

## CALIFORNIA COASTAL COMMISSION

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# W15b

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Staff: Melissa B. Kraemer  
Staff Report: October 15, 2009  
Hearing Date: November 4, 2009  
Commission Action:

## STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-07-049**

APPLICANT: **Ernest & Oriel Ayers, Trustees & Ireta  
Bish**

AGENT: Kelly-O'Hern Associates

PROJECT LOCATION: 5819 South Broadway and 2031 Eich Road,  
just south of Eureka, Humboldt County  
(APNs 305-101-028 and -044)

PROJECT DESCRIPTION: Lot line adjustment between two existing,  
developed parcels, each approximately 1.4  
acres in size, to result in two developed  
parcels approximately 2.3 acres and 0.5-acre  
in size.

GENERAL PLAN DESIGNATION: Resource Dependent and Commercial  
General (MR/CG) as designated in the  
Humboldt Bay Area Plan

ZONING DESIGNATION: Commercial General with Coastal Resource  
Dependent, Coastal Wetlands, and Flood  
Hazard Area combining zones (CG/C,W,F)

- LOCAL APPROVALS RECEIVED:
- (1) Lot Line Adjustment No. 06-27  
(approved by the Humboldt Co. Planning Commission on July 19, 2007);
  - (2) Determination of Status No. 06-33  
(approved by the Humboldt Co. Planning Commission on July 19, 2007);
  - (3) Coastal Development Permit No. 06-96  
(approved by the Humboldt Co. Planning Commission on July 19, 2007);
- OTHER APPROVALS RECEIVED: None.
- OTHER APPROVALS REQUIRED: None.
- SUBSTANTIVE FILE DOCUMENTS:
- (1) Humboldt County Local Coastal Program;
  - (2) CDP File No. 1-92-180 (Ayers);
  - (3) CDP File No. 1-98-009 (Ayers);
  - (4) CDP File No. 1-02-165 (Ayers);
  - (5) CDP File No. 1-84-095 (Bish); &
  - (6) CDP File No. 1-84-095-A1 (Bish).

### **SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends that the Commission approve the proposed lot line adjustment with special conditions.

The subject parcels are located at 5819 South Broadway (APN 305-101-028, owned by Ernest & Oriel Ayers, Trustees) and 2031 Eich Road (APN 305-101-044 owned by Ireta Bish), in the Spruce Point area south of Eureka (Exhibit Nos. 1, 2, and 3). The subject site is east of Highway 101 and approximately 0.5-mile east of the existing shoreline edge of Humboldt Bay.

The 1.37-acre Ayers parcel is developed with a commercial facility used for the storage and distribution of food products. The 1.38-acre Bish parcel is developed with a commercial mini-storage facility on the northeastern side of the parcel adjacent to Eich Road. A chain-link fence adjacent to and behind the mini-storage buildings separates the developed portion of the parcel from a large freshwater marsh. A band of riparian vegetation borders the southwestern side of the marsh, along the boundary between the two subject parcels. The riparian vegetation buffers the mostly developed Ayers parcel from the larger intact palustrine emergent wetland on the Bish parcel behind the mini-storage facility.

The subject wetland is part of a larger, 216-acre wetland complex designated in the certified Humboldt County LCP as a “wetland restoration study area” and as a “degraded wetland.” The extent and quality of the larger wetland has been diminished by the placement of fill prior to the Coastal Act. However, during previous action on the Ayers parcel by the Commission, the Department of Fish and Game commented that numerous species of wildlife inhabit the marshes in the immediate vicinity of the project site including mallard, teal, scaup, bufflehead, scoter, coot, egret, heron, snipe, sandpipers, and mammals such as skunks, weasels, and voles.

The proposed project area is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development permit jurisdiction delegated to Humboldt County by the Commission through the County’s certified Local Coastal Program (Exhibit No. 2). The jurisdictional boundary bisects the Bish parcel (APN 305-101-044) approximately in half, with the southwestern half, including a portion of the freshwater marsh and riparian vegetation, lying within the Commission’s jurisdiction, and the northeastern half, including a portion of the freshwater marsh and the existing commercial mini-storage facility, located within the County’s jurisdiction. The Ayers parcel (APN 305-101-028) is entirely within the Commission’s retained jurisdiction.

The applicants propose to adjust the boundary between the two subject parcels in a manner that would transfer approximately 0.92-acre of land from the Bish parcel to the Ayers parcel. Almost all of the adjusted land is wetland, according to a wetland delineation completed by Winzler & Kelly and Kelly-O’Hern Associates (see Exhibit No. 6). The stated purpose of the proposed lot line adjustment is to add land to the Ayers parcel that was made available for purchase by Ms. Bish. The applicants state that there are no plans to develop the adjusted land.

The subject parcels are located in a largely developed commercial area. The area is designated in the certified land use plan as Resource Dependent/Commercial General and zoned as Commercial General with Coastal Resource Dependent, Coastal Wetlands, and Flood Hazard Area combining zones. The lots to be adjusted will remain legal conforming lots after the lot line adjustment. Both parcels already are developed with commercial facilities, are served by municipal sewer and water, and approval of the boundary line adjustment will not change the overall development potential of either parcel or increase density or demand for services that cannot be accommodated by existing services.

Staff recommends Special Condition Nos. 1 and 2 to ensure that future development of principally permitted uses on the Ayers parcel (such as additional commercial development) does not encroach into the wetland habitat in a manner inconsistent with the restrictions of Section 30240 of the Coastal Act on development within and adjacent to ESHA. Special Condition No. 1 would restrict the use of all delineated wetland areas, as generally depicted on Exhibit No. 7, to open space. Special Condition No. 2 would require the applicant to record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that

both the applicants and future purchasers of the property are notified of the prohibitions on development within the open space area established by Special Condition No. 1.

As conditioned, staff believes that the proposed development is consistent with all applicable Chapter 3 policies of the Coastal Act. **The Motion to adopt the Staff Recommendation of Approval with Conditions is found on pages 4-5.**

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### **STAFF NOTES:**

#### **1. Standard of Review**

The proposed project area is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development permit jurisdiction delegated to Humboldt County by the Commission through the County's certified Local Coastal Program. This application seeks Coastal Commission authorization for the portions of the project that are within the Commission's retained jurisdiction where there are submerged areas, tidelands, or areas subject to the public trust. The portions of the subject development that are within areas shown on State Lands Commission maps over which the state retains jurisdiction as submerged areas, tidelands, or areas subject to the public trust include the southwestern half of APN 305-101-044 owned by Ireta Bish, which includes a portion of a large wetland area. The northeastern half of the Bish property, including a portion of a large wetland area and an existing commercial mini-storage facility, is located within the County's jurisdiction. Parcel No. 305-101-028 owned by Ernest & Oriel Ayers, Trustees, which is developed with a commercial warehousing and distribution facility, is entirely within the Commission's retained jurisdiction.

The Humboldt County Planning Commission approved a coastal development permit for the proposed lot line adjustment on July 19, 2007. The local coastal development permit was not appealed to the Commission. Special Condition No. 6 of County CDP No. 06-96 requires that the applicant secure a coastal development permit from the Commission.

The standard of review for the portion of the project located in the Commission's retained jurisdiction is Chapter 3 of the Coastal Act.

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#### **I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:**

The staff recommends that the Commission adopt the following resolution:

**MOTION:**

*I move that the Commission approve Coastal Development Permit No. 1-07-049 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment.

**II. STANDARD CONDITIONS:      See Appendix A.**

**III. SPECIAL CONDITIONS:**

**1. Open Space Area Restrictions**

- (A) No development, as defined in Section 30106 of the Coastal Act, shall occur in the open space area generally depicted on Exhibit No. 7, which includes all delineated wetland areas, as generally depicted on Exhibit No. 7, except for:
1. Hand removal of non-native vegetation; and
  2. The following development, if approved by the Coastal Commission as an amendment to this coastal development permit: planting of native vegetation and other habitat restoration development to improve habitat values, removal of debris and unauthorized structures, installation of utilities, and removal of vegetation for compliance with Cal-Fire defensible space requirements.
- (B) **PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT NO. 1-07-049**, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit No. 7 attached to this staff report.

## **2. Deed Restriction**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

## **IV. FINDINGS & DECLARATIONS**

The Commission hereby finds and declares as follows:

### **A. Background & Environmental Setting**

The subject parcels are located at 5819 South Broadway (APN 305-101-028, owned by Ernest & Oriel Ayers, Trustees) and 2031 Eich Road (APN 305-101-044 owned by Ireta Bish), in the Spruce Point area south of Eureka (Exhibit Nos. 1, 2, and 3). The subject site is east of Highway 101 and approximately 0.5-mile east of the existing shoreline edge of Humboldt Bay.

The 1.37-acre Ayers parcel is developed with a commercial facility used for the storage and distribution of food products. The parcel is developed with existing warehouses and accessory buildings, with virtually all of the parcel either paved with asphalt or graveled for truck parking and outdoor storage. The only exception is an unpaved, approximately 9-foot-wide corridor planted with grass adjacent to the southern property line. This narrow grassy area fronts a dense stand of willow vegetation that abuts a freshwater marsh area located on adjacent parcels to the northeast (the subject Bish parcel), southeast, and southwest (see Exhibit Nos. 4 and 5).

The 1.38-acre Bish parcel is developed with a commercial mini-storage facility on the northeastern side of the parcel adjacent to Eich Road. There are three buildings on this portion of the parcel, including storage and office facilities. The approximately southwestern half of the parcel consists of a freshwater marsh bordered by riparian vegetation on the southwestern side, along the boundary between the two subject parcels. The freshwater marsh is separated from the mini-storage facility by a chain-link fence. A seasonal wetland dominated mostly by nonnative grasses and herbs is located

immediately southeast of the mini-storage buildings on an adjacent parcel (see Exhibit Nos. 4 and 5).

The proposed project area is bisected by the boundary between the retained coastal development permit jurisdiction of the Commission and the coastal development permit jurisdiction delegated to Humboldt County by the Commission through the County's certified Local Coastal Program (Exhibit No. 2). The jurisdictional boundary bisects the Bish parcel (APN 305-101-044) approximately in half, with the southwestern half, including a portion of the freshwater marsh and riparian vegetation, lying within the Commission's jurisdiction, and the northeastern half, including a portion of the freshwater marsh and the existing commercial mini-storage facility, located within the County's jurisdiction. The Ayers parcel (APN 305-101-028) is entirely within the Commission's retained jurisdiction.

The "freshwater marsh" wetland on the subject site is characterized as a "Seasonally Flooded, Persistent Palustrine Emergent" wetland in the National Wetlands Inventory publication produced by the U.S. Fish & Wildlife Service (1987). The wetland is dominated by mostly facultative-wetland and obligate<sup>1</sup> species such as creeping buttercup (*Ranunculus repens*, FACW), small-flowered bulrush (*Scirpus microcarpus*, FACW), water parsley (*Oenanthe sarmentosa*, OBL), and blackberries (*Rubus discolor* and *R. ursinus*, both are FACW\*) (see Exhibit No. 5). The palustrine emergent wetland extends beyond the Bish parcel to the south and southeast and wraps around the Ayers parcel to the southwest (see Exhibit No. 4). A strip of arroyo willows (*Salix lasiolepis*, FACW) line the edges of the Ayers parcel, buffering the mostly developed parcel from the larger, intact palustrine emergent wetland (Exhibit No. 5). The subject wetland is part of a larger, 216-acre wetland complex designated in the certified Humboldt County LCP as a "wetland restoration study area" and as a "degraded wetland."

The Commission has approved various permits for development on upland areas of the two subject parcels in the past, including the following:

- CDP No. 1-92-180 approved in November of 1992 to the Ayers authorized the addition of 2,800 square feet of cold storage to an existing warehouse and paving of 3,900 square feet of gravel parking and driveway areas.
- CDP No. 1-98-009 approved in June of 1998 to the Ayers authorized the addition of a two-story 2,100-square-foot office and a 2,340-square-foot warehouse to the existing warehouse.
- CDP No. 1-02-165 approved in September of 2003 to the Ayers authorized the demolition of an existing 3,486-square-foot accessory building and the

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<sup>1</sup> Based on the U.S. Fish & Wildlife Service's *National List of Plant Species that Occur in Wetlands: California (Region 0)* (1988), which classifies plants according to the probability that they are found in wetlands. The probability of finding a plant ranked as "obligate" (OBL) in a wetland is  $\geq 99\%$ ; "facultative-wetland" plants (FACW) = 67%-99%; "facultative" plants (FAC) = 34%-66%; "facultative-upland" plants (FACU) = 1%-33%; and "upland" plants (UPL) =  $\leq 1\%$ .

construction of a 3,600-square-foot building to be attached to an existing warehouse structure.

- CDP No. 1-84-095 approved in May of 1984 to Gregory Bish authorized the construction of a warehouse and accessory residence.
- CDP Amendment No. 1-84-095-A1 approved in July of 1987 to Gregory Bish authorized the construction of two mini-storage buildings on the site.

CDP No. 1-02-165 included various special conditions to protect the adjacent wetland habitat including a restriction on future development, adherence to an approved landscaping plan that prohibited the use of invasive exotic species, and recordation of a deed restriction imposing the special conditions of the permit as covenants, conditions and restrictions on the use and enjoyment of the property, among other special conditions. Both CDP No. 1-84-095 and CDP Amendment No. 1-84-095-A1 required installation of a chain-link or solid board fence located at least 10 feet from the boundary of the wetland, between the authorized development and small portions of the adjacent wetland. The permit and permit amendment also required the installation of vegetative screening (e.g., willow or alder vegetation) to buffer the wetland from the developed portion of the parcel as well as the implementation of erosion control measures and “best management practices” during construction activities.

## **B. Project Description**

The applicants propose to adjust the boundary between the two subject parcels in a manner that would transfer approximately 0.92-acre of land from the Bish parcel to the Ayers parcel. Almost all of the adjusted land is wetland, according to a wetland delineation completed by Winzler & Kelly and Kelly-O’Hern Associates (see Exhibit No. 6). Table 1 below summarizes the proposed lot line adjustment.

**Table 1.** Summary of proposed lot line adjustment (LLA). See Exhibit No. 6 for details.

Parcel No. & Address	Approx. Size Before LLA	Approx. Size After LLA	Notes
305-101-028 (Ayers) 5819 S. Broadway	1.37 acres	2.29 acres	Adjusted parcel would be developed with an existing commercial food storage and distribution facility and approx. 0.9-acre of undeveloped wetland habitat.
305-101-044 (Bish) 2031 Eich Rd.	1.38 acres	0.46 acres	Adjusted parcel would be fully developed with an existing mini-storage facility.

The stated purpose of the proposed lot line adjustment is to add land to the Ayers parcel that was made available for purchase by Ms. Bish. The applicants state that there are no plans to develop the adjusted land.

The applicants received three approvals from Humboldt County for the proposed lot line adjustment including a coastal development permit (CDP No. 06-27), a lot line



adjustment, (LLA No. 06-27) and a determination of status (DS No. 06-33), all of which were approved by the County Planning Commission on July 19, 2007.

**C. New Development**

Section 30250(a) of the Coastal Act states that new development shall be located in or near existing developed areas able to accommodate it and where it will not have significant adverse effects on coastal resources. The intent of this policy is to channel development toward more urbanized areas where services are provided and potential impacts to resources are minimized.

The subject parcels are located in a largely developed commercial area. The area is designated in the certified land use plan as Resource Dependent/Commercial General and zoned as Commercial General with Coastal Resource Dependent, Coastal Wetlands, and Flood Hazard Area combining zones. These designations and zoning allow the following as principally permitted uses: Minor Utilities; Essential Services; Administrative; Non-Assembly Cultural; Retail Sales, Retail Services; Automotive, Sales, Services & Repair; Office & Professional Service; and Cottage Industry. The lots to be adjusted will remain legal conforming lots after the lot line adjustment. Both parcels already are developed with commercial facilities, are served by municipal sewer and water, and approval of the boundary line adjustment will not change the overall development potential of either parcel or increase density or demand for services that cannot be accommodated by existing services, as the transferred portion of the land is over 80 percent wetlands that would be restricted under Special Condition No. 1 essentially as open space, and as the Commercial General zoning district does not limit density based on parcel size or any other basis.

The proposed development, as conditioned, will not result in increased density and will not create additional demands for sewer and water services. As discussed in Finding D below, the development, as conditioned, will also have no impact on water quality, environmentally sensitive habitat, and other coastal resources. Therefore, as the development will be located in an existing developed area able to accommodate it and will have no impact on coastal resources, the Commission finds that the proposed development as conditioned is consistent with Coastal Act Section 30250(a).

**D. Protection of Water Quality & Environmentally Sensitive Habitat Areas**

1. Applicable Coastal Act Policies & Standards:

Section 30231 of the Coastal Act states the following:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30240 of the Coastal Act states the following:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30231 of the Coastal Act protects the biological productivity and quality of coastal waters and wetlands by, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, maintaining natural vegetation buffer areas around riparian habitats, and minimizing alteration of natural streams. Section 30240 requires that environmentally sensitive habitat areas (ESHA) be protected against significant disruption of habitat values from adjacent development, and that only uses dependent on the resources of the ESHA be allowed within the ESHA.

2. Consistency Analysis:

As stated above, a palustrine emergent wetland occurs on the subject site, which is part of a larger approximately 200-acre wetland complex. The extent and quality of the larger wetland has been diminished by the placement of fill prior to the Coastal Act. However, during previous action on the Ayers parcel by the Commission, the Department of Fish and Game commented that numerous species of wildlife inhabit the marshes in the immediate vicinity of the project site including mallard, teal, scaup, bufflehead, scoter, coot, egret, heron, snipe, sandpipers, and mammals such as skunks, weasels, and voles.

The wetland on the subject site is entirely on the Bish parcel and is bordered by a band of willows which separate the palustrine wetland from the warehouse development on the Ayers parcel. A small (one-tenth to two-tenths of an acre) upland area dominated mostly by nonnative grasses and containing existing piles of soil spoils lies between the delineated wetland and the developed portion of the Ayers parcel (see Exhibit No. 5). The proposed lot line adjustment would transfer this small upland area plus an additional approximately 0.7-acre to 0.8-acre of wetland habitat from the Bish parcel to the Ayers parcel. The adjusted parcels both will contain existing commercial facilities and thus will support economic uses.

Section 30240(a) of the Coastal Act requires that environmentally sensitive habitat areas (ESHA) be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. Section 30240(b) requires that ESHA be protected against any significant disruption of habitat values potentially resulting from adjacent development. At this time there is no development proposed other than the lot line adjustment, and as both parcels already are developed with commercial facilities, the future use and enjoyment of the wetland areas on the

adjusted properties in general is not dependent on future commercial or other development on the properties. However, future conflicts could arise between principally permitted uses on the Ayers parcel (such as additional commercial development) and encroachment into wetland habitat and ESHA, as the majority of land to be adjusted in the proposed lot line adjustment consists of wetland habitat. Therefore, the Commission attaches Special Condition Nos. 1 and 2. **Special Condition No. 1** restricts the use of all delineated wetland areas, as generally depicted on Exhibit No. 7, to open space. Special Condition No. 1 prohibits all development in the open space area except for the removal of non-native vegetation. In addition, planting of native vegetation to improve the habitat value, and removal of debris and unauthorized structures may be proposed if approved by the Commission as an amendment to the permit. Furthermore, **Special Condition No. 2** requires the applicant to record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the applicants and future purchasers of the property are notified of the prohibitions on development within the open space area established by Special Condition No. 1.

The Commission notes that any future development proposed adjacent to the wetland habitat restricted by Special Condition No. 1 will require additional coastal development permit authorization and will need to be evaluated for consistency with Section 30240(b) of the Coastal Act, which states that development adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat areas. To implement these requirements of the Coastal Act, applicants for development adjacent to ESHA are usually required to provide a buffer area between the development and the ESHA. Therefore, depending on the kind of development proposed and the impacts the development would have on the wetland habitat, future development may be required to maintain additional area beyond the area restricted by Special Condition No. 1 as open space to establish a buffer between the proposed future development and the wetland habitat.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with the water quality and ESHA protection policies of the Coastal Act.

**E. California Environmental Quality Act**

Humboldt County served as the lead agency for the project for CEQA purposes. The County determined the project to be exempt from environmental review per Section 15305(a) of the CEQA Guidelines.

Section 13906 of the California Code of Regulation requires Coastal Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation

measures available, which would significantly lessen any significant effect that the activity may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the policies of the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures which will minimize all adverse environmental impact have been required. These required mitigation measures include requirements that limit extraction to avoid environmentally sensitive habitat areas, rare and endangered species, migratory fish, and extractions that could lead to changes in river morphology. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

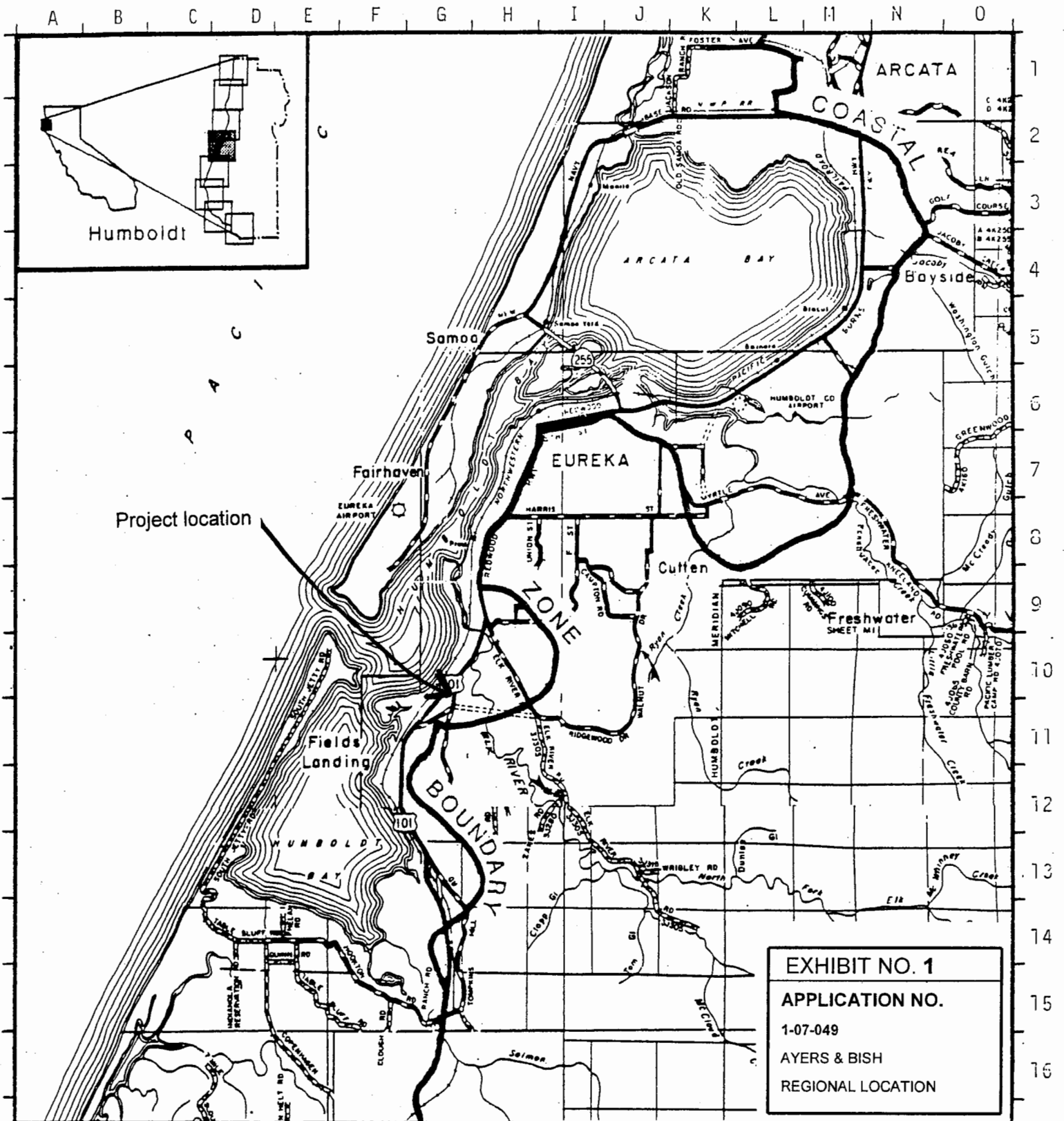
**V. EXHIBITS:**

1. Regional Location Map
2. Vicinity Map and CDP Jurisdictional Map
3. Assessor's Parcel Map
4. Aerial Photo
5. Photos of Wetlands on the Project Site
6. Proposed Lot Line Adjustment & Delineated Wetland
7. Area Subject to Open Space Deed Restriction

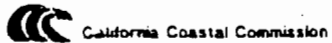
## APPENDIX A

### STANDARD CONDITIONS

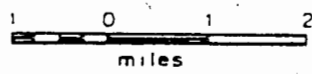
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

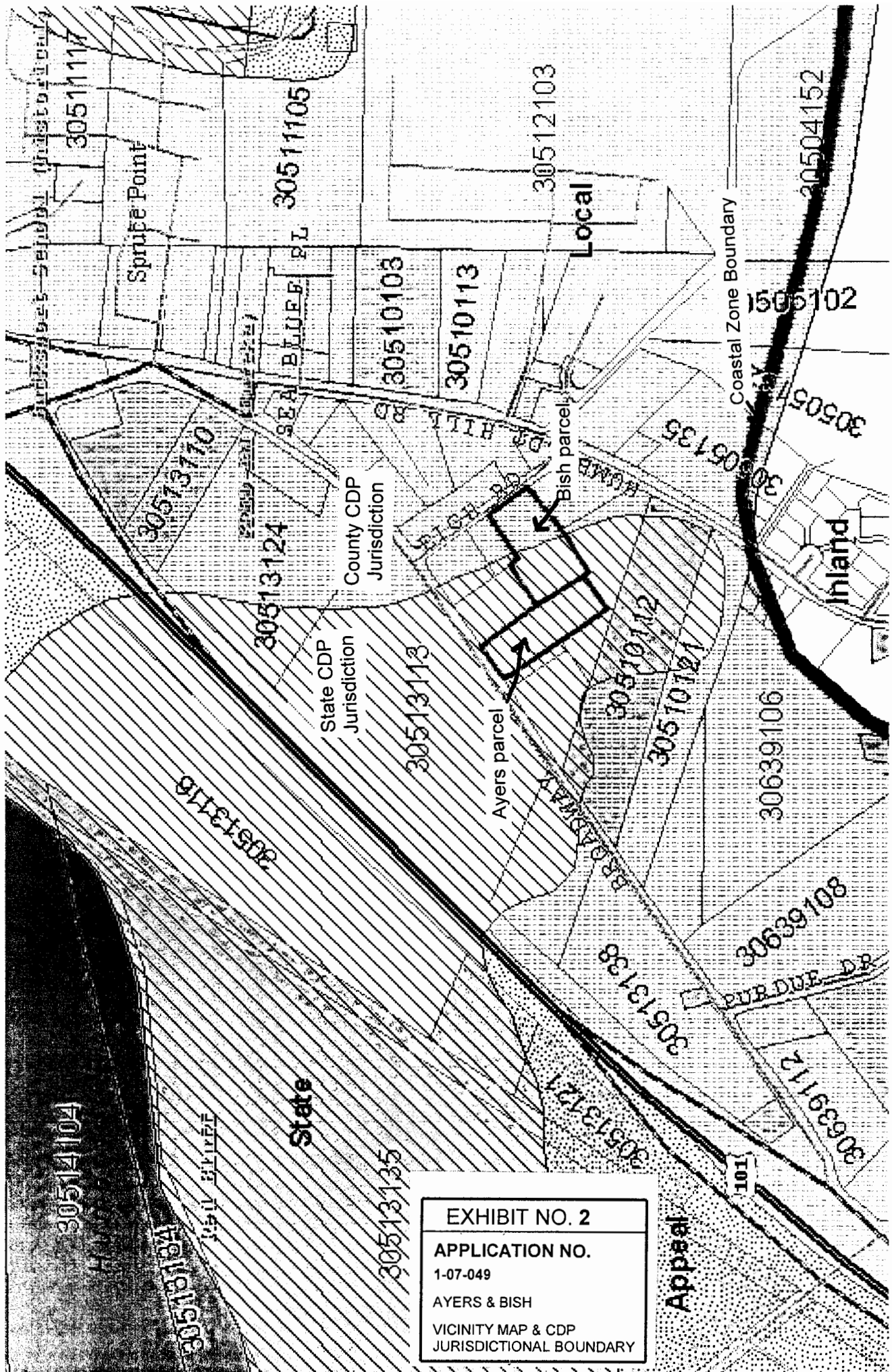


**EXHIBIT NO. 1**  
**APPLICATION NO.**  
 1-07-049  
 AYERS & BISH  
 REGIONAL LOCATION



**LOCATION MAP**





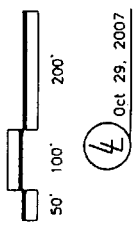
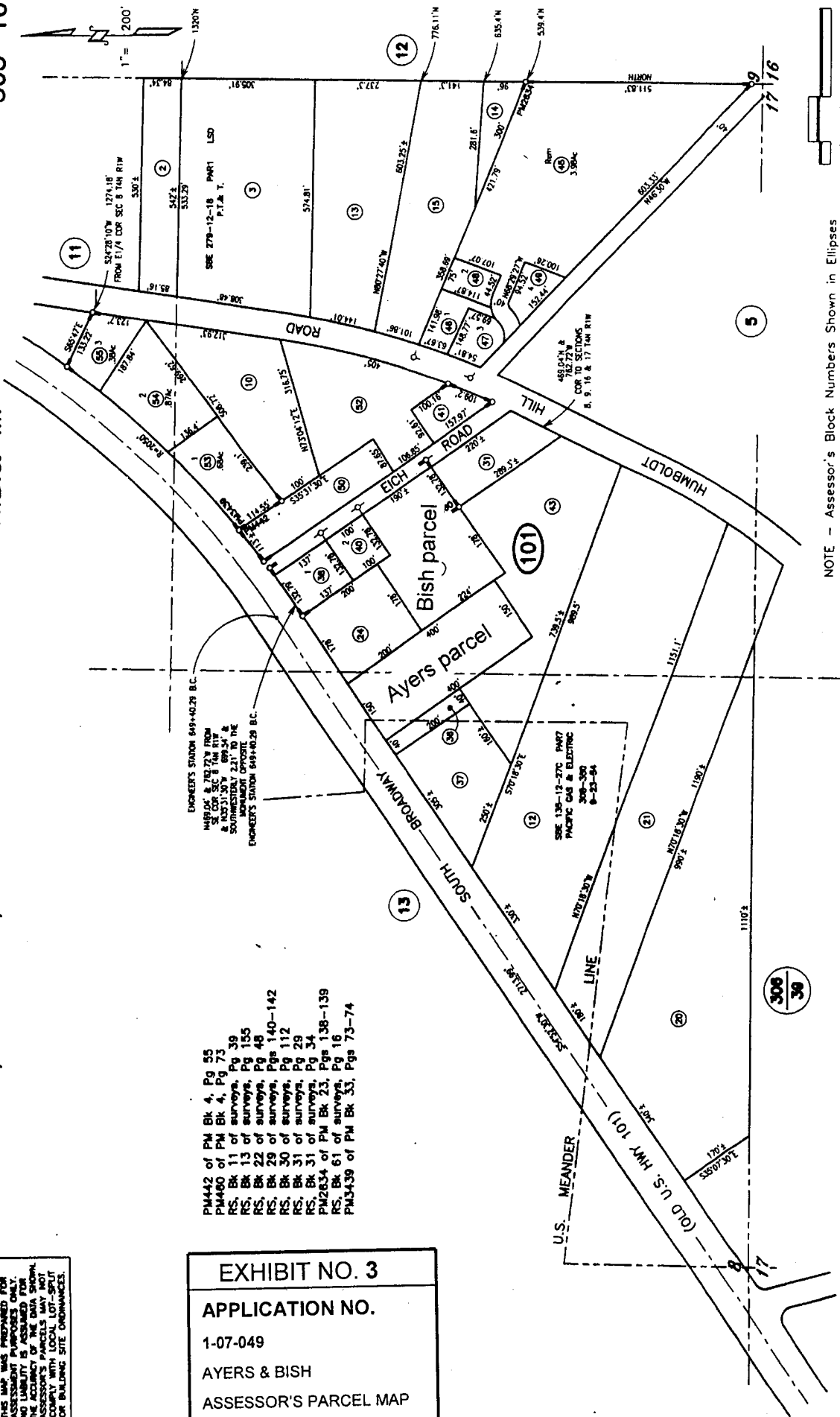
**EXHIBIT NO. 2**  
**APPLICATION NO.**  
 1-07-049  
**AYERS & BISH**  
**VICINITY MAP & CDP**  
**JURISDICTIONAL BOUNDARY**

PTN S1/2 OF SE1/4 SEC 8 T4N R1W H.B.& M. 305-10

**ASSESSOR'S PARCEL MAP**  
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.  
 2. THE LOCATION OF THE DATA SHOWN ON THIS MAP IS BASED ON THE DATA SHOWN ON THE ASSASSOR'S PARCEL MAPS WHICH COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

PM442 of PM Bk 4, Pg 55  
 PM460 of PM Bk 4, Pg 73  
 RS, Bk 11 of surveys, Pg 39  
 RS, Bk 13 of surveys, Pg 155  
 RS, Bk 22 of surveys, Pg 48  
 RS, Bk 29 of surveys, Pgs 140-142  
 RS, Bk 30 of surveys, Pg 112  
 RS, Bk 31 of surveys, Pg 29  
 RS, Bk 31 of surveys, Pg 34  
 PM2634 of PM Bk 23, Pgs 138-139  
 RS, Bk 61 of surveys, Pg 16  
 PM3439 of PM Bk 33, Pgs 73-74

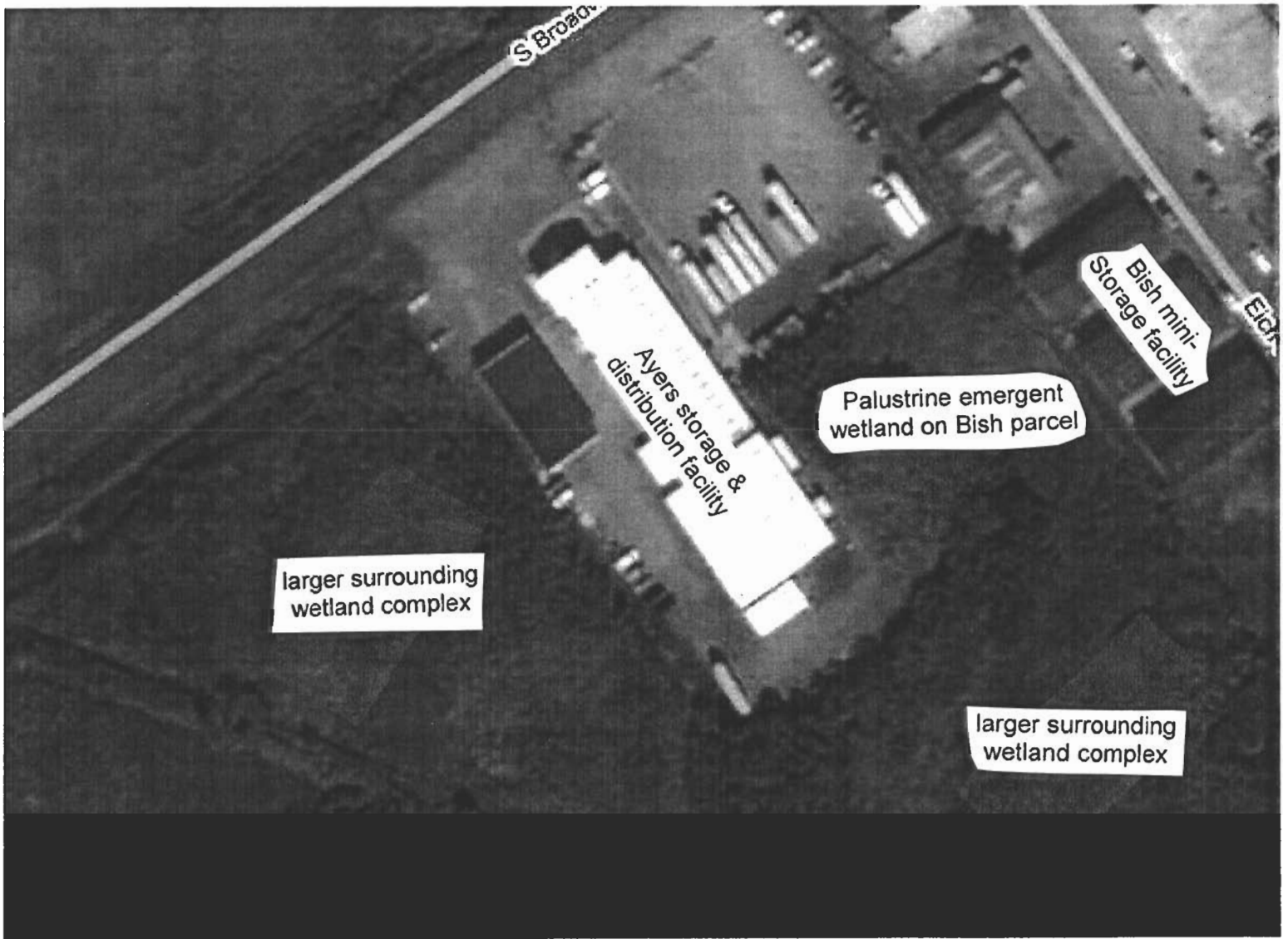
**EXHIBIT NO. 3**  
**APPLICATION NO.**  
 1-07-049  
**AYERS & BISH**  
**ASSESSOR'S PARCEL MAP**



NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles.  
**Assessor's Map Bk. 305, Pg.10**  
 County of Humboldt, CA.

4 Oct 29, 2007  
 JAN 07 2008





<b>EXHIBIT NO. 4</b>
<b>APPLICATION NO.</b>
1-07-049
AYERS & BISH
AERIAL PHOTO

EXHIBIT NO. 5

APPLICATION NO.

1-07-049

AYERS & BISH

PHOTOS OF WETLANDS ON  
THE PROJECT SITE (1 of 2)



**Photo 1.** View of the palustrine emergent wetland (“freshwater marsh”) on the Bish parcel (APN 305-101-044), looking south. Photo taken from the chain-link fence immediately behind the existing mini-storage facility.



**Photo 2.** View of the palustrine emergent wetland (“freshwater marsh”) on the Bish parcel (APN 305-101-044), looking west. Photo taken from the chain-link fence immediately behind the existing mini-storage facility. Note the band of willows in the background that abut the Ayers property.

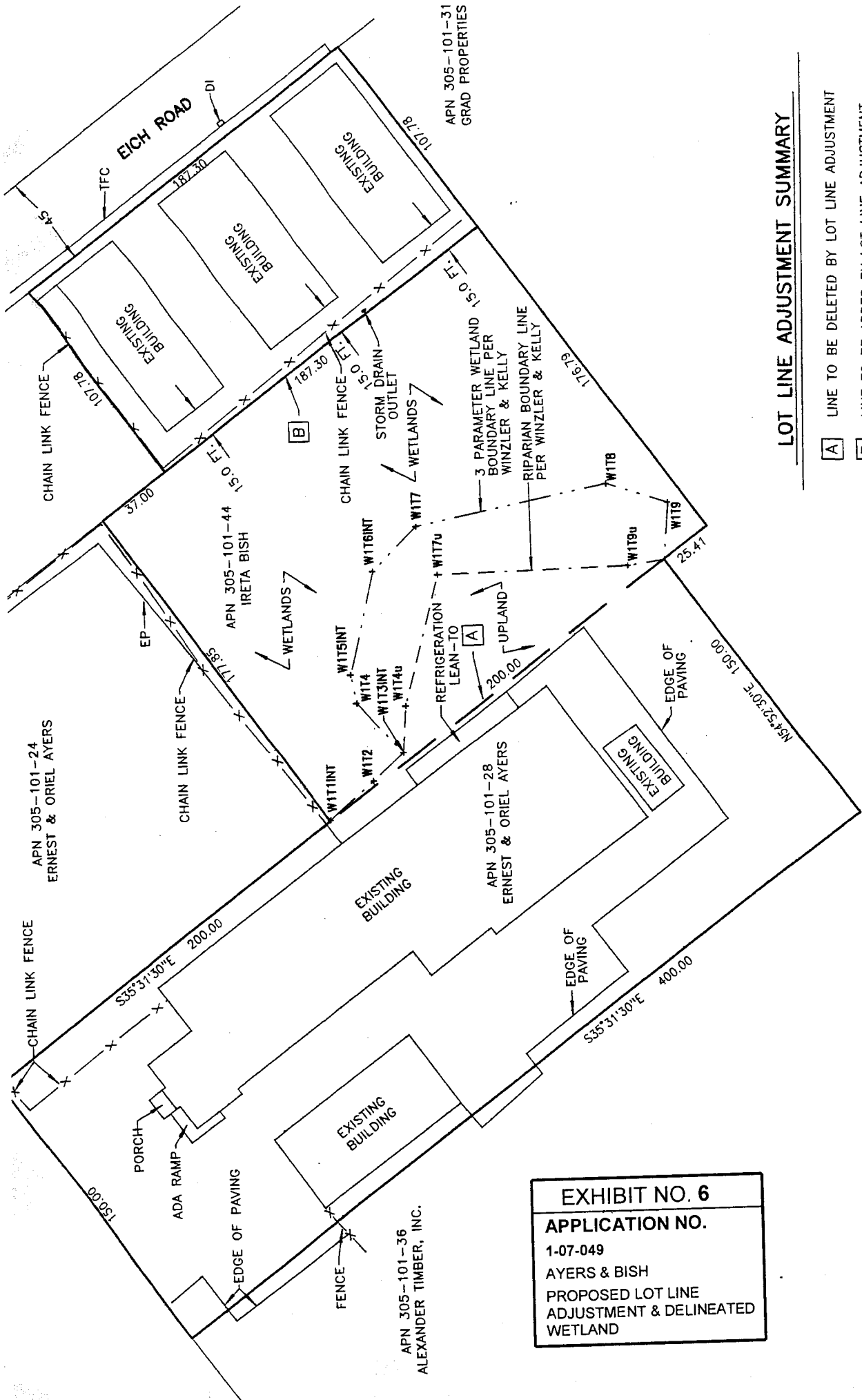


**Photo 3.** View from the southeastern corner of the Ayers parcel looking north. The property boundary between the Ayers and Bish parcels lies parallel to and approximately at the edge of the developed section of the Ayers parcel seen on the left side of the photo. The small upland area in the photo with weedy vegetation growing atop old piles of soil spoils is the only upland area within the lot line adjustment area; the remaining area to be adjusted consists of wetland habitat as seen on Exhibit No. 5.



**Photo 4.** View from the southeastern corner of the Ayers parcel looking approximately east at a small grassy upland area on the Bish parcel and a band of willow vegetation bordering the palustrine emergent wetland to the east. The upland area seen in the photo is the only upland area within the lot line adjustment area; the remaining area to be adjusted consists of wetland habitat, including the band of willows, as seen on Exhibit No. 5.

2022



**EXHIBIT NO. 6**  
**APPLICATION NO.**  
 1-07-049  
 AYERS & BISH  
 PROPOSED LOT LINE  
 ADJUSTMENT & DELINEATED  
 WETLAND

**NOTES**

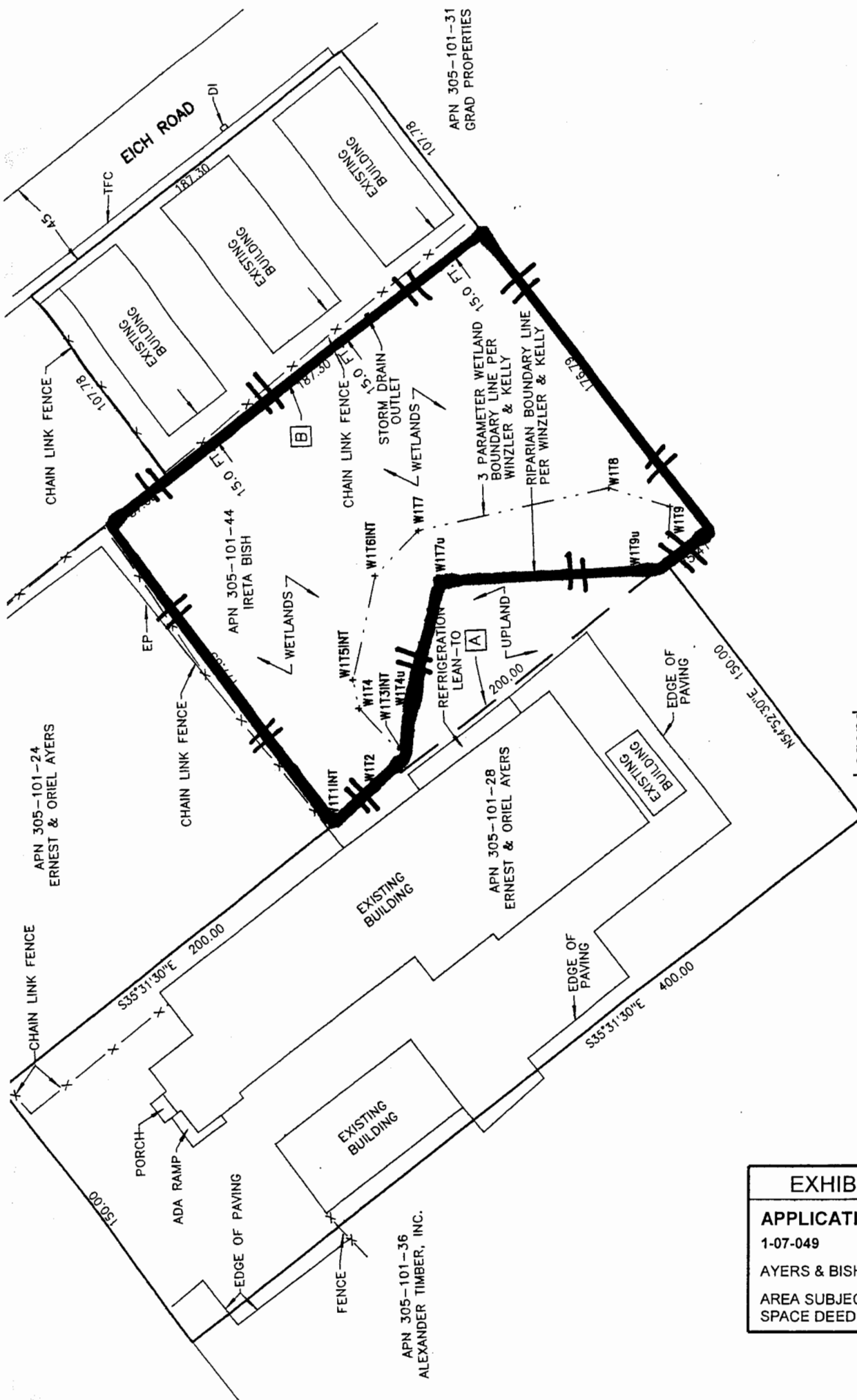
1. APN 305-101-028 IS CURRENTLY DEVELOPED WITH COMMERCIAL BUILDINGS.  
 APN 305-101-044 IS CURRENTLY DEVELOPED WITH STORAGE UNITS.
2. ZONING: APN 305-101-028 - CG - 5000 SF MINIMUM  
 APN 305-101-044 - CG - 5000 SF MINIMUM
3. WATER - HUMBOLDT COMMUNITY SERVICES DISTRICT  
 SEWER - HUMBOLDT COMMUNITY SERVICES DISTRICT

**LOT LINE ADJUSTMENT SUMMARY**

- [A] LINE TO BE DELETED BY LOT LINE ADJUSTMENT
- [B] LINE TO BE ADDED BY LOT LINE ADJUSTMENT

PARCEL	BEFORE LLA	AFTER LLA
APN 305-101-028	1.37 ACRES +-	2.29 ACRES +-
APN 305-101-044	1.38 ACRES +-	0.46 ACRES +-

THE PURPOSE OF THIS LOT LINE ADJUSTMENT IS TO ADD LAND TO PARCEL APN 305-101-028. THE LAND TO BE ADDED IS NOT READILY ACCESSIBLE FROM THE PARCEL TO THE EAST.



Area subject to open space deed restriction pursuant to Special Condition No. 1 of CDP No. 1-07-049



Legend

**EXHIBIT NO. 7**  
**APPLICATION NO.**  
 1-07-049  
 AYERS & BISH  
 AREA SUBJECT TO OPEN SPACE DEED RESTRICTION

APN 305-101-36  
 ALEXANDER TIMBER, INC.

APN 305-101-31  
 GRAD PROPERTIES

APN 305-101-24  
 ERNEST & ORIEL AYERS

APN 305-101-44  
 IRETA BISH

APN 305-101-28  
 ERNEST & ORIEL AYERS

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