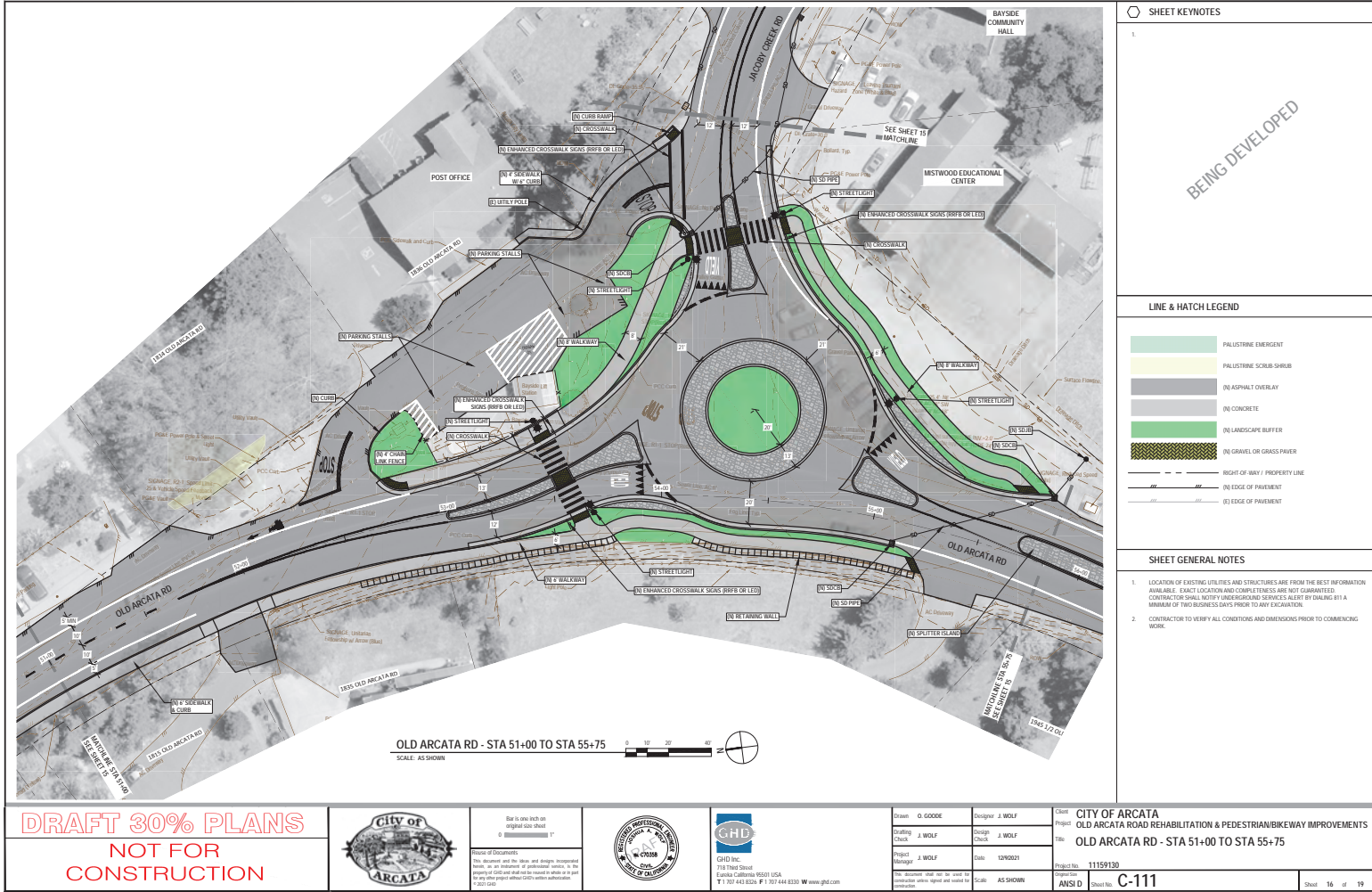


Exhibit 4
A-1-HUM-22-0026 (City of Arcata)
Project Plans with Wetlands (pg. 1 of 3)

Mitigation, Monitoring, and Reporting Program

Old Arcata Road Improvement Project

SCH No. 2021010176

Table A-1 Mitigation Monitoring and Reporting Program

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
Environmental Protection Action						
EPA-Stormwater Pollution Prevention Plan (SWPPP) The Project will seek coverage under State Water Resources Control Board (Water Board) Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities. The City will submit permit registration documents (notice of intent, risk assessment, site maps, Storm Water Pollution Prevention Plan (SWPPP), annual fee, and certifications) to the Water Board. The SWPPP will address pollutant sources, best management practices, and other requirements specified in the Order. The SWPPP will include erosion and sediment control measures, and dust control practices to prevent wind erosion, sediment tracking, and dust generation by construction equipment. A Qualified SWPPP Practitioner will oversee implementation of the Project SWPPP, including visual inspections, sampling and analysis, and ensuring overall compliance.	City of Arcata's Contractor	SWPPP Practitioner	Project construction	During Project construction activities, including during non-work times.	State standards	City of Arcata
Mitigation Monitoring						
3.1 Aesthetics						
MM AES-1 Minimize Temporary Visual Impacts The City shall avoid or substantially lessen impacts by reducing construction disturbance. Measures shall include:	City of Arcata	City of Arcata	Project construction	During Project construction	City standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>The size of construction zones and staging areas shall be the minimum operable size. The location of such zones shall be adjusted to minimize the visual impacts.</p> <p>To the extent feasible, alignments and locations of facilities shall be adjusted to avoid visually sensitive features and conditions that would result in major landform alteration or mature landscape removal.</p> <p>The City shall restore or revegetate staging areas disturbed by construction activities, including restoring pre-Project topographic features and reseeding with species comparable to those removed or disturbed during construction.</p>						
3.3 Biological Resources						
<p>MM BIO-1 Avoidance and Minimization Measures for Red-Legged Frogs</p> <p>Although Northern Red-legged Frog breeding is not documented in the project area, measures for this species are included because individual frogs may disperse for considerable distances and could enter construction areas. Mitigation Measure BIO-1 is proposed to minimize potential impacts to Northern Red-legged Frogs:</p> <p>The City shall retain a qualified biologist to perform a pre-construction survey for the Northern Red-legged Frog within 24 hours prior to commencement of ground disturbance within 50 feet of suitable Northern Red-legged Frog habitat. Suitable habitat will be determined by the City's qualified biologist. The biologist will relocate any specimens that occur within the work-impact zone to nearby suitable habitat.</p> <p>In the event that a Northern Red-legged Frog is observed in an active construction zone, the contractor shall halt construction activities in the area and the frog shall be moved to a safe location in similar habitat outside of the construction zone.</p>	City of Arcata's biologist	City of Arcata	If impacts are unavoidable: Prior to the initiation of Project construction	Once, prior to Project construction	Federal and state standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
MM BIO-2 Protection of Special Status Plants Pre-construction surveys: Seasonally appropriate pre-construction surveys for special status plant species shall occur prior to construction within the planned area of disturbance along Jacoby Creek Road between 2266 Jacoby Creek Road and 2332 Jacoby Creek Road during the appropriate blooming time (spring or summer) for the target species. Survey methods shall comply with CDFW rare plant survey protocols, and shall be performed by a qualified field botanist. Surveys shall be modified to include detection of juvenile (pre-flowering) colonies of perennial species when necessary. Any populations of special status plant species that are detected shall be mapped. Populations shall be flagged if avoidance is feasible and if populations are located adjacent to construction areas. The locations of any special status plant populations to be avoided shall be clearly identified in the contract documents (plans and specifications). If special status plant populations are detected where construction would have unavoidable impacts, the shoulder widening will be eliminated from the project at that location to avoid impacts to special status species.	City of Arcata's biologist	City of Arcata	Prior to Project construction	Prior to Project construction	State standards	City of Arcata
MM BIO-3 Avoidance and Minimization Measures for Waters of the United States and Waters of the State The City shall implement the following avoidance and protection measures for Waters of the United States and Waters of the State: 1. The City shall attempt to avoid or minimize impacts to wetlands/waters to the greatest extent feasible in the final design plans. 2. Areas where wetlands are to be filled shall be clearly identified in the construction documents and reviewed by the City prior to issuing for bid. 3. ESA exclusion fencing shall be installed prior to construction to protect juxtaposed wetlands from inadvertent construction-related	City of Arcata's biologist	City of Arcata	If surveys necessary: Prior to Project construction	Prior to and during Project construction	State standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
impacts. The locations of the ESA fencing shall be included on the final 100% design plan set for construction.						
MM BIO-4 Compensatory Mitigation for Wetland Impacts The City shall compensate for wetlands impacts through restoration, rehabilitation, and/or creation of wetland at a ratio of no less than 1:1.2 and to the satisfaction of the City and permitting agencies. A Wetlands Mitigation and Monitoring Plan shall be prepared in coordination with jurisdictional permitting agencies. Compensation for wetlands shall occur so there is no net loss of wetland habitat at ratios to be determined in consultation with and to the satisfaction of jurisdictional permitting agencies. Temporarily impacted wetlands shall be restored in place by the City following the close of construction. The Plan shall be acceptable to jurisdictional permitting agencies and include the following elements: proposed mitigation ratios; description and size of the restoration or compensatory area; site preparation and design; plant species; planting design and techniques; maintenance activities; plant storage; irrigation requirements; success criteria; monitoring schedule; and remedial measures. The Plan shall be implemented by the City.	City of Arcata	City of Arcata	48 hours prior to construction	During Project construction	State standards	City of Arcata
MM BIO-5 Remove Vegetation Outside of Nesting Bird Season The City would attempt to remove trees and other vegetation that could potentially contain nesting birds outside the bird nesting season (August 31st and February 1st).	City of Arcata's biologist	City of Arcata	If surveys necessary: Prior to Project construction	Prior to and during Project construction	State standards	City of Arcata
MM BIO-6 Conduct Nest Survey and Establish Buffers If vegetation removal or ground disturbance cannot be confined to work outside of the nesting season, a qualified ornithologist shall conduct pre-construction surveys within the vicinity of the Project Area, to check for nesting activity of native birds and to evaluate the site for presence of raptors and special-status bird species. The ornithologist shall conduct a minimum of one day pre-construction survey within the 7-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance	City of Arcata	City of Arcata	Pre-construction	Pre-construction and possibly during Project construction (should construction	Federal and State standards	City of Arcata

GHD | City of Arcata | Old Arcata Road Improvements Project, Mitigation Monitoring and Reporting Program

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Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>and vegetation removal work lapses for seven days or longer during the breeding season, a qualified biologist shall conduct a supplemental avian pre-construction survey before project work is reinitiated.</p> <p>If active nests are detected within the construction footprint or within the construction buffer established by the Project biologist, the biologist shall flag a buffer around each nest. Construction activities shall avoid nest sites until the biologist determines that the young have fledged or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within construction buffer, nest buffers would be implemented as needed. In general, the buffer size for common species would be determined on a case-by-case basis in consultation with the California Department of Fish and Wildlife (CDFW). Buffer sizes would take into account factors such as (1) roadway and other ambient noise levels, (2) distance from the nest to the roadway and distance from the nest to the active construction area, (3) noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;(4) distance and amount of vegetation or other screening between the construction site and the nest; and (5) sensitivity of individual nesting species and behaviors of the nesting birds.</p> <p>If active nests are detected during the survey, the qualified ornithologist shall monitor all nests at least once per week to determine whether birds are being disturbed. Activities that might, in the opinion of the qualified ornithologist, disturb nesting activities (e.g., excessive noise), shall be prohibited within the buffer zone until such a determination is made. If signs of disturbance or distress are observed, the qualified ornithologist shall immediately implement adaptive measures to reduce disturbance. These measures may include, but are not limited to, increasing buffer size, halting disruptive construction activities in the vicinity of the nest until fledging is confirmed, placement of visual screens or sound dampening structures between the nest and construction activity, queuing trucks to distribute idling noise,</p>				activities lapse for seven days)		

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
locating vehicle access points and loading away from noise-sensitive receptors, reducing the number of noisy construction activities occurring simultaneously, and/or reorienting and/or relocating construction equipment to minimize noise at noise-sensitive receptors.						
3.4 Cultural Resources						
MM CR-1 Develop and Implement an MOU with Consulting Tribes The City shall develop a MOU with consulting tribes to that will include: When and where tribal and or archaeological monitors will be needed. Potential Preconstruction guided investigation needs that would occur prior to construction. Inadvertent discovery protocols and plans. The MOU shall be developed prior to construction and implemented throughout the duration of project construction.	City of Arcata t	City of Arcata	Pre-construction	Once, prior to Project construction	County standards	City of Arcata
3.6 Geology and Soils						
MM GEO-1 Inadvertent Discovery of Paleontological Resources If potential or paleontological resources are encountered during Project subsurface construction activities or geotechnical testing, all work within 50 feet of the find shall be stopped, and a qualified archaeologist funded by the City and approved by the City shall be contacted to evaluate the find, determine its significance, and identify any required mitigation. The applicant shall be responsible for implementing the mitigation prior to construction activities being re-started at the discovery site.	City of Arcata's Contractor	City of Arcata	Project construction	During Project construction	County standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)		Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
3.8	Hazards and Hazardous Materials						
MM HAZ-1 Evaluate and Manage Potential Contamination from “Roger’s Garage”							
<p>Historical records of previous borings would be reviewed (if available) to mitigate duplicate boring efforts. If existing data is insufficient to evaluate potential contamination of soils to be excavated with the Project Area, additional pre-construction borings would occur. If sampled soil is found to be impacted by ADL, petroleum hydrocarbons, or other regulated contaminants, a Construction Soil Groundwater Monitoring Plan (SGMP) would be prepared prior to any construction activities. During construction, the SGMP would be implemented.</p>		City of Arcata	City of Arcata	Pre-construction	Duration of project construction	City and County Standards	City of Arcata
MM HAZ-2 Evaluate and Managed Aerially Deposited Lead							
<p>In areas of ground disturbance, pre-construction soil borings shall characterize lead concentrations in soil and groundwater in anticipation of construction activities. Once the areas of ground disturbance and potential dewatering are confirmed, a Preliminary Site Investigation (PSI) workplan shall identify location and number of borings necessary for pre-characterization and depth for sample collection. Historic soil boring information (if available) shall be reviewed to further define boring locations and mitigate duplicative borings.</p> <p>Laboratory analytical results of soil samples collected from the borings shall be utilized to ascertain whether health and safety concerns are present for construction workers and determine the potential for ADL impacted groundwater, and soil and/or groundwater handling and disposal options. Proposed soil borings and/or grab groundwater sample locations shall be determined following identification of the areas and depths of soil excavation and dewatering activities. If pre-construction TTLC soil characterization sampling indicates that concentrations of lead are elevated above 1,000 ppm, or if STLC analytical results are greater than 5 mg/l, then such data may indicate potential ADL impacts to groundwater.</p>		City of Arcata	City of Arcata	Pre-construction	Duration of project construction	City and County Standards	City of Arcata

GHD | City of Arcata | Old Arcata Road Improvements Project, Mitigation Monitoring and Reporting Program

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Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
<p>If construction activities include dewatering, and if laboratory analysis of pre-construction soil borings indicate elevated total and STLC concentrations of 1,000 ppm and 5 mg/L, respectively, then pre-construction groundwater characterization shall occur. If lead impacted soil or groundwater is identified during pre-construction characterization, then a SGMP shall be developed to identify protocols that should be utilized to proactively manage potentially impacted soil and groundwater within the Project alignment and reduce exposure to site workers.</p> <p>If pre-construction characterization indicates ADL impacts above STLC levels to soil and/or groundwater, site workers involved in excavation activities be trained in accordance with the Hazardous Waste Operations and Emergency Response (HAZWOPER) certification (Occupational Safety and Health Administration [OSHA] 1910.120).</p>						
3.9 Hydrology and Water Quality						
MM HWQ-1 Water Quality Control Measures During Excavation <p>In instances where excavation occurs within the vicinity of stream channels, flowing ditches, or wetted waters of the U.S. or State, erosion and sediment control measures shall be implemented. These measures shall include installation and maintenance of silt-fence along channel banks or wetted waters as specified in Project designs, and development of erosion control plans to prevent inadvertent sediment delivery</p>	City of Arcata's Contractor	City of Arcata	Project construction	Duration of Project construction	City and County standards	City of Arcata
3.11 Transportation						
MM TR-1 Maintain Emergency Access and Notify Emergency Responders <p>The City shall require contractors to provide adequate emergency access to all properties along the corridor during the construction process. At locations where the access to a nearby property is temporarily blocked, the contractor shall be required to have ready the means necessary to accommodate access by emergency</p>	City of Arcata's Contractor	City of Arcata	Project construction	Duration of Project construction	City and County standards	City of Arcata

Environmental Protection Actions (EPA) and Monitoring Measure (MM)	Individual Responsible for Monitoring and/or Reporting	Individual or Organization Responsible for Verifying Compliance	Timing of Initial Action	Frequency and/or Duration of Monitoring	Performance Criteria	Proposed Funding
vehicles to such properties, such as plating over excavations. As construction progresses, emergency providers shall be notified in advance of the timing, location, and duration of construction activities and the locations and durations of any temporary lane closures.						

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From: [O'connell, Gregory](#) [REDACTED]
To: [Delo Freitas](#); [David Loya](#)
Cc: [Andrea Hilton](#); [Netra Khatri](#)
Subject: RE: OAR EIR Wetland Synopsis
Date: Monday, August 30, 2021 6:50:22 AM
Attachments: [image003.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Delo. This is super helpful. If not already included in the project description, I would recommend some level on native landscaping where it will not interfere with safety, line-of-site, etc. I think this may be better suited as a condition of approval rather than a mitigation measure (if not already part of the project). Thanks again, Greg

17-1

From: Delo Freitas <dfreitas@cityofarcata.org>
Sent: Friday, August 27, 2021 4:32 PM
To: David Loya <dloya@cityofarcata.org>; O'connell, Gregory [REDACTED]
Cc: Andrea Hilton [REDACTED]; Netra Khatri <nkhatri@cityofarcata.org>
Subject: RE: OAR EIR Wetland Synopsis

WARNING: This message is from an external source. Verify the sender and exercise caution when clicking links or opening attachments.

Greg:

Happy Friday! Here is a brief summary of wetland impacts:

- The evaluation of potential impacts to biological resources is based on results from the NES completed for the Project, which includes by appendix a wetland delineation, rare plant evaluation, and ESHA evaluation (Northstar Environmental 2019; Appendix D – Natural Environment Study). A wetland delineation update completed on June 23, 2021 focused on a small area near the intersection of Old Arcata Road and Jacoby Creek Road where a small wetland had been delineated in 2018, located outside the Coastal Zone. The area is commonly used for parking and is highly impacted by ongoing roadside use. The updated 2021 delineation concluded the evaluated area did not meet three-parameter wetland criteria, and an updated Preliminary Jurisdictional Determination (PJD) and the updated GHD (2021) report was submitted to the USACE for review. The USACE concurred and issued a jurisdictional determination (USACE 2021). (*DEIR pg 3.3-23*)
- The BSA consists of two types of identified U.S. Army Corp of Engineers (USACE) jurisdictional wetlands that were classified using Cowardin nomenclature from Classification of Wetlands and Deepwater Habitats of the United States (Federal Geographic Data Committee 2013 cited in GHD 2021), Palustrine Emergent Persistent Wetlands and Palustrine Broad-leaved Deciduous Scrub-Shrub Wetlands. The Palustrine Emergent Persistent Wetland consisted

primarily of an herbaceous layer and the Palustrine Scrub-Shrub, Broad leaved Deciduous Wetlands consisted of tree, shrub, and herbaceous vegetation layers. Willow species (*Salix* spp.) were the dominant trees in the shrub-scrub wetlands often occurring with Himalayan blackberry (*Rubus armeniacus*) and California blackberry (*Rubus ursinus*) in the shrub layer. The BSA also contains one-parameter wetlands meeting Coastal Commission requirements based only on wetland (FAC or wetter) vegetation (lack of hydric soils and wetlands hydrology). No two-parameter wetlands were identified. (DEIR pg 3.3-26)

- Reflective of the 2021 wetland delineation update, approximately 0.16 acres of three-parameter Palustrine Emergent Persistent Wetlands, 0.24 acres of three-parameter Palustrine Broad-leaved Deciduous Scrub-Shrub Wetlands, and 0.08 acres of one-parameter Willow Series were identified within the BSA (not including the area where the willow canopy dripline extended over pavement). These wetlands were entirely omitted from the construction boundary to avoid potential impacts. Wetland impacts would not occur. (DEIR pg 3.3-27)

I've enclosed the preliminary jurisdictional determination from USACOE and associated maps, as well as the draft Bio Resources section for your review.

Please let me know if you have additional questions.

Delo Freitas | Senior Planner
City of Arcata Community Development Department
Planning | Housing | Economic Development
p. 707.825.2213 e. dfreitas@cityofarcata.org

Due to COVID 19, the City has implemented measures to limit in-person contact. We still strive to provide the full range of city services by phone, email, and web-based services. Since this is an evolving situation, [please visit the City's COVID-19 website for updates.](#)



From: David Loya <dloya@cityofarcata.org>

Sent: Thursday, August 26, 2021 4:58 PM

To: O'connell, Gregory [REDACTED] Delo Freitas
<dfreitas@cityofarcata.org>

Cc: Andrea Hilton [REDACTED] Netra Khatri <nkhatri@cityofarcata.org>

Subject: OAR EIR Wetland Synopsis

Delo,

Can you provide Greg a synopsis of the EIR analysis on wetland impacts and any mitigations necessary? Please provide relevant sections of the EIR, the delineation, and the ACOE jurisdictional determination.

Thank you.

David Loya (him)
Community Development Director
City of Arcata
p. 707-825-2045
www.cityofarcata.org

City Hall is open for business between 11 and 5. Starting July 1, we will be open 9 to 5.

Visitors to City Hall are required to wear a mask inside regardless of vaccination status. Thank you for complying with this local practice.

Some services, such as water bills and police services, are available on-call. Please check our website www.cityofarcata.org for the latest information on accessing City services.

Since this is an evolving situation, [please visit the City's COVID-19 website for updates.](#)

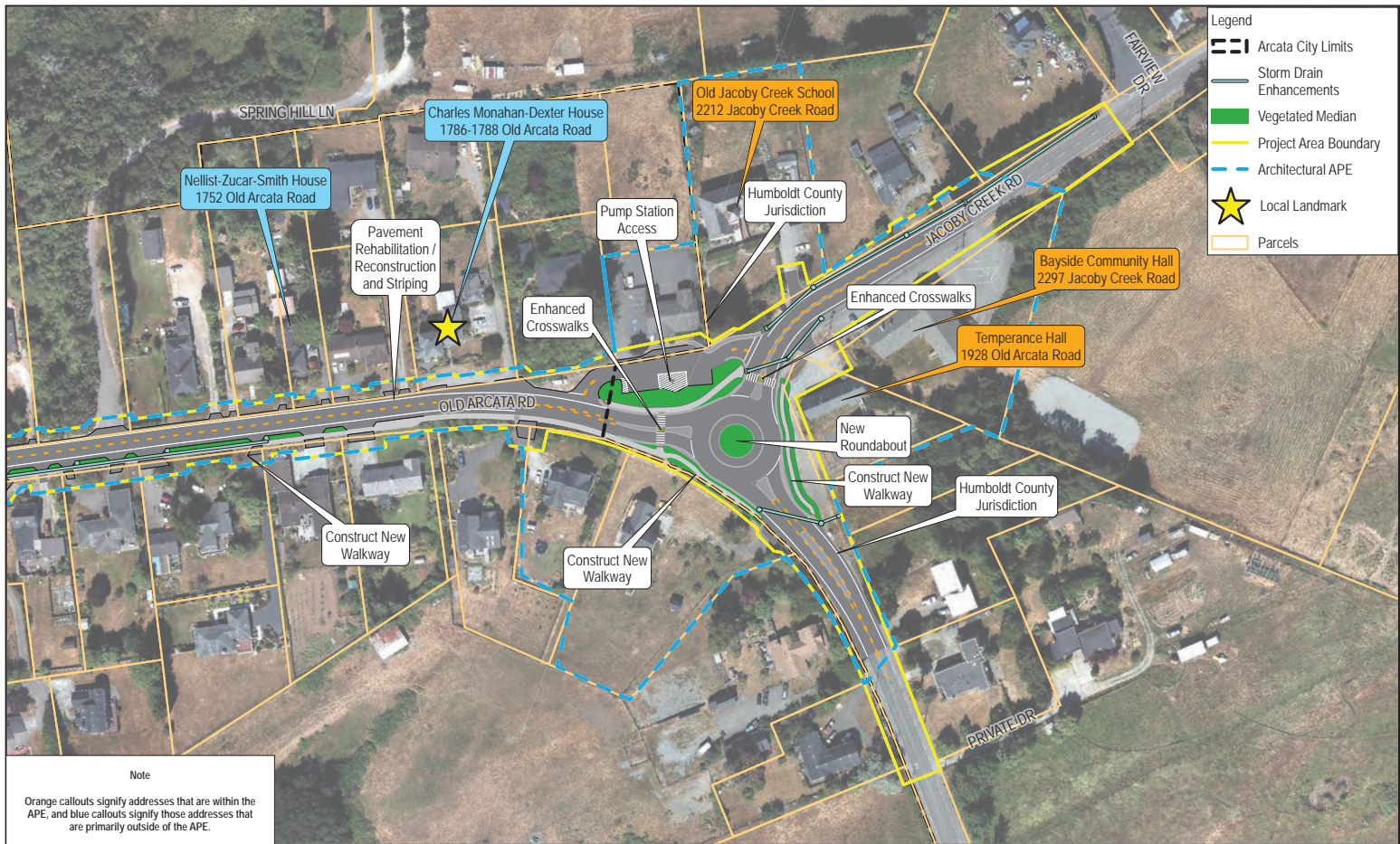


Letter 17 – Response to Comments

Response to Comment 17-1

Incorporation of native landscaping

The California Department of Fish and Wildlife (CDFW) recommends incorporation of native landscaping where it will not interfere with safety as a condition of project approval. The City will incorporate native plant species in all landscape areas as practicable as possible.



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0 40 80 120 160
Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California 1 FIPS 0401 Feet



City of Arcata
Old Arcata Road Improvements

Project No. 11159130
Revision No. -
Date 11/16/2021

Historical Resources Evaluation Map

FIGURE 3.4-4

G:\1111159130 Arcata Old Arcata Road Improvements\08-
GIS\Map\Deliverables\20210610_CoastalZone\11159130_OldArcataRoad_CoastalZoneMapset.aprx
Print date: 16 Nov 2021 - 12:08

Data source: AirPhoto, 2019_MapService - Created by: zporteous

Exhibit 7
A-1-HUM-22-0026 (City of Arcata)
Historic Resources Map

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: North Coast

Appeal Number: A-1-HUM-22-0026Date Filed: June 07, 2022Appellant Name(s): Bayside Cares, an unincorporated association**APPELLANTS**

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is NorthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

Exhibit 8

A-1-HUM-22-0026 (City of Arcata)
Bayside Cares Appeal (pg. 1 of 50)

Appeal of local CDP decision

Page 2

1. Appellant information

Name: Bayside Cares, an unincorporated association
Mailing address: c/o Chris Hamer, 381 Bayside Road, Ste. A, Arcata, CA 95521
Phone number: 707-822-1771
Email address: chris@shkklaw.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other

Describe: Our comments are submitted herewith (four letters dated 5/3/2022
and their attachments)

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: On May 18, 2022, Cliff Johnson of the Humboldt County Planning Department,
advised appellant that no appeal could be made to the Board of Supervisors
and had to be made directly to the Coastal Commission.

If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

Appeal of local CDP decision
Page 3

2. Local CDP decision being appealed²

Local government name: Humboldt County
Local government approval body: Humboldt County Planning Commission
Local government CDP application number: Record No. PLN-2022-17654
Local government CDP decision: ☒ CDP approval ☐ CDP denial³
Date of local government CDP decision: May 12, 2022

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Assessor's Parcel Number: County right-of-way does not have APNs. Adjacent APNs include
but not limited to 501-012-012, 501-031-032, 501-011-006, and 501-031-031. A Coastal
Development Permit (CDP) for the small portion of the project that is located within the
County's jurisdiction of the Coastal Zone. The project would improve motorized and non-motorized
transportation and user safety in Bayside. The project would repave Old Arcata Road, include bike
lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway
along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road
Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road
intersection. The total Project length is approximately one mile. The portion of the project
within both the Coastal Zone and the County's jurisdiction is located at the southern end of
the project, is approximately 530 feet in length, and includes a portion of the proposed roundabout.

² Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

³ Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

Appeal of local CDP decision
Page 4

3. Applicant information

Applicant name(s):

City of Arcata

730 F Street

Applicant Address:

Arcata, CA 95521

4. Grounds for this appeal⁴

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See letter dated May 18, 2022 and attachments submitted herewith.

⁴ Attach additional sheets as necessary to fully describe the grounds for appeal.

Appeal of local CDP decision

Page 5

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

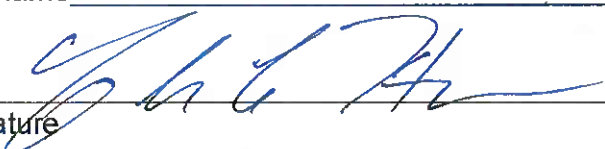


Interested persons identified and provided on a separate attached sheet

6. Appellant certifications

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Chris Hamer, Attorney for Bayside Cares

Signature 

Date of Signature 6/7/2022

7. Representative authorization⁵

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.



I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

⁵ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

⁶ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

CALIFORNIA COASTAL COMMISSION

455 MARKET STREET, SUITE 300
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Chris Hamer

CDP Application or Appeal Number PLN-2022-17654

Lead Representative

Name Chris Hamer
Title Attorney for Bayside Cares
Street Address 381 Bayside Road, Ste. A
City Arcata
State, Zip CA 95521
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Daytime Phone 707-822-1771

Your Signature 

Date of Signature 6/07/22

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May 18, 2022

VIA E-MAIL

Coastal Commission,
North Coast District Office
NorthCoast@coastal.ca.gov

Re: Appeal to the Coastal Commission of the Approval by the Humboldt County Planning Commission of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit; Bayside Area; Record Number PLN-2022-17654 (application filed 2/28/2022, approved at hearing on May 12, 2022)

Dear Members of the California Coastal Commission:

On behalf of Bayside Cares, we hereby appeal the grant by the Humboldt County Planning Commission of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit; Bayside Area; Record Number PLN-2022-17654 (application filed 2/28/2022, CDP granted at meeting May 12, 2022.)

We have the right to appeal the granting of the Coastal Development Permit ("CDP") for the above-described project (the "Project") because, as provided in Humboldt County Code § 13.12.2, the Project is located within one hundred (100) feet of wetlands and streams and, as provided in Humboldt County Code § 13.12.5, the Project is located within a sensitive coastal resource area.

We appeal on the basis that the Project does not conform to the standards set forth in the Humboldt Bay Area Plan of Humboldt County Local Coastal Program, which is the certified local coastal program, in the following respects:

- (1) The Project will have adverse effects on historical resources and these adverse effects are not mitigated;
- (2) The Project has adverse effects on Coastal Wetlands and the Humboldt Bay, but these adverse effects are not mitigated and the Department of Fish and Wildlife was not consulted as to these adverse effects or as to mitigation of those adverse effects; and
- (3) The Project does not protect public safety, as the Humboldt Bay Area Plan of Humboldt County Local Coastal Program requires. Instead, in violation of the Local Coastal Program, the Project will create hazards to public safety, particularly the safety of bicyclists and pedestrians, and those in need of aid from emergency vehicles.

We also appeal on the basis that the Project is legally invalid, as its approval, design, environmental approval and prospective construction, are all pursuant to contracts which are legally void, because all of the contracts are the product of an illegal and pervasive conflict of interest by an Arcata City official who is an employee of the contractor which is the party to all of those contracts.

1. The Project Does Not Mitigate Adverse Effects on Historical Resources, as Required by the Local Coastal Program.

The Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements project, (hereinafter referred to as the “Project”) will have disastrous adverse effects on the unusually large number of historic properties, (many in the National Register or eligible for the National Register), which are next to the roundabout, bike lanes and sidewalks which are to be constructed as part of the Project.

The Humboldt Bay Area Plan of the Humboldt County Local Coastal Program (hereinafter referred to as the “Local Coastal Program”) prohibits the approval of any Project which does not comply with the Local Coastal Program. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 1 of the Local Coastal Program, states: “the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources, as well as to protect public safety.”

Section 3.18 of the Local Coastal Program requires mitigation measures if historic resources are adversely affected by the Project. (Chapter 3, pg. 26, section 3.18)

Historic resources are adversely affected by the Project, these adverse effects are not disclosed, and these adverse effects are not mitigated.

The City of Arcata did not disclose the adverse effect on historic setting, context and significance of the large number of historic structures located in the vicinity of the proposed construction of the Project.

The City of Arcata implausibly claimed that, because actual construction will be within the public right-of-way, the City of Arcata was not required to disclose or consider the adverse effects on the setting, feeling and place of historic structures which are on the parcels of land burdened by the public right-of-way, over which the Project will be constructed. The City of Arcata also contended it was not required to disclose or consider the adverse effects on the setting, feeling and place of historic structures not adjacent to the roundabout to be constructed by the Project.

If construction is on a parcel where a historic structure is located, of course the potentially adverse effects on the historic setting, context and significance of that historic structure must be disclosed and considered—but they were not.

In the immediate vicinity of the intersection of Old Arcata Road and Jacoby Creek Road, where the Project would construct a huge, urban roundabout with 5 overhead lights, there are two (2) buildings listed in the National Register and four (4) properties, including the 1882 Temperance Hall, which are eligible to be listed in the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of these six (6) historic structures, nor does the Project mitigate these adverse effects in any manner.

Immediately adjacent to the sidewalks and bike paths to be constructed as part of the Project and in close proximity to the roundabout to be constructed as part of the Project, there are eight (8) 19th century and early 20th century properties that were determined by historian, Susie Van Kirk, in 1974, to be eligible for the National Register: 1750, 1752, 1734, 1703, 1428 and 1171 Old Arcata Road, 12146 Anvick Road, and the 3 C's Barn in the Bayview Conservation Area. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of these eight (8) historic structures, nor does the Project mitigate these adverse effects in any manner.

Also immediately adjacent to the sidewalks and bike paths to be constructed as part of the Project and in close proximity to the roundabout to be constructed as part of the Project, there are twenty-six (26) more structures that historian, Kathleen Stanton, found to be of sufficient age to be considered for the National Historic Register: 1775, 1766, 1696, 1570, 1560, 1550, 1546, 1500, 1440, 1420, 935, 945, 963, 971, 991, 1149, 1129, 1215, 1230, 1285, 1641, 1651, 1671, 1727, 1759 and 1785 Old Arcata Road. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of these twenty-six (26) historic structures, nor does the Project mitigate these adverse effects in any manner.

The Project is proposed to be constructed in the area historically known as "Bayside Corners", where Old Arcata Road and Jacoby Creek Road meet, roads and an intersection which are themselves rich in local history. The U.S. Secretary of the Interior's Standards recognize roads, streets, circulation systems and open space as critical landscape features in a historic setting. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the historic roads and intersection historically known as "Bayside Corners," nor does the Project mitigate these adverse effects in any manner.

There is such a high density of historic structures in the vicinity of the Project that it is worthy or preservation as a historic district.

The Project involves constructing a roundabout, otherwise known as a traffic circle, at the intersection of Old Arcata Road and Jacoby Creek Road, close to numerous historic structures.

The huge, urban roundabout, with its 5 overhead lights, is to be constructed right in front of the Old Jacoby Creek School House, which is listed in the National Register of Historic Places. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Old Jacoby Creek School House, nor does the Project mitigate these adverse effects in any manner.

The huge, urban roundabout, with its 5 overhead lights, is also to be constructed next to the Old Grange, a California Registered Landmark found eligible for the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Old Grange, nor does the Project mitigate these adverse effects in any manner.

The huge, urban roundabout, with its 5 overhead lights, is also to be constructed next to the Temperance Hall, which has been found eligible for the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Temperance Hall, nor does the Project mitigate these adverse effects in any manner.

The huge, urban roundabout, with its 5 overhead lights, is also to be constructed in close vicinity to the Orr House at 2332 Jacoby Creek Road, which is listed in the National Register. The Project does not disclose or consider the adverse effects on the historic setting, context and significance of the Orr House, nor does the Project mitigate these adverse effects in any manner.

The roundabout will adversely affect the historic setting, context and significance of a very large number of historic structures, and particularly the Old Jacoby Creek School House, the Temperance Hall, the Old Grange and the Orr House, which are closest to the roundabout.

The roundabout is a large, modern feature that is an intrusive element to the historic environment by its sheer size and accompanying features which include five street lights, medians, numerous signs and directional arrows, blinking lights for pedestrians, and a massive amount of concrete. It will cause the high beams of Northbound traffic in the roundabout to glare into the windows of the historic structures. It will displace the existing intersection of Jacoby Creek Road and Old Arcata Road, which has had its present configuration since 1946, and which is a critical landscape feature in a historic setting, under U.S. Secretary of the Interior's Standards. It will eliminate open space, and bring motor vehicle traffic much closer to these historic structures, with its attendant sounds and smells.

The Project eliminates much open space and brings traffic to within 35 feet of the Temperance Hall structure itself, and within 79 feet of the Old Jacoby Creek School House structure itself, and bringing traffic over the very lots of land on which these two historic structures are situated.

The Project destroys the historic setting, context and significance of these historic structures, including construction of the large, urban roundabout with 5 overhead lights, the elimination of existing open space near these structures, bringing traffic over the parcels on which these structures are situated, as well as light pollution.

Light pollution from the five street lights and from the headlight of vehicles using the roundabout, will further destroy the historic setting, context and significance of the historic structures and of the area. The lights from the headlights of oncoming traffic in the roundabout will be particularly directed to the windows of the Old Jacoby Creek School House, which is presently being put to both residential and commercial use. This will adversely impact both the residential and commercial tenants of the property, as well as detracting from the structure's historic setting, context and significance.

All the foregoing is attested to in the letter from professional historian, Kathleen Stanton, **a copy of which is attached as Attachment “A”**.

In violation of the Local Coastal Program, the Project **does not include measures to mitigate these adverse effects** on the many historic resources in the Project area, and does not even acknowledge the adverse effects.

The City of Arcata did not disclose the adverse effect on historic setting, context and significance of the large number of historic structures located in the vicinity of the proposed construction of the Project. The City of Arcata implausibly claimed that, because actual construction will be within the public right-of-way, the City did not need to consider the adverse effects on the setting, feeling and place of historic structures which right next to the public right-of-way over where the Project will be constructed.

The Coastal Program prohibits approval of any Project which does not comply with the Local Coastal Program. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 1 of the Local Coastal Program, states: “the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources, as well as to protect public safety.”

Section 3.18 of the Local Coastal Program requires mitigation measures if historic resources are adversely affected by the Project. (Chapter 3, pg. 26, section 3.18)

The Project adversely affects historic resources and, in violation of the Local Coastal Program, the Project includes no mitigation measures.

On the basis of the foregoing, the Board of Supervisors should reverse the decision by the Planning Commission, and must deny approval of a Coastal Development Permit for the Project.

2. In Violation of the Local Coastal Program, the Project Does Not Mitigate Adverse Effects on Wetlands in Consultation and Cooperation with the Department of Fish and Wildlife.

The proposed Project will have a disastrous effect on wetlands. The Local Coastal Program required the City of Arcata and CALTRANS to disclose these adverse effects to the Department of Fish & Wildlife, and to consult with the Department of Fish & Wildlife as to how to mitigate these adverse effects. In violation of the Local Coastal Program, the City of Arcata and CALTRANS did not disclose the adverse effects on Coastal Wetlands or on the Humboldt Bay to the Department of Fish & Wildlife and did not consult with the Department of Fish & Wildlife as to mitigation measures—and did not include any mitigation measures.

The Local Coastal Program prohibits the approval of any Project which does not comply with the Local Coastal Program. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 43, Section 1(a)(1) of the Local Coastal Program lists Wetlands and the Humboldt Bay as being “environmentally sensitive habitats”.

Chapter 3, page 43, Section 1(b) of the Local Coastal Program states: “The review of these sensitive habitat areas and the identification of appropriate land uses and/or **mitigation measures shall be in cooperation with the Department of Fish and Game.**” [Now called the Department of Fish and Wildlife.]

The initial Final Environmental Impact Report stated that the Project would not involve filling wetlands. The Partly Recirculated FEIR now states that the Project will be filling wetlands.

The Project not only involves filling wetlands; there is a direct connection between the filled wetlands and Coastal Wetlands, as well as a direct connection to Humboldt Bay (the Coastal Zone which is attached **as set forth in the letter from expert, Kyle Wear, with his subsequent emails and a map of the area of the Project, attached as Attachment “B”**). This means that road runoff water, contaminated by hydrocarbons and other noxious substances, will flow directly to the Coastal Wetlands and Humboldt Bay. Yet the City did not consult with the Department of Fish & Wildlife either concerning the runoff water flowing into the Coastal Wetlands and Humboldt Bay, or concerning mitigation measures, again in violation of the Coastal Plan.

Because the Project will be filling wetlands, and because the filling of wetlands and insertion of a culvert in the wetlands next to Jacoby Creek Road as part of the Project, **directly sends contaminated road runoff water to Coastal Wetlands and to the Humboldt Bay**, and also occurs in an area the FEIR acknowledges contains endangered red legged frogs and special status plants, the City and CALTRANS were required to consult with the Coastal Commission and with the Department of Fish & Wildlife concerning the wetland filling, the contaminated road runoff water going into the Coastal Wetlands and Humboldt Bay and mitigation of these adverse effects. (*See, e.g., Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 936.)

In violation of the Local Coastal Program, the City of Arcata and CALTRANS did not consult with the Coastal Commission or with the Department of Fish & Wildlife concerning the Project’s filling of wetlands, concerning the adverse impact on Coastal Wetlands and on the Humboldt Bay of having contaminated road runoff water being directed, via a culvert, to the Coastal Wetlands and Humboldt Bay, or how to mitigate these adverse effects.

The Local Coastal Program requires mitigation of adverse effects on wetlands to be “in cooperation with the Department of Fish and Game” (now called the Department of Fish & Wildlife), so this Project violates the Local Coastal Program, as well as the CEQA. (*Public Resources Code* § 21003; CEQA Guidelines, § 15080.)

The Humboldt Bay Area Plan of the Humboldt County Local Coastal Program, (hereinafter referred to as the “Coastal Plan”) prohibits approval of any Project which does not comply with the Coastal Plan. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 43, Section 1(a)(1) of the Local Coastal Program designates Wetlands and the Humboldt Bay as being “environmentally sensitive habitats”.

Chapter 3, page 43, Section 1(b) of the Local Coastal Program states: “The review of these sensitive habitat areas and the identification of appropriate land uses and/or mitigation measures shall be in cooperation with the Department of Fish and Game.”

As set forth above, wetlands are filled and runoff water flows into coastal wetlands and the Humboldt Bay, but the City and CALTRANS did not formulate mitigation measures at all—let alone, formulate them in cooperation with the Department of Fish and Game (now the Department of Fish & Wildlife), so the Project violates the Local Coastal Program.

On the basis of the foregoing, the Humboldt County Board of Supervisors should reverse the decision by the Planning Commission, and deny approval of a Coastal Development Permit for the Project.

3. The Project Is Not Designed to Protect Public Safety, in Violation of the Local Coastal Program.

The Project will create hazards of serious injury or death to pedestrians and bicyclists, in violation of the Local Coastal Program.

The Local Coastal Program prohibits the approval of any Project which does not comply with the Local Coastal Program. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 1 of the Local Coastal Program states: “the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources, **as well as to protect public safety.**” [Emphasis added.]

There are no standards in this Project to protect public safety, in violation of the Local Coastal Program. Public safety is endangered by this Project. The City of Arcata was so preoccupied with trying to keep the roundabout within the public right-of-way, that the City ignored the serious danger to public safety inherent in the Project’s design. None of these dangers are disclosed in the Environmental Impact Report.

Hazards to Bicyclists and Pedestrians Created by the Roundabout

As traffic engineer, Daniel T. Smith, Jr., states in **his letter attached as Attachment “C”**, putting bicycles and pedestrians together on a narrow, shared path as proposed in the Project has dangers of collisions, as does mixing bicyclists with motor vehicles, many of which are focused on negotiating the roundabout, none of which dangers have been analyzed.

As stated by traffic engineer, Daniel T. Smith, in his letter February 3, 2022 letter (attached as **Attachment “C”**):

“In the existing situation, clear bikeable shoulders extend up to the intersection in the northbound direction of Old Arcata with a clear path outside the Old Arcata northbound traffic lane across it ahead of the STOP line on westbound Jacoby Creek. In the southbound direction of Old Arcata, bicyclists have a bikeable shoulder clear through the intersection. On Jacoby Creek, which has defined bikeable shoulders farther east, on the last 200 feet to the intersection

in both directions, the shoulder limit is undefined and there is poor pavement quality. This condition could be improved without building the roundabout.”

“In the proposed roundabout design, northbound bicyclists have an undesirable choice. They must merge (perhaps abruptly if unfamiliar with the route) from the bikeable shoulder into the northbound traffic lane on Old Arcata, through the roundabout in mixed and crossing traffic before regaining the bikeable shoulder at the intersection with the branch of Old Arcata serving the Post Office and the pump station.

“Or, they can go up a ramp, making an abrupt reverse S turn to a path shared by pedestrians and bicyclists that leads circuitously around the east side of the roundabout.”

“On the way around it, they cross Jacoby Creek Road on a crosswalk that is roughly halfway between the roundabout and the branch of Old Arcata serving the Post Office. For a bicyclist deciding whether to enter the crosswalk, there will be uncertainty whether a motorist approaching westbound on Jacoby Creek and signaling for a right turn is turning into the Post Office segment and hence not a threat or is turning into the roundabout and is one.”

“This same dilemma faces pedestrians headed southbound into the crosswalk. Southbound cyclists who currently have a clear bikeable shoulder through the intersection will have to make a choice whether to ride through the roundabout in mixed traffic or ride around the west side of it on a shared path with pedestrians. Although the transition from the shoulder to the traffic lane is less abrupt than in the northbound direction, the narrowness of the lane as it continues southward means that the cyclist will have to fully occupy the traffic lane instead of traveling to the right of motor vehicle paths. If the cyclist chooses to use the shared path, the transition is via abrupt reverse S curve at the last private driveway north of the roundabout or an even more abrupt reverse S curve at the ramp closer to the roundabout itself. On the whole, it seems more likely than not that the roundabout will be more detrimental to cyclists than the existing situation.”

“Intersections and Driveways Close to the Roundabout Compound the Difficulty of Driver Decisions in and Near the Roundabout and May Result in Decreased, not Increased Safety”

“Another part of the improved safety claim is that roundabouts decrease conflict points. But in this case, there are two private driveways on the west side of Old Arcata, one in the striped portion of the north separator island, one that causes the raised portion of the south separator island to be split with a striped section in between. There is the Post Office access portion of Old Arcata, one end of which intersects within the striped opening of the north separator island; the other of which intersects Jacoby Creek just to the east of the raised portion. Two private driveways intersect Jacoby Creek near the roundabout within the

stripped portion of the easterly separator, one of which is commercial, island and also a lengthy portion of the Bayside Community Hall parking area that has continuous mountable curb access along the stripped portion of the easterly separator island.”

“If, as it appears, the intent is to continue to have full movements access/egress at all of these points, they constitute additional conflict points that would constitute additional conflict points that compound operational and safety issues associated with the roundabout. If the intent is to limit some or all of these points to right turn in/right turn out, this could trigger severance damage payments, which is akin to a taking of right of way.”

Daniel T. Smith, Jr. notes **in his second letter, attached as Attachment “D”**, that, just a few months ago, there were three injury or fatality collisions at or in the close proximity of roundabouts in the Arcata vicinity involving motor vehicles with bicyclists or pedestrians, two along Old Arcata Road itself and another near the roundabout at the intersection of Spear Avenue, St. Louis Road and West End Road. While the causation analysis of these accidents has not yet been completed, their occurrence makes obvious that the lack of analysis of the history, causation and severity at the intersection of Old Arcata Road and Jacoby Creek Road is a major flaw in the justification of the roundabout feature of the Project.

In addition, he also notes that Arcata Fire’s Critical Emergency Response Vehicle, a quint, will not be able to negotiate the roundabout, further endangering public safety.

As explained in the attached letter from traffic engineer, Daniel T. Smith, Jr., based on the latest photo of the entire vehicle fleet operated by the Arcata Fire District posted on the District’s web site, the District operates a unique type of fire vehicle known generically as a “quint”. A quint combines the functions of an aerial ladder truck and an engine (“pumper”) truck. The vehicle operated by the Arcata Fire District is a 2001 American LaFrance 3-axle quint with an overall width of 10.25 feet (instead of the 8.5 feet width of a normal design truck), a relatively short wheelbase of 21.5 feet but large overhangs front and rear. The front overhang is 8.5 feet to the front bumper and about 12.5 feet counting the overhang to the ladder platform. The rear overhang from the center of the rear axles is 16 feet. Its maximum steering angle is 39.3 degrees. Traffic engineer, Daniel T. Smith, Jr., states, that “these unique dimensions make this fire apparatus a design vehicle of particular concern at any roundabout.”

There is no analysis in the Environmental Impact Report whether this critical emergency response vehicle can negotiate the proposed roundabout successfully and at satisfactory emergency response speed. There is no analysis of the potential adverse effects on both public safety and traffic flow, if the quint cannot negotiate the proposed roundabout, or if the quint can only negotiate the proposed roundabout at extremely slow speeds, backing up traffic and other emergency response vehicles such as ambulances and other fire fighting vehicles.

Mr. Smith also notes in his February 3, 2022 letter that the roundabout, as designed, will not accommodate oversized vehicles. All the other roundabouts on Old Arcata Road accommodate oversized vehicles. So—if an oversized vehicle comes onto Old Arcata Road, it

will be blocked once it encounters the roundabout, leading to traffic backup and creating a risk to public safety, particularly emergency vehicle access to the Project area.

The City of Arcata Gives No Evidence Based Justification for the Roundabout.

As traffic engineer, Daniel T. Smith, Jr., notes in his attached letter:

“The environmental documents contain no formal analysis of documented accident experience and causation justifying provision of a roundabout. Claimed need is purely anecdotal reports and hypothetical conjecture that building a roundabout here would improve safety when there is no evidence that there is a safety problem that would justify such a drastic measure.”

“Nowhere does any version of the EIR or related documents, such as the Project Study Report, establish that there is a fundamental need for the roundabout feature by operational analysis (level-of-service), nor is adequacy of the roundabout as proposed, demonstrated through this form of analysis.”

“In the EIR, in the “Purpose and Need” section of the Project Description states as follows:

“The Project is intended and designed to serve current City population.”

Yet curiously and inconsistently, within the same Purpose and Need section, it attempts to justify the roundabout by citing a very poor Level-of-Service (“LOS”) prediction for the current Jacoby Creek/Old Arcata intersection configuration and control based upon a Caltrans study *estimated volumes for Year 2041*.”

“--Yet nowhere, not even in the related Project Study Report, does the Project documentation ever demonstrate that the roundabout as proposed would have adequate capacity to service Year 2041 volumes or even current year volumes.”

“The EIR documents are also inconsistent in dismissing alternatives that involve adding improved traffic control (3-way STOP or Traffic Signal) to the current intersection alignment, stating that all-way STOP and Signal warrants are not met. However, there is no evidence that the EIR considered the 2041 volumes predicted by Caltrans in making these warrant assessments. The City could obviously add all-way STOP control as soon as traffic growth results in these warrants being met.”

The Local Coastal Program prohibits the approval of any Project which does not comply with the Local Coastal Program. (Chapter 1, pg. 1, section 1.10)

Chapter 3, page 1 of the Local Coastal Program states: “the Coastal Act requires that all development be subject to standards designed to protect natural and cultural resources, **as well as to protect public safety.**” [Emphasis added.]

There are no standards in this Project to protect public safety. Public safety is endangered by this Project, as described in detail above, and in the attached letters from traffic engineer, Daniel T. Smith, Jr. There also is no evidence-based justification for the roundabout feature of the project, which will cause such a radical modification of the intersection and area.

On this basis also, the Humboldt County Board of Supervisors should reverse the decision by the Humboldt County Planning Commission, and deny the approval of a Coastal Development Permit for the Project.

4. Because the Project is the Product of a Illegal Conflict of Interest, Approval of a CDP for the Project Must Be Reversed.

There should have been no approval of a Coastal Development Permit for the Project because every single contract involved in this Project, including the contract for preparation of the necessary environmental documents, the contract for the Project’s design and the contract for the Project’s construction are **void**, because they are the product of an illegal conflict of interest. The illegal conflict of interest, is that **a public official in the City of Arcata had a financial interest** in all of them, and participated in the making of all of the contracts and promoted them to the Arcata City Council.

The public official was Joshua Wolf. Joshua Wolf was and is, at all time, a very active member of the Arcata Traffic Safety Committee—while at the same time being a full-time employee of the engineering firm, GHD, the beneficiary of every single contract the City has concerning the Project.

GHD entered contracts with the City of Arcata: (1) for GHD to perform the Charette Study; (2) for GHD to prepare the Initial Study, to design the Project, to prepare the Mitigated Negative Declaration, to prepare the Draft Environmental Impact Report; (3) for GHD to draft the Final Environmental Impact Report; and (4) for GHD to actually construct the Project.

Joshua Wolf, an engineer employee of GHD, was on the Arcata Traffic Safety Committee. As a member of that Committee, Wolf came up with the Project, and wrote or substantially assisted Arcata City staff in writing, the staff report recommending the Project to the City Council at its December, 2017 meeting. The City Council approved the Project at its the December, 2017 meeting on the strength of the staff report, and authorized staff to seek funds to design and construct it.

Joshua Wolf, as an employee of GHD, worked under contract with the City of Arcata to do all the environmental work and documents, including the Draft EIR, the Final EIR, the responses to comments on the Draft EIR and Final EIR, the Partially Recirculated Final EIR, and responses to the comments on the Partially Recirculated Final EIR.

Then the City awarded the contract to design the Project and the contract to construct the Project to Joshua Wolf's employer, GHD.

Pursuant to the City's contract with GHD for the Project design, Joshua Wolf, as an employee of GHD, actually designed the Project.

Pursuant to the City's contract with GHD for the Project construction, Joshua Wolf is the project manager of the Project. Joshua Wolf is also the person who did the drafting check for the Project, pursuant to GHD's contract with the City of Arcata.

CFR Tit. 2 §18700(a) states:

(a) Basic Rule: A public official at any level of state or local government has a prohibited conflict of interest and may not make, participate in making, or in any way use or attempt to use the official's position to influence a governmental decision when the official knows or has reason to know the official has a disqualifying financial interest. A public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official, or the official's immediate family, or on any financial interest described in subdivision (c)(6)(A-F) herein. (Sections 87100, 87101, & 87103.)"

Because he was a member of the Arcata Traffic Safety Committee, Joshua Wolf was and is, a "public official" prohibited from participating in or influencing decisions in which he has or had a disqualifying "financial interest." This is because the Arcata Traffic Safety Committee: "makes substantive recommendations [to the Arcata City Council] and, over an extended period of time, those recommendations have been regularly approved without significant amendment or modification by another public official or governmental agency [the Arcata City Council]." CCR Tit. 2 §18700 (c)(2)(A).

Although the Arcata Traffic Safety Committee is technically advisory, its members are bound by the conflict of interest law because their recommendations are regularly followed by the decision maker, (the Arcata City Council); it makes no difference whether members of the Traffic Safety Committee are salaried or non-salaried. (Com. on Cal. State Gov. Org. & Econ. v. Fair Political Practices Com. (1977) 75 Cal.App.3d 716; *see also* In re Rotman (1987) 10 FPPC Ops. 1 [redevelopment committees].)

Joshua Wolf used his position on the Arcata Traffic Safety Committee, attending the meetings and wholly or partially writing the staff report which recommended the Project to the City Council, to influence the City Council and to cause them to first approve the Project, and then enter contracts with Joshua Wolf's employer, GHD, which hired Joshua Wolf to do all the environmental approval documents for the Project, to design the project, and to be project manager and do plan check for construction of the Project.

Joshua Wolf had and has a disqualifying "financial interest" because he receives his salary, as an employee, from GHD. A public official has a "financial interest" if the public

official receives income over \$500 from a company that contracts with the government entity, i.e., if he is an employee of the company.

2 Cal. Code Regs. § 18703.1 states:

“A public official has an economic interest in a business entity if “[t]he public official is a director, officer, partner, trustee, **employee**, or holds any position of management in the business entity...”

At all times mentioned, Joshua Wolf, an engineer employed by GHD, also known as Omni Means, is, and has been, a member of the Arcata Traffic Safety Committee, active and participating in its recommendation of the Project to City staff and the City Council, and participating in preparation of the Staff Report to the City Council, while at the same time being a full-time employee of GHD.

The Traffic Safety Committee had meetings through 2016, 2017, 2018, 2019 and 2020 concerning the Project, and Joshua Wolf never once recused himself. He also attended all City Council meetings concerning the Project and appeared before the City Council concerning the Project. As a member of the Traffic Safety Committee, he worked with City staff in preparing a report to the City Council recommending the Project. The City Council accepted the recommendation and approved the Project, as they almost always accept the recommendations of staff reports. Joshua Wolf of GHD personally recommended the Project, (which is the alternative including a roundabout), to City staff and to the City Council and has been an advocate for the Project.

Joshua Wolf legally “participated” in the City’s decision to approve the Project and to enter into contracts with GHD to provide design of the Project, construction of the Project, and all environmental compliance for the Project, and is project manager and designer of the Project.

Cal. Code Regs., tit. 2, § 18702.3 defines “participating in a decision”:

“(b) Participating in a Decision. A public official participates in a governmental decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review.

(c) Using Official Position to Attempt to Influence a Decision. A public official uses an official position to influence a governmental decision if the official:

(1) Contacts or appears before any official in the official's agency or in an agency subject to the authority or budgetary control of the official's agency for the purpose of affecting a decision; or

(2) Contacts or appears before any official in any other government agency for the purpose of affecting a decision, and the public official

acts or purports to act within the official's authority or on behalf of the official's agency in making the contact.”

Cal. Code Regs., tit. 2, § 18704

Preparation of a staff report regarding a Board’s ultimate decision constitutes participating in a governmental decision. (*See, e.g., Johnson Advice Letter, No. A-09-221.*)

The Arcata Traffic Safety Committee assisted staff in preparing the report recommending the Project to the City Council. Joshua Wolf was on the Committee, and also contacted and appeared before the City Council to influence its decision to approve the project.

Government Code Section 1090 prohibits contracts where a public official has a conflict of interest:

“Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.”

Joshua Wolf, as a member of the Arcata Traffic Safety Committee, was a “public officer” prohibited by *Government Code* § 1090 from participating in contracts between the City and GHD, because, as a GHD employee, he had and has a “financial interest” in these contracts. Joshua Wolf violated Section 1090 because, as a member of the Arcata Traffic Safety Committee, he participated in the making of all the City’s contracts with GHD through the Committee’s advisory function. (*City Council v. McKinley* (1978) 80 Cal.App.3d 204; 82 Ops Atty. Gen. 126 (1999).)

And all of the contracts regarding the Project were between the City of Arcata and GHD, with GHD employee, Joshua Wolf, through his participation in the Traffic Safety Committee, actively advising the City Council to pursue the Project and with Joshua Wolf, as a GHD employee, actively performing each of the contracts on behalf of GHD.

The 2017 Charrette report was produced by Omni Means.
<https://www.cityofarcata.org/DocumentCenter/View/10558/SHN-2017-Community-Charrette>

Omni Means was the lead consultant, as can be seen in the footer of the report:

943 Reserve Drive | Suite 100 | Roseville, CA 95678 | p. 916.782.8688 | omnimeans.com

Napa | Redding | Roseville | San Luis Obispo | Visalia | Walnut Creek

The entire consultant group that created this report was highlighted in the Charrette Report as follows:

Although funding for transportation and community planning is limited, the City recognized the need for a thorough community process to develop potential safety improvements along Old Arcata Road. The City was able to budget a portion of its internal Measure G funding, intended for public safety improvements, to embark on a community planning process to address the need for improved access and safety for all modes of travel along Old Arcata Road.

The team selected by the City to lead this project included SHN Consulting Engineers (SHN), Redwood Community Action Agency (RCAA), Streamline Planning (Streamline), Omni-Means, and DMZ Consulting (DZC). City staff provided regular direction to the project team and were responsible for much of the community outreach efforts. The TSC provided general recommendations to the project team and also participated in the community events.



Omni Means and GHD are the same corporation. They had merged at the time that the Charrette Report was done.

<https://www.ghd.com/en/news/omnimeans-officially-adopts-ghd-name-and-brand-following-merger-completion.aspx>

“GHD, one of the world’s leading engineering, environmental, and construction services companies, **merged with Omni-Means, Ltd. (Omni-Means), in February 2017.** The merger increased both firm’s capacity to meet client and market demands for transportation services across the western United States. Since the merger, GHD added more than 60 people to their team, expanding its network of California offices.”

The City then contracted with GHD to do the design of the Project, and to do all the CEQA and NEPA compliance work, including the Initial Study, the Mitigated Negative Declaration, the Draft EIR, the Final EIR, the Partially Recirculated EIR, the amended Final EIR, and contracted with GHD to construct the Project.

Joshua Wolf of GHD, and of the Arcata Traffic Safety Committee, has had and has, an active and leading role in every one of these contracts, and is the designer and project manager of the Project. GHD is the only company submitting a bid to construct the Project, and its bid was accepted.

Because Joshua Wolf participated in Arcata’s making of its contracts with GHD to do the Charrette study, the Initial Study, the DEIR, the FEIR, the design of the Project and construction of the Project, and because he was and is financially interested in all of these contracts, as all his income came from his employment by GHD, all of these contracts are in violation of *Government Code* § 1090 and are void.

Government Code § 1092 states that these contracts, made in violation of *Government Code* § 1090 are voidable. However, case law has held these contracts are *void* not merely voidable. (Thomson v. Call (1985) 3 Cal.3d 633; Carson Redevelopment Agency v. Padilla (2006) 140 Cal.App.4th 1323; People ex rel. State of Cal. v. Drinkhouse (1970) 4 Cal.App.3d 931.)

Therefore, the Humboldt County Planning Commission should reverse the decision of the Planning Commission, and deny a CDP for this Project, as the contract pursuant to which it was designed, the contract pursuant to which it is to be constructed, and the contracts for environmental compliance are all void as they are the product of an illegal conflict of interest.

5. Conclusion.

On the basis of all the foregoing three (3) above-described violations of the Coastal Plan and on the basis of the pervasive and invalidating illegal conflict of interest described above, Bayside Cares, and its members, respectfully appeal the decision of the Planning Commission and request that the California Coastal Commission reverse the Planning Commission decision and deny approval of a CDP for this Project.

Very truly yours,

STOKES, HAMER, KIRK & EADS, LLP

Chris Johnson Hamer

By: _____
Chris Johnson Hamer

CJH/ja
Attachments:

Attachment A: Letter from Historian Kathleen Stanton
Attachment B: Letter and emails from Botanist, Kyle Wear
Attachment C: Letter from Daniel T. Smith, Jr., Traffic Engineer
Attachment D: Letter from Daniel T. Smith, Jr., Traffic Engineer

ATTACHMENT “A”

Subject: FW: Deny Approval of a Coastal Development Permit due to significant cultural resources at Bayside Corners

From: Kathleen Stanton <kathleenjstanton@gmail.com>

Sent: Wednesday, May 04, 2022 6:53 PM

To: alanbongio@gmail.com; hrh707@outlook.com; 3noah@landwaterconsulting.com; 4hpcpnewman@yahoo.com; mbrian707@gmail.com; hpcpmccavour@gmail.com; sregon@aol.com

Cc: Planning Clerk <planningclerk@co.humboldt.ca.us>

Subject: Deny Approval of a Coastal Development Permit due to significant cultural resources at Bayside Corners

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

5/4/2022

Humboldt County Planning Commission
3015 H St.
Eureka, CA 95501

Re: Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit; Bayside Area; Record Number PLN-2022-1764

Dear Members of the Humboldt County Planning Commission,

The County should not grant the coastal development permit because the project **violates the County's local coastal plan**, specifically, the project violates sections 3.18 and 3.29 of the Plan.

These sections require, where new development will adversely affect archaeological or paleontological resources identified by the State Historic Preservation Officer, reasonable mitigation measures should be required. To date there are no mitigations proposed to protect known cultural resources in the project area (APE) which violates the Coastal Plan.

Of particular concern is the very culturally sensitive area at the juncture of Old Arcata Road and Jacoby Creek Road known as Bayside Corners. This area was a major ethnographic Wiyot village site and includes numerous historic properties listed and eligible for listing on the National Register of Historic Places according to the State Historic Preservation Office. In addition to the archaeological site, the historic resources include the:

1903 Jacoby Creek School
1882 Temperance Hall
1941 Grange/Bayside Community Hall
1876 Lawlor-Connor-Wilson House
1887 Charles Monahan-Dexter House/Old Post Office

There are also approximately 34 additional properties that have been identified by qualified historians as eligible for National Register listing in Bayside.

The identified cultural resources in this area contribute to the better understanding of our past, both prehistorically and during the Euro-American occupation of the project area which has a period of significance from about 1870 - 1970. The massive ethnographic village site at Bayside Corners has several historic resources overlaying the previous prehistoric occupation of the area. All the historic resources, except the Old Post Office, are listed and determined eligible for the National Register and cannot be separated as significant cultural resources from one another or from the prehistoric site they share. They both exist in situ and are only separated by time (millennia) and cultural association. They are all recognized as significant and worthy of preservation and protection.

The historic setting and the view sheds associated with the buildings and archaeological deposits at Bayside Corners should not be disturbed by an intrusive Roundabout that will move the existing Old Arcata Road approximately 66 feet closer to the Temperance Hall which is used as an elementary school. This proposed development will adversely impact the view sheds and setting for these National Register listed and eligible properties.

There are also many other deleterious and adverse effects that the proposed Roundabout would bring to Bayside Corners. Specifically,

The proposed Roundabout will adversely affect the cultural landscape at Bayside Corners by degrading its rural residential setting which supports the historic context of the properties and the National Register significance of the cultural resources located in the immediate vicinity.

The Roundabout will displace the original part of Old Arcata Road in front of the Temperance Hall and the now historic portion of the Old Arcata Road that was created in 1946, by the County. The roadway itself is a critical landscape feature to this historic setting per the Secretary of the Interior's Standards.

The Roundabout will eliminate important Open Space in front of the 1882 Temperance Hall which the County owns and is used extensively by the community. This Open Space is the subject of an Encroachment Permit to be given to the City of Arcata for the Roundabout. If the County allows a Roundabout on their property, they will contribute to the degradation of the historic area and setting, by bringing the road and the Roundabout to within 35 feet of the front facade of the Temperance Hall which is used as an elementary school and closer to the old Jacoby Creek School landmark.

There is also a high probability that the deep digging required to construct the Roundabout and install electrical service and drainage culverts could expose archaeological remains and halt the project and possibly require a new plan to avoid burials and sensitive cultural information.

Any adverse development such as a massive Roundabout which is proposed for this intersection that is on or in the immediate proximity of these cultural resources must be mitigated and there is no acknowledgement of these adverse effects nor proposed mitigation for these cultural resources that are inextricably linked to the prehistoric and historic occupation of the area.

In my professional opinion, Bayside Corners is eligible as an historic district to the National Register for its contribution to the prehistoric and historic settlement of Bayside. Archaeologist Katherine Flynn back in 1977 discussed the eligibility of the cultural resources found at Bayside Corners for National Register District designation and Historian, Susie Van Kirk, in 1974 also acknowledged that the Old Arcata Road from Eureka to Arcata and its associated historic resources were eligible as an historic district.

The City of Arcata and Cal Trans have been negligent in their duty to adequately identify and protect significant cultural resources in the project area. They have severely restricted the potential for adverse effects to historic properties by not including the entire parcel for each property adjacent to the road to be sufficiently analyzed and thereby purposely limiting the identification of historic resources. By gerrymandering the APE, they have curtailed sufficient resource identification and impact analysis to protect the historic and rural residential character of Bayside.

The proposed project Alternative as described in the EIR would avoid any adverse effects to cultural resources by keeping the road in its current location and making modest modifications to support a safer intersection for bicyclists and pedestrians which is the ultimate goal of the road project.

On the basis of this information and the previously recorded objections to the EIR, I recommend that the Planning Commission deny approval of a Coastal Development Permit for this Project.

Thank you,

Kathleen Stanton, M.A.
Historic Resources Consultant for Bayside Cares & Bayside Resident

ATTACHMENT “B”



Kyle S. Wear
Botanical Consultant
(707) 601-1725
kyle_wear@suddenlink.net

January 26, 2022

Re: Roundabout and Wetland Drainage for the Old Arcata Road Rehabilitation & Pedestrian/Bikeway Improvements Project (SCH # 2021010176)

To whom it may concern:

At the request of local citizens, I have evaluated the connection between Jacoby Creek and other aquatic resources and the wetlands impacted within the drainage ditch along Jacoby Creek Road and potential runoff from a new roundabout. The evaluation was based on observations of the storm drain system along the road and evaluation of aerial imagery and Lidar contours.

The wetland ditch and area where the new roundabout is proposed drain into a storm drain that flows to the southwest along the east side of Old Arcata Road. The storm drain also drains wetlands and other ditches east of the road. Approximately 1,275 feet southwest of the intersection of Old Arcata Road and Jacoby Creek Road, the storm drain flows west under Old Arcata Road into a drainage ditch. Water also flows northeast away from Jacoby Creek into the drain inlet at this location. From Old Arcata Road, the drainage ditch flows northwest and appears to drain into an old slough channel and emergent wetland and likely eventually into Cannon Slough along Highway 101. The surface drainage does not appear to flow into Jacoby Creek before it enters Humboldt Bay based on aerial images and Lidar contours. Because the wetland ditch to be filled along Jacoby Creek Road has a direct connection to wetlands and Humboldt Bay, it is potentially an Army Corps of Engineers jurisdictional feature.

Maps showing the presumed drainage and a National Wetlands Inventory Map of the area are attached.

Please contact me if you have any questions or need additional information.

Sincerely,

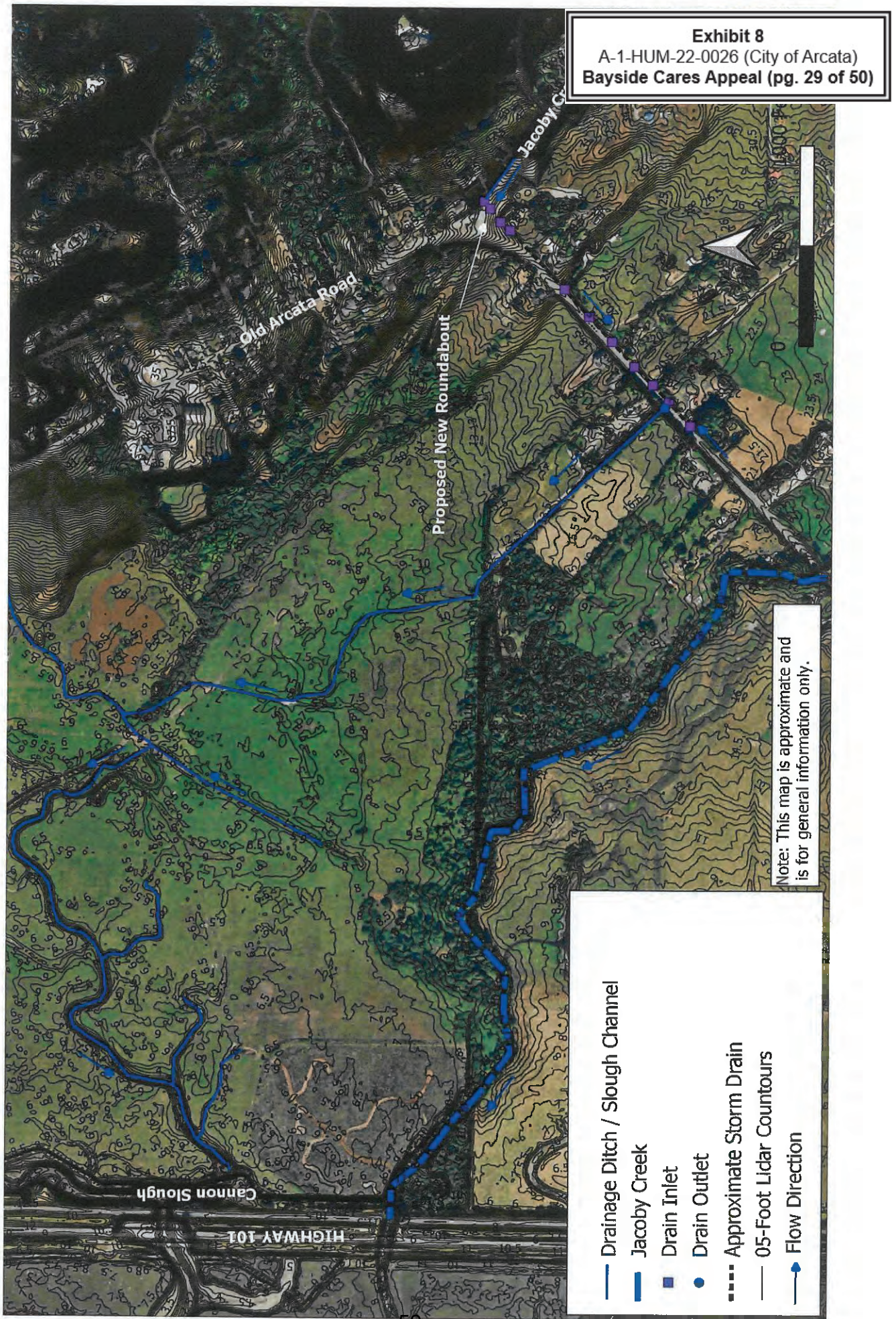
Kyle Wear

Attachments:

- A. Drainage Map
- B. National Wetlands Inventory Map

<p>Exhibit 8 A-1-HUM-22-0026 (City of Arcata) Bayside Cares Appeal (pg. 28 of 50)</p>

Attachment A. Roundabout Drainage Map.

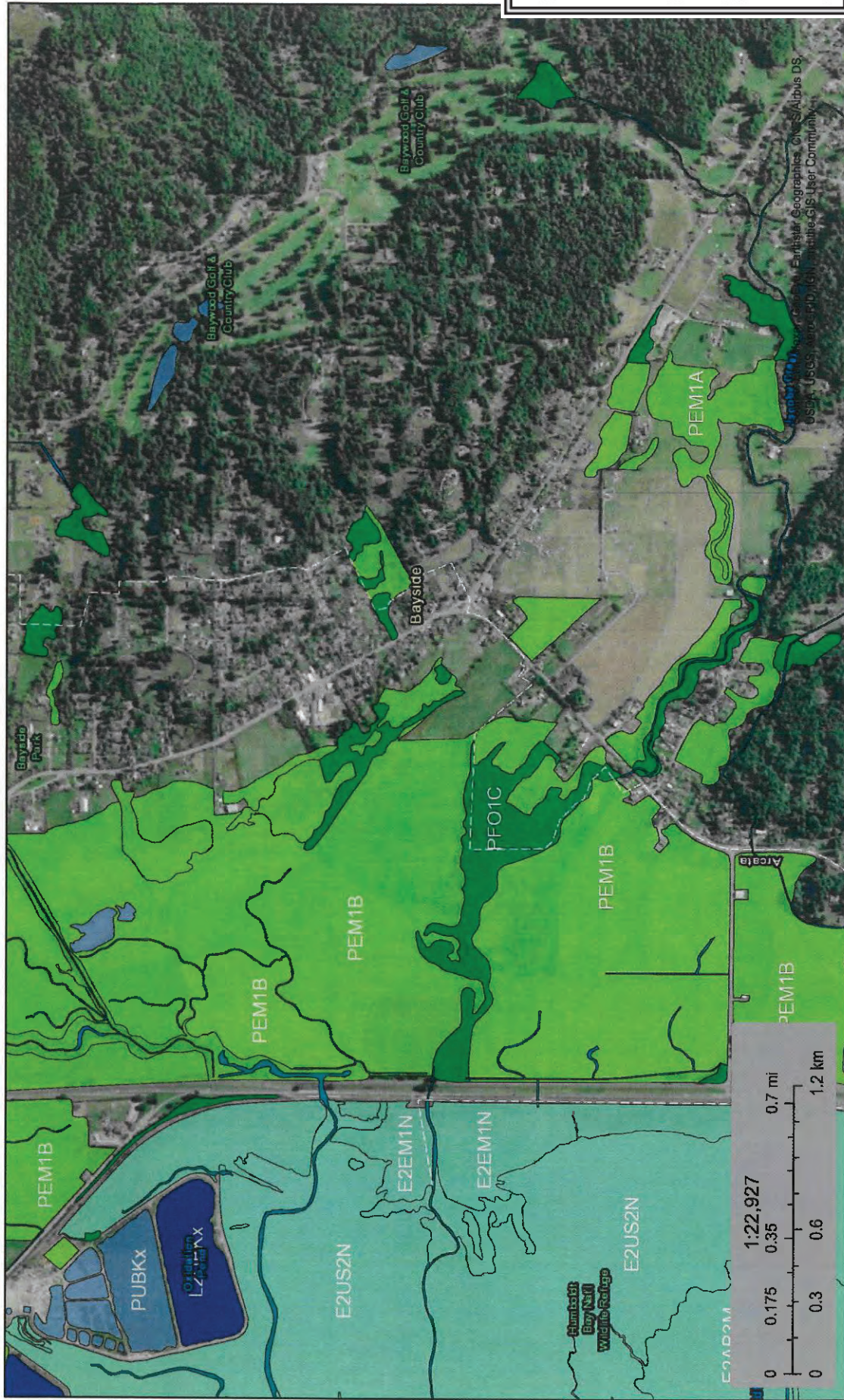




U.S. Fish and Wildlife Service

National Wetlands Inventory

Wetlands



January 26, 2022

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Exhibit 8
A-1-HUM-22-0026 (City of Arcata)
Bayside Cares Appeal (pg. 30 of 50)

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)
This page was produced by the NWI mapper

From: kyle_wear@suddenlink.net
Sent: Friday, January 28, 2022 3:55 PM
To: Chris Hamer
Cc: 'Bob McPherson'; 'Susan McPherson'; kiriki@streamguys.com; Jenny Auwarter
Subject: RE: Bayside Roundabout--need for Coastal Commission consultation and possible additional coastal development permit

Yes, pretty much everything west of the road is in the coastal zone, it looks like it goes right through the roundabout on that map, but that map may not be super accurate, is from the County GIS application. Yes, in my opinion the wetland and drainage from that area has a direct connection to wetlands and eventually the bay in the coastal zone.

Kyle

From: Chris Hamer <Chris@shkklaw.com>
Sent: Friday, January 28, 2022 2:45 PM
To: 'kyle_wear@suddenlink.net' <kyle_wear@suddenlink.net>
Cc: 'Bob McPherson' <bob.mcpherson@humboldt.edu>; 'Susan McPherson' <susanamcpherson@gmail.com>; kiriki@streamguys.com; Jenny Auwarter <Jenny@shkklaw.com>
Subject: RE: Bayside Roundabout--need for Coastal Commission consultation and possible additional coastal development permit

Hi Kyle,

Thank you.

So, Old Arcata Road and everything West of Old Arcata Road is Coastal Zone? Am I reading the map correctly?

Would you say that the water from the culvert in the wetland next to Jacoby Creek Road has a direct connection to wetlands in the Coastal Zone and Humboldt Bay?

Chris Johnson Hamer

Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521
Telephone: 707-822-1771 x120
Facsimile: 707-822-1901

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From: kyle_wear@suddenlink.net <kyle_wear@suddenlink.net>
Sent: Friday, January 28, 2022 2:00 PM
To: Chris Hamer <Chris@shkklaw.com>
Cc: 'Bob McPherson' <bob.mcpherson@humboldt.edu>; 'Susan McPherson' <susanamcpherson@gmail.com>; kiriki@streamguys.com; Jenny Auwarter <Jenny@shkklaw.com>
Subject: RE: Bayside Roundabout

Attached is a map showing the coastal zone boundary.

Kyle

From: Chris Hamer <Chris@shkklaw.com>
Sent: Friday, January 28, 2022 11:20 AM
To: 'kyle_wear@suddenlink.net' <kyle_wear@suddenlink.net>
Cc: 'Bob McPherson' <bob.mcpherson@humboldt.edu>; 'Susan McPherson' <susanamcpherson@gmail.com>; kiriki@streamguys.com; Jenny Auwarter <Jenny@shkklaw.com>
Subject: Bayside Roundabout

Thank you, Kyle, for your good letter.

I have one more question: is anything you were mentioning, (wetlands or anything else), in the Coastal Zone? The Coastal Commission would have to be consulted in that event.

Seems like the West side of Old Arcata Road, all the way out to the Bay, is Coastal Zone?

Thank you.

Chris Johnson Hamer

Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521
Telephone: 707-822-1771 x120
Facsimile: 707-822-1901

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From: kyle_wear@suddenlink.net <kyle_wear@suddenlink.net>
Sent: Wednesday, January 26, 2022 9:09 AM
To: Chris Hamer <Chris@shkklaw.com>
Cc: 'Bob McPherson' <bob.mcpherson@humboldt.edu>; 'Susan McPherson' <susanamcpherson@gmail.com>; kiriki@streamguys.com; Jenny Auwarter <Jenny@shkklaw.com>
Subject: RE: Kyle, I need your letter and maps ASAP!!! OUR DEADLINE IS THIS WEEK!

Ok I will have that done by mid-day or so

Kyle

From: Chris Hamer <Chris@shkklaw.com>
Sent: Tuesday, January 25, 2022 12:03 PM
To: kyle_wear@suddenlink.net
Cc: Bob McPherson <bob.mcpherson@humboldt.edu>; 'Susan McPherson' <susanamcpherson@gmail.com>; 'kiriki@streamguys.com' <kiriki@streamguys.com>; Jenny Auwarter <Jenny@shkklaw.com>
Subject: Kyle, I need your letter and maps ASAP!!! OUR DEADLINE IS THIS WEEK!

The comment period ends Thursday.

We need to demonstrate that drainage is to a river or creek, that Arcata did not do necessary consultation and get necessary permits for filling the wetlands, putting a culvert where a ditch had carried water, directing more water to a creek,

From the Army Corps of Engineers and the Department of Fish & Wildlife.

Thank you!

Chris Johnson Hamer

Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521
Telephone: 707-822-1771 x120
Facsimile: 707-822-1901

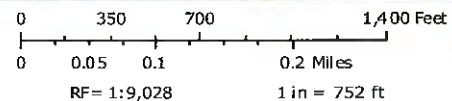
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ArcGIS Web Map

Humboldt County Planning and Building Department

Highways and Roads	Private or Unclassified	Intermittent
Principal Arterials	Major River or Stream	Subsurface
Minor Arterials	Blue Line Streams	City Boundary
Major Collectors	Perennial 1-3	Counties
Minor Collectors	Perennial >4	Parcels (no APN labels)
Local Roads		Coastal Zone Boundary



Printed: January 28, 2022

Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:

While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regulation. Should any difference or error occur, the law will take precedence.

Source: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Humboldt County GIS, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

ATTACHMENT “C”



SMITH ENGINEERING & MANAGEMENT

February 3, 2022

Mr Chris Johnson Hamer
Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521

**Subject: Old Arcata Road Rehabilitation and Pedestrian/Bikeway
Improvements** P22001

Dear Mr. Hamer:

Per your request, I reviewed the Final Environmental Impact Report (the "FEIR"), the Partially Recirculated Draft Environmental Impact Report (the "RDEIR"), and the original Draft Environmental Impact Report (the "DEIR"), including the 30% Design Plans appended thereto for the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Project (the "Project") in the City of Arcata (the "City"). My review is focused on the roundabout component of the Project proposed for the intersection of Old Arcata Road and Jacoby Creek Road.

My qualifications to perform this review include registration as a Civil and Traffic Engineer in California, over 50 years professional consulting practice in these fields. My professional resume is attached herewith.

Overview

The above referenced documents do not provide any quantitative justification for including the roundabout in the Project, do not provide any quantitative assessment of its performance, do not provide a comparison of its features to design standards and operational performance criteria or assess what design vehicles it is capable of serving. There is no assessment of some of the complicating operational considerations that exist at this intersection. The only assessments of the roundabout are in qualitative platitudes. In short, the situation is as if someone decided it would be nice to have a roundabout at this location, drew the largest one that could be squeezed into the public right-of-way

and said, “This is perfection.” Such an approach does not meet the requirements of the good faith effort to disclose impact that CEQA demands.

There Is No Evidence of Actual Collision Experience Justifying The Proposed Roundabout

The environmental documents have provided no formal analysis of documented accident experience and causation justifying provision of a roundabout. Claimed need is purely anecdotal reports and hypothetical conjecture that building a roundabout here would improve safety when there is no evidence that there is a safety problem that would justify such a drastic measure. The EIR or design study should have done a formal study of accident records and causation at this location and compared the incidence to statewide records of accidents per million vehicles at intersections of this type. The EIR is deficient not having done so.

Nowhere Does Any Version of the EIR or Related Document Such As the Project Study Report Establish Fundamental Need for the Roundabout Feature By Operational Analysis (Level-of-Service) Nor Is Adequacy of the Roundabout As Proposed Demonstrated Through This Form of Analysis

The RDEIR, in the Purpose and Need section of the Project Description states as follows:

“The Project is intended and designed to serve current City population.”¹
Yet curiously and inconsistently, within the same Purpose and Need section, it attempts to justify the roundabout by citing a very poor Level-of-Service (“LOS”) prediction for the current Jacoby Creek/Old Arcata intersection configuration and control based upon a Caltrans study *estimated volumes for Year 2041*.² Yet nowhere, not even in the related Project Study Report, does the Project documentation ever demonstrate that the roundabout as proposed would have adequate capacity to service Year 2041 volumes or even current year volumes. While the City and its consultants may argue that LOS is no longer a CEQA criterion for transportation impacts, it is a recognized and necessary criterion for adequacy of design and the EIR must disclose to the public whether or not the design meets conventional adequacy tests.

The EIR documents are also inconsistent in dismissing alternatives that involve adding improved traffic control (3-way STOP or Traffic Signal) to the current intersection alignment, stating that all-way STOP and Signal warrants are not met. However, there is no evidence that the EIR considered the 2041 volumes predicted by Caltrans in making these warrant assessments. The City could obviously add all-way STOP control as soon as traffic growth results in these warrants being met.

¹ RDEIR, page 2-2.

² Eureka-Arcata Route 101 Corridor Improvement Project EIR, Caltrans, Dec. 2016, Table 3-13, p 166.

The Extent to which the Roundabout Would Reduce Traffic Speeds Is Undisclosed

The EIR claims the roundabout would engender safety by reducing vehicle speeds through the intersection. This claim is solely based on generalizations in guidance literature. The EIR and its supporting documentation have not produced any computations of entry speeds and speeds of various movements through the roundabout. These can be computed using methods detailed in Sections 6.7.1 through 6.7.2 of NCHRP Research Report 672: Roundabouts, An Informational Guide, Second Edition, a document that the EIR claims to have relied on. The Project documentation contains no data on observed existing speed distribution and critical speed through the intersection.

Creation of a Roundabout at the Intersection of Old Arcata and Jacoby Creek Roads Existing Public Right of Way Results in a Design Inconsistent With Standards and Fundamental Needs

For single lane roundabouts in rural areas, FHWA guidance³ recommends the WB-67 tractor-trailer truck (STAA truck) as the design vehicle. Caltrans most recent edition of the California Highway Design Manual⁴ recommends an inscribed Roundabout diameter of 130 to 180 feet to accommodate WB-67 trucks and an inscribed diameter of 105 to 130 feet to accommodate WB-50 (California Legal) trucks. At an inscribed diameter of only 107 feet, the proposed roundabout is far too small for the WB-67 design vehicle and barely meets the minimum for the WB-50 truck⁵.

It is noteworthy that the proposed roundabout is considerably smaller than roundabouts to the north and south on Old Arcata Road at Buttermilk Lane and at Indianola Cut. We summarize the differences below.

	Old Arcata/Jacoby Creek	Old Arcata/Buttermilk	Old Arcata/Indianola Cut
Inscribed Circle Diameter	107 ft.	140 ft.	140 ft.
Central Island Radius	33 ft.	50 ft.	50ft.
Paved Apron in Island Radius	12 ft.	15 ft.	20 ft.
Circulation Lane	20-21 ft.	20 ft.	22-25 ft.

³ *Roundabouts, An Informational Guide*, U.S. Department of Transportation, Federal Highway Administration, June 2000.

⁴ Dated July 1, 2020. See Topic 405.10 (3).

⁵ The WB-50's ability to successfully negotiate the proposed roundabout may be compromised by its slightly asymmetric shape.

Both the Buttermilk and Indianola Cut roundabouts would accommodate the WB-67 design vehicle. It is unusual and contrary to principles of alignment consistency for the middle roundabout in a series of 3 within a distance of about 3.5 miles on the same rural arterial to fail to accommodate the same design vehicle as those flanking it.

The environmental documents and the 30 Percent Design drawings give no indication what design vehicles can successfully negotiate the proposed roundabout or the speeds at which they can do so. The documents should present scale drawings of the swept path of design vehicles turning around the roundabout. Caltrans advises that to accurately simulate the design vehicle swept path traveling through a roundabout, the minimum speed of the design vehicle used in computer simulation software (e.g., Auto Turn) should be 10 miles per hour through the roundabout.⁶ Caltrans Highway Design Manual also advises that the design vehicle is to navigate the roundabout with the front tractor wheels off the truck apron [that is, remaining entirely within the circulatory roadway]. Caltrans also advises that transit vehicles, fire apparatus and single unit delivery vehicles must be able to navigate the roundabout without using the truck apron.⁷

Unless the public is provided with accurate illustrations of what vehicles can successfully negotiate the proposed roundabout, the environmental documentation is deficient.

Oversized Vehicles Are An Important Consideration

The Purpose and Need section of the RDEIR states at page 2-2:

"Old Arcata Road acts as an alternative route and oversized load route for Highway 101".

Caltrans Highway Design Manual and NCHRP 672 give somewhat conflicting guidance with regard to accommodating oversized vehicles. Caltrans HDM Topic 405.10(2) states "Roundabouts should not be oversized for the occasional permit vehicle" while NCHRP 672 at pages 6-13 and 6-14 states "In rural environments, farming or mining equipment may govern design vehicle needs" and "Oversized vehicles (sometimes referred to as "superloads") are another potential design vehicle that may require consideration in some locations, particularly in rural areas and at freeway interchanges". Given the implication of the purpose and need statement that Caltrans regularly directs oversize loads that it calls permit loads to Old Arcata Road rather than on Route 101, and the fact that locally there may be significant transport of oversized logging yarders, logging loaders, large bulldozers and backhoes, the NCHRP guidance should be followed. Also, the Arcata Fire District web site indicates that the District operates one vehicle of a type called a "quint", a type of apparatus that is a

⁶ Op. Cit., Topic 405.10 (2).

⁷ Op. Cit., Topic 405.10 (3).

combination of aerial ladder truck and 'pumper'. These vehicles have relatively short wheel bases compared to their overall length, but large overhangs at the front and rear and a wider overall width than typical over-the-road trucks (about 10.5 feet versus 8.5 feet for conventional WB-50 and WB-67 trucks). Consequently, they have a large 'swept area' on the exterior side of the curve. The EIR should obtain this vehicle's turning templates from the Fire District or the vehicle's manufacturer and assure that it can be satisfactorily accommodated at the proposed roundabout. Also, turning characteristics of vehicles that move large logging loaders and yarders as well as bulldozers and backhoes through the intersection should be considered. The EIR should not be certified until these considerations are addressed.

It Is Unlikely That the Roundabout Would Improve Conditions for Bicyclists

In the existing situation, clear bikeable shoulders extend up to the intersection in the northbound direction of Old Arcata with a clear path outside the Old Arcata northbound traffic lane across it ahead of the STOP line on westbound Jacoby Creek. In the southbound direction of Old Arcata, bicyclists have a bikeable shoulder clear through the intersection. On Jacoby Creek, which has defined bikeable shoulders farther east, on the last 200 feet to the intersection in both directions, the shoulder limit is undefined and there is poor pavement quality. This condition could be improved without building the roundabout.

In the proposed roundabout design, northbound bicyclists have an undesirable choice. They must merge (perhaps abruptly if unfamiliar with the route) from the bikeable shoulder into the northbound traffic lane on Old Arcata, through the roundabout in mixed and crossing traffic before regaining the bikeable shoulder at the intersection with the branch of Old Arcata serving the Post Office and the pump station. Or, they can go up a ramp, making an abrupt reverse S turn to a path shared by pedestrians and bicyclists that leads circuitously around the east side of the roundabout. On the way around it, they cross Jacoby Creek Road on a crosswalk that is roughly halfway between the roundabout and the branch of Old Arcata serving the Post Office. For a bicyclist deciding whether to enter the crosswalk, there will be uncertainty whether a motorist approaching westbound on Jacoby Creek and signaling for a right turn is turning into the Post Office segment and hence not a threat or is turning into the roundabout and is one. This same dilemma faces pedestrians headed southbound into the crosswalk. Southbound cyclists who currently have a clear bikeable shoulder through the intersection will have to make a choice whether to ride through the roundabout in mixed traffic or ride around the west side of it on a shared path with pedestrians. Although the transition from the shoulder to the traffic lane is less abrupt than in the northbound direction, the narrowness of the lane as it continues southward means that the cyclist will have to fully occupy the traffic lane instead of traveling to the right of motor vehicle paths. If the cyclist chooses to use the shared path,

the transition is via abrupt reverse S curve at the last private driveway north of the roundabout or an even more abrupt reverse S curve at the ramp closer to the roundabout itself. On the whole, it seems more likely than not that the roundabout will be more detrimental to cyclists than the existing situation.

Intersections and Driveways Close to the Roundabout Compound the Difficulty of Driver Decisions In and Near the Roundabout and May Result In Decreased, not Increased Safety

Another part of the improved safety claim is that roundabouts decrease conflict points. But in this case, there are two private driveways on the west side of Old Arcata, one in the stripped portion of the north separator island, one that causes the raised portion of the south separator island to be split with a stripped section in between. There is the Post Office access portion of Old Arcata, one end of which intersects within the stripped opening of the north separator island; the other of which intersects Jacoby Creek just to the east of the raised portion. Two private driveways intersect Jacoby Creek near the roundabout within the stripped portion of the easterly separator, one of which is commercial, island and also a lengthy portion of the Bayside Community Hall parking area that has continuous mountable curb access along the stripped portion of the easterly separator island. If, as it appears, the intent is to continue to have full movements access/egress at all of these points, they constitute additional conflict points that would constitute additional conflict points that compound operational and safety issues associated with the roundabout. If the intent is to limit some or all of these points to right turn in/right turn out, this could trigger severance damage payments, which is akin to a taking of right of way.

The List of Projects Considered in Cumulative Analysis Is Incomplete

The list of projects on DEIR Table 3-1 totals only three, each of which would generate temporary construction traffic but no long term traffic growth. There are other development projects that would generate significant long term traffic growth through the entire Project area and particularly through the intersection of Old Arcata Road with Jacoby Creek Road. One such project is the Arcata Gateway Plan which involves major development in the center of Arcata. Although the draft of this plan was not released until December 1, 2021, that draft reveals at page 7 that the plan has been under community discussion since “late 2020”, well before the Notice of Preparation for the Old Arcata Road Project was issued on March 14, 2021. A second is the designation of California State University Humboldt as a Polytechnic University, with a prospective significant increase in enrollment. The North Coast Journal article of November 24, 2020 indicates this change was in the works for a few days prior to that date, again well prior to the Old Arcata Road Project’s NOP date of March 14, 2020. Furthermore, in 2019 the City filed an Amendment to its Timber Harvest Plan, indicating its intent to log a large acreage of parcels it owns that are accessed of

Jacoby Creek Road. Again, this is well prior to the Old Arcata Road Project's NOP date of March 14, 2020. The timber harvesting is significant in that it indicates continuing need for oversize vehicles carrying yarders, log loaders and large bulldozers and backhoes to pass through the intersection of Old Arcata Road with Jacoby Creek Road. Without identifying these cumulative projects and considering them in the EIR analysis, the EIR is fatally flawed.

The DEIR's Asserting of Environmentally Preferred Equivalency of the Roundabout Element to the Alternative of Making Improvements on the Existing Alignment of the Old Arcata Road/Jacoby Creek Road Is Biased

For all the above stated reasons, the claimed performance benefits of the Improvement Project with the roundabout are in doubt. In addition, the possible improvement with the existing alignment is understated. Reasonable enhancements not made to the alternative on the existing alignment include:

- Using raised crosswalks on all crosswalks. This would reduce vehicle speeds in the intersection area.
- Providing a split raised island with mountable curbs protecting the crosswalk across Jacoby Creek Road. Jacoby Creek Road at this location is just as wide as the crosswalk across Old Arcata Road just north of the Post Office access where a similar island is provided.
- Note that this alternative can be readily converted to All Way Stop or Signal Control once warranted.
- Recognize that this alternative enables continued parking in the public right of way but outside the traveled way and sidewalk at the southeast corner of Old Arcata and Jacoby Creek Roads.

Conclusion

This concludes my current comments on the Old Arcata Road Project and EIR. Given all of the foregoing, the document cannot be certified and the Project approved without significant revision.

Sincerely,

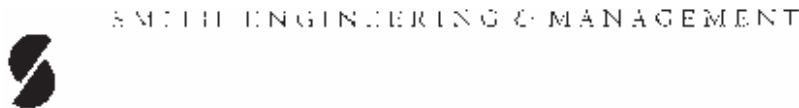
Smith Engineering & Management
A California Corporation

Mr. Chris Johnson Hamer
Stokes, Hamer, Kirk and Eads, LLP
February 3, 2022
Page 8

Exhibit 8
A-1-HUM-22-0026 (City of Arcata)
Bayside Cares Appeal (pg. 43 of 50)



Daniel T. Smith Jr., P.E.
President



DANIEL T. SMITH, Jr.
President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present. President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT
5311 Lowry Road, Union City, CA 94587 tel: 510.489.9477 fax: 510.489.9478

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking .

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning, on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

ATTACHMENT “D”



SMITH ENGINEERING & MANAGEMENT

February 14, 2022

Ms. Chris Johnson Hamer
Stokes, Hamer, Kirk & Eads, LLP
381 Bayside Road
Arcata, CA 95521

Subject: Old Arcata Road Rehabilitation and Pedestrian/Bikeway Project
P22001

Dear Ms. Hamer:

This supplements my review of the roundabout component of the Project at the intersection of Old Arcata and Jacoby Creek Roads dated February 3, 2022.

Encouraging Bicyclists to Travel Around the Roundabout on a Narrow Sidewalk Path Shared With Pedestrians Is Not an Enhancement to Safety

My letter of February 3 notes the difficulty of maneuvers to the narrow shared paths with pedestrians around the east and west sides of the proposed roundabout. We also note that the literature cited in the Project documentation and repeated anecdotal reports of experienced bicyclists indicate the hazardous conflicts between bicyclists and pedestrians on narrow shared paths such as are proposed in the Project's roundabout design create an undesirable environment for bicyclists and pedestrians alike.

Recent Collision Experience Is Relevant

In the past several days, there have been three injury or fatality collisions at or in the close proximity of roundabouts in the Arcata vicinity involving motor vehicles with bicyclists or pedestrians, two along Old Arcata Road itself and another near the roundabout at the intersection of Spear Avenue, St Louis Road and West End Road. While the causation analysis of these accidents has not yet been completed, their occurrence makes obvious that the lack of analysis of the history, causation and severity at the intersection of Old Arcata Road and Jacoby

Creek Road is a major flaw in the justification of the roundabout feature of the Project. We also note that 2019 Google Earth Street View photos of the Spear/St. Louis/West End roundabout appear to show settlement and inconsistent maintenance of the truck apron on this roundabout.

Adequacy of Roundabout Dimensions For Transit by a Critical Fire Apparatus Undocumented

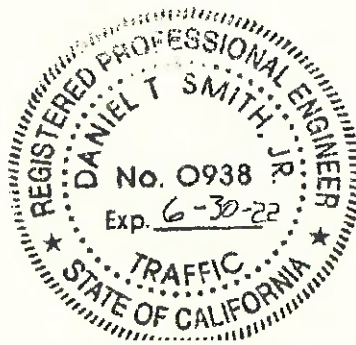
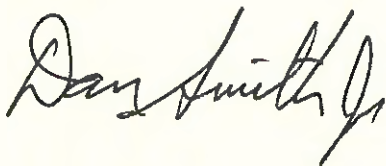
Based on the latest photo of the entire vehicle fleet operated by the Arcata Fire District posted on the District's web site, the District is believed to operate a unique type of fire vehicle known generically as a "quint". Quints combine the functions of an aerial ladder truck and an engine ('pumper') truck. The vehicle operated by the Arcata Fire District is a 2001 American LaFrance 3-axle quint with an overall width of 10.25 feet (instead of the 8.5 foot width of a normal design truck), a relatively short wheelbase of 21.5 feet but large overhangs front and rear. The front overhang is 8.5 feet to the front bumper and about 12.5 feet counting the overhang to the ladder platform. The rear overhang from the center of the rear axles is 16 feet. Its maximum steering angle is 39.3 degrees. These unique dimensions make this fire apparatus a design vehicle of particular concern at any roundabout. The record gives no indication that there has been any check that this critical emergency response vehicle can negotiate the proposed roundabout successfully and at satisfactory emergency response speed.

Conclusion

Thank you for the opportunity to submit these supplementary comments. We trust the City Council will consider these comments in its consideration of the objectionable roundabout feature of the Project.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.







PLANNING AND BUILDING DEPARTMENT
COUNTY OF HUMBOLDT
CURRENT PLANNING DIVISION

3015 H Street, Eureka, CA 95501
Phone (707) 445-7541 • Fax (707) 268-3722
<http://www.humboldt.gov.org/158>

RECEIVED

MAY 31 2022

**CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT**

California Coastal Commission
1385 8th Street, Ste 130
Arcata, CA 95521

Notice of Final Action Taken

Date: May 27, 2022 **Appealable Status** Appealable
Applicant: City of Arcata
736 F St
Arcata, CA 95521

Assessor Parcel Number: County right-of-way (no APN). Adjacent APNs include but are not limited to:
501-012-012, 501-031-032, 501-011-006, and 501-031-031.

Record Number: PLN-2022-17654

Contact: Cliff Johnson - 268-3721

Description

A Coastal Development Permit (CDP) for the portion of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements project within the County's jurisdiction of the Coastal Zone. The project was approved by the City of Arcata, the lead agency. The project as a whole would improve motorized and non-motorized transportation and user safety in Bayside. The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile. The portion of the project within both the Coastal Zone and the County's jurisdiction is located at the southern end of the project, is approximately 530 feet in length, and includes a portion of the proposed roundabout. As a Responsible Agency, the Humboldt County Planning Commission will consider the final EIR (SCH #2021010176) that the city of Arcata approved, pursuant to § 15096 of the State CEQA Guidelines.

Action Taken

Following a noticed Public Hearing the County of Humboldt Planning Commission approved the referenced application on May 12, 2022.

Appeal Completion

The appeal period for this project has been completed and no appeal was received.

Effective Date

Coastal Development Permit record number PLN-2022-17654 will become effective at the end of the California Coastal Commission appeal period and will expire at the end of 2 years.

Exhibit 9
A-1-HUM-22-0026 (City of Arcata)
Final Local Action Notice (pg. 1 of 19)

Applicant

City of Arcata
736 F St
Arcata, CA 95521

Owner

Humboldt County Public Works
1106 2nd Street
Eureka, CA 95501

Agent

GHD
718 3rd Street
Eureka, CA 95501

Notice of Planning Commission Decision

Date: May 17, 2022

Assessor Parcel Number: County right-of-way (no APN). Adjacent APNs include but are not limited to: 501-012-012, 501-031-032, 501-011-006, and 501-031-031.

Permit: PLN-2022-17654

Contact: Cliff Johnson - 268-3721

Description

A Coastal Development Permit (CDP) for the portion of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements project within the County's jurisdiction of the Coastal Zone. The project was approved by the City of Arcata, the lead agency. The project as a whole would improve motorized and non-motorized transportation and user safety in Bayside. The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile. The portion of the project within both the Coastal Zone and the County's jurisdiction is located at the southern end of the project, is approximately 530 feet in length, and includes a portion of the proposed roundabout. As a Responsible Agency, the Humboldt County Planning Commission will consider the final EIR (SCH #2021010176) that the city of Arcata approved, pursuant to §15096 of the State CEQA Guidelines.

Decision

The project was approved by the Planning Commission on May 12, 2022 by Resolution 22-059 and is subject to the attached Conditions of Approval.

Appeals

This project may be appealed by any aggrieved person within **10 working** days. The last day to appeal to the Board of Supervisors is 5:00 p.m. on May 26, 2022. Additional information regarding appeals is included with this notice.

Conditions of Approval

Please review these conditions carefully as other permits may be required before the project commences. In accordance with County Code, this approval may be revoked or rescinded, in whole or in part, if certain grounds are found to exist (See Humboldt County Code §312-14).

California Coastal Commission Appeal

This project is subject to a California Coastal Commission appeal period which begins at the end of the County appeal period. If appealed, the Coastal Commission may deny the project or impose other conditions of approval on the project.

Exhibit 9
A-1-HUM-22-0026 (City of Arcata)
Final Local Action Notice (pg. 2 of 19)

Effective Date

If no appeal is initiated, the day after all appeal periods end will become the effective date of the permit. If an appeal has been initiated the effective date will depend on the outcome of the appeal.

Expiration Date

You will receive an expiration letter stating the effective date and the expiration date at the end of the Coastal Commission appeal period.

Extensions

If the conditions for your project cannot be met before the expiration date, you may apply for an extension with the Planning Division. Extension applications must be submitted with the appropriate fees before the permit expiration date. If the permit expires, a new permit application must be filed and accompanied by applicable fees. The new permit may be subject to different processing requirements and standards. Contact your assigned planner if you have any questions about extensions.

Changes or Modifications to Project

If your project needs minor changes or major modifications, review and approval of the project by the Planning Division is required. Applications for changes or modifications must be filed and accompanied by applicable fees. Contact your assigned planner if you think your project needs to be changed or modified.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 22-059

Record Number PLN-2022-17654

Assessor's Parcel Number: County right-of-way

Resolution by the Planning Commission of the County of Humboldt conditionally approving the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit, and as a Responsible Agency under CEQA, acknowledging that the County of Humboldt considers and concurs with the EIR prepared by the City of Arcata (SCH #2021010176).

WHEREAS, the City of Arcata submitted an application and evidence in support of approving the Coastal Development Permit; and

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

WHEREAS, the City of Arcata as the lead agency under CEQA adopted an EIR, and the County of Humboldt as a responsible agency under CEQA considers the environmental effects and concurs with the findings of the EIR; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed project (Case Number: PLN-2022-17654); and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on **May 12, 2022**, and reviewed, considered, and discussed the application for the Coastal Development Permit, and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all of the following findings:

1. FINDING:

Project Description: A Coastal Development Permit (CDP) for the portion of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements project within the County's jurisdiction of the Coastal Zone. The project was approved by the City of Arcata, the lead agency. The project as a whole would improve motorized and non-motorized transportation and user safety in Bayside. The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile. The portion of the project within both the Coastal Zone and the County's jurisdiction is located at the southern end of the project, is approximately 530 feet in length, and includes a portion of the proposed roundabout.

EVIDENCE:

- a) Project File: PLN-2022-17654 including:
 - Environmental Impact Report, prepared by GHD on behalf of the City of Arcata (SCH #2021010176)
 - Biological Assessment
 - Initial Site Assessment
 - Project Description
 - Draft Plans

Exhibit 9 A-1-HUM-22-0026 (City of Arcata) Final Local Action Notice (pg. 4 of 19)

2. FINDING: **CEQA.** The County is a Responsible Agency under CEQA and has considered the environmental effects of the project as shown in the EIR. There are no significant and unavoidable impacts on the environment as a result of the proposed project.

EVIDENCE:

- a) The City of Arcata certified a final EIR for this project (SCH#2021010176). All potentially significant impacts can be mitigated to less than significant levels with the incorporated Mitigated Monitoring and Reporting Program.
- b) The EIR prepared for the project found less than significant impacts on Agriculture and Forestry Resources, Air Quality, Energy, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, utilities and Service Systems, Wildfire and Mandatory Findings of Significance.
- c) The EIR includes mitigation measures for potential significant impacts to Aesthetics, Biology, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Transportation and Tribal Resources. With the implementation of these mitigation measures there are no significant and unavoidable impacts from the proposed project.

3. FINDING The project, as conditioned, is consistent with the development policies of the Humboldt Bay Area Plan and County General Plan.

EVIDENCE

- a) The project is not in a Coastal Scenic Area.

The project is consistent with the County plan designations: Residential Estates, Public Facility, Agriculture Exclusive, and Rural Residential, which are adjacent to the proposed project areas. The road serves these parcels, and the proposed improvements will be consistent with the uses of the adjacent parcels.

The whole portion of the project within the County's jurisdiction is within the County right-of-way and does not encroach onto private property. Public works projects are principally permitted in the County road right-of-way. County Department of Public Works approved this project.

The project will not induce growth or development. It will accommodate the needs of present development, which is consistent with Coastal Act Section 30254 and Section 3.12 of the Humboldt Bay Area Plan.

- b) The City of Arcata consulted with California Native American tribes, pursuant to AB 52, and closed AB 52 consultation on July 27, 2021. Tribes did not identify any tribal cultural resources within the Area of Potential Effect. The tribes recommended a tribal monitor be present during archeological testing and data recovery in locations known to be sensitive, which is included in the project as Mitigation Measure CR-1.

4. FINDING The proposed development is consistent with the purposes of the existing surrounding zoning designations, including Apartment Professional (R-4), and Residential Suburban with a minimum parcel size of 2.5 acres (RS-B-5(2.5)). Coastal zoning designation approximately 350 feet from western end of project: Rural Residential Agriculture with

a minimum parcel size of 2.5 acres (RA-2.5), Agriculture Exclusive (AE), Flood Hazard Area combining zone (F).

EVIDENCE a) The project is consistent with the purposes of these zones, as a functional roadway and intersection is critical to support all of the uses that exist and are principally permitted within these zone districts. The replacement is within the existing road right-of-way and not on adjacent private properties.

5. FINDING The proposed project conforms with all applicable standards and requirements of these regulations.

EVIDENCE a) The project is in County right-of-way. All standards and requirements of the zoning ordinance, Humboldt Bay Area Plan, and General Plan have been met.

6. FINDING The project and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE a) An objective of the project is to increase pedestrian and bicycle accessibility and safety at the intersection of Jacoby Creek Road and Old Arcata Road, which is in the interest of public health, safety, and welfare.

There is no evidence the work would be detrimental to the public health, safety, or welfare.

7. FINDING The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE The project is consistent with the Housing Element, as it has no effect on housing.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements Coastal Development Permit based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference; and

Adopted after review and consideration of all the evidence on **May 12, 2022**.

The motion was made by COMMISSIONER Melanie McCavour and second by COMMISSIONER Brian Mitchell and the following ROLL CALL vote:

AYES:	COMMISSIONERS:	Melanie McCavour, Brian Mitchell, Peggy O'Neill, Noah Levy, Thomas Mulder
NOES:	COMMISSIONERS:	Alan Bongio
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	Mike Newman
DECISION:		Motion carries 6/1/1

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



John H. Ford, Director
Planning and Building Department

**ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL**

APPROVAL OF THE COASTAL DEVELOPMENT PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE WORK IS INITIATED:

A. General Conditions

1. The project shall be conducted in accordance with the Project Description and Project Site Plan. Minor deviations shall be permitted as provided by Humboldt County Code Section 312-11; however, all other changes shall require modification of this permit.
2. The applicant shall apply for and obtain an Encroachment Permit from the Humboldt County Department of Public Works prior to constructing any portion of the project within the County maintained portions of Old Arcata Road and Jacoby Creek Road. The applicant shall construct a crosswalk at the southerly leg of the roundabout unless Humboldt County Public Works determines that a crosswalk cannot be constructed in conformance with the California Manual of Uniform Traffic Control Devices and sound engineering.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.
4. The applicant shall maintain a hedge row to mitigate CO2 emissions near the Mistwood Educational Center.
5. The applicant is required to pay for and provide maintenance/upkeep for all aspects of the roundabout, including but not limited to the landscape.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date") except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.

Informational Notes:

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

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

treatment of the remains pursuant to PRC 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99

The applicant is ultimately responsible for ensuring compliance with this condition.



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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

Hearing Date: May 5, 2022

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building

Subject: **Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements**
Coastal Development Permit
Case Number: PLN-2022-17654
Assessor's Parcel Number (APN): County right of way (no APN)
Adjacent APNs: 501-012-012, 501-031-032, 501-011-006, 501-031-031
Bayside area

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Please contact Cliff Johnson, Supervising Planner, at 268-3721, or by email cjohnson@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date	Subject	Contact
May 5, 2022	Coastal Development Permit	Cliff Johnson

Project: A Coastal Development Permit (CDP) for the portion of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements project within the County's jurisdiction of the Coastal Zone. The project was approved by the City of Arcata, the lead agency. The project as a whole would improve motorized and non-motorized transportation and user safety in Bayside. The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile. The portion of the project within both the Coastal Zone and the County's jurisdiction is located at the southern end of the project, is approximately 530 feet in length, and includes a portion of the proposed roundabout. As a Responsible Agency, the Humboldt County Planning Commission will consider the final EIR (SCH #2021010176) that the city of Arcata approved, pursuant to §15096 of the State CEQA Guidelines.

Project Location: The project is located at the intersection of Jacoby Creek Road and Old Arcata Road, and continues southwest onto Old Arcata Road for approximately 300 feet.

County Present Plan Land Use Designation Adjacent to Right-of-Way*: Residential Estates 2.5-5 acres per residence (RE 2.5-5), Public Facility (PF), Agriculture Exclusive (AE): Jacoby Creek Community Plan (JCCP). Coastal plan designation approximately 350 feet from western end of project: Rural Residential (RR), Agriculture Exclusive/Prime Lands (AE): Humboldt Bay Area Plan.

County Present Zoning Adjacent to Right-of-Way*: Apartment Professional (R-4), Residential Suburban with a minimum parcel size of 2.5 acres (RS-B-5(2.5)). Coastal zoning designation approximately 350 feet from western end of project: Rural Residential Agriculture with a minimum parcel size of 2.5 acres (RA-2.5), Agriculture Exclusive (AE), Flood Hazard Area combining zone (F).

Record Number: PLN-2022-17654

Assessor's Parcel Number: County right-of-way (no APN). Adjacent APNs include but are not limited to: 501-012-012, 501-031-032, 501-011-006, and 501-031-031.

***Note:** Road rights-of-way are not zoned, and do not have plan designations, nor APNs.

Applicant:
City of Arcata
736 F St
Eureka, CA 95521

Owner(s):
Humboldt County Public Works
1106 2nd Street
Eureka, CA 95501

Agent:
GHD
718 3rd Street
Eureka, CA 95501

Environmental Review: The City of Arcata is the lead agency under CEQA. The City of Arcata adopted an EIR (SCH #2021010176). The County of Humboldt is a responsible agency under CEQA. The County of Humboldt considers the environmental effects of the EIR and agrees with the findings of the EIR.

State Appeal Status: Project is appealable to the California Coastal Commission.

Major Issues: Some members of the public do not want the roundabout portion of the project, citing a conc change in rural character and an impact on historical resources.

**Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements
Coastal Development Permit**

Record Number: PLN-2022-17654

Assessor's Parcel Number: County right-of-way (no APN)

Recommended Commission Action

1. Describe the application as a public hearing;
2. Request that staff present the project;
3. Open the public hearing and receive testimony;
4. Close the public hearing and adopt the Resolution to take the following actions:

Find that the Planning Commission has considered the EIR, including the environmental effects of the project, and as a Responsible Agency, agrees with the lead agency's findings, and make all of the required findings for approval of the Coastal Development Permit as recommended by staff subject to the recommended conditions.

Executive Summary: A Coastal Development Permit (CDP) for the portion of the Old Arcata Road Rehabilitation and Pedestrian/Bikeway Improvements project within the County's jurisdiction of the Coastal Zone. The project was approved by the City of Arcata, the lead agency. The project as a whole would improve motorized and non-motorized transportation and user safety in Bayside. The Project would repave Old Arcata Road, include bike lanes on both sides of the roadway alignment, and improve and extend an existing shared use walkway along the west side of Old Arcata Road from approximately 600 feet south of the Buttermilk Road Roundabout and extending south to approximately 300 feet beyond the Jacoby Creek Road intersection. The total Project length is approximately one mile. The portion of the project within both the Coastal Zone and the County's jurisdiction is located at the southern end of the project, is approximately 530 feet in length, and includes approximately half of the proposed roundabout.

Jacoby Creek Road Roundabout:

A new roundabout is proposed for the intersection at Jacoby Creek Road and Old Arcata Road to improve traffic flow and user safety. Crosswalks, signage, lighting, and paved walkways would be integrated into the roundabout. A new retaining wall would extend along the west side of Old Arcata Road adjacent to the roundabout. The total length of the wall would be 200 feet. Modifications and repaving of the roadway that serves the Bayside Post Office may also be required.

The roundabout would be configured to be within existing City and County right of way with no permanent encroachments onto private property (easements may be required for temporary construction, but the Project has been designed to avoid all permanent acquisition of private property). Excavation to accommodate the roundabout and roadway approaches is expected to be approximately two to four feet, although some isolated deeper excavations may be required to remediate poor soil/subgrade conditions.

Concrete improvements associated with the roundabout, including the roundabout apron, sidewalk, and walkways would include integral color to darken the concrete and provide a weathered look, designed to blend into the existing community aesthetic and character and avoiding a stark visual alteration. If desired by community members, sculptural pieces may also be installed in the roundabout center, in coordination with the City of Arcata and other stakeholders.

The boundary between the City of Arcata and the County of Humboldt is located approximately through the center of the proposed roundabout. The improvements proposed within County jurisdiction are all entirely within the County road right-of-way and consist of part of the

landscaping in the center of the roundabout, approximately half of the travelled way within the roundabout, and portions of the new walkways and landscaped medians. This includes a new walkways and landscaped strip to be developed in the portion of the right-of-way that is currently utilized for parking for Bayside Corners.

The figures below show the location of the Coastal Zone boundary and the location of the City of Arcata and County boundary. The project elements that require a Coastal Development Permit from Humboldt County are only those areas inside the Coastal Zone and outside the City of Arcata boundary.



Figure 1: Coastal Zone Boundary and City-County boundary line

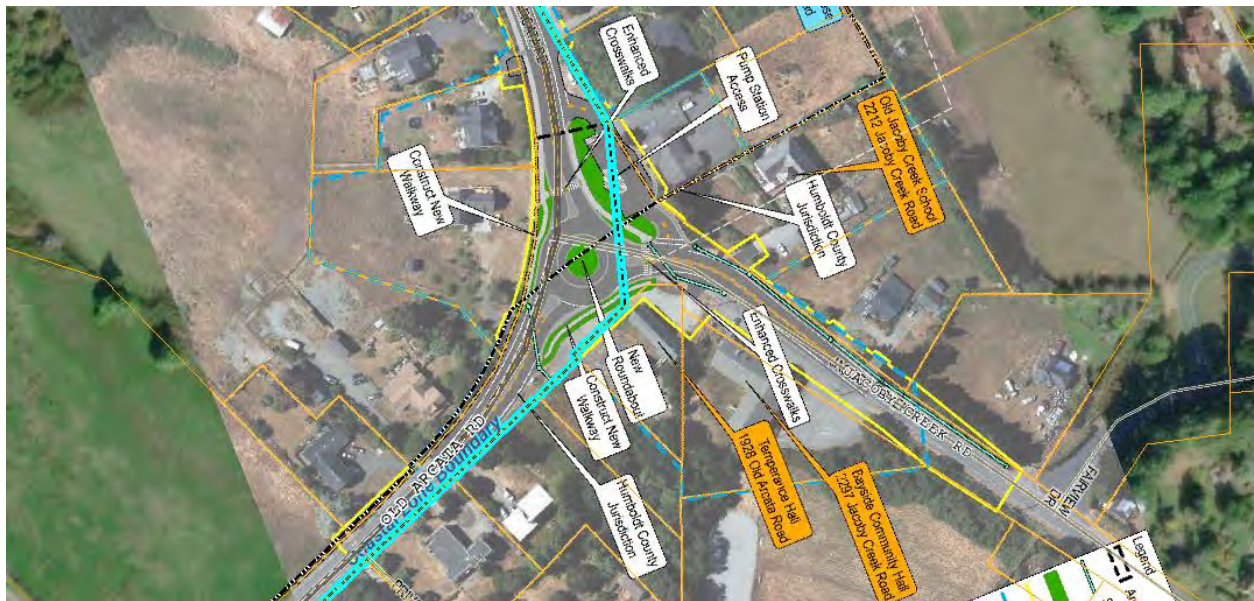


Figure 2: Proposed roundabout overlaid on the City-County boundary line

CEQA: The City of Arcata is the lead agency under CEQA. The City of Arcata certified an EIR (SCH #2021010176). There are no anticipated impacts to the environment that cannot be mitigated to a less than significant level. The County of Humboldt is a responsible agency under CEQA and must consider the environmental effects of the proposed project as shown in the EIR. Mitigation measures to reduce potential impacts to a less than significant level are summarized below. No significant and unavoidable impacts were identified.

Mitigation Measures:

Aesthetics: Avoid visual impacts by reducing construction disturbance and restoring and revegetating areas of disturbance

Biological Resources: Pre-construction surveys and avoidance protocols for Northern Red-legged frogs. Removal of trees outside of the bird nesting season or pre-construction surveys and disturbance protocols. Seasonally appropriate plant surveys for specific portions of the project area, and compensatory mitigation for wetland impacts.

Cultural and Tribal Resources: develop an MOU with consulting tribes to include tribal monitors and discovery protocols.

Geology and Soils: Discovery protocol for paleontological resources.

Hazards and Hazardous Materials: Pre-construction soil borings and analysis for lead concentrations in soil and groundwater, and occupational safety training.

Hydrology and Water Quality: Installation of silt-fencing to prevent inadvertent sediment delivery to watercourses and wet areas.

Transportation: Contractors to provide adequate emergency access to all properties during construction.

Public Comment:

Public comment has been submitted both in favor and opposed to the proposed project. Comments in opposition are primarily comments that have previously been submitted on the draft EIR and responses to those comments are included in the Final EIR (FEIR) which is attached to this staff report. Specifically related to the portion of the project that is within the County's Coastal Development Permit jurisdiction the primarily comments appear to be:

- Removing the existing parking in the right-of-way Bayside Corners School will result in an impact to users of the property and may result in illegal parking in the right-of-way.
- That pedestrian safety is compromised by the lack of a crosswalk on the southern side of the roundabout and the fact that the improvement project stops at a certain point past the roundabout and this termination results in an unsafe situation.

Regarding the proposed removal of parking for the Bayside Corners, this parking is occurring within the County's public road right-of-way. The primary use of public road rights of ways are for transportation movements. However public road right of ways can be utilized for parking of vehicles until such time as that right of way is needed for transportation movements. It is not uncommon for parking to be eliminated to enhance transportation movements. In addition, County Code Section [313-109.1](#) addresses off street parking in the coastal zone:

313-109.1.1.2 It shall be the responsibility of the developer, owner or operator of any specific use to provide "adequate off-street parking," even if the amount of such parking

is in excess of the minimum requirements set forth in this section. "Adequate Off-Street Parking" means an amount of parking sufficient to meet the level of anticipated parking demand generated by the use for which the parking is required

Regarding pedestrian safety south of the roundabout, while not shown on the preliminary design plans the County will be requiring the City of Arcata to install a crosswalk on the south side of the roundabout (**COA #2**). Additionally, while the project with its enhanced pedestrian and bicycle improvements does terminate south of the proposed roundabout, it terminates into existing Class 2 bike lanes on both sides of the road which allows for continued safe travel. An appropriate transition between the proposed and existing road cross sections will be provided in the final design to aid pedestrians in safely transitioning between cross sections.

Staff Recommendations: Based upon the submitted materials, review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for conditionally approving the Coastal Development Permit. Staff recommends that the Planning Commission considers the environmental effects of the EIR and concurs with the findings of the EIR.

Alternatives: The Planning Commission could elect not to approve the project or require the applicant to submit further evidence. These alternatives could be implemented if the Commission is unable to make all of the required findings.

As a responsible agency under CEQA, the alternatives are more limited than those of the lead agency. The County only has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve. If the Planning Commission finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment, the Commission shall not approve the project as proposed. Staff did not identify any feasible alternatives or feasible mitigation measures within the County's powers that would substantially lessen or avoid any significant effect on the environment.

**ATTACHMENT 1
RECOMMENDED CONDITIONS OF APPROVAL**

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2. The applicant shall apply for and obtain an Encroachment Permit from the Humboldt County Department of Public Works prior to constructing any portion of the project within the County maintained portions of Old Arcata Road and Jacoby Creek Road. The Department of Public Works shall ensure that the encroachment permit includes the construction of a crosswalk on the southern portion of the intersection.
3. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

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1. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date") except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must commence may be extended as provided by Section 312-11.3 of the Humboldt County Code.

Informational Notes:

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The applicant is ultimately responsible for ensuring compliance with this condition.

ATTACHMENT 2
APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 3 includes a listing of all written evidence which has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division.

1. Application form (On file)
2. Site Plans (**Attached**)
3. Final Environmental Impact Report, adopted by the City of Arcata (SCH #2021010176) (On file)
4. Biological Assessment (on file)
5. Initial Site Assessment (on file)
6. Project Description (on file)
7. Fee Schedule (On file)

ATTACHMENT 3
Referral Agency Comments and Recommendations

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

Referral Agency	Response	Recommendation	On File
PG&E			
Calfire	✓	No comment	✓
CDFW			
Coastal Commission			
Humboldt Bay Municipal Water District			
Jacoby Creek School District			
NCRWQCB			
Arcata Fire Protection District			
Jacoby Creek Community Water District			
County Building Inspection Division	✓	Approved	✓
County Public Works, Land Use Division	✓	Conditional Approval	Attached
County Division of Environmental Health	✓	Approved	✓
County Counsel			
City of Arcata			

ATTACHMENT 4
Environmental Impact Report and Draft MMRP

(Note: Due to the large size of these files, it may take some time for the document to load and appear on screen.)

[Updated Final Environmental Impact Report with attachments](#)

[References](#)

[Recirculated Draft Environmental Impact Report \(full document with Appendices\)](#)

[Appendix A](#)

[Appendix B](#)

[Draft Environmental Impact Report](#)

[Appendices](#)

[References](#)

[Draft Mitigation Monitoring and Reporting Program \(MMRP\)](#)