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DATE: November 20, 2009

TO: Coastal Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

SUBJECT: **Appeal No. A-1-EUR-09-046 (**Robert Colburn, CDP-06-0012), 722 West Washington Street, Eureka, Humboldt County. Filed October 22, 2009.

Recommendation: Staff recommends that the Commission determine that determine that **a substantial issue exists** with respect to the grounds on which Appeal No. A-1-EUR-09-046 has been filed and that the Commission hold a *de novo* hearing. Staff recommends a **NO** vote on the following motion & resolution:

> **Motion & Resolution.** I move that the Commission determine and resolve that: Appeal No. A-1-EUR-09-046 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

Following the staff recommendation by voting no will result in the Commission conducting a *de novo* review of the application, and adoption of the following findings. Passage of this motion, via a yes vote, will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Findings: On October 6, 2009, the Eureka City Council approved the construction of a new approximately 3,582-square-foot metal warehouse that includes an approximately 725 square foot watchman's quarters on the mezzanine level and is located at 722 West Washington Street, at the intersection of Koster Street with Washington Street in Eureka (see Exhibit Nos. 1-4 and 6). The property is already developed with a 3,734-square-foot warehouse building that would be retained.

Pursuant to Coastal Act Sections 30603(a)(2) and 30613, this approval is appealable to the Commission because the approved development is: (a) within 100 feet of a wetland; and (b) on lands, in whole or in part, for which coastal development permitting authority has been delegated to a local government that the commission, after consultation with the State Lands Commission,

has determined are: (1) filled and developed and are (2) located within an area which is committed to urban uses, but nonetheless may be subject to the public trust.

> *Appeal Contentions*: Commissioner-Appellants Sanchez and Stone claim the development as approved by the City is inconsistent with the environmentally sensitive habitat area (ESHA) buffer policies of the LCP because the adequacy of the approved less than 100-foot-wide reduced buffer to 40 feet in width to protect adjacent environmentally sensitive wetlands was not fully substantiated in that (1) no specific analysis of the direct, indirect, and cumulative adverse impacts of the specific development approved on the wetland ESHA adjacent to the project site and the species that inhabit the ESHA and the adequacy of the 5 to 40 foot-wide buffers to avoid those impacts was provided; (2) feasible alternatives to development within such close proximity to wetlands that would provide greater buffers exist; and required consultations with the California Department of Fish and Game with respect to measures to protect wetlands and other ESHA were not conducted, thereby further diminishing the veracity of the determination that the approved reduced buffers would be adequate. (see Exhibit No. 5).

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.[1] Commission staff has analyzed the City's Notice of Final Local Action for the development (Exhibit No. 6), appellant's claims (Exhibit Nos. 4 and 5), and the relevant requirements of the LCP (Attachment A).

Staff recommends that the Commission find that the appeal raises a substantial issue with respect to each of the contentions raised by the appellants for the following reasons:

1. Substantial Issue with Respect to ESHA Buffer Policy of the Certified LCP.

The approved site improvements would be developed forty feet from the wetlands on the western side of the property and less than five feet from the wetlands on the adjoining northern parcel. The proposed forty-foot-wide reduced width buffer area from the Clark Slough wetlands would be developed with a stormwater bio-retention cell and vegetated swale for treating stormwater runoff from the site. As the approved buffers would be less than the mandated default 100-foot-width identified in LUP Policy 6.A.19 and CZR Section 156.052(O), the applicant must demonstrate that, on the basis of site-specific information, the type and scale of development, and with the inclusion of proposed mitigation, a smaller buffer would protect the resources of the habitat area. In attempting to make this case, the applicant's consultant, while acknowledging the apparent use of the adjoining Clark Slough by a variety of resident and migratory bird species and aquatic fauna, emphasized the degraded current state of the slough, touting the purported

[1] The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: (a) the degree of factual and legal support for the local government's decision; (b) the extent and scope of the development as approved or denied by the local government; (c) the significance of the coastal resources affected by the decision; (d) the precedential value of the local government's decision for future interpretations of its LCP; and (e) whether the appeal raises only local issues, or those of regional or statewide significance.

benefits of the proposed five-foot-wide planted swale to attract and provide habitat to species where little opportunity is presently afforded. The buffer analysis did not substantiate that the reduced-width buffers would be adequate for several reasons.

First, the City did not adopt findings that establish that the approved less than 100-foot wide buffer between development and the wetlands within and along the Clark Slough drainage was sized and designed so as to afford adequate protection to the adjacent wetlands from significant impacts as required by LUP Natural Resources Policies 6.A.7., 6.A.9.(c) and 6.A.19., and Coastal Zoning Regulations Sections 10-5.2942.4, 10-5.2942.6(c), and 10-5.2942.15 The findings adopted by the City noted the conclusory statements of the consultant's buffer analysis that: (a) there is no functional relationship between the project site and the wetlands located off site; (b) Clark Slough provides limited habitat for unspecified terrestrial and aquatic wildlife species; (c) the development will be unlikely to create disturbances to the habitat greater than the disturbances from existing uses in the surrounding area; and (d) the reduced buffer would be more protective of ESHA resources than what currently exists. The findings and buffer analysis did not specifically analyze the direct, indirect, and cumulative adverse impacts of the specific development approved on the wetland ESHA adjacent to the project site and the species that inhabit the ESHA. For example, the analysis did not consider the impacts to the estuarine/riverine and emergent wetlands to the west and north of the project site, respectively, from noise, light, and human activities associated with the caretaker use, Or to what degree entry into the reduced-width buffer for maintenance of the proposed stormwater bio-retention cell and vegetated swale would impact wildlife inhabiting the adjacent wetlands.

Second, the findings quote the consultant's buffer analysis as saying that "the proposed buffer width has been dictated by the architectural design and layout of the facility and existing development at the site." This statement suggests that the determination of what would be an adequate buffer to protect the wetland ESHA was secondary to accommodating the layout of the approved development.

Third, in drawing these conclusions, no recognition was made of the significance of the project site's location and configuration, especially being sited adjacent to two different types of wetlands, marine and terrestrial based, where such convergence would cause the habitat resources within the adjoining areas to possibly be of higher ecologic value and therefore be more sensitive to impacts from adjacent development than would be experienced in a one adjacent wetland setting. Moreover, no investigation was made in terms of the inclusion of mitigation in the form of project alternatives. No discussion was included as to the continued use of the existing warehouse on the site with no further development of a second warehouse unit, effectively a "no project" alternative. Similarly, a reduced size warehouse configuration or the possibility of obtaining a side yard setback variance, were not investigated. Consequently, contemporary site-specific information unique to the project site and its surroundings, and the type and scale of the development were not fully considered in the concluded adequacy of the proposed reduced-width buffer to protect the resources of the habitat area, contrary to LUP Policy 6.A.19 and CZR Section 156.052(O).

Fourth, in authorizing the subject development, the City did not fully comply with the procedures of LUP Policy 6.A.24 for addressing the adequacy of the proposed reduced-width buffer for protecting the adjoining habitat resources within either Clark Slough or the former railyard. LUP Policy 6.A.24 directs that, in cases where there is a question regarding buffer requirements, the City is to transmit the information provided by the applicant regarding environmental conditions, potential project impacts, and/or a given proposed buffer, to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department are then to be immediately sent to the applicant for his or her response. Other than the citing of a letter from the Department regarding the nature of the environmental document review fee, there is no evidence in the notice of final action that the City provided information to, received comments from, and responded to the CDFG regarding the project layout and the adequacy of the proposed 0- to 40-foot reduced buffer width at the site. Thus, the adequacy of the reduced width buffer has not been corroborated by a review by the Department of Fish & Game as called for by LCP policies.

Therefore, the Commission finds that, given the paucity of factual and legal support for the local government's decision, particularly with respect to the status, boundaries, and buffer requirements needed to protect adjacent wetlands ESHA, a substantial issue is raised with respect to the approved development's consistency with LUP Natural Resources Policy No. 6.A.24. and Coastal Zoning Regulations Section 10-5.2942.18

Overall, the City has not adopted findings that provide factual and legal support for determining that the approved development in proximity to wetlands ESHA conforms with the pertinent LCP policies. Notwithstanding their anthropogenic origin and degraded condition, the approval of development adjacent to the subject emergent and estuarine wetlands without such findings establishes an adverse precedent for allowing similar encroachment by other projects where there is a substantial issue of conformance with the LCP ESHA policies. The protection of environmentally sensitive habitat areas in the coastal zone, and wetlands in particular, is an issue of statewide concern addressed by Sections 30240 and 30233 of the Coastal Act, respectively, as it has been long established that wetlands provide significant public benefits such as the providing sensitive habitat, water quality protection, flood control, and aesthetic values.

For the reasons stated above, the Commission finds that Appeal Number A-1-EUR-09-046 raises a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency of the approved development with the certified Local Coastal Program.

Information Needed for *De Novo* Review of Application:

Section 30621 of the Coastal Act instructs the Commission to provide for a *de novo* hearing on all appeals where it has determined that a substantial issue exists with respect to the grounds on which an appeal has been filed. If the Commission finds substantial issue as recommended above, staff also recommends that the Commission continue the *de novo* hearing to a subsequent date. The *de novo* portion of the appeal must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

Given that the project the Commission will be considering *de novo* has come to the Commission after an appeal of a local government action, the Commission has not previously been in the position to request information from the applicant needed to determine if the project can be found to be consistent with the certified LCP.

As discussed above, to make the necessary findings that the proposed development adjacent to wetlands ESHA has been appropriately sited and designed, including the provisions of adequately wide buffers between the development and the surrounding ESHAs, , additional analysis of the sensitivity of all adjacent ESHAs from the effects of all of the project components is needed. The analysis should examine: (1) a "no project alternative" comprising utilizing the existing development on the site; and (2) an alternate building configuration alternative wherein the new structural improvements would be added as upper stories to the existing commercial warehouse building without further significant encroachment of the development footprint towards the ESHA. Therefore, before the Commission can act on the proposed project *de novo*, the applicant must submit all of the above-identified information.

Exhibits:

1. Location Map
2. Vicinity Map
3. Site Aerial
4. Site Oblique Aerial
5. Appeal Filed by Commissioners Esther Sanchez and Mark Stone, October 22, 2009
6. *Notice of Final Local Action*, Coastal Development Permit No. CDP-06-012

ATTACHMENT A:

LCP POLICIES AND STANDARDS CITED IN APPEAL

Land Use Plan Policies

6.A.1. The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance. The City shall require that **uses** of the marine environment are carried out in the manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

6.A.3. The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protedion of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

6.A.6. The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:

a. Rivers, creeks, sloughs, gulches and associated riparian habitats, including, but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Slough, Third Slough, Martin Slough, Ryan Slough, Swain Slough, and Elk River.
b. Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.
c. Indian Island, Daby Island, and the Woodley Island wildlife area.
d. Other unique habitat areas, such as waterbird rookeries, and habitat for all rare or endangered species on state or federal lists.
e. Grazed or farmed wetlands (i.e., diked former tidelands).

The areas are shown on 1:500 scale maps that are available for review at the City of Eureka Community Development Department. These maps are incorporated by reference into this General Plan and are a formal part of it. However, all environmentally sensitive habitat areas may not be shown on these maps and shall, if they exist, be identified as part of any project application.

6.A.7. Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and

designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

6.A.8. Within the Coastal Zone, prior to the approval of a development, the City shall require that all development on lots or parcels designated NR (Natural Resources) on the Land Use Diagram or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced, or restored.

6.A.9. The City shall permit the diking, filling, or dredging of open coastal waters, wetlands, or estuaries only under the following conditions:

a. The diking, filling or dredging is for a permitted use in that resource area;
b. There is no feasible, less environmentally damaging alternative;
c. Feasible mitigation measures have been provided to minimize adverse environmental effects;
d. The functional capacity of the resource area is maintained or enhanced.

6.A.19. The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purposes(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. **As** necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.

6.A.20. To protect urban wetlands against physical intrusion, the City shall require that wetland buffer areas incorporate attractively designed and strategically located barriers and informational signs.

6.A.24. Within the Coastal Zone, where there is a question regarding the boundary, buffer requirements, location, or current status of an environmentally sensitive area identified pursuant to the policies of this General Plan, the City shall require the applicant to provide the City with the following:

a. Base map delineating topographic lines, adjacent roads, location of dikes, levees, of flood control channels and tide gates, as applicable;
b. Vegetation map, including identification of species that may indicate the existence or non-existence of the sensitive environmental habitat area;

c. Soils map delineating hydric and non-hydric soils; and

d. Census of animal species that may indicate the existence or non-existence of the sensitive environmental habitat area.

The City shall transmit the information provided by the applicant pursuant to this policy to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The City shall make its decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question based on the substantial evidence in the record and shall adopt findings to support its actions.

Coastal Zoning Regulations

Sec. 10-5.2942. Environmental resource standards.

10-5.2942.1 Mitigation.

Channelizations or other substantial alterations that could significantly disrupt the habitat values of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

10-5.2942.2 Permitted shoreline construction.

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

10-5.2942.3 Environmentally sensitive habitat areas.

Environmentally sensitive habitat areas within the City of Eureka's coastal zone shall include:

(a) Rivers, creeks, sloughs, gulches and associated riparian habitats, including Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Sloughs, Third Slough, and Elk River.

(b) Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.

(c) Indian Island, Daby Island, and Woodley Island wildlife area.

(d) Other habitat areas, such as rookeries, and rare or endangered species on state or federal lists.

(e) Grazed or farmed wetlands.

These areas are generally portrayed on the Resources Maps, where they are designated as wetlands or other natural communities.

10-5.2942.4 Protection of environmentally sensitive habitat areas.

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources, including restoration and enhancement projects, shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

10-5.2942.5 Development in or near natural resource areas.

Prior to the approval of a development permit, all developments on lots or parcels shown on the land use plan and/or resource maps with a natural resource designation or within two hundred fifty (250') feet of such designation, or development affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the LCP. All development plans and grading plans shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced, or restored. Projects which could adversely impact an environmentally sensitive habitat area may be subject to a site inspection by a qualified biologist to be selected jointly by the City and the applicant. Where mitigation, restoration, or enhancement activities are required to be performed pursuant to other applicable portions of this LCP, they shall be required to be performed on City-owned lands on the Elk River Spit or on other available and suitable mitigation, restoration, or enhancement sites.

10-5.2942.6 Diking, filling, or dredging.

The diking, filling or dredging of open coastal waters, wetlands, or estuaries shall be permitted only where all of the following exist:

(a) The diking, filling or dredging is for a permitted use in that resource area as provided in Land Use Plan Policies 5.12 through 5.16;

(b) There is no feasible, less environmentally damaging alternative;

(c) Feasible mitigation measures have been provided to minimize adverse environmental effects, consistent with the Land Use Plan Policy 5.10; and,

(d) The functional capacity of the resources area is maintained or enhanced, consistent with the Land Use Plan Policy 5.10.

10-5.2942.7 Dredging and spoils disposal.

Dredging and spoils disposal shall be carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

10-5.2942.8 Wetland or estuary development.

Diking, filling or dredging of a wetland or estuary shall maintain or enhance its functional capacity.

Functional capacity, the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, all of the following must be demonstrated:

(a) That presently occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem, i.e., natural species diversity, abundance and composition are essentially unchanged as a result of the project,
(b) That a species that is rare or endangered will not be significantly adversely affected,
(c) That a species or habitat essential to the natural biological functioning of the wetland or estuary will not be significantly adversely affected,
(d) That consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuaries ecosystem will not be significantly reduced.

10-5.2942.9 Conditions.
(a) Dredging, when consistent with these provisions and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat or for flood control purposes, shall be subject to the following conditions:

(1) Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
(2) Dredging shall be limited to the smallest area feasible.
(3) Designs for dredging and excavation projects shall include protective measures such as silt curtains, weirs, etc, to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.

(b) Diking or filling of a wetland shall at a minimum, require the following mitigation, restoration, or enhancement measures:

(1) A detailed restoration or enhancement plan shall be required for each specific restoration or enhancement site prior to commencement of any development that is permitted as part of such a restoration or enhancement project. The restoration or enhancement plans shall include provisions for purchase, if required, and restoration or enhancement, as determined in consultation with the Department of Fish and Game, Coastal Commission, and Coastal Conservancy, of an equivalent area of equal or greater productivity, and dedication of the land to a public agency or other method which permanently restricts the use of the site to habitat and open space purposes. The restoration or enhancement site shall be purchased or otherwise made available prior to any diking or filling activity.
(2) Equivalent areas shall be opened to tidal action or other sources of surface water shall be provided. This provision applies to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if they were opened to tidal action or provided with other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication contained in paragraph (b)(1), above, shall apply to any program or activity performed pursuant to this paragraph.
(3) Mitigation or restoration activities shall, to the maximum extent feasible, be of the same type as the wetland to be filled (i.e., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.).
(4) An applicant who is required to participate in a restoration or mitigation program may avail himself or herself of restoration or enhancement sites on City-owned lands on the Elk River Spit, consistent with all other applicable policies of Land

Use Plan Chapter 5 and this article, and at a cost not to exceed Twenty-five ($.25) Cents for each square foot of affected marsh or other wetland.

(5) For permissible wetland restoration projects identified in the Land Use Plan Policy 5.12(b), any coastal development permit issued for one or a combination of projects shall be part of one or more wetland restoration programs consistent with all other applicable provisions of this LCP. Such wetlands restoration or enhancement program(s) shall be prepared and implemented in consultation with the Department of Fish and Game, Coastal Commission, and Coastal Conservancy. Preparation of the program(s) shall occur prior to commencement of any development governed by this subdivision; however, implementation of the program(s) may occur concurrently with or subsequently to any approved development. If an in-lieu fee is required to be paid by the applicant, it shall not exceed $0.25 for each square foot of affected marsh of other wetland, except as provided in permit CP-10-80. For the area south of Hilfiker Lane identified in the LUP Policy 5.12(b), the restoration program may, at any one time, include one or more of the affected properties, provided that when an application for development pursuant to this subdivision is made, the affected property shall participate in the wetlands restoration program.

10-5.2942.10. Permitted development and uses in non-farmed wetlands and estuaries.

Permitted development or uses within nonfarmed wetlands and estuaries shall be limited to the following:

(a) Port facilities.
(b) Energy facilities.
(c) Coastal development industrial facilities including commercial fishing facilities.
(d) Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
(e) Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.
(f) Restoration projects.
(g) Nature study, aquaculture, or similar resource-dependent activities.
(h) New or expanded boating facilities in estuaries.
(i) Placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

10-2.2942.11. Permitted uses in open coastal waters.

Permitted uses within open coastal waters shall be limited to the following:

(a) Port facilities.
(b) Energy facilities.
(c) Coastal-dependent industrial facilities, including commercial fishing facilities.
(d) Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
(e) Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.

(f) Restoration projects.
(g) Nature study, aquaculture, or similar resource-dependent activities.
(h) New or expanded boating facilities.
(i) Sand or gravel mineral extraction in portions of open coastal waters that are not environmentally sensitive habitat areas.
(j) Placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

10-5.2942.12. Permitted uses involving alterations of streams and rivers.

Permitted uses that involve substantial alterations of streams and rivers shall incorporate the best mitigation measures feasible and shall be limited to the following:
(a) Necessary water supply projects.
(b) Flood control projects where no other method of protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development.
(c) Development where the primary function is the improvement of fish and wildlife habitat.

10-5.2942.13. Permitted uses and development in grazed or farmed wetlands.

Permitted uses and development in grazed or farmed wetlands shall be limited to the following:
(a) Agricultural operations limited to apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soils on site), and orchards.
(b) Farm-related structures (including barns, sheds, and farmer-occupied housing) necessary for the performance of agricultural operations. Such structures may be located on an existing farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on the farmed wetland. No more than one permanent residential structure per parcel shall be allowed.
(c) Restoration projects.
(d) Nature study, aquaculture, and similar resource-dependent activities.
(e) Incidental public service purposes which may temporarily impact the resources of the area, such as burying cable and pipes.

10-5.2942.14. Fill for repair and maintenance.

New fill for repair and maintenance purposes may be permitted on lands adjacent to the northern waterfront provided that is consistent with other LUP policies and where:
(a) The fill will be placed in previously filled areas which have been subject to erosion;
(b) The fill will not be placed beyond the existing bulkhead line;
(c) The fill is necessary to protect existing development from erosion;
(d) The fill will not interfere with commercial fishing activities and facilities; and
(e) Placement of the fill is consistent with the public access policies of the LCP in that public access will not be adversely affected, or public access has been provided.

10-5.2942.15. Buffers.

A buffer shall be established for permitted development adjacent to all environmentally sensitive areas. The width of a buffer shall be one hundred (100') feet, unless the applicant for

the development demonstrates on the basis of information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purposes of the buffer, that a smaller buffer will protect the resources of the habitat area. For a wetland, the buffer should be measured from the landward edge of the wetland. For a stream or river, the buffer should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (such as, in channelized streams). Maps and supplemental information submitted as part of the application should be used to specifically determine these boundaries.

10-5.2942.16. Barriers.

To protect wetlands against physical intrusion, wetland buffer areas shall incorporate attractively designed and strategically located barriers and informational signs.

10-5.2942.17. Uses adjacent to gulches.

All coastal zone land use activities adjacent to gulches shall be carried out in a manner which avoids vegetative removal below the break in slope, (usually those areas with a slope of twenty (20%) percent or greater) and which does not alter natural landforms and drainage patterns.

10-5.2942.18. Disagreement over boundary.

Where there is a disagreement over the boundary, location, or current status of an environmentally sensitive area identified in LCP Policy 5.5 or which is designated on the Resources Maps, the applicant shall be required to provide the city with:

(a) A base map delineating topographic lines, adjacent roads, location of dikes, levees, or flood control channels and tide gates, as applicable;

(b) A vegetation map, including species that may indicate the existence or non-existence of the sensitive environmental habitat area;

(c) A soils map delineating hydric and non-hydric soils; and,

(d) A census of animal species that may indicate the existence or non-existence of the sensitive environmental habitat area.

The city shall transmit the information provided by the applicant to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The city shall make its decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question based on the substantial evidence in the record and shall adopt findings to support its actions.

ATTACHMENT B

LCP POLICIES AND STANDARDS CITED IN SUBSTANTIAL ISSUE ANALYSIS

Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(l) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30603 Appeal of actions taken after certification of local program; types of developments; grounds; finality of actions; notification to Commission

(a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

Section 30613 Lands subject to public trust which are filled, developed and committed to urban uses; coastal development permits; local coastal programs; categorical or urban exclusions

(a) The provisions of subdivision (b) of Section 30519, subdivision (b) of Section 30600, and subdivision (b) of Section 30610.5, which apply to lands subject to the public trust shall not apply to any lands which may be subject to the public trust but which the commission, after consultation with the State Lands Commission, determines are (1) filled and developed and are (2) located within an area which is committed to urban uses.

(b) No later than 120 days after receiving a request from a local government, the commission shall determine the lands within the jurisdiction of that local government to which the provisions of subdivision (a) apply.

(c) The provisions of this section shall apply to lands which have been the subject of coastal development permits, local coastal program, categorical exclusions or urban exclusions, which have previously been approved, authorized, or certified by the commission.

Section 30625 Persons who may appeal; powers of reviewing body; effect of decisions

(a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify, or deny such proposed development, and if no action is taken within the time limit specified in Sections 30621 and 30622, the decision of the local government or port governing body, as the case may be, shall become final, unless the time limit in Section 30621 or 30622 is waived by the applicant.

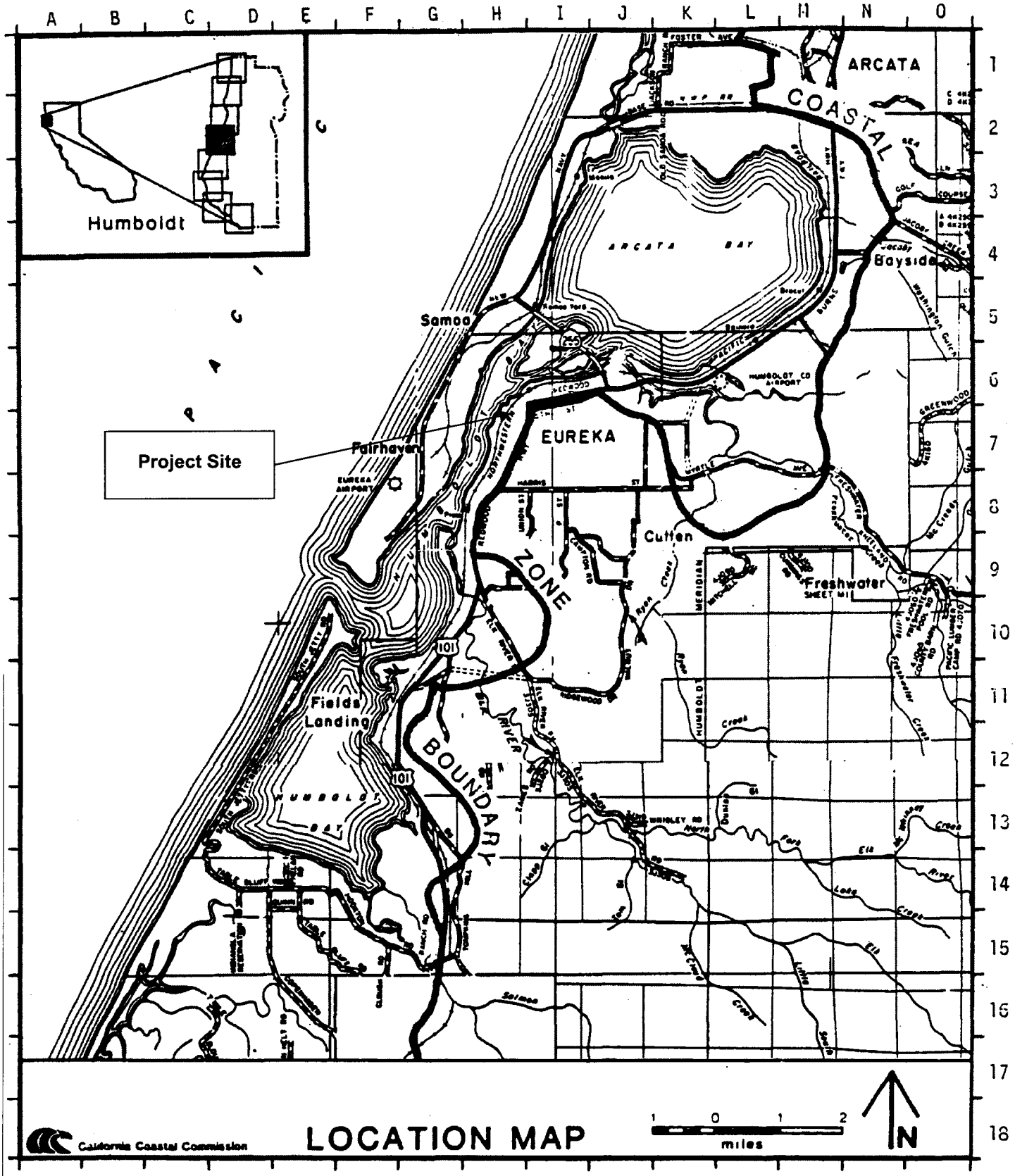
(b) The commission shall hear an appeal unless it determines the following:

(1) With respect to appeals pursuant to subdivision (a) of Section 30602, that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

(2) With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

(3) With respect to appeals to the commission after certification of a port master plan, that no substantial issue exists as to conformity with the certified port master plan.

(c) Decisions of the commission, where applicable, shall guide local governments or port governing bodies in their future actions under this division.



County of Humboldt

EXHIBIT NO. 1

APPEAL NO.

A-1-EUR-09-046

COLBURN

LOCATION MAP

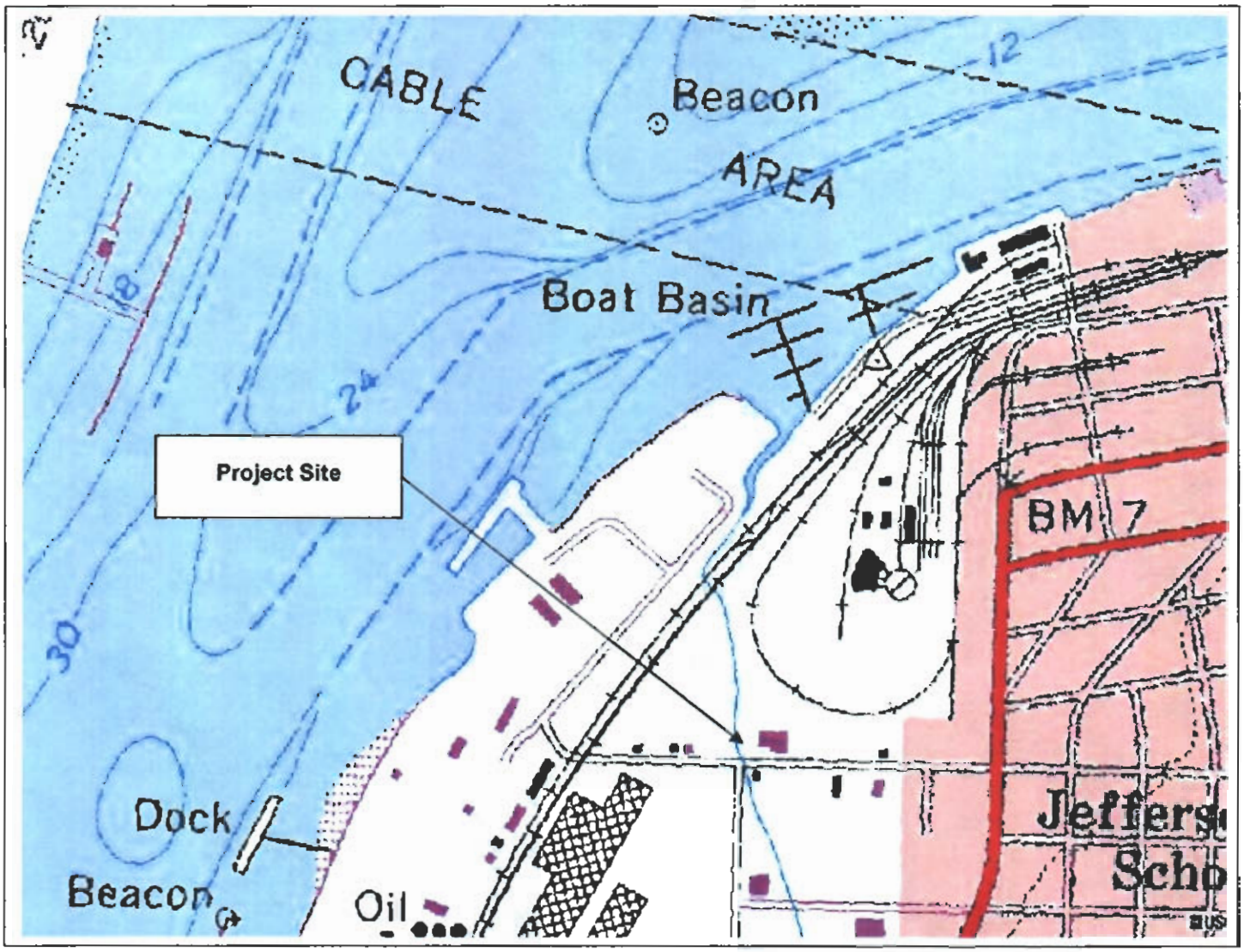


EXHIBIT NO. 2

APPEAL NO.
A-1-EUR-09-046

COLBURN

VICINITY MAP

EXHIBIT NO. 3

APPEAL NO.

A-1-EUR-09-046

COLBURN

SITE AERIAL

EXHIBIT NO. 4

APPEAL NO.
A-1-EUR-09-046

COLBURN

SITE OBLIQUE AERIAL

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET, SUITE 200
EUREKA, CA 95501
VOICE (707) 445-7833 FAX (707) 445-7877

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioners Esther Sanchez c/o: | Mark Stone c/o:

Mailing Address: 300 North Coast Hwy | 701 Ocean Street, Room 500, Santa Cruz, CA 95060

City: Oceanside, CA Zip Code: 90255 Phone: (760) 435-0971

SECTION II. Decision Being Appealed

EXHIBIT NO. 5
APPEAL NO.
A-1-EUR-09-046
COLBURN
APPEAL FILED BY COMMISSIONERS SANCHEZ & STONE, 10/22/09 (1 of 7)

1. Name of local/port government:

City of Eureka

2. Brief description of development being appealed:

Colburn Warehouse - Construction of new approximately 3,582 square-foot metal warehouse on northeast corner of property behind existing commecial building, including 725 square-foot watchman's quarters on mezzanine level, and installation of a 1,270 square-foot biotention cell and 675 square-foor vegetated swale.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

722 West Washington Street, Eureka, at the northeast corner of the intersection of Washington and Koster Streets, adjacent to Clark Slough; APN 003-111-006.

4. Description of decision being appealed (check one.):

RECEIVED
OCT 22 2009
CALIFORNIA COASTAL COMMISSION

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-1-EUR-09-046

DATE FILED: October 22, 2009

DISTRICT: North Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

☐ Planning Director/Zoning Administrator

☒ City Council/Board of Supervisors

☐ Planning Commission

☐ Other

6. Date of local government's decision: October 6, 2009

7. Local government's file number (if any): CDP-06-0012

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Robert Colburn
P.O. Box 3667
Eureka, CA 95502-3667

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1)

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The approved development is inconsistent with the certified LCP, including but not limited to the policies contained in Section 6 "Natural Resources" of the Land Use Plan and the development standards and regulations set forth in Title XV, Chapter 156 of the Zoning Regulations of the City for the Coastal Zone (see attachment containing cited LCP policies and standards), for the following reasons:

The approved development is located adjacent to Clark Slough. Clark Slough, along with adjoining wetlands on the former Northwest Pacific Railroad "Balloon Track," comprise a complex of estuarine emergent and palustrine emergent wetlands and are therefore environmentally sensitive habitat areas (ESHA) as defined by Land Use Plan (LUP) Policy 6.A.6.b and Section 156.052(C)(1)(b) of the Coastal Zoning Regulations (CZR), and is subject to the protective measures prescribed in LUP Policies 6.A.1, 6.A.3, 6.A.7, 6.A.8, 6.A.19, and 6.A.20, and CZC Sections 156.052(D), (E), (O), and (P). LUP Policy 6.A.1 directs, in applicable part, that the City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological significance. LUP Policy 6.A.3 additionally provides that the biological productivity and the quality of wetlands and estuaries appropriate to maintain optimum populations of aquatic organisms be maintained and, where feasible, restored. LUP Policy 6.A.7 states in part, that ESHAs shall be protected against any significant disruption of their habitat values and that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas. LUP Policy 6.A.8 states that any development occurring within 250 feet of Natural Resource designated lands that has the potential to affect an environmentally sensitive habitat area, be factually found in conformity with the applicable habitat protection policies of the General Plan. LUP Policy 6.A.19 and CZR Section 156.052 (O) state in part, that the City shall require a buffer for permitted development adjacent to all ESHA, and that the minimum width of a buffer shall be 100 feet, unless the applicant demonstrates on the basis of site specific information that a smaller buffer will protect the resources of the habitat area. LUP Policy 6.A.20 and CZR Section 156.052(P) mandate that attractively designed and strategically located barriers and informational signs be incorporated into buffers for protecting urban wetlands against physical intrusion.

The development conditionally approved by the City entails construction of a new warehouse and watchman's quarters, described as entailing 2,858 square-feet of building envelope structural improvements, and comprising 3,582 square-feet of floor area. The approved site improvements would be developed forty feet from the wetlands on the western side of the property and less than five feet from the wetlands on the adjoining northern parcel. The proposed forty-foot-wide reduced width buffer area from the Clark Slough wetlands would be developed with a stormwater bio-retention cell and vegetated swale for treating stormwater runoff from the site. As the approved buffer would be less than the

mandated default 100-foot-width identified in LUP Policy 6.A.19 and CZR Section 156.052(O), the applicant must demonstrate that, on the basis of site-specific information, the type and scale of development, and with the inclusion of proposed mitigation, a smaller buffer would protect the resources of the habitat area. In making this case, the applicant's consultant, while acknowledging the apparent use of the adjoining Clark Slough a variety of resident and migratory bird species and aquatic fauna, emphasized the degraded current state of the slough, touting the purported benefits of the proposed five-foot-wide planted swale to attract and provide habitat to species where little opportunity is presently afforded. Implicit in the consultant's buffer adequacy analysis is the contention that the subject development site for the approved warehouse with the approved reduced-width buffer and inclusion of the bio-retention cell and planted swale: (1) would be an "in-fill" project that would not involve further encroachment into natural areas which are not currently otherwise developed; (2) is situated on a parcel with limited area for development such that some development must be authorized lest a uncompensated taking of property result; and (3) would provide a buffer where no buffer currently exists at the site. The City in approving the reduced-width buffer incorporated this rationale within its adopted findings for approval for the project, notwithstanding that: (1) the project is situated at the edge of a developed commercial-industrial district adjacent to an, albeit degraded, estuarine slough and large expanse of currently vacant, former railroad swithing yard containing a complex of freshwater wetlands, and is therefore not in-fill development; (2) the parcel has an existing economic use in the form of an existing 3,734 square-foot warehouse building and thus, reasonably, investment-backed economic use of the property would not be denied if no approval of the specific development was forthcoming; and (3) unimproved spatial buffers of 40 and 70-foot-wide exists on the parcel between the adjacent wetlands and development both on the subject parcel and the easterly adjoining parcel.

In authorizing the subject development project, the City did not substantively address the adequacy of the proposed less than 100-foot-wide buffer to protect the wetland ESHA resources within Clark Slough and the former railroad yard from quantifiable potential impacts from the approved development. For example, no specific analysis was developed as to the significance of the potential direct, indirect, or cumulative impacts to wetland habitat resources that could result from the development on the northerly wetlands, even though significant information is available in the form of the environmental impact report for the Marina Center development project. Moreover, no indication was given as to the degree of noise, light, and human disturbance that might result from the introduction of the watchman's quarters use, or to what degree entry into the reduced-width buffer for periodic maintenance would impact nearby habitat areas. Instead, the City concluded the adequacy of the reduced-width buffer based largely on a qualitative comparison of the environmental effects of the subject development against historic and current land uses in the project vicinity. In drawing these conclusions, no recognition was made of the adjacent site's current status as a reasonably foreseeable development project which has identified the creation of an 11-acre estuarine wetland restoration site as a onsite mitigation component, and the potential cumulative impacts the project might have in frustrarting the establishment of habitat values therein. Neither was the significance of the project site's location and configuration discussed, especially being sited adjacent to two different types of wetlands, marine and terrestrial based, where such convergence would cause the habitat resources within the adjoining areas to possibly be of higher ecologic value and therefore more sensitive impacts from adjacent development than would be experienced in a one adjacent wetland setting.

Moreover, no investigation was made in terms of the inclusion of mitigation in the form of project alternatives. No discussion was included as to the continued use of the existing warehouse on the site with no further development of a second warehouse unit, effectively a "no project" alternative. Similarly, a reduced size warehouse configuration or the possibility of obtaining a side yard setback

variance, were not investigated. Consequently, contemporary site-specific information unique to the project site and its surroundings, and the type and scale of the development were not fully considered in the concluded adequacy of the proposed reduced-width buffer to protect the resources of the habitat area, contrary to LUP Policy 6.A.19 and CZR Section 156.052(O).

In authorizing the subject development, the City did not fully comply with the procedures of LUP Policy 6.A.24 for addressing the adequacy of the proposed reduced-width buffer for protecting the adjoining habitat resources within either Clark Slough or the former railyard. LUP Policy 6.A.24 directs that, in cases where there is a question regarding buffer requirements, the City is to transmit the information provided by the applicant regarding environmental conditions, potential project impacts, and/or a given proposed buffer, to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department are then to be immediately sent to the applicant for his or her response. Other than the citing of letter from the Department regarding the nature of the environmental document review fee, there is no evidence in the notice of final action that the City provided information to, received comments from, and responded to the CDFG regarding the project layout and the adequacy of the proposed 0- to 40-foot reduced buffer width at the site. Therefore, the project as approved by the City is inconsistent with LUP Policy 6.A.24.

Without: (1) a factual demonstration that the 0- to 40-foot-wide spatial separation between the approved site improvements and the adjacent emergent estuarine and palustrine wetlands, with the inclusion of on-site stormwater runoff collection, conveyance, and treatment facilities would adequately protect the resources of the adjacent wetlands and watercourse, and prevent impacts that would significantly degrade such areas; and (2) consideration of comments received from requisite interagency project referral transmittals, the project as approved is inconsistent with the certified LCP, including, but not limited to, LUP Policies 6.A1, 6.A.3, 6.A.7, 6.A.8, 6.A.19, & 6.A.20, and Sections 156.052(D), (E), and (O), 156.056(E), and 156.107 of the City's certified Coastal Zoning Regulations.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Signature on File
Appellant or Agent

Date: October 22, 2009

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signature on File

Signature of Appellant(s) or Authorized Agent

Date: October 22, 2009

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

_____
Signature of Appellant(s)

Date: _____

CITY OF EUREKA
COMMUNITY DEVELOPMENT DEPARTMENT
Kevin R. Hamblin, AICP, Director
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • Fx (707) 441-4202
planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

October 7, 2009

Robert Merrill
Executive Director, North Coast District
California Coastal Commission
710 E Street, Suite 200
Eureka, CA 95501

Certified mail article number: 7007 3020 0003 2837 5870

Subject: **NOTICE OF FINAL CITY OF EUREKA ACTION ON COASTAL PERMIT, COASTAL PERMIT AMENDMENT, OR COASTAL PERMIT EXTENSION APPLICATION**

Dear Mr. Merrill:

Please note the following **Final City of Eureka Action** on a coastal permit, coastal permit amendment, or coastal permit extension application (all local appeals have been exhausted for this matter):

PROJECT INFORMATION

Project Title: ***Colburn Warehouse Addition***

Project Applicant: Robert Colburn **Case No**: CDP-06-0012

Project Location: 722 W. Washington Street; APN 003-111-006

Zoning & General Plan Designation: Limited Industrial

Project Description: Mr. Colburn is requesting approval of a coastal development permit for the construction of new approx. 3,582 square foot metal warehouse that includes an approximately 725 square foot watchman's quarters on the mezzanine level. The new warehouse would be located in the northeast corner of the property behind the existing building. The project site is located in the coastal zone in the City's primary permit jurisdiction.

Date of Project Application: September 20, 2006

Staff Contact: Kristen M. Goetz, Assistant Planner; City of Eureka, Community Development Department; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4166, fax: (707) 441-4202, email: kgoetz@ci.eureka.ca.gov

Environmental: The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. A draft Mitigated Negative Declaration and initial study were prepared and circulated for review as required by CEQA, including circulation through the State Clearinghouse (SCH# 2009082018). The mitigated negative declaration concludes that, with mitigation, no substantial adverse environmental impact or hazard to public safety will result from the proposed project.

Applicant/Agent Contact Information: Mark Gaxiola, Matson & Vallerga Architects, 3234 T Street, Eureka, CA 95503

FINAL ACTION INFORMATION

Final Action was Taken on: October 6, 2009

Final Action Body: ☐ Zoning Administrator ☑ City Council

Final Action Taken: ☐ Approved ☑ Approved with Conditions ☐ Denied

Final Appeal Status: ☑ The action was not ~~appealed~~/appealable at the local level.

☐ The action of the City of Eureka is ***not appealable*** to the Coastal Commission; the City of Eureka's Final Action is now effective.

☑ The action of the City of Eureka is ***appealable*** to the Coastal Commission pursuant to Public Resources Code, Section 3063. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission North Coast District Office in Eureka, CA; there is no fee for such an appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the North Coast Office at 710 "E" Street, Suite 200, Eureka, CA; (707) 445-7833

Kevin R. Hamblin

Kevin R. Hamblin, AICP
Director of Community Development
City of Eureka

Attachments: Staff Report including Findings of Fact and Conditions of Approval.

cc w/o attachments: City Manager
Public Works/Building Department
Engineering Department
Engineering – Traffic
Agent
Owner
All other persons requesting such notice

AGENDA SUMMARY

RE:	Colburn Warehouse Addition; 722 W. Washington Street; APN 003-111-006	For Agenda Date: October 6, 2009 Agenda Item No.:

RECOMMENDATION:

1. Hold a Public Hearing;
2. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and
3. Adopt the Findings of Fact as described in Exhibit 'A'; and
4. Approve the Coastal Development Permit subject to the Conditions of Approval and Mitigation Measures listed in Exhibit 'B'.

SUMMARY OF THE ISSUE:

The applicant is requesting approval of a Coastal Development Permit for the construction of a new, 2,858± square foot metal warehouse that includes a mezzanine level with a 725± square foot watchman's quarters. The new warehouse will be located in the northeast corner of the property behind the existing warehouse/office building. The project site is located in the Coastal Zone and a Coastal Development Permit is required. The City's final action on the Coastal Development Permit is appealable to the California Coastal Commission.

(continued on next page...)

FISCAL IMPACT: No impacts to the City General Fund have been identified as a result of this project application.

DH SIGN: Kevin R. Hamblin
Kevin R. Hamblin
Director of Community Development

CM SIGN:
David W. Tyson
City Manager

REVIEWED BY:	DATE:	INITIALS:
City Attorney	9-30-09	SS
Building	9/28/09	~~SR~~ JF
Engineering	9/24/09	RG
Fire	9/25/09	ES
Public Works	9/30/09	MK

COUNCIL ACTION:

Ordinance No. _____ Resolution No. _____

BACKGROUND:

The subject property is located in the city limits of Eureka on the north side of West Washington Street and east of the northerly extension of Koster Street; it is zoned for and is currently used for industrial purposes. Elevation at the site is approximately 10 feet above Mean Sea Level (MSL). The southern half of the project site is developed with a 3,734 sq. ft. building and a 6 space paved parking lot. The northern half of the parcel is an undeveloped open compacted gravel area where the proposed 2,858 square foot warehouse would be located. Habitat at the site is disturbed and is dominated by ruderal species, which are plant species that often grow where the original vegetation has been disturbed. Vegetation in the gravel area and along the boundary of the site consists of pampas grass (*Cortaderia jubata*), fennel (*Foeniculum vulgare*), English daisy (*Bellis perennis*), clovers (*Trifolium* spp.), and various grass species. No sensitive habitats, such as ESHA, are located on the subject parcel.

The subject property is one of a number of industrial properties that are bounded by the northerly extension of Koster Street and Broadway, and West Washington Street and the "Balloon Track" property to the north. A recently released Draft Environmental Impact Report for proposed development on the Balloon Track property identifies wetlands/ESHA on the Balloon Track property within 100 feet of these industrial properties. The subject property being the most westerly of these industrial properties shares its west and north property lines with the "Balloon Track" property. The most prominent ESHA feature in proximity to the subject property is the Clark Slough.

Habitat within Clark Slough has been degraded over the years from development along the waterfront area of Eureka, such as road construction and culvert placement. Clark Slough enters Humboldt Bay approximately 1,000 feet north of the project site, adjacent to the Wharfinger Building (1 Marina Way, Eureka). One of the Clark Slough culverts is located on the Balloon Track to the north of the project site, and the other is on the west side of Waterfront Drive, just before Clark Slough enters Humboldt Bay. Several feet of riprap line the bank of the slough. Clark Slough is tidally influenced. Species that may occur in Clark Slough include Dungeness crab, stickleback, sculpin, and various invertebrates. Vegetation along the slough includes a mix of salt marsh and ruderal species such as, dense flowered cordgrass (*Spartina densiflora*), pickleweed (*Salicornia virginica*), saltgrass (*Distichlis spicata*), Himalayan berry (*Rubus discolor*), common reed (*Phragmites australis*), pampas grass, and fennel.

Currently, there is no buffer between the on-site developed areas and the Clark Slough ESHA. The existing on-site office building is setback approximately 40 feet from Clark Slough, and the existing edge of pavement on the west side of the parcel currently extends to the property line adjacent to the Clark Slough ESHA. Draining from the site enters Clark Slough and a storm water inlet located off site on West Washington Street. Under the current site configuration, there is no gradual transition between the on-site developed/disturbed areas and the Clark Slough ESHA. There is also no wildlife habitat located on site, suggesting there is no difference in the habitat values associated with the developed and undeveloped portions of the site.

RE: Colburn Warehouse Addition; 722 W. Washington Street; APN 003-111-006

For Agenda Date: October 6, 2009

DISCUSSION AND ANALYSIS:

Eureka Municipal Code § 156.107, specifies that a Coastal Development Permit shall only be approved upon making the finding that the proposed development conforms to the policies of the adopted and certified Local Coastal Program. The Local Coastal Program is divided into two components; the Land Use Plan, which is the relevant portion of the adopted General Plan; and the Implementation Plan, which includes the zoning regulations.

LAND USE PLAN:

The Land Use Plan (LUP) contains goals, policies, standards, implementation programs, and quantified objectives that constitute the formal policy of the City of Eureka for land use, development, and environmental quality. The LUP is divided into eight sections:

Section 1 Land Use and Community Design
Section 2 Housing
Section 3 Transportation and Circulation
Section 4 Public Facilities and Services
Section 5 Recreational and Cultural Resources
Section 6 Natural Resources
Section 7 Health and Safety
Section 8 Administration & Implementation

Each element and the applicable goals and policies within that element are discussed below.

Section 1 Land Use and Community Design

This section contains diagrams, designations, standards, goals, policies, and programs that set the basic framework to guide the type, location, intensity, and quality of future development and the protection of Eureka's natural and built environment. The subject property is designated Light Industrial under the adopted Land Use Plan. The Light Industrial plan designation provides for lower-intensity industrial development that has minimal affects on nearby commercial and residential uses. These uses include light manufacturing, warehouses, industrial parks, existing offices, and research and development operations.

Consistent with policy 1.A.1, the proposed warehouse addition will be constructed on a vacant portion of a property behind an existing warehouse/office building. The construction of the bioretention cell at the northwest corner of the property and the installation of the vegetative swale along the west side of the property will conserve the natural environment, and protect the ecological balance of the coastal zone as well as preventing its deterioration and destruction, which is consistent with policy 1.A.4.

Applicable Land Use and Community Design LUP Policies:

1.A.1 The City shall encourage infilling of vacant urban land and reuse of underutilized urban land within the Planning Area as its first priority of accommodating demand for growth.

1.A.4 To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

Section 2 Housing
This section contains diagrams, designations, standards, goals, policies, and programs that set the basic framework for housing production, location and programs. The mezzanine level will contain an approximate 725 square foot watchman's quarters. Locating the watchman's quarters on the property will reduce the number of vehicle trips, and therefore the vehicle-miles traveled (VMT), since the watchman will not be required to drive to work. Reduced VMT will also reduce greenhouse gas emissions. Additionally, the watchman's quarters will provide added security for both the property and a historically problematic area of the City.

Section 3 Transportation and Circulation
This section contains diagrams, goals, policies, and implementation programs that establish the framework for continued expansion of Eureka's transportation system. The property is already developed with a warehouse/office use and construction of the proposed warehouse will not substantially increase the number, rate or flow of traffic entering or exiting the site, or on surrounding streets. The applicant proposes parking spaces meeting the minimum requirements as prescribed in the Eureka Municipal Code. The project will not impact air traffic, and will not require or impact alternative transportation.

Section 4 Public Facilities and Services
This section contains goals, policies, and programs that set the framework for provision of public facilities and services to meet the demand created by existing and future development in Eureka. The project will not require any new or physically altered governmental services and will not facilitate the need for such services on a permanent basis.

Section 5 Recreation and Cultural Resources
This section contains goals, policies, and programs that establish the framework for the provision of recreational opportunities to Eureka residents and visitors and the preservation, protection, and enhancement of cultural resources in the Eureka area. The project site is planned and zoned for light industrial development and is not appropriate for public recreation.

Section 6 Natural Resources
This section contains goals, policies, and programs that establish the framework for the protection of the valuable natural resources of the Eureka area.

According to the Buffer Reduction Request dated January 20, 2009, "The proposed development will be structured in such a way that pre-development conditions will be altered only to promote proper management of stormwater runoff and the enhancement of the ESHA. Currently, the site has existing development and there is no ecological value present in the developed or undeveloped

portions of the site. The project will not impact the Clark Slough ESHA; instead, it will improve the quality and quantity of habitat available by adding habitat to the existing property that does not currently exist, and providing a buffer that does not currently exist between the development on the property and the Clark Slough ESHA. The site is severely degraded from anthropogenic disturbances and any enhancements would be beneficial.

The reduced buffer width will incorporate habitat and stormwater management features that are currently lacking at the site. The proposed planting plan and BMPs will provide a functional buffer that will reduce the defined line of development, in turn creating a transition habitat between the Clark Slough ESHA and the proposed development. Habitat components provided by the buffer including plant species diversity, structural and vegetation community complexity, and wildlife habitat. It is our professional judgment that the reduced 40-foot buffer as proposed will fulfill its function as an effective buffer and proposed site enhancements will establish lasting ecological benefits, especially in comparison to existing site conditions."

Therefore, the construction of the bioretention cell at the northwest corner of the property, and the installation of the vegetative swale on the west side of the property will protect the environmentally sensitive habitat areas identified in policy 6.A.6 and as stated in policy 6.A.7, and provide a reduced buffer as stated in policy 6.A.19.

Applicable Natural Resources LUP Policies

6.A.6 The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:

a. Rivers, creeks, sloughs, gulches and associated riparian habitats, including but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Slough, Third Slough, Martin Slough, Ryan Slough, Swain Slough, and Elk River.

b. Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.

c. Indian Island, Daby Island, and the Woodley Island wildlife area.

d. Other unique habitat areas, such as waterbird rookeries, and habitat for all rare or endangered species on state or federal lists.

e. Grazed or farmed wetlands (i.e., diked former tidelands).

6.A.7 Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

6.A.19 The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.

Section 7 Health and Safety

This section contains goals, policies, and programs intended to protect Eureka residents, businesses, and visitors from the harmful effects of natural and man-made hazards. The project as proposed will not impact the public health and safety.

Section 8 Administration and Implementation

This section contains goals, policies, and programs to ensure that the City of Eureka maintains a high level of attention to the General Plan by providing for routine review and update of the Policy Documents and Background Report and ensuring that other City regulations and ordinances are consistent with the Plan. The proposed warehouse addition will not require modification or revision to the adopted General Plan.

IMPLEMENTATION PLAN

The Implementation Plan includes zoning regulations, the zoning map and specific coastal zone ordinances that implement the policies of the LUP. The site is zoned Light Industrial. The proposed warehouse addition, along with the installation of the bioretention cell and vegetative swale, will protect and enhance the environmentally sensitive habitat area adjacent to the property, provide jobs, and is consistent with the objectives and purposes of the Implementation Plan portion of the adopted and certified LCP (Eureka Municipal Code § 156.002) as listed below.

(A) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources.

(B) Assure orderly, balanced utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of this city, the region, state, and nation.

(C) Maximize public access to and along the Humboldt Bay shoreline, and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(D) Assure priority for coastal-dependent and coastal-related development over other developments on the shoreline.

(E) Provide a definite plan for development so as to guide the future growth of the city within the coastal zone.

(F) Protect the social and economic character and stability of residential, commercial, agricultural and industrial areas within the city.

EUREKA CITY COUNCIL STRATEGIC VISIONING

To assist the city in addressing future challenges the City Council of the City of Eureka developed the five-year Strategic Visioning Plan. The Strategic Visioning Plan identifies the City of Eureka as having a resilient, diversified economy and that it is the leader in the economic development of the region. Further, the Strategic Visioning Plan states that healthy economic activity supports the lives of city residents, and encourages our children to stay in the region.

The proposed warehouse addition will provide jobs during the construction phase of the project, as well as once the warehouse becomes operational, and therefore is consistent with the five year Strategic Visioning Plan.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. A draft Mitigated Negative Declaration and initial study were prepared and circulated for review as required by CEQA, including circulation through the State Clearinghouse (SCH# 2009082018). The mitigated negative declaration concludes that, with mitigation, no substantial adverse environmental impact or hazard to public safety will result from the proposed project.

Included in the Attachments is the Mitigation Monitoring and Reporting Plan (MMRP) required by CEQA. It is recommended that the City Council adopt the MMRP when the mitigated negative declaration is adopted.

SUMMARY AND CONCLUSION:

In order to approve the Coastal Development Permit, the City Council must find that the project is in conformance with the adopted and certified Local Coastal Program. Based on the discussion above Staff believes that such a finding can be made. Therefore, Staff recommends that the City Council adopt the Findings of Fact listed in Exhibit 'A,' adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) and approve the Coastal Development Permit subject to the conditions of approval and mitigation measures listed in Exhibit "B". The City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.

RECOMMENDED MOTION:

RE: Colburn Warehouse Addition; 722 W. Washington Street; APN 003-111-006

For Agenda Date: October 6, 2009

"I move that the City Council adopt the Findings of Fact listed in Exhibit 'A' and that we adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, and that we approve the Coastal Development Permit for the Colburn Warehouse Addition project subject to the Conditions of Approval and Mitigation Measures listed in Exhibit "B"."

ATTACHMENTS:

RE: Colburn Warehouse Addition; 722 W. Washington Street; APN 003-111-006

For Agenda Date: October 6, 2009

Exhibit "A"

FINDINGS OF FACT

The decision of the City Council to approve the Coastal Development Permit for the Colburn Warehouse Addition project was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing, the staff report, site investigation(s), agency comments, project file, and, the evidence submitted with the permit application.

The findings of fact listed below "bridge the analytical gap" between the raw evidence in the record and the City Council's decision.

1. Consistent with the City of Eureka's General Plan policy 1.A.1, the proposed warehouse addition will be constructed on a vacant portion of a property behind an existing warehouse/office building. The construction of the bioretention cell at the northwest corner of the property and the installation of the vegetative swale along the west side of the property will conserve the natural environment, and protect the ecological balance of the coastal zone as well as preventing its deterioration and destruction, which is consistent with General Plan policy 1.A.4.

2. The mezzanine level will contain an approximate 725 square foot watchman's quarters. Locating the watchman's quarters on the property will reduce the number of vehicle trips, and therefore the vehicle-miles traveled (VMT), since the watchman will not be required to drive to work. Reduced VMT will also reduce greenhouse gas emissions. Additionally, the watchman's quarters will provide added security for both the property and a historically problematic area of the City.

3. The proposed warehouse will not substantially increase the number, rate or flow of traffic entering or exiting the site, or on surrounding streets. Parking spaces which meet the minimum requirements as prescribed in the Eureka Municipal Code will be provided. The project will not impact air traffic, and will not require or impact alternative transportation.

4. The project will not require any new or physically altered governmental services and will not facilitate the need for such services on a permanent basis.

5. The project site is planned and zoned for light industrial development and is not appropriate for public recreation in the Coastal zone.

6. The construction of the bioretention cell at the northwest corner of the property, and the installation of the vegetative swale on the west side of the property will protect the environmentally sensitive habitat areas identified in General Plan policy 6.A.6 and as stated in policy 6.A.7, and provide a reduced buffer as stated in policy 6.A.19.

7. The project as proposed will not impact the public health and safety.

8. The proposed warehouse addition does not require modification or revision to the adopted General Plan.

9. The proposed warehouse addition, along with the installation of the bioretention cell and vegetative swale, will protect and enhance the environmentally sensitive habitat area adjacent to the property, provide jobs, and is consistent with the objectives and purposes of the Implementation Plan portion of the adopted and certified LCP (Eureka Municipal Code § 156.002).

10. The proposed warehouse addition will provide jobs during the construction phase of the project, as well as once the warehouse becomes operational, and therefore is consistent with the five-year Strategic Visioning Plan.

11. The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. A draft Mitigated Negative Declaration and initial study were prepared and circulated for review as required by CEQA, including circulation through the State Clearinghouse (SCH# 2009082018). The mitigated negative declaration concludes that, with mitigation, no substantial adverse environmental impact or hazard to public safety will result from the proposed project.

Exhibit "B"

CONDITIONS OF APPROVAL
ADOPTED MITIGATION MEASURES

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

CONDITIONS OF APPROVAL

1. The applicant shall show on the Building Plans, and maintain in the field at least 10 feet of clearance between any structures and underground utilities to the satisfaction of Pacific Gas and Electric.

2. Obtain building permits, inspections and Certificate of Occupancy for the warehouse addition, and upgrading of fire resistive construction for the existing warehouse, if necessary, to the satisfaction of the Building, Fire, Engineering, Public Works, and Community Development Departments.

3. Prior to Building Permit issuance, Design Review approval shall be obtained for the construction of the warehouse addition, to the satisfaction of the Community Development Department.

4. The issuance of this permit does not obviate the need for permits or authorizations from all Federal, State and local agencies with jurisdiction over this project. It is the applicant's responsibility to identify and coordinate with all appropriate Federal, State and local agencies with potential jurisdiction over this project, including but not limited to the North Coast Regional Water Quality Control Board, California Coastal Commission, and Army Corps of Engineers.

MITIGATION MEASURES

Mitigation Measure I-1: Any and all exterior lighting shall be located and shielded such that no light or glare extends beyond the property line. In addition, the illuminated portion of the light fixture or lens shall not extend below or beyond the canister or light shield. Exterior lighting shall also comply with §21466.5 of the State of California Vehicle Code. The location of all exterior lights shall be shown on a site plan submitted to and approved by the Design Review Committee. In addition, the applicant shall submit specifications for the exterior lights to the Design Review Committee for review and approval, including a picture or diagram showing the cross section of the light and illustrating that the illuminated portion of the fixture/lens does not extend beyond the shield.

Mitigation Measure III-1: The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust;

and (2) the use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

Mitigation Measure IV-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.

Mitigation Measure IV-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.

Mitigation Measure IV-3. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure IV-4. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.

Mitigation Measure V-1. In the event any paleontological, archaeological, ethnic, or religious resource(s) are encountered during grading or construction-related activities, in compliance with state and federal law all work within 100 feet of the resources shall be halted and the project applicant shall consult with a qualified cultural resources specialist and/or archaeologist to assess the significance of the find and formulate further mitigation. This would include coordination with the Native American Heritage Commission. The Native American Heritage Commission will contact the Wiyot Tribe, as deemed necessary, to assist in assessing the significance of any find. If any find is determined to be of significance, representative(s) of the project applicant, City of Eureka, Wiyot Tribe, and a qualified archaeologist would meet to determine the appropriate course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work will cease and the County coroner will be contacted. The County coroner and Native American Heritage Commission will be charged with determining if the human remains are of Native American origin.

Mitigation Measure VIII-1. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools.

Mitigation Measure VIII-2. During project construction, if there is any evidence that indicates contaminated soils are present on the site, either from visual observations or odors indicative of

regulated substances, the applicant shall be responsible for performing soil sample analyses. The findings of the survey shall be submitted, as applicable, to the RWQCB, DTSC, and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils to the satisfaction of the applicable agencies.

Mitigation Measure IX-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicating on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.

Mitigation Measure IX-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.

Mitigation Measure IX-3. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.

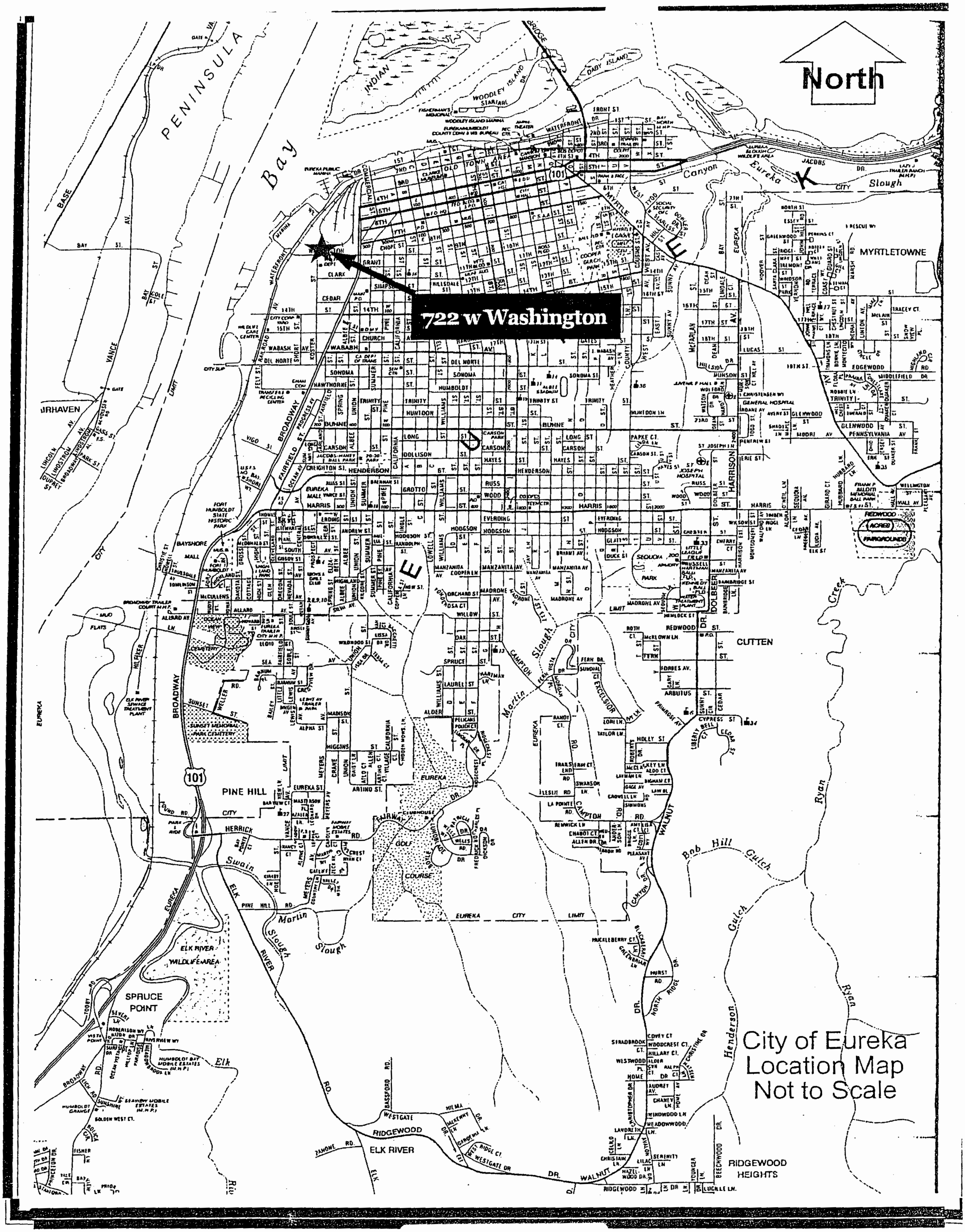
Mitigation Measure IX-4. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.

Mitigation Measure IX-5. The contractor shall implement best management practices (BMPs) as contained in the City of Eureka's Construction Best Management Practices (BMP) Manual dated March 2009, or other generally recognized stormwater BMP compilations as may be required.

Mitigation Measure IX-6. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure IX-7. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.

Mitigation Measure XII-1. Hours of construction activities shall be limited to daylight hours, generally from 8:00 a.m. to 5:00 p.m., Monday through Friday; the hours of construction may be increased with prior approval from the City based on an expressed need by the contractor.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CITY OF EUREKA

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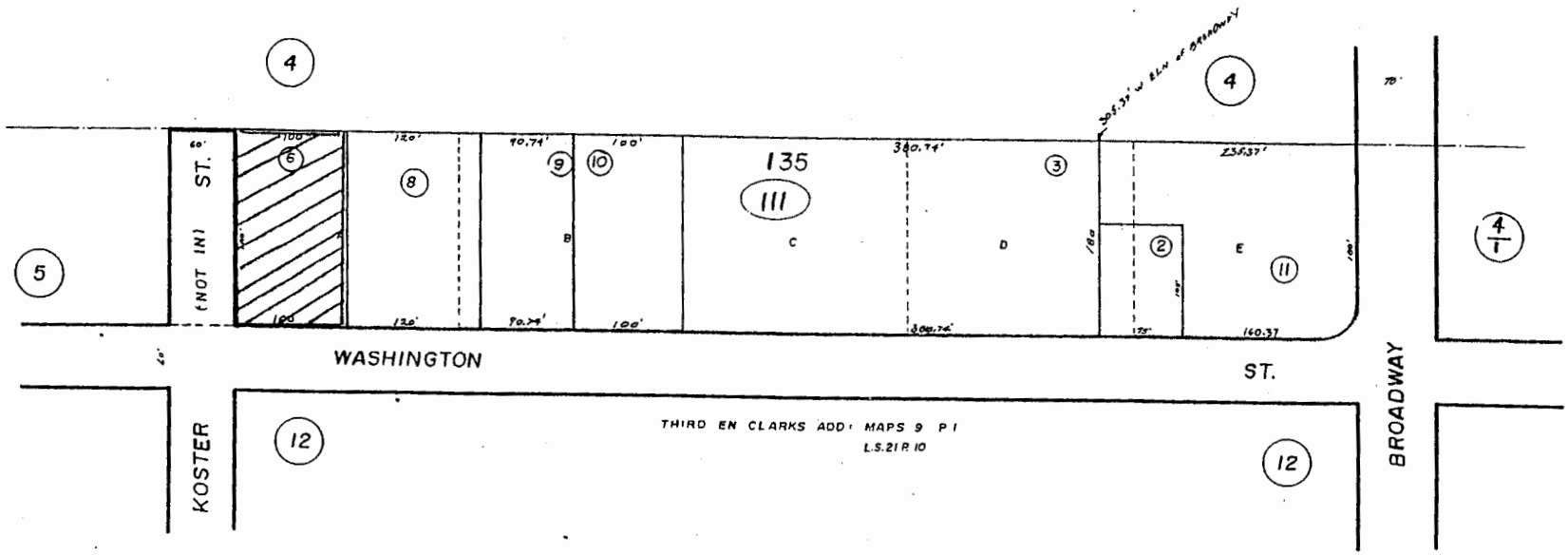

CEQA
MITIGATED NEGATIVE DECLARATION

CITY OF EUREKA

SCH #: 2009082018

PROJECT TITLE: ***Colburn Warehouse Addition***

PROJECT APPLICANT: **Robert Colburn**

CASE NO: CDP-06-0012

PROJECT LOCATION: 722 W. Washington Street: APN 003-111-006

ZONING & GENERAL PLAN DESIGNATION: Limited Industrial

PROJECT DESCRIPTION: The applicant is requesting approval of a coastal development permit for the construction of a new, approximately 2,858 square foot metal warehouse that includes a mezzanine level with an approximately 725 square foot watchman's quarters. The new warehouse would be located in the northeast corner of the property behind the existing warehouse/office building. The project site is located in the Coastal Zone and a Coastal Development Permit is required. The City's final action on the Coastal Development Permit is appealable to the California Coastal Commission.

LEAD AGENCY: City of Eureka, 531 "K" Street, Eureka, CA 95501-1165

CONTACT PERSON: Kristen M. Goetz, Assistant Planner; *phone*: (707) 441-4166; *fax*: (707) 441-4202; *e-mail*: kgoetz@ci.eureka.ca.gov

DATE OF PROJECT APPLICATION: September 20, 2006

DATE OF PROJECT APPROVAL: October 6, 2009

FINDINGS: This is to advise that on October 6, 2009, the City Council of the City of Eureka, as the Lead Agency, approved the project described above, and made the following determinations and findings regarding the project.

1. The City Council found that the proposed project will not have a significant effect on the environment.

2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. The City Council found that the Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.

4. The decision of the City Council to adopt the Mitigated Negative Declaration was based on the whole record before it (including the initial study and any comments received).

5. The City Council found that the Mitigated Negative Declaration reflects the City of Eureka's independent judgment and analysis.

6. Mitigation measures were made a condition of project approval.

7. A Statement of Overriding Considerations was not adopted for this project.

8. Findings were not made pursuant to the provisions of CEQA (CCR §15091)

9. The City Council adopted a program for reporting on or monitoring the changes which it either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

10. The City Council found that the project site is within two nautical miles of a public airport or public use airport but they determined that the project will not result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

This is to certify the City of Eureka, Community Development Department, City Clerk of the City of Eureka is the custodian of the documents or other material which constitute the record of proceedings upon which the City Council's decision was based; and that the Mitigated Negative Declaration and the record of project approval are available to the general public for review during regular office hours at the City of Eureka, Community Development Department, 3rd floor, 531 K Street, Eureka, CA 95501.

Kristen M. Goetz
Assistant Planner
City of Eureka

October 7, 2009
Date

CEQA
INITIAL STUDY

CITY OF EUREKA

PROJECT TITLE: ***Colburn Warehouse Addition***

PROJECT APPLICANT: Robert Colburn **CASE NO:** CDP-06-0012

PROJECT LOCATION: 722 W. Washington Street; APN 003-111-006

ZONING & GENERAL PLAN DESIGNATION: Limited Industrial

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LEAD AGENCY: City of Eureka, 531 "K" Street, Eureka, CA 95501-1165

CONTACT PERSON: Kristen M. Goetz, Assistant Planner; *phone*: (707) 441-4166; *fax*: (707) 441-4202; *e-mail*: kgoetz@ci.eureka.ca.gov

SURROUNDING LAND USES AND SETTING: The City of Eureka is a charter city located on Humboldt Bay, approximately 300 miles north of San Francisco and 100 miles south of the Oregon border. Initially founded in the spring of 1850, the City of Eureka was incorporated through a special act of the state legislature on April 18, 1856. The community was reincorporated as a City on February 19, 1874 and received a charter on February 8, 1895. As the county seat for the 572 square mile Humboldt County, Eureka is the center of business and government; the major industries include agriculture, fishing, and tourism. The average July maximum temperature is 61.6°F and the average January maximum temperature is 54.3°F. The average July minimum temperature is 52.3°F and the average January minimum temperature is 41.5°F. The average annual precipitation is 39.0 inches; the average annual snowfall is 0.3 inches.

Humboldt Bay is one of the largest bays on the Pacific Coast. Historically, the bay and associated wetlands covered approximately 27,000 acres (Springer, 1982). Diking, drainage and filling has reduced the effective bay area to approximately 13,000 acres. Humboldt Bay is located about 30 miles northeast of the junction of the Gorda, Pacific and North American crustal plates. Tectonic activity in the area is extremely high: the Gorda Plate is being subducted under the North American Plate, and large-scale tectonic motion has produced a number of northwest-southwest trending faults in the region. Uplifting and folding, differential motion at the various fault lines, and erosion have resulted in a complex pattern of geologic formations – the Franciscan, Hookton, Yager, and Wildcat – in the bay region (Barnhart et. al., 1992).

Local: The subject property is located in the city limits of Eureka on the north side of West Washington Street and east of the northerly extension of Koster Street; it is zoned for and is currently used for industrial purposes. Elevation at the site is approximately 10 feet above Mean Sea Level (MSL). The southern half of the project site is developed with a 3,734 sq. ft. building and a 6 space paved parking lot. The northern half of the parcel is an undeveloped open compacted gravel area where the proposed 2,858 square foot warehouse would be located. Habitat at the site is disturbed and is dominated by ruderal species. Vegetation in the gravel area and along the boundary of the site consists of pampas grass (*Cortaderia jubata*), fennel (*Foeniculum vulgare*), English daisy (*Bellis perennis*), clovers (*Trifolium* spp.), and various grass species. No sensitive habitats, such as ESHA, are located on the subject parcel.

The subject property is one of a number of industrial properties that are bounded by the northerly extension of Koster Street and Broadway, and West Washington Street and the "Balloon Track" property to the north. A recently released Draft Environmental Impact Report for proposed development on the Balloon Track property identifies wetlands/ESHA on the Balloon Track property within 100 feet of these industrial properties. The subject property being the most westerly of these industrial properties shares its west and north property lines with the "Balloon Track" property. The most prominent ESHA feature in proximity to the subject property is the Clark Slough.

Habitat within Clark Slough has been degraded over the years from development along the waterfront area of Eureka, such as road construction and culvert placement. Clark Slough enters Humboldt Bay approximately 1,000 feet north of the project site, adjacent to the Wharfinger Building (1 Marina Way, Eureka). One of the Clark Slough culverts is located on the Balloon Track to the north of the project site, and the other is on the west side of Waterfront Drive, just before Clark Slough enters Humboldt Bay. Several feet of riprap line the bank of the slough. Clark Slough is tidally influenced. Species that may occur in Clark Slough include Dungeness crab, stickleback, sculpin, and various invertebrates. Vegetation along the slough includes a mix of salt marsh and ruderal species such as, dense flowered cordgrass (*Spartina densiflora*), pickleweed (*Salicornia virginica*), saltgrass (*Distichlis spicata*), Himalayan berry (*Rubus discolor*), common reed (*Phragmites australis*), pampas grass, and fennel.

Currently, there is no buffer between the on-site developed areas and the Clark Slough ESHA. The existing on-site office building is setback approximately 40 feet from Clark Slough, and the existing edge of pavement on the west side of the parcel currently extends to the property line adjacent to the Clark Slough ESHA. Draining from the site enters Clark Slough and a storm water inlet located off site on West Washington Street. Under the current site configuration, there is no gradual transition between the on-site developed/disturbed areas and the Clark Slough ESHA. There is also no wildlife habitat located on site, suggesting there is no difference in the habitat values associated with the developed and undeveloped portions of the site.

OTHER PUBLIC AGENCIES WHOSE APPROVAL IS, OR MAY BE REQUIRED (e.g. permits, financing approval, or participation agreement.): Coastal Commission, North Coast Regional Water Quality Control Board

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Greenhouse Gas Emissions	☐ Population/Housing
☐ Agricultural & Forest Resources	☐ Hazards & Hazardous Materials	☐ Public Services
☐ Air Quality	☐ Hydrology/Water Quality	☐ Recreation

☐ Biological Resources	☐ Land Use Planning	☐ Transportation/Traffic
☐ Cultural Resources	☐ Mineral Resources	☐ Utility/Service Systems
☐ Geology/Soils	☐ Noise	☐ Mandatory Findings of Significance

DETERMINATION: On the basis of this initial evaluation:

☐ I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

☑ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

☐ I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

☐ I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kristen M. Goetz

Kristen M. Goetz
Assistant Planner, City of Eureka

August 7, 2009
Date

SUMMARY OF POTENTIAL PROJECT IMPACTS AND RECOMMENDED MITIGATION MEASURES: Below is a table that summarizes the impact potential for each category of impacts discussed and analyzed in this Initial Study and a list of mitigation measures that are recommended conditions of project approval.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. Aesthetics		✓		
II. Agricultural Resources				✓
III. Air Quality		✓		
IV. Biological		✓		
V. Cultural			✓	
VI. Geology and Soils			✓	
VII. Green House Gas Emissions			✓	
VIII. Hazards and Hazardous Materials			✓	
IX. Hydrology and Water Quality		✓		
X. Land Use and Planning			✓	
XI. Mineral Resources				✓
XII. Noise		✓		
XIII. Population			✓	
XIV. Public Services			✓	
XV. Recreation				✓
XVI. Transportation and Traffic			✓	
XVII. Utilities & Service Systems			✓	
XVIII. Mandatory Findings of Significance				

I. Aesthetics

Mitigation Measure I-1: Any and all exterior lighting shall be located and shielded such that no light or glare extends beyond the property line. In addition, the illuminated portion of the light fixture or lens shall not extend below or beyond the canister or light shield. Exterior lighting shall also comply with §21466.5 of the State of California Vehicle Code. The location of all exterior lights shall be shown on a site plan submitted to and approved by the Design Review Committee. In addition, the applicant shall submit specifications for the exterior lights to the Design Review Committee for review and approval, including a picture or diagram showing the cross section of the light and illustrating that the illuminated portion of the fixture/lens does not extend beyond the shield.

II. Agricultural Resources

None

III. Air Quality

Mitigation Measure III-1: The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) the use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

IV. Biological Resources

Mitigation Measure IV-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.

Mitigation Measure IV-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.

Mitigation Measure IV-3. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure IV-4. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.

V. Cultural Resources

Mitigation Measure V-1. In the event any paleontological, archaeological, ethnic, or religious resource(s) are encountered during grading or construction-related activities, in compliance with state and federal law all work within 100 feet of the resources shall be halted and the project applicant shall consult with a qualified cultural resources specialist and/or archaeologist to assess the significance of the find and formulate further mitigation. This would include coordination with the Native American Heritage Commission. The Native American Heritage Commission will contact the Wiyot Tribe, as deemed necessary, to assist in assessing the significance of any find. If any find is determined to be of significance, representative(s) of the project applicant, City of Eureka, Wiyot Tribe, and a qualified archaeologist would meet to determine the appropriate course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work will cease and the County coroner will be contacted. The County coroner and Native American Heritage Commission will be charged with determining if the human remains are of Native American origin.

VI. Geology and Soils

None

VII. Greenhouse Gas Emissions

None

VIII. Hazards and Hazardous Materials

Mitigation Measure VIII-1. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools.

Mitigation Measure VIII-2. During project construction, if there is any evidence that

indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the applicant shall be responsible for performing soil sample analyses. The findings of the survey shall be submitted, as applicable, to the RWQCB, DTSC, and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils to the satisfaction of the applicable agencies.

IX. Hydrology and Water Quality

Mitigation Measure IX-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicating on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.

Mitigation Measure IX-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.

Mitigation Measure IX-3. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.

Mitigation Measure IX-4. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.

Mitigation Measure IX-5. The contractor shall implement best management practices (BMPs) as contained in the City of Eureka's Construction Best Management Practices (BMP) Manual dated March 2009, or other generally recognized stormwater BMP compilations as may be required.

Mitigation Measure IX-6. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure IX-7. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.

X. Land Use and Planning

None

XI. Mineral Resources

None

XII. Noise

Mitigation Measure XII-1. Hours of construction activities shall be limited to daylight hours, generally from 8:00 a.m. to 5:00 p.m., Monday through Friday; the hours of construction may be increased with prior approval from the City based on an expressed need by the contractor.

XIII. Population

None

XIV. Public Services

None

XV. Recreation

None

XVI. Transportation and Traffic

None

XVII. Utilities and Service Systems

None

CHECKLIST AND EVALUATION OF ENVIRONMENTAL IMPACTS: An explanation for all checklist responses is included, and all answers take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the **CHECKLIST** the following definitions are used:

"**Potentially Significant Impact**" means there is substantial evidence that an effect may be significant.

"**Potentially Significant Unless Mitigation Incorporated**" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"**Less Than Significant Impact**" means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.

"**No Impact**" means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the project.

I. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				✓
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?		✓		

THRESHOLDS OF SIGNIFICANCE:
This Initial Study considers whether the proposed project may have any significant effect on visual aesthetics because of: (a) the short-term or long-term presence of project-related equipment or structures; (b) project-related changes in the visual character of the project area that may be perceived by residents or visitors as a detraction from the visual character of the project area; (c) permanent changes in physical features that would result in the effective elimination of key elements of the visual character of the project area near a state scenic highway; or (d) the presence of short-term, long-term, or continuous light which would detract from the project area that is otherwise generally dark at night or that is subject to minimal artificial light.

DISCUSSION:
The long term visual impact would be the construction of a new building on the property. The new building would be located behind the existing building and would be slightly smaller in size than the existing building.

There are no officially designated California Scenic Highway segments in Humboldt County; therefore, the project would not substantially damage any scenic resources within a State scenic highway.

The Eureka Municipal Code [(§ 156.054 (D)], states that local scenic routes in the coastal zone shall be as depicted on the map "Eureka Scenic Routes" contained in the Scenic Route Element of the

Eureka General Plan (City of Eureka, 1966). The scenic routes map of the 1977 Eureka General Plan shows a scenic route along the then-planned downtown freeway bypass that was subsequently rejected (City of Eureka, 1977). Highway 101, in its present location, is not identified as a scenic route. It appears that Waterfront Drive from about Marina Way eastward is designated as a scenic route. Therefore, the project would not impact a scenic route.

For purposes of this Initial Study, light is defined as illumination from a direct source, such as a street light or vehicle headlights; glare is defined as indirect illumination such as light reflected off of a building's windows.

New sources of light may include interior building lights, additional security lighting, new parking lot lighting, or other accent lighting.

To reduce potential adverse impacts resulting from the introduction of new light and glare, the project would be permitted reasonable use of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night. This would be accomplished by mitigation that would minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary.

FINDINGS:
With the mitigation described below, it is concluded that the proposed project:

- will not result in a significant adverse impact on any scenic vista or resource;
- will not result in a substantial degradation to the existing visual character or quality of the site and its surroundings;
- will not create a new source of substantial light or glare.

MITIGATION MEASURES:
Mitigation Measure I-1: Any and all exterior lighting shall be located and shielded such that no light or glare extends beyond the property line. In addition, the illuminated portion of the light fixture or lens shall not extend below or beyond the canister or light shield. Exterior lighting shall also comply with §21466.5 of the State of California Vehicle Code. The location of all exterior lights shall be shown on a site plan submitted to and approved by the Design Review Committee. In addition, the applicant shall submit specifications for the exterior lights to the Design Review Committee for review and approval, including a picture or diagram showing the cross section of the light and illustrating that the illuminated portion of the fixture/lens does not extend beyond the shield.

II. AGRICULTURE & FOREST RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				✓
d) Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?				✓

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would: (a) change the availability or use of agriculturally important land areas designated under one or more of the programs above; (b) cause or promote changes in land use regulation that would adversely affect agricultural activities in lands zoned for those uses, particularly lands designated as Agriculture Exclusive or under Williamson Act Contracts; or (c) change the availability or use of agriculturally important land areas for agricultural purposes.

DISCUSSION:

The project site has no farmlands. There is no agricultural land or agricultural zoning, nor lands of a size and soil composition suitable for agricultural production, at or near the project site. There is no timber harvesting in the vicinity of the project, nor are there lands suitable for timber harvesting, therefore the project will not encroach upon or affect timber harvesting.

FINDINGS:

The project will have no impact on agricultural resources.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				✓
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			✓	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			✓	
d) Expose sensitive receptors to substantial pollutant concentrations?		✓		
e) Create objectionable odors affecting a substantial number of people?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would (a) directly interfere with the attainment of long-term air quality objectives identified by the North Coast Unified Air Quality Management District; (b) contribute pollutants that would violate an existing air quality standard, or contribute to a non-attainment of air quality objectives in the project's air basin; (c) produce pollutants that would contribute as part of a cumulative effect to non-attainment for any priority pollutant; (d) produce pollutant loading near identified sensitive receptors that would cause locally significant air quality impacts; or (e) release odors that would affect a number of receptors.

DISCUSSION:

The North Coast Unified Air Quality Management District (NCUAQMD) is responsible for monitoring and enforcing local and state air quality standards. Air quality standards are set for emissions that may include, but are not limited to: visible emissions, particulate matter, and, fugitive dust. Pursuant to Air Quality Regulation 1, Chapter IV, Rule 400 – *General Limitations*, a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.

Visible emissions include emissions that are visible to the naked eye, such as smoke from a fire. The project does not involve any visible emissions.

With regard to particulate matter, all of Humboldt County has been designated by the California State Air Quality Board as being in "non-attainment" for PM-10 air emissions. PM-10 air emissions include chemical emissions and other inhalable particulate matter with an aerodynamic diameter of less than 10 microns. PM-10 emissions include smoke from wood stoves and airborne salts and other particulate matter naturally generated by ocean surf. Because, in part, of the large number of wood stoves in Humboldt County and because of the generally heavy surf and high winds common to this area, Humboldt County has exceeded the state standard for PM-10 air emissions. Therefore, any use or activity that generates unnecessary airborne particulate matter may be of concern to the NCUAQMD.

The proposed project has the potential for release of fugitive dust and particulate matter during the proposed construction process. However, construction emissions will be limited in scope and

duration, thus contributing to the minimization of air quality impacts. To further reduce the potential impacts to air quality to a level judged to be below the threshold of significance, a mitigation measure has been included that requires the construction contractor to operate in accordance with Air Quality Regulation 1, Chapter IV, which will reduce potential fugitive dust emission impacts. Compliance is required by law without the required mitigation, but inclusion of the requirement as a mitigation measure highlights the need for compliance.

Regarding sensitive receptors being impacted by pollutant concentrations, the closest "sensitive receptors" are located within Maurer/Palco Marsh, which is located adjacent to the project site. However, as discussed above, the project will not result in such levels of concentrations of pollutants so as to have an adverse impact on the surrounding area or to substantially increase existing air quality impacts. Therefore, the project will not result in substantial air quality impacts on or to sensitive receptors.

There are no hospitals, schools or other similar sensitive receptors in the vicinity of the project. Residents and businesses in the area could potentially be impacted by air borne pollutants. However, as discussed above and with the proposed mitigation, the project will not result in such levels or concentrations of pollutants so as to have a significant adverse impact on the surrounding area or substantially increase existing air quality impacts. Therefore, staff finds the project will not result in substantial air quality impacts on or to sensitive receptors.

With regard to objectionable odors, the project does not propose any use or construction technique that will result in odors that could reasonably be considered objectionable by the general public.

FINDINGS:

With implementation of **Mitigation Measure III-1**, which require compliance with NCUAQMD standards and regulations, the proposed project will not result in adverse air quality impacts, nor result in a cumulatively considerable increase in the PM-10 non-attainment.

Mitigation Measure III-1: The applicant, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks when used for transporting materials likely to give rise to airborne dust; and (2) the use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			✓	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		✓		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		✓		
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			✓	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			✓	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers whether the proposed project would result in significant adverse direct or indirect effects to: (a) individuals of any plant or animal species (including fish) listed as rare, threatened, or endangered by the federal or state government, or effects to the habitat of such species; (b) more than an incidental and minor area of riparian habitat or other sensitive habitat (including wetlands) types identified under federal, state, or local policies; (c) more than an incidental and minor area of wetland identified under federal or state criteria; (d) key habitat areas that provide for continuity of movement for resident or migratory fish or wildlife, or (e) other biological resources identified in planning policies adopted by the City of Eureka.

DISCUSSION:

Pursuant to Fish & Game Code Section 711.4 and California Code of Regulations (CCR) Title 14, Section 753.5 a project may be determined to be "de minimis" in its effect on fish and wildlife resources if the project does not result in any individual or cumulative adverse effect on fish, wildlife, or their habitat. The California Department of Fish & Game in a December 15, 2004, letter from L. Ryan Broddrick, Director (of CDFG), to lead agencies, stated that a de minimis effect is **no** impact to fish, wildlife, or their habitat. He goes on to state that "[T]he de minimis standard is therefore a no impact standard, and is not the same as the concept of 'significant adverse effect' which exists under CEQA. Many projects which do not exceed the 'significant adverse affect [sic]' threshold under CEQA will, nonetheless, have some incremental adverse impact on fish and wildlife and are required to pay the fee. Also, a CEQA project with any biological impact that is mitigated to 'below a level of significance' under the CEQA standard cannot be 'de minimis' in its effect on fish and wildlife, as it indeed does cause a change or 'effect' as defined by the regulation."

Based on the above and the fact that the project does include mitigation for biological impacts, the project is subject to the Fish & Game fee of $1993.00, which will be paid to the County Clerk at

the time the Notice of Determination is filed.

Wetlands

The City of Eureka's adopted Local Coastal Program (LCP) requires that environmentally sensitive habitat areas (ESHA), including wetlands, be protected. Specifically, LCP Policy 6.A.19 states:

> *"The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries."*

A buffer area provides essential open space between the proposed development and adjacent ESHA. The existence of the open space ensures that the type and scale of development proposed will not significantly degrade the habitat area. A buffer area is not itself a part of the environmentally sensitive habitat area, but a "buffer" or "screen" that protects the habitat area from potential adverse environmental impacts caused by the development.

For a wetland, the buffer area is measured from the landward edge of the wetland (riparian woodlands are considered wetland habitats under the LCP). For a stream or river, the buffer area is measured landward from the landward edge of riparian vegetation or from the top edge of the bank (e.g., in channalized streams).

An application for a Coastal Development Permit for proposed development within the Coastal zone that includes a reduced buffer width (i.e., less than 100') shall include maps and supplemental information that demonstrate that a reduced buffer width is consistent with the LCP. A Buffer Reduction Request report for the proposed warehouse construction prepared by SHN Consulting Engineers and Geologists (January, 2009) was submitted by the applicant. Standards for determining the appropriate width of the buffer area and responses to the standards from the submitted report are as follows:

1. **Biological Significance of Adjacent Lands.**

Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist or botanist who is familiar with the particular type of habitat involved. Where a significant functional relationship exists, the land supporting this relationship should also be considered to be part of the environmentally sensitive habitat area, and the buffer area should be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer should be extended from

the edge of the wetland, stream or riparian habitat (for example) which is adjacent to the proposed development (as opposed to the adjacent area which is significantly related ecologically).

According to the Buffer Reduction Request analysis provided by the applicant, "*no functional relationship exists between the project site and wetlands located off site, including Clark Slough and the wetlands to the north. Throughout Eureka, the vegetation along Clark Slough provides feeding, breeding, and resting habitat for migratory or resident passerines and the Slough itself supports common aquatic species. Adjacent to the project site, however, the banks along Clark Slough are extensively disturbed and protected by riprap. In this area, the Slough itself appears to provide minimal habitat value and perform limited wetland functions. There is approximately a 3-foot strip of ruderal vegetation dominated by invasive, non-native species between the property line, located at the edge of pavement, and the riprap slope of Clark Slough. An abrupt topographical change also separates the site proposed for development and the ESHA of Clark Slough.*

Within the open space paved and unpaved portions of the site, no current ecological values (e.g., nesting, feeding, breeding, or resting habitat) are present. No habitat would be removed from APN 003-111-006 due to the proposed development because none currently exists. Development of the proposed warehouse will not impact existing habitat values in Clark Slough or the wetlands to the north because no functional relationship currently exists between these areas and the project site."

2. <u>Sensitivity of Species to Disturbance</u>.

The width of the buffer area should be based, in part, on the distance necessary to ensure that the most sensitive species of plants and animals will not be disturbed significantly by the permitted development. Such a determination should be based on the following:

a. Nesting, feeding, breeding, resting or other habitat requirements of both resident and migratory fish and wildlife species.

b. An assessment of the short-term and long-term adaptability of various species to human disturbance.

The Buffer Reduction Request states that "*Clark Slough provides limited habitat for terrestrial and aquatic wildlife species, but that habitat is lacking from the project site. Existing development is located at the site and in the vicinity; therefore noise levels in the area are reflective of the surrounding industrial and commercial land uses. It is unlikely that terrestrial wildlife species that are particularly sensitive to disturbances and human activity inhabit the portion of Clark Slough adjacent to the project site. Within the proposed development layout, both the Ecologist and Water Resources Engineering have designed a buffer that will create habitat for passerines, the vertebrates most likely to use the created habitat, as well as provide detention and treatment of storm water runoff from the site.*"

The Reduction Request goes on to say that "*the proposed buffer width has been dictated by the architectural design and layout of the facility and existing development on the site.*

A. Habitat will be created where habitat does not currently exist, which will provide ecological value for terrestrial wildlife that may use Clark Slough.

B. The proposed site improvements will create a buffer between the ESHA of Clark Slough and the proposed and existing development on site. Under existing conditions, there is no buffer.

C. It is unlikely that construction of the warehouse and buffer will create disturbances beyond the existing commercial and industrial baseline for activity in and surrounding the project site. In the long term, terrestrial species will benefit from the creation of the buffer and additional storm water management at the site."

3. Susceptibility of Parcel to Erosion.

The width of the buffer area should be based, in part, on an assessment of the slope, soils, impervious surface coverage, runoff characteristics, and vegetative cover of the parcel and to what degree the development will change the potential for erosion. A sufficient buffer to allow for interception of any additional material eroded as a result of the proposed development should be provided.

The proposed Buffer Reduction Request *"takes into account site topography, existing development (including impervious surfaces), newly created impervious surfaces, and erosion potential to create a naturally functioning buffer that helps protect downslope ESHAs. The existing potential for erosion at the site is minimal due to the flat topography. However, due to the slight downward gradient from the project site to the surrounding parcels, there is a potential for off-site erosion. Constructing the proposed buffer and using BMPs during construction will significantly reduce the potential for off-site erosion."*

4. Use of Natural Topographic Features to Locate Development.

Hills and bluffs adjacent to environmentally sensitive habitat areas should be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from environmentally sensitive habitat areas. Similarly, bluff faces should not be developed, but should be included in the buffer area.

According to the Reduction Request, *"due to property boundaries and existing development on site, the use of natural topographic features at the site is not applicable. Similar to the discussion above, the developable portion of the project site is dictated by property boundaries and the existing development. The buffer is proposed to be located a few feet from the top of bank of Clark Slough, which, once implemented, will provide a buffer to the ESHA that is currently lacking, while not adversely impacting topographic features. Additionally, the proposed buffer is located above the sensitive resources within and adjacent to Clark Slough. With the use of BMPs during project construction, this proposed development should not adversely impact the Clark Slough ESHA."*

5. Use of Existing Cultural Features to Locate Buffer Zones.

Cultural features (e.g., roads and dikes) should be used, where feasible, to buffer habitat areas. Where feasible, development should be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the environmentally sensitive habitat area.

The Reduction Request indicates *"the proposed development is located adjacent to Washington Street on a parcel that has been previously developed. The proposed development, based on existing structure and property ownership, is located adjacent to existing anthropogenic features and away from the ESHA, to the extent possible. By implementing the buffer, the ESHA of Clark Slough will be enhanced compared to existing conditions."*

6. Lot Configuration and Location of Existing Development.

Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance will be required as a buffer area for any new development permitted. However, if that distance is less than 100 feet, additional mitigation

measures (e.g., planting of native vegetation which grows locally) should be provided to ensure additional protection. Where development is proposed in an area which is largely undeveloped, the widest and most protective buffer area feasible should be required.

The Buffer Reduction Request states "*the existing on-site building is located 40 feet from the western property boundary and Clark Slough. The new warehouse would have the same setbacks from the property line and Clark Slough. Due to the 10-foot setback that the City requires around the property boundary, the new warehouse cannot be setback any further from the western property boundary. However, by implementing the proposed 40-foot buffer near the new development area, the buffer reduction from the Clark Slough ESHA is mitigated to a less than significant level.*"

The 10-foot setback from the property boundary referenced above is not a zoning requirement. It would, however, be a requirement for structures constructed without fire resistive construction. With fire resistive construction, the structure could be setback further from the western property boundary, and the bioretention cell and the buffer it provides from the Clark Slough ESHA could be increased in width.

7. **Type and Scale of Development Proposed.**

The type and scale of the proposed development will, to a large degree, determine the size of the buffer area necessary to protect the environmentally sensitive habitat area. For example, due to domestic pets, human use and vandalism, residential developments may not be as compatible as light industrial developments adjacent to wetlands, and may therefore require wider buffer areas. However, such evaluations should be made on a case-by-case basis depending upon the resources involved, and the type and density of development on adjacent lands.

The Buffer Reduction Request indicates "*the proposed development is located in an existing urbanized area, and is consistent with the character and scale of the surrounding area and development. Although the subject parcel is located adjacent to Clark Slough ESHA, the existing configuration of Washington Street is commercial and industrial in nature and the surrounding developed properties do not offer significant habitat for wildlife. The proposed development would not adversely affect the use and value of the areas adjacent to the property. Instead, the proposed buffer, although reduced in size, would be sufficient to ensure and enhance the biological integrity and preservation of the ESHA it is designed to protect. Essentially, the reduced buffer would be more protective of ESHA resources in comparison to what presently exists.*

The proposed project consists of construction a 2,858-ft² warehouse on APN 003-111-06. The warehouse will include living quarters on the second floor for the building watchman. The proposed project is an infill development project that would develop an underutilized degraded parcel within an area that already has a commercial and industrial infrastructure base. The proposed project would make better use of the property while reducing the need for new off-site development. This design provides for efficient land use with minimal intensification beyond existing conditions. Storm water management for runoff for the new development will be provided by the proposed bioretention cell and vegetated swale system."

The health and viability of the bioretention cell and vegetative swale are critical to the continued protection of the biological resources discussed above. Therefore, mitigation measures for a three year monitoring plan and continued monitoring have been included.

FINDINGS:

Based on the site plan submitted with the application, the recommendations of the Buffer Reduction Request report by SHN Consulting Engineers and Geologists and the responses to referrals sent October 17, 2006, and with **Mitigation Measures IV-1** through **IV-4**, the proposed project will not result in an adverse impact to biological resources.

MITIGATION MEASURES:

Mitigation Measure IV-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.

Mitigation Measure IV-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.

Mitigation Measure IV-3. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure IV-4. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				✓
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				✓
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d) Disturb any human remains, including those interred outside of formal cemeteries?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would cause (a) physical changes in known or designated historical resources, or in their physical surroundings, in a manner that would impair their significance; (b) physical changes in archaeological sites that represent important or unique archaeological or historical information; (c) unique paleontological resource site or unique geologic feature; or (d) disturbance of human burial locations. In addition, this Initial Study considers to what degree the proposed project would cause impacts to Native American artifacts and sites, including traditional tribal cultural places on both public and private lands for federally and non-federally recognized tribes. A cultural place is a landscape feature, site or cultural resource that has some relationship to particular tribal religious heritage or is an historic or archaeological site of significance or potential significance; the cultural place may be outside a reservation boundary.

DISCUSSION:

The project involves construction of a new warehouse to the north of the existing warehouse. Other then excavation activities for foundation construction and grading for site preparation no other ground disturbing activities are required or anticipated.

The subject property does not have unique paleontological resources or unique geologic features.

The Coastal Development Permit application was referred to the Table Bluff Reservation/Wiyot Tribe in October, 2006, and the Tribe responded that the project area was an area of potential cultural resources and requested an NCIC records search. Tribal approval was conditional on a negative resources records search and if it was learned the site was a sensitive area, then the Tribe requested a site visit/survey and monitoring of ground disturbing activities.

A cultural resources records search had been requested from the North Coast Information Center for the Marina Center project on an adjoining parcel in April, 2006, to determine whether any historical or cultural sites existed within the area of that proposed project. *A Cultrual Resources Investigation of the Proposed Balloon Tract Development* was submitted in May, 2006 and the results of that search included the area of the proposed warehouse construction and showed the site for the warehouse project was not known to have any culturally sensitive Native American, landscape features, sites or cultural resources that have some relationship to particular tribal religious heritage or were an archaeological site of significance or potential significance. Therefore, pursuant to the written comments from the Tribe, since the records search revealed no sensitive area in the vicinity of the project site, no site visit/survey or monitoring are required.

However, because of the property is located relatively near the Bay, there is the possibility that unknown subsurface cultural resources may exist at the project site. The City and its contractors are subject to State laws relative to the discovery of archaeological sites containing cultural resources

and/or human remains (Section 7050.5 of the Health and Safety Code and Sections 5097.94 and 5097.98 of the Public resources code). If undiscovered paleontological, archaeological, historical, ethnic or religious resources are encountered during excavation, grading or general construction activities, State Law requires that all work cease and a qualified cultural resources specialist be contacted to analyze the significance of the find and formulate further mitigation (e.g. project relocation, excavation plan, protective cover). If human remains are encountered, all work must cease and the County Coroner contacted. Although these actions are required pursuant to the stated laws without inclusion of compliance mitigation, requiring compliance via a mitigation measure highlights the need for compliance; thus a mitigation measure has been included. This measure is not required to reduce significant impacts below a threshold of significance, but rather was added as additional protection for potential cultural resources.

Therefore, in the event any undiscovered paleontological, archaeological, ethnic or religious resources are encountered during grading or construction-related activities, in compliance with state and federal law, all work within 100 feet of the resources shall be halted and the project applicant shall consult with a qualified cultural resources specialist and/or archaeologist to assess the significance of the find. **Mitigation Measure V-1** provides provisions to protect cultural resources in the event that any archaeological subsurface resource(s) are discovered.

FINDINGS:

Based on the discussion above and **Mitigation Measure V-1,** the project will not adversely impact cultural resources. The project includes an appropriate control in the event of an accidental discovery of unknown cultural resources during project implementation. Based on the above, the project does not have the potential to cause a physical change that would affect unique ethnic cultural values of the project area or on cultural resources.

MITIGATION MEASURES:

Mitigation Measure V-1. In the event any paleontological, archaeological, ethnic, or religious resource(s) are encountered during grading or construction-related activities, in compliance with state and federal law all work within 100 feet of the resources shall be halted and the project applicant shall consult with a qualified cultural resources specialist and/or archaeologist to assess the significance of the find and formulate further mitigation. This would include coordination with the Native American Heritage Commission. The Native American Heritage Commission will contact the Wiyot Tribe, as deemed necessary, to assist in assessing the significance of any find. If any find is determined to be of significance, representative(s) of the project applicant, City of Eureka, Wiyot Tribe, and a qualified archaeologist would meet to determine the appropriate course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work will cease and the County coroner will be contacted. The County coroner and Native American Heritage Commission will be charged with determining if the human remains are of Native American origin.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			✓	
ii) Strong seismic ground shaking?			✓	
iii) Seismic-related ground failure, including liquefaction?			✓	
iv) Landslides?			✓	
b) Result in substantial soil erosion or the loss of topsoil?			✓	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✓	
d) Be located on expansive soil, as defined in Section 1802 of the California Building Code (2007), creating substantial risks to life or property?			✓	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers project-related effects that could involve or result from: (a) damage to project elements as a direct result of fault rupture along a fault identified in the Alquist-Priolo study or other known fault; (b) damage to project elements as a direct or indirect effect of seismically derived ground movement; (c) damage to project elements because of landslides that are not seismically related; (d) project-derived erosion by water or wind of more than a minimal volume of earth materials; (e) project-derived or project-caused secondary instability of earth materials that could subsequently fail, damaging project elements or other sites or structures; (f) location of project elements on expansive soils that are identified by professional geologists, which could result in damage to project elements or other sites or structures.

DISCUSSION:

The North Coast region is subject to seismic ground shaking due to fault lines and proximity to the intersection of three tectonic plates. However, based upon a review of the Alquist-Priolo Earthquake Fault Zoning Maps, the proposed project is not in an area where fault rupture is known or expected, therefore, potential impacts resulting from fault rupture are less than significant. Standard earthquake engineering design will lessen the probability that the new building will be damaged by geologic hazards.

The construction area is on relatively flat ground with no geologic features in the vicinity that could result in, or expose people to landslides.

All property within the City of Eureka is categorized within Seismic Design Categories E and F as prescribed by the Uniform Building Code. Therefore, all new construction must comply with the construction standards for each category. Extensive foundation soils testing are a building permit requirement. Because all construction must comply with the Seismic Design standards of the Uniform Building Code, and because construction that conforms to the Uniform Building Code is

presumed to meet the building safety standard, the potential impacts from seismic ground shaking and seismic ground failure, including liquefaction, are considered less than significant.

The construction area has a gradual slope with no geologic features in the vicinity that could result in, or expose people to landslides. Although site grading will be performed and raw earth will be exposed for a short period of time, the site is not subject to substantial soil erosion or loss of topsoil.

Furthermore, grading will be followed by paving or the construction of a warehouse on the site, precluding the potential for erosion in the long-term.

The project will be connected to the City of Eureka's sewage disposal system; therefore, the project will not have septic tanks or other alternative wastewater disposal systems.

Based on these conclusions, the project will not result in substantial adverse impacts relating to geology and/or soils.

VII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

THRESHOLDS OF SIGNIFICANCE:

This initial study considers to what degree the project would contribute to greenhouse gas emissions and global warming.

DISCUSSION:

On Earth the gases believed to be most responsible for global warming are water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydro fluorocarbons, per fluorocarbons, and sulfur hexafluoride. Enhancement of the greenhouse effect can occur when concentrations of these gases exceed the natural concentrations in the atmosphere. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with agricultural practices and landfills.

Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects:

1. Higher maximum temperatures and more hot days over nearly all land areas;
2. Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
3. Reduced diurnal temperature range over most land areas;
4. Increase of heat index over land areas; and
5. More intense precipitation events.

Also, there are many secondary effects that are projected to result from global warming, including global rise in sea level, impacts on agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood, and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

Some amount of GHG emissions would result from motor vehicle trips associated with the proposed project, as well as from natural gas combustion and landscape maintenance activities. However, because of the very small scale of the project it is not anticipated that the project would have an individually discernable effect on global climate change (i.e., increase global temperature as a result of emissions from the project).

FINDINGS:

The project will not adversely increase greenhouse gas emissions or contribute substantially to global warming.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	
d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			✓	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			✓	
g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would involve: (a) potential storage or use, on a regular basis, of chemicals that could be hazardous if released into the environment; (b) operating conditions that would be likely to result in the generation and release of hazardous materials; (c) use of hazardous materials, because of construction-related activities or operations, within a quarter-mile of an existing or proposed school; (d) project-related increase in use intensity by people within the boundaries of, or within two miles of, the Airport Planning Areas; (e) project-derived physical changes that would interfere with emergency responses or evacuations; (f) potential major damage because of wildfire.

DISCUSSION:

There is no evidence to indicate that contaminated soils are present at the proposed project site. However, during project construction, if there is any evidence that indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the applicant shall be responsible for performing soil sample analyses. Based on the results of the analysis, the applicant shall consult with jurisdictional agencies regarding follow-up procedures. The applicant shall comply with all requirements/regulations of the appropriate agencies with regard to handling, transport and disposal of potential hazardous substances to the satisfaction of the applicable agency.

The project site is just over 2 miles from the Eureka Municipal Airport, which is located on the Samoa Peninsula; the project site is not within the land use plan for the airport. The project site is about 3 miles from the Murray Field Airport and is not within the land use plan for the airport.

The project will have no impact on the City of Eureka's emergency response or evacuation plans. The proposed project will not affect any emergency response plans. All on-site emergency access and circulation are already developed and function appropriately.

The project area is not considered to be a wildfire hazard area and there are no "wildlands" near the project site. Operation of vehicles and equipment could create a small increase in the potential for fire. The contractor will be required to use appropriate fire safety. Normal precautions, such as possessing appropriate fire-suppression tools, will be sufficient. There will be no impact as a result of wildland fires and no separate mitigation is needed.

FINDINGS:

Based on the discussion above, and with the precautionary mitigation measures as described below, Staff concludes that the project will not result in any substantial impacts with regards to hazards or hazardous materials.

MITIGATION MEASURES:

Mitigation Measure VIII-1. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools.

Mitigation Measure VIII-2. During project construction, if there is any evidence that indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the applicant shall be responsible for performing soil sample analyses. The findings of the survey shall be submitted, as applicable, to the RWQCB, DTSC, and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils to the satisfaction of the applicable agencies.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			✓	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			✓	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?		✓		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?		✓		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
f) Otherwise substantially degrade water quality?			✓	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?				✓
h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?			✓	
i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			✓	
j) Result in inundation by seiche, tsunami, or mudflow?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would involve: (a) improvements that would violate standards set for water quality and for discharge of waste water; (b) use of, or interference with ground water such that the amount of flow of groundwater is adversely impacted; (c) drainage improvements that would alter or cause an increase in amount or flow of drainage, or that would affect the free-flow of a stream or river or cause an increase in silt runoff as to cause adverse impact; (d) added runoff from the site that would exceed the capacity of drainage facilities; (e) the creation of polluted runoff or other general adverse water quality impacts; (f) the placement of housing or other structures within the 100-year flood plain, or other area subject to flooding; (g) development in such a manner or location that it would be adversely affected by seiche, tsunami or mudflow.

DISCUSSION:

Following construction, increases in storm water runoff from the project site will consist primarily of rooftop runoff from the new warehouse. Runoff from the existing building, parking areas and walkways will essentially remain unchanged. Post construction BMPs recommended for the project include constructing a bioretention cell near the northwest corner of the property that will treat and infiltrate storm water runoff from the new building and planting a vegetated swale in a 5-foot setback area along the west edge of the parcel to filter and treat storm water runoff from the

existing parking areas prior to discharging to Clark Slough and Mitigation Measures have been included to require these treatment areas.

Activities relating to the project will comply with all water quality standards and requirements. The project site is on relatively flat, level ground. Most of the property is already over-covered by non-pervious surfaces, and upon project completion, with the exception of the landscape areas, the project will be completely covered by non-pervious surfaces.

Although the project will include minor site preparation work necessary for the development, there will be essentially no alteration in the existing pattern of surface runoff, and substantially no change in the rate or amount of surface runoff. The project will have no impact on the quality or quantity, rate or flow, removal, recharge or addition to groundwater supplies.

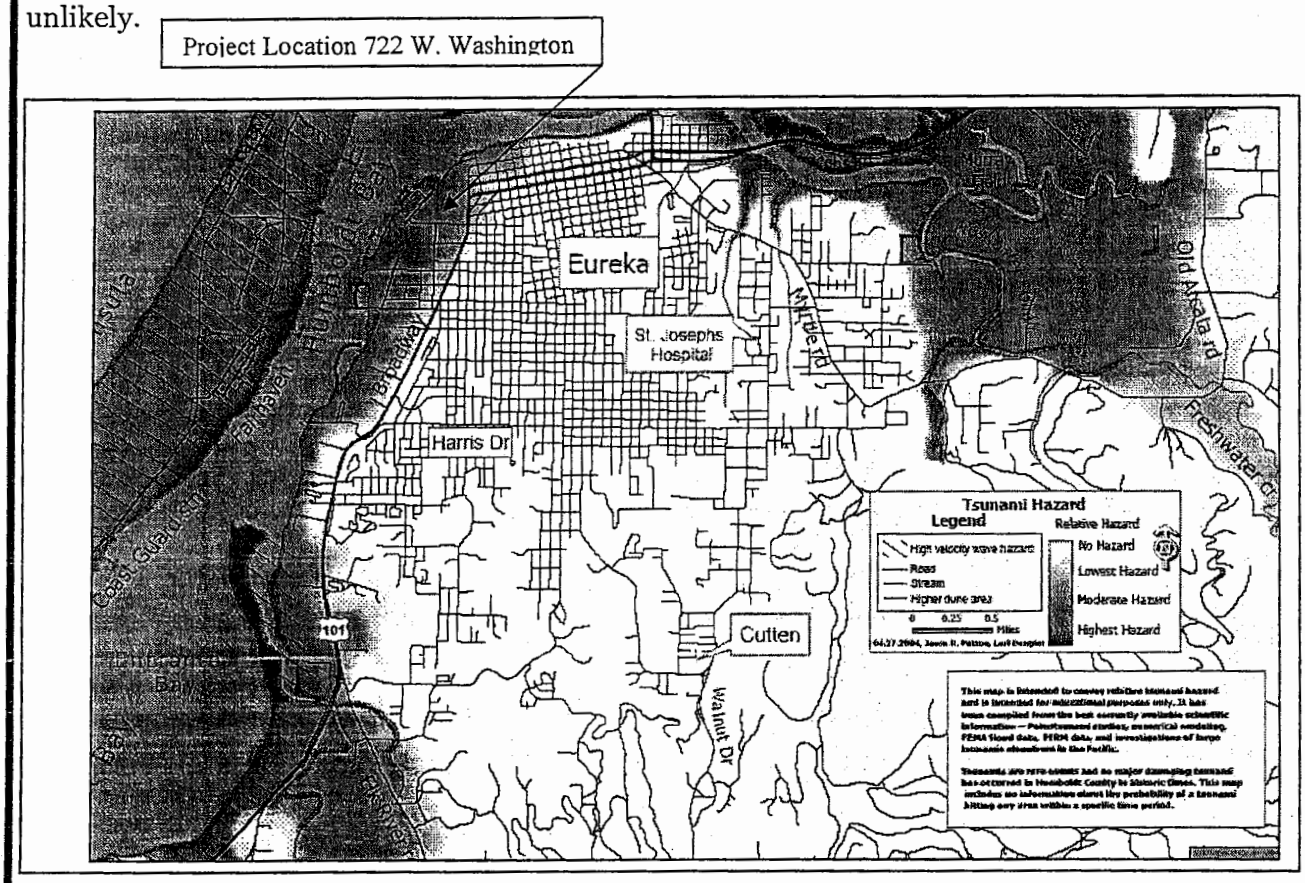
Based on review of the Flood Insurance Rate Map prepared by the Federal Emergency Agency, the proposed development is in Flood Zone "C", which is defined as areas of minimal flooding (see Community Panel 060062 0005 C; Revised June 17, 1986). Therefore, the proposed project will not impede or redirect flood flows nor expose people or structures to flooding.

Due to the known seismic activity in the Pacific Rim, a tsunami could impact Humboldt Bay. It is expected that the impact of a tsunami on Humboldt Bay would primarily occur along the north and south spits and the King Salmon and Fields Landing areas, which are located directly across from the opening to Humboldt Bay. Humboldt State University faculty and graduate students have conducted a number of studies on the impacts to Humboldt Bay resulting from tsunami inundation. These studies indicate that although a wave from 12 to 20 feet high could threaten the southern end of the north Spit, including the U.S. Coast Guard base, Fairhaven and parts of Samoa, the largest tsunamis occurring on Humboldt Bay, including those dating back as early as 1700 A.D. did not entirely inundate the north spit. This is partially due to the fact that the northern end of the north spit is almost a mile wide, and in addition, a tsunami of less than 20 feet high is unlikely to overtop the stable dunes there. The last recorded tsunami of any observable height to occur in Humboldt Bay was in 1964 as a result of the Gulf of Alaska earthquake. It had a recorded maximum height of twelve feet on the inside of the north spit, with lower heights occurring along the Eureka waterfront area.

Inundation is only one of the hazards posed by tsunami. The extremely high current velocity caused by rapid changes in water elevation are capable of causing significant erosion and damage to structures especially when the water is laden with debris. High velocity water can cause damage even when the water height is not significantly high. Docks, piers and structures built directly on the waterfront are the most vulnerable. In the shallow waters of bays and harbors, a tsunami frequently will initiate seiching. If the tsunami period is related closely to that of the bay, the seiche is amplified by the succeeding waves. Under these circumstances, maximum wave activity often is observed much later than the arrival of the first wave.

In 2004, the Humboldt Earthquake Education Center, Humboldt State University, completed tsunami inundation hazard mapping for the Humboldt Bay area; although the mapping is not "official" the accuracy for determining potential risk is very helpful for disaster preparedness. The Humboldt County Tsunami Hazard Map combine the results of past studies to depict the relative tsunami hazard, but unlike inundation maps with a single line to show the inland extent of flooding, the map uses a four-tiered hazard system to represent relative risk: Highest hazard areas include low areas adjacent to Humboldt Bay and areas mapped as zone A (100 year flooding) on FEMA Flood Insurance Rate Maps; Moderate hazard areas include those areas likely to be flooded by a major tsunami generated by the CSZ; Low hazard areas are likely to provide refuge in all but the most

extreme event; and, No hazard areas where the potential for tsunami inundation is extremely unlikely.



The project site is located approximately 1500 feet from Humboldt Bay. Based on the discussion above regarding known and projected tsunami impacts and the project's relative distance from the Bay, it is extremely unlikely that the project would be impacted by a tsunami.

There are no streams or creeks in the vicinity that will be altered or impacted by implementation of the proposed project.

The health and viability of the bioretention cell and vegetative swale are critical to the continued protection of the hydrology and water quality issues discussed above. Therefore, mitigation measures for a three year monitoring plan and continued monitoring have been included.

FINDINGS:

Based on the discussion above, and with **Mitigation Measures IX-1** through **IX-7,** the project will not result in a substantial impact regarding hydrology and water quality.

MITIGATION MEASURES:

Mitigation Measure IX-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicating on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.

Mitigation Measure IX-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.

Mitigation Measure IX-3. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.

Mitigation Measure IX-4. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.

Mitigation Measure IX-5. The contractor shall implement best management practices (BMPs) as contained in the City of Eureka's Construction Best Management Practices (BMP) Manual dated March 2009, or other generally recognized stormwater BMP compilations as may be required.

Mitigation Measure IX-6. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure IX-7. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?			✓	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			✓	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would (a) divide an established community or conflict with existing land uses within the project's vicinity, such as agriculture resources; (b) conflict with the Eureka General/Coastal Plans designation, policies, and zoning ordinances regarding commercial facilities; (c) conflict with applicable environmental plans and protection measures enforced by regulatory agencies such as habitat conservation plans or a natural community conservation plan.

DISCUSSION:

The area in which the project site is located is an industrially developed area of the City. The construction of a warehouse on this property is consistent with the zoning and land use for the property. The project site is already used for industrial purposes; the proposed warehouse will not alter that use, therefore, there will be no change on the land use or planning for the property. Therefore, staff concludes that the project will not result in an adverse impact to land use and planning.

FINDINGS:

Based on the above discussion, the project will not result in an adverse impact to land use and planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would interfere with the extraction of commodity materials or otherwise cause any short-term or long-term decrease in the availability of mineral resources that would otherwise be available for construction or other consumptive uses.

DISCUSSION:

There are no mineral extraction operations within the City of Eureka; most mining occurs in the unincorporated area of Humboldt County. Mining occurs in quarries and along most of the major rivers, including the Mad River, Van Duzen River and the Eel River; the quantity of material mined annually fluctuates based upon demand, however entitlements would allow several million tons of material to be mined annually. Although the precise quantity of mineral resources needed for this project is not known, it is clearly minimal compared to the several million cubic yards of minerals mined in Humboldt County annually. Therefore, the proposed project will not result in the loss of availability of a state or locally known mineral resource.

FINDINGS:

The proposed project will not result in the loss of availability of a state or locally known mineral resource.

XII. NOISE. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✓		
b) Expose persons to or generate excessive ground borne vibration or ground borne noise levels?		✓		
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			✓	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers whether the proposed project would produce: (a) sound-pressure levels contrary to the City of Eureka noise standards; (b) long-term ground vibrations and low-frequency sound that would interfere with normal activities and which is not currently present in the project area; (c) a substantial increase in ambient short-term or long-term sound-pressure levels; (d) changes in noise levels that are related to operations, not construction-related, which will be perceived as increased ambient or background noise in the project area.

DISCUSSION:

Noise is the quintessential local environmental impact. It does not travel well, it has no staying power beyond that of its source, and it does not accumulate in the environment. Nonetheless, prolonged noise exposure is a serious threat to human health, resulting in high stress levels and impaired hearing. Noise is not simply a matter of loudness, in scientific terms, it is actually a composite of three criteria that determine its impact: Intensity, Frequency, and Duration.

Generally, noise is a level of sound or a particular sound that a specific receiver does not want to hear. Whether a sound is considered a noise depends on the source of the sound, the loudness relative to the background noise, the time of day, the surroundings, and the listener. The difference in people's reactions to different noises or sounds is explained by the perceived noisiness, or how undesirable the sound is to the people in the vicinity of the source. An unwanted sound may be extremely irritating although it is not unreasonably loud. The areas most vulnerable to the harmful effects of sound are residential locations, particularly at night.

Intensity. Intensity is measured in decibels (dB) on a logarithmic scale (i.e., a sound of 60dB will be 10 times louder than one of 50dB, not merely 20 percent louder). The table below shows common identifiable noise sources and the approximate noise level measured in decibels. Often, for municipal noise enforcement purposes, the A-weighting scale, which is weighted toward the higher frequencies to account for human ear responses to sound, is the most commonly used and recommended. The use of the A-weighting scale is noted in the use of the abbreviation dBA.

Common Noise Levels in Decibels

	200	Noise Weapon
	190	
LETHAL LEVEL		180
	170	
	160	
	150	Jet Aircraft (at 200')
	140	
	130	Pneumatic Riveter; Air Raid Siren
THRESHOLD OF PAIN		120
	110	Amplified Rock Music (2-4' away)
	100	Food Blender (2-4' away); Motorcycle; Subway Train
	90	
	80	
DANGER LEVEL		70 Busy Street
	60	Normal Conversation
	50	Quiet Street (average urban interior)
	40	Quiet Room (residential area at night)
	30	Tick of a Watch (at 2')
	20	Whisper
	10	Leaves Rustling in the Wind
THRESHOLD OF HEARING	0	

Frequency. Frequency is measured in hertz (Hz) and relates to the number of cycles per second of sound wave. High frequencies within the human hearing range (approx. 100Hz to 20,000Hz) produce the "ear splitting" sensation associated with high-pitched tones. The concentration of a sound in a narrow frequency band, such as the whine of an incoming jet, is also more intensely felt than a mix of sounds across a wide range of frequencies.

Duration. Finally, duration simply refers to the length of time a sound lasts. This, too, has important and obvious consequences for human sensitivity. For instance, intermittent sounds are typically more annoying than steady ones, but the degree of discomfort depends greatly on the other two factors. In addition, very loud sounds do more hearing damage the longer they last. Time of day also matters. Nighttime noise is known to be more annoying than daytime noise, a factor that has caused the Federal Aviation Administration to adopt a weight measurement scheme for aircraft noise labeled Ldn (level day-night), which adds 10dB to evening noise in measuring cumulative impact. All three criteria must be considered in determining noise impacts.

The City's adopted General Plan specifies standards for non-transportation related noise. Basically, for non-transportation related noise, the maximum allowable noise at the property line cannot exceed 65-70dB (see Table 7-1 of the General Plan). Noise levels generally decrease by 6dB at 50' and then an additional 6dB with a doubling of the distance from the noise source. The actual level of attenuation may increase depending on the introduction of noise insulation in construction, adjacent uses, distance to noise source, and intervening topography, vegetation, and other buffers.

The project will result in temporary short-term increases in existing noise levels. The highest noise levels generated by the project would occur during site preparation, and construction. The warehouse will be used for storage, and no manufacturing or assembly work is proposed. ***Under the Noise Element of the adopted General Plan, general construction noise is considered acceptable because such noise, although loud and often annoying, is of limited duration and intensity. Therefore, the project will not generate noise in excess of established standards. The only ground borne noise that may be associated with the project would occur during construction. However, any such noises can be considered "normal" and not "excessive." In order to reduce potential construction noise impacts, **Mitigation Measure XI-1** has been added to limit the hours of construction activities to weekdays, generally during daylight hours.

No ground borne noise such as noise from pile driving will be generated by the project. The project is located more then two miles from the Eureka Municipal Airport and more then three miles from Murray Field, and is not within the vicinity of a private airstrip. As described above, exposure to additional noise from this project will be temporary, sporadic and relative short term.

FINDINGS:

Based on the above information and **Mitigation Measure XII-1**, the project will not result in any substantial adverse impacts with regard to noise

MITIGATION MEASURES:

Mitigation Measure XII-1. Hours of construction activities shall be limited to daylight hours, generally from 8:00 a.m. to 5:00 p.m., Monday through Friday; the hours of construction may be increased with prior approval from the City based on an expressed need by the contractor.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?			✓	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would result in, or contribute to, population growth, displacement of housing units, demolition or removal of existing housing units, or any project-related displacement of people from occupied housing.

DISCUSSION:

With a population of about 28,000 within the City Limits, and up to another 20,000 in surrounding areas, Eureka is the largest city along the 400 miles of highway between Santa Rosa and Medford. Since 1980, the average annual percent change in population within the City of Eureka has been 0.3%; the average annual percent change in the population of Humboldt County during the same period has been .75%.

By its nature and based on the project description, this project will not be growth inducing or growth inhibitive, but rather a re-development of an already developed site (in-fill development). Although the construction of the project will create new jobs, the number of new jobs is limited and will not "substantially induce growth" either locally or regionally. There is no housing being displaced although one care-takers residence will be created on the second floor of the proposed warehouse. This project is not contingent on or otherwise related to the development of an additional water source or any other project.

FINDINGS:

The project will have no significant adverse impact on population and housing.

XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?			✓	
b) Police protection?			✓	
c) Schools?				✓
d) Parks?				✓
e) Other public facilities?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would result in any changes in existing fire or police protection service levels, or a perceived need for such changes, as well as any substantial changes in the need for, or use of, schools, parks, or other public facilities.

DISCUSSION:

The project will not require any new or physically altered governmental services and will not facilitate the need for such services on a permanent basis.

Except in an emergency, the project will place no material demand on fire and police services. The project will not place additional demands on schools, parks, or other services. The project site is currently served by full levels of public services and will not require new or physically alter existing governmental services.

FINDINGS:

The project will not result in an adverse impact on or to public services

XV. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree any aspect of the proposed project would be related to demand for recreational facilities or increase use of existing recreational areas such that those areas are physically degraded, including secondary effects such as degradation through over-use of environmentally sensitive areas.

DISCUSSION:

The proposed project as an industrial warehouse development has no relationship to local or regional parks, and does not in any way necessitate the construction or expansion of any park. There is currently no recreational use of the property. The existing site has not current recreational purpose.

FINDINGS:

Therefore, the project will not result in substantial adverse impacts regarding recreation.

XVI. TRANSPORTATION/TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			✓	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			✓	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?				✓
d) Substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	
e) Result in inadequate emergency access?			✓	
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree, if any, the proposed project would be associated with (a) changes in traffic, circulation, or other changes that might be perceived as adverse, including traffic effects resulting from temporary construction-related changes; (b) any project-related changes in levels-of-service on County or state highways; (c) project-associated travel restrictions that would prevent emergency vehicles from reaching the locations where they were needed.

DISCUSSION:

The property is already developed with a warehouse/office use and construction of the proposed warehouse will not substantially increase the number, rate or flow of traffic entering or exiting the site, or on surrounding streets. The applicant proposes parking spaces meeting the minimum requirements as prescribed in the Eureka Municipal Code. The project will not impact air traffic, and will not require or impact alternative transportation. Therefore, staff concludes that the project will not have a significant adverse impact on transportation or traffic.

The City Engineering Department has reviewed the proposed project with regard to potential traffic or circulation issues, and commented that vehicles must back out up to 70 feet to the front of the existing warehouse/office building to turn around and exit, which appears to Engineering to create on-site circulation problems and hazards. However, the parking lot layout on the west side of the warehouse is existing, and with the exception of one of the spaces being converted to an accessible parking space, the physical layout of the parking spaces will not be changing. Currently vehicles may have the ability to travel to the northwest end of the parcel and turn around and drive forward to reach West Washington Street. However, it seems illogical that the original traffic circulation plan for the property included backing out of a parking space to drive forward to another area to turn around, when in fact it seems more logical that the vehicles have always been expected to exit the parking spaces on the west side of the property by backing in a southerly direction and turning around after reaching the front of the existing warehouse/office building. Therefore, there are no substantial changes to the on-site traffic circulation as a result of the construction of the warehouse and bio-retention cell.

The project is not located near a public airport or private airstrip; therefore, the project will not interfere with air traffic control.

FINDINGS:

Based on the above information, the project will not have a significant adverse impact on transportation or traffic.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			✓	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			✓	
d) Have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed)?			✓	
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✓	
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?			✓	
g) Violate any federal, state, and local statutes and regulations related to solid waste?			✓	

THRESHOLDS OF SIGNIFICANCE:

This Initial Study considers to what degree the proposed project would be related to: (a) a substantial demand for water supplies affecting existing entitlements and resources; (b) increase in runoff intensity that exacerbates drainage conditions and changes; and (c) insufficient provision for solid waste disposal.

DISCUSSION:

The City of Eureka's Elk River Wastewater Treatment Plant at 4301 Hilfiker Lane provides Wastewater services for the City of Eureka. The wastewater system capacity is 32 MGD (Million Gallons per Day), at an overall system peak wet weather flow, but the plant currently operates at approximately 15 MGD. Since the facility operates far below capacity, the project will not substantially alter or increase the need for wastewater and will not exceed wastewater treatment requirements of the North Coast Regional Water Quality Control Board.

The City of Eureka water supply system capacity is 8 MGD, and the current operating level is approximately 4.4 MGD. Water is purchased from the Humboldt Bay Municipal Water District and is piped from its original source, which are subsurface wells on the Mad River near Blue Lake, to Eureka's 20 million gallon storage reservoir. The capacity of the Humboldt Bay Municipal Water District system is approximately 75 MGD (combined treated domestic and untreated industrial) and the current operating level is approximately 40 MGD. There are no plans to expand water services as current operating levels are only around half of the system capacity levels. The project will not substantial alter the existing demand for water.

The proposed development will be structured in such a way that pre-development conditions will be altered only to promote proper management of storm water runoff. The applicant has shown on the site plan the installation of 37 foot by 30 foot bioretention cell at the northwest corner of the property and also the installation of a new vegetative swale ranging in width from 5 feet to 20 feet along the western edge of the property which is engineered to reduce potential impacts from storm

water runoff associated with the proposed parking lot.

The solid waste provider is the Humboldt Waste Management Authority (HWMA). The HWMA has formulated a joint powers agreement with the County and the most of the incorporated Cities within the County for the disposal of waste. The HWMA has contracted with ECDC Environmental to ship solid waste produced in the County to state licensed land fills located outside of Humboldt County. Currently solid waste is trucked to Medford, Oregon to a new triple line state licensed landfill. Solid waste will be collected and transferred to the HWMA transfer station for shipment to the landfill discussed above. The amount of solid waste generated by project will not significantly contribute to the waste stream volumes transferred out of the County, and based on information from the Medford, Oregon landfill, the project will not cumulatively result in amounts of waste that exceed the capacity of the landfill. Therefore, Staff believes the project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

The project is not expected to violate any federal, state, and local statutes or regulations related to solid waste.

FINDINGS:

This project will not place extraordinary demands on public utilities or services. No new utility systems are necessary to construct the proposed facility as the necessary utilities are available. With the installation of the bioretention cell and the vegetative swale the project has no appreciable bearing on storm water or wastewater treatment. Based on the discussion above, the project will not result in any significant adverse impacts to utilities and service systems.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).			✓	
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

DISCUSSION:

As discussed herein, the project will have no impact, or less than significant impact on agricultural resources, cultural, geology and soils, green house gas emissions, hazards and hazardous materials, land use and planning, mineral resources, population, public services, recreation, transportation and traffic, and utilities and service systems. The project as proposed in combination with additional mitigation measures will have a less than significant impact associated with aesthetics, air quality, biological resources, hydrology and water quality, and noise. The project will not add to any cumulatively considerable impacts. The mitigation measures recommended herein will reduce the potential impacts of the project to a level that is considered less than significant

EARLIER ANALYSES

a) **Earlier Analyses Used**. The following document(s), available at the Community Development Department, have adequately analyzed one or more effects of the project. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)).

N/A

b) **Impacts Adequately Addressed**. The following effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed above, pursuant to applicable legal standards.

N/A

c) **Mitigation Measures**. For effects that are "Less than Significant with Mitigation Incorporated," the following are mitigation measures that were incorporated or refined from the document(s) described above.

N/A

SOURCE/REFERENCE LIST: The following documents were used in the preparation of this Initial Study.

1) Eureka Municipal Code
2) Adopted City of Eureka General Plan and Certified Local Coastal Plan, as applicable
3) Project File(s) for the project for which this Initial Study was prepared.
4) *A Cultural Resources Investigation of the Proposed Balloon Tract Development,* May 2006
5) Buffer Reduction Request for Proposed Colburn Warehouse prepared by SHN Consulting Engineers and Geologists, January 2009.

SHN CONSULTING ENGINEERS & GEOLOGISTS, INC.
812 W. Wabash • Eureka, CA 95501-2138 • 707/441-8855 • FAX: 707/441-8877 • shninfo@shn-engr.com

Reference: 007007.100

January 20, 2009

Mr. Robert Colburn
P.O. Box 3667
Eureka, CA 95502

Subject: Buffer Reduction Request for the Proposed Colburn Warehouse, Eureka, California; APN 003-111-06

Dear Mr. Colburn:

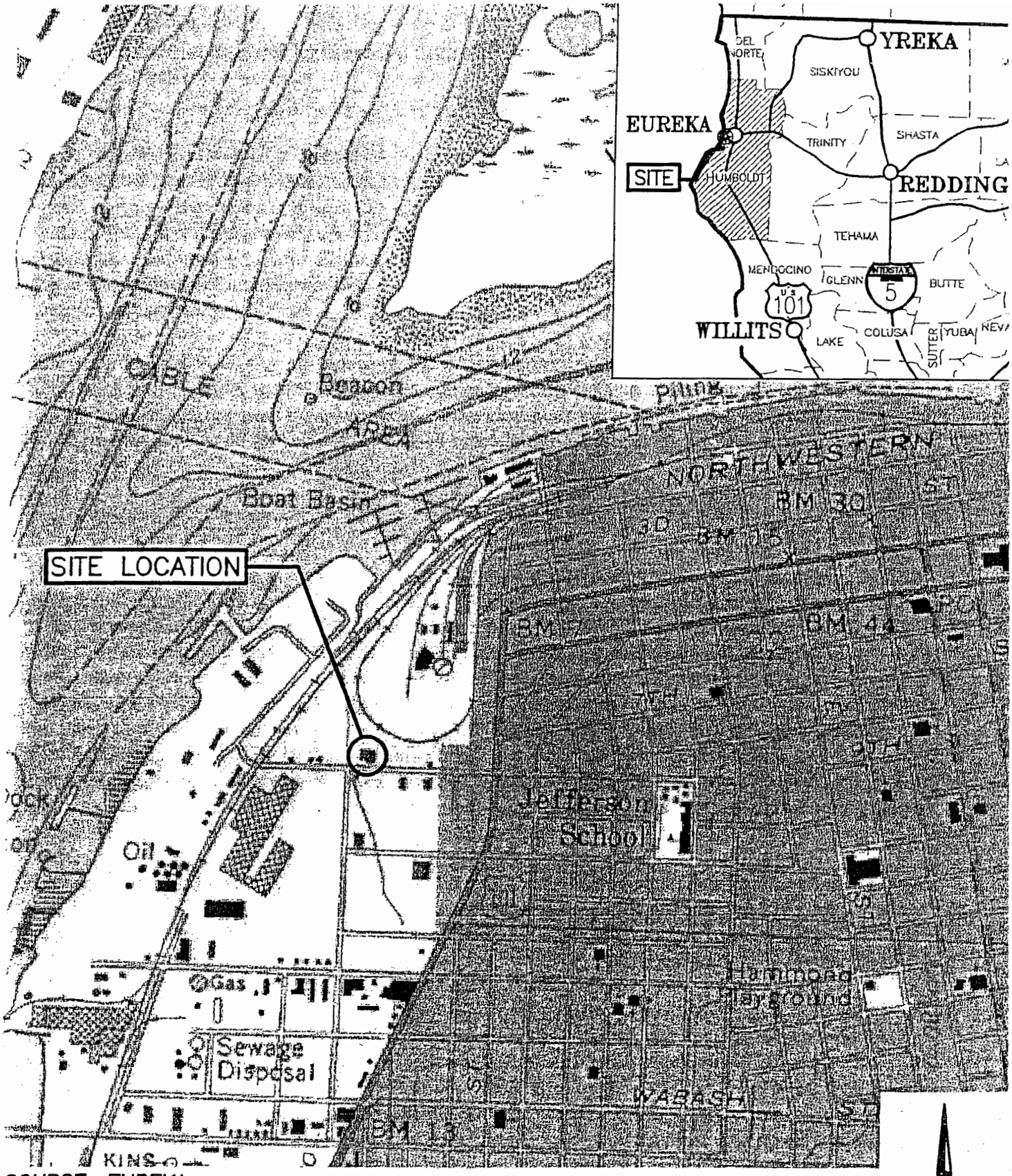
Based on our meeting with the City of Eureka in October 2008, SHN Consulting Engineers & Geologists, Inc. (SHN) has prepared this updated buffer reduction request related to the Environmentally Sensitive Habitat Area (ESHA) located adjacent to your proposed Colburn Warehouse. The site of the proposed warehouse is Assessors Parcel Number (APN) 003-111-06 located at 722 W. Washington Street, Eureka, California (Figure 1). The parcel is currently developed with an existing warehouse and parking lot located on the southern half of the site. The proposed warehouse will be located on the northern half of the site, in an area that is currently vacant open space. This reduced buffer width analysis and proposed mitigation plan is based on the City of Eureka's (City) *Coastal Development Permit, Supplemental Application Information, Request for Reduced Buffer Width Adjacent to Environmentally Sensitive Habitat Areas.*

Introduction and Background

On January 16 and April 3, 2007 and March 27, 2008, SHN conducted site visits at the project site located at 722 W. Washington Street in Eureka for the purpose of assessing ESHA located adjacent to the site, including Clark Slough. The proposed project consists of constructing a 2,858-square foot (ft^2) warehouse on APN 003-111-06. The warehouse will include living quarters on the second floor for the building watchman. There is an existing warehouse on-site that will remain. No fuel or flammable liquids will be stored in the new warehouse. Four new parking spaces will be added to the site, for a total of ten parking spaces.

The parcel is zoned limited industrial (ML), is located within the coastal zone, and is subject to the City of Eureka General Plan Local Coastal Program (LCP; COE, 1984). The LCP identifies ESHAs throughout the planning area and Clark Slough meets the criteria the City has developed (LCP, 6A.6). The City requires a minimum buffer of 100 feet from all permitted development adjacent to ESHA (LCP, 6.A.19). However, if the applicant demonstrates through site-specific information, the type and size of proposed development, and/or mitigation that the proposed project will achieve the purposes of the buffer, a reduced buffer may be approved (LCP, 6.A.19).

Due to the size of the parcel, building design constraints, and existing development on the site, the only option for developing the project site is to obtain an ESHA buffer reduction that will not result in a significant impact to surrounding natural resources.



SOURCE: EUREKA USGS 7.5 MINUTE QUADRANGLE

1"=1000'±

SHN Consulting Engineers & Geologists, Inc.	ESHA Buffer Reduction Request Proposed Colburn Warehouse 722 W. Washington Street	Site Location Map SHN 007007
	January 2009	007007-ESHA-SITELOC	Figure 1

The proposed warehouse is essentially an infill development project that would develop the under-utilized and degraded portions of the project site; thus improving site conditions and reducing the need for new off-site development. The proposed development is consistent with the character and scale of the surrounding area and existing developments. The project site is located in an area that already has a commercial and industrial infrastructure base and although the subject parcel is located adjacent to Clark Slough ESHA, the surrounding developed properties do not offer significant habitat for wildlife.

The purpose of this letter is to demonstrate that based on site-specific restrictions a 100-foot buffer is physically infeasible, and with site enhancements (mitigation), an approximately 40-foot buffer can be established between the proposed new development and the ESHA that will achieve the same purposes as a 100-foot buffer, as well as provide significant improvements over existing conditions.

Environmental Setting

The project site is located at the corner of Koster Street and Washington Street, approximately 0.25 miles from Humboldt Bay (T5N, R1W, Section 22; Figure 1). Elevation at the site is approximately 10 feet above Mean Sea Level (MSL). The site is located within an area of Eureka that consists of mixed commercial and industrial uses. The properties to the north and west of the project site are undeveloped and/or consist of remnants of former developments. The prominent natural resources in the vicinity of the site include Clark Slough, which is located on the adjacent parcel to the west, and wetlands on the parcels to the north (pers. comm. S. Olsen, City of Eureka). The parcel to the east of the site is currently developed with structure(s) for commercial use. This parcel and the other parcels located east of the project site and adjacent to the wetlands to the north appear to have less than a 100-foot buffer between existing developed areas and identified wetland areas. Washington Street borders the southern property boundary.

The environmental setting within the City of Eureka is predominately affected by the mild maritime climate, active tectonic processes that are manifested in the geomorphic landscape, and current and historical development. Influence from these factors is evident in the variety of habitat types found throughout the City, which include freshwater wetlands, salt marshes, deepwater channels, intertidal areas, and North Coast coniferous forest.

Site photos are provided in Attachment 1. The southern half of the project site is developed and consists of a paved parking lot, a 3,734-ft^2 office building, and 6 parking spaces (Photo 1). The northern half of the parcel is undeveloped and consists of an open gravel area where the 2,858-ft^2 warehouse is proposed for construction (Photo 2). Habitat at the site is disturbed and is dominated by ruderal species. Vegetation in the gravel area and along the boundary of the site consists of pampas grass (*Cortaderia jubata*), fennel (*Foeniculum vulgare*), English daisy (*Bellis perennis*), clovers (*Trifolium* spp.), and various grass species. No sensitive habitats, such as ESHA, are located on the subject parcel.

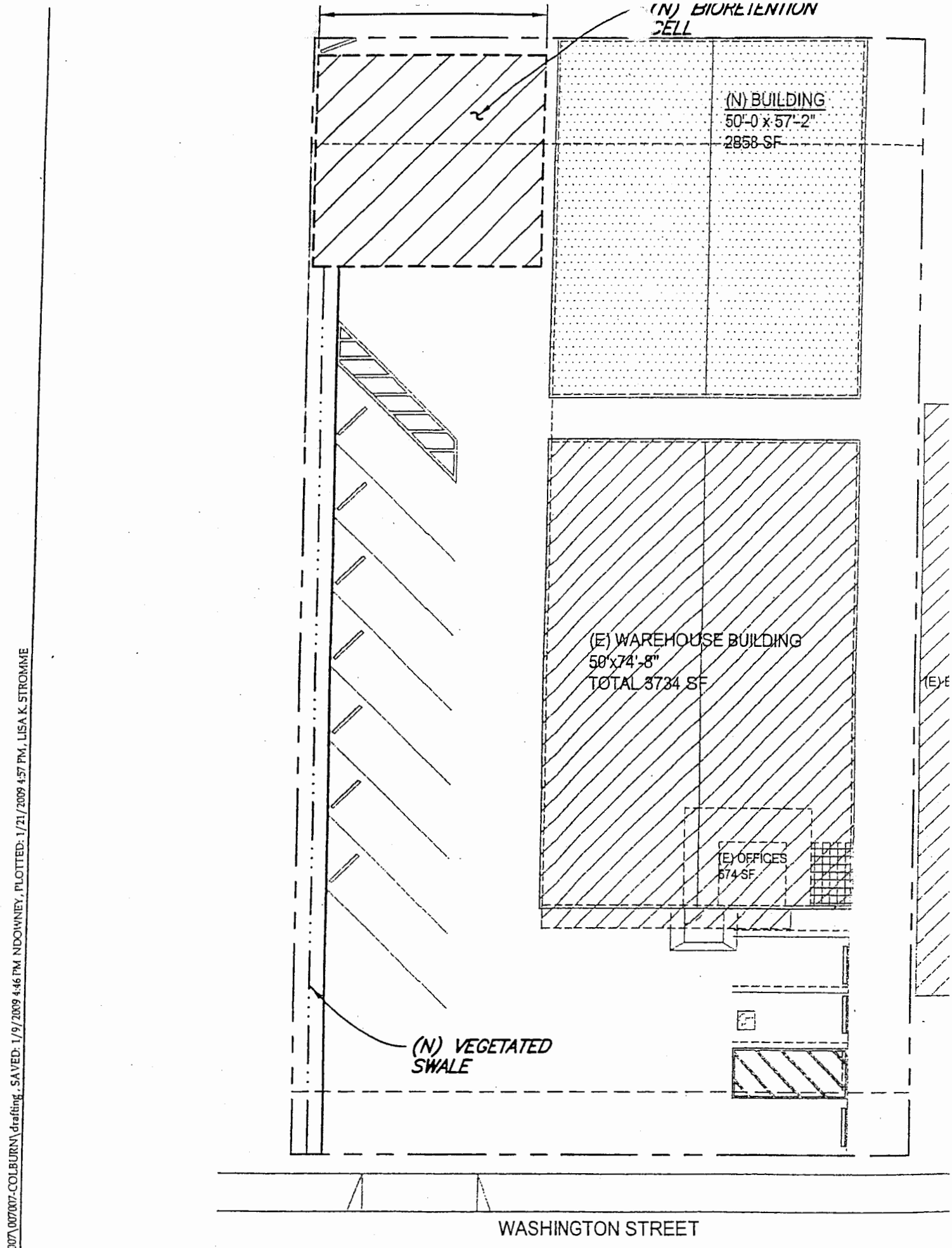
Habitat within Clark Slough has been degraded over the years from development along the waterfront area of Eureka, such as road construction and culvert placement. Clark Slough enters Humboldt Bay approximately 1,000 feet north of the project site, adjacent to the Wharfinger Building. One of the Clark Slough culverts is located on the Balloon Track to the north of the project site, and the other is on the west side of Waterfront Drive, just before Clark Slough enters Humboldt Bay. Several feet of riprap line the bank of the slough. Clark Slough is tidally influenced. Species that may occur in Clark Slough include Dungeness crab, stickleback, sculpin, and various invertebrates. Vegetation along the slough includes a mix of salt marsh and ruderal species such as, dense flowered cordgrass (*Spartina densiflora*), pickleweed (*Salicornia virginica*), saltgrass (*Distichlis spicata*), Himalayan berry (*Rubus discolor*), common reed (*Phragmites australis*), pampas grass, and fennel (Photo 3).

Currently, there is no buffer between the on-site developed areas and the Clark Slough ESHA. The existing on-site office building is setback approximately 40 feet from Clark Slough, and the existing edge of pavement on the west side of the parcel currently extends to the property line adjacent to the Clark Slough ESHA. Drainage from the site enters Clark Slough and a stormwater inlet located off site on Washington Street. Under the current site configuration, there is no gradual transition between the on-site developed/disturbed areas and the Clark Slough ESHA. There is also no wildlife habitat located on site; suggesting there is no difference in the habitat values associated with the developed and undeveloped portions of the site.

Proposed Buffer Reduction Plan and Mitigation

In order to maximize the reduced buffer width between the new development and the Clark Slough ESHA, a combination of post-construction Best Management Practices (BMPs) have been proposed for this area. Following construction, increases in stormwater runoff from the project site will consist primarily of rooftop runoff from the new warehouse. Runoff from the existing building, parking areas and walkways will essentially remain unchanged. Post-construction BMPs recommended for the project site include constructing a bioretention cell near the northwest corner of the property that will treat and infiltrate stormwater runoff from the new building; and planting a vegetated swale in a 5-foot setback area along the west edge of the parcel to filter and treat stormwater runoff from the existing parking areas prior to discharging to Clark Slough (Figure 2). Conceptual schematics for both stormwater management design concepts are included as Attachment 2.

The bioretention cell will function to treat stormwater runoff, as well as provide an approximate 40-foot buffer between the new warehouse and the Clark Slough ESHA. The vegetated swale along the west side of the site will also serve as a buffer and transitional habitat between the Clark Slough ESHA and the existing developed portions of the site. As part of the site development plan, approximately 5 feet of existing asphalt along the western property boundary will be removed and a vegetated swale will be constructed in this area. Implementation of these BMPs will help reduce potential impacts associated with increased runoff from this parcel and also provide a transitional vegetated buffer area between the Clark Slough ESHA and the proposed new development on-site.



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Planting Plan

The planting plan proposed as part of this buffer reduction request will facilitate increased retention time in the vegetated swale system, and will also greatly improve habitat value by creating an ecotone in the bioretention cell for the benefit of wildlife species. The proposed planting plan for the bioretention cell and vegetated swale includes a mosaic of native grasses and shrubs that are tolerant of variable upland conditions (Table 1). Emphasis is placed on shrub species rather than herbaceous species in an effort to out-compete nonnative herbaceous species, which are currently widespread surrounding the project site, and to accelerate the development of a functioning buffer from Clark Slough. In order to reduce the initial onset of nonnative herbaceous species from establishing in the buffer, native grasses have been included in the planting plan. The goal of the planting plan is to create a buffer from Clark Slough that is currently lacking and provide wildlife habitat for avian species that may currently forage, nest, or roost along Clark Slough.

Table 1
Vegetated Swale and Bioretention Cell Planting Plan
Proposed Colburn Warehouse, Eureka, CA

Latin Name	Common Name
Shrubs	
Myrica californica	California wax myrtle
Rhamnus purshiana	cascara
Ribes sanguinuem var. glutinosum	pink-flowering currant
Baccharis pilularis	coyote bush
Grasses	
Bromus carinatus	California brome
Danthonia californica	California oatgrass
Elymus glaucus ssp. *glaucus*	blue wildrye
Hordeum brachyantherum	meadow barley
Festuca rubra	red fescue
Trees	
Salix lucida ssp. *lasiandra*	Pacific willow
Salix lasiolepis	arroyo willow
Alnus rubra	red alder

Due to the limited amount of buildable space on the parcel, the proposed development encroaches on the Clark Slough ESHA 100-foot buffer; however development at the project site will not encroach on the surrounding habitat or result in significant adverse impacts to surrounding natural resources as long as the recommendations in this buffer reduction request are implemented as specified. The following sections address specific items concerning the justification of the buffer reduction request.

1. Biological Significance of Adjacent Lands

No functional relationship exists between the project site and wetlands located off site, including Clark Slough and the wetlands to the north. Throughout Eureka, the vegetation along Clark Slough provides feeding, breeding, and resting habitat for migratory or resident passerines and the Slough itself supports common aquatic species. Adjacent to the project site; however, the banks along Clark Slough are extensively disturbed and protected by riprap. In this area, the Slough itself appears to provide minimal habitat value and perform limited wetland functions. There is approximately a 3-foot strip of ruderal vegetation dominated by invasive, non-native species between the property line, located at the edge of pavement, and the riprap slope of Clark Slough (Photo 3). An abrupt topographical change also separates the site proposed for development and the ESHA of Clark Slough.

Within the open space paved and unpaved portions of the site, no current ecological values (e.g., nesting, feeding, breeding, or resting habitat) are present. No habitat would be removed from APN 03-111-06 due to the proposed development, because none currently exists. Development of the proposed warehouse will not impact existing habitat values in Clark Slough or the wetlands to the north, because no functional relationship currently exists between these areas and the project site.

2. Sensitivity of Species to Disturbance

As stated above, Clark Slough provides limited habitat for terrestrial and aquatic wildlife species, but that habitat is lacking from the project site. Existing development is located at the site and in the vicinity; therefore noise levels in the area are reflective of the surrounding industrial and commercial land uses. It is unlikely that terrestrial wildlife species that are particularly sensitive to disturbances and human activity inhabit the portion of Clark Slough adjacent to the project site. Within the proposed development layout, SHN's Ecologist and Water Resources Engineer have designed a buffer that will create habitat for passerines, the vertebrates most likely to use the created habitat, as well as provide detention and treatment of stormwater runoff from the site.

The proposed buffer width is dictated by the architectural design and layout of the facility and existing development on the site.

A. Habitat will be created where habitat does not currently exist, which will provide ecological value for terrestrial wildlife that may use Clark Slough.

B. The proposed site improvements will create a buffer between the ESHA of Clark Slough and the proposed and existing developments on site. Under existing conditions, there is no buffer.

C. It is unlikely that construction of the warehouse and buffer will create disturbance beyond the existing commercial and industrial baseline for activity in and surrounding the project site. In the long-term, terrestrial species will benefit from the creation of the buffer and additional stormwater management at the site.

3. Susceptibility of Parcel to Erosion

This proposed buffer reduction request takes into account site topography, existing development (including impervious surfaces), newly created impervious surfaces, and erosion potential to create a naturally functioning buffer that helps protect downslope ESHAs. The existing potential for erosion at the site is minimal due to the flat topography. However, due to the slight downward gradient from the project site to the surrounding parcels, there is a potential for off-site erosion. Constructing the proposed buffer and using BMPs during construction will significantly reduce the potential for off-site erosion.

4. Use of Natural Topographic Features to Locate Development

Due to property boundaries and existing development on site, the use of natural topographic features at the site is not applicable. Similar to the discussion above, the developable portion of the project site is dictated by property boundaries and the existing development. The buffer is proposed to be located a few feet from the top of bank of Clark Slough, which once implemented, will provide a buffer to the ESHA that is currently lacking, while not adversely impacting topographic features. Additionally, the proposed buffer is located above the sensitive resources within and adjacent to Clark Slough. With the use of BMPs during project construction, this proposed development should not adversely impact the Clark Slough ESHA.

5. Use of Existing Cultural Features to Locate Buffer Zones

The proposed development is located adjacent to Washington Street on a parcel that has been previously developed. The proposed development, based on existing structures and property ownership, is located adjacent to existing anthropogenic features and away from the ESHA, to the extent possible. By implementing the buffer, the ESHA of Clark Slough will be enhanced compared to existing conditions.

6. Lot Configuration and Locations of Existing Development

The existing on-site building is located 40 feet from the western property boundary and Clark Slough. The new warehouse would have the same setbacks from the property line and Clark Slough. Due to the 10-foot setback that the City requires around the property boundary, the new warehouse cannot be setback any further from the western property boundary. However, by implementing the proposed 40-foot buffer near the new development area, the buffer reduction from the Clark Slough ESHA is mitigated to a less than significant level.

7. Type and Scale of Development

The proposed development is located in an existing urbanized area and is consistent with the character and scale of the surrounding area and development. Although the subject parcel is located adjacent to the Clark Slough ESHA, the existing configuration of Washington Street is commercial and industrial in nature, and the surrounding developed properties do not offer significant habitat for wildlife. The proposed development would not adversely affect the use and value of the areas

adjacent to the property. Instead, the proposed buffer, although reduced in size, would be sufficient to ensure and enhance the biological integrity and preservation of the ESHA it is designed to protect. Essentially, the reduced buffer would be more protective of ESHA resources in comparison to what presently exist.

The proposed project consists of constructing a 2,858-ft² warehouse on APN 003-111-06. The warehouse will include living quarters on the second floor for the building watchman. The proposed project is an infill development project that would develop an underutilized degraded parcel within an area that already has a commercial and industrial infrastructure base. The proposed project would make better use of the property while reducing the need for new off-site development. This design provides for efficient land use with minimal intensification beyond existing conditions. Stormwater management for runoff from the new development will be provided by the proposed bioretention cell and vegetated swale system.

Monitoring Plan

The proposed buffer should be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted buffer, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Summary

The proposed development will be structured in such a way that pre-development conditions will be altered only to promote proper management of stormwater runoff and the enhancement of the ESHA. Currently, the site has existing development and there is no ecological value present in the developed or undeveloped portions of the site. The project will not impact the Clark Slough ESHA; instead, it will improve the quality and quantity of habitat available. The site is severely degraded from anthropogenic disturbances and any enhancements would be beneficial.

The reduced buffer width will incorporate habitat and stormwater management features that are currently lacking at the site. The proposed planting plan and BMPs will provide a functional buffer that will reduce the defined line of development, in turn creating a transitional habitat between the Clark Slough ESHA and the proposed development. Habitat components provided by the buffer include plant species diversity, structural and vegetation community complexity, and wildlife habitat. It is our professional judgment that the reduced 40-foot buffer as proposed will fulfill its function as an effective buffer and proposed site enhancements will establish lasting ecological benefits, especially in comparison to existing site conditions.

If you have any questions, please contact either Aimee Weber or Lisa Stromme at 707-441-8855.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

Aimee C. Weber, CAE
Botanist/ Ecologist

Lisa K. Stromme, P.E.
Water Resources Engineer

ACW/LKS:lms
Attachments: 1. Site Photos
2. Schematics
c. w/attach.: Sidnie Olsen, City of Eureka
Mark Gaxiola, Matson & Vallerga Architects, Inc.

References

City of Eureka. (NR). *Coastal Development Permit, Supplemental Application Information, Request for a Reduced Buffer Width Adjacent to Environmentally Sensitive Habitat Areas.* Eureka: City of Eureka.

---. (1984) Eureka General Plan. Eureka: City of Eureka.

Olsen, Sidnie. Pers. comm., various dates throughout 2007.

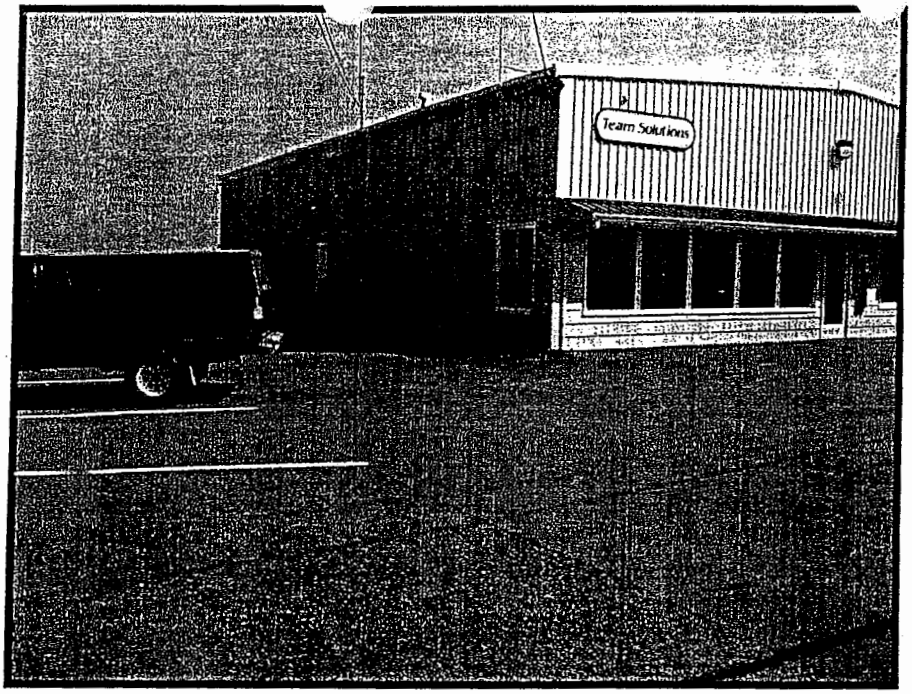


Photo 1. Photo 1 shows the existing on-site, building parking lot, and some of the parking spaces. Photo taken by SHN on 4-3-07; orientation is northeast.

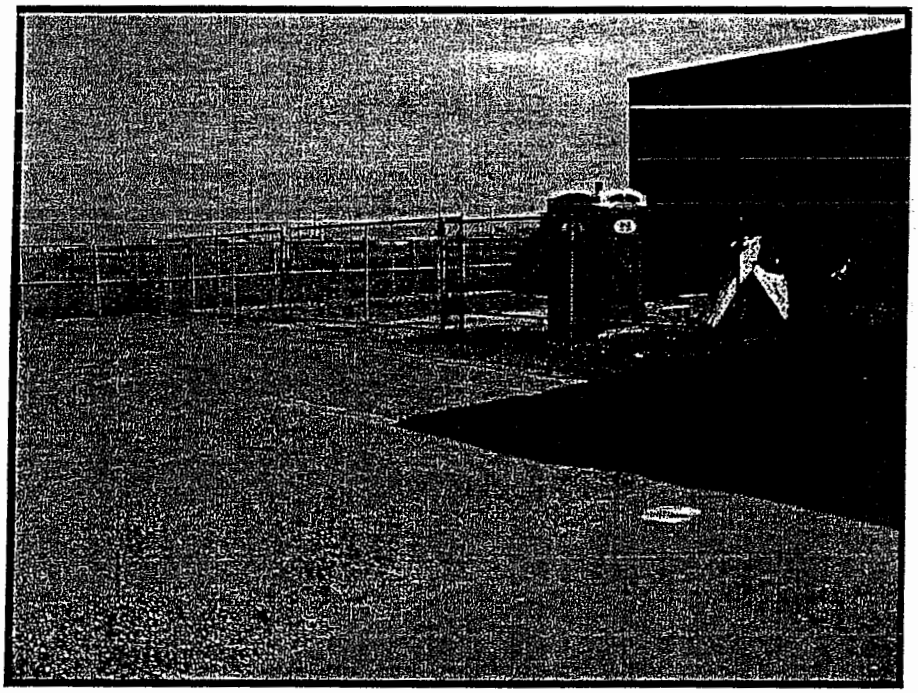


Photo 2. Photo 2 shows the area where the new warehouse is proposed for construction (within the unpaved fenced off area that is located behind the existing on-site building). Note that the building located on the parcel to the east is also shown in this picture. Photo taken by SHN on 4-3-07; orientation is northeast.

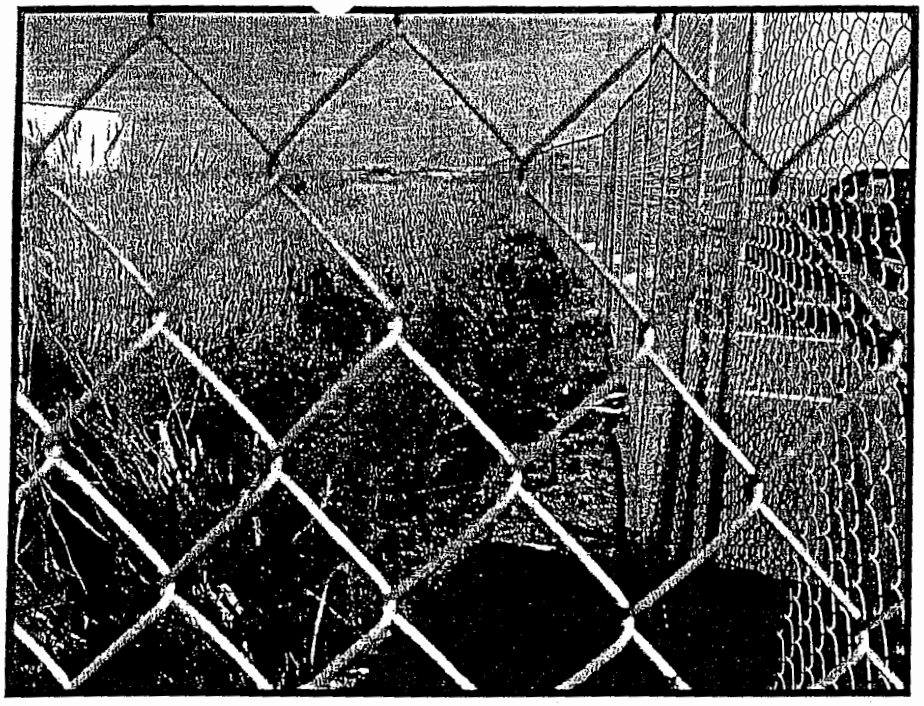
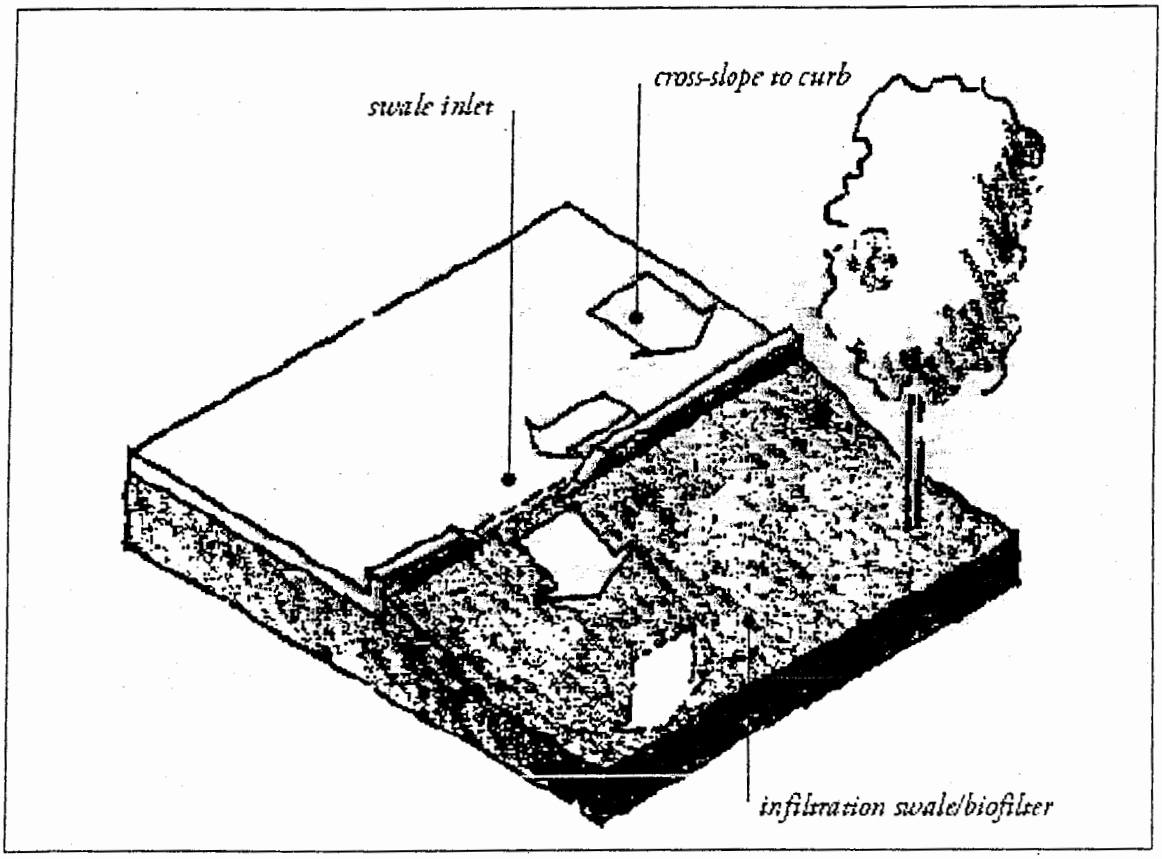
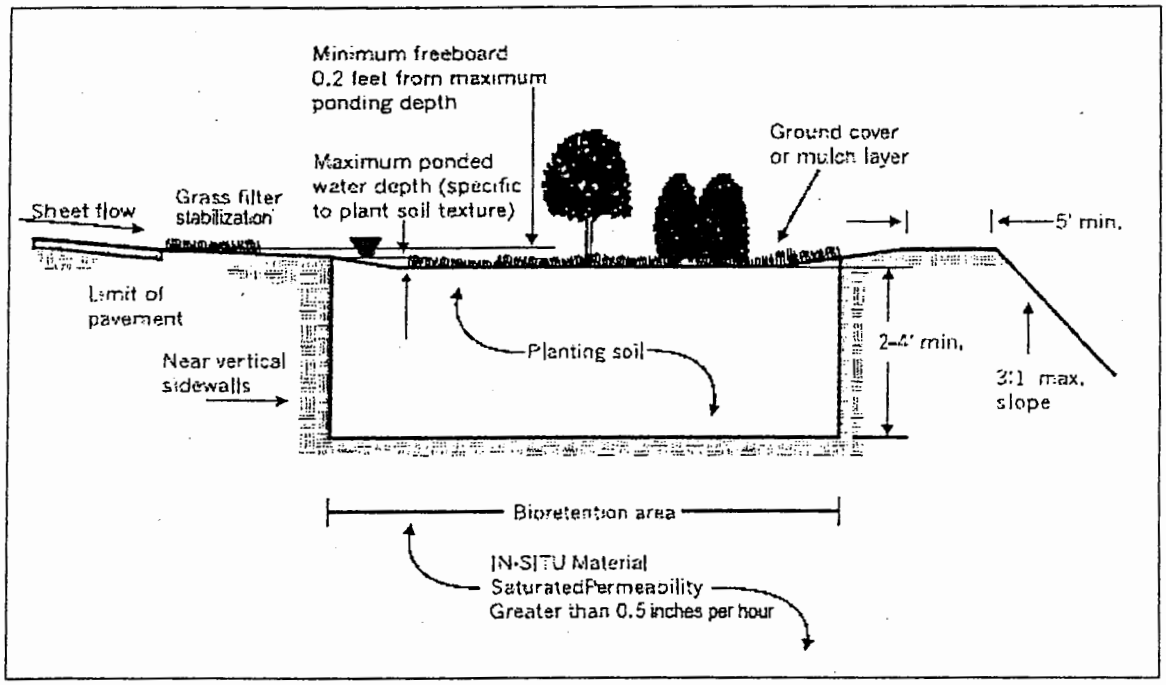


Photo 3. Photo 3 shows Clark Slough adjacent to the project site and the western property boundary of the subject site. Note the lack of a buffer from existing development and Clark Slough. Photo taken by SHN on 4-3-07; orientation is north.



Schematic A. Vegetated Swale Concept (5-foot setback)



Schematic B. Bioretention Cell Concept (40-foot buffer)

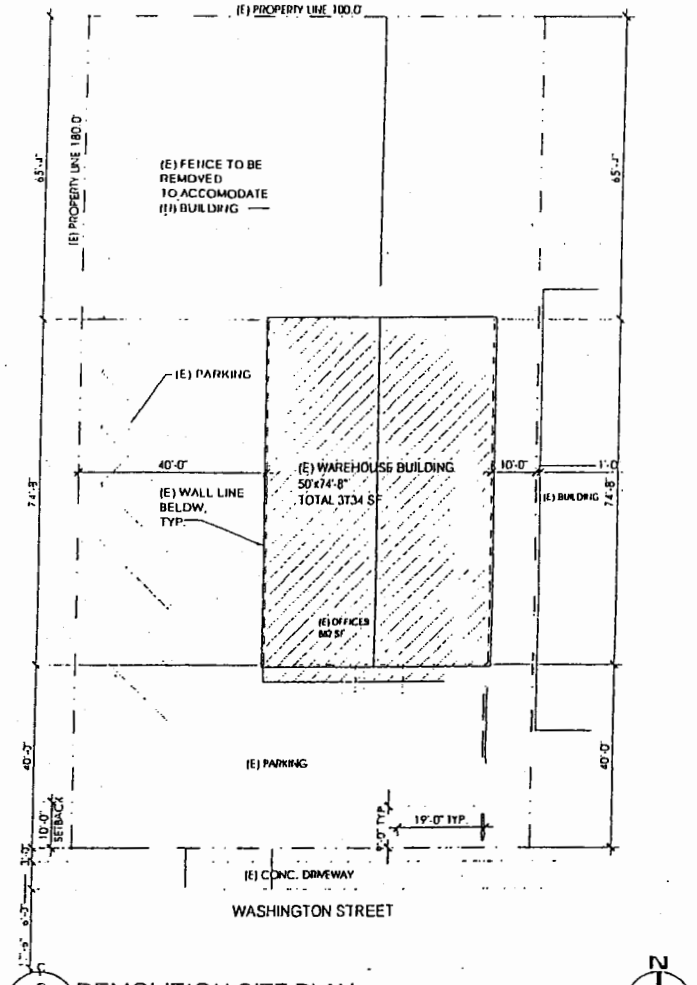
(N) WAREHOUSE ADDITION

COLBURN WAREHOUSE

722 W. WASHINGTON ST.

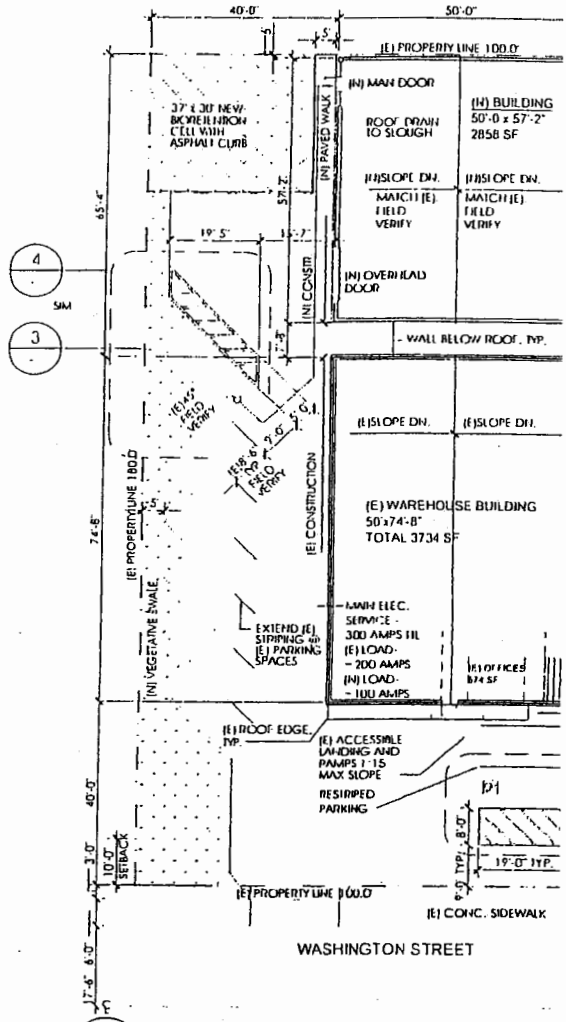
EUREKA, HUMBOLDT COUNTY, CALIFC

A.P.N. 3-111-06-F



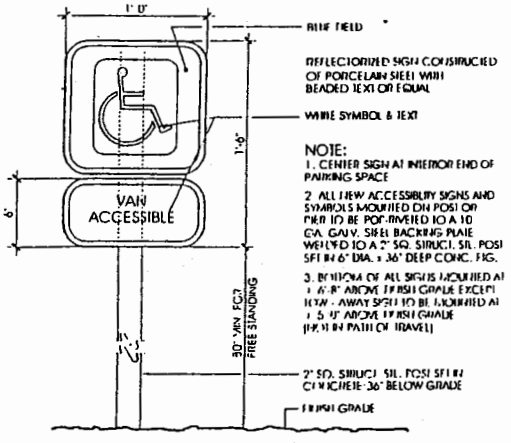
2 / - DEMOLITION SITE PLAN

SCALE: 1" = 20'-0"



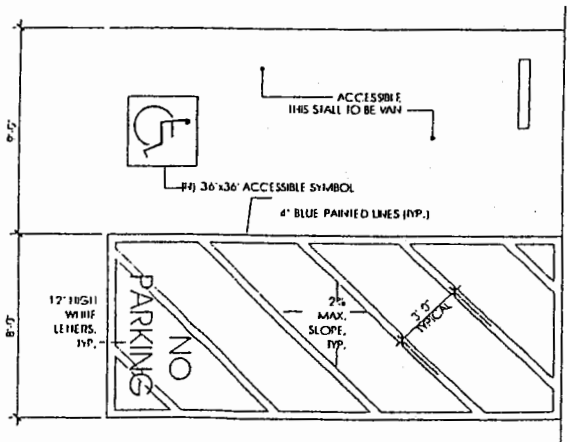
1 / - NEW SITE PLAN AND ROOF PLAN

SCALE: 1" = 20'-0"



5 / - ACCESSIBLE PARKING SIGN

SCALE: NTS



4 / - ACCESSIBLE PARKING

SCALE: 1/4" = 1'-0"

N I A

(E) PROPERTY LINE TYP.

(E) BUILDING

1'-0"

(E) CONFORMING ACCESSIBLE UNISEX TOILET

4

LEGEND

NEW WALLS BELOW

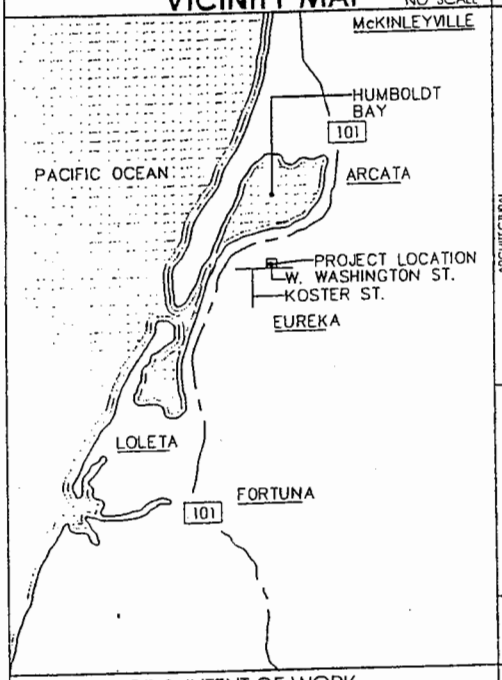
EXISTING ROOF

NEW ROOF

N

ACCESSIBLE PARKING SIGN TYP.

VICINITY MAP NO SCALE



SCOPE & INTENT OF WORK

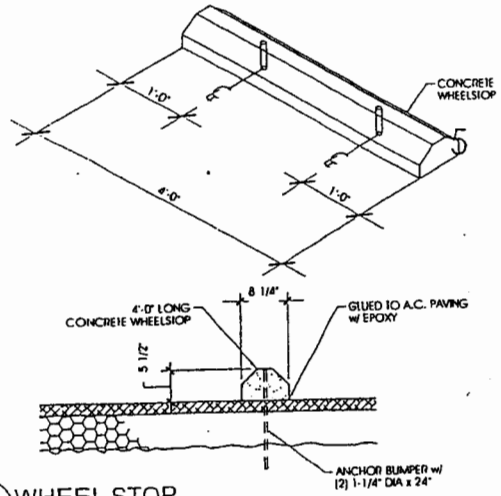
A (N) METAL BUILDING TO BE LOCATED BEHIND EXISTING METAL BUILDING AND (N) ADDITIONAL DRIVEWAY WITH THE PARKING LOT RESTRIPPED

CODE ANALYSIS

ZONED: M1
SITE 100' x 180' = 18,000 SF
(E) BUILDING = 3734 SF
(N) BUILDING(2858 SF) + MEZZANINE(724 SF)= 3582 SF
(E)BUILDING + (N) BUILDING= 7316 SF
WAREHOUSE PARKING- 1 SPACE/1000 SF
OFFICE PARKING = 1 SPACE/300 SF
(E) WAREHOUSE PARKING REQUIREMENTS
= 3374 SQ.FT. -674(OFFICE SPACE) SQ. FT. = 2700 SQ.FT.
(E) PARKING REQ'D. = 2700/1000 + 674/300=5 SPACES
1 ACC. SPACE REQUIRED
(N) WAREHOUSE PARKING REQUIRED
2858/1000 = 1 SPACE FOR WATCHMANS QUARTERS=
= 4 SPACES REQUIRED
1 ACC. SPACE NOT EXCLUSIVE TO ACC. (11.29B2)
SETBACKS= 10' FRONT YARD
MAX. HEIGHT= 35'-0" OVERALL AVERAGE HEIGHT
OCCUPANCY: S2 AND B3
TYPE OF CONSTRUCTION: V-N
SPRINKLERS: NO
(E) BUILDING OCCUPANCY: S2 (REFER TO BUILDING CODE SECTION FOR 302.1.2.2 FOR EXCEPTION OF ADMINISTRAIVE OFFICES. SEPERATION BETWEEN NON-LOADBEARING WALLS 5'-0" MIN. UNLESS RATED)

CODE COMPLIANCE

THIS PROJECT SHALL COMPLY WITH THE 2001 EDITIONS OF THE CALIFORNIA BUILDING/PLUMBING/MECHANICAL CODES AND THE 2004 EDITION OF THE CALIFORNIA ELECTRICAL CODE, WHICH ADOPT THE 1997 UBC, 2000 UMC, 2000 UPC AND THE 2002 NEC.



3 WHEEL STOP
SCALE: 3/4" = 1'-0"

DRAWING INDEX

ABBREVIATIONS

ACT	ACOUSTICAL TILE
A/C	AIR CONDITIONING
A.C.P	ACOUSTICAL CEILING PANEL (LAY IN)
ALT.	ALTERNATE
A.B.	ANCHOR BOLT
ARCH.	ARCHITECT (URAL)
ASPH.	ASPHALT
B.M.	BENCHMARK
BLK'G.	BLOCKING
BLD'G.	BUILDING
B.S.	BOTH SIDES
B.U.R.	BUILT UP ROOFING
CAB.	CABINET
CLG.	CEILING
C.T.	CERAMIC TILE
C.B.	CHALKBOARD
CLR.	CLEARANCE
COL.	COLUMN
CONC.	CONCRETE
C.M.U.	CONCRETE MASONRY UNIT
CONST.	CONSTRUCTION
CONT.	CONTINUOUS OR CONTINUE
C.J.	CONTROL JOINT
CORR.	CORRUGATED
CTR.	CENTER
CU. FT.	CUBIC FOOT
CU. YD.	CUBIC YARD
DEMO.	DEMOLISH, DEMOLITION
D.I.	DROP INLET
DIAG.	DIAGONAL
DIA.	DIAMETER
DIM.	DIMENSION
DISP.	DISPENSER
DIV.	DIVISION
DR.	DOOR
D.S.	DOWNSPOUT
DRWG.	DRAWING
D.F.	DRINKING FOUNTAIN
E.B.	EXPANSION BOLT
E.J.	EXPANSION JOINT
ELE.	ELEVATION
EXP.	EXPANSION
EXT.	EXTERIOR
FIN.	FINISH (ED)
F.A.	FIRE ALARM
F.E.	FIRE EXTINGUISHER
F.E.C.	FIRE EXTINGUISHER CABINET
FLR.	FLOOR (ING)
F.R.G.B.	FIRE RATED GYPSUM BOARD
F.D.	FLOOR DRAIN
FLUR.	FLUORESCENT
FTG.	FOOTING
FUR.	FURRED (ING)
GA.	GAGE, GAUGE
G.B.	GYPSUM BOARD
G.I.	GALVANIZED IRON
GL.	GLAZING
H.V.A.C.	HEATING/VENT./AIRCONDITIONING
HT.	HEIGHT
H.C.	HOLLOW CORE
H.M.	HOLLOW METAL
HORIZ.	HORIZONTAL
H.B.	HOSE BIBB
I.D.	INSIDE DIAMETER
INSL.	INSULATE (D), (ION)
INT.	INTERIOR
JT.	JOINT
K.O.	KNOCKOUT
L.B.	LAG BOLT
LAM.	LAMINATE (D)
LAV.	LAVATORY
L.H.	LEFT HAND
LT. WT.	LIGHTWEIGHT
L.L.	LIVE LOAD
LVR.	LOUVER
M.H.	MANHOLE
MR	MOISTURE RESISTANT
MAX.	MAXIMUM
MECH.	MECHANICAL
MTL.	METAL
MIN.	MINIMUM
MISC.	MISCELLANEOUS
(N)	NEW
N.I.C	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
O.C.	ON CENTER (S)
OPP.	OPPOSITE
O.D.	OUTSIDE DIAMETER
O/	OVER
O.H.	OVERHANG
P. BD.	PARTICLE BOARD
PLAS.	PLASTER
PL. LAM.	PLASTIC LAMINATE
PL.	PLATE
PL. GL.	PLATE GLASS
PLYWD.	PLYWOOD
P.S.F.	POUNDS PER SQUARE FOOT
P.S.I.	POUNDS PER SQUARE INCH
PFB.	PREFABRICATE (D)
PS.C.	PRESTRESSED CONCRETE
P.L.	PROPERTY LINE
RAD.	RADIUS
REF.	REFERENCE
RFL.	REFLECT (ED), (IVE), (OR)
REFR.	REFRIGERATOR
REINF.	REINFORCE (D), (ING)
R.H.	RIGHT HAND
R.O.W.	RIGHT OF WAY
RWD.	REDWOOD
RM	ROOM
R.W.L.	RAIN WATER LEADER
R.O.	ROUGH OPENING
S.G.	SAFETY GLASS
SCH.	SCHEDULE
SEC.	SECTION
SIM.	SIMILAR
S.C.	SOLID CORE
S.C.	SOLID CORE
S.P.	SOUND PROOF
SPEC.	SPECIFICATION (S)
SQ.	SQUARE
S.S.	STAINLESS STEEL
STOR.	STORAGE
S.D.	STORM DRAIN
STR.	STRUCTURAL
SUS.	SUSPENDED
S.V.	SHEET VINYL
T.B.	TACKBOARD
TEL.	TELEPHONE
T.V.	TELEVISION
THK.	THICK (NESS)
THR.	THRESHOLD
T&G	TONGUE & GROOVE
T.P.D.	TOILET PAPER DISPENSER
TYP.	TYPICAL
U/	UNDER
V.B.	VAPOR BARRIER
V.C.T.	VINYL COMPOSITION TILE
VERT.	VERTICAL
WSCT.	WAINSCOT
W.C.	WATER CLOSET
W.H.	WATER HEATER
W.P.	WATERPROOF (ING)
W.R.	WATER RESISTANT
W.W.M.	WELDED WIRE MESH
W.G.	WIRE GLASS
W/	WITH
W/O	WITHOUT
WD.	WOOD

3234 I STREET
EUREKA, CA 95503
PHONE: (707) 443-16
FAX: (707) 443-2792

Matson & Vallerga
ARCHITECTS, INC.

COVER SHEET, SITE PLAN

(N) WAREHOUSE ADDITION
COLBURN WAREHOUSE
A.P.N. 3-111-06-F
722 W. WASHINGTON ST.
EUREKA, HUMBOLDT COUNTY, CALIFORNIA

LICENSED ARCHITECT
MARK A. GAXIOLA
C-23899
REN. 05/31/07
STATE OF CALIFORNIA

DRAWN BY	L.K.
CHECKED BY	M.A.G.
JOB NO	05157
DATE	06/01/09
DRAWING NO	A0.0

CEQA
Mitigation Monitoring/Reporting Program
(MMRP)

CITY OF EUREKA

This Mitigation Monitoring/Reporting Program (MMRP) has been prepared for the project described below in conformance with Section 21081.6 of the California Environmental Quality Act (CEQA) and Section 15097 of the CEQA Guidelines.

SCH #:

PROJECT TITLE: ***Colburn Warehouse Addition***

PROJECT APPLICANT: Robert Colburn **CASE NO:** CDP-06-0012

PROJECT LOCATION: 722 W. Washington Street; APN 003-111-006

ZONING & GENERAL PLAN DESIGNATION: Limited Industrial

PROJECT DESCRIPTION: The applicant is requesting approval of a coastal development permit for the construction of a new, approximately 2,858 square foot metal warehouse that includes a mezzanine level with an approximately 725 square foot watchman's quarters. The new warehouse would be located in the northeast corner of the property behind the existing warehouse/office building. The project site is located in the Coastal Zone and a Coastal Development Permit is required. The City's final action on the Coastal Development Permit is appealable to the California Coastal Commission.

LEAD AGENCY: City of Eureka, 531 "K" Street, Eureka, CA 95501-1165

CONTACT PERSON: Kristen M. Goetz, Assistant Planner; *phone*: (707) 441-4166; *fax*: (707) 441-4202; *e-mail*: kgoetz@ci.eureka.ca.gov

INTRODUCTION: On October 6, 2009, the above described project was approved by the City Council of the City of Eureka; mitigation measures were made a condition of project approval. The purpose of this MMRP is to ensure that the mitigation measures adopted in connection with project approval are effectively implemented. This MMRP establishes the framework that the City of Eureka and others will use to implement the adopted migration measures and the monitoring and/or reporting of such implementation.

CEQA provides that the City of Eureka may choose whether the MMRP will monitor mitigation, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve elements of both. The choice of program

may be guided by the following:

(1) Reporting is suited to projects which have readily measurable or quantitative mitigation measures or which already involve regular review. For example, a report may be required upon issuance of final occupancy to a project whose mitigation measures were confirmed by building inspection.

(2) Monitoring is suited to projects with complex mitigation measures, such as wetlands restoration or archeological protection, which may exceed the expertise of the City of Eureka to oversee; are expected to be implemented over a period of time; or, require careful implementation to assure compliance.

(3) Reporting and monitoring are suited to all but the most simple projects. Monitoring ensures that project compliance is checked on a regular basis during and, if necessary after, implementation. Reporting ensures that the City of Eureka is informed of compliance with mitigation requirements.

ENFORCEMENT: In accordance with CEQA, the primary responsibility for making a determination with respect to potential environmental effects rests with the City of Eureka rather than the monitor or preparer of the CEQA documents. As such, the City of Eureka is identified as the primary enforcement agency for this MMRP.

PROGRAM MODIFICATION: After adoption of this MMRP, minor changes to this MMRP are permitted but can only be made by the City of Eureka. The Director of Community Development, after consultation with affected Departments or Agencies, may make minor modifications to this MMRP. If, for any reason, any mitigation measure specified in this MMRP cannot be implemented due to factors beyond the control of the owner/developer and/or the City of Eureka, at a noticed public hearing before the City Council of the City of Eureka substitution of another mitigation measure may be approved. In no case shall deviations from this MMRP be permitted unless this MMRP continues to satisfy the requirements of Section 21081.6 of CEQA, as determined by the City of Eureka.

SUMMARY OF POTENTIAL PROJECT IMPACTS: Below is a table that summarizes the impact potential for each category of impact as identified and analyzed in the Initial Study.

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I.	**Aesthetics**		✓		
II.	**Agricultural Resources**				✓
III.	**Air Quality**		✓		
IV.	**Biological**		✓		
V.	**Cultural**			✓	
VI.	**Geology and Soils**			✓	
VII.	**Green house Gas Emissions**			✓	
VIII.	**Hazards and Hazardous Materials**			✓	
IX.	**Hydrology and Water Quality**		✓		
X.	**Land Use and Planning**			✓	
XI.	**Mineral Resources**				✓

XII. Noise		✓		
XIII. Population			✓	
XIV. Public Services			✓	
XV. Recreation				✓
XVI. Transportation and Traffic			✓	
XVII. Utilities & Service Systems			✓	
XVIII. Mandatory Findings of Significance			✓	

MMRP IMPLEMENTATION TABLE: To assure that this MMRP is effectively implemented the table on the following pages establishes the framework that the City of Eureka and others will use to implement the adopted migration measures and the monitoring and/or reporting of such implementation. The following abbreviations will be used in the MMRP table:

AQMD..... Air Quality Management District
BD..... City of Eureka Building Department
BMP..... Best Management Practice(s)
CDD..... Community Development Department
City..... City of Eureka
CONT..... Contractor
DRC..... Design Review Committee
DTSC..... Department of Toxic Substances Control
EFD..... Eureka Fire Department
ENG..... City of Eureka Engineering Department
ESHA..... Environmentally Sensitive Habitat Area
OWN..... Property Owner
PW..... City of Eureka Public Works Department
RWQCB..... Regional Water Quality Control Board

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
Mitigation Measure I-1: Any and all exterior lighting shall be located and shielded such that no light or glare extends beyond the property line. In addition, the illuminated portion of the light fixture or lens shall not extend below or beyond the canister or light shield. Exterior lighting shall also comply with §21466.5 of the State of California Vehicle Code. The location of all exterior lights shall be shown on a site plan submitted to and approved by the Design Review Committee. In addition, the applicant shall submit specifications for the exterior lights to the Design Review Committee for review and approval, including a picture or diagram showing the cross section of the light and illustrating that the illuminated portion of the fixture/lens does not extend beyond the shield.	▸ CDD ▸ DRC ▸ BD ▸ CONT ▸ OWN	The lighting plan shall be approved by the City of Eureka Design Review Committee prior to issuance of the Building Permit for the construction of the structure; the installation of the lights and determination that installation is in compliance with this requirement shall occur prior to issuance of the Certificate of Occupancy.	Once to review plans; once to approve plans; once to assure compliance.	No light or glare extends beyond the property boundary and the illuminated portion of the lens does not extend below the light case or shield.
Mitigation Measure III-1: The applicant shall, at all times, shall comply with Air Quality Regulation 1, Chapter IV to the satisfaction of the NCUAQMD. This will require, but may not be limited to: (1) covering open bodied trucks, when used for transporting materials likely to give rise to airborne dust; and (2) the use of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.	▸ City ▸ AQMD ▸ CONT	During site preparation, grading and throughout construction.	Ongoing during construction.	Continual observation by all parties involved, and making any changes to project activities or operating guidelines, as warranted. Proper notification to the NCUAQMD prior to commencement of site disturbing activities. All required permits secured prior to the commencement of any grading, site disturbance, or construction work.

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
Mitigation Measure IV-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.	▸ City ▸ CDD ▸ BD ▸ CONT ▸ PW ▸ ENG	Commencement of construction.	Throughout duration of project construction and maintenance.	Final sign-off of Building Permit for construction of project.
Mitigation Measure IV-2. The applicant shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.	▸ City ▸ CDD ▸ BD ▸ CONT ▸ PW ▸ ENG	Commencement of construction.	Throughout duration of project construction and maintenance.	Final sign-off of Building Permit for construction of project.
Mitigation Measure IV-3. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.	▸ OWN ▸ City	Each spring and fall following completion of construction for three years (3 of each season).	Twice annually (spring and fall)	Visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. Replacement with a species suitable for the area of any species that dies or is diseased during the three year monitoring period. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
Mitigation Measure IV-4. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.	▸ OWN ▸ City	Ongoing following end of three year monitoring period.	Ongoing.	Minimum 75 percent survival of the plant materials.
Mitigation Measure V-1. In the event any paleontological, archaeological, ethnic, or religious resource(s) are encountered during grading or construction-related activities, in compliance with state and federal law all work within 100 feet of the resources shall be halted and the project applicant shall consult with a qualified cultural resources specialist and/or archaeologist to assess the significance of the find and formulate further mitigation. This would include coordination with the Native American Heritage Commission. The Native American Heritage Commission will contact the Wiyot Tribe, as deemed necessary, to assist in assessing the significance of any find. If any find is determined to be of significance, representative(s) of the project applicant, City of Eureka, Wiyot Tribe, and a qualified archaeologist would meet to determine the appropriate course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work will cease and the County coroner will be contacted. The County coroner and Native American Heritage Commission will be charged with determining if the human remains are of	▸ CONT ▸ City ▸ BD	All construction activities must be in compliance at all times.	During all ground disturbing activity.	Cultural resource specialist/coroner contacted in the event of discovery.

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
Native American origin.				
Mitigation Measure VIII-1. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools.	▸ CONT ▸ BD ▸ EFD	All construction activities must be in compliance at all times.	During construction activity.	Fire suppression with on-site tools and/or response by appropriate Fire agency.
Mitigation Measure VIII-2. During project construction, if there is any evidence that indicates contaminated soils are present on the site, either from visual observations or odors indicative of regulated substances, the applicant shall be responsible for performing soil sample analyses. The findings of the survey shall be submitted, as applicable, to the RWQCB, DTSC, and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, DTSC, and other agencies with regard to the handling, transport, and disposal of hazardous materials such as contaminated soils to the satisfaction of the applicable agencies.	▸ RWCQB ▸ DTSC ▸ OWN ▸ CONT ▸ BD	Prior to and during construction.	Continuing during excavation, grading and construction.	Any and all hazardous substances are identified, handled, transported and disposed of in compliance with State law.
Mitigation Measure IX-1. The applicant shall construct a bioretention cell at the northwest corner of the property as indicating on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to treat and infiltrate storm water runoff from the new building.	▸ City ▸ CDD ▸ BD ▸ CONT ▸ PW ▸ ENG	Commencement of construction.	Throughout duration of project construction and maintenance.	Final sign-off of Building Permit for construction of project.
Mitigation Measure IX-2. The applicant	▸ City	Commencement of construction.	Throughout duration	Final sign-off of Building

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
shall plant a vegetative swale along the west side of the property as indicated on the site plan submitted on June 1, 2009, and the buffer reduction request report dated January 20, 2009, to filter and treat storm water runoff from the existing parking areas prior to discharging to Clark Slough.	▸ CDD ▸ BD ▸ CONT		of project construction and maintenance.	Permit for construction of project.
Mitigation Measure IX-3. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.	▸ CONT ▸ PW ▸ BMP	Prior to construction.	Once to assure compliance.	Issuance of SWPPP or written indication one is not required.
Mitigation Measure IX-4. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.	▸ CONT ▸ OWN ▸ BMP ▸ City	Prior to commencement of construction and ongoing.	Throughout duration of project construction and maintenance.	No pollutants are carried from the parking areas; no debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings. oil or petroleum products, other organic or earthen material from construction operations are allowed to enter or are placed where it can enter the ESHA; erosion control measures and handling of petroleum products are followed as specified in the SWPPP, if required; BMPs implemented during all phases of

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
				construction.
Mitigation Measure IX-5. The contractor shall implement best management practices (BMPs) as contained in the City of Eureka's Construction Best Management Practices (BMP) Manual dated March 2009, or other generally recognized stormwater BMP compilations as may be required.	▸ CONT ▸ BMP ▸ City ▸ BD ▸ PW	Prior to and during construction.	Continuing during construction.	No evidence of sedimentation, sloughing, or other construction runoff from site.
Mitigation Measure IX-6. The bioretention cell and vegetative swale shall be inspected twice annually (spring and fall) for a period of three years. Monitoring should consist of visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. If any species that is planted dies or is diseased during the three year monitoring period, it will be replaced with a species suitable for the area. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.	▸ OWN ▸ City	Each spring and fall following completion of construction for three years (3 of each season).	Twice annually (spring and fall).	Visual, qualitative observation of the health of the planted areas, including indicators of disease and mortality. Replacement with a species suitable for the area of any species that dies or is diseased during the three year monitoring period. Success criteria for any species planted should be 75 percent survival at the completion of the monitoring period.
Mitigation Measure IX-7. The property owner shall insure the continued viability and health of the bioretention cell and vegetative swale following the three year monitoring period with a goal of a minimum of 75 percent survival of the plant materials.	▸ OWN ▸ City	Ongoing following end of three year monitoring period.	Ongoing.	Minimum 75 percent survival of the plant materials.

Mitigation Measure	Person/ Agency Responsible for Monitoring	Timing for Implementation/ Compliance	Monitoring Frequency	Evidence of Compliance
Mitigation Measure XII-1. Hours of construction activities shall be limited to daylight hours, generally from 8:00 a.m. to 5:00 p.m., Monday through Friday; the hours of construction may be increased with prior approval from the City based on an expressed need by the contractor.	▸ CONT ▸ OWN ▸ City	All construction activities must be in compliance at all times.	Duration of construction.	Work performed only between the hours of 8:00 a.m. and 5:00 p.m., Mond through Friday.