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STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE & DE NOVO

Appeal No.:	**A-1-ARC-12-003**
Applicant:	**Trustees of the California State University**
Appellants:	Commissioners Brian Brennan and Richard Bloom
Local Government:	City of Arcata
Local Decision:	Approval with Conditions.
Location:	1601 Samoa Boulevard, Arcata, Humboldt County (APNs 505-251-11; 505-251-13; 021-191-06).
Project Description (as approved by the County):	Redevelopment of a 7.3-acre site for use as HSU's corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices. The project consists of remodeling the existing building, replacing existing fencing, patching small portions of the existing pavement and eventual repaving, adjustments to site access, landscaping, hazardous material abatement, and the addition of ADA-compliant restrooms, a fire sprinkler system, doors and locker rooms, an elevator, new service doors, new roof, new paint, ceilings, and flooring.

Project Description (as amended *de novo*):	Redevelopment of a 7.3-acre site to house HSU facility operations, University research, and federal agency tenants. The project consists of (1) remodeling the existing building, (2) demolishing a building addition, (3) removing fencing, (4) repairing existing pavement, (5) adding new pavement, (6) improving onsite stormwater management, and (7) enhancing 1.3 acres of onsite wetlands.
Staff Recommendation:	Substantial Issue on Appeal and Approval with Conditions De Novo.

IMPORTANT HEARING PROCEDURE NOTE:

The Commission will not take testimony on this "substantial issue" recommendation unless at least three commissioners request it. The Commission may ask questions of the applicant, any aggrieved person, the Attorney General or the executive director prior to determining whether or not to take testimony regarding whether the appeal raises a substantial issue. If the Commission takes testimony regarding whether the appeal raises a substantial issue, testimony is generally and at the discretion of the Chair limited to 3 minutes total per side. Only the applicant, persons who opposed the application before the local government (or their representatives), and the local government shall be qualified to testify during this phase of the hearing. Others may submit comments in writing. If the Commission finds that the appeal raises a substantial issue, the de novo phase of the hearing will follow, unless it has been postponed, during which the Commission will take public testimony.

SUMMARY OF STAFF RECOMMENDATION

On January 13, 2012, Commissioners Brennan and Bloom filed an appeal of the City of Arcata's approval of Coastal Development Permit (CDP) 090-037 for the redevelopment of a 7.3-acre site as a corporation yard for Humboldt State University (HSU). The development site is located at 1601 Samoa Boulevard (State Route 255) at the westernmost edge of the City of Arcata between the first public road and Arcata Bay, an inlet of the sea. The site includes an existing 43,006-square-foot commercial-industrial building, 1.28 acres of asphalt-concrete-surfaced parking lots, driveways, and delivery-truck-maneuvering areas, and 3.33 acres of palustrine emergent wetlands. The approved development includes, among other development, fill of approximately 20,000 square feet (0.46 acres) of onsite wetlands for a new vehicular access route, and wetland creation in an onsite upland area to mitigate for wetland loss at an approximately 2:1 ratio.

Commission staff recommends that the Commission find that the appeal raises a substantial issue regarding consistency of the approved project with the wetland protection policies of the

certified LCP because (1) the City's findings did not demonstrate that the approved wetland fill is for a permitted use; (2) feasible, less environmentally damaging alternatives exist; and (3) feasible mitigation measures have not been provided to minimize adverse environmental effects.

For the purposes of *de novo* review by the Commission, HSU has revised the project description to address all of the issues raised on appeal. Notably, the Applicant has revised their proposal to eliminate fill that would have supported new vehicular routes, thereby decreasing the amount of fill by approximately 6,000 square feet. The newly proposed project includes, among other development, demolition of a 3,600-square-foot portion of the existing building and fill of 13,915 square feet (0.32 acres) of onsite wetlands solely to expand existing vehicular access routes that would improve fire truck access to the building to meet current fire code standards. As the proposed grading and filling of seasonal wetlands is for limited expansion of existing vehicular access routes at a public facility necessary to maintain existing capacity and public safety, it is the opinion of staff that the proposed wetland fill is permissible for an incidental public service purpose consistent with LCP and Coastal Act wetland fill policies. For purposes of *de novo* review, the applicant has also submitted a supplemental alternatives analysis that includes alternatives to reduce wetland fill impacts and address the minimum amount of fill necessary to comply with state fire code; and a revised wetland mitigation and monitoring plan that proposes to restore 55,676 square feet (1.3 acres) of degraded onsite wetlands to mitigate for wetland loss at a 4:1 ratio. Staff believes that, as conditioned, no less environmentally damaging feasible alternative to the revised proposal exists and adequate mitigation is proposed.

Finally, staff notes that as part of the project approved by the City, the University originally proposed to develop a public access road and five-car parking lot on the western edge of the property. Under the revised project for purposes of *de novo* review, the University still proposes to lease this land to the City for a public access route, but no longer proposes to develop a road or parking lot. Commission staff agree with the Applicant that these public access facilities need not be provided in conjunction with the revised project *de novo* because such facilities: (1) are not required to mitigate the impacts of this proposed development; and moreover (2) are already required to be provided by another CDP granted for the *McDaniel Slough Enhancement Project* (CDP 1-06-036, City of Arcata, Applicant).

However, the City of Arcata staff has sent correspondence indicating that the City recommends that the Commission find no substantial issue in order to retain the public access road and parking as approved by the City under the permit now on appeal (Exhibit 10). The City believes the access facilities are required to be constructed on the property subject to this appeal as part of the Commission's action on the CDP granted for the *McDaniel Slough Enhancement Project* (CDP 1-06-036, City of Arcata, Applicant). Staff disagrees with the City's characterization and does not support the City's recommendation because (1) the public access facilities are already required and authorized by another CDP; (2) the University as the current applicant is not obligated to satisfy the conditions of a prior CDP granted to the City; and moving the parking facility to the property subject to this appeal would require an amendment to the prior permit granted to the City.

The motion to adopt the staff recommendation of substantial issue is found on page 5, and the motion to adopt the staff recommendation of approval with conditions is found on page 14.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION ON SUBSTANTIAL ISSUE

Motion:

I move that the Commission determine and resolve that Appeal No. A-1-ARC-12-003 does not present a 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.

Staff recommends a **NO** vote on the foregoing motion. 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, thereby rejecting the staff recommendation, 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.

Resolution:

The Commission hereby finds that Appeal No. A-1-ARC-12-003 presents a substantial issue with respect to the grounds on which the appeal has been filed under §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.

II. FINDINGS AND DECLARATIONS

A. APPEAL JURISDICTION AND PROCEDURES

Appeal Jurisdiction and Grounds for Appeal

The Coastal Commission effectively certified the City of Arcata's local coastal program (LCP) in 1989. After certification of an LCP, the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (CDPs). Pursuant to Coastal Act Section 30603, the City of Arcata's approval of the subject project is appealable to the Commission because the approved development is located both (a) between the sea and the first public road paralleling the sea, and (b) within 100 feet of a wetland. The Commission's Appeal Jurisdiction is further discussed in Appendix A which is hereby incorporated by reference. The grounds for appeal of a local government action approving a CDP for development in an appealable area are limited to allegations that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

Appeal Procedures
Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that the appeal raises no substantial issue[1] of conformity of the approved project with the certified LCP. Since the staff is recommending substantial issue, unless three Commissioners object, it is presumed that the appeal raises a substantial issue and the Commission may proceed to its *de novo* review at the same or subsequent meeting. The Commission will not take public testimony during this phase of the appeal hearing.

If three Commissions object, the Commission will hear arguments and vote on the substantial issue question. Proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission on the substantial issue question are the applicants, appellants, and persons who made their views known to the local government (or their representatives). Testimony from other persons regarding substantial issue must be submitted in writing. It takes a majority of Commissioners present to find that no substantial issue is raised.

B. LOCAL GOVERNMENT ACTION AND FILING OF APPEAL
The City of Arcata's Planning Commission approved CDP-090-037 with conditions at its public hearing held on December 13, 2011. The Coastal Commission's North Coast District Office received a pre-Notice of Final Action on the approved development on December 22, 2011 (Exhibit 5). The notice indicated that a local appeal of the City's decision on the subject permit must be filed by December 28, 2011, ten working days from the date of Planning Commission approval. Since no local appeal was filed, Notice of Local Action was deemed filed on December 29, 2011 and the Commission's appeal period began that day and ran for ten working days, ending on January 13, 2012. On January 13, 2012, Commissioners Brennan and Bloom filed an appeal of the County's decision to grant the permit (Exhibit 6). Section 13111 of the Commission's regulations allows an appeal of a local government's decision on a CDP application to be filed by any two members of the Commission. The appeal was filed in a timely manner, within 10 working days of receipt by the Commission of the City's Notice of Final Action.

C. PROJECT AND SITE DESCRIPTION
On December 13, 2011, the Arcata Planning Commission approved CDP-090-037 for the redevelopment of an approximately 7.3-acre site to house Humboldt State University (HSU)'s corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices. The development approved by the City includes: (1) extensive remodeling of the existing industrial-commercial building including new roofing, ceilings, flooring, and paint; (2) removal of approximately 810 linear feet of existing fencing; (3) installation of approximately 1,440 linear feet of new fencing; (4) replacement of nine outdoor

[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.

light fixtures; (5) patching of portions of existing pavement and eventual repaving; (6) planting of landscaping; (7) implementation of hazardous material abatement; (8) installation of low-gradient, concrete-lined swales for drainage; (9) development of a gravel access road and five-space parking lot for public access from Samoa Boulevard to the McDaniel Slough Enhancement Project and Arcata Marsh and Wildlife Sanctuary; and (10) installation of approximately 20,000 square feet (0.46 acres) of pavement for a new vehicular access route along the east side of the property.

The development site is located at 1601 Samoa Boulevard (State Route 255) at the westernmost edge of the City of Arcata. The site is bordered to the north by Samoa Boulevard, to the west by grazed pastureland, to the east by a developed industrial-commercial site, and to the south by the McDaniel Slough Enhancement Project, the Arcata Marsh and Wildlife Sanctuary, and Arcata Bay, the northern portion of Humboldt Bay (Exhibits 1 & 2).

The 7.3-acre property consists of three parcels, two parcels along the highway frontage totaling 6 acres in size (APNs 021-191-006 & 505-251-13) and one 1.3-acre parcel to the south (APN 505-251-11). The two northern parcels are zoned "Industrial Commercial" (I-C), and are currently improved with a two-story, 43,006-square-foot building, and paved parking lots and driveways. The southern 1.3-acre parcel is zoned "Agricultural Exclusive" (A-E) and is currently vacant. The site is generally flat, ranging in elevation from 7.6 feet to 13.5 feet and sloping gently toward the southern property line. A sewer lift station owned and operated by the City of Arcata borders the property on the northwest corner of the site.

The existing building was constructed in the mid-1970s prior to the Coastal Act[2] to house Industrial Electric, an industrial-commercial electrical motor repair and service firm. The original firm operated at the site for nearly thirty years before closing the facility and selling the property to the Humboldt State University Advancement Foundation in 2008. The front side of the building facing Samoa Boulevard consists of two large, concrete, windowless east and west wings branching off of a central office pavilion with a window-paneled façade. Areas along the front (northern), rear (southern), and western sides of the building are developed with an array of asphalt-concrete surfaced parking lots, driveways, and delivery truck maneuvering areas which lead to a series of freight doors along the rear of the building. These paved areas around the building represent another 1.28 acres (57,047 square feet) of impervious surface. The remainder of the property is largely comprised of emergent wetlands totaling approximately 3.33 acres in size (See Exhibit 3 for a map of onsite wetlands). These wetlands are a remnant of the former use of the site for cattle grazing, and consist primarily of a mixture of non-native pasture grasses together with an assortment of hydrophytic forbs and other pioneering species. These wetlands interconnect with other scrub-shrub and riverine wetlands adjoining Humboldt Bay within the adjacent McDaniel Slough Enhancement Project and Arcata Marsh and Wildlife Sanctuary

[2] The Industrial Electric Company purchased the subject property sometime before 1976, secured a building permit the summer of 1976, and constructed the existing building in 1977. The building was fully authorized in the time period between voter adoption of the Coastal Initiative (Proposition 20) in 1972, and adoption of the Coastal Act by the state legislature in 1976. At the time the building was granted a building permit, the coastal zone only extended landward 1,000 yards from the mean high tide line. As the subject property is not within 1,000 yards of the mean high tide line and was thus not in the coastal zone at the time a building permit was issued for the project, the building was not subject to coastal development permit requirements.

complex to the south. Surveys conducted in March, April and May of 2009 detected no special-status plant or wildlife species in the project area.

Existing vehicular access points to the site consist of two developed driveways along Samoa Boulevard, a driveway at the northwest corner of the property's highway frontage (Driveway One), and a central driveway (Driveway Two). A third driveway apron (Driveway Three) on the far northeastern corner of the property's highway frontage does not connect to onsite paved areas and is thus not currently in use. The approved project includes updating and connecting Driveway Three to the paved area at the rear of the building to allow vehicular traffic to flow around the building resulting in easier maneuvering for fire trucks and other large vehicles accessing the site (See Exhibit 4 for the approved site plan). The approved new pavement, along with new fencing (149 new fence posts), would be placed in wetlands, resulting in a total of approximately 20,000 square feet (0.46 acres) of wetland fill. The approved project would mitigate for wetland loss at an approximately 2:1 ratio by removing 94 existing onsite fence posts in wetlands and creating wetlands in an upland area on the currently vacant southern parcel zoned Agriculture-Exclusive.

D. APPELLANTS' CONTENTIONS

As set forth in Section 30603 of the Coastal Act, after certification of its LCP, an appeal of a local government-issued CDP is limited to allegations made on the grounds that the approved development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act.

Commissioner-Appellants Bloom and Brennan claim the development as approved by the City is inconsistent with the wetland protection policies and standards of the City of Arcata's certified LCP because: (1) filling wetlands to construct new driveway through-circulation for delivery vehicles is not a permissible use; (2) feasible alternatives to filling the wetlands exist that would achieve the project objective of establishing a corporation yard use; and (3) the development has not provided feasible mitigation to minimize adverse environmental effects (See Exhibit 6).

As discussed below, the Commission finds that all of the above contentions raised by the appellant are valid grounds for appeal and raise a substantial issue of conformance of the approved development with the policies of the certified LCP regarding the protection of wetlands. The three contentions are discussed separately below.

E. ANALYSIS

Permissible Use for Filling of Wetlands

Under the wetland development provisions of the City's LCP, including Coastal Act Section 30233 that has been incorporated into the City's LCP, a project that involves wetland fill may only be authorized if the project passes three tests. The first test requires that the proposed wetland fill activity fit within one of the enumerated use categories described in Coastal Act Section 30233(a)(1)-(7), the City of Arcata's Coastal Land Use Element (CLUE) Policy IV-4(a)-(e), and the City of Arcata's Coastal Land Use and Development Guide (CLUDG) Section 1-0312.2(1)-(9). The second test requires that no feasible less environmentally damaging

alternative exists. The third and final test mandates that feasible mitigation measures are provided to minimize any of the project's adverse environmental effects.

The appellants' first contention is that the approved project does not qualify as an allowable use for filling wetlands and thus does not pass the first of these tests. The approved wetland fill is for a new vehicular access route connecting the paved area at the rear of the existing building to Driveway Three, and for new fencing around the property's boundary. CLUE Policy IV-4 and CLUDG Section 1-0312.2 limit the allowable uses for fill in wetlands to the same kinds of uses for which filling of wetlands is permitted under Section 30233 of the Coastal Act. None of these policies specifically allow grading and filling of wetlands for the purposes of developing new delivery vehicle access routes or fences on industrial-commercial properties.

The local record for the approved development includes a memorandum prepared by the applicant's consultant that identifies the purpose of the grading and filling of wetlands for the approved paved vehicular access route as being a form of "incidental public service purposes," an allowable use of wetland fill identified in CLUE Policy IV-4(a) and CLUDG Section 1-0312.2(5). However, to qualify as an incidental public service purpose, the wetland fill must (1) provide a "public service" insofar as it confers benefits onto the public, either at large, or to the segment served by the public entity; and (2) be "incidental," within the meaning of that term as it is used in the LCP and the Coastal Act (i.e., ancillary and appurtenant to an existing public service purpose).

With respect to the "public service" nature of the wetland fill, Humboldt State University is a public entity, and the use of the subject property as a corporation yard does provide a benefit to the University community, a segment of the public.

Regarding whether the proposed fill is "incidental" to an existing public service purpose, the authorized fill would be in an area of the site where no paved access route currently exists and where no delivery vehicle circulation use occurs for which the approved filling of wetlands would be incidental. The Commission's *Interpretative Guidelines for Wetlands and Wet Environmentally Sensitive Habitat Areas*, incorporated by reference into the City's LCP at CLUDG Sections 1-0228.10 and 1-0228.12, allow for wetland fill for an "incidental public service purpose" for limited expansion of roadbeds necessary to maintain existing traffic capacity. In past permitting and LCP certification actions, the Commission has limited application of such a classification to activities associated with improvements to existing publicly-accessible surface transportation roadbeds along their established alignments.

The local record indicates that the filling of wetlands for new pavement will result in safer vehicular maneuvering around the site and thus will make the corporation yard as well as the approved public access road on the western border of the property safer for use by members of the public. According to the aforementioned memorandum prepared by the applicant's consultant:

> *Unsafe conditions would be created by allowing the general public to use the westernmost driveway [Driveway One] while maintaining the site's current traffic flow patterns. Therefore, it is necessary to improve the safety of the existing*

> *traffic flow patterns on site before allowing the public to access the site. In its current condition, the site receives Class 10 Tractor Trailers (with 42.5' trailers). The current arrangement of pavement creates an awkward internal traffic flow and an unsafe ingress/egress pattern. Currently, trucks must negotiate narrow internal roadways and dead end parking lots that require multi-point turns in the parking areas. The current layout often requires trucks to exit the site from the same driveway in which other trucks are entering the site…*

Connecting a paved access route around the back of the existing building to Driveway Three allows delivery trucks accessing the bays at the back of the building to loop around the building and exit the site from a separate driveway from which they entered, thus preventing the trucks from hitting a dead end and having to turn around. In addition, the local record includes letters from both the Deputy State Fire Marshall (October 11, 2010) and the City of Arcata Fire Protection District (May 10, 2011) indicating that providing a paved route to Driveway Three would be an enhancement to fire safety by allowing emergency vehicles to better access all portions of the facility. However, while there is clearly evidence in the record that filling wetlands for a driveway would make it easier for delivery trucks to maneuver around the site and easier for emergency vehicles to reach all portions of the site, the record lacks evidence that the site without the new access route is unsafe, such as a report of onsite vehicular accidents or language from either fire department that the new access route is necessary for fire safety. As the record lacks evidence that current vehicular access is unsafe, the argument that wetland fill for a new access route would be providing a public safety service is unsubstantiated. In addition, although the approved wetland fill for the new paved access route would connect an existing asphalt-surfaced vehicle maneuvering area with a stubbed paved apron at the property's state highway frontage, the approved access route would consist of completely new construction through a portion of the property with no history of use for delivery vehicle transit. As the approved fill is for an entirely new access route rather than for a limited expansion of an existing route necessary to maintain existing capacity, a substantial issue is raised as to whether the wetland fill can be considered incidental.

As previously mentioned, the approved project includes development of a gravel access road and five-space parking lot along the property's western boundary for public access from Samoa Boulevard to the McDaniel Slough Enhancement Project. The local approval attempts to incorporate this public access component of the project into their allowable use argument in two different ways. First, the local approval posits that wetland fill for a vehicle access route on the eastern side of the property is necessary for public access on the western edge of the property because it better separates delivery vehicle use from the public access use and thus serves an incidental public service purpose. However, as this approved future public access facility on the western side of the property is not yet constructed or used by the public, there is no existing public infrastructure at the project site for which the authorized filling of wetlands would be incidental.

Secondly, the local approval posits that because the project includes a public access facility, the wetland fill is for "nature study…or similar resource dependent activities," another permissible use of fill enumerated in CLUE Policy IV-4(d) and CLUDG Section 1-0312.2(8). If the construction of the public access facility itself resulted in wetland fill, the argument that the

wetland fill serves a resource dependent use could be valid. In the past, the Commission has considered the development of new recreational trail segments through wetlands and other environmentally sensitive resource areas to be a form of "nature study… or similar resource dependent activities" in cases where design efforts have been made to minimize such intrusions to the smallest feasible area or least impacting routes, and where the trail segment functions as a nature trail. However, no filling or grading of wetlands would be directly involved in the construction of any of the approved coastal access improvements. While the purpose of the approved public access road and parking may be for nature study, the project's wetland fill is for a separate paved vehicular access route not meant for resource-dependent public access but rather for delivery truck access to the corporation yard. Thus, a substantial issue of conformance is raised by the appeal with respect to whether the approved wetland fill is for permissible "nature study… or similar resource dependent activities."

In summary, the public record for the project lacks factual and legal support for the City's decision to approve the wetland fill component of the development as being for a permissible use consistent with the certified LCP which limits permissible uses to those identified in Coastal Action Section 30233. Additionally, the decision to approve the wetland fill for the new paved vehicular access route would set a precedent with respect to how the City may interpret its LCP in future permitting actions. Therefore the Commission finds that the appeal raises a substantial issue regarding consistency of the project as approved by the City with the LCP provisions regarding permissible uses for the filling, diking, and dredging of wetlands.

Feasible Less Environmentally Damaging Alternative

Coastal Act Section 30233 and CLUDG Sections 1-0228.11(b)(1)(i), 0228.12(a)(2), and 1-0312.2 require that wetland fill only be allowed if the fill involved is for the least environmentally damaging feasible alternative. Under these policies and standards, even if the fill was for an allowable use, which, as discussed above, the Commission finds there is a substantial issue as to whether that is the case, wetland fill may only be allowed if the fill involved is for the least environmentally damaging feasible alternative. The City findings indicate the filling of the emergent wetlands under approved Modified Alternative F (Exhibit 4) would be the least environmentally damaging feasible alternative. The applicant's consultant provided an initial alternatives analysis dated May 12, 2011 analyzing four alternatives (Alternatives A-D) and a supplemental analysis identifying an additional alternative (Alternative E). All of these alternatives as well as the alternative approved by the City (Modified Alternative F) involve adding a new paved access route connection to Driveway Three and fencing along the property boundary in wetlands. All of the alternatives considered by the City only differ in the location and amount of paving in wetlands, ranging from Alternative A which proposes to fill and pave the majority of onsite wetlands (2.36 of 3.33 acres of onsite wetlands) to Alternative F which proposes to fill and pave approximately 0.46 acres of wetlands. Other than describing a series of full and partial build out development scenarios of the wetland areas on the site, the City findings provide no substantive analysis of project alternatives that address other feasible options to the grading and filling of onsite wetlands that would achieve the same delivery and emergency vehicle ingress, egress, and maneuvering objectives.

As enumerated in the appeal, several potential feasible options are available for managing onsite vehicular circulation without further paving over the emergent onsite wetlands, including: (1) a

"no project" alternative, defined as entailing the use of the existing non-through driveway configuration and utilizing alternate facility layouts and transport operational practices, utilizing smaller heavy-duty FHWA Class 8 and 9 commercial motor vehicles with shorter trailer lengths which could maneuver through the site on its existing driveway surfaces, and/or developing the public access off-street parking support facility improvements at another location; and (2) investigating other similarly sized, appropriately zoned and designated upland properties where the proposed corporation yard uses could be feasibly conducted. By failing to investigate any of these other alternate project configurations to the approved onsite wetlands filling and grading, as required by CLUDG Sections 1-0228.11(b)(1)(i), 0228.12(a)(2), and 1-0312.2, the City's determination that the approved project is the least environmentally damaging feasible alternative was not factually established.

As discussed above, the City did not critically assess other practicable alternatives to the approved filling and grading of wetlands for purposes of vehicle circulation. Consequently, the public record for the project lacks substantive factual and legal support for the City's decision to approve the development as being consistent with the requirements of the certified LCP that no feasible less environmentally damaging alternative to the authorized project exists. Additionally, the decision to approve such development without consideration of other feasible, less environmentally damaging alternatives would set an adverse precedent with respect to how the City may interpret its LCP in future permitting actions. Therefore the Commission finds that the appeal raises a substantial issue regarding consistency of the development as approved by the City with the requirements of CLUDG Sections 1-0228.11(b)(1)(i), 0228.12(a)(2), and 1-0312.2 of the City's certified LCP that, in approving the filling, diking, or dredging of wetlands, no feasible, less environmentally damaging alternative exists.

Consistency with Wetland Impact Mitigation Policies

CLUE Policy IV-4 and CLUDG Sections 1-0228.7(c), 1-0228.10(5), 1-0228.11(b)(2), 1-0228.12(a)(2), 1-0312.2, and 1-0312.4 require that feasible mitigation measures to minimize adverse environmental effects be provided with any project involving the filling of wetlands. As approved, the development would mitigate the direct loss of the 20,000 square feet of wetlands to be filled and graded through the onsite restoration of previously filled wetlands at a minimum 2:1 compensatory replacement ratio subject to an approved preliminary wetland mitigation and monitoring plan. However, there is no information in the local record demonstrating that feasible mitigation measures have been incorporated into the project that would adequately offset the direct loss of wetlands to be graded and filled. Although the approved wetland mitigation and monitoring plan includes many of the requisite content specifically set forth in CLUDG Section 1-0228.7(c) for such documents, the plan does not substantiate why a 2:1 replacement ratio would provide adequate compensation for the wetlands that would be filled by the installation of a new paved access route and new fencing. For example, no analysis was provided as to how the wetland mitigation site at the approved replacement ratio would be adequate to offset: (1) the *in situ* loss of hydrologic storage and highway runoff water quality bio-filtration functions provided by the wetlands to be filled; (2) the temporal loss of wetland function during establishment of the replacement wetlands; and (3) the uncertainty of first-round success of creating wetland habitat and function. Accordingly, the adequacy of the approved 2:1 compensatory mitigation in its approved location has not been established.

Additionally, there is inadequate information in the project record as to whether the approved grading and filling of areas adjacent to wetlands and other ESHA has been designed and sited to prevent significantly degrading impacts to such adjoining areas, or would be compatible with the continuance of nearby habitats. Onsite wetlands interconnect with other scrub-shrub and riverine wetlands adjoining Arcata Bay within the adjacent McDaniel Slough Enhancement Project and Arcata Marsh and Wildlife Sanctuary complex to the south. These area resources include habitat for a wide variety of raptors (e.g., redtailed hawks, red-shouldered hawks, kestrels, harriers, kites, and osprey), shorebirds (e.g., dunlin, sandpiper, dowitcher, godwit, willet, and many others), songbirds, resident and migratory waterfowl, amphibians, and mammals (e.g., foxes, mink, and weasel). Several significant species of fish have also been found in the adjoining coastal watercourses, including *coho* salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), coastal cutthroat trout (*Oncorhynchus clarki*), and tidewater goby (*Eucyclogobius newberryi*). In addition, three plant species enumerated on the California Native Plants Society's "List 1B" and "List 2"[3] of rare native plants, Humboldt Bay Owl's Clover (*Castilleja ambigua* ssp. *humboldtensis*), Point Reyes Birdsbeak (*Cordylanthus maritimus* ssp. *palustris*), and Lyngbye's sedge (*Carex lyngbyei*), are found in the general vicinity of the project area.

Parked cars and other human activities result in deposition of pollutants (such as hydrocarbons and heavy metals) on driveways, roads, and parking lots, which can be transferred to water bodies during rainfall events. Currently, runoff from onsite paved parking areas on the front (northern) side of the existing building is conveyed through a number of drainage inlets and subsurface storm drains into a ditch that parallels Samoa Boulevard that flows along the highway frontage towards the west, terminating at Janes Creek. Runoff from the paved areas on the back (southern) side of the building sheet flows downslope to the south where it disperses into onsite and neighboring wetlands. The approved project maintains these same basic drainage patterns, with unfiltered stormwater draining into both the large ditch on the south side of Samoa Boulevard, as well as into the vegetated wetland areas south of the existing building. The substantial increase in impervious surface associated with the new paved vehicular access route has the potential to increase offsite stormwater discharge towards adjoining wetlands. However, the approved project fails to mitigate for this increased impact to adjacent wetlands by, for instance, installing a bioswale, rain garden, or similar low-impact-development device to retain and treat stormwater prior to discharge into wetlands. Therefore, the approved project will likely result in additional untreated stormwater runoff feeding by gravity from site development directly into the adjacent wetlands inconsistent with the wetland fill mitigation policies and standards of the certified LCP.

Consequently, there is insufficient information to establish that the development has provided feasible mitigation to minimize adverse environmental effects to wetlands and other environmentally sensitive areas adjoining the project site. Thus, the record for the project lacks

[3] Pursuant to the Native Plant Protection Act (NPPA) and the California Endangered Species Act (CESA), plants appearing on the California Native Plant Society's "List 1B" and "List 2" meet the definition as species eligible for state listing as a rare, threatened, or endangered plant. List 1B plants are defined as "rare plant species vulnerable under present circumstances or to have a high potential for becoming so because of its limited or vulnerable habitat, its low numbers of individuals per population (even though they may be wide ranging), or its limited number of populations." List 2 plants are defined as "plants rare, threatened, or endangered in California, but more common elsewhere." The NPPA mandates that plants so listed be considered in the preparation of all environmental analyses conducted pursuant to the California Environmental Quality Act (CEQA).

substantive factual and legal support for the City's decision to approve the development as being consistent with the requirements of the certified LCP that feasible mitigation measures be provided to minimize adverse environmental effects. Additionally, the decision to approve such development that might adversely affect aquatic and water resources would set an adverse precedent with respect to how the City may interpret its LCP in future permitting actions. Therefore, for all of the above reasons, the Commission finds that the appeal raises a substantial issue regarding consistency of the approved project with CLUE *Development Constraints* Policy IV-4 and CLUDG Sections 1-0228.7(c), 1-0228.10(5), 1-0228.11(b)(2), 1-0228.12(a)(2), 1-0312.2, and 1-0312.4, and including the parallel provisions of the Coastal Act incorporated into the LCP.

F. CONCLUSION

Overall, the City has not adopted findings that provide factual and legal support for its determination that the approved fill of wetlands conforms to the pertinent LCP and Coastal Act policies. The approval of the grading and filling of the subject emergent wetlands for impermissible uses would establish an adverse precedent for allowing similar fill for other projects where there is a substantial issue of conformance with the LCP wetland fill, ESHA, and water quality policies. The protection of the biological productivity and quality of coastal waters, and environmentally sensitive wetlands is an issue of statewide concern addressed by Sections 30230, 30231, and 30233 of the Coastal Act, as it has been long established that coastal waters, and wetlands in particular, provide significant public benefits, such as fish and wildlife habitat, water quality filtration and recharge, flood control, and aesthetic values.

For the reasons stated above, the Commission finds that Appeal Number A-1-ARC-12-003 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 LCP.

III. MOTION AND RESOLUTION ON DE NOVO

Motion:

> *I move that the Commission approve Coastal Development Permit No. A-1-ARC-12-003, subject to conditions, pursuant to the staff recommendation.*

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

Resolution:

> *The Commission hereby approves coastal development permit A-1- ARC-12-003 for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the certified Del Norte County LCP. Approval of the permit complies with the California*

Environmental Quality Act because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment; or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

IV. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment**. The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation**. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment**. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land**. These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

V. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Conditions Imposed by Local Government.** This action has no effect on conditions imposed by the City of Arcata pursuant to an authority other than the Coastal Act.

2. **Army Corps of Engineers Approval.** PRIOR TO ISSUANCE OF CDP A-1-ARC-12-003, the applicant shall provide to the Executive Director a copy of a permit issued by the U.S. Army Corps of Engineers, a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the U.S. Army Corps of Engineers. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this

coastal development permit, unless the Executive Director determines that no amendment is legally required.

3. North Coast Regional Water Quality Control Board Approval. PRIOR TO ISSUANCE OF CDP A-1-ARC-12-003, the applicant shall provide to the Executive Director a copy of a permit issued by the Regional Board, a letter of permission, or evidence that no permit or permission is required. The applicant shall inform the Executive Director of any changes to the project required by the Regional Board. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. Final Wetland Mitigation & Monitoring Plan.

A. PRIOR TO ISSUANCE OF CDP A-1-ARC-12-003, the applicant shall submit, for the review and written approval of the Executive Director, a final Wetland Mitigation & Monitoring Plan prepared by a qualified wetland biologist or ecologist. The final plan shall substantially conform, in applicable part, to the mitigation plans and concepts included in the May 2015 Preliminary Wetland Mitigation & Monitoring Plan and Conceptual Site Layout Plans prepared by SHN (Exhibit 8, pgs. 4-7), except the final plan shall be revised to include, at a minimum, the following:

(i) Mitigation goals and objectives. Goals and objectives for the mitigation, including, but not limited to, the following:

(a) Removal of 94 existing fence posts in onsite palustrine emergent wetlands;

(b) Restoration of a minimum of 1.2 acres of existing onsite wetland habitat as shown in Figure 3 (Exhibit 7, pg. 1), based upon a mitigation ratio of 4:1;

(c) Establishment of plant species diversity and total ground cover of native vegetation similar to selected high functioning, relatively undisturbed reference sites; and

(d) Creation of habitat including seasonal ponds appropriate for northern red-legged frogs.

(ii) Baseline ecological assessment of the mitigation area. An evaluation of the existing hydrologic, soil, and vegetative conditions at the mitigation site.

(iii) Timeline/schedule of activities. A schedule of activities for each of the final Mitigation & Monitoring Plan components that demonstrates that:

(a) The required excavation and grading at the wetland mitigation site shall be performed during the non-rainy season between May 1 and October 15;

(b) The wetland vegetation planting shall be performed between November 1 and April 15 during the first rainy season following completion of the excavation and grading work; and

(c) The excavation, grading, and planting work necessary to establish the required habitat shall be completed no later than one year following completion of construction of the additional paved areas approved under this permit.

(iv) Temporary erosion control plan. A temporary erosion control plan to stabilize the soil and prevent erosion during the wetland restoration that is consistent with the construction responsibility requirements of **Special Condition 8**, including:

(1) A narrative description and location map of all temporary erosion control measures to be used; and

(2) Provisions that all temporary erosion control measures will be installed and fully functional prior to excavation and grading activities, maintained throughout the wetland restoration process, and eliminated from the site once the wetland restoration is successful.

(v) Excavation and grading plan. An excavation and grading plan that includes:

(1) A depiction of the original and finished grades of the enhanced wetland area drawn to scale;

(2) A quantitative breakdown of grading amounts (cut/fill);

(3) A description of all measures to be used for the removal and off-site disposal of excavated materials, including a detailed description of all equipment to be used;

(4) An identification of the location(s) for the off-site disposal of all materials to be removed and all waste generated during restoration activities;

(5) A description of how excavation and grading work will be performed to prevent impacts on surrounding areas; and

(6) Provisions for restoring any surrounding areas that are disturbed by the excavation and grading work.

(vi) Planting plan. A planting plan that includes:

(a) A description and map of the species, size, and location of all plants to be installed in the wetland mitigation area. The selected species shall be locally native, obtained from local genetic stock, and shall be representative both in diversity and composition of those native species that currently occur at the reference sites described in Subsection(viii)(b) below;

(b) A description of planting methods; and

(c) A description of the proposed use of artificial inputs, such as irrigation, fertilizer, or herbicides, including the full range of amounts of the inputs, demonstrating that the minimum amount necessary shall be utilized to support the establishment of the plantings.

(vii) Provisions for initial as-built plans. Provisions for submittal within 30 days of completion of initial restoration work of:

(1) "As built" plans demonstrating that the wetland restoration work has been completed in accordance with the approved final Mitigation & Monitoring plan; and

(2) An assessment of the initial biological and ecological status of the "as built" wetland mitigation area.

(viii) Monitoring and maintenance plan. A plan for monitoring, maintenance, and reporting activities over a period of five (5) years to ensure the success of the wetland restoration project, including the following:

(a) The methods and schedule whereby a qualified specialist will conduct periodic site visits for the purposes of inspecting and maintaining all erosion control measures; removing non-native plants; removing trash and debris; and monitoring conditions at the mitigation area in relation to the interim performance standards and final success criteria specified in (c) and (d) below;

(b) Identification and description, including photographs and the results of quantitative sampling, of at least three high functioning, relatively undisturbed reference sites for comparison to the mitigation site in (d) below;

(c) Interim performance standards for the wetland mitigation site;

(d) Final success criteria for the wetland mitigation site, including, at a minimum, all of the following:

(1) Plant species diversity similar to that at the reference sites described in (b) above;

(2) Total ground cover of native vegetation similar to that at the reference sites described in (b) above;

(3) No more than 10% ground cover of nonnative species;

(4) Annually, at least 14 continuous days of inundation or soil saturation in the upper 12 inches of the soil column; and

(5) Presence of ponds appropriate for breeding by northern red-legged frogs (i.e., seasonal ponds that have the capacity to hold water for at least 15 weeks per year except during drought years, but contain no more than two inches of standing water in the summer months) and approved by the California Department of Fish and Wildlife;

(e) A description of the method by which "success" will be judged, including:

(1) Type of comparison;

(2) The field sampling design to be employed, including a description of the randomized placement of sampling units and the planned sample size;

(3) Detailed field methods;

(4) Where a statistical test will be employed, a statistical power analysis to document that the planned sample size will provide adequate statistical power to detect the maximum allowable difference. Generally, sampling should be conducted with sufficient replication to provide 90% power with alpha = 0.10 to detect the maximum allowable difference; and

(5) A statement that final monitoring for success will occur after at least 3 years with no remediation or maintenance activities other than weeding;

(f) Provisions for submittal of annual reports of monitoring results to the Executive Director for the duration of the required monitoring period, beginning the first year after submittal of the "as-built" report. Each report shall be cumulative and shall summarize all previous results. Each report shall document the condition of the restoration with photographs taken from the same fixed points in the same directions. Each report shall also include a "Performance Evaluation" section where information and results from the monitoring program are used to evaluate the status of the restoration project in relation to the interim performance standards and final success criteria specified above; and

(g) Provisions for submittal of a final monitoring report to the Executive Director at the end of the five-year reporting period. The final report shall be prepared in conjunction with a qualified restoration ecologist. The report shall evaluate whether the wetland mitigation site conforms to the goals, objectives, and performance standards set forth in the approved final mitigation and monitoring program. The report shall address all of the monitoring data collected over the five-year period.

B. If the final monitoring report indicates that the mitigation project has been unsuccessful, in part, or in whole, based on the approved final success criteria, the permittee shall submit a revised or supplemental mitigation program to compensate for those portions of the original program which did not meet the approved success criteria. The revised mitigation program shall be processed as an amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

C. The permittee shall mitigate, monitor, and remediate the wetland mitigation site in accordance with the approved final Mitigation & Monitoring Plan. Any proposed changes to the approved final Mitigation & Monitoring Plan shall be reported to the Executive Director. No changes to the approved mitigation and monitoring program shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

5. Open Space Restriction.

A. No development, as defined in Section 30106 of the Coastal Act, shall occur within the 1.3-acre wetland mitigation area generally depicted on Figure 3 "Conceptual Site Layout" (Exhibit 7, pg. 1) , **except for:**

(i) The habitat restoration and enhancement activities approved as conditioned herein under CDP A-1-ARC-12-003; and

(ii) The following development, if approved by the California Coastal Commission as an amendment to this coastal development permit**:** (a) soil stabilization measures; (b) vegetation clearance if required by the California Department of Forestry and Fire Protection (CDF) to meet fire safety standards; (c) maintenance of existing utilities and community services infrastructure; (d) removal of debris and unauthorized structures; and (e) other allowable uses for the diking, filling, or dredging of wetlands pursuant to Section 30233(a) of the Coastal Act.

B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE CDP A-1-ARC-12-003, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal metes and bounds legal description and graphic depiction drawn to scale and prepared by a licensed surveyor of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit 7 attached to this staff report.

6. Generic Deed Restriction. PRIOR TO ISSUANCE OF CDP A-1-ARC-12-003, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

7. Evidence of Recordation of Wetland and Creek Protection Combining Zone (:WCP). PRIOR TO ISSUANCE OF CDP A-1-ARC-12-003, the applicant shall submit to the Executive Director for review and approval evidence that a Notice of :WCP Zone has been recorded with the Humboldt County Recorder's office. The notice shall be in a form prescribed by the City of Arcata and shall contain information regarding the location and nature of the :WCP Zone, and any applicable restrictions thereto. The notice shall include a map of the wetland areas. The notice shall be recorded at the expense of the applicant.

8. Construction Responsibilities. The project shall comply with the following construction-related requirements:

A. Pre-construction worker training: PRIOR TO COMMENCEMENT OF ANY DEVELOPMENT AUTHORIZED BY THIS CDP, the permittee shall ensure that all on-site contractors and workers understand and agree to observe the standards for work outlined in this permit.

B. Timing of work: (i) Ground-disturbing activities for the authorized improvements shall be restricted to the dry season (April 15th – October 15th). An extension to this timing restriction may be granted by the Executive Director for good cause upon written request. (ii) If rainfall is forecasted during the time construction activities are being performed, all on-site stockpiles of soil and construction debris shall be covered and secured before the onset of precipitation. (iii) All ground-disturbing activities shall cease upon the onset of precipitation at the project site.

C. Sediment control: (i) Soil stabilization BMPs shall be implemented on graded or disturbed areas as soon as feasible where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal wetlands or waters. (ii) Erosion and sediment control measures shall be in place at the end of each work day, including fiber roll placement down-slope of the construction site as needed for effective sediment control.

D. Plastic netting prohibition: To minimize wildlife entanglement and plastic debris pollution, the use of temporary rolled erosion and sediment control products with plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers used in fiber rolls, erosion control blankets, and mulch control netting) is prohibited. Any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design with movable joints between the horizontal and vertical twines.

E. Limitations on the area of disturbance: The limits of the work areas and staging areas shall be delineated with temporary fencing in cooperation with a qualified biologist, limiting the potential areas affected by construction and ensuring that all wetland and other environmentally sensitive habitats adjacent to construction areas are avoided during construction.

F. Stockpiles: (i) Stockpiled materials shall be stored a minimum of 25 feet from coastal wetlands, waters, concentrated stormwater flows or drainage courses, and storm drain inlets. (ii) All on-site stockpiles of soil and construction debris shall be contained at all times and shall be covered during storm events if necessary to minimize discharge of sediment and other pollutants.

G. Vehicle/equipment restrictions: (i) All equipment used during construction shall be free of oil and fuel leaks at all times. (ii) All vehicles and equipment shall be restricted to pre-established work areas and to established or designated staging areas. (iii) Maintenance and refueling of construction equipment and vehicles at the project site is prohibited.

H. Debris disposal: Any excess excavated material and other construction debris resulting from construction activities shall be removed immediately upon completion of construction and disposed of in an upland location outside of the coastal zone or at an approved disposal facility.

I. Concrete BMPs. Concrete paving and grinding operations, and storm drain inlet protection best management practices shall be employed to prevent concrete grindings, cutting slurry, and paving rinsate from entering drop inlets or sheet-flowing into coastal waters. Concrete delivery vehicle wash-out maintenance at the project site is prohibited.

J. Spill prevention and clean-up supplies. Adequate supplies of hazardous materials spill prevention and clean-up supplies shall be kept on site at all times during construction.

9. Final Grading & Drainage Plan.

A. PRIOR TO ISSUANCE OF CDP A-1-ARC-12-003, the applicant shall submit, for the review and written approval of the Executive Director, a plan for ensuring that drainage from site improvements does not adversely impact surrounding wetlands and sensitive habitats. The plan shall be in substantial conformance with the proposed

preliminary grading and drainage plans depicted in Exhibit 7, Figures 3 and 4, and described in Exhibit 8.

(i) The plan shall demonstrate that:

(a) Stormwater runoff from all new onsite paved areas shall be directed towards infiltration swales, rain gardens, planters, or other types of low-impact-development stormwater detention features to avoid sedimentation into nearby wetlands, and provide for biofiltration of pollutants entrained in runoff. The system shall treat or filter all stormwater runoff from new paved areas during storm events up to and including the 85th-percentile, 24-hour storm event;

(b) New low-impact-development stormwater detention feature(s) shall be installed to the north of the building to treat and infiltrate stormwater from the roof drain downspouts on the north side of the building, the existing pavement on the north side of the building, and the new pavement on the west side of the building;

(c) New vegetated swale(s) shall be installed downslope and immediately adjacent to the new paved area on the southeast side of the building to treat and infiltrate stormwater runoff from this new pavement; and

(d) The stormwater management system shall be maintained to function as designed throughout the life of the development.

(ii) The plan shall include, at a minimum, the following components:

(a) A site plan showing finished grades (at 1-foot contour intervals) and drainage improvements;

(b) Detailed plans for new infiltration rain garden(s), swale(s), and planter(s) depicted in Figures 3 and 4 (Exhibit 7), showing the dimensions of the features and proposed vegetation types and planting locations; and

(c) A schedule for the installation and maintenance of all drainage improvements and stormwater management features.

B. The permittees shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. Lighting Restrictions. Any new exterior lighting shall be the minimum necessary for the safe ingress, egress, and use of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed into adjacent wetland areas or beyond the boundaries of the subject parcels.

11. Landscaping Plan.

A. PRIOR TO COMMENCEMENT OF ONSITE PAVING, the applicant shall submit a final landscaping plan for the review and approval of the Executive Director. The plan shall be prepared by a qualified botanist, licensed landscape architect, or other professional with knowledge and expertise in the native flora of and appropriate

landscaping for coastal Humboldt County and shall be consistent with the requirements of CLUDG Section 1-0306 (Landscaping and Screening).

(i) The plan shall demonstrate, at a minimum, all of the following:

(a) All proposed plantings shall consist of drought tolerant plant species native to northern California coastal habitats and shall be obtained from local genetic stocks. If documentation is provided to the Executive Director that demonstrates that native vegetation from coastal Humboldt County and/or from local genetic stock is not available, native vegetation obtained from genetic stock outside the local area but from within the adjacent region of the floristic province may be used;

(b) No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted or allowed to naturalize or persist on the parcel. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be planted within the property;

(c) No landscaping irrigation system with potable water shall be installed unless it is delivered by drip or microspray systems;

(d) All landscaping approved pursuant to this plan shall be maintained in good growing condition for the life of the project and shall be replaced as necessary; and

(e) Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used.

(ii) The plan shall include, at a minimum, the following components:

(a) A final landscape site plan map depicting the proposed species, type (e.g., 1-gallon, 5-gallon, bare-root, etc.), expected size at maturity, and location of all plant materials to be planted on the property. The landscaping site plan map also should show the location of all development authorized pursuant to CDP A-1-ARC-12-003 and other site features including wetlands;

(b) A schedule for the planting of the proposed landscaping; and

(c) Provisions for ensuring that all proposed plantings and all existing trees and shrubs on the property that serve to visually screen the development authorized by this permit shall be maintained in good condition throughout the life of the project to ensure continued compliance with the approved final landscape plan. If any of the existing trees or any of the trees and plants to be planted die, become decadent, rotten, or weakened by decay or disease, or are removed for any reason, they shall be replaced no later than May 1st of the next spring season in-kind or with another native species common to northern California coastal habitats that will grow to a similar or greater height.

B. The permittees shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a

Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

12. Right to Farm. By acceptance of this permit, the permittee acknowledges and agrees: (a) that the permitted development is located on and adjacent to land used for agricultural purposes; (b) users of the property may be subject to inconvenience, discomfort or adverse effects arising from adjacent agricultural operations including, but not limited to, dust, smoke, noise, odors, fumes, grazing, insects, application of chemical herbicides, insecticides, and fertilizers, and operation of machinery; (c) users of the property accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses; (d) to assume the risks to the permittee and the property that is the subject of this permit of inconveniences and/or discomforts from such agricultural use in connection with this permitted development; and (e) to indemnify and hold harmless the owners, lessees, and agricultural operators of adjacent agricultural lands against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from or in any way related to the property that is the subject of this permit.

13. Final Design and Construction Plans.

A. PRIOR TO COMMENCEMENT OF BUILDING RENOVATIONS, the permittee shall submit to Executive Director for review and written approval, final design and construction plans for remodeling the existing building. The final plans shall demonstrate that the structure will be remodeled consistent with the revised project description and plans submitted for purposes of the Commission's de novo review. The final construction plans shall include, at a minimum, final floor plans, foundation, framing, and bracing details, and building elevations. The final plans shall be reviewed for geotechnical safety by a qualified licensed professional employed by the Department of General Service – Division of the State Architect (DSA) and evidence shall be provided, for the Executive Director's review and approval, that the DSA qualified licensed professional has certified that the final plans are in compliance with the state seismic code and all other relevant state standards addressing geologic safety.

B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

14. Tsunami Safety Plan. PRIOR TO COMMENCEMENT OF BUILDING RENOVATIONS, the permittee shall submit, for the review and written approval of the Executive Director, a plan for mitigating the hazards associated with tsunamis.

A. The plan shall demonstrate all of the following:

(i) The existence of the threat of tsunamis from both distant and local sources will be adequately communicated to all guests and employees of the 1601 Samoa Boulevard facility;

(ii) Information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event in the area; and

(iii) Staff will be adequately trained to carry out the safety plan.

B. The plan shall include, at a minimum, the following:

(i) A Tsunami Information Component, detailing the provision of informational materials to facility guests and employees, and the posting of placards, flyers, or other materials at conspicuous locations within the facility, provided in English and Spanish, explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes; and

(ii) A Staff Training Component, detailing the instruction to be provided to all property management staff to assure that the Tsunami Safety Plan is effectively implemented.

C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

15. Assumption of Risk, Waiver of Liability and Indemnity Agreement. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from tidal inundation, tsunami, ground liquefaction, and other geologic and flood hazards; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

16. Protection of Archeological Resources. If an area of cultural deposits or human remains is discovered during the course of the project, all construction shall cease and shall not re-commence until a qualified cultural resource specialist, in conjunction with the Wiyot-area Tribal Historic Preservation Officers, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (a) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, or (b) the Executive Director reviews the Supplementary Archaeological Plan, determines that the

changes proposed therein are not *de minimis*, and the permittee has thereafter obtained an amendment to coastal development permit A-1-ARC-12-003.

VI. FINDINGS AND DECLARATIONS

A. DE NOVO PROCEDURES

If the Commission finds that a locally approved CDP raises a substantial issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the project *de novo*. Since the proposed project is in part within an area for which the Commission has certified a LCP and between the first public road and the sea, the applicable standard of review for the Commission to consider is whether the development is consistent with the City of Arcata's certified LCP and the public access policies of the Coastal Act. In addition, Section 1-0228.12 of the City's certified Implementation Plan requires that all development in or adjacent to wetlands be found in compliance with Section 30233 and all other applicable sections of the Coastal Act. The Commission may approve, approve with conditions (including conditions different than those imposed by the City), or deny the project. Testimony may be taken from all interested persons at the *de novo* hearing.

B. ADDITIONAL INFORMATION PROVIDED FOR DE NOVO REVIEW

For the purposes of *de novo* review by the Commission, the applicant has provided Commission staff with supplemental information consisting of a (1) revised project description and site plans, (2) a new project alternatives analysis, and (3) a new mitigation and monitoring plan for proposed wetland fill (See Exhibit 7 for the revised project plans and Exhibit 8 for all other additional information provided for de novo review). The supplemental information addresses issues raised by the appeal where applicable, and provides additional information concerning the amended project proposal that was not a part of the record when the City originally acted to approve the CDP.

C. DESCRIPTION OF REVISED PROJECT

A description of the site is hereby incorporated by reference from Section II-C of the Substantial Issue portion of this staff report beginning on page 6.

The applicant submitted an amended project description in May 2015 for de novo review. Since the time the City approved the original project back in December 2011, HSU has reenvisioned the programming of the 7.3-acre site. Under the City approved project, the site would have been developed to house HSU's corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices. Now HSU proposes to use the site to house (1) federal agency tenants focused on environmental research, (2) a University-sponsored research facility, and (3) HSU sustainability operations which include campus recycling, surplus, and resource management.

The revised project description submitted for purposes of de novo review proposes to (1) remodel the existing building including new ceilings, flooring, and paint; (2) remove approximately 810 linear feet of existing fencing; (3) repair and seal portions of existing pavement; (4) demolish a building addition and pave wetland areas to expand fire truck

maneuvering area; (5) substantially restore a wetland area for mitigation of wetland fill impacts, and (6) install stormwater treatment facilities.

While HSU is still proposing to pave additional portions of the site for vehicular access resulting in wetland fill, the revised proposal entails abandoning Driveway Three and decreasing the amount of fill by approximately 6,000 square feet. While the City-approved project would have created a new paved access route on the east side of the building to allow vehicular traffic entering from Driveway One to flow around the building and exit out of Driveway Three, the newly revised project would instead remove a portion of the existing building and widen existing pavement on the west and south sides of the building to create paved areas wide enough for vehicles entering from Driveway One to turn around and exit out of the same driveway as they entered. The 3,600-square-foot portion of the building that would be demolished and removed is an old addition located on the south side of the structure's central bay. The removal of this southcentral portion of the building, along with the installation of 4,967 square feet of new pavement behind the east wing of the building, would create a paved area wide enough to allow trucks accessing the southcentral and southeast sides of the building to turn around. The applicant is also proposing a perimeter fence and stormwater retention/infiltration feature along this new pavement to protect adjacent wetlands from vehicle encroachment and contaminated runoff. The new stormwater treatment area would result in an additional 702 square feet of wetland fill. Finally, the applicant is also proposing an 8,246-square-foot expansion to an existing paved area on the western side of the building to create a paved area wide enough to allow trucks, including fire trucks, to complete a loop on the western side of the property in the event that the gate to the southern paved area is locked, the southern parking area is full, or one truck is entering the site as another is leaving. In total, 13,213 square feet of pavement would be installed in onsite palustrine emergent wetlands.

For purposes of de novo review, HSU has submitted a new wetland mitigation and monitoring plan to mitigate for the loss of wetlands by removing 94 existing fence posts in onsite wetlands and restoring 55,676 square feet of existing heavily-degraded wetlands on the east side of the building. This represents compensatory wetland mitigation at a 4:1 ratio. HSU is also proposing to mitigate for potential impacts to nearby wetlands and ESHAs by improving onsite stormwater management. According to the revised project description, stormwater from the roof drain downspouts on the front of the building would be treated and infiltrated within a new low-impact-development (LID) stormwater detention basin (vegetated swale or rain garden) located in the front of the building. Treated stormwater from this LID feature would overflow through a culvert to the proposed new wetland restoration area on the east side of the building. Stormwater from the paved areas to the north and west of the building would sheet flow to new LID stormwater detention areas (vegetated swales) located alongside the existing roadside drainage ditch which would also overflow after treatment into the new wetland restoration area on the east side of the building. These LID features along the roadside drainage ditch would be excavated from upland areas. Piping would be installed to allow secondary overflow from the LID stormwater detention areas to the roadside ditch in the event of a clog or strong rain event. Stormwater from the new pavement on the southeast side of the building would sheet flow to a new vegetated swales that would border the pavement to the south.

Finally, as a part of the revised project, HSU also proposes to lease the existing thirty-foot easement on the northwest parcel and approximately 1.29 acres (56,352 sf) of land on the southern parcel to the City of Arcata. The City of Arcata can then utilize this area to provide access to the McDaniel Slough Area as required by a prior CDP granted for the *McDaniel Slough Enhancement Project* (CDP 1-06-036, City of Arcata, Applicant).

D. OTHER AGENCY APPROVALS

U.S. Army Corps of Engineers

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Army Corps pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams, and wetlands. To ensure that the project ultimately approved by the Army Corps is the same as the project authorized herein, the Executive Director attaches **Special Condition 2**, which requires the County to submit to the Executive Director evidence of the Army Corps' approval of the project prior to issuance of the coastal development permit. The condition requires that any project changes resulting from the Army Corps' approval not be incorporated into the project until the applicant obtains any necessary amendments to this coastal development permit.

North Coast Regional Water Quality Control Board

The Regional Board requires a water quality certification (WQC) for projects involving dredging and/or filling activities under Section 401 of the Clean Water Act. In addition, land disturbances on projects of one acre or more require coverage under the Regional Board's construction general storm water permit. To ensure that the project ultimately approved by the Regional Board is the same as the project authorized herein, the Executive Director attaches **Special Condition 3**, which requires the County to submit to the Executive Director evidence of the Regional Board's approval of the project prior to issuance of the coastal development permit. The condition requires that any project changes resulting from the Regional Board's approval not be incorporated into the project until the applicant obtains any necessary amendments to this coastal development permit.

E. PROTECTION OF WATER QUALITY AND WETLANDS

The proposed project involves grading and filling 13,915 square feet (0.32 acres) of palustrine emergent wetlands to widen existing paved areas to the west and south of the existing building, and to add a fence and biorentention/infiltration feature to the perimeter of the new southern paving. In addition, the project involves grading and excavating in 55,676 square feet (1.3 acres) of degraded onsite wetlands in order to restore the degraded wetlands as mitigation for the aforementioned wetland fill. The City of Arcata's Coastal Land Use Element (CLUE) Policy IV-4, the City of Arcata's Coastal Land Use and Development Guide (CLUDG) Sections 1-0228.11 and 1-0312.2, and Coastal Act Section 30233(a) which is incorporated by reference in the City's certified LCP, state that the diking, filling, or dredging of wetlands shall be permitted where (1) the diking, dredging, and/or filling is for an allowable use enumerated in CLUE Policy IV-4, CLUDG Section 1-0312.2, and Coastal Act Section 30233(a); (2) there is no feasible less environmentally damaging alternative; and (3) feasible mitigation measures have been provided

to minimize adverse environmental effects. In addition, CLUDG Section 1-0228.11(b)(3) require that stormwater runoff be managed using the best available management practices so that development will not adversely affect wetland functions; CLUDG Section 1-0312.2(d) requires that diking, filling, or dredging in existing estuaries and wetlands maintain or enhance the functional capacity of the water or estuary; and Coastal Act Sections 30230 and 30231 require that marine resources and the biological productivity of coastal waters shall be maintained, and where feasible, restored. (See Appendix C and Appendix D for full lists of LCP policies and standards and Coastal Act policies regarding the protection of water quality and wetlands).

Allowable Use

The first test for a proposed project involving diking, filling, or dredging in wetlands is whether the diking, dredging, or filling is for one of the allowable uses enumerated under CLUE Policy IV-4, CLUDG Section 1-0312.2, and Coastal Action Section 30233(a).

Grading and Filling of 13,915 square feet (0.32 acres) of palustrine emergent wetlands

The proposed project involves grading and filling 13,915 square feet (0.32 acres) of palustrine emergent wetlands to widen existing paved areas to the west and south of the existing building to expand fire truck maneuvering area, and to add a fence and biorentention/infiltration feature to the perimeter of the new southern paving. Among the allowable uses listed under CLUE Policy IV-4, CLUDG Section 1-0312.2, and Coastal Act Section 30233(a) the use which most closely matches the project objectives is "incidental public service purposes." As previously described in the "SI" portion of this report (Section II-E), to qualify as an incidental public service purpose, the wetland fill must (1) provide a "public service" insofar as it confers benefits onto the public, either at large, or to the segment served by the public entity; and (2) be "incidental," within the meaning of that term as it is used in the LCP and the Coastal Act (i.e., ancillary and appurtenant to an existing public service purpose).

In contrast to the original project approved by the City, the revised wetland fill will widen existing vehicular access routes rather than create new facilities. While the original City-approved project would create an entirely new paved access route on the east side of the building to allow vehicular traffic entering from Driveway One to flow around the building and exit out of Driveway Three, the proposed revised project would instead remove a portion of the existing building and widen existing pavement on the west and south sides of the building to create paved areas wide enough for fire trucks and other vehicles entering from Driveway One to turn around and exit out of the same driveway as they entered. The additional paving at the south side of the building would also have a perimeter fence and stormwater infiltration/treatment area to protect adjacent wetlands from vehicle encroachment and from runoff contaminated by heavy metals, oil, grease, and polycyclic aromatic hydrocarbons that deposit on the new pavement as the result of motor vehicle traffic.

With respect to the "public service" nature of the wetland fill, Humboldt State University is a public entity, and is currently using the site to house facility operations for the University. HSU is proposing a mixture of new public uses at the facility, including federal agency tenants focused on environmental research, a University-sponsored research facility, and University operations with regard to sustainability, recycling, and resource management. The proposed

public agency and university uses of the facility afford direct benefits to HSU faculty, staff, and students, and to the public as a whole.

Regardless of the specific university use, the facility must have adequate emergency access. The building in its current use and condition requires maintenance modifications for sustained occupancy which are proposed under the current project. When the applicant makes these modifications, the requirements for complying with current code conditions will be triggered as outlined in the 2013 California Fire Code. Regardless of what specific public uses occur at the site, review for adequate emergency access would be triggered by building modifications. As continued use of the site requires building modifications, and building modifications will trigger the need for compliance with the fire code and thus expanded fire access routes and resultant wetland fill, the wetland fill to allow fire truck access to all sides of the building is necessary to maintain existing capacity. Without the wetland fill, the access routes would not be wide enough for fire trucks to turn around, the site would not meet current fire safety standards, and HSU would not be able to use the site for the intended public benefit.

With respect to the "incidental" nature of wetland fill, the Commission's 1981 "Statewide Interpretive Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas" analyze the allowable uses in wetlands under section 30233 of the Coastal Act, including the provision regarding "incidental public service purposes." The Guidelines state that fill is allowed for:

> *Incidental public service purposes which temporarily impact the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (roads do not qualify).*

A footnote (no. 3) to the above-quoted passage further states:

> *When no other alternative exists, and when consistent with the other provision of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted.*

The Court of Appeal concurred with the Commission's interpretation in the Guidelines of the term "incidental public service purposes" as a permissible one. *Bolsa Chica Land Trust et al. v. Superior Court* ("*Bolsa Chica*") (1999) 71 Cal.App.4th 493, 516 ("*We agree with these aspects of Commission's guidelines*"). In Bolsa Chica, the court held that:

> *…we accept Commission's interpretation of sections 30233 and 30240… In particular we note that under Commission's interpretation, incidental public services are limited to temporary disruptions and do not usually include permanent roadway expansions.*
>
> *Roadway expansions are permitted only when no other alternative exists and the expansion is necessary to maintain existing traffic capacity.*

The proposed paving for vehicular access can be viewed as a form of "road" as the pavement will expand driveway and maneuvering areas for fire trucks and other vehicles making deliveries to the site. As a form of road, the proposed paving can be characterized as a limited expansion of roadbed for which the Commission's Interpretive Guidelines, incorporatedby reference into the City's LCP at CLUDG Sections 1-0228.10 and 1-0228.12, allow wetland fill as an "incidental public service purpose for limited expansion of roadbeds necessary to maintain existing traffic capacity." Several past actions of the Commission involved assessments of whether proposed projects were for incidental public service purposes pursuant to section 30233(a)(4) and the Commission's 1981 statewide interpretive guidelines, including, but not limited to, the following:

- CC-016-13 for the Eureka-Arcata Route 101 Corridor Improvement Project in Humboldt County, involving about 10 acres of wetland fill, with the relevant Commission finding being:

  > *The Commission agrees with Caltrans that the "operational conflicts" posed by the uncontrolled crossings at the intersections on Route 101 between Eureka and Arcata are indeed safety problems that warrant resolution, that the project would not increase the number of through lanes or the overall capacity on Route 101, and that no reasonable or feasible alternatives are available to resolving the safety conflicts that would avoid wetland fill…*
  >
  > *…The Commission further accepts Caltrans' assertion that the proposed improvements, including the Indianola interchange, would not increase capacity or increase the number of through lanes on both Route 101 and Indianola, and that, in terms of the allowable use question, the project could be considered comparable to the Alton and I-5/I-8//Sea World Dr. intersection improvements cited by Caltrans.*

- CDP 1-07-013 for the Mad River Bridge Replacement on Route 101 between Arcata and McKinleyville in Humboldt County, involving 2 acres of wetland fill, with the relevant Commission finding being:

  > *The Commission has in the past determined that the fill for certain highway safety improvement projects that did not increase vehicular capacity was considered to be for an "incidental public service" pursuant to the requirements of Coastal Act Section 30233(a)(4). In reaching such conclusion, the Commission has typically determined that a bridge replacement is a public safety project – and thus is undertaken for a public purpose -- and further, that the project is incidental to "something else as primary." That is, the project is a public safety project incidental to the primary transportation service provided overall by the existing highway. This finding is supported in part on the basis that the subject bridge project is not part of new route or highway expansion*.

- CDP 1-90-295, Highway 1 widening, realignment and left turn lanes 2 mi. north of Fort Bragg, Mendocino Co., involving 1 acre of wetland fill, with the relevant Commission finding being:

> *In this case, the fill is proposed in conjunction with a project designed to improve a dangerous access to beaches and parks. The highway rebuilding project is a public service. Therefore, the Commission finds that the purpose of the fill is consistent with subsection (5) of Section 30233.* [Note: subsection 30233(a)(5) from 1990 is the same as subsection (a)(4) today]

- CC-007-95 Route 150 realignment and replacement of two bridges over Rincon Creek, at the Ventura/Santa Barbara Co. line, involving 0.02-acre of wetland fill for slope protection for the bridges, with the relevant Commission finding being:

> *The project is consistent with Coastal Act wetland policies (Section 30233) because it: is an allowable use as an incidental public service, because it is consistent with the Commission's wetland guidelines allowing fill for highways where no capacity increases are proposed, where it is the least environmentally damaging feasible alternative, and where adequate mitigation is provided.*

- CC-074-05 Highway 1 Ten Mile River Bridge replacement, north of Fort Bragg, Mendocino Co., involving primarily temporary wetland effects but also 113. sq. ft. of permanent wetland fill, with the relevant Commission finding being:

> *Construction and demolition activities for the project will occur in the river and within and adjacent to freshwater and brackish water wetlands found along the south bank of the river. The project includes new fill of coastal waters and is an allowable use under the "incidental public service" provision of Section 30233(a)(5)* [now (4)] *as the project is a limited expansion of an existing transportation facility necessary to maintain existing capacity.*

As exemplified by the above Commission actions, the key tests to determine whether the proposed project qualifies as an incidental public service are the questions of (1) whether the proposed improvements are necessary to maintain existing capacity, and (2) whether there is no other alternative available that would avoid or reduce wetland impacts. The Commission believes both of these tests are met in this situation.

First, the wetland fill will not increase the capacity of the site because no new vehicular access route, parking, or building is proposed. The wetland fill involves existing vehicular access routes at a site that is already in use by HSU. The wetland fill will merely maintain the facility's capacity. The existing site layout does not allow for fire trucks to enter the site, access all portions of the building, turnaround, and exit the site. Currently the eastern face of the building has no paved access route and the access route on the south side of the building is too narrow for trucks to safely turn around and exit the site. Section 503 of the California Fire Code requires that a fire access road extend within 150 feet of all portions of a facility and to all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. In order to provide access within 150 feet of the southern east end of the building where there is no pavement, the nearby pavement on the eastern south end of the site must be widened so that fire trucks can adequately maneuver.

Second, the applicant has performed an extensive alternatives analysis (discussed in the "Alternatives" Subsection below) demonstrating that the new pavement and associated wetland fill are the minimum necessary to achieve adequate fire truck ingress, egress, and access to all sides of the building. In addition, the fence and stormwater infiltration/treatment feature along the southern perimeter of the new paving behind the eastern wing of the building is necessary to protect adjacent wetlands from vehicle encroachment and contaminated runoff that could result from the new pavement. If the fence and stormwater treatment area were placed elsewhere on the site outside of wetlands they would no longer function for their intended purpose to support the new southern paved area. The applicant is required under **Special Condition 9** (described in the "Mitigation" Subsection, part c. below) to size the treatment area to treat or filter all stormwater runoff from new paved areas during storm events up to and including the 85th-percentile, 24-hour storm event. This condition will ensure that the treatment area is the minimum size necessary to protect wetlands from contaminated runoff.

As the proposed grading and filling of seasonal wetlands is for a limited expansion of existing vehicular access routes at a public facility necessary to maintain existing capacity and public safety, the Commission finds that the proposed wetland fill is permissible under CLUE Policy IV-4(a), CLUDG Section 1-0312.2(5), and Coastal Action Section 30233(a)(4) for "incidental public service purposes."

Grading and Excavating 55,676 square feet (1.3 acres) of palustrine emergent wetlands

To mitigate for the proposed wetland fill, the applicant proposes to restore 55,676 square feet of similarly-degraded wetlands on the east side of the existing building. Restoration work will require excavating up to three feet below ground surface in the degraded wetlands in order to increase the natural amount of water entering the wetlands. Excavation in wetlands is a form of dredging subject to the requirements of CLUE Policy IV-4, CLUDG Sections 1-0228.11 and 1-0312.2, and Coastal Act Section 30233. Among the allowable uses listed under CLUE Policy IV-4, CLUDG Section 1-0312.2, and Coastal Act Section 30233, the use which most closely matches the project objectives is "resource restoration purposes."

Neither the LCP nor the Coastal Act contains a precise definition of "restoration." However, within the field of wetland restoration, the term "restoration" is considered to apply to actions taken "in a converted or degraded natural wetland that result in the reestablishment of ecological processes, functions, and biotic/abiotic linkages and lead to a persistent, resilient system integrated within its landscape"[4] that may not necessarily result in a return to historic locations or conditions within the subject wetland area. The subject property was likely part of former tidelands that made up the northern third of Arcata Bay prior to its reclamation in the late 1800s. The existing wetland area proposed for restoration is in a location that was at least partially subject to the tidal influence of Humboldt Bay historically. Since being reclaimed behind the dikes built along the bay margins, the site and much of the surrounding area now functions as freshwater seasonal wetlands. The proposed wetland restoration would involve excavating areas to increase ponding to create and perpetuate freshwater wetland habitat values.

[4] *Position Paper on the Definition of Wetland Restoration*, Society of Wetland Scientists, August 6, 2000.

The restoration site cannot feasibly be restored by itself to tidal marsh given its location adjacent to existing low lying development including the building on the subject property and Samoa Boulevard. The introduction of tidal waters would flood such development unless an entirely new levee system were established within the project site and on adjoining properties to contain the introduced tidal waters which would not be feasible to include in the project. As the proposed project will not reestablish tidal influence but will instead restore existing degraded seasonal wetlands, the purpose of the restoration is not to return the site to historic conditions but instead to perpetuate ecological processes, functions, and biotic/abiotic linkages in the existing wetlands.

Although the restoration site is within an area that historically was likely part of former tidelands, the site is near the inland margin of former tidelands. Much of this inland margin contained freshwater wetlands fed by streams and groundwater that included ponded areas that provided habitat for wildlife including frogs and other amphibians. The proposed excavation within the existing seasonal wetland to create a ponded area will perpetuate the freshwater habitat associated with the existing drainage by capturing and holding stormwater runoff and groundwater for longer periods. This will serve to restore freshwater habitat functions and values historically provided by the seasonal and permanent freshwater wetlands that historically existed on the inland side of the historic tideland boundary in this area.

Therefore, although the proposed wetland restoration will not reestablish the same configuration of wetland habitat that historically existed in the area prior to the diking of the former tidelands, the proposed restoration entails actions taken in converted natural wetlands that will result in the reestablishment of landscape-integrated ecological processes associated with wetland habitats that historically existed in the area. Therefore, the Commission finds that the proposed wetland restoration constitutes filling and dredging for restoration purposes consistent with CLUE Policy IV-4(c) and Section 30233(a)(6) of the Coastal Act.

Wetlands are extremely dynamic systems in which specific physical functions such as nutrient cycles, succession, water levels and flow patterns directly affect biological composition and productivity. Consequently "restoration," as contrasted with "enhancement," encompasses not only reestablishing certain prior conditions but also reestablishing the processes that create those conditions. In addition, most of the varying definitions of restoration imply that the reestablished conditions will persist to some degree, reflecting the homeostatic natural forces that formed and sustained the original conditions before being artificially altered or degraded. Furthermore, finding that proposed diking, filling, or dredging constitutes "restoration purposes" must be based, in part, on evidence that the proposed project will be successful in improving habitat values. Should the project be unsuccessful at increasing and/or enhancing habitat values, or worse, if the proposed diking, filling, or dredging impacts of the project actually result in long term degradation of the habitat, the proposed diking, filling, or dredging would not be for "restoration purposes."

The seasonal wetlands to be restored consist of grassy meadows that are mowed and dominated by non-native species. HSU has submitted a draft mitigation and monitoring plan proposing to restore the wetlands by (1) excavating portions of the area up to three feet in depth; (2) diverting treated stormwater from new treatment facilities on the north end of the site into an infiltration swale that runs through the center of the mitigation area; and (3) planting the area with native

plant species obtained from the local area. The purpose of the proposed excavation work and infiltration swale is to increase the natural amount of water entering the wetlands and thus restore the functionality of the wetland habitat. Lowering the ground surface to "raise" the groundwater level will lead to more prolonged periods of inundation and soil saturation in the upper soil layer, which in turn will create habitat conditions supportive of wetland-oriented plants and animals such as the Northern red-legged frog. Thus by altering the site's hydrologic regime, the proposed mitigation will not only create wetland conditions but will also establish the processes that create those conditions, consistent with the definition of restoration.

In addition, the Commission's staff ecologist has reviewed the draft mitigation and monitoring plan and in consultation with the University has set specific success criteria for the mitigation project including: (1) the emulation of plant species diversity and native vegetation ground cover in high functioning, relatively undisturbed reference sites; (2) the establishment of ground cover comprised of no more than 10% nonnative species; (3) the alteration of wetland hydrology to increase the natural amount of water entering the wetland to allow at least 14 continuous days of inundation or soil saturation each year; and (4) the creation of pond habitat appropriate for breeding by Northern red-legged frogs (*Rana aurora*), a state-listed species of special concern. According to correspondence with Environmental Scientists from the California Department of Fish and Wildlife (CDFW), shallow ponds provide suitable breeding habitat for Northern red-legged frogs, as long as the ponds are seasonal (i.e., contain no more than an inch or so of standing water in the summer) to prevent bullfrogs from breeding. In addition, according to CDFW staff, the ponds should have sufficient vegetation to provide egg mass attachment sites for the Northern red-legged frogs, but still provide ample sun for proper incubation temperatures. Based on this recommendation the success criteria states, "*Presence of ponds appropriate for breeding by northern red-legged frogs (i.e., seasonal ponds that have the capacity to hold water for at least 15 weeks per year except during drought years, but contain no more than two inches of standing water in the summer months) and approved by the California Department of Fish and Wildlife*."

The aforementioned success criteria ensure the mitigation work will emulate the structure, function, diversity, and dynamics of high functioning, relatively undisturbed reference sites and Northern red-legged frog habitat. By clearly identifying the desired wetland conditions to be created and perpetuated, these success criteria will ensure that the mitigation work will not just enhance but substantially restore the wetlands.

To ensure that the project achieves its stated objectives, and therefore can be recognized as being for "restoration purposes," the project must also demonstrate that (1) there is a reasonable likelihood that the identified improvements in habitat value and diversity will result; and (2) once re-established, the restoration has been designed to provide the desired habitat characteristics in a self-sustaining, persistent fashion independent of the need for repeated maintenance or manipulation to uphold the habitat function. In this case, a number of factors lead the Commission to find that the mitigation is likely to be both successful and self-sustaining. First, based on monitoring-well data collected in 2009 by consultant Winzler & Kelly, the average depth to groundwater within onsite wetland areas is currently 0.56 feet during the winter months. Because the wetland mitigation area has a high groundwater table, excavation to varying depths up to three feet as proposed is likely to successfully create the desired duration and frequency of

inundation. In addition, the proposed mitigation area is directly adjacent to and functionally connected to higher quality wetlands in the McDaniel Slough Enhancement Project that are being restored by the City. As the restoration site is not isolated but rather a part of a system of wetlands, it is more likely to persist.

Finally to ensure that the proposed wetland restoration achieves the objectives for which the project is intended, the Executive Director attaches **Special Condition 4** requiring the applicant to submit a final mitigation and monitoring plan. The condition includes requirements for monitoring the improvements in habitat value and diversity at the site over the course of five years and implementing remediation measures if the restoration fails to meet the plan's success criteria.

Therefore, the Commission finds that as conditioned, the proposed dredging of seasonal wetlands for the restoration and enhancement of habitat is permissible under CLUE Policy IV-4(c), CLUDG Section 1-0312.2(7), and Coastal Action Section 30233(a)(6) for "resource restoration purposes."

Alternatives

As previously discussed, the Commission must ensure that the proposed wetland fill involves the least environmentally damaging feasible alternative consistent with CLUDG Sections 1-0228.11(b)(1)(i), 0228.12(a)(2), and 1-0312.2, and Coastal Action Section 30233. The original alternatives analysis for the project only considered alternatives that involved wetland fill for a new vehicular access route connecting the paved area at the rear of the existing building to Driveway Three. For purposes of de novo review, the applicant has submitted a revised alternatives analysis that includes alternatives to the proposed revised project which involves demolishing a 3,600-square-foot portion of the existing building and adding 13,213 square feet of new pavement to widen existing access routes. The alternatives that have been identified include: (1) alternative site layouts; (2) the demolition of additional portions of the existing building to create space to widen site access routes without filling wetlands; (3) the use of smaller vehicles that do not require wider access ways; (4) alternative locations for the HSU facility; and (5) alternative locations for the wetland mitigation.

a. Alternative site layouts

The new pavement and associated wetland fill is the minimum possible to achieve adequate fire truck access to all sides of the building. The building in its current use and condition will require maintenance modifications for sustained occupancy at which time the requirements for complying with current code conditions will be triggered as outlined in the 2013 California Fire Code. Building modifications required for a new program as outlined in the project description or modifications to support the current function require code compliance. Section 503 of the California Fire Code requires that a fire access road extend within 150 feet of all portions of a facility and to all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Currently the eastern face of the building has no paved access route and the access route on the south side of the building is too narrow for trucks to safely turn around and exit the site. Because of the aforementioned requirement, when the applicant renovates the project site, they must ensure fire road access behind the eastern

wing of the building in order to provide access within 150 feet of all portions of the facility.

Section 503.2.4 of the California Fire Code affords the local fire official the authority to determine turnaround space required for a fire apparatus. The largest fire apparatus used by the local fire districts is Truck 8181, the 2012 Pierce Arrow XT 100-foot aerial ladder truck. This apparatus would be the equivalent of a 45-foot, single-axel truck. On behalf of HSU for purposes of de novo review, SHN Consulting Engineers & Geologists, Inc. (SHN) performed an analysis of onsite turning movements using a 45-foot, single-axle truck as the design vehicle. SHN used the software Autoturn 9 to analyze these turning movements. The closest vehicle available in the Autoturn vehicle library to the design vehicle is a 44-foot fire truck with a centerline turning radius of 39.19 feet. Using the 44-foot fire truck in Autoturn 9 as the template to simulate turning movements, SHN proceeded to prepare and analyze several different layouts that would allow the 44-foot fire truck to access the eastern south end of the building and be able to turn around again with minimal impacts to the surrounding wetlands. All of the alternatives involve demolishing a 3,600-square-foot southern section of the building and expanding the paving behind the eastern wing of the building. The selected alternative requires 4,967 square feet of new wetland fill behind the eastern wing of the building to widen existing pavement enough for the vehicle to be able to turn around. Three other alternative layouts that allow a fire truck to access the eastern south end of the building and be able to turn around again were considered (See Figures 5-7 in Exhibit 8, pgs. 16-18). Figures 5 and 6 resulted in more wetland impact than the proposed alternative (5,634 and 5,432 square feet of wetland fill, respectively), while Figure 7 was determined to be infeasible due to the number of turning movements required.

SHN also used the same analytical methods to determine the minimum area of expanded paving needed on the west side of the building. Fire trucks need to be able to complete a loop on the western side of the property in the event that the gate to the southern paved area is locked, the southern parking area is full, or one truck is entering the site as another is leaving. According to the analysis, in order to create a loop wide enough for a 44-foot fire truck while preventing conflicts with the City's lift station at the northwestern corner of the site, the pavement to the west of the building needs to be widened by 8,246 square feet.

As the proposed site layout involves the minimum amount of additional pavement necessary to achieve emergency vehicle ingress, egress, and maneuvering objectives, providing alternate site layouts is not a less environmentally damaging, feasible alternative to the proposed development as conditioned.

b. Additional building demolition

Under the currently proposed project, the applicant would demolish a 3,600-square-foot southcentral portion of the building and install 4,967 square feet of new pavement behind the east wing of the building to create an open paved area wide enough to allow trucks accessing the southcentral and southeast sides of the building to turn around. If a larger

portion of the building were demolished, than the same site access could be achieved without the wetland fill.

The portion of the building proposed to be demolished was an addition to the original building and is constructed of corrugated metal walls and ceiling with steel column and beam frame. This building was attached to the original building envelope and would be minimally invasive to remove, leaving the original structure intact. Demolishing additional portions of the existing building is not considered a feasible alternative. The original construction of the building is a concrete tilt up wall/poured-in-place system. Each section of the building's walls is integral to the structural and seismic integrity of the building as originally designed. Furthermore, the University has recently completed a project that ensures the as-built condition of the building is up to current seismic code standards. The modifications that were installed on the building assumed the building envelope would remain "as-is" and would not be removed or otherwise modified. Beyond the structural and seismic implications of manipulating the building envelope, reducing the usable square footage of the building will directly inhibit HSU's ability to facilitate the intended program. As a result, demolishing additional portions of the existing building beyond that already proposed and utilizing the cleared area for vehicular access with less wetland fill is not a less environmentally damaging, feasible alternative to the proposed development as conditioned.

c. Use of smaller vehicles

If the project relied on smaller vehicles with smaller turning radii, the site could potentially be safely accessed without any additional wetland fill. While the use of smaller delivery vehicles may be feasible, it is not feasible to limit the size of fire trucks that may respond to emergencies. The existing site layout does not allow for 44-foot trucks to enter the site, access all portions of the building, turnaround, and exit the site (See Part a. above for a discussion of why the access must be designed to accommodate a 44-foot fire truck). Regardless of what type of development is proposed at the site, review for adequate emergency access would be triggered by the redevelopment project and thus the need for wider access ways to accommodate large emergency vehicles. As a result, only allowing smaller vehicles on site is not a less environmentally damaging, feasible alternative to the proposed development as conditioned.

d. Alternative locations for the facility

The applicant has analyzed whether there are other similarly sized, appropriately zoned and designated upland properties that could feasibly be used for the proposed project and would be less environmentally damaging. According to the applicant, HSU does not currently have facility availability other than the Samoa Blvd. property that would accommodate the scale needed to support a program that combines federal agency presence, HSU instruction, and HSU research to create a sustainable regional research collaboration center.

Since the Samoa Blvd. property was purchased, the University has moved portions of their facilities operations to the site, and utilized the space that was gained on the main campus for other uses. Now the size and scope that University needs to maintain its

current operations cannot be facilitated with other properties HSU owns. HSU has analyzed condensing facilities operations to accommodate future programming at the Samoa Blvd. property. Even with condensed facilities operations, alternative sites do not exist for current programming. For example, HSU has explored the Trinity Annex Property on 14th Street just south of the main campus. The orientation and square footage of the building were not sufficient to absorb HSU operations. Other satellite properties include the Trinidad Marine Laboratory and the Humboldt Bay Aquatic Center. Using these coastal properties for facilities operations would not be appropriate and would have more challenges both logistically and environmentally that the use of the Samoa Blvd. Property.

In addition to using the Samoa Blvd. property for facility operations, the applicant proposes to use portions of the building to house federal research agencies and HSU research initiatives. HSU believes the size and scale of the Samoa Blvd. property is conducive to creating proximities that could build into a regional research center with federal agency ties and California State University-sponsored research. Other facilities on and off campus such as the Trinidad Marine Lab, Trinity Annex, and the Humboldt Bay Aquatic Center do not offer enough space to accommodate the collaborative intent of the future program. Therefore the alternative of relocating the use to another location that does not require fill is not a less environmentally damaging, feasible alternative to the development as conditioned.

e. Alternative locations for the wetland mitigation

As previously discussed, HSU proposes to mitigate for wetland fill by restoring 55,676 square feet (1.3 acres) of degraded onsite seasonal wetlands at a ratio of 4:1 wetland restoration to wetland loss. While the restoration project is designed to compensate for the wetland functionality lost due to wetland fill, it will not create new wetlands and thus the project will result in an overall loss of wetland square footage. There is a large area of uplands on the project site that could be graded down to create new wetlands. The original project approved by the City mitigated for wetland loss by the creation of wetlands at this location. However, according to the originally approved mitigation plan, this upland area is only 34,136 square feet in size and therefore a 4:1 ratio of wetland creation to loss would not be achievable. Furthermore, this upland area is located on a parcel zoned Agriculture Exclusive and therefore the creation of wetlands at this site would constitute a conversion of agricultural land inconsistent with the agriculture protection policies of the certified LCP and the Coastal Act. HSU could also create new wetlands offsite at another property. However, the proposed wetland restoration area is directly adjacent and similar topographically to the palustrine emergent wetlands to be filled. Creating new wetlands offsite further away would not be as effective at directly replacing the functionality of the wetlands to be filled, including the *in situ* hydrologic storage and highway runoff water quality bio-filtration functions of the wetlands. Therefore the alternative of creating new wetlands rather than restoring existing wetlands as mitigation for wetland fill is not a less environmentally damaging, feasible alternative to the development as conditioned.

Mitigation Measures

CLUE Policy IV-4, CLUDG Sections 1-0228.7(c), 1-0228.10(5), 1-0228.11(b)(2), 1-0228.12(a)(2), 1-0312.2, and 1-0312.4, and Coastal Act Section 30233 all require that feasible mitigation measures to minimize adverse environmental effects be provided with any project involving the filling of wetlands. The proposed project could have a number of potential adverse effects on the surrounding environment, including: (1) loss of wetlands from 13,915 square feet of new pavement and associated facilities; (2) construction-related impacts to aquatic habitat and water quality; (3) water quality impacts from increased impervious surface; (4) disturbance to wildlife from increased exterior lighting; and (5) disturbance to wildlife from the introduction of exotic invasive plant species that could compete with native vegetation, and the use of certain rodenticides that could deleteriously bio-accumulate in predator bird species. The potential impacts and their mitigations are discussed in the following five sections:

a. Loss of wetlands from 13,915 feet of new pavement and associated facilities

The project site includes 3.33 acres of palustrine emergent wetlands that are functionally connected with adjoining wetlands and coastal waters within the McDaniel Slough Enhancement Project and Arcata Marsh and Wildlife Sanctuary complex to the south. Under the proposed project, a total of 13,915 square feet (approximately 0.32 acres) of onsite wetlands will be filled. Wetlands to be filled are wet grassy meadows that are mowed and dominated by non-native species. To mitigate for this wetland fill, the applicant proposes to (1) restore 55,676 square feet of similarly-degraded wetlands on the east side of the existing building; and (2) remove 94 existing fence posts in onsite wetlands resulting in 3.82 square feet of wetland fill removal.

The applicant has submitted a draft mitigation and monitoring plan that proposes to increase hydrological function and native plant cover and biodiversity in the mitigation area by (1) excavating portions of the area up to three feet in depth; (2) diverting treated stormwater from new treatment facilities on the north end of the site into an infiltration swale that runs through the center of the mitigation area; and (3) planting the area with native plant species obtained from the local area. The plan proposes monitoring the mitigation area for a period of five years and implementing remediation measures if the restoration fails to meet the plan's goals.

To ensure that the wetland restoration area is successful in improving habitat values, the Commission attaches **Special Condition 4** requiring the applicant to submit a final mitigation and monitoring plan. The condition specifies final success criteria that must be achieved at the wetland mitigation site (as discussed in the "Allowable Use" Subsection above), and requires (1) a baseline ecological assessment of the mitigation area; (2) a schedule of activities that results in the initial mitigation work occurring no later than one year following wetland fill; (3) a temporary erosion control plan to stabilize soil and prevent erosion during the wetland restoration; (4) an excavation and grading plan; (5) a planting plan; (6) provisions for the submittal of as-built plans within 30 days of initial mitigation work; and (7) a monitoring and maintenance plan that includes annual reporting over a five-year period. The condition also requires that if the mitigation is unsuccessful, the applicant submit a revised or supplemental mitigation program to

compensate for those portions of the original program which did not meet the approved final success criteria.

In total, the proposed mitigation project will result in 55,676 square feet of substantially restored wetlands with greater habitat structure and complexity than wetlands to be filled. This wetland restoration will mitigate for the 13,915 square feet of wetland fill at a ratio of 4 to 1. The Commission finds that this 4:1 ratio of wetland fill to wetland restoration is appropriate because of the expected low temporal loss of wetland habitat (minimal time between wetland impact and wetland restoration) coupled with a high likelihood of restoration success (due to the relatively high average annual rainfall in the region, the type of wetlands to be restored, the success of nearby wetland restoration projects, and the mitigation site's functional connection and location adjacent to existing, functioning wetlands). With the detailed mitigation and monitoring special condition, the restoration of the wetlands will compensate for the wetland benefits lost from the proposed fill in degraded wetlands, including absorption of storm energy, flood storage, erosion control, water filtration, and habitat for wildlife. Therefore, the Commission finds that the mitigation summarized above is appropriate to sufficiently mitigate for the filling of seasonal wetlands as part of the proposed project.

To ensure that future use of the site including future development does not encroach into the wetland mitigation area resulting in the loss or degradation of restored wetlands, the Commission also attaches Special Conditions Nos. 5 and 6. **Special Condition 5** prohibits all development within the wetland restoration area except for (i) the proposed wetland restoration/enhancement as conditioned under CDP A-1-ARC-12-003, and (ii) the following development if approved by an amendment to the coastal development permit, including: (a) soil stabilization measures; (b) vegetation clearance if required by the California Department of Forestry and Fire Protection to meet fire safety standards; (c) maintenance of existing utilities and community services infrastructure; (d) removal of debris and unauthorized structures; and (e) other allowable uses for the diking, filling, or dredging of wetlands pursuant to Section 30233(a) of the Coastal Act. **Special Condition 6** requires that the applicant execute and record a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property to ensure that both the applicant and future purchasers of the property are notified of the prohibitions on development within the wetland mitigation area. Such notification of future purchasers will eliminate expectations on the part of the purchasers that they may be able to expand site activities onto the eastern side of the existing building within the mitigation area.

Finally, CLUDG Section 1-0228.3 states that the Wetland and Creek Protection Combining Zone (:WCP) shall automatically apply to any portion of any lot or parcel where there are wetlands, and CLUDG Section 1-0228.7(c) requires that the applicant record with the Humboldt County Recorder's Office, a notice declaring the presence of the :WCP Combining Zone on the property. Because the project site contains 3.33 acres of wetlands, the Commission has attached **Special Condition 7** requiring the applicant to submit to the Executive Director for review and approval, evidence that a Notice of :WCP Zone has been recorded with the Humboldt County Recorder's Office.

Therefore the Commission finds that the project, as conditioned in the manner discussed above, provides feasible mitigation measures to minimize the adverse environmental effects of the loss of 0.32 acres of wetlands resulting from the project, and maintains the functional capacity of the onsite system of wetlands consistent with CLUE Policy IV-4, CLUDG Sections 1-0228.11, and 1-0312.2, and Coastal Act Section 30233.

b. Construction-related impacts to aquatic habitat and water quality

Under the proposed project, construction work will occur in and directly adjacent to onsite wetlands and could result in sediments, debris, or hazardous materials entering and impacting wetlands. The applicant has not proposed any construction best management practices (BMPs). Therefore to ensure that erosion, sediment, and chemical control measures are implemented during construction, the Commission attaches **Special Condition 8** requiring compliance with a number of construction responsibilities. These responsibilities include: (1) educating on-site contractors and workers of permit requirements prior to construction; (2) limiting ground-disturbing activities to periods of dry weather during the dry season; (3) implementing soil stabilization BMPs on graded or disturbed areas; (4) only using erosion-control associated netting made of natural fibers and constructed in a loose-weave design to minimize wildlife entanglement and plastic debris pollution; (5) delineating work and staging areas with temporary fencing to limit the area of disturbance; (6) storing stockpiles a minimum of 25 feet from coastal wetlands, containing stockpiles at all times and covering stockpiles during storm events; (7) maintaining construction vehicles and equipment in pre-established work and staging areas free of oil and fuel leaks; (8) removing construction debris in a timely manner and disposing of debris in an upland location outside of the coastal zone; (9) employing concrete paving and grinding operations and storm drain inlet protection BMPs; and (10) maintaining adequate hazardous materials spill prevention and clean-up supplies on site. The Commission finds that with the imposition of Special Condition 8, the project provides feasible mitigation measures to minimize construction-related impacts to aquatic habitat and water quality.

c. Water quality impacts from increased impervious surface for expanded vehicular access routes

The two proposed areas of new paving for expanded vehicular access routes will result in 13,213 square feet (0.3 acres) of additional impervious surface. This addition of impervious surface could be detrimental to water quality by increasing the rate and volume of stormwater runoff and increasing the potential for runoff to be contaminated by heavy metals, oil, grease, and polycyclic aromatic hydrocarbons that deposit on the new pavement as the result of motor vehicle traffic. To mitigate for these potential water quality impacts, the applicant proposes a number of drainage improvements.

Currently, the front paved area (approximately 22,377 square feet) is enclosed with a six-inch curb and has three drop inlets that direct runoff into a subsurface stormwater system that drains to a roadside ditch on Samoa Boulevard. The back paved area (approximately 34,670 square feet) is not enclosed with curbs and sheet flows away from the building into wetlands to the south. The building has multiple down spouts draining stormwater

from the roof area. Downspouts in the front of the building connect to the subsurface stormwater system associated with the front paved area and drain to the roadside ditch. Downspouts in the back and on the sides of the building drain directly onto the back paved area.

The applicant proposes to add three new low impact development (LID) stormwater detention areas (vegetated swales or rain gardens) to the site: one directly north of the central office pavilion, one along the drainage ditch adjacent to Samoa Boulevard, and one along the edge of the expanded paved area behind the east wing of the building. Runoff from the front roof drain downspouts will be infiltrated and treated by the new LID feature located in the front of the building, while runoff from the existing front paved area and the newly expanded western paved area will sheet flow to the new LID feature along the existing roadside drainage ditch. Runoff from the new eastern paved area will sheet flow to the new proposed LID storm water detention area (vegetated swales) that will follow the southern border of the pavement.

The two detention areas proposed along the north side of the building will be excavated from upland areas. The detention area proposed behind the south wing of the building is a necessary part of the vehicular paving in that area as it will treat runoff from the increased area of impervious surface and will be excavated within a wetland area. Stormwater that does not infiltrate in these new LID features will overflow through culverts to the proposed new wetland mitigation area (See Exhibit 7, pg. 1). As the proposed new LID features will not only slow, capture, infiltrate, and treat runoff from all of the new pavement but also from existing onsite pavement, there will be an overall improvement in onsite drainage, including a reduction in the rate and volume of runoff leaving the site and a reduction in loadings of Total Suspended Solids (TSS) in onsite wetlands.

To ensure that these post-construction structural best management practices (BMPs) are implemented as proposed, the Commission attaches **Special Condition 9** requiring a final grading and drainage plan that demonstrates that the new structural BMPs are designed to treat or filter all stormwater runoff from new paved areas of the site produced by all storms up to and including the 85th-percentile, 24-hour storm event.

The Commission finds that the proposed project, as conditioned, ensures that stormwater runoff will be managed using the best available management practices and provides feasible mitigation measures to minimize adverse impacts on water quality..

d. Disturbance to wildlife from increased lighting

Approximately nine outdoor light fixtures are fixed to the exterior of the building. No new outdoor lighting is currently proposed, but existing lights may be replaced during building renovations.

Artificial night lighting can have a variety of significant direct and cumulative effects on flora and fauna, including disruption of light-dark photosynthesis cycles and circadian rhythms, disruption of foraging behaviors and increased risks of predation, and inference

with vision and migratory orientation. These impacts can result in reductions in biological productivity, reductions in the population of otherwise threatened, endangered, or rare species, elevated incidences of collisions between birds and structures, or fixation of large numbers of arthropods on the lighting source attraction to the point of fatal exhaustion, negatively affecting their populations and reproductive success, as well as the food web they support.

To ensure that under the proposed project no increase in incidental light from the development will enter nearby coastal waters and wetlands, the Commission attaches **Special Condition 10**. Special Condition 10 requires that any exterior lighting that may be replaced during the renovations shall be the minimum necessary for the safe ingress, egress, and use of the structures, and shall be low-wattage, non-reflective, shielded, and have a directional cast downward such that no light will be directed into adjacent wetland areas or beyond the boundaries of the subject parcel. As conditioned, the Commission finds that the project provides feasible mitigation measures to minimize adverse impacts of night lighting to wildlife.

e. Disturbance to wildlife from the introduction of exotic invasive plant species and use of rodenticides

Under the proposed project, new landscaping will be installed at the project site including plantings in the 1.3-acre wetland mitigation area and in various proposed new biorentention/filtration features around the site. If designed properly, this new landscaping could help screen lighting, noise, human activity and other impacts associated with development from adjacent coastal wetlands and waters. However, if implemented poorly, new landscaping could negatively impact the biological integrity of the area from (1) the introduction of exotic invasive plant species or other genetically incompatible plantings or (2) the use of rodenticides. To avoid such adverse impacts to biological resources, the Commission attaches **Special Condition 11** requiring the preparation of a landscaping plan. The condition requires that the plan contain adequate detail as to the types and location of plantings to be utilized, as well as information as to the areas' maintenance and upkeep such that conformance with CLUDG Section 1-0306 may be established.

The applicant proposes to plant native species from local genetic stock. If invasive species are instead planted, they could displace native species and alter the composition, function, and biological productivity of the wetland and surrounding habitats. To ensure that no invasive plant species are planted or seeded in the project area, **Special Condition 11(A)(i)(b)** prohibits the planting of any plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California. Furthermore, no plant species listed as a "noxious weed" by the governments of the State of California or the United States are to be installed at the project site.

To help in the establishment of vegetation, rodenticides are sometimes used to prevent rats, moles, voles, and other similar small animals from eating the new plantings. Certain rodenticides, particularly those utilizing blood anticoagulant compounds such as

brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/ wildland areas. As the target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, these compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. To avoid this potential cumulative impact to environmentally sensitive wildlife species, **Special Condition 11(A)(i)(e)** contains a prohibition on the use of such anticoagulant-based rodenticides.

As conditioned, the Commission finds that the proposed project provides feasible mitigation measures to protect sensitive species and the biological productivity and quality of coastal streams and wetlands consistent with Sections 30230, 30231 and 30233 of the Coastal Act and the corresponding policies and standards of the certified LCP.

F. Consistency With Zoning Designation

The 7.3-acre property consists of three parcels, two parcels along the highway frontage zoned "Industrial Commercial" (I-C), and one parcel directly south zoned "Agricultural Exclusive" (A-E). The proposed project includes (1) remodeling an existing building including new ceilings, flooring, and paint; (2) removing approximately 810 linear feet of existing fencing; (3) repairing portions of existing pavement; (4) widening existing vehicular access routes by installing 13,213 square feet of new pavement and demolishing a 3,600-square-foot portion of the existing building; (5) modifying the site's stormwater management system; and (6) mitigating for wetland fill with onsite wetland restoration and enhancement. All of the proposed development is located on the Industrial-Commercial zoned parcels.

Industrial-Commercial (I-C) Zoning

HSU currently uses the existing building and pavement on the I-C-zoned parcels for HSU Facilities Management resources storage and surplus, HSU Housing and Dining storage, and HSU sustainability recycling and resource management. The north office pavilion is also used to house consultants and construction personnel on a contractual basis. Additionally, the building and site are used to receive bulk goods and large shipments and to prepare for large campus events such as commencement, homecoming, and conferences.

Under the revised project, HSU will continue to use a portion of the site for surplus storage, recycling, and resource management, while also housing federal agency tenants and a University-sponsored research facility. HSU is currently pursuing a lease proposal with the federal General Services Agency (GSA) to house three local federal programs, the National Oceanic and Atmospheric Administration (NOAA), National Park Service (NPS), and the Fish and Wildlife Service (USFWS). The existing building will be used as the area's main field offices where the programs perform research within their respective fields. HSU intends to take advantage of the potential collaboration between the federal programs and University students and faculty by also providing space where grant- and University-sponsored research can be executed.

CLUDG Section 1-0219.1 enumerates permitted uses within the I-C District (See Appendix C for the text of relevant I-C standards). These permitted uses include research and development;

wholesale/warehousing; recycling center or compost operation; and business office providing services to businesses that are located on the same lot or to surrounding businesses in the zone. The proposed federal and University research, offices, and University surplus warehousing and recycling fall within these permitted use categories and are therefore consistent with the site's I-C zoning designation.

Agriculture-Exclusive (A-E) Zoning

Under the revised project, HSU would lease an area along an existing gravel road on the western boundary of the property to the City of Arcata for a vertical public access route from Samoa Boulevard to the McDaniel Slough Enhancement Project. This public access route traverses the 1.3-acre A-E-zoned parcel. No physical public access improvements are proposed as part of the proposed project. The applicant would lease the land for the access route to the City of Arcata, and any improvements to the land would be performed by the City at a later date. The City of Arcata has indicated an interest in accepting a lease agreement and improving the land for a public access trail authorized by a CDP granted to the City for the McDaniel Slough restoration project.

When the property was open pastureland, prior to the construction of the industrial-commercial building in the mid-1970s, the existing gravel road, known as Slaughter House Road, led south to a farmhouse and outbuildings built as part of a stock-fattening and slaughtering operation. The farmhouse complex is gone and the parcel is not currently in agricultural use, but the road remains.

According to the CLUDG Section 1-0207, the purpose of the A-E District is to permit reasonable use while at the same time encouraging the preservation of the land in a productive state (See Appendix C for the text of relevant A-E standards). The permitted and conditionally permitted uses in the A-E zone outlined in CLUDG Section 1-0207, as well as the permitted accessory uses outlined in CLUDG 1-0307, do not include public access facilities. However, CLUE Policy IV-11 states:

> *Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in the Agricultural Exclusive zone if they do not interfere with adjacent agricultural uses, or limit the potential of the site to return to agricultural use or significantly displace the wildlife utilizing the area, especially in wetlands.*

The proposed public access route will extend public recreational opportunities in the area by providing a public access connection from the unpaved roadside walkways and Class III bike lanes along Samoa Boulevard to the network of recreational opportunities south of the project site, including hiking, cycling, birdwatching, wildlife viewing, and boating at the McDaniel Slough Enhancement Project, the Mad River Slough Wildlife Area, and Arcata Marsh and Wildlife Sanctuary. As the public access route will be located on an existing historic gravel access road that is currently not usable for agriculture, the route does not displace wetlands, or impair the agricultural productivity of the land.

G. PROTECTION OF AGRICULTURAL LANDS

The 7.3-acre project site includes a 1.3-acre parcel (APN 505-251-11) designated and zoned Agriculture Exclusive. In addition, the adjacent property to the west, while outside of the City limits, is similarly designated and zoned by the County of Humboldt for agricultural use. The subject A-E parcel is currently vacant except for a gravel access road along its western boundary, and the neighboring agricultural parcel to the west is currently in use as pastureland for cattle grazing.

As noted above, HSU is proposing to lease land along the western boundary of the property to the City of Arcata for a public access route authorized by a separate permit granted to the City that will both cross the A-E zoned portion of the subject property and be located adjacent to the neighboring pastureland to the west. According to CLUE Policy IV-11 and CLUDG Section 1-0207 (See Appendix C for relevant language), new development including recreational activities should encourage the preservation of agricultural land in a productive state; not interfere with adjacent agriculture use; and enhance the chances of A-E-zoned land returning to agricultural use or remaining in permanent agricultural production. In addition, Coastal Act Sections 30241 and 30242 require the protection of prime agricultural lands[5] and set limits on the conversion of all agricultural lands to non-agricultural uses (See Appendix D for relevant language). As previously described in Section VI-F "Consistency with Zoning Designation," the public access route will be located on an existing historic gravel access road that is not currently usable for agriculture. As the public access route is located on an existing road, the route will not convert agricultural land, compromise the productive state of the land, or precluding future agricultural use of the site.

In addition, to ensure that the proposed site improvements on the Industrial-Commercial-zoned parcels containing the existing building do not interfere with current or future adjacent agriculture uses, the Commission attaches a "Right to Farm" provision as Special Condition 12. In other agricultural communities statewide, local governments have required Right to Farm provisions for non-agricultural land use projects that extend into agricultural areas or that exist adjacent to agriculture uses. Since agricultural operations can be the subject of nuisance complaints where other uses encroach on agricultural lands, Right to Farm disclosures effectively put current and future property owners on notice to be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. Therefore, to ensure that potential conflicts between the uses of the project site and agricultural land uses on the adjacent properties

[5] Coastal Act Section defines "prime agricultural land" through incorporation-by-reference of paragraphs (1) through (4) of Section 51201(c) of the California Government Code. Prime agricultural land entails land with any of the follow characteristics: (1) a rating as class I or class II in the Natural Resource Conservation Service land use capability classifications; or (2) a rating 80 through 100 in the Storie Index Rating; or (3) the ability to support livestock used for the production of food and fiber with an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture; or (4) the ability to normally yield in a commercial bearing period on an annual basis not less than two hundred dollars ($200) per acre of unprocessed agricultural plant production of fruit- or nut-bearing trees, vines, bushes or crops which have a nonbearing period of less than five years.

do not impair the continued viability of agricultural production, the Commission imposes **Special Condition 12** that requires the permittee to acknowledge and accept such inconveniences and/or discomforts from normal, necessary farm operations as an integral part of occupying property adjacent to agricultural uses. In addition, **Special Condition 6** requires the applicant to record a deed restriction imposing the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property.

Therefore, the Commission finds that the proposed development, as conditioned, does not result in a conversion of agricultural land and is compatible with the long-term protection of adjacent agricultural resources as required by agricultural resource protection policies of the certified LCP and the parallel provisions of the Coastal Act incorporated into the review of this proposed project by Section 1-0228.12.

H. COASTAL HAZARDS

CLUE Policies III-I and III-2, CLUDG Section 4-0304(c)(1), and Coastal Act Policy 30253 all address coastal hazards, requiring new development to minimize risks to life and property in areas of high geologic and flood hazards and assure stability and structural integrity (See Appendix C and D for relevant language). The project site is situated on the western edge of the City of Arcata near the shoreline of Arcata Bay at an elevation of 7.6 to 13.5 feet above sea level. Development on the subject property is at risk of exposure to a number of coastal hazards, including ground shaking and failure, and flooding hazards related to tsunami run-up and sea level rise.

The proposed project consists of utilizing an existing, approximately 40-year-old, commercial-industrial building. No new structures and no residential uses are proposed as part of the project. However, the proposed use of the building to house federal agency tenants and HSU research and sustainability operations will result in an increase in human occupancy and related exposure to risks.

Earthquake and Ground Failure Related Hazards

With respect to earthquake and ground failure related hazards, the totality of the City, as well as the whole northern coast of California, is subject to significant seismic shaking and other risks associated with tectonic movement along the Cascadia Subduction Zone, the 750-mile-long thrust fault system lying offshore. The project site is also identified on the City General Plan's "Hazard Map" as having "moderate" liquefaction potential. In addition to losses associated with seismic shaking, structures located in liquefaction-prone areas can be further damaged by uneven foundation settlement and subsidence.

Geologic risks can typically be mitigated by the incorporation of specific design features within the foundations and framing of buildings. As part of the proposed project, HSU will update the existing building to be in compliance with current state seismic code standards. To ensure stability and structural hazards are minimized through improved building design, the Commission attaches **Special Condition 13**, requiring that prior to commencement of building renovations, HSU submit for the review and approval of the Executive Director, final design and construction plans that have been reviewed for geotechnical safety by a qualified licensed

professional employed by the Department of General Service – Division of the State Architect (DSA), and have been found to be in compliance with the state seismic code and all other relevant state standards addressing geologic safety. As conditioned, the Commission finds that adequate building updates will be performed to minimize risks to life and property from ground shaking and liquefaction.

Flooding Hazards Related to Tsunami Inundation and Sea Level Rise

The subject property, along with many others around Humboldt Bay, are shown on emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay shoreline within minutes and tsunami run-up could affect the project site. The precise maximum depth of inundation for a tsunami has not been determined for the subject property. While other development sites with direct beach frontage or proximity to open ocean waters have been assessed as being potentially subject to modeled inundation of 30 feet or more above mean sea level, given the sites' distance from the mouth of Humboldt Bay and the large mudflat and marsh plain configuration of Arcata Bay and surrounding lands, such a wave height would be expected to attenuate to some degree before reaching the subject property.

The flood risks from tsunami can best be minimized through warnings of imminent tsunamis and timely evacuation. Therefore, the Commission attaches **Special Condition 14**, requiring that prior to commencement of building renovations, the applicant submit for the review and approval of the Executive Director, a tsunami safety plan. The plan must demonstrate that (1) the threat of tsunamis will be adequately communicated to all guests and employees of the facility; (2) information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event in the area; and (3) staff will be adequately trained to carry out the safety plan. As conditioned, the Commission finds that adequate tsunami related warning and evacuation information will be provided to minimize risks to employees and visitors of the site from the hazards of tsunamis.

The potential risk exposure to flooding is compounded by sea level rise. Based on estimates of relative sea-level rise (SLR) for Humboldt Bay developed by Jeff Anderson (Northern Hydrology & Engineering), over the next 50 years (by 2050) Humboldt Bay sea-level may rise by 18.2 inches, and the combined effects of sea-level rise along with high tides and large waves (e.g., during El Niños) is expected to cause significant flooding. The proposed project is at an elevation of 7.6 to 13.5 feet above sea level and therefore will be at risk of flooding. However, the subject property is protected from the bay by an extensive system of wetlands at the Arcata Marsh and Wildlife Sanctuary and McDaniel Slough Enhancement Project that will be able to absorb significant storm energy and flood waters. In addition, the City of Arcata maintains tide gates and levees associated with tidally-influenced waters near the project that can combat sea level rise to a certain degree. As such, sea level rise is not anticipated to cause substantial harm over the design life of the project.

The Commission finds that if the applicant and future landowners receive notification of the flood risks related to tsunami run-up and sea level rise associated with the property, then the

applicant and future landowners of the property can decide whether to implement development on the site despite the risks. Therefore, the Commission attaches Special Conditions 15 and 6. **Special Conditions 15** requires the landowner to assume the risks of flooding hazards to the property and to waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. To ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, **Special Conditions 6** requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

Conclusion

As discussed above, feasible mitigation measures necessary to minimize ground shaking, liquefaction, and flooding risks have been incorporated into the development. Therefore, the Commission finds that the proposed project, as conditioned, will be sited and designed to minimize hazards for the project's expected economic life span consistent with the certified LCP and the Coastal Act.

I. ARCHAEOLOGICAL RESOURCES

CLUDG Chapter I (Zoning Ordinance), Article 2 (Zoning Districts), Section 1-0228 (Wetland and Creek Protection or :WCP Combining Zone) states in applicable part:

Section 1-0228.12 Required Findings in the :WCP Zone.

(a) WETLANDS. Development in or adjacent to wetlands shall be found to meet the Coastal Wetlands Development Standards if the facts prescribed are sufficient to establish:

l) the project is in compliance with the Arcata General Plan, including, if applicable, the Land Use Element of the City of Arcata's Local Coastal Program; and

2) if located in the Coastal Zone, the project is in compliance with Section 30233 and all other applicable sections of the latest version California Coastal Act; and

3) the project is in compliance with the Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas."

... ...

Section 30244 of the Coastal Act states as follows:

Where development would adversely impact archeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The project site and surrounding areas are located within the ethnographic territory of the Wiyot Indians. Wiyot settlements existed along Humboldt Bay and along the banks of many of the streams and sloughs in this area.

The applicant requested a cultural resource assessment from the North Coast Information Center (NCIC) for the project area on April 19, 2009. NCIC responded in a letter dated April 28, 2009 that, according to the California Historical Resource Information System, the project site is not a documented cultural or historical site and does not contain any known archaeological resources. However, the NCIC predicted "a moderate to high probability of finding sites or other evidence of human cultural activity" in the project area. The applicant subsequently hired Roscoe & Associates to perform an archaeological field reconnaissance of the subject parcels. Roscoe & Associates conducted a site visit on June 3, 2009 and found no ancestral Native American cultural resources or other cultural/historical resources.

The proposed project involves ground-disturbing activities in and adjacent to wetlands, including excavation and grading for (1) the expansion of paved vehicular access routes to the west and south of the existing building, (2) modifications to the site's stormwater management system, and (3) restoration of 1.3 acres of wetlands. Section 1-0228.12 requires that development in or adjacent to wetlands is in compliance with all applicable sections of the Coastal Act, including Section 30244 which calls for the protection of archeological and paleontological resources. Since the project includes excavation and grading, there is the potential that project construction may disturb previously undiscovered archaeologic resources. To ensure protection of any archaeological resources that may be discovered at the site during construction of the development, the Commission imposes **Special Condition 16**. This condition requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist, in conjunction with the Wiyot-area Tribal Historic Preservation Officers, must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the applicant is required to submit a supplementary archaeological plan for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that the proposed development, as conditioned, is consistent with Section 30244 of the Coastal Act as incorporated by Section 1-0228.12 of the City of Arcata's certified LCP.

J. VISUAL RESOURCES

A number of policies and standards in the City of Arcata's certified LCP address the protection of visual resources. CLUE Policy IV-15 requires that any proposed use that would significantly alter the appearance of natural landforms, would significantly alter the appearance of existing land uses, or would significantly block views from existing public thoroughfares to the Bay not be issued a permit unless it can be shown that the proposed use will serve to restore or enhance a

visually degraded area. CLUE Policies IV-14 and 16 designate "Coastal Scenic Areas" and "Scenic Routes" within the City of Arcata. Pursuant to CLUE Policy IV-14, the 1.3-acre portion of the subject property designated Agriculture Exclusive and all of the lands designated "Natural Resource Protection" to the south of the project site are Coastal Scenic Areas.[6] In addition, pursuant to CLUE Policy IV-15, the segment of Samoa Boulevard adjacent to the project site is a designated Scenic Route. Finally, CLUDG Section 1-0306 states that a landscape plan shall be required for all new development (See Appendix C for a list of relevant visual resource policies from the certified LCP). In addition, Coastal Act Section 30251 requires in part that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to restore and enhance where feasible the quality of visually degraded areas, and to be visually compatible with the character of surrounding areas (See Appendix D for relevant language).

As previously described, the development site is located on Samoa Boulevard and is bordered to the south by the McDaniel Slough Enhancement Project, the Arcata Marsh and Wildlife Sanctuary, and Arcata Bay, the northern portion of Humboldt Bay. As the development site is surrounded to the west and south by relatively flat open space including pastureland and natural resource lands, the existing industrial-commercial building is highly visible from Samoa Boulevard to the north, and from various public vantage points to and along the bay to the south. The existing building blocks much of the scenic vista from Samoa Boulevard, although glimpses of the bay and surrounding wetlands are afforded along the road east and west of the building.

The proposed development includes remodeling the existing commercial-industrial building including new ceilings, flooring, and paint; demolishing a portion of the existing building; removing fencing; repairing and adding pavement for onsite vehicular access and parking; modifying the site's stormwater management system; restoring onsite wetlands; and providing a public vertical access route along the site's western boundary. New landscaping is proposed between the building and the north sidewalk at the north parking lot and in the area around the main northwest entrance to the building. In addition, plantings will occur in the 1.3-acre wetland mitigation area and in various proposed new biorentention/filtration features around the site.

As the proposed project utilizes an existing building and does not require the construction of any new permanent structures other than low-lying stormwater management features and pavement, the proposed project will not significantly alter the appearance of natural landforms or existing land uses or further block views from Samoa Boulevard to the bay. In addition, the visual changes that will occur, including building renovations, landscaping, removal of fencing, repair of pavement, and demolition of a portion of the existing building, will enhance the visual quality of the building and the site which have physically deteriorated since their initial use. Except for the office pavilion at its center, the existing 43,006-square-foot building is composed of concrete, windowless walls that are visually imposing and do not provide any aesthetic benefit to the area. The proposed new plantings will help break up the visual bulk of the existing building and help the site blend better with the visual character of the surrounding open space.

[6] CLUE Policy IV-14 identifies (1) all land designated on the Land Use Map as Natural Resource Protection and (2) all land on the western Arcata plain designated on the Land Use Map as Agriculture Exclusive (A-E) as Coastal Scenic Areas.

Furthermore, as described in the "Mitigation" subsection of Section VI-E "Protection of Wetlands and Water Quality," the Commission imposes **Special Condition 10** placing restrictions on any new exterior lighting, and **Special Condition 11** requiring a landscaping plan consistent with the requirements of CLUDG Section 1-0306 which includes requirements for minimum landscaped area, area screening, and parking lot landscaping among other standards. These lighting and landscaping restrictions will not only help ensure that the proposed development will not negatively impact nearby biological resources, but will also help ensure protection of visual resources in the area.

As conditioned, the Commission finds that the proposed development is consistent with the visual resource protection polices of the certified LCP and the Coastal Act.

K. PUBLIC ACCESS

The proposed project is located between the designated first public road (Samoa Boulevard) and the sea (the shoreline of Arcata Bay) within the CDP jurisdiction of a local government and is therefore subject to the coastal access policies of both the Coastal Act and the certified LCP. To approve the proposed project, the Commission must therefore find the project to be consistent with the public access policies outlined in Section 30210, 30211, 30212, and 30214 of the Coastal Act and the shoreline access policies contained in Arcata's Coastal Land Use Element.

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects, except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or where adequate access exists nearby. Section 30211 of the Coastal Act requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a permit application based on these sections or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access. Arcata's certified LCP reiterates these Coastal Act policies and designates the segment of Samoa Boulevard adjacent to the project as a Public Access Corridor that should be properly signed and identified to lead the public to approved Bay access points (See Appendix C for a list of relevant public access policies from the certified LCP).

The subject property was historically used as pastureland prior to Industrial Electric's purchase and development of the site in the mid-1970s for manufacturing, warehousing, and office space, followed by HSU's purchase of the site in 2008. As no public access currently exists at the project site and there is no history of public use, the project will not displace any existing public access facilities. In addition, adequate coastal access and recreational amenities for hiking, cycling, bird-watching, wildlife viewing, and boating exist nearby at the McDaniel's Slough Enhancement Project, Mad River Slough Wildlife Area, Arcata Marsh and Wildlife Sanctuary, and the Butcher Slough Restoration Project.

The proposed project to redevelop an industrial-commercial site to house HSU sustainability operations, University research, and local federal agency programs will result in the relocation of a portion of University operations and research work from the main HSU campus, and potentially the relocation of federal agency workers from other local offices, to the project site. HSU estimates that under the proposed project, approximately 55 to 65 full time staff will be located at the site during weekday work hours, an increase over current use. This greater proximity to the shoreline for University staff and students and federal employees could increase their frequency of use of the network of recreational opportunities south of the project site. However, given the type of use of the site (i.e., weekday, work hour use) and the large amount of nearby public recreational and access facilities including 4.5 miles of trails and multiple parking lots in the Arcata Marsh and Wildlife Sanctuary, the incremental increase on demand for public access in the area generated by the project will be insignificant. As the project's impact on existing or potential access will be insignificant, the Commission finds that no special condition requiring public access is necessary to avoid or offset the project's impact.

Although public access improvements are not required to mitigate impacts associated with the proposed development, the applicant has independently proposed to lease a segment of land along the property's western boundary to the City of Arcata for the public access route authorized by a previous CDP granted to the City. The public access route follows an existing gravel road linking Samoa Boulevard to the McDaniel Slough Enhancement Project[7].

Therefore, the Commission finds that the development as conditioned does not have any significant adverse effect on public access, and is consistent with the requirements of Coastal Act Sections 30210, 30211, 30212, and 30214 and the public access policies of the certified LCP.

L. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Trustees of California State University is the lead agency for the purposes of CEQA review. The University Trustees adopted a Mitigated Negative Declaration for the project on November 23, 2009.

Section 13096 of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

[7] Under Special Condition 13 of CDP 1-06-036 granted to the City of Arcata for the *McDaniel Slough Enhancement Project*, the City is required and authorized to construct a public access trail along Slaughter House Road and a small parking lot next to the City's pump station near Samoa Boulevard. In a letter emailed on May 20, 2015, the City has indicated that a coastal access road and parking lot on the south end of the property on the Agriculture-Exclusive-zoned parcel are required for the current project as part of the Commission's actions on the McDaniel Slough Enhancement Project CDP (See Exhibit 10 for the City's correspondence). This assertion is incorrect because the City's CDP did not require it to construct a vehicular access road or a parking lot at the southern end of the subject property, and the University is not required to fulfill the City's permit requirements.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the certified City of Arcata LCP, the proposed project has been conditioned to be found consistent with the certified City of Arcata LCP. Mitigation measures which will minimize all adverse environmental impacts have been made requirements of project approval. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A
Commission's Appeal Jurisdiction Over the Project

On December 13, 2011, the City of Arcata Planning Commission approved Coastal Development Permit No. CDP-090-037 for redevelopment of a 7.3-acre site to house Humboldt State University (HSU)'s corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices. The project is located at 1601 Samoa Boulevard, Arcata, Humboldt County.

After certification of Local Coastal Programs (LCPs), Section 30603 of the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (CDPs). Section 30603 states that an action taken by a local government on a CDP application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located 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 tide line of the sea where there is no beach, or within 100 feet of any wetland or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or those located in a sensitive coastal resource area. Furthermore, developments approved by counties may be appealed if they are not designated the "principal permitted use" under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified LCP and, if the development is located between the first public road and the sea, the public access policies set forth in the Coastal Act.

The subject development is appealable to the Commission pursuant to Section 30603 of the Coastal Act because the approved development is located (1) between the sea and the first public road paralleling the sea; and (2) within 100 feet of a wetland.

(1) Between the Sea and the First Public Road Paralleling the Sea.
The subject development is located on the south side of Samoa Boulevard between Samoa Boulevard (State Highway 255) and Arcata Bay in a location where the City of Arcata's Post LCP Certification Permit and Appeal Jurisdiction Map (adopted by the Commission in January 1990) designates Samoa Boulevard as the first public road paralleling the sea. As the approved development is located between the first public road paralleling the sea and Arcata Bay, an arm of the sea, the subject development is appealable to the Commission pursuant to Section 30603(a)(1) of the Coastal Act.

(2) Within 100 Feet of a Wetland
The wetland delineation (August 2009) prepared by Winzler & Kelly for HSU identified 3.33 acres of wetlands on the 7.30-acre project site. According to the delineation, under the approved project, development to be upgraded and remodeled will be located directly adjacent to wetland features and areas to be paved will be within wetlands. As the approved development is located directly adjacent to onsite wetlands and involves filling wetlands, the subject development is appealable to the Commission pursuant to Section 30603(a)(2) of the Coastal Act.

On December 22, 2011, the Commission's North Coast District office received a Notice of Action from the City of Arcata stating that the City Planning Commission had approved Coastal Development Permit No. 090-037-CDP with conditions on December 13, 2011 (Exhibit 5). The City's notice indicated that a local appeal of the City's decision on the subject permit must be filed by December 28, 2011, ten working days from the date of approval. Since no local appeal was filed, the Commission's appeal period began on December 29, 2011 and ran for 10 working days, ending on January 13, 2012. Commissioners Brennan and Bloom filed an appeal of the County's decision to grant the permit on January 13, 2012 (Exhibit 6). Section 13111 of the Commission's regulations allows an appeal of a local government's decision on a CDP application to be filed by any two members of the Commission.

APPENDIX B
Substantive File Documents

City of Arcata Local Coastal Program

CDP File for A-1-ARC-12-003

Local City of Arcata CDP File for 090-037-CDP

LCP Amendment File for LCP-1-ARC-14-0015-1

Proposed Mitigated Negative Declaration for Remodel of the Humboldt State University Corporation Yard Facility at 1601 Samoa Boulevard. September 2009. Prepared by Winzler & Kelly for the Trustees of California State University.

APPENDIX C
Excerpts from the City of Arcata Certified LCP
(Emphasis added)

REGARDING THE PROTECTION OF WATER QUALITY & WETLANDS

CLUE, Section IV (Development Constraints) states in applicable part:

… … …

IV-4. Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted where feasible mitigation measures have been provided to minimize adverse environmental effects, for the following limited uses:

(a) For incidental public service purposes including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities;

(b) To maintain a channel adequate to serve the boat ramp at current levels of use;

(c) Resource restoration purposes;

(d) Nature study, aquaculture, or similar resource dependent activities;

(e) Agriculture within existing farmed wetlands but not including the expansion thereof.

… … …

CLUDG Chapter I (Zoning Ordinance), Article 2 (Zoning Districts), Section 1-0228 (Wetland and Creek Protection or :WCP Combining Zone) states in applicable part:

… … …

Section 1-0228.3 Applicability.

1. The :WCP Zone shall automatically apply to any portion of any lot or parcel where any of the conditions, described below, exist. The :WCP Zone shall be combined with the Principal Zone in such areas.

… … …

a. WETLANDS, including wetlands adjoining Creek Zones [see definition in subsection 1-0228.4(i)]

… … …

Section 1-0228.4 Definitions.

(i) Wetland(s): those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

In the Coastal Zone, wetlands shall be defined as lands where the water table is at, or near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall

also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent or drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salt or other substances in the substrate. Such wetlands can be recognized at some time during each year and their location within, or adjacent to, vegetated wetlands or deep water habitats.

… … …

Section 1-0228.5 Determining Location of Creeks and Wetlands.

(a) Wetlands. At the time this ordinance is written, there is some difference between how the presence of wetlands is determined for the areas inside, and outside, the Coastal Zone. This difference exists because wetlands within the Coastal Zone have been mapped and adopted in the form of an official Map; whereas the wetlands outside the Coastal Zone have not been mapped and will have to be determined on a case by case basis as development occurs.

It is not the intent of these regulations, however, to rely only on the adopted Coastal Wetlands Map to determine where wetland regulations apply in the Coastal Zone. Wetlands not shown on the Coastal Wetlands Map may exist in the City of Arcata and shall be protected under the provisions of the :WCP Zone.

(1) Delineation: The exact location of a wetland and wetland boundary shall be determined through the performance of field investigations by qualified professional and technical experts…

… … …

(3) Within the Coastal Zone: wetlands shall be determined to exist when a wetland is shown on the Coastal Wetland Map or when not shown on said map but shown to exist when delineated as prescribed below…

… … …

Section 1-0228.7 Procedures.

This subsection addresses procedures for reviewing development involving area in the :WCP Zone. Discretionary projects involve review procedures beyond those here. It is the intent of this ordinance that development with respect to the :WCP zone be processed in the manner usual for the particular type of development…

… … …

(c) Mitigation. If mitigation will be necessary to comply with this Section, an application for any project in the :WCP Zone shall include a Mitigation Plan pursuant to this subsection. The Mitigation Plan, and any additional mitigation established through the review and approval process shall be included among the conditions of approval of whatever permit is required pursuant to subsection 1-0228.6 Permits Required. Mitigation, including mitigation monitoring, shall be pursuant to CHAPTER IV. ARTICLE 1: ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE.

The applicant shall be responsible for developing (or retaining a consultant to develop) the mitigation plan. The Mitigation Plan shall include the following:

1. *Statement of the project goals with respect to mitigation.*
2. *Time of year the project will be conducted.*
3. *Description of site preparation activities.*
4. *Planting materials and methods to be used.*
5. *Performance standards; defined criteria to measure success of the mitigation.*
6. *Drawings, maps, or illustrations necessary to adequately describe proposed mitigation.*
7. *Five-year monitoring plan.*
8. *Remediation measures (contingency plan).*

(d) Establishing Easements. Easements shall be established for all Wetlands, Wetland Setbacks, and Creek Zones identified as the result of an approved project, and as specified in this subsection.

1. *General Provisions. Easements shall be considered open space and/or open space and drainage easements and include the location, and permitted uses and restrictions within the easement pursuant to the provisions and standards of this Section and as determined during the project approval process. Easements shall be recorded, at the expense of the applicant, with the Humboldt County Recorder's office in a manner and form as dictated by the type of project or approval; for example, on a Parcel map if development involves a Parcel Map.*

   Easements would generally be in favor of the City; however easements in favor of other entities are not ruled out provided such easement would accomplish the same or greater protection. Beneficiaries of easements shall be determined during the approval process.

... ...

(g) Notice of :WCP Zone. At the conclusion of all projects involving area in the :WCP Zone, and prior to issuance of any Building or Grading Permits, recording of any Parcel Map or Final Map, or any action prerequisite to proceeding with a development: the applicant shall cause to be recorded, with the Humboldt County Recorder's Office, a notice declaring the presence of the :WCP combining Zone on the property. Such a notice shall be in a form prescribed by the City of Arcata and shall contain information regarding the location and nature of the :WCP Zone, and any applicable restrictions thereto. The notice shall be recorded at the expense of the applicant.

... ...

Section 1-0228.10 Information Necessary for Review in the :WCP Zone.

Applicants for development involving the :WCP Zone shall submit part or all of the following additional information, depending on the size and complexity of the project, as determined by the Zoning Administrator:

- *Wetland Delineation: as specified in subsection 1-0228.5(b)(1).*
- *Topographic Base Map; scale no smaller than 1 inch 400 feet.*
- *Existing and Proposed Contour Map; contour intervals no less than 5 feet.*
- *Inundation Map showing the permanent seasonal pattern of inundation.*
- *Vegetation Map showing the location and scientific name of plant species and plant associations.*
- *Soils Map showing soil types and including a physical description of their characteristics, and site-specific characteristics contained within the soil profile.*
- *Supplemental Information including the following:*
  - *(1) Present extent of the habitat;*
  - *(2) Previous and existing ecological conditions;*
  - *(3) Present and potential adverse physical and biological impacts on the ecosystem;*
  - *(4) Alternatives to the proposed development including different projects and off-site alternatives;*
  - *(5) A Mitigation Plan, including including [sic] restoration measures and proposed buffer areas, pursuant to subsection 1-0228.7 (c) Mitigation (Procedures);*
  - *(6) Any other information that the Zoning Administrator deems necessary in order to analyze a project.*

The above list of information items is based on the Section II. B. of the "Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas["] produced by the California Coastal Commission. This Section of the Statewide Guidelines should be referred to for clarification of list items.

Section 1-0228.11 Standards and Requirements.

… … …

(b) WETLANDS. The following standards shall apply to all area identified as wetlands. There are some differences between standards for Wetlands located in the Coastal Zone, and standards for Wetlands outside the Coastal Zone. These are specified in (1) Exceptions, below.

(1) Exceptions.

(i) Coastal Zone.

Filling shall be pursuant to Section 1-0312 DIKING, FILLING OR DREDGING and the applicable provisions of this Section, only where there is no feasible less environmentally damaging alternative…

… … …

(2) Mitigation for Filling Wetlands. In addition to the procedures set forth in subsection 1 - 0228.7 (c) Mitigation [Procedures], it is the intent of these regulations that the California Environmental Quality Act (CEQA), as set forth in CHAPTER IV. ARTICLE I: ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE, be followed to address the environmental impacts associated when filling of wetlands, for any reason, is allowed pursuant to the regulations specified in this Section.

(3) Drainage. Stormwater run-off shall be managed using the best available management practices so that development will not adversely affect wetland functions.

(4) Permitted Activities. Except as provided in (1) Exceptions, above, activities in wetlands shall be limited to the following:

(i) resource restoration projects;

(ii) outdoor passive recreational activities such as bird watching, hiking, boating, horseback riding, canoeing, and any other activities that will not adversely impact wetland functions;

(iii) education, scientific research, and use of nature trails;

(iv) the maintenance of drainage ditches. Construction of drainage ditches is only allowed pursuant to (1) Exceptions, above;

(v) normal maintenance, repair or operation of existing serviceable structures, facilities, or improved areas;

(vi) minor modification of existing serviceable structures where modification does not adversely impact wetland functions.

… … …

Section 1-0228.12 Required Findings in the :WCP Zone.

(a) WETLANDS. Development in or adjacent to wetlands shall be found to meet the Coastal Wetlands Development Standards if the facts prescribed are sufficient to establish:

l) the project is in compliance with the Arcata General Plan, including, if applicable, the Land Use Element of the City of Arcata's Local Coastal Program; and

2) if located in the Coastal Zone, the project is in compliance with Section 30233 and all other applicable sections of the latest version California Coastal Act; and

3) the project is in compliance with the Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas."

… … …

CLUDG Chapter I (Zoning Ordinance), Article 3 (City-Wide Regulations and Coastal City-Wide Regulations), Section 1-0312 (Diking, Filling or Dredging) states in applicable part:

… … …

Section 1-0312.2 Standards and Requirements in the Coastal Zone
These standards shall apply in the Coastal Zone, in addition to standards specified in 1-0312.3 (Standards and Requirements City-wide), and 1-0312.4 (Minimum Adverse Environmental Effects and Mitigation Measures), below.

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

… … …

5. *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.*

… … …

7. *Resource restoration purposes.*

8. *Nature study, aquaculture, or similar resource dependent activities.*

… … …

(d) *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.*

… … …

Section 1-0312.4 Minimum Adverse Environmental Effects and Mitigation Measures.

(a) *All permitted uses must minimize their environmental effects through the inclusion of feasible mitigation measures.*

… … …

REGARDING THE INDUSTRIAL-COMMERCIAL ZONING DISTRICT

Coastal Land Use and Development Guidelines (CLUDG), Chapter I (Zoning Ordinance), Article 2 (Coastal Zoning Districts), Section 1-0219 (Industrial-Commercial or I-C District) states in applicable part:

The purpose of the I-C District is to provide a compatible and convenient environment for intensive commercial services and activities and light manufacturing operations…

Section 1-0219.1 Permitted Uses. The following uses are permitted in the I-C District:

… … …

- *Research and Development.*

- *Wholesale/Warehousing.*

… … …

- *Recycling center or compost operation, meeting the screening requirements of subsection 1-0306.2 Standards and Requirements (Landscaping and Screening).*

… … …

- *Business office, providing services to businesses located on the same lot or to surrounding businesses in the zone.*

… … …

REGARDING THE AGRICULTURE EXCLUSIVE ZONING DISTRICT & AGRICULTURAL RESOURCES

Coastal Land Use Element (CLUE), Section IV (Development Constraints) states in applicable part:

… … …

IV-11. Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting, and other recreational activities which do not require permanent structures, facilities, or foundations may be permitted in the Agricultural Exclusive zone if they do not interfere with adjacent agricultural uses, or limit the potential of the site to return to agricultural use or significantly displace the wildlife utilizing the area, especially in wetlands. This recommendation shall be implemented in the Land Use and Development Code.

… … …

CLUDG, Chapter I (Zoning Ordinance), Article 2 (Coastal Zoning Districts), Section 1-0207 (Agriculture Exclusive District or A-E District and Coastal Agriculture Exclusive or C-A-E District) states in applicable part:

The A-E and C-A-E Districts are intended to permit reasonable use while at the same time encourage the preservation of the land in a productive state; they are intended to permit only those uses which tend to enhance the chances of the land remaining in permanent agricultural production…

… … …

REGARDING COASTAL HAZARDS

CLUE, Section III (Environmental Constraints) states in applicable part:

… … …

III-1. The City shall regulate land use in areas of significant natural hazards in the following manner:

… … …

(c) Non-critical Facilities. Non-critical facilities shall be permitted to locate or expand in areas of potential liquefaction. Non-critical facilities shall be permitted to locate or expand in the 100-year flood plain only if flood proofing measures which meet flood insurance criteria and which are satisfactory to the City are provided, and if it can be shown that such development would not cause additional flooding and/or drainage problems in other areas.

… … …

III-2. For non-critical facilities, the City may require site-by-site soils and geologic engineering studies when the Director of Community Development determines that public health and safety could be affected. These studies shall be done by a registered geologist, a registered civil engineer with expertise in soils, or a certified engineering geologist in areas of potential liquefaction and settlement. Potential hazards shall be evaluated using the ground shaking parameters presented in the Seismic Safety Element. The study should show that the proposed project minimizes the potential hazard to life and health.

… … …

CLUDG Chapter IV (Unified Development Review Procedures), Article 3 (Geologic Hazard Review Procedure), Section 4-0304 (Development Standards) states in applicable part:

… … …

(c) Within the coastal zone, the following shall also apply:

1. Developments shall be sited and designed to minimize stability and structural hazards for their expected economic life spans while minimizing alteration of natural landforms;

… … …

REGARDING VISUAL RESOURCES

CLUE, Section IV (Development Constraints) states in applicable part:

… … …

IV-14. The City shall identify the following areas as Coastal Scenic Areas:

(a) Arcata Bay tideland and water areas:

(b) All land designated as Natural Resource Protection on the Land Use Map;

(c) All land between Highway 101 and Old Arcata Road designated Agriculture Exclusive on the Land Use Map;

(d) All land on the western Arcata plain designated Agriculture Exclusive on the Land Use Map.

IV-15. The City shall follow the Environmental Impact Review procedures established in the Land Use and Development Guide for any proposed use in the Coastal Scenic Areas. An initial study that takes visual resources as a consideration shall be prepared to determine the appropriate environmental document. If it is determined that the proposed use would significantly alter the appearance of natural land forms, would significantly alter the appearance of existing land uses, or would significantly block views from existing public thoroughfares to the Bay, then no permit shall be issued unless it can be shown that the proposed use will serve to restore or enhance a visually degraded area.

IV-16. The City shall designate the following routes as Scenic Routes and shall establish guidelines to retain their scenic features: Old Arcata Road from the 7th Street Overcrossing to Crescent Drive; Bayside Cut-off from Highway 101 to Old Arcata Road; Samoa Boulevard (State Highway 255) from Sunny Brae to Manila; Janes Road from 11th Street to Simpson Mill; Highway 101 from Bayside Cut-off to Mad River; South "I" Street, from Highway 255 south; and South "G" Street from "H" Street to Highway 101.

… … …

CLUDG Chapter I (Zoning Ordinance), Article 3 (City-Wide Regulations and Coastal City-Wide Regulations), Section 1-0306 (Landscaping and Screening) states in applicable part:

(a) Landscape Plan. A landscape plan shall be required for all new development except for projects exempt from review by the Design Review Committee pursuant to Chapter IV Article 2.

Where required, the landscape plan shall be reviewed by the Design Assistance Committee pursuant to CHAPTER IV ARTICLE 2: DESIGN REVIEW PROCEDURE. The Design Review Committee may determine that a landscape plan is not required for minor additions or enlargements.

The landscape plan shall show the location of lawn cover areas, shrub masses, and existing and proposed tree locations. Any landscape plan submitted to the Design Review Committee shall include a planting plan and schedule.

The basic intent of the planting plan is to give names of plants and their locations. Each plant should be shown in scale at its ultimate anticipated diameter; with a cross placed in the center showing the precise location.

The plan shall include: the scientific name and common name of plants; a symbol identifying plant locations; the number of plants used; and the distance on center; and a written maintenance plan as specified in subsection (b), below.

(b) Maintenance. All required planting shall be maintained in good growing condition.

A written maintenance plan shall be included in the landscaping plan. This plan shall indicate the party responsible for maintenance and shall address the following: pruning, weeding, cleaning, fertilizing, and water provision. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

If the Design Review Committee requires a landscaping maintenance plan, the plan shall address how the property owner will maintain the landscaping in good growing condition over time.

All screening shall be whenever necessary, repaired in sound functional and replaced.

(c) Materials. The plant material selected shall be capable of healthy growth within the given range of soil and climate. Where trees are required, they shall be of a species, degree of maturity, and spacing acceptable to the Design Review Committee. A minimum size of five (5) gallons for each tree is required.

Where dense landscaping to a specified height is prescribed, the landscaping shall be of a type which will provide a year-round barrier at the prescribed heights, and shall be so spaced that vision of objects of the opposite side is effectively eliminated. The height requirement should be reached in a maximum of three to five years.

Plant materials which are capable of withstanding summers without irrigation and those which are solar friendly and wildlife friendly shall be encouraged and may be required where appropriate.

… … …

REGARDING PUBLIC ACCESS

CLUE, Section III (Environmental Constraints) states in applicable part:

… … …

III-8. The City shall maintain the Natural Resource Protection designation on all tidelands and water areas of Arcata Bay, and shall declare that these areas are fragile coastal resources that require protection from uncontrolled access. The City shall use the following guidelines when permitting access to these areas:

(a) Motorized vehicles should be restricted to paved roads and parking lots.

(b) Pedestrians should be restricted to designated trails and facilities.

(c) Valid scientific and educational studies of the wetlands and tidelands should be encouraged.

… … …

CLUE, Section IV (Development Constraints) states in applicable part:

… … …

IV-1. New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development. The City shall declare that the tidal and water areas of Arcata area fragile coastal resource that requires protection from uncontrolled access.

… … …

CLUE, Section V (General Plan Conformity) states in applicable part:

… … …

V-5. The City shall designate the following routes as Public Access Corridors. These corridors should be properly signed and identified to lead the public to approved Bay access points:

(a) Samoa Boulevard from Highway 101 west to Mad River Slough.

… … …

APPENDIX D
Relevant Chapter Three Policies of the Coastal Act

REGARDING THE PROTECTION OF WATER QUALITY & WETLANDS

Section 30230 of the Coastal Act states, in applicable part, as follows:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a 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.*

Section 30231 of the Coastal Act states as follows:

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

Section 30233 of the Coastal Act states, in applicable part, as follows:

> *(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:*
>
> *(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
>
> *(2) Maintaining existing, or restoring previously dredged depths on 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.

...

(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…

REGARDING AGRICULTURAL RESOURCES

Coastal Act Section 30241 states as follows:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

The portion of Section 30250 referenced above applicable to this project type and location [subsection (a)] requires that:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such

> *areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

In addition, Coastal Act Section 30250 requires consideration of the cumulative impacts of development, defined in Coastal Act Section 30105.5 as follows:

> *"Cumulatively" or "cumulative effect" means the incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*

Coastal Act Section 30242 states as follows:

> *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (l) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

REGARDING COASTAL HAZARDS

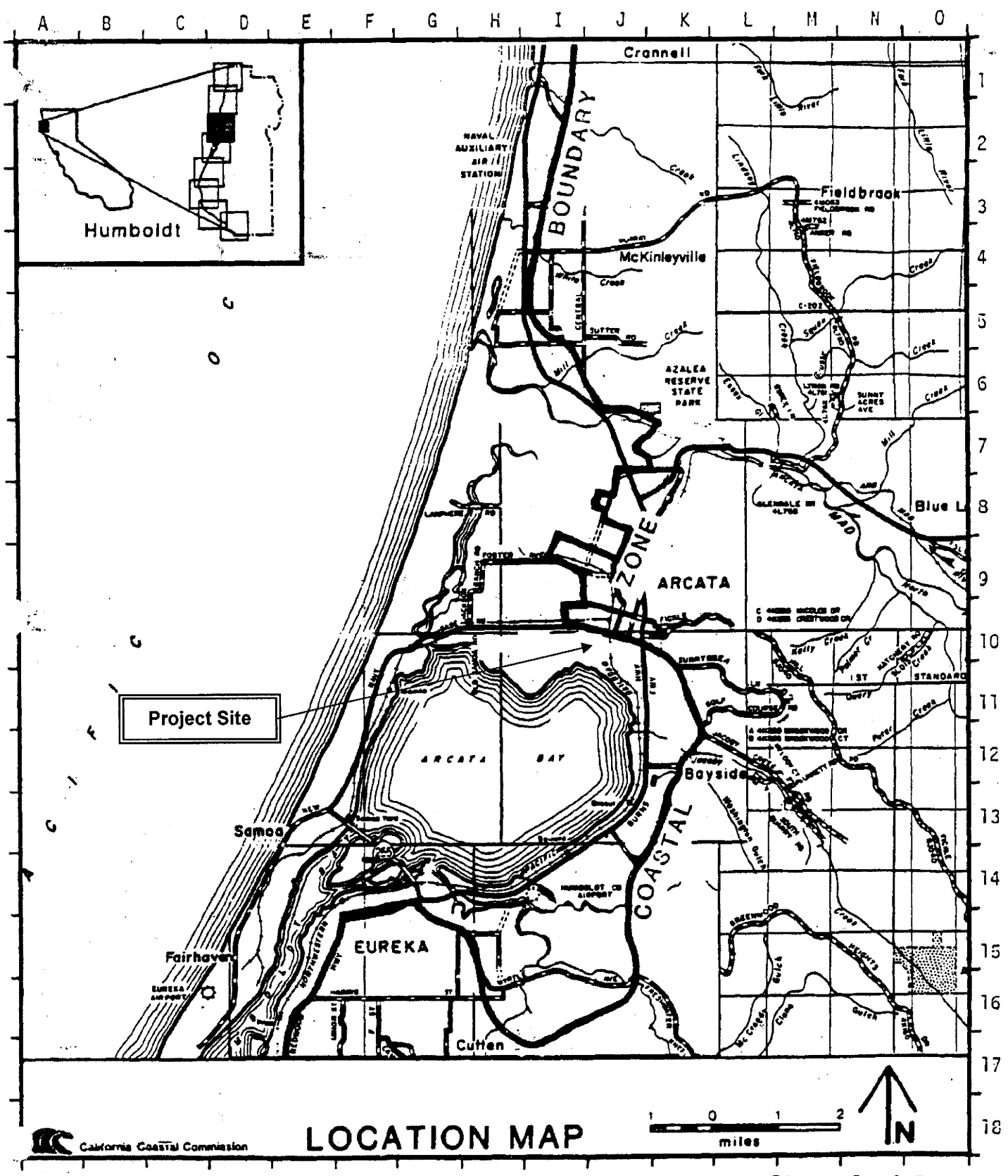
Section 30253 of the Coastal Act states in applicable part:

> *New development shall do all of the following:*
> *(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
> *(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs…*

REGARDING VISUAL RESOURCES

Section 30251 of the Coastal Act states in applicable part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas…*



County of Humboldt

Sheet 3 of 8

EXHIBIT NO. 1

APPLICATION A-1-ARC-12-003

Humboldt State University Foundation

REGIONAL LOCATION MAP

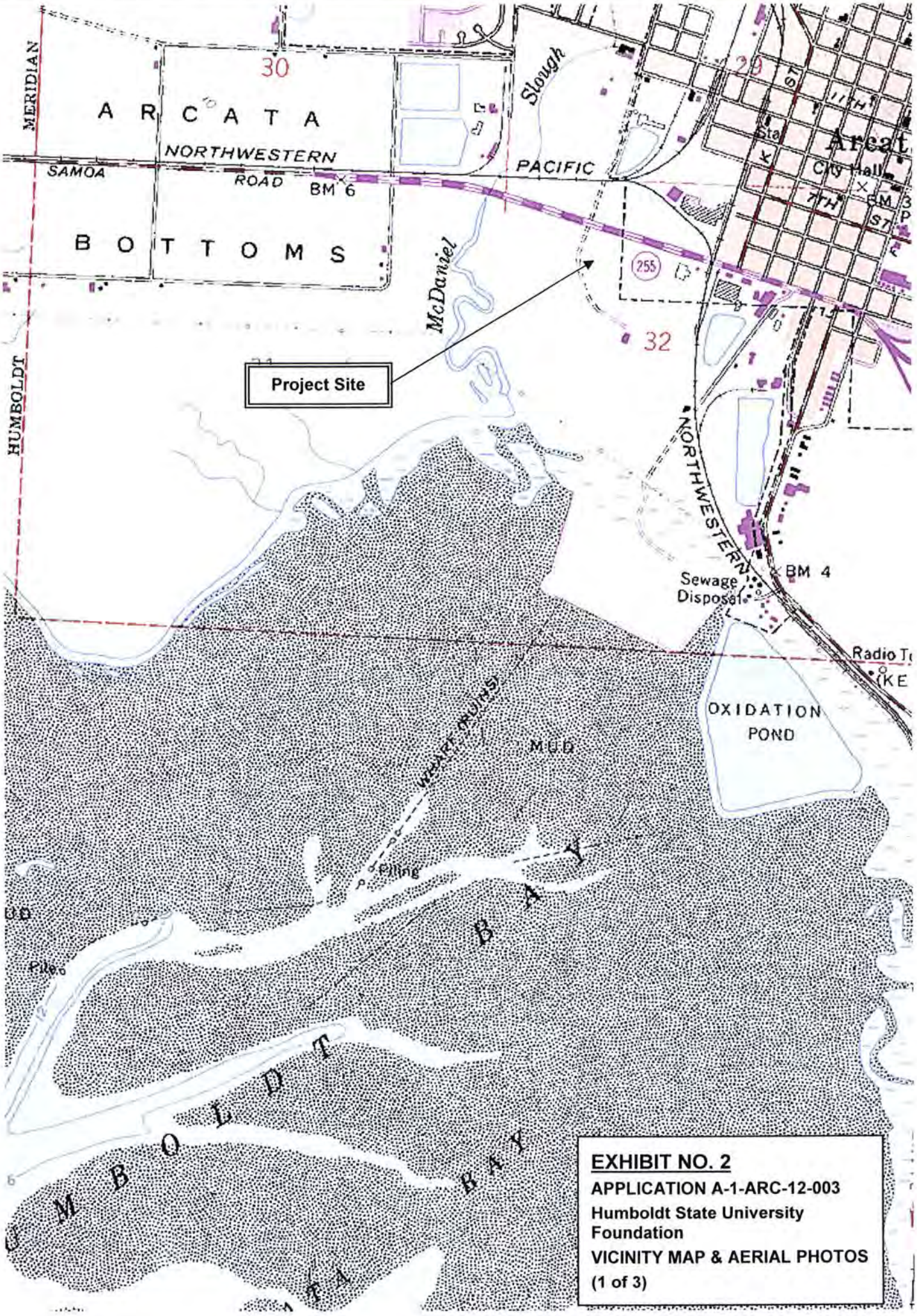


EXHIBIT NO. 2

APPLICATION A-1-ARC-12-003

Humboldt State University Foundation

VICINITY MAP & AERIAL PHOTOS

(1 of 3)

(Image from Humboldt County GIS Portal ; Planning & Building)


Samoa Rd 255
Samoa Blvd
Samoa Blvd 255
Project Site
Samoa Blvd (State Route 255)
Old Samoa Rd
McDaniel Slough Enhancement Project
Mad River Slough Wildlife Area
Arcata Marsh & Wildlife Sanctuary
Arcata Bay
I Street
L Street
K Street
South G Street
Old Creamery Dancenter
Redwood Raks World Dance Studio
Enterprise Rent-A-Car
Arcata School of Massage
9th St
8th St
7th St
6th St
5th St
S St

(Bing Maps)

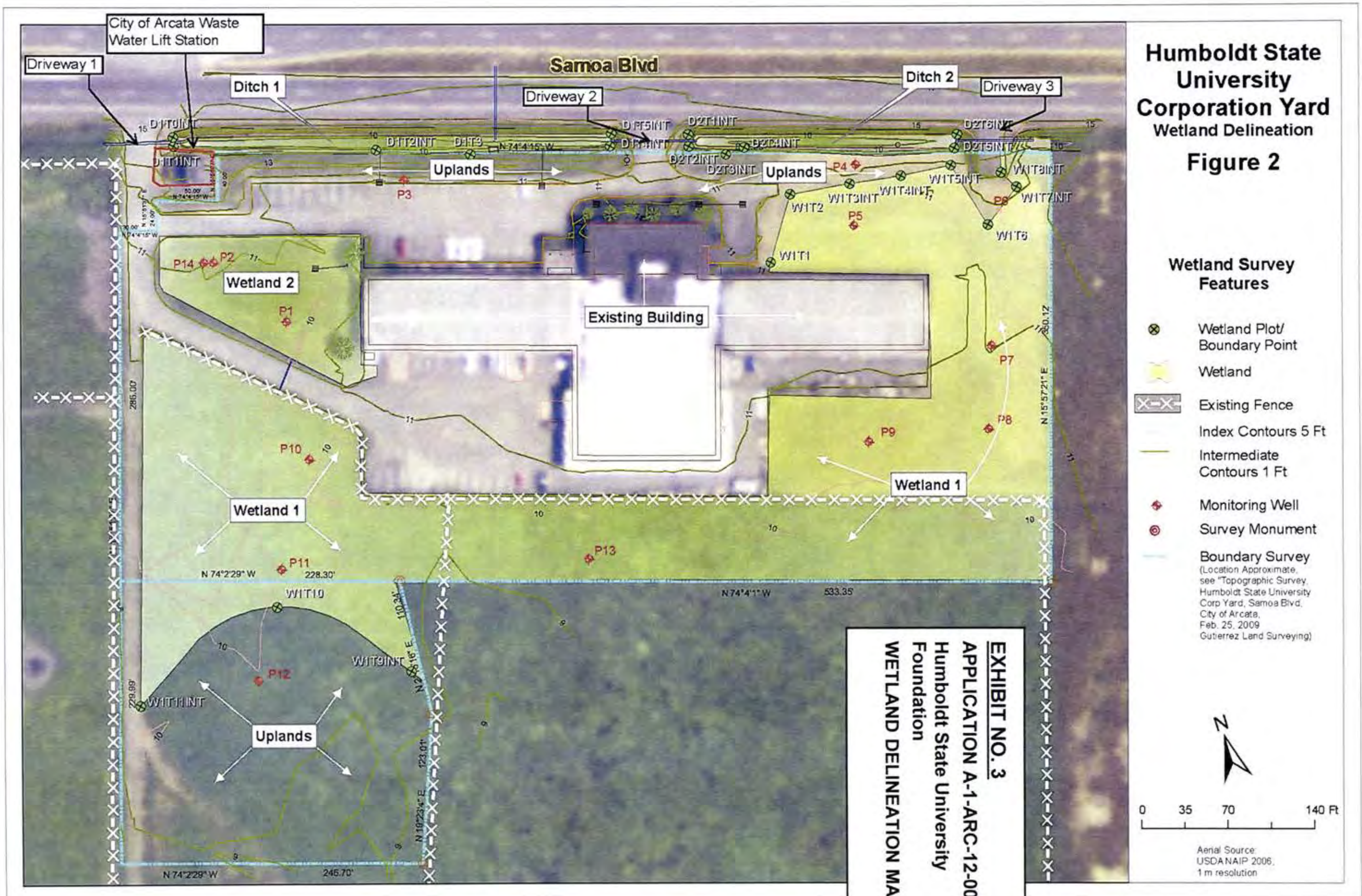
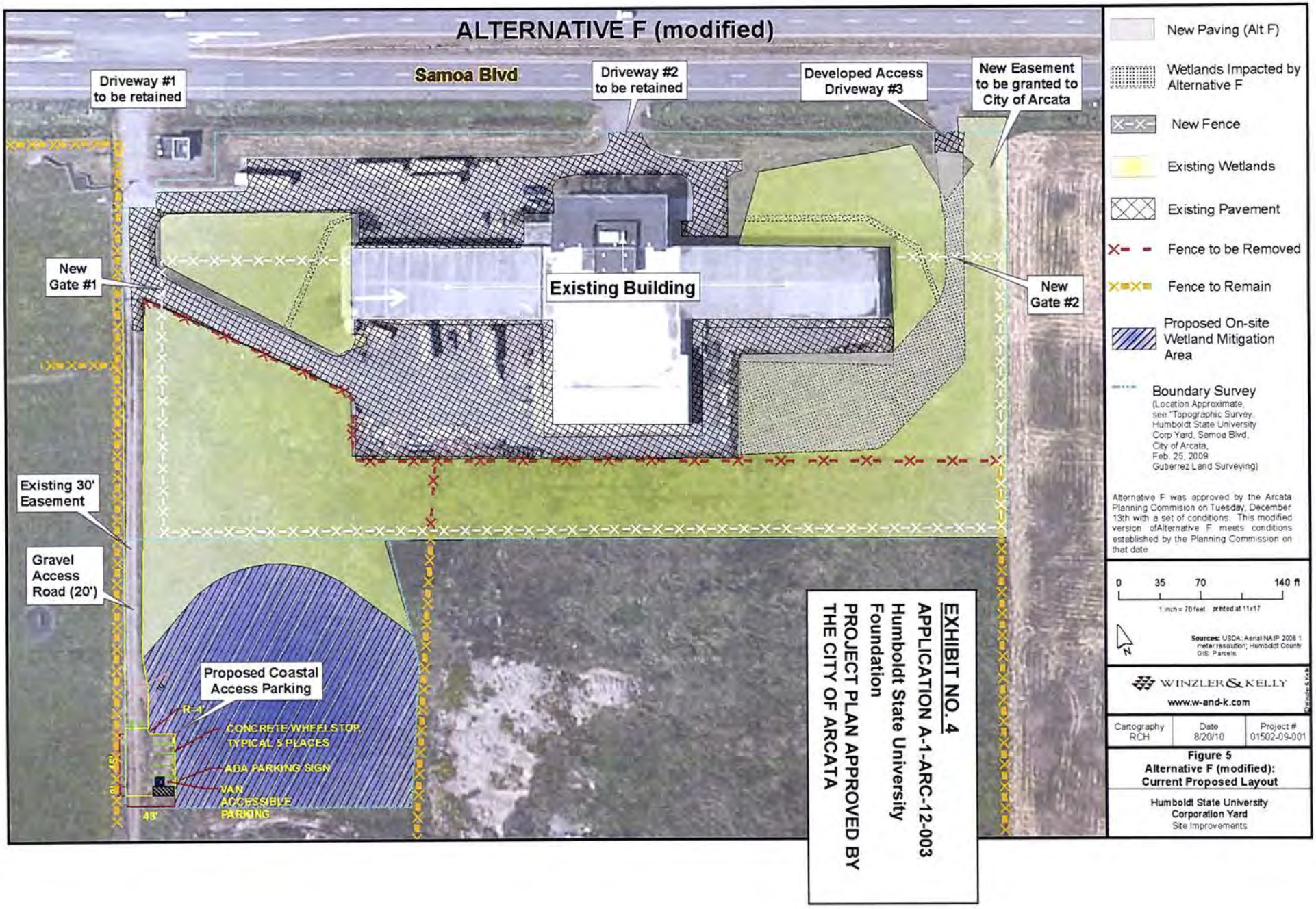


EXHIBIT NO. 3

APPLICATION A-1-ARC-12-003

Humboldt State University Foundation

WETLAND DELINEATION MAP


ALTERNATIVE F (modified)
Samoa Blvd
Driveway #1 to be retained
Driveway #2 to be retained
Developed Access Driveway #3
New Easement to be granted to City of Arcata
New Gate #1
New Gate #2
Existing Building
Existing 30' Easement
Gravel Access Road (20')
Proposed Coastal Access Parking
R=1'
CONCRETE WHEEL STOP TYPICAL 5 PLACES
ADA PARKING SIGN
VAN ACCESSIBLE PARKING
45'
New Paving (Alt F)
Wetlands Impacted by Alternative F
New Fence
Existing Wetlands
Existing Pavement
Fence to be Removed
Fence to Remain
Proposed On-site Wetland Mitigation Area
Boundary Survey
(Location Approximate, see "Topographic Survey, Humboldt State University Corp Yard, Samoa Blvd, City of Arcata, Feb. 25, 2009 Gutierrez Land Surveying)
Alternative F was approved by the Arcata Planning Commision on Tuesday, December 13th with a set of conditions. This modified version ofAlternative F meets conditions established by the Planning Commission on that date
0 35 70 140 ft
1 inch = 70 feet printed at 11x17
Sources: USDA: Aerial NAIP 2006 1 meter resolution; Humboldt County GIS: Parcels
EXHIBIT NO. 4
APPLICATION A-1-ARC-12-003
Humboldt State University Foundation
PROJECT PLAN APPROVED BY THE CITY OF ARCATA
WINZLER & KELLY
www.w-and-k.com
Cartography RCH
Date 8/20/10
Project # 01502-09-001
Figure 5
Alternative F (modified): Current Proposed Layout
Humboldt State University Corporation Yard
Site Improvements

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CALIFORNIA
COASTAL COMMISSION

CITY OF ARCATA
ACTION OF THE PLANNING COMMISSION

Following a public hearing conducted on December 13, 2011, the Planning Commission conditionally approved the Humboldt State University Corporation Yard Coastal Development Permit.

Action: ON A MOTION BY Hagen, SECOND BY Giannini, and voice vote of 4-1-0 **Ayes**: Vaissade-Elcock, Giannini, Hagen; **Noes**: Mayer, the project was approved.

Project: The HSU Corporation Yard project consists of the redevelopment of an approximately 7.3 acre site, which is used as HSU's corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices. The project consists of remodeling the existing building, replacing existing fencing, patching small portions of the existing pavement and eventual repaving, adjustments to site access, landscaping, hazardous material abatement, and the addition of ADA compliant restrooms, a fire sprinkler system, doors and locker rooms, an elevator, new service doors, new roof, new paint, ceilings and flooring.

Application Type: Coastal Development Permit (CDP) required as land use regulation exemption for State Applicant does not extend to the CDP.

Location: 1601 Samoa Boulevard, Assessor's Parcel Nos. 505-251-011 and 505-251-012

Owner/ Applicant: Humboldt State University Foundation/Trustees of the California State University

File Number: 090-037-CDP

Zoning: Coastal Heavy Industrial with Wetland and Creek Protection Combining Zone (C-I-H :WCP)

General Plan: Coastal Heavy Industrial (C-I-H)

Coastal Status: Project is located in the Coastal Zone – City's Jurisdiction; and in a mapped Categorical Exclusion E-88-3 area. A Coastal Development Permit is required. The Coastal Development Permit is appealable to the State Coastal Commission.

Environmental: Initial Study has been completed for this project and a Mitigated Negative Declaration (Exhibit 1) was adopted. Circulation period October 1 – October 30, 2009; State Clearinghouse Number: 2009102004.

Findings: This Action is based on the Findings of Approval (Exhibit 2).

Conditions of Approval: This Action is based on the Conditions of Approval (Exhibit 3).

Appeals: This Action of the Planning Commission and/or City Council may be appealed to the State Coastal Commission pursuant to California Code of Regulations, Title 14, Division 5.5, §13110 ten (10) working days after the Planning Commission appeal period ends. The Planning Commission appeal period is ten (10) working days from the date of approval.

Effective Date: This permit becomes effective on the next working day after the appeal period.

Date Approved: December 13, 2011

Notice Date: December 14, 2011

EXHIBIT NO. 5
APPLICATION NO. A-1-ARC-12-003
Humboldt State Univ. Foundation
NOTICE OF FINAL LOCAL ACTION
1 OF 14

ATTEST: _____ 12/20/11
David Loya, Community Development Department Deputy Director

The Trustees of the California State University

401 Golden Shore – Long Beach, California 90802-4210
(562) 951-4120 PC Action Exhibit 1

CEQA – NOTICE OF DETERMINATION

This Notice is being filed in compliance with Section 21108 and 21152 of the Public Resources Code.

Project Title

Humboldt State University, Proposed Remodel of the Corporation Yard Facility and Minor Master Plan Revision

State Clearinghouse Number

2009102004

Lead Agency Contact Person

Mr. Gary Krietsch, Director of Planning and Design – (707) 826-4111

Project Location – City of Arcata, Humboldt County ***Specific Campus – Humboldt State University***

Project Description:

The California State University at Humboldt State, in Arcata, California, proposes redevelopment of an approximately 7.3 acre site, which is to be used as Humboldt State University's corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices. The University proposes to include this property on the campus master plan, through a Minor Master Plan revision submittal, approved by the Board of Trustees. The project consists of remodeling the existing building, replacing existing fencing, patching of small portions of the existing pavement and eventual repaving, adjustments to site access, landscaping, hazardous material abatement, and the addition of ADA compliant restrooms, a fire sprinkler system, doors and locker rooms, an elevator, new service doors, new roof, new paint, ceilings, and flooring.

This is to advise that the Trustees as the lead agency approved the above-described project on November 23, 2009 and have made the following determinations regarding the above-described project:

1. The project: ___ will have a significant effect on the environment.
   _X_ will not have a significant effect on the environment.
2. ___ A Final Environmental Impact Report (EIR) was prepared for this project pursuant to the provisions of CEQA.
   _X_ A Negative Declaration (ND) was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures: _X_ were made a condition of approval of the project.
   ___ were not made a condition of approval of the project.
4. A statement of Overriding Consideration: ___ was adopted for this project.
   _X_ was not adopted for this project.
5. Findings _X_ were made pursuant to the provisions of CEQA.
   ___ were not made pursuant to the provisions of CEQA

This is to certify that the final Negative Declaration / ~~EIR~~ with comments and responses and record of project approval is available to the General Public at: Humboldt State University, Physical Services, 1 Harpst Street, Arcata, CA 95521 and CSU Chancellor's Office, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, CA 90802-4210

David A. Rosso — 11/23/09

Signature David A. Rosso *Date*

Chief, Land Use Planning and Environmental Review
Title

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STATE CLEARING HOUSE

FINDINGS of APPROVAL
Exhibit 2

The Coastal Land Use and Development Guide (CLUDG) specify findings for approval of Coastal Development Permits, and Wetland and Creek protection Combining Zones. As such, the City of Arcata finds that the following statements are true for the reasons described and facts provided in the bracketed discussion following each statement:

I. REQUIRED COASTAL DEVELOPMENT PERMIT FINDINGS PER LUDG SECTION 1-0408.4.

I-A *The proposed development conforms with the Certified Local Coastal Program.*

[The Project conforms to the Local Coastal Program (LCP). The Certified LCP includes the City's 1985 General Plan Coastal Element, as amended in 1995 and zoning ordinance, the Coastal Land Use and Development Guide. The project was demonstrated to meet the standards of the CLUDG in the December 13, 2011 Planning Commission hearing staff report. Relevant sections of the LCP are considered individually below:

General Plan Urban Development and Community Design

Policy 1 states: "Agriculturally suitable areas (Grades 1 or 2 on the Storie Index) are not appropriate for urban development, with the exception of designated areas contiguous to existing urban uses." The project site is designated as Industrial – General and Agricultural Exclusive, and is contiguous to existing urban uses. The project site is zoned Industrial General and is a developed industrial property.

Policy 1 also reads: "Flood prone areas are not suitable for most types of urban development." The project site is within the 100-year flood zone; however, the development area is located outside of this area. The site is within the Matthew's Dam Inundation area and within the Tsunami Evacuation zone. The project has been conditioned to require tsunami hazard and Mathew's Dam inundation notification and evacuation plans

Policy 2 states: "Greenbelts of agricultural use should be preserved adjacent to urban development." The proposed project site includes Agricultural Exclusive zoning to the south of the development area. A portion of this agricultural area is proposed to create a mitigation wetland. This wetland area will provide a greenbelt that will partially screen the developed area from Arcata Bay.

Policy 5 reads: "Approval should be given to development in areas where water and sewer infrastructure is available, prior to the approval of any projects which would require major new facility construction." This project does not include any new water and sewer facility construction as it is reuse of an existing industrial site.

Policy 6 states: "New urban development should be located in areas contiguous to existing urbanized areas to achieve economies in the provision of public services facilities, and to minimize the loss of agricultural land. In addition, urban development should occur only within the incorporated areas of the City; areas should be annexed to the City prior to development approval." The proposed development occurs within the City of Arcata, contiguous to existing urbanized areas. The site is currently used for an industrial use and will not result in the loss of agricultural land.

Policy 14 reads: "A variety of recreational opportunities and common open spaces should be provided to serve the full range of residents' needs." The proposed development is located between Samoa Blvd. and Humboldt Bay. A public access corridor and parking area is proposed that will provide public access to the network of recreational opportunities south of the project site.

Policy 15 reads: "In order to improve pedestrian safety, special provisions should be made to minimize conflicts between pedestrians, autos, and bicycles." The proposed project integrates with the Samoa Boulevard traffic safety improvements; will provide for safer traffic circulation,

segregating truck traffic from recreation traffic.

Policy 23 states in part: "Buildings should be designed to reduce the potential for theft, robbery, vandalism and assault by the utilization of security measures." The proposed project makes use of an existing structure. A fence surrounding the property will be utilized to reduce the potential for theft and vandalism.

Policy 25 states: "The creeks, marshes and wetlands of Arcata provide a natural open space system. The City should take an active role in restoring and maintaining this system for the benefit of residents, visitors, fish and wildlife." The proposed development includes filing of an area defined as a wetland, and wetland restoration and enhancement.

Policy 26 reads: "The City should be aware of the significance of Arcata Bay and the Bay shore as an urban design element. Access to the Bay and development near the Bay should be designed to take advantage of that design potential. The project includes an access road and small parking lot to allow public members to access the Arcata Bay shore.

Seismic Safety Element

Policy A.5. reads: "To the extent practical, urban development should not be sited in areas susceptible to excessive geologic hazards."
Policy B.1. states: "The City should follow the current Alquist-Priolo Special Studies Zone policy and should incorporate the Geologic Hazard Land Use Matrix to minimize surface fault rupture hazard exposure."
Policy C.1. states: "The City should incorporate the most recent advances in earthquake engineering into construction regulations for new development."
Policy C.2. reads: "The City should provide for the identification and evaluation of existing structural hazards with an emphasis placed on the earth-quake resistant design of the buildings."
Policy D. states: "The City should restrict construction in areas highly susceptible to liquefaction."
Policy E. reads: "The City should prohibit critical facilities from being located in low-lying coastal and inland portions of the study area subject to potential tsunami hazards."
Policy F. reads: "The City should develop and early-warning system and evacuation plan for areas that lie within the inundation potential area in the unlikely event of a catastrophic failure of Mathews Dam.

No new structures are proposed as a part of this project. According to the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, there are no known earthquake faults located on the subject property, nor is the site located near a potentially active fault pursuant to the State Alquist-Priolo Earthquake Fault Zoning Map, and GP2020, Figure PS-a. According to the GP2020 Hazards Map, and Seismic Safety Element, 1985 Arcata General Plan - Plate B (Liquefaction Potential Map), the project is located in a "Moderate Liquefaction" area.

The City of Arcata is located in a seismically active region that can expect a large earthquake during the economic lifespan of the proposed project.

The Geologic Hazards Land Use Matrix (Geologic Matrix), CLUDG §4-302 also classifies types of development and geologic hazards. The matrix is used to determine if a type of project is prohibited; requires a geologic reports; or if a geologic report is discretionary. The geologic matrix indicates that industrial development in a moderate liquefaction zone requires an R-1 engineering geologic report and soils report. The City has no authority to issue building permits to the university. The City suggests the university consider the soils in any work they do on site.

Tsunami run-up may affect the project site. The project has been conditioned to require development and implementation of a tsunami hazard notification and evacuation plan. The site is industrial and no residential uses are proposed.

Based on the above, the project is in compliance with the Seismic Safety Element.

Conservation Element

Policy 1 reads: "Land should be used for the purpose for which it is most suited by virtue of its inherent natural characteristics, as modified by its locational relationships, whether that use be urban development, natural resource preservation and utilization, or agricultural production." The project site is located in an industrial zone, and has been used for industrial purposes. The proposed corporation yard use is considered an industrial use, and it is located on Samoa Blvd., an arterial street. The access onto Samoa Blvd. will be in conformance with the Public Works Department and Caltrans standards.

The property also contains wetlands and is adjacent to Arcata Bay. The proposed project avoids dredging or filling of coastal wetlands except for filling of approximately 20,000 square feet of "wetland". This wetland fill is proposed to provide safe maneuvering of large trucks and smaller vehicles around the site. Segregating the traffic will result in safer conditions for the public and users of the HSU corporation yard. The project has been designed and conditioned with the least amount of fill as necessary to meet the goals of the project and is the least environmentally damaging feasible alternative. On site mitigation of the wetland fill is proposed to compensate for the loss of wetlands at a minimum ratio of 2:1

Policy 4 states: "Floodprone areas should be used for agricultural and recreational purposes and kept free from urban development wherever possible." The subject parcel does not contain area within the Federal Emergency Management Agency (FEMA) Flood Zone A, or Floodway.

Policy 5 reads as follows: "Rivers, streams and adjacent areas, marshes, and other wetland areas should remain in a natural condition whenever possible." The proposed development will increase development and human activity from the existing conditions. The wetlands affected on site are already altered from "natural conditions", and the Creeks and Wetlands Committee has reviewed the mitigation plan, the project, and the delineation recommending the mitigation is adequate.

Policies 11, 12, and 13 read as follows: "The City supports a 'no net loss' policy with respect to wetlands and wetland values." "The City encourages enhancement of wetlands." "The City is in favor of wetland mitigation, including enhancing or replacing wetlands, if wetland values lost to development can be replaced." The proposed project will result in no net loss of wetland and/or wetland values. The project is designed to enhance the wetland values by adding habitat structure and quality.

Policy 17 states: "With respect to streams, City policy shall be to protect, restore and enhance Arcata's creeks and their watersheds." No watercourses are located on-site.

Implementation Measure "O" of the Conservation Element states: "Diking, filling or dredging of Bay waters, Coastal Wetlands, and estuaries in the Coastal Zone shall be permitted where feasible mitigation measures have been provided to minimize adverse environmental effects, for the following limited uses:

(a) For incidental public service purposes including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities;
(b) To maintain a channel adequate to serve the boat ramp at current levels of use;
(c) Resource restoration purposes;
(d) Nature study, aquaculture, or similar resource dependent activities;
(e) Agriculture within existing farmed wetlands but not including the expansion thereof."

The proposed project avoids dredging or filling of coastal wetlands except for filling of

approximately 20,000 square feet of "wetland". This wetland fill is proposed to provide safe maneuvering of large trucks and smaller vehicles around the site. Segregating the traffic will result in safer conditions for the public and users of the HSU corporation yard. The project has been designed and conditioned with the least amount of fill as necessary to meet the goals of the project and is the least environmentally damaging feasible alternative. On site mitigation of the wetland fill is proposed to compensate for the loss of wetlands at a minimum ratio of 2:1.

Goal II of the Parks and Recreation Element is: "to provide all residents with a wide assortment of parks and related facilities." Implementation measure 2.a. indicates that a park is needed south of Samoa Boulevard. The proposed project includes an access to Arcata Bay via the McDaniel's Slough trail network.

Policy 5 of the Public Facilities Element states: "The City should support bicycling and walking as significant transportation modes which promote personal health and recreational enjoyment while minimizing energy consumption and environmental degradation." The proposed project includes a public access drive and small parking lot.

Policy 2 of the Creek Zone Management section of the Arcata Creeks Management Plan has policies encouraging limiting culverting of creeks. The proposed project does not involve culverting of the creek thus is consistent with the above policy.

Policy IV-16 of the Coastal Land Use Element indicates that Samoa Boulevard from Sunny Brae to Manila is designated as a Scenic Route. The project is designed to improve the design of the original building without adding any square footage. The only addition to the existing landscape will be trees and a fence. The project will not obstruct public views of coastal resources because of the site topography and existing development in relation to coastal resources and public view areas.

All of the above policies of the General Plan support the proposed development.]

I-B *For development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, the development is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act.*

[The project site is located between the nearest public road and the sea (shoreline of Arcata Bay). The project does include improvements to public access and recreation. The Project includes access to a parking area from which the City may develop a trailhead to the McDaniel's Slough restoration project. This network of trails connects with the larger system of Arcata Marsh trails. The project will ultimately integrate with the segment of the Coastal Trail that is being developed through the City of Arcata.]

II. **FINDINGS REQUIRED IN THE :WCP ZONE** Per LUDG 1-0228.12 [Required Findings in the :WCP Zone.] Development in or adjacent to wetlands shall be found to meet the following wetlands development standards if the facts prescribed are sufficient to establish:

II-A The project is in compliance with the Arcata General Plan.

[The Arcata General Plan includes language that the City of Arcata should take an active role in maintaining and restoring wetlands for the benefit of residents, visitors, fish and wildlife. The proposed :WCP zone boundary and setbacks, and the conditions of approval, will result in restoration and enhancement of wetland areas. See also Finding I-A above]

II-B *If located in the Coastal Zone, the project is in compliance with Section 30233 and all other applicable sections of the latest version California Coastal Act; and*

[Section 30233 of the California Coastal Act reads, in part, as follows: "(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 one of the eight specified purposes:... 4. Incidental public purposes including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.... 7. Nature study, aquaculture or similar resource dependent activities." The project satisfies the Coastal Commission Administrative Guidelines criteria for incidental public service, which provides that "when no other alternative exists, and when consistent with other provisions of [the Coastal Act], limited expansion of roadbeds....necessary to maintain existing traffic capacity may be permitted". The Planning Commission finds that the proposed road expansion is limited, necessary, no other alternative exists, and maintains existing capacity. The project is motivated by a number of improvements to both on- and off-site vehicular, pedestrian, and non-motorized vehicle safety, as well as emergency vehicle ingress and egress, and emergency public egress.

Nature Study

The project also satisfies the nature study allowance for wetland fill. While the project is not directly motivated by public access, the project does include a public access road and parking area to access the McDaniel's Slough trail network. This component of the project does not itself require wetland fill. However, the project does require segregation of the public traffic from the Corporation Yard traffic for safety purposes. Furthermore, the trail is consistent as a requirement of the Coastal Act Section 30212. While access may be provided in a manner that required wetland fill on the project, the approved project includes the least environmentally damaging feasible alternative, which does not directly require fill of wetlands to provide public access. For these reasons, the Planning Commission finds the project is consistent with the allowance for nature study.]

II-C *The project is in compliance with the "Statewide Interpretive Guidelines for Wetlands and other Wet Environmentally Sensitive Habitat Areas."*

[The proposed project, alternatives analysis, conditioned project, and mitigation plan have been reviewed against the Guidelines. The project satisfies the least environmentally damaging feasible alternative test and the mitigation ratio of 2:1 is sufficient to ameliorate impacts to adjoining wetlands and the directly affected wetlands. The City's Creeks and Wetlands Committee, the California Department of Fish and Game, the Regional Water Quality Control Board, the Army Corps of Engineers, and the City's Environmental Services Department have reviewed the project and have recommended approval of the project.]

II-D *Any mitigation, necessary to ensure new development does not adversely affect the wetland habitat values, is included in the project approval conditions.*

[Habitat values of the site will be improved by the proposed mitigation. The project will fill and create similar type wetlands, but the created wetlands will have significantly more habitat structure and complexity. The created wetlands are likely to be successful given the results of the biological monitoring done on site. Furthermore, project Conditions of Approval are designed to ensure the short- and long-term effects of the project do not adversely impact the sensitive habitat areas. The Conditions of Approval include the implementation of project components such as the drainage plan, wetland restoration/enhancement; Stormwater Pollution Prevention Plan, Best Management Practices, Sediment and Erosion Control Plans, etc. In addition, a Notice of Wetland Creek Protection zone is required to identify the property is subject to special uses and protection measures.]

II-E *Development within the Coastal Wetland Buffer Areas shall be permitted only if the following findings are made;*

1. *The Wetland Setback will be sufficient to prevent significant effects to the wetland.*
2. *The development will be sited and designed to prevent impacts which would significantly degrade wetland habitat areas, and shall be compatible with the continuance of such habitat areas; and*
3. *The quality of coastal waters, streams wetlands estuaries, and lakes shall be maintained, and were feasible restored.*

[The project includes very little new development. The existing conditions have a zero setback from wetlands. The project proposes to fill wetlands. As such, it is impossible to setback from wetlands under the project. However, the effects of the project as conditioned eliminate significant effects to the wetland. In addition, the conditions require screening and forebay pretreatment of stormwater to prevent debris entering the wetland. No significant degradation of the wetland habitat is expected to result from the project. The project was reviewed for its impact on wetlands by the Creeks and Wetlands Committee, which suggested conditions as incorporated and recommended that the project met the least environmentally damaging feasible alternative, and that the mitigation was sufficient at a 2:1 ratio to offset the impacts and ensure the wetlands were maintained on site.

Wetland buffer areas are typically intended for large expanses of wetlands or very sensitive habitat areas. Areas surrounding Humboldt Bay or along the Mad River have examples of large, contiguous areas of wetlands that would qualify for additional protection measures. Based on the wetland and habitat values, recommended conditions of approval and mitigation measures a buffer area is not required. Adequate protection measures, as noted below, are included in the project approval to protect the wetland habitat.]

IV. ENVIRONMENTAL FINDINGS.

IV-A. *Pursuant to an initial study report, the proposed project is found to not have a significant effect on the environment and a Mitigated Negative Declaration is adopted in conformance with the California Environmental Quality Act (CEQA).*

[Prior to making a decision of the project application, the Planning Commission has received and considered the Initial Study Report and approved Mitigated Negative Declaration, together with all written and oral comments thereon received at or before the public hearing conducted on December 13, 2011. The Initial Study was completed for this project and a Mitigated Negative Declaration was adopted by the Trustees of the University of California. The circulation period was October 1 – October 30, 2009; State Clearinghouse Number: 2009102004. The Mitigated Negative Declaration is the CEQA document for the proposed Coastal Development Permit, which is one of many permits required under the proposed project. Pursuant to CEQA Guidelines,

1. The proposed Mitigated Negative Declaration was prepared and circulated pursuant to the CEQA Guidelines and applicable state and local law. A Notice of Intent to Adopt the Mitigated Negative Declaration was provided in accordance with the foregoing.

2. The administrative record for the final Mitigated Negative Declaration includes the Initial Study Report (with attachments), the written and oral comments received, and the response to said comments. The Arcata Community Development Department, located at 736 "F" Street, Arcata, is the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based.

3. The Initial Study shows that the project could potentially cause significant effects on the environment but that modifications to the project and mitigation measures agreed to by the

applicant are sufficient, in light of the whole record before the Agency, to reduce or avoid the effects or to mitigate the effects to a point where clearly no significant effects would occur.

4. There is no substantial evidence, in light of the whole record before the Agency, that the project as mitigated may have a significant adverse effect on the environment.

5. The Mitigation Measures for the project are reflected in Conditions of the Approval of the project. The method and program for reporting on or monitoring the project changes and mitigation measures are expressed directly therein.

6. The Initial Study Report is a complete and adequate informational document and the Mitigated Negative Declaration was adopted on November 23, 2009.

CONDITIONS OF APPROVAL

Exhibit 3

A Coastal Development Permit file # 090-037-CDP, for the remodel of the Humboldt State University (HSU) Corporation Yard facility as described and conditioned below. Approval is subject to the conditions set forth herein.

A. AUTHORIZED DEVELOPMENT.

A-1 The HSU Corporation Yard project consists of the redevelopment of an approximately 7.3 acre site, which is to be used as HSU's corporation yard, physical plant, shipping and receiving center, shops, warehousing center, and construction management offices.

A-2 The project consists of:

a. Remodeling the existing building,
b. Removing approximately 810 feet of existing fencing,
c. Installation of approximately 1,440 feet of fencing,
d. Patching of small portions of the existing pavement and eventual repaving, landscaping, hazardous material abatement,
e. The addition of ADA compliant restrooms, a fire sprinkler system, doors and locker rooms, an elevator, new service doors, new roof, new paint, ceilings and flooring,
f. Reconstructing approximately 5,000 square feet of existing pavement, removing 2,900 square feet of pavement, and installing 16,415 square feet of new pavement overlapping existing wetlands, for a project total pavement area of 79,950.
g. Upgrading and connecting a third driveway accessing the site (at the northeast corner of the property) to the rear paved area and paving a narrow roadway to the south.
h. Installation of low-gradient concrete lined swales for drainage.

A-3 COMPLIANCE WITH COASTAL DEVELOPMENT PERMIT, AND LAND USE AND DEVELOPMENT GUIDE REQUIREMENTS. The project conforms to the approved Alternative F map attached hereto. All future development shall comply with the approved Coastal Development Permit. Except as modified by this action, the authorized development shall comply with the standards and provisions of the Land Use and Development Guide or equivalent, and other applicable provisions of the Arcata Municipal Code.

B. REQUIRED CONDITIONS OF APPROVAL.

The applicant shall complete the following conditions.

Community Development Department

B-1 COMMUNITY DEVELOPMENT FEES. The applicant/developer shall pay outstanding Community Development Department fees pursuant to City Council Fee Resolution No. 101-02.

B-2 MAINTENANCE OF CONSTRUCTION SITE. The construction site shall be maintained in a clean and orderly fashion, free of debris; and include an area designated for recycling and re-use. Solid waste shall be reduced by recycling or re-use of material to the extent feasible or disposed of when recycling or re-use is not available. Such construction material which may be re-used or recycled may include, but not be limited to: wood, metals, roofing materials, concrete forms, waste concrete and asphalt, cardboard, empty containers of building materials, and excess building materials.

B–3 DISCOVERY OF PREHISTORIC OR ARCHAEOLOGICAL RESOURCES. Should archaeological or paleontological materials be encountered during construction or grading

operations, all ground-disturbing work shall be temporarily halted on the site and the Community Development Department contacted. Work near the archaeological finds shall not be resumed until a qualified archaeologist has evaluated the materials and offered recommendations for further action. Prehistoric materials which could be encountered include: obsidian or chert flakes or tools, locally darkened midden, groundstone artifacts, depositions of shell, dietary bone, and human burials. Should human remains be uncovered, State law requires that the County Coroner be contacted immediately. Should the Coroner determine that the remains are likely those of a Native American, the California Native American Heritage Commission must be contacted. The Heritage Commission consults with the most likely Native American descendants to determine the appropriate treatment of the remains.

B-4 DUST CONTROL DURING CONSTRUCTION/RESTORATION/ENHANCEMENT.

1. Water all active construction areas twice per day and use erosion control measures to prevent water runoff containing silt and debris from entering the storm drain system.
2. Cover trucks hauling soil, sand, and other loose material. Limit truck and equipment idling by coordinating fill/spoils transport.
3. Sweep paved areas if visible material is carried onto adjacent public streets.
4. Reuse onsite construction materials as permitted to reduce offsite vehicle trips to landfills.
5. Construction equipment powered by internal combustion engines will be kept tuned and will use biofuels where feasible to minimize emissions.

B-5 HOURS OF CONSTRUCTION/RESTORATION/ENHANCEMENT. The operation of tools and equipment used in construction shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 7:00 p.m. on Saturdays. No heavy equipment related construction activity is allowed on Sundays or Holidays. If the City adopts a noise ordinance in the future, applicable provisions of said ordinance shall replace this condition.

B-6 TSUNAMI HAZARD NOTIFICATION AND EVACUATION PLAN AND MATTHEW'S DAM INUNDATION AREA. The applicant shall complete a tsunami hazard notification and evacuation plan and Matthew's Dam inundation area notification and evacuation plan. Applicant shall supply a copy of these plans to the Community Development Department.

B-7 RIGHT TO FARM. The applicant shall record a "Notice of Right to Farm" at the Humboldt County Recorder's Office. The applicant shall submit a "Notice of Right to Farm" for review and approval by the Community Development Director (form available at the Community Development Department). Applicant shall include payment for applicable recording fees.

B-8 NOTICE OF WETLAND AND CREEK PROTECTION COMBINING ZONE (:WCP) RECORDATION. A Notice of :WCP Zone shall be recorded with the Humboldt County Recorder's office. The notice shall be in a form prescribed by the City of Arcata and shall contain information regarding the location and nature of the :WCP Zone, and any applicable restrictions thereto. The notice shall include a map of the wetland areas. The notice shall be recorded at the expense of the applicant prior to ground disturbing activities in wetlands.

B-9 OTHER AGENCY REQUIREMENTS. The applicant shall contact the Regional Water Quality Control Board (RWQCB), the U.S. Army Corps of Engineers, the California Department of Fish and Game, Pacific Gas and Electric, CalTrans, and any other pertinent organizations to meet their requirements.

Environmental Services Department

C-1 WETLAND SETBACK AND WETLAND RESTORATION AND ENHANCEMENT. The developer shall implement the adopted *Wetland Mitigation and Monitoring Plan Humboldt State University Corporation Yard,* by Winzler & Kelly, April 2011 (Wetland Restoration Plan (WR Plan) and any amendments to plan approved by the Environmental Services Department Director. The revised WR Plan shall be submitted for review and approval by the Environmental

Services Department prior to implementation. The revised WR Plan shall include, but not be limited to the following:

1. Uplands shall be converted to wetland equal to a minimum 2:1 ratio based on the area of wetlands filled.
2. The wetland restoration/enhancement grading activities shall only occur during the dry season, generally from June 1 to October 30 of any given year, unless prior approval is granted by federal, state and local regulatory resource agencies and departments.
3. The use of herbicides is prohibited in the wetland areas or within 100 feet of the wetland.
4. No signs shall be allowed in the wetland area.
5. Contingency plan for additional mitigation in the event that a portion of the mitigation area does not achieve wetland values within a 5-year period.

During construction, restoration, and enhancement activities, a permanent fence shall clearly mark the wetland areas. No equipment shall be located in the wetland and wetland setback area unless it is related to wetland restoration and enhancement activities.

C-2 COASTAL WETLAND (MODIFIED) BUFFER AREAS. Setbacks and buffers shall be provided as shown on the approved development plan map (Alternative F). The applicant/developer shall ensure:

1. The release rate of stormwater run-off to adjacent wetlands shall not exceed the natural surface rate of stormwater run-off for a 50-year storm of ten (10) minutes duration.
2. Stormwater outfalls, culverts, gutters and the like shall be dissipated, and where feasible screened.
3. Areas disturbed during construction, grading, etc., within the approved wetland, and wetland setback area shall be restored to original contours (except as approved with the adopted Wetland Mitigation or Drainage Plan), and sufficiently and promptly replanted with native plant material or vegetation naturally occurring in the immediate areas except as approved with the adopted WR Plan.
4. Development and construction shall minimize cut-and-fill operations and erosion and sedimentation potential through constructing temporary and permanent sediment basins, seeding or planting bare soil, diverting run-off away from graded areas and areas heavily used during construction, and when feasible, avoidance of grading during the rainy season, November through April.

Activities involved in (3) and (4), above, shall include the use of mulch material. Mulch material used shall have the following characteristics: be permeable to water but not to sediment; prevent erosion; and not contain and material (seeds, tubers, corms) that could generate non-native plant material that would out-compete existing wetland vegetation. Acceptable mulch materials include sterilized hay, rice straw, pine needles, leaf litter, redwood chips, and non petroleum based and biodegradable fabric specially designed for this purpose.

C-3 LIGHTING. Any new exterior lighting shall be adjusted to fall on subject site and be shielded from illuminating adjacent wetland areas and ESHAs.

C-4 STORMWATER TREATMENT. Post-project operations and facilities shall be maintained to prevent trash and debris from entering stormwater system. Roof runoff shall be segregated from surface flow to the greatest extent feasible.

C-5 PUBLIC ACCESS EASEMENT: The Procedures for Open Space Easements and Public Access Documents (C-LUDG § 1-0408.5) shall guide provision of public access easement.

Public Works Department

D-1 ENCROACHMENT PERMITS. The applicant shall obtain Encroachment Permits from the Public Works Department and Caltrans for all work performed within City or State rights-of-way

respectively.

D-2 DRAINAGE FEES. All applicable Drainage Impact and Maintenance fees must be paid per fee resolution current as of application date for said fees.

D-3 EASEMENTS. Easements and/or dedications will be required for drainage, sewer, water and public and City access to the satisfaction of the City Engineer and Environmental Services Director. Applicant shall record said easements and/or dedications at the County of Humboldt Recorders Office. Prior to site work for establishing driveway #3, easements necessary to provide emergency and public ingress/egress to the benefit of the City of Arcata or its designee between parcel (APN 021-191-002) east of subject parcel and driveway #3 shall be recorded.

E. EFFECTIVE DATE OF PERMITS

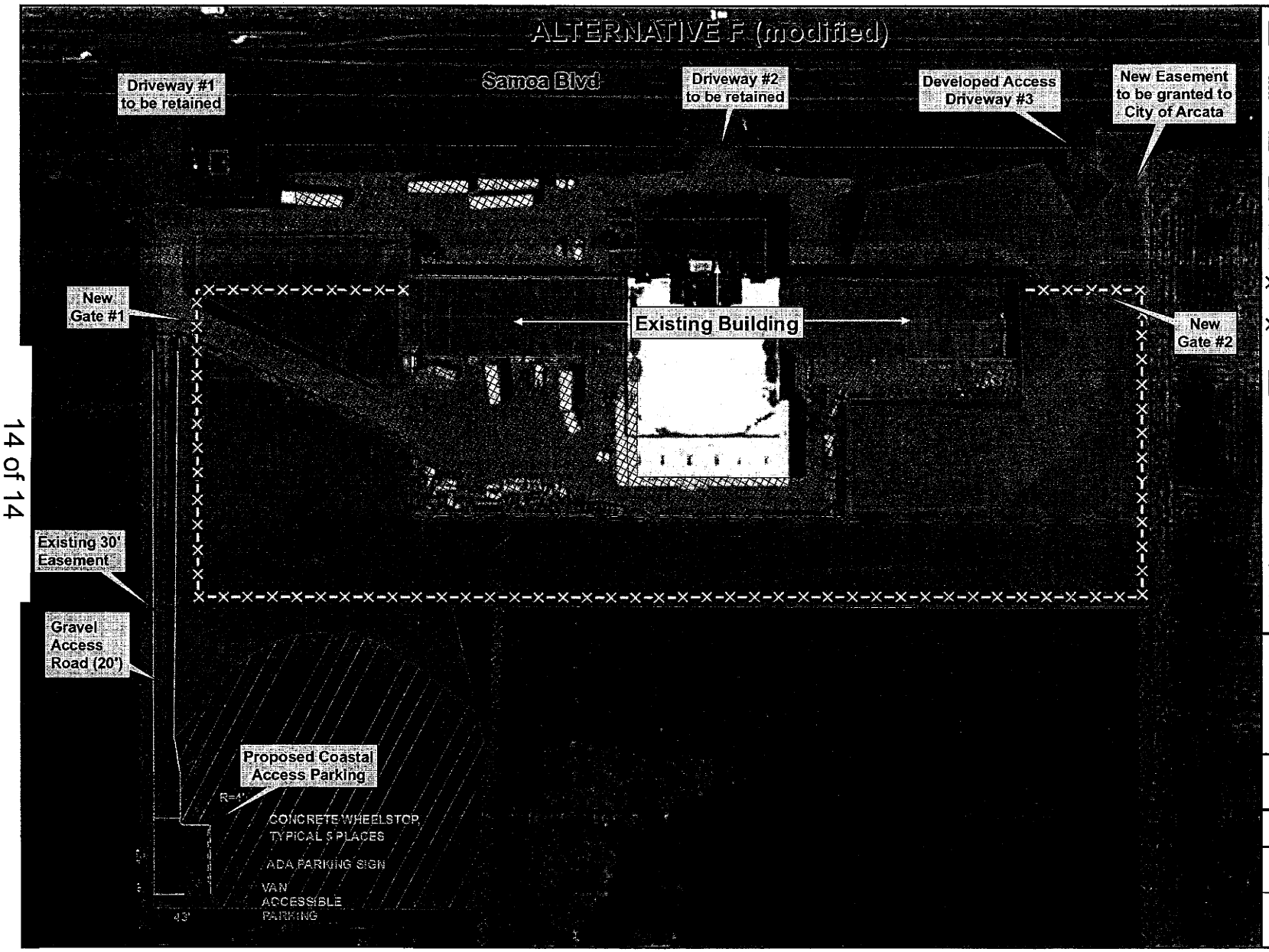
E-1 MINOR MODIFICATIONS. Minor modifications to the development and or operating parameters of the approved HSU Coastal Development Permit may be made in accordance of the City of Arcata Coastal Land Use and Development Guide (CLUDG) or its equivalent. The Arcata Community Development Director may act upon or refer to the Planning Commission modifications of up to ten percent (10%) in area. Applicant/developer shall submit applicable City fees and application materials for review of the minor modification.

E-2 VIOLATION GROUNDS TO REVOKE PERMIT. The violation of any specification or condition of this permit shall constitute a violation of the LUDG (or its equivalent) and may constitute grounds for revocation of this permit.

E-3 INSPECTIONS. The applicant/developer and subject property owner are to permit the City of Arcata or representative(s) or designee(s) to make inspections at any reasonable time deemed necessary to assure that the activities being performed under the authority of this permit are in accordance with the terms and conditions prescribed herein.

E-4 EXPANSION OR CHANGE OF USE. Except as provided above, any proposed expansion or modification of the authorized use, or change to a different use than principally permitted in the zone or specified through the permit shall require the prior approval of an amendment.

E-5 EFFECTIVE DATE: The permit, including the findings and conditions of approval, shall become effective on the day after all appeal periods have expired. The permit shall be deemed issued after all conditions are met and documented to the City of Arcata.



New Paving (Alt F)

Wetlands Impacted by Alternative F

New Fence

Existing Wetlands

Existing Pavement

Fence to be Removed

Fence to Remain

Proposed On-site Wetland Mitigation Area

Boundary Survey
(Location Approximate, see "Topographic Survey, Humboldt State University Corp Yard, Samoa Blvd, City of Arcata, Feb. 25, 2009 Gutierrez Land Surveying)

Alternative F was approved by the Arcata Planning Commision on Tuesday, December 13th with a set of conditions. This modified version ofAlternative F meets conditions established by the Planning Commission on that date.

0 35 70 140 ft

1 inch = 70 feet printed at 11x17

N

Sources: USDA: Aerial NAIP 2006 1 meter resolution; Humboldt County GIS: Parcels.

WINZLER & KELLY

www.w-and-k.com

Cartography	Date	Project #
RCH	8/20/10	01502-09-001

Figure 5
Alternative F (modified): Current Proposed Layout

Humboldt State University
Corporation Yard
Site Improvements

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

EXHIBIT NO. 6
APPLICATION NO. A-1-ARC-12-003
Humboldt State Univ. Foundation
APPEAL FILED BY COMMISSIONERS BLOOM and BRENNAN
1 OF 26

SECTION I. Appellant(s)

Name	SEE ATTACHMENT A		
Mailing Address:			
City:		Zip Code:	

SECTION II. Decision Being Appealed

RECEIVED
JAN 13 2012
CALIFORNIA COASTAL COMMISSION

1. Name of Local/Port Government:

City of Arcata

2. Brief description of development being appealed:

HSU Corporation Yard Project - consisting of the redevelopment of an approximately 7.3 acre site, used as HSU's corporation yard, physical plant, shipping and receiving center, stops, warehousing center, and construction management offices. The project includes the construction of 16,415 square-feet of new paved delivery vehicle driveway area, remodeling the existing building, replacing exisiting fencing, patching small portions of the existing pavement and eventual repaving, adjustments to site access, landscaping, hazardous material abatement, the addition of ADA compliant restrooms, a fire sprinkler system, doors and locker rooms, an elevator, new service doors, new roof, new paint, ceilings and flooring, and the construction of a five-space, gravel surfaced off-street parking public access support facility.

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

1601 Samoa Boulevard, Arcata (Humboldt County) (APN(s) 505-251-11 and -13, 21-191-06)

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

☐	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-ARC-12-003
DATE FILED:	JANUARY 13, 2012
DISTRICT:	NORTH COAST

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:	December 13, 2011

7.	Local government's file number (if any):	CDP-090-037

SECTION III. Identification of Other Interested Persons

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

a. Name and address of permit applicant:

Humboldt State University Advancement Foundation
Attn: Gary Krietsch, Director of Planning & Design
1 Harpst Street
Arcata, California 95521-8299

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) Winzler & Kelly / GDH Consulting
Attn: Misha Schwartz
718 Third Street
Eureka, CA 95501

(2)

(3)

(4)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government 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 the Commission to support the appeal request.

SEE ATTACHMENT B

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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

Signature of Appellant(s) or Authorized Agent

Date: 1/6/12

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: _____

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: _____
Appellant or Agent

Date: 1/13/12

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

Signed: _____

Date: _____

ATTACHMENT A

SECTION I. Appellant(s)

1. Brian Brennan
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San Francisco, CA 94105

(415) 904-5200

2. Richard Bloom
City of Santa Monica
P. O. Box 2200
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ATTACHMENT B: REASONS SUPPORTING COASTAL DEVELOPMENT PERMIT APPEAL NO. A-1-ARC-12-003 – HSU CORPORATION YARD

The approved development is inconsistent with: (a) the certified LUP, including but not limited to Policies III-8, IV-1, IV-2, IV-4, and IV-15, as contained in Sections III *Environmental Constraints* and IV *Development Constraints*, respectively, of the Coastal Land Use Element of the City of Arcata's General Plan (herein "CLUE")—the City's certified Land Use Plan (LUP); (b) the implementing development regulations and standards of the Coastal Land Use and Development Guide (herein "CLUDG"), including but not limited to Sections 1-0228 *Wetlands and Creeks Protection Combining Zone*, 1-0312 *Diking, Dredging, or Filling in Coastal Zone Areas*, 1-0408 *Coastal Development Permits*, 1-0402 *Conditional Use Permits*, 1-0306 *Landscaping and Screening*, (see Attachment C containing cited LCP policies and standards); and (c) the public access and recreational policies of the Coastal Act (Public Resources Code Sections 30210 - 30224), for the following reasons:

A. **Inconsistencies with LUP Wetland Policies and Coastal Zoning and Development Regulations Regarding Permissible Uses for, Less Environmentally Damaging Feasible Alternatives to, and Adequate Mitigation to Offset Impacts from, Filling, Diking, and Dredging of Wetlands**

CLUE Development Constraints Policy Nos. IV-4 and E-1, and CLUDG Sections 1-0228.11 and 1-0312.2, and as set forth in incorporated by refereence Coastal Act Section 30233(A), state that the diking, filling, or dredging of wetlands shall be permitted where: (1) the diking, dredging, and/or filling is for a permittied use enumeated in Policy IV-4 and CLUDG Sections 1-0312.2; (2) there is no feasible less environmentally damaging alternative; and (3) feasible mitigation measures have been provided to minimize adverse environmental effects.

1. Permissible Uses for Wetland Filling

CLUE Policy Nos. IV-4 and E-1 and CLUDG Sections 1-0228.11 and 1-0312.2 paraphrase the permissible uses enumearted in identified in Section 30233 of the Coastal Act, namely:

- Incidental public service purposes including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities;
- Maintenance of a channel adequate to serve the boat ramp at current levels of use;
- Resource restoration purposes;
- Nature study, aquaculture, or similar resource dependent activities;
- Agriculture within existing farmed wetlands but not including the expansion thereof;
- resource restoration projects;
- The maintenance of drainage ditches and construction of new drainage ditches subject to applicable wetlands standards and where there is no feasible less environmentally damaging alternative;
- 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; and

- Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

The development conditionally approved by the City is inconsistent with the above cited LUP policies and coastal land use and developmewnt standards from three perspectives: (1) the wetlands grading and filling development is not for a permissible use either under the wetlands filling provisions of LUP Policies IV-4 and CLUDG Sections 1-0228.11 and 1-0312.2 that apply to the wetlands on the site; (2) feasible environmentally less damaging alternatives to the filling of the project site wetlands exist; and (3) all feasible mitigation has not been provided to reduce significant impacts to the subject wetlands.

The project record for the approved development identifies the project purpose for the filling of wetlands for the development of a semi-circular delivery vehicle driveway system as being a combination of "incidental public service purposes" and "nature study... and other resource dependent uses," as identified in LUP *Development Constraints* Policy IV-4 and CLUDG Section 1-0312.2. "Incidental public serive purposes" comprises actions that: (a) serve a public purpose; and (b) are incidental to an existing facility insfrastructure.

The stated reason for the approved wetlands grading and filling is to to develop a semi-circular driveway system around the periphery of an existing industrial-commercial building to allow adequate turning radii for ingress and egress and loading dock maneuvering area for FHWA Class 10 commercial motor vehicles with up to 42½-foot tractor trailer lengths. These modifications are being undertaken to facilitate delivery vehicle transportation associated with the use of the initiated use of the site as an off-campus warehousing and shipping-receiving center for Humboldt State University.[1] As the approved project also includes the development of a public coastal access off-street parking support facility, presented by the City as being mandated to be built on the subject project site, the rationale for the wetland filling associated with the driveway is also characterized as being for "nature study... and other resource dependent uses," although no filling would be involved in the construction of the accessway parking lot improvements. Moreover, considering that the approved new driveway construction

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[1] The applicant has indicated that the property has been used in a limited capacity for several years by the University as a shipping & receiving and warehousing storage use. However, this permit action is the first undertaken by the applicant to fully establish the use on the site for the intended "corporation yard" use, including very basic and fundamental improvements that would typically be constructed upon the initiation of such a use type. Such baseline improvements include hazardous material abatement associated with the preceding industrial-commercial manufacturing and service use of the property, and the addition of federal and state-mandated Americans with Disabilities Act- and California Title 24-compliant restrooms, elevator, and entry public accommodations, a fire sprinkler system, locker rooms, and new service doors. Moreover, the ownership of the property is presently vested to the Humboldt State University Advancement Foundation, an Internal Revenue Code Section 501(c) organization, rather than as "public land" held by Humboldt State University. Consequently, the purported "incidentality" of the proposed construction of the driveway extension to an *established* and *public* service use is tenuous at best.

would neither provide enhanced safety to the segment of the public the facility serves, namely the students of the California State University system, nor is incidental to an established existing through-driveway circulation system, the assertion that the filling and grading is for "incidental public service purposes" is inaccurate. The intended end use of the wetlands area to be filled and graded must be considered with respect to compliance with the permissible use requirements of LUP Development Constraints Policy No. IV-4 and CLUDG Sections 1-0312.2.

Therefore: (1) as the approved grading and filling of wetlands for resulting new delivery vehicle manuervering and egress driveway area is not for incidental public service purposes, or for one of the other uses enumerated within *Development Constraints* Policy IV-4 and CLUDG Sections 1-0228.11 or 1-0312.2; and (2) no dredging, diking and filling would be directly involved in the construction of the approved public access facility improvements, the project as approved by the City is inconsistent with the LCP provisions regarding permissible uses for the filling, diking, and dredging of wetlands.

2. Alternatives. Other than an abreviated review of the comparative effects that the varying degrees of full and near-full build-out of the project site would have on the environment, the City's findings for approval give no substantive consideration to alternatives to the proposed wetlands fill and grading project components. Instead, other project options that would also achieve the project's prime objective of establishing a corporation yard use were summarily dismissed, notwithstanding that the impacts on other biological resources would be lessened or avoided. Examples of these other possible project alternatives include: (1) a "no project" alternative, defined as entailing the use of the existing non-through driveway configuration and utilizing alternate facility layouts and transport operational practices, utilizing smaller heavy-duty FHWA Class 8 and 9 commercial motor vehicles with shorter trailer lengths which could maneuver through the site on its existing driveway surfaces, and developing the public access off-street parking support facility improvements at another location; and (2) investigating other similar sized, appropriately zoned and designated upland properties where the proposed corporation yard uses could be feasibly conducted.

In rejecting all other alternatives to the wetlands filling and grading, the City concluded that no other legally feasible option to the approved remedial actions exists. The rationale for this determination was partially based on the City misstating that the public access point and off-street parking support facility had been required by the Coastal Commission to be constructed along the western side of the subject property as part of the approval of the McDaniel Slough Wetland Enhancement Project. However, a review of Coastal Development Permit No. 1-06-036 indicates no such requirement: While the City was required to provide the "trail linkage to Samoa Boulevard," including the construction of a small parking lot, as had been proposed by the City, the location of these facilities were indicated as being developed on adjoining parcels, with only limited crossing of the access driveway through the corporation yard project site envisioned.[2]

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[2] See Special Condition No. 13 and Exhibit No. 5 on pages 2 and 60, respectively, of the staff report and addendum for CDP No. 1-06-036: http://documents.coastal.ca.gov/reports/2007/6/F12b-6-2007.pdf

Thus, the purported safety conflict between future public access and the truck traffic that the applicant presents as needing to be resolved by the development of the approved new driveway improvements in wetlands is both feasibly avoidable and overstated.

Further, with regard to other offsite alternatives mentioned above, the approved project provided no analysis to substantiate that any such project alternatives existed, regardless of the directives of the Statewide Interpretative Guidelines for Wetlands and Wet Environmentally Sensitive Habitat Areas, incoporated as a requisite requirement for the authorization of dredging, diking, and filling of wetlands in CLUDG Section 1-0228.12(a)3).[3]

Therefore, as LUP Policy No. IV-4 and CLUDG Sections 1-0228.10, 1-0228.11(b)(1)(i) and 1-0312.2 of the City's LCP require that wetland fill only be approved where therew is no feasible, less environmentally damaging alternative exist. Given that the City did not critically assess alternatives to the approved filling and grading of wetlands for the purposed incidental public service purposes, the nonexistence of a feasible less environmentally damaging alternative was not established. Therefore the development as approved by the City is inconsistent with LUP Development Constraints Policy No. IV-4 and CLUDG Sections 1-0228.10, 1-0228.11(b)(1)(i) and 1-0312.2 of the City's certified LCP.

3. Mitigation Measures.

LUP Environmental Constraints Policy IV-4 ansd CLUDG Section 1-0312 also require that feasible mitigation measures be included to minimize adverse environmental impacts to wetlands. The approved project included provision for the development of onsite compensatory replacement wetlands at an approximately 2:1 areal ratio. However, no detailed mitigation plan, with contents as set forth by CLUDG Section 1-0228.7(c) and 1-0228.10 was prepared or considered in the review of the development. Moreover, the entirety of the open water and tideland areas of Arcata Bay and its margins adjoining the project site are declared by the LCP as "fragile coastal resources" for which the development of any new or restored wetlands areas should be assessed in terms of intergration with the biological functions in the adjacent area, further underscoring the importance for consideration of a mitigation plan as part of the review of the development prior to its authorization. Accordingly, the adequacy of the approved 2:1 compensatory mitigation in its approved location has not been factually established. As such, the development as approved in inconsistent with LUP Policy IV-4 and CLUDG Sections 1-0312.2.

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[3] The applicable Guidelines citation directs: "'Feasible' is defined in Section 30108 of the Act to mean '...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.' A feasible less environmentally damaging alternative may involve a location for the proposed development which is off the project site on lands not owned by the applicant. Feasible under the Coastal Act is not confined to economic considerations. Environmental, social and technological factors also shall be considered in any determination of feasibility."

ATTACHMENT C:
CITED CITY OF ARCATA LCP AND COASTAL ACT POLICIES AND STANDARDS
APPEAL NO. A-1-ARC-12-001 – HSU CORPORATION YARD*

A. Land Use Plan

Coastal Land Use Element (CLUE) Section III – *Environmental Constraints*

III-8. ***The City shall maintain the Natural Resource Protection designation on all tidelands and water areas of Arcata Bay, and shall declare that these areas are fragile coastal resources that require protection from uncontrolled access***. The City shall use the following guidelines when permitting access to these areas:

(a) Motorized vehicles should be restricted to paved roads and parking lots.

(b) ***Pedestrians should be restricted to designated trails and facilities***.

(c) Valid scientific and educational studies of the wetlands and tidelands should be encouraged.

CLUE Section IV - *Development Constraints*

IV-1. New development shall not restrict access to the shoreline. Access to coastal areas shall be required for new development. ***The City shall declare that the tidal and water areas of Arcata area fragile coastal resource that requires protection from uncontrolled access.***

IV-2. ***The City shall require a Use Permit or Nature Area Permit for any activity or development proposed in the Natural Resources Protection Zone***.

IV-4. ***Diking, filling, or dredging of*** Bay waters, ***wetlands***, and estuaries ***shall be permitted where feasible mitigation measures have been provided to minimize adverse environmental effects, for the following limited uses***:

(a) ***For incidental public service purposes including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities***;

(b) To maintain a channel adequate to serve the boat ramp at current levels of use;

(c) Resource restoration purposes;

(d) ***Nature study***, aquaculture, or similar resource dependent activities;

(e) Agriculture within existing farmed wetlands but not including the expansion thereof.

IV-14. ***The City shall identify the following areas as Coastal Scenic Areas***:

(a) Arcata Bay tideland and water areas:

(b) ***All land designated as Natural Resource Protection on the Land Use Map***;

(c) All land between Highway 101 and Old Arcata Road designated Agriculture Exclusive on the Land Use Map;

(d) ***All land on the western Arcata plain designated Agriculture Exclusive on the Land Use Map***.

IV-15. ***The City shall follow the Environmental Impact Review procedures established in the Land Use and Development Guide for any proposed use in the Coastal Scenic***

* Parentheticals in original; bracketed comments [in Arial font], references, and punctuation added. Emphases in ***bold double-underlined Italicized text*** added.]

Areas. An initial study that takes visual resources as a consideration shall be prepared to determine the appropriate environmental document. ***If it is determined that the proposed use*** would significantly alter the appearance of natural land forms, would significantly alter the appearance of existing land uses, or ***would significantly block views from existing public thoroughfares to the Bay, then no permit shall be issued unless it can be shown that the proposed use will serve to restore or enhance a visually degraded area***.

IV-16. ***The City shall designate the following routes as Scenic Routes and shall establish guidelines to retain their scenic features:*** Old Arcata Road from the 7th Street Overcrossing to Crescent Drive; Bayside Cut-off from Highway 101 to Old Arcata Road; ***Samoa Boulevard (State Highway 255)from Sunny Brae to Manila***; Janes Road from 11th Street to Simpson Mill; Highway 101 from Bayside Cut-off to Mad River; South "I" Street, from Highway 255 south; and South "G" Street from "H" Street to Highway 101.

CLUE Appendix E – *Dredging, Diking, Filling, and Shoreline Structures*

E-1 Diking, filling, or dredging of Bay waters, wetlands, and estuaries shall be permitted, where feasible mitigation measures have been provided to minimize adverse environmental effects, for the following limited uses:

(a) For incidental public service purposes, including, but not limited to, burying cables and pipes, and maintenance of existing dikes and public facilities.
(b) To maintain a channel adequate to serve the boat ramp at current levels of use.
(c) Resource restoration purposes.
(d) Nature study, aquaculture, or similar resource dependent activities.
(e) Agriculture within existing wetlands, but not including the expansion thereof.

B. Implementation Plan

1. Permitting Processes

a. Coastal Land Use and Development Guidelines (CLUDG) Chapter I, Article 4, Section 1-0408 *Coastal Development Permits*

Section 1-0408.2 Applicability.

...(c) Coastal Wetlands. ***All development in a wetland as shown on the adopted Coastal Wetlands Map shall be subject to the requirements of Section 1-0228 :WCP COMBINING ZONE***...

(f) Diking, Dredging and Filling. ***All diking, dredging and filling Coastal Zone shall comply with the requirements of Section 1-0312 Diking, Dredging and Filling.***

Section 1-0408.4 Findings.

A Coastal Development Permit may only be granted if the facts presented are such that the development conforms with the certified Coastal Land Use Element of the General Plan.

b. CLUDG Chapter I, Article 4, Section 1-0402 *Conditional Use Permits*

Section 1-0402.1 Purpose.

These provisions are intended to prescribe the procedures for the accommodation of ***uses with special site or design requirements***, operating characteristics, ***or potential adverse effects on surroundings, and shall apply to all proposals for which a conditional use permit is required***. [See CLUE Policy IV-2 above.]

Section 1-0402.3 Findings.

A conditional use permit may be granted if the facts prescribed are such as to establish:

(a) That the proposed use at the size and intensity contemplated, and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community;

(b) That such use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(1) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures;

(2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

(3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(c) ***That such use or feature as proposed will comply with the applicable provisions of this chapter and will be consistent with the policies and standards of the Arcata General Plan*** [i.e., the Coastal Land Use Element].

c. CLUDG Chapter I, Article 5 *Additional Provisions*

Section 1-0506 Conflict with Other Regulations and Private Agreements.

Where conflict occurs between the provisions of this Ordinance and the building code or other regulations effective with the City the more restrictive of any such regulations shall apply. It is not intended that this Ordinance shall interfere with or abrogate or annul any easements, covenants or other agreements now in effect, provided,

however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by such agreements, the provisions of this ordinance shall control.

Section 1-0507 Effect on Previous Issued Permits.

Except as specifically herein provided, ***it is not intended by this ordinance to impair or interfere with any permits previously adopted or issued*** relating to the erection, construction, establishment, moving, alteration, or enlargement of any buildings or improvements.

2. Applicable Wetlands Development Provisions

a. Zoning Requirements

CLUDG Chapter I, Article 2, Section 1-0228 Wetland and Creek Protection or :WCP Combining Zone

Section 1-0228.7 Procedures.

This subsection addresses procedures for reviewing development involving area in the :WCP Zone. Discretionary projects involve review procedures beyond those here. It is the intent of this ordinance that development with respect to the :WCP zone be processed in the manner usual for the particular type of development …

(c) Mitigation. ***If mitigation will be necessary to comply with this Section, an application for any project in the :WCP Zone shall include a Mitigation Plan*** pursuant to this subsection. The Mitigation Plan, and any additional mitigation established through the review and approval process shall be included among the conditions of approval of whatever permit is required pursuant to subsection 1-0228.6 Permits Required. Mitigation, including mitigation monitoring, shall be pursuant to CHAPTER IV. ARTICLE 1: ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE.

The applicant shall be responsible for developing (or retaining a consultant to develop) the mitigation plan. ***The Mitigation Plan shall include the following:***

1. Statement of the project goals with respect to mitigation.
2. Time of year the project will be conducted.
3. Description of site preparation activities.
4. Planting materials and methods to be used.
5. Performance standards; defined criteria to measure success of the mitigation.
6. Drawings, maps, or illustrations necessary to adequately describe proposed mitigation.
7. Five-year monitoring plan.
8. Remediation measures (contingency plan).

Section 1-0228.10 Information Necessary For Review In The :WCP Zone.

Applicants for development involving the :WCP Zone shall submit part or all of the following additional information, depending on the size and complexity of the project, as determined by the Zoning Administrator:

- Wetland Delineation: as specified in subsection 1-0228.5 (b) (1).
- Topographic Base Map; scale no smaller than 1 inch 400 feet.
- Existing and Proposed Contour Map; contour intervals no less than 5 feet.
- Inundation Map showing the permanent seasonal pattern of inundation.
- Vegetation Map showing the location and scientific name of plant species and plant associations.
- Soils Map showing soil types and including a physical description of their characteristics, and site-specific characteristics contained within the soil profile.
- ***Supplemental Information including the following:***
  - (1) Present extent of the habitat;
  - (2) Previous and existing ecological conditions;
  - (3) Present and potential adverse physical and biological impacts on the ecosystem;
  - (4) ***Alternatives to the proposed development including different projects and off-site alternatives;***
  - (5) ***A Mitigation Plan, including*** including [*sic*] ***restoration measures and proposed buffer areas, pursuant to subsection 1-0228.7 (c) Mitigation (Procedures);***
  - (6) Any other information that the Zoning Administrator deems necessary in order to analyze a project.

The above list of information items is based on the Section II. B. of the "Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas["] produced by the California Coastal Commission. This Section of the Statewide Guidelines should be referred to for clarification of list items.

Section 1-0228.11 Standards And Requirements.

... (b) WETLANDS. ***The following standards shall apply to all area identified as wetlands.*** There are some differences between standards for Wetlands located in the Coastal Zone, and standards for Wetlands outside the Coastal Zone. These are specified in (1) Exceptions, below.

(1) Exceptions.

(i) Coastal Zone.

Filling shall be pursuant to Section 1-0312 DIKING, FILLING OR DREDGING and the applicable provisions of this Section, only where there is no feasible less environmentally damaging alternative...

(2) Mitigation For Filling Wetlands. In addition to the procedures set forth in subsection 1 - 0228.7 (c) Mitigation [Procedures], it is the intent of these regulations that the California Environmental Quality Act (CEQA), as set forth in CHAPTER IV. ARTICLE I: ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE, be

followed to address the environmental impacts associated when filling of wetlands, for any reason, is allowed pursuant to the regulations specified in this Section...

(4) Permitted Activities. Except as provided in (1) Exceptions, above, activities in wetlands shall be limited to the following:

(i) resource restoration projects;

(ii) outdoor passive recreational activities such as bird watching, hiking, boating, horseback riding, canoeing, and any other activities that will not adversely impact wetland functions;

(iii) education, scientific research, and use of nature trails;

(iv) the maintenance of drainage ditches. Construction of drainage ditches is only allowed pursuant to (1) Exceptions, above;

(v) normal maintenance, repair or operation of existing serviceable structures, facilities, or improved areas;

(vi) minor modification of existing serviceable structures where modification does not adversely impact wetland functions.

Section 1-0228.12 Required Findings in the :WCP Zone.

(a) WETLANDS. ***Development in or adjacent to wetlands shall be found to meet the Coastal Wetlands Development Standards if the facts prescribed are sufficient to establish:***

1) ***the project is in compliance with the*** Arcata General Plan, including, if applicable, the ***Land Use Element of the City of Arcata's Local Coastal Program***; and

2) if located in the Coastal Zone, ***the project is in compliance with Section 30233 and all other applicable sections of the latest version California Coastal Act***; and

3) ***the project is in compliance with the Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas***."

b. Wetland Development Regulations

CLUDG Chapter I, Article 3, Section 1-0312 Diking, Filling or Dredging

Section 1-0312.2 Standards And Requirements In The Coastal Zone

These standards shall apply in the Coastal Zone, in addition to standards specified in 1-0312.3 (Standards And Requirements City-wide), and 1-0312.4 (Minimum Adverse Environmental Effects and Mitigation Measures), below.

The diking, ***filling***, or dredging ***of*** open coastal waters, ***wetlands***, estuaries, Coastal Creek Zones, and lakes ***shall be permitted in accordance with other applicable provisions of this code only when there is no feasible less environmentally damaging alternative, and when feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following***: ...

5. ***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***...

8. ***Nature study***, aquaculture, or similar resource dependent activities...

(d) ***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...

Section 1-0312.3 Standards And Requirements City-wide

(a) Dredging, diking, and ***filling in a wetland may only occur pursuant to standards set forth in this section and in subsection 1-0228.11 (b) (Wetland Development Standards)***...

3. Landscaping and Screening of New Development Regulations

CLUDG Chapter I, Article 3, Section 1-0306 Landscaping and Screening

Section 1-0306.2 Standards and Requirements.

(a) Landscape Plan. ***A landscape plan shall be required for all new development*** except for projects exempt from review by the Design Review Committee pursuant to Chapter IV Article 2.

Where required, the landscape plan shall be reviewed by the Design Assistance Committee pursuant to CHAPTER IV ARTICLE 2: DESIGN REVIEW PROCEDURE. The Design Review Committee may determine that a landscape plan is not required for minor additions or enlargements...

(b) Maintenance. All required planting shall be maintained in good growing condition. A written maintenance plan shall be included in the landscaping plan. This plan shall indicate the party responsible for maintenance and shall address the following: pruning, weeding, cleaning, fertilizing, and water provision. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements.

(c) Materials. The plant material selected shall be capable of healthy growth within the given range of soil and climate. Where trees are required, they shall be of a species, degree of maturity, and spacing acceptable to the Design Review Committee. A minimum size of five (5) gallons for each tree is required.

Where dense landscaping to a specified height is prescribed, the landscaping shall be of a type which will provide a year-round barrier at the prescribed heights, and

shall be so spaced that vision of objects of the opposite side is effectively eliminated. The height requirement should be reached in a maximum of three to five years.

Plant materials which are capable of withstanding summers without irrigation and those which are solar friendly and wildlife friendly shall be encouraged and may be required where appropriate...

(e) Minimum Landscaped Area Requirement. As established by each Zoning District; where not established by zoning district, then as specified during the development review process...

CLUDG Appendix A - Definitions

C. Cited "Latest Version" of Coastal Act Section 30233

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 these 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 the 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 that 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 these purposes are the method of placement, time of year of placement, and sensitivity of the placement area. [Amended by: Ch. 673, Stats. 1978; Ch. 43, Stats. 1982; Ch. 1167, Stats. 1982; Ch. 454, Stats. 1983; Ch. 294, Stats. 2006]

D. Cited "Statewide Interpretative Guidelines for Wetlands and Other Wet Environmentally Sensitive Habitat Areas"[Excerpts]

...III. WHEN IS DEVELOPMENT PERMITTED IN AN ENVIRONMENTALLY SENSITIVE HABITAT AREA?

...B. Requirements for Additional Project Information.

To meet the statutory requirements of Sections 30230, 30231, 30233, 30236, and 30240 of the Coastal Act, an applicant for a permit to develop within or near an environmentally sensitive habitat area may be required to submit supplemental information, including any or all of the maps described below. The size of the study area will depend upon natural topographic features, location of existing development, and potential biological significance of adjacent lands. In undeveloped areas, the required study area may extend 500 feet or more around the environmentally sensitive habitat area, but the 500 foot distance is not an absolute standard...

1. Maps

   a. Topographic base map. The base map should be at a scale sufficiently large to permit clear and accurate depiction of vegetative associations and soil types in relation to any and all proposed development (normally the scale required will be· 1"=200'). Contour intervals should be five· feet, and the map should contain a north arrow, graphic bar scale, and a citation for the source of the base map (including the date}. The map should show the following information:...

2. Supplemental information

A report should be prepared which demonstrates that all of the criteria for development in environmentally sensitive habitat areas have been met. ***The report should investigate physical and biological features existing in the habitat area and evaluate the impact of the development on the existing ecosystem.*** The information should be prepared by an ecologist or professional environmental scientist with expertise in the ecosystem in which the development is proposed. For example, in preparing such a report for a proposed development in a salt marsh, the expertise of a qualified wetland ecologist, botanist, ornithologist, hydrologist, soil scientist or other technical professional may be required. The report should be based on an on-site investigation, in addition to a review of the existing information on the area, and should be sufficiently detailed to enable the Commission to determine potential immediate and long range impacts of the proposed project.

The report should describe and analyze the following:...

d. ***Alternatives to the proposed development, including different projects and off-site alternatives***...

IV. DEVELOPMENTS PERMITTED IN WETLANDS AND ESTUARIES

Of all the environmentally sensitive habitat areas mentioned specifically in the Coastal Act, wetlands and estuaries are afforded the most stringent protection. ***In order to approve a project involving the*** diking, ***filling***, or dredging ***of a wetland*** or estuary, ***the Commission*** [or delegated local government hearing body] ***must first find that the project is one of the specific, enumerated uses set forth in Section 30233 of the Act*** (these developments and activities are listed in section A. and B. below). ***The Commission*** [or delegated local government hearing body] ***must then find that the project meets all three requirements of Section 30233 of the Act*** [see sub-section D.3., below]. In addition, permitted development in these areas must meet the requirements of other applicable provisions of the Coastal Act.

A. Developments and Activities Permitted in Wetlands and Estuaries...

5. ***Incidental public service purposes which temporarily impact the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (roads do not qualify)***[3]...

7. ***Nature study***...or similar resource-dependent activities[6]...

D. Requirements for All Permitted Development

Any proposed project which is a permitted development must also meet the three statutory requirements enumerated below, in the sequence shown:

1. Diking, ***filling*** or dredging ***of a wetland*** or estuary ***will only be permitted if there is no feasible[10] less environmentally damaging alternative (Section 30233(a))***. The Commission may require the applicant to submit any or all of the information described in section III. B. above.

2. If there is no feasible less environmentally damaging alternative, feasible mitigation measures must be provided to minimize adverse environmental effects…

b. ***If the project involves*** diking or ***filling of a wetland, required minimum mitigation measures are the following:[12]***

1) ***If an appropriate restoration site is available, the applicant shall submit a detailed restoration plan which includes provisions for*** purchase and ***restoration of an equivalent area of equal or greater biological productivity[13]*** and dedication of the land to a public agency or otherwise permanently restricts its use for open space purposes. The site shall be purchased before the dike or fill development may proceed…

A preferred restoration program would remove fill from a formerly productive wetland or estuary which is now biologically unproductive dry land and would establish a tidal prism necessary to assure adequate flushing. Few if any restoration projects have been implemented for a sufficient length of time to provide much guidance as to the long-term restorability of such areas. Since such projects necessarily involve many uncertainties, restoration should preceed [*sic*] the diking or filling project. At a minimum [*sic*], the permit will be conditioned to assure that restoration will occur simultaneously with project construction. ***Restoration and management plans shall be submitted with the permit application.***

The restoration plan should generally state when restoration work will commence and terminate, should include detailed diagrams drawn to scale showing any alterations to natural landforms, and should include a list of plant species to be used as well as the method of plant introduction (i.e., seeding, natural succession, vegetative transplanting, etc.).

The management plan would constitute an agreement between the applicant and the Commission to guarantee the wetland is restored to the extent established under stated management objectives and within a specified time frame.

The plan should describe the applicant's responsibilities in maintaining the restored area to assure the Commission that the project will be successful. ***The management plan should generally include provisions for a monitoring program and for making any necessary repairs or modifications to the mitigation site***…

3. Diking, ***filling*** or dredging ***of a wetland*** or estuary ***must maintain or enhance the funtional*** [*sic*] ***capacity of the wetland or estuary (Section 30233(c))***. Functional

capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity[15]. In order to establish that the functional capacity is being maintained, ***the applicant must demonstrate all of the following***:

a. That the project does not alter presently occurring plant and animal populations in the ecosystem 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 the project does not harm or destroy a species or habitat that is rare or endangered.

c. That the project does not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary.

d. That the project does not significantly reduce consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.

...[3] ***When no other alternative exists, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted.*** Activities described in the Commission's Guideline on Exclusions from Permit Requirements applicable to roads also should be consulted...

[6] For the purposes of this guideline, similar resource-dependent activities include scientific research, hunting and fishing (where otherwise permitted). In addition, when wet lands are seasonally farmed, the continued use of agriculture is allowed. Expanding farming operations into non-farmed wetlands by diking or otherwise altering the functional capacity of the wetland is not permitted. Farm-related structures (including barns, sheds, and farm-owner occupied housing) necessary for the continuance of the existing operation of the farmed wetlands 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 the adverse environmental effects on the farmed wetland. Clustering and other construction techniques to minimize both the land area covered by such structures and the amount of fill necessary to protect such structures will be required...

[10] "Feasible" is defined in Section 30108 of the Act to mean "...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." ***A feasible less environmentally damaging alternative may involve a location for the proposed development which is off the project site on lands not owned by the applicant. Feasible under the Coastal Act is not confined to economic considerations. Environmental, social and technological factors also shall be considered in any determination of feasibility.***

[12] Mitigation measures shall not be required for temporary or short-term fill or diking, if and only if a bond or other evidence of financial responsibility is provided to assure that restoration will be accomplished in the shortest feasible time. For the purposes of this guideline, short-term generally means that the fill or dikes would be removed immediately upon completion of the construction of the project necessitating the short-term fill or diking (Section 30607.1).

[13] For an area to be of "equal or greater biological productivity," it must provide equivalent or greater habitat values to the same type and variety of plant and animal species which use the area affected by the proposal...

[15] The intention here is to convey the importance of not only how many species there are but also the size of their populations (abundance) and the relative importance of the different species to the whole system (composition). It cannot be overemphasized that the presence of a species by itself is an inadequate indicator of the condition of a natural system. In a "healthy" wetland ecosystem, the absolute number of individuals of a species and the relative number compared to other species will depend on the size of the organism and its place in the food web (what it feeds on, what feeds on it, and what competes with it for the same food or other resources). Major changes in absolute or relative numbers of some species will have far-reaching consequences for the whole ecosystem because of their interactions with other species...

D. Coastal Act Access and Recreation Policies (Public Resources Code, Division 20, Chapter 3, Article 2 - Public Access and Article 3 - Recreation)

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, ***maximum access***, which shall be conspicuously posted, and recreational opportunities ***shall be provided*** for all the people ***consistent with*** public safety needs and ***the need to protect*** public rights, rights of private property owners, and ***natural resource areas from overuse***.

Section 30211 Development not to interfere with access

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 New development projects

(a) ***Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where***: (1) ***it is inconsistent with*** public safety, military security needs, or ***the protection of fragile coastal resources***, (2) ***adequate access exists nearby***, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed

residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30214 Implementation of public access policies; legislative intent

(a) ***The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:***

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) ***The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area*** and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Section 30220 Protection of certain water-oriented activities

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 Oceanfront land; protection for recreational use and development

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 Private lands; priority of development purposes

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30222.5 Oceanfront lands; aquaculture facilities; priority

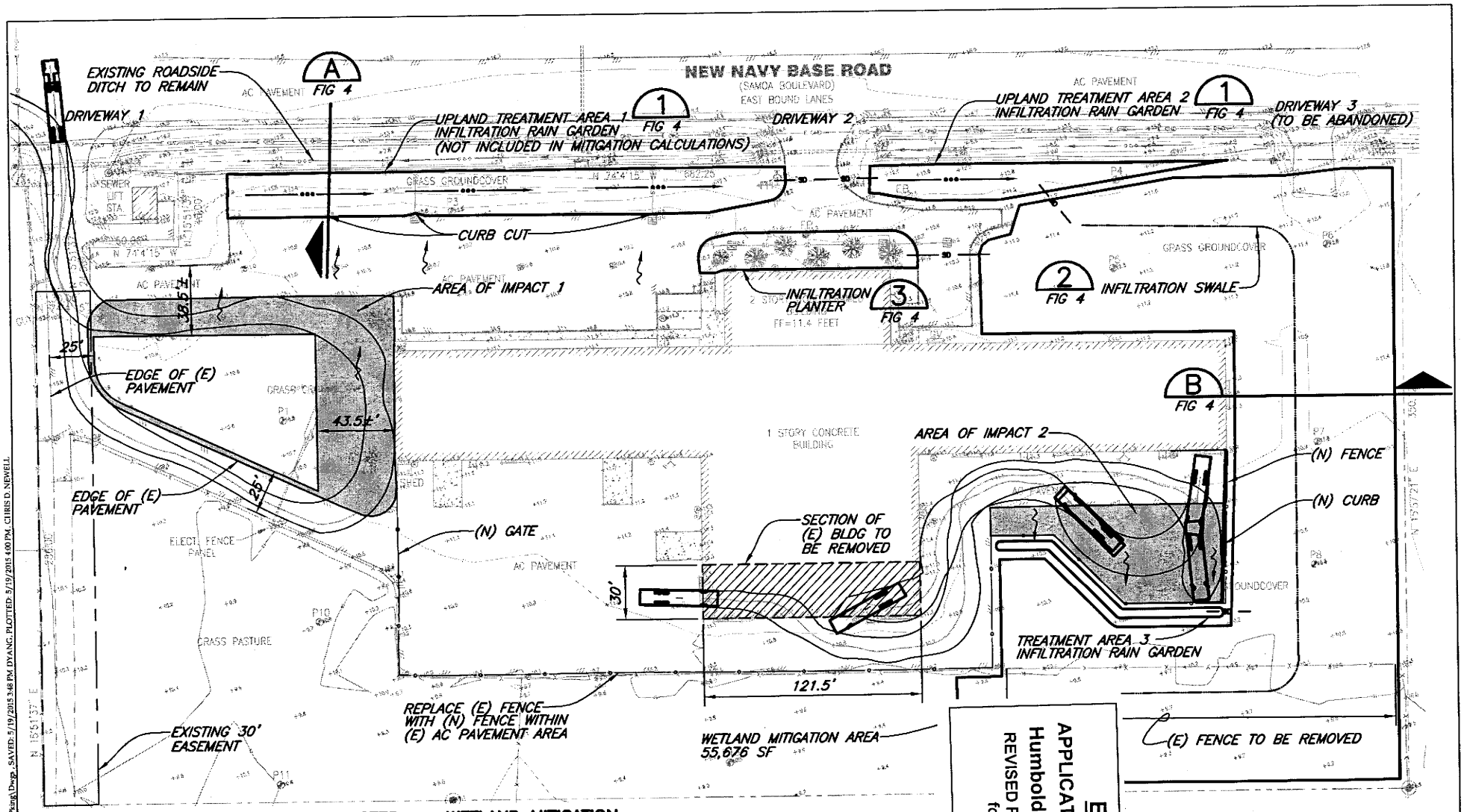
Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

Section 30223 Upland areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30224 Recreational boating use; encouragement; facilities

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.



WETLAND AREAS IMPACTED:	
AREA OF IMPACT 1	8,246 SF
AREA OF IMPACT 2	4,967 SF
TREATMENT AREA 3	702 SF
TOTAL	13,915 SF

WETLAND MITIGATION:	
RESTORATION AREA	55,676 SF

SHN Consulting Engineers & Geologists, Inc.

EXHIBIT NO. 7
APPLICATION NO. A-1-ARC-12-003
Humboldt State Univ. Foundation
REVISED PROJECT PLANS SUBMITTED for DE NOVO REVIEW
1 OF 2

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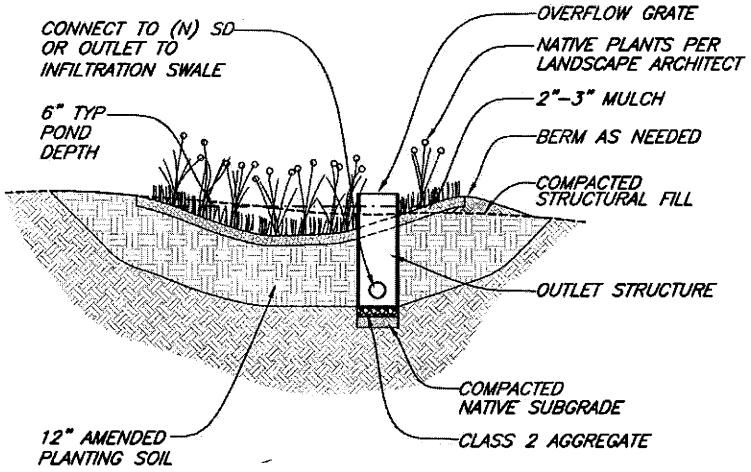
Conceptual Site Layout
Areas of Impact and Mitigation
SHN 015023

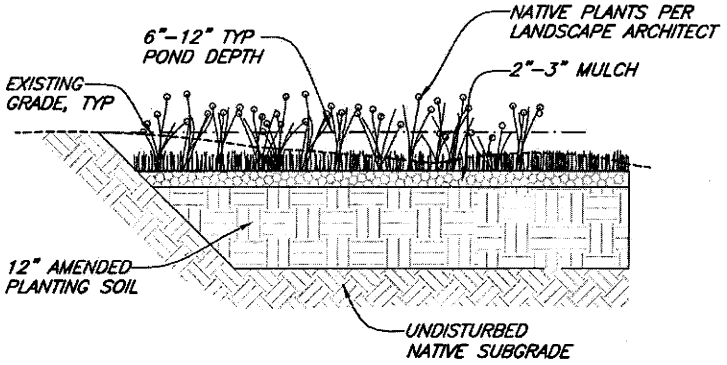
IGATION

Figure 3



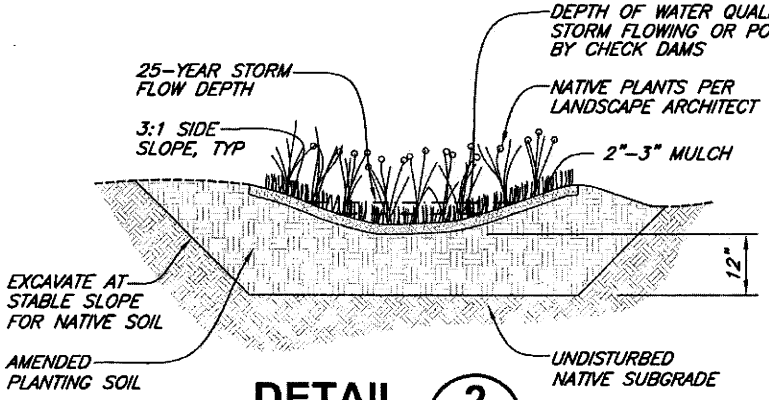
DETAIL 1 NTS FIG 3

(INFILTRATION RAIN GARDEN)



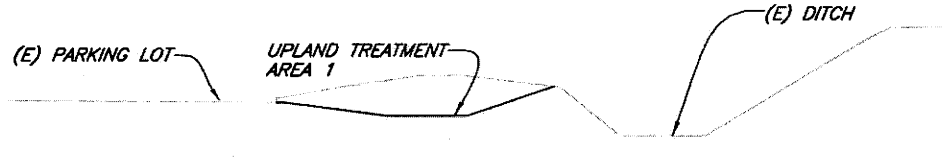
DETAIL 3 NTS FIG 3

(INFILTRATION PLANTER)



DETAIL 2 NTS FIG 3

(INFILTRATION SWALE)



SECTION A NTS FIG 3

SECTION B NTS FIG 3

SHN Consulting Engineers & Geologists, Inc.	Humboldt State University 1601 Samoa Project Arcata, California		Conceptual Site Layout Details and Sections SHN 015023
	May 2015	015023-MITIGATION	Figure 4

2 of 2

PROPOSED REMODEL OF THE HUMBOLDT STATE UNIVERSITY CORPORATION YARD FACILITY AT 1601 SAMOA BOULEVARD

1. PROJECT DESCRIPTION

See attached revised project description. (Attachment 1)

2. PRELIMINARY SITE PLANS

See attached revised preliminary site plans. (Attachment 2, Figure 3)

3. EXPLANATION OF HOW THE PROPOSED WETLAND FILL IS FOR AN INCIDENTAL PUBLIC SERVICE PURPOSE

The proposed wetland fill is consistent with Section 30233(a) of the California Coastal Act because it is for an incidental public service purpose - improved safety conditions regarding site access. The wetland fill is for widening existing access to the site and facilitating vehicle turnaround, rather than creating new facilities such as new driveways or additional parking. The wetland fill will not increase the capacity of the site because no new building or building expansion is proposed. The wetland fill will merely maintain the facility's capacity. The new pavement and associated wetland fill were identified as the minimum possible to achieve adequate fire truck ingress, egress, and access to all sides of the building (see Item 4 below).

The project proposes a mixture of public uses at the facility. This would include federal agency tenants focused on environmental research, a University sponsored research facility, and University operations with regard to sustainability, recycling, and resource management. HSU is currently pursuing a lease proposal with the federal General Services Agency (GSA) to house three local federal programs, the National Oceanic and Atmospheric Administration (NOAA), National Park Service (NPS), and the Fish and Wildlife Service (USFWS). The building will be used as the area's main field offices where the programs collect area data, performs analytics, monitoring, testing, and research within their respective fields. HSU intends to take advantage of the potential collaboration between the federal programs and our students and faculty by providing space where grant and university sponsored research can be executed. The facility will also be used by HSU students and faculty to engage in hands on research and exposure to internships and collaborative partnerships. A portion of the facility will house HSU sustainability operations which include campus recycling, surplus and resource management.

The proposed public agency uses and university uses of the facility afford direct benefits to the university faculty, staff, and students, and to the public as a whole. The wetland fill is serves a necessary incidental public safety purpose by allowing for incidental improvements to site access, including fire truck and delivery truck access. It is noted that regardless of what type of

development was proposed at this site, review for adequate emergency access would typically be part of agency review.

4. ANALYSIS OF FEASIBLE, LEAST ENVIRONMENTALLY DAMAGING ALTERNATIVE FOR WETLAND FILL

a. **Alternative Site Layout.** The western area of new paving is needed to accommodate minimum roadway widths to allow fire truck access and turning radii. In the event the southern parking area is full or the gate is locked, fire trucks and delivery trucks must be able to complete a loop and exit the property. The position of the City's pump station is a constraint to large trucks exiting the site (which has been addressed with this design). The eastern area of new paving is needed to allow fire trucks to access the southeastern part of the building and turn around. The new paving will necessitate some filling of wetlands, for which onsite compensatory wetland mitigation is proposed.

HSU requested from SHN an analysis of onsite turning movements using a fire truck or 45-foot single axle truck as the design vehicle to demonstrate the minimum area of pavement required to allow access to the entire southern side of the building. Section 503 of the California Fire Code requires that "the fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and to all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility." As shown in the conceptual site layout, the eastern face of the building is left with no access which is permitted by the 150 foot allowance. However, we will need to maintain fire road access to the south east corner of the building. Section 503.2.4 of the California Fire Code affords the local fire official the authority to determine turnaround space required for a fire apparatus. Assuming the emergency response requires the largest fire apparatus of the local fire districts Truck 8181 is the 2012 Pierce Arrow XT 100' aerial ladder truck and may be used. This apparatus would be the equivalent of a 45 foot single axel truck. The software SHN selected to analyze these turning movements is Autoturn 9 and the closest vehicle available in the Autoturn vehicle library is a 44-foot Fire Truck with a centerline turning radius of 39.19 feet. Using the 44-foot fire truck in Autoturn 9 as the template to simulate turning movements, SHN proceeded to prepare and analyze several different layouts that would allow the 44-foot fire truck to access the southern east end and be able to turn around again with minimal impacts to the wetland area. These options were presented to HSU and the final selection was made by HSU. The final layout shown in the "Conceptual Site Layout" plans enables a 44-foot fire truck to back up in to the furthest bay on the east end and then pull forward and swing around to exit. Three other alternative layouts that could allow fire truck to access the southern east end and be able to turn around again were considered (Attachment 2, Figures 3, 5-7). Figures 5 and 6 resulted in more wetland impact than the proposed

alternative (Attachment 2, Figure 3), while Figure 7 was determined to be infeasible due to the number of turning movements required. This left the proposed alternative as the least environmentally damaging feasible alternative for wetland fill.

b. <u>The "No Project" Alternative.</u> The facility is within the service area of the Arcata Fire Protection District, [which uses fire apparatus from 24 feet to 48 feet length?]. The proposed mixed uses of the facility include uses which require delivery truck access. While the use of smaller delivery vehicles may be feasible, it is not feasible to limit the size of fire trucks that may respond to emergencies. The existing site layout does not allow for 44 foot trucks to enter the site, access all portions of the building, turnaround, and exit the site. The proposed project includes demolishing part of the southern portion of the building to allow truck access to the southeastern corner of the building. This portion of the building was an addition to the original building and is constructed of corrugated metal walls and ceiling with steel column and beam frame. This building was attached to the original building envelope and would be minimally invasive to remove leaving the original structure intact Demolishing additional portions of the existing building to facilitate access or routing trucks through the west side of the building is not considered feasible because it would directly impact the original building envelope resulting in substantial costs for the modification, and it would be detrimental to the intended purpose of the facility's program and the buildings' value. The original construction of the building is a concrete tilt up wall/poured in place system. Each section of the buildings walls are integral to the structural and seismic integrity of the building as originally designed. Furthermore the University has recently completed a project that ensures the as-built condition of the building is up to current seismic code standards. The modifications that were installed on the building assumed the building envelope would remain "as-is" and would not be removed or otherwise modified. Beyond the structural and seismic implications with manipulating the building envelope, reducing the usable square footage of the building will directly inhibit HSU's ability to facilitate the intended program (please see Attachment 1, objectives; and the Alternative Locations section of this document). Without the new paving at the southeast building corner, large trucks will not be able to turn around and exit the site. The additional paving is the minimum necessary to allow large trucks to turn around. It is noted that regardless of what type of development was proposed at this site, review for adequate emergency access would typically be part of agency review.

c. <u>Alternative Locations</u>. HSU does not currently have facility availability (other than the Samoa property) that would accommodate the scale needed to support a program that combines local federal agency, HSU instruction, and HSU research to create an effective and sustainable regional research collaboration center. The building in its current use and condition will require maintenance modifications for sustained occupancy at which time the requirements for complying with current code conditions will be triggered as

outlined in the 2013 California Fire Code. Building modifications required for a new program as outlined in the project description or modifications to support the current function will require code compliance. HSU has considered alternatives for the existing program and the future program that the current facility houses. Over recent years, the demand for physical space on campus has grown. The existing program of "Facilities Operations" (see attachment 1, existing conditions) used to be facilitated in different areas on campus. The University maximized our current campus space to accommodate our mission to serve and educate students, this lead HSU to ultimately purchase the Samoa Avenue property. Since this time HSU has utilized campus space that was gained from moving operations to the Samoa property. The size and scope that University needs to maintain its current operation cannot be facilitated with other properties HSU owns. HSU has also analyzed condensing our facilities operations to accommodate future programming at the Samoa property and even with condensed facilities operations we still do not have an alternative sites for existing programming. For example, HSU has explored the Trinity Annex Property on 14th Street just south of the main Campus. The orientation of the building and square footage was not sufficient to absorb HSU operations. Other satellite properties include the Trinidad Marine Laboratory, and the Humboldt Bay Aquatic Center, both of which would be inappropriate uses of the building and have far more challenges both logistically and environmentally that the use of the Samoa Property.

As we rethink the future of the program at the Samoa property we believe there is substantial opportunity to renovate and lease portions of the building to federal research agencies and introduce HSU research initiatives while maintain our facilities operations (see Attachment 1, Objectives). HSU believes the size and scale of the Samoa property is conducive to creating proximities that could build into a regional research center with federal agency ties and CSU sponsored research. Other facilities on and off campus such as the Trinidad Marnie lab, Trinity Annex, and the Humboldt bay Aquatic Center do not offer enough space to accommodate the collaborative intent of the future program.

One of HSU's values is to ensure we are leaders in sustainability both physically and fiscally. Currently HSU is not in a financial position to acquire new property that would allow for the aforementioned programs. The future program at the Samoa property will support HSU's financial sustainability with potential new revenue streams by way of lease agreements and sponsored research. The program will also attract and retain new talent further adding to the rich experience of HSU staff and faculty that allow HSU to be a University of choice for students.

5. PRELIMINARY WETLAND MITIGATION AND MONITORING PLAN

a. **A description of the wetlands to be filled and the wetlands to be created.**

The wetland areas to be filled (portions of Wetlands 1 and 2) were delineated as wetlands according to the criteria of the Army Corps of Engineers, City of Arcata, and California Coastal Commission. These wetlands (wet meadow with non-native species) were identified as seasonal Palustrine Emergent Wetlands (Winzler & Kelly, August 2009). The wetlands to be created would also be Palustrine Emergent Wetlands, but would be designed to be inundated/saturated for longer periods of time, be planted with all native vegetation obtained from the local area, and have higher wetland function and value than the existing wetlands.

b. **A quantification of the size of wetlands to be filled and the size of the wetlands to be created, and a substantiation of the resulting mitigation ratio (i.e., why the ratio is adequate based on the facts in this particular case).**

Approximately 13,213 sf of wetlands will be filled for the installation of new pavement and 702 sf will be filled for the placement of new storm water treatment elements, for a total proposed wetland fill of 13,915 sf.

Two projects will be enacted on-site to mitigate for the loss of wetlands. First, an existing fence bisecting existing Palustrine Emergent Wetlands will be removed, including 94 existing fence posts and barbed wire. Second, approximately 55,676 sf of existing Palustrine Emergent Wetlands on the east side of the building will undergo substantial wetland restoration.

This represents compensatory wetland mitigation at a 4:1 ratio, which is a typical maximum mitigation ratio for projects on the north coast.

c. **Drawings, maps, or illustrations necessary to adequately describe the proposed mitigation including a site map showing the location of the wetlands to be created.**

See Attachment 2, Figure 3 and its associated detail sheet, Attachment 2, Figure 4, for drawings showing the location and typical cross sections of the proposed mitigation.

d. **A statement of the project goals with respect to mitigation.**

The primary goal is to compensate for the filling of 13,915 sf (0.32 acres) of seasonal Palustrine Emergent Wetlands onsite by substantially restoring 55,676 sf (1.28 acres) to higher quality Palustrine Emergent Wetlands. This represents a 4-to-1 mitigation ratio. Other goals of the onsite wetland mitigation are to:

1. Maintain or restore native biodiversity, resulting in a net gain of good quality native wetland habitat;
2. Maintain, restore, or mimic ecological processes, to the extent practical;
3. Provide groundwater recharge;

4. Permit slow surface flow;
5. Filter surface runoff; and
6. Improve the aquatic functions of the existing wetland areas by expanding the area of the existing wetlands and focusing on improving plant diversity and cover.

e. **Information on the timing of the mitigation project.**

The wetland mitigation will be implemented concurrently with project implementation.

f. **A description of site preparation activities, planting materials (if proposed) and methods to be used.**

The restoration area will be graded to varying depths up to 3 feet below ground surface depending on hydraulic needs. This will result in wetland hydrology (saturation and/or inundation) being present for more of the year than it is currently. The mitigation wetland will receive stormwater from the stormwater detention areas along the north side of the project. The mitigation wetland will be planted with all native plant species obtained from the local area. Additional site preparation and planting details will be provided in a final wetland mitigation and monitoring plan.

g. **A description of performance standards (defined criteria to measure success of the mitigation).**

At the end of five years, the mitigation area will consist of self-sustaining Palustrine Emergent Wetlands with enhanced ecological function over current conditions.

Seasonal Wetland Habitat Success Criteria.

Year 1: 40% or greater absolute cover of wetland plant species. No large unvegetated bare spots or erosional areas.

Year 2: 50% or greater absolute cover of wetland plant species. No large unvegetated bare spots or erosional areas.

Year 3: 70% or greater absolute cover of wetland plant species. No large unvegetated bare spots or erosional areas.

Year 4: 75% or greater absolute cover of wetland plant species. No large unvegetated bare spots or erosional areas.

Year 5: 80% or greater absolute cover of wetland plant species. No large unvegetated bare spots or erosional areas.

Additional details regarding performance standards will be provided in a final wetland mitigation and monitoring plan.

h. **A five-year monitoring plan.**

Annual monitoring will occur for five years after the wetland mitigation area is planted. Annual monitoring will include photodocumentation and vegetation monitoring. Vegetation monitoring will involve the establishment of sample plots and the collection of the following data: absolute cover of vegetation present, absolute cover of native and non-native species, absolute and relative percent cover of target invasive plants, species richness, and total number of native vs. non-native plants. Additional details of the monitoring plan will be provided in a final wetland mitigation and monitoring plan.

i. **Remediation measures (contingency plan).**

Monitoring and maintenance will respond with adaptive management procedures, recommended on a case-by-case basis, to address any issues identified at the site. Remedial actions could include one or more of the following activities (not exclusive):

1. Weeding around planting sites to reduce competition from non-native grasses and forbs;
2. Supplemental watering;
3. Additional erosion control;
4. Additional invasive plant control;
5. Supplemental replacement plantings (may be in-kind, or if a particular species is not doing well at the site, a suitable replacement species can be supplemented for original plant species);
6. Hydrologic modification or minor regarding and supplemental planting

Additional details regarding remediation measures will be provided in a final wetland mitigation and monitoring plan.

6. DRAINAGE PLAN

The project proposes to treat and infiltrate stormwater from the front roof drain downspouts within a new low impact development (LID) stormwater detention basin (vegetated swale or rain garden) located in the front of the building. Stormwater that does not infiltrate there will overflow through a culvert to the proposed new wetland mitigation area (Attachment 2, Figure 3 and 4).). Storm water from the new east paved area will sheet flow to new proposed LID storm water detention areas (vegetated swales) that will boarder the pavement (Attachment 2, Figure 3 and 4)

Stormwater from the front paved area will sheet flow to the new proposed LID stormwater detention areas (vegetated swales) located alongside the existing roadside drainage ditch. Stormwater that does not infiltrate there will overflow to the proposed new wetland mitigation area. Piping will be installed to allow secondary overflow from the LID stormwater detention area to the roadside ditch in the event of a clog or strong rain event (Attachment 2, Figure 3 and 4).

7. CEQA PROCESSING

HSU, as the CEQA lead agency, will be responsible for reviewing the final Mitigated Negative Declaration (September 2009) in light of the proposed project changes and determining if any additional CEQA compliance is necessary (see CEQA Guidelines Sections 15162-15164). An addendum to the approved Mitigated Negative Declaration may be appropriate if HSU determines that some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent CEQA document have occurred.

PROPOSED REMODEL OF THE HUMBOLDT STATE UNIVERSITY CORPORATION YARD FACILITY AT 1601 SAMOA BOULEVARD

PROJECT DESCRIPTION

Location

The proposed project consists of the redevelopment of a 49,322 square foot (sf) building (with a 43,006 sf footprint) on 7.3 acres of land within the city limits of Arcata, California (see Attachment 2, Figure 1). The project's address is 1601 Samoa Boulevard. The northern edge of the property fronts on the eastbound lane of Samoa Boulevard (State Route 255) and the western edge of the property consists of Arcata's city boundary. The City of Arcata's McDaniel Slough Restoration area is south of the site. The northeast corner of the property is approximately 0.22 miles west of K Street. The site consists of three parcels, zoned Coastal Heavy Industrial (C-IH), entirely within the Coastal Zone.

Objectives

Humboldt State University (HSU) purchased the 7.3 acre property in 2008 to house the University's corporation yard, physical plant, planning and design departments, shipping and receiving center, shops, warehousing center, and construction management offices. Since the time of purchase HSU has re-envisioned the programming of this building to be of mixed use. This would include federal agency tenants focused on environmental research, a University sponsored research facility, and University operations with regard to sustainability, recycling, and resource management. HSU is currently pursuing a lease proposal with the federal General Services Agency (GSA) to house three local federal programs, the National Oceanic and Atmospheric Administration (NOAA), National Park Service (NPS), and the Fish and Wildlife Service (USFWS). The building will be used as the area's main field offices where the programs collect area data, performs analytics, monitoring, testing, and research within their respective fields. HSU intends to take advantage of the potential collaboration between the federal programs and our students and faculty by providing space where grant and university sponsored research can be executed. The facility will also be used by HSU students and faculty to engage in hands on research and exposure to internships and collaborative partnerships. A portion of the facility will house HSU sustainability operations which include campus recycling, surplus and resource management.

Existing Conditions

See Attachment 2, Figure 2 for an overview of current conditions. The site is approximately 7.3 acres on three parcels (APN 021-191-006, 505-251-011, 013) and includes a 49,322 sf structure (with a 43,006 sf footprint) and approximately 1.28 acres (57,047 sf) of pavement (driveways and parking). Existing access to the site consists of three driveways (see Attachment 2, Figure 2). Driveway one is located at the far northwest corner of the property, is currently in use, allows for ingress and egress, and connects to the east-bound and west-bound lanes of Samoa Blvd. Driveway two is located at the center of the northern edge of the property, is currently in use, allows for ingress and egress, and connects only to the east-bound lane of Samoa Blvd. Driveway three is located at the far northeast corner of the property, is not currently in use, connects to the east-bound lane of Samoa Blvd, but does not connect to paved parking areas on the site. Therefore, this third *partially-developed* driveway does not allow ingress or egress to the

site and is not functional in its current condition. The functioning driveways (#1 and #2) carry all ingress and egress traffic for the site.

The approximately 1.29 acres (57,047 sf) of existing pavement contains approximately 58 designated vehicular parking spaces. The front paved area (approximately 22,377 sf) is enclosed with a 6" AC curb and has three drainage inlets to a subsurface stormwater system. An additional drainage inlet is located in the front landscape area and a fifth drainage inlet is located in the unpaved grass area on the west side of the property. The five existing drainage inlets receive sheet flow from the front parking area; water is then conveyed through short storm drains into the ditch that parallels Samoa Boulevard on the north side of the project parcels. The building has multiple down spouts draining stormwater from the roof area. Downspouts in the front of the building connect to the subsurface stormwater system associated with the front paved area and drain to the roadside ditch. Downspouts in the back and on the sides of the building drain directly onto the back paved area, which then allows sheet flow across the parking lot to the south. The site is generally flat, ranging in elevation from 7.6 ft to 13.5 ft.

This front paved area functions as access to the site and as the primary parking area. Approximately 130 lineal feet of sidewalk connect the front parking lot to the front door of the building. The back paved area (approximately 34,670 sf) is not enclosed with curbs and drains off-site to a vegetated area to the south. This back paved area is designed primarily for access to three large bay doors, vehicular storage, and other similar types of operations.

The large paved area on the southwest portion of the property currently drains away from the building towards the south. Sheet flow exits this paved area and disperses into the existing undeveloped thick brush area south of the pavement edge and either infiltrates or overland flows towards the new City pond. The existing areas on the east side of the subject parcels are currently vegetated and slope towards the southern property line. Overland flow that does not immediately infiltrate likely flows towards the south onto the adjoining City property.

The site contains very limited landscaping and does not contain an irrigation system.

An existing 3-foot high barbed-wire fence runs along the entire western boundary of the property. A second segment of fence also bisects the property from east to west, bordering the southern edge of the existing pavement. The total lineal feet of the existing fence on site is 1,476. The portion of the fence running west to east is 857 feet in length, all of which is within an existing wetland. This portion of the fence is fastened to 24 wooden posts (each 5" x 4") and 70 steel posts (each 1" x 1")

A pump station owned and operated by the City of Arcata borders the property on the northwest corner of the site. The pump station is accessed via the project's northwest driveway #1. On March 16, 2009, wetland delineation was conducted on the site (Attachment 2, Figure 2). According to this study, approximately 3.33 acres (144,899 sf) of wetlands exist within the project's property boundaries (see Attachment 2, Figure 2; see also Attachment 3, Wetlands Delineation for Humboldt State University, Plant Operations Building). The wetland areas found at the site were identified as Palustrine Emergent Wetlands. Palustrine Emergent Wetlands include all tidal and non-tidal wetlands dominated by persistent emergent vascular

plants, emergent mosses or lichens, and all such wetlands that occur in tidal areas in which salinity due to ocean-derived salts is below 0.5 percent.

Humboldt State University currently uses the site for Facilities Management resources storage and surplus, HSU Housing and Dining Storage, and HSU Sustainability recycling and resource management. HSU uses the north office modules to house consultants and construction personnel on a contract basis contingent on project funding for campus projects. The site is occupied and actively in use on a regular basis. Additionally the building and site are used to receive bulk good and large shipments that are fist triaged and stored before bringing to campus. The University also uses the facility in preparation for large campus events such as commencement, homecoming, and large conferences.

Proposed Project

The proposed project consists of the redevelopment of the approximately 317,326 square foot site (7.3 acres), which is to house mixed uses including federal agency tenants focused on environmental research, a University sponsored research facility, and University operations with regard to sustainability, recycling, and resource management. HSU is currently pursuing a lease proposal with the federal General Services Agency (GSA) to house three local federal programs, the National Oceanic and Atmospheric Administration (NOAA), National Park Service (NPS), and the Fish and Wildlife Service (USFWS). The building will be used as the area's main field offices where the programs collect area data, performs analytics, monitoring, testing, and research within their respective fields. HSU intends to take advantage of the potential collaboration between the federal programs and our students and faculty by providing space where grant and university sponsored research can be executed. The facility will also be used by HSU students and faculty to engage in hands on research and exposure to internships and collaborative partnerships. A portion of the facility will house HSU sustainability operations which include campus recycling, surplus and resource management. The facility will house approximately 55 to 65 full time staff. Attachment 2, Figure 8 and 9 shows proposed project components.

The project consists of remodeling the existing building, removing approximately 810 lineal feet of existing fence, patching of small portions of the existing pavement, hazardous material abatement, the addition of ADA compliant restrooms, a fire sprinkler system, doors, an elevator, new service doors, new paint, ceilings and flooring, improvement of the stormwater conveyance along Samoa Boulevard, and onsite wetland mitigation. The project will also demolish the southernmost addition attached to the building's center bay. The existing addition is approximately 3,600 gross square feet and is constructed of metal wall and roof panels with large steel beam and column framing. Due to the limited ingress and egress to the east bay from the south west paved areas, the demolition will allow for better access to the east of the building by service and emergency vehicles. Regarding onsite pavement, portions of the existing pavement will be repaired and sealed, while approximately 13,213 sf of new pavement will be installed. The new pavement adds to the existing and reconstructed pavement (57,047 sf) for a post-project total pavement area of 1.61 acres (70,260 sf).

Site Ingress and Egress

Existing access to the site consists of three driveways connecting to the east-bound lane of

Samoa Blvd. The entrances are at the far northwest corner of the property (driveway 1), the center of the northern edge of the property (driveway 2), and at the northeast corner of the property (driveway 3). The project plans to utilize driveways 1 and 2 and abandon driveway 3. As a means to improve site access (including allowing fire trucks to access all parts of the building) and improve traffic safety, portions of existing pavement will be reconstructed, while limited new pavement will be installed. The new paving has been limited to the minimum necessary to allow adequate fire truck ingress, egress, and access to all sides of the facility. The western area of new paving is needed to accommodate minimum roadway widths to allow two way traffic, truck access and turning radii (see Attachment 2, Figure 3). In the event the southern parking area is full or the gate is locked, trucks must be able to complete a loop and exit the property. The position of the City's pump station is a constraint to large trucks exiting the site (that has been addressed with this design). The eastern area of new paving is needed to allow emergency vehicles and trucks to access the eastern part of the building and turn around (see Attachment 2, Figure 3). The new paving required for incidental public use and site safety will necessitate some filling of wetlands, for which onsite compensatory wetland mitigation is proposed (see *Wetland Filling and Mitigation below).*

Street Improvements
The project does not include street improvements, however street improvements have been/are being undertaken by the City as a part of the City's Gateway Proposal as a separate project.

Sidewalks
Pedestrian access may be provided in the future via sidewalks on Samoa Boulevard (to be built by City of Arcata). Internal to the project, pedestrian walkways exist along the northern side of the building.

Street Lighting
Approximately nine outdoor light fixtures are fixed to the exterior of the building. No new outdoor lighting is proposed.

No Cost Lease to City
As a part of the project, the existing easement on the far west side of the parcel and approximately 1.29 acres (56,352 sf) of land will be leased to the City of Arcata. The leased area will provide access to the McDaniel Slough Area (see Attachment 2 Figure 3).

Parking
The site currently contains 58 parking spaces, while the Arcata General Plan requires the project to contain a minimum of 49 parking spaces and a maximum of 62 parking spaces (based on the zoning and size of the building). However, as a State Agency, HSU does not need to comply with local parking requirements.

Grading and Drainage
For further details regarding proposed draining improvements, see Attachment 2, Figure 3 and 4. The site is relatively flat, sloping very gently from the north to the south. The front paved area (approximately 22,377 sf) is enclosed with a 6" AC curb and has three drop inlets to a subsurface stormwater system. The back paved area (approximately 34,670 sf) is not enclosed with curbs and drains away from the building to an off-site vegetated area to the south. Sheet

flow exits this paved area and disperses into the existing undeveloped thick brush area south of the pavement edge and either infiltrates or overland flows towards the new City pond. The areas on the east side of the subject parcels are currently vegetated and slope towards the southern property line. Overland flow that does not immediately infiltrate likely flows towards the south onto the adjoining City property.

The building has multiple down spouts draining stormwater from the roof area. Downspouts in the front of the building connect to the subsurface stormwater system associated with the front paved area and drain to the roadside ditch. Downspouts in the back and on the sides of the building drain directly onto the back paved area.

The project proposes to treat and infiltrate stormwater from the front roof drain downspouts within a new low impact development (LID) stormwater detention basin (vegetated swale or rain garden) located in the front of the building. Stormwater that does not infiltrate there will overflow through a culvert to the proposed new wetland mitigation area (Attachment 2, Figure 3 and 4).

Stormwater from the existing front paved area and the new western paved area will sheet flow to the new proposed LID stormwater detention areas (vegetated swales) located alongside the existing roadside drainage ditch. Stormwater that does not infiltrate there will overflow to the proposed new wetland mitigation area. Piping will be installed to allow secondary overflow from the LID stormwater detention area to the roadside ditch in the event of a clog or strong rain event (Attachment 2, Figure 3 and 4). Storm water from the new east paved area will sheet flow to new proposed LID storm water detention areas (vegetated swales) that will boarder the pavement (Attachment 2, Figure 3 and 4)

Flooding

Based on the Federal Emergency Management Agency (FEMA) Floodway Map, community panel number 060061-0004 E (revised 11/5/97), the parcels are outside of the 100-year and 500-year floodplain and will therefore not be subject to inundation by 100-year or 500-year floods.

Wetland Filling and Mitigation

Two areas of new pavement are proposed to be constructed on existing wetlands, pursuant to an incidental public use - improved safety conditions. The new pavement and associated wetland fill were identified as the minimum possible to achieve adequate fire truck access to all sides of the building.

As a part of the project, approximately 13,213 sf of new pavement will be installed, for which 13,213 sf of wetlands will be directly impacted and will need to be mitigated according to agency requirements.

Two projects will be enacted on-site to mitigate for the loss of wetlands. First, an existing fence bisecting existing Palustrine Emergent Wetlands will be removed, including 94 existing fence posts with a combined footprint of 3.82 sf. Second, approximately 53,448 sf of existing Palustrine Emergent Wetlands (wet meadow with non-native species) on the east side of the building will undergo substantial wetland restoration (Attachment 2, Figure 3).

This represents a compensatory wetland mitigation at a 4:1 ratio. (See Preliminary Wetland Mitigation and Monitoring Plan and Attachment 2, Figure 3).

Architecture and Design
As the project consists of utilizing the existing building and does not call for major renovations to the façade or exterior of the structure, no architectural or design changes are expected. As the building faces the City of Arcata's Gateway Project, the architectural character of any changes to the exterior of the structure shall consist of complimentary traditional architectural styles consistent with the intended building uses. Selected styles will complement one another through overall scale, massing, proportions, details, and the ability to establish an architectural backdrop which will age gracefully over time. Upgrades to the exterior of the building will utilize materials and colors that complement the overall landscape design. Any and all improvements to the building will be thoughtfully designed with sustainability elements that will exemplify the intent and purpose of the programs the facility is housing.

Zoning
The project focuses on redevelopment of one parcel of approximately 7.3 acres. The site is currently zoned Coastal Industrial Heavy (C-IH) and the General Plan Land Use Designation is Industrial General (IG).

Setbacks and Easements
Minimum building setbacks will be consistent with requirements based on the zoning category and are: 25 feet in front yard (Samoa Boulevard), 10 feet on side yards (east and west), 10 feet in rear yard (south line) and a maximum building height of 50 feet will be maintained. An existing 30' easement is located along the far west portion of the property, from SR 255 to approximately 382' south. This easement will be utilized for access to the new parcel dedicated to the City.

Domestic and Fire Water Service
Potable water and fire water is currently provided to the site by the City of Arcata. A sprinkler system will be installed throughout the building. The existing on-site water distribution system and the planned improvements will be sufficient to satisfy the facility's planned uses and complies with the City of Arcata Standards.

Wastewater Services
Wastewater service to the site will be connected to the City of Arcata. The project borders a City wastewater pump station to the northwest of the property boundary, for which the City is considering an upgrade. The existing on-site wastewater collection system is sufficient to satisfy the facility's planned uses and complies with the City of Arcata Standards. No wastewater system improvements are anticipated for the project.

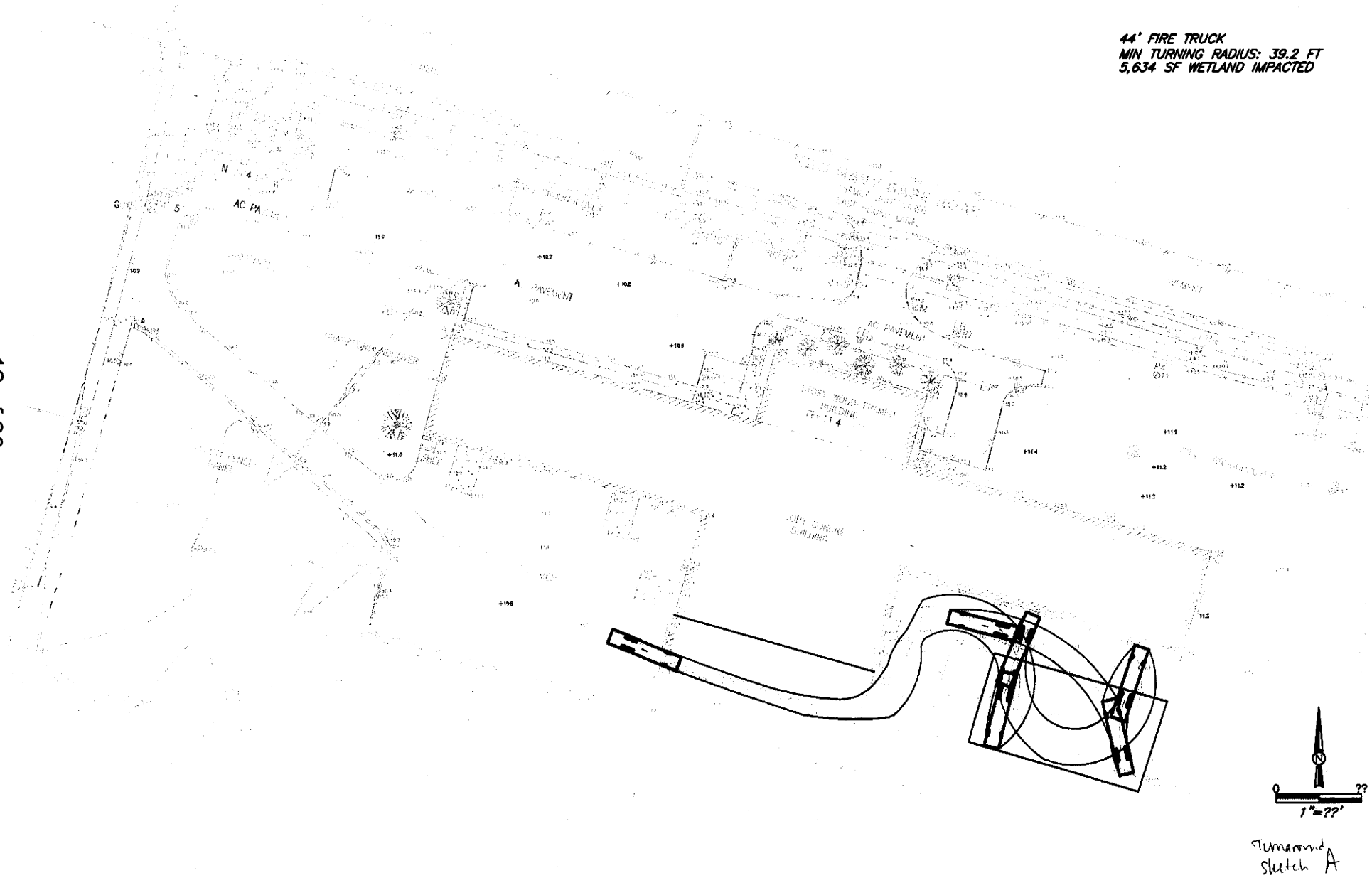
Fire Protection
A fire hydrant is currently located on Samoa Blvd at the center of the northern edge of the property (just west of the center driveway). The proposed areas of additional paving are the minimum necessary to allow adequate fire truck ingress, egress, and access to all sides of the building. A sprinkler system will be installed throughout the building.

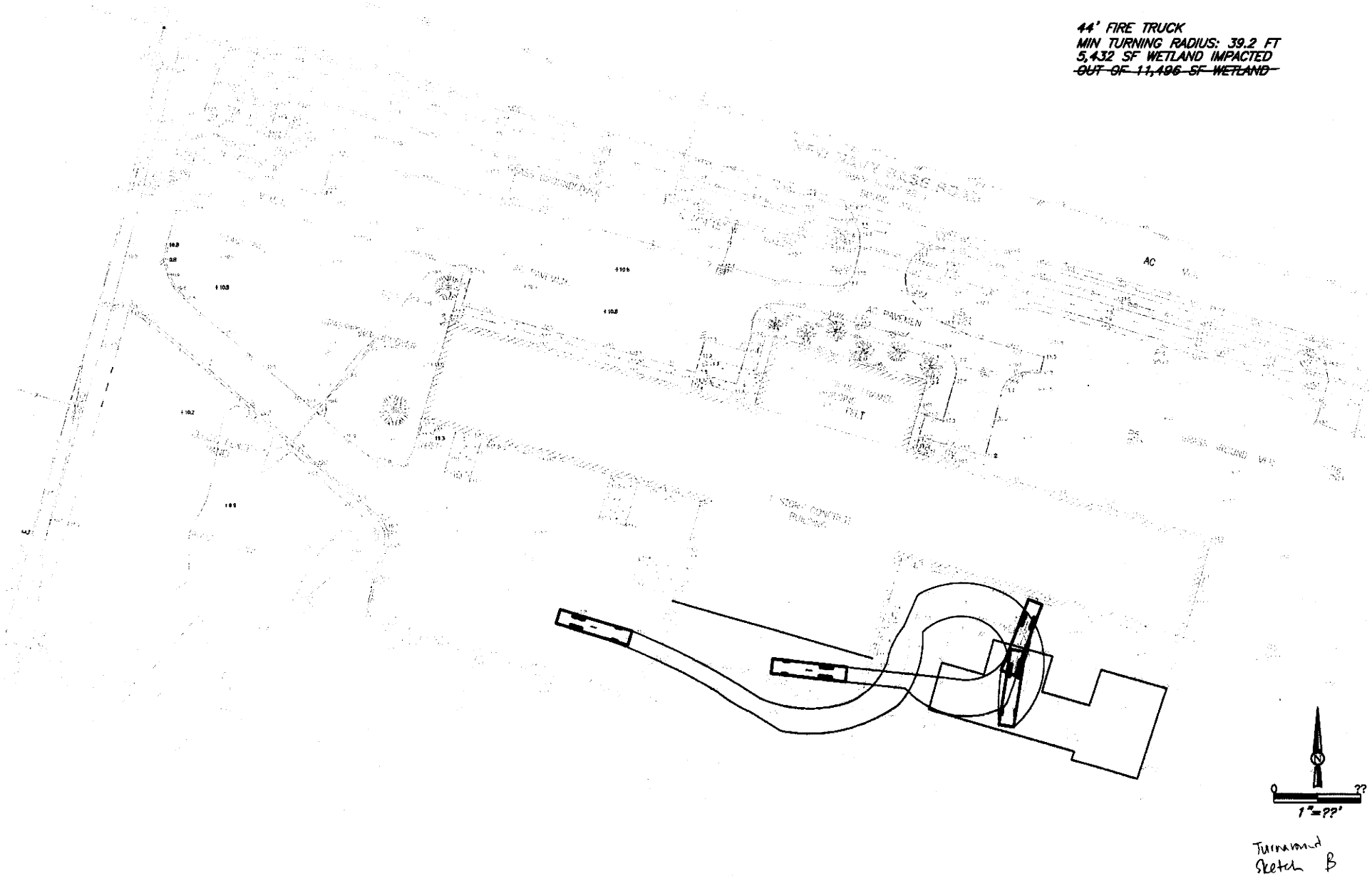
Landscaping
Existing landscaping is very limited, consisting of four medium-sized trees and a few low shrubs along the front of the building. The site does not contain a landscaping irrigation system. New landscaping will be minimal at the area between the building and the north sidewalk at the north parking lot and the area around the main northwest entrance to the building. All landscaping will be native planting and will not require an irrigation system. Landscaping at the area north of the existing office module (south of driveway 2) will consist of native plants and elements that support LID for drainage in the area.

Construction and Energy Standards
The roof of the existing building is oriented towards the south-southwest and is ideal for installation of solar energy systems, which is being considered for the future of the project. The building complies with all of the requirements of the Uniform Building, Plumbing and Mechanical Codes, and the National Electrical Code.

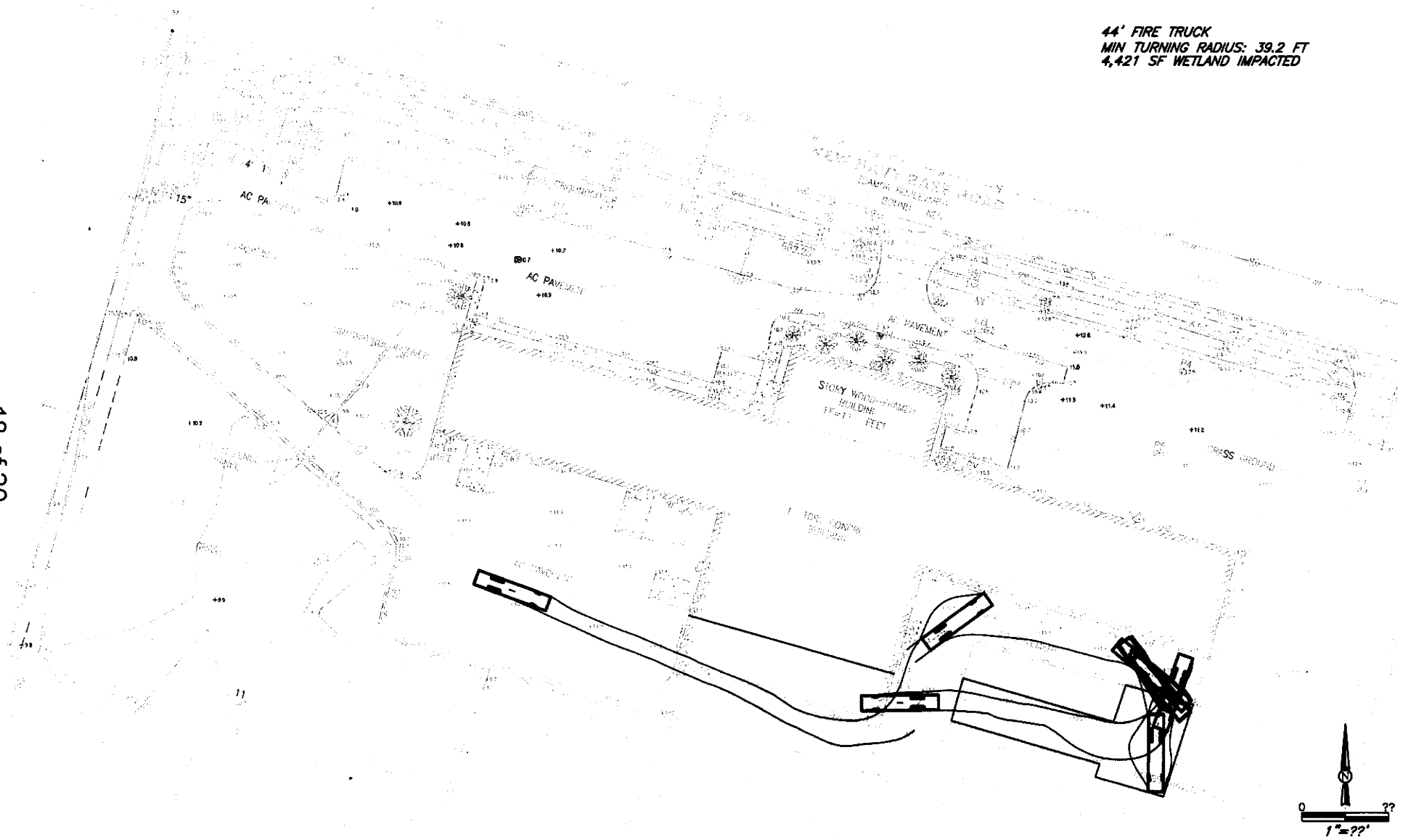
Potential Energy-Related Enhancements
The installation of approximately 30 kw of photovoltaic panels on the building's 20,000 sf of roof is a potential component of the project. This element of the project is contingent on the acquisition of necessary funds.

Permits / Approvals
The following agency permits and/or approvals may be necessary for the proposed project:
a) Coastal Development Permit (California Coastal Commission)
b) Encroachment Permit (CalTrans)
c) 404 Permit (US Army Corp of Engineers)
d) 401 Permit (Regional Water Quality Control Board)

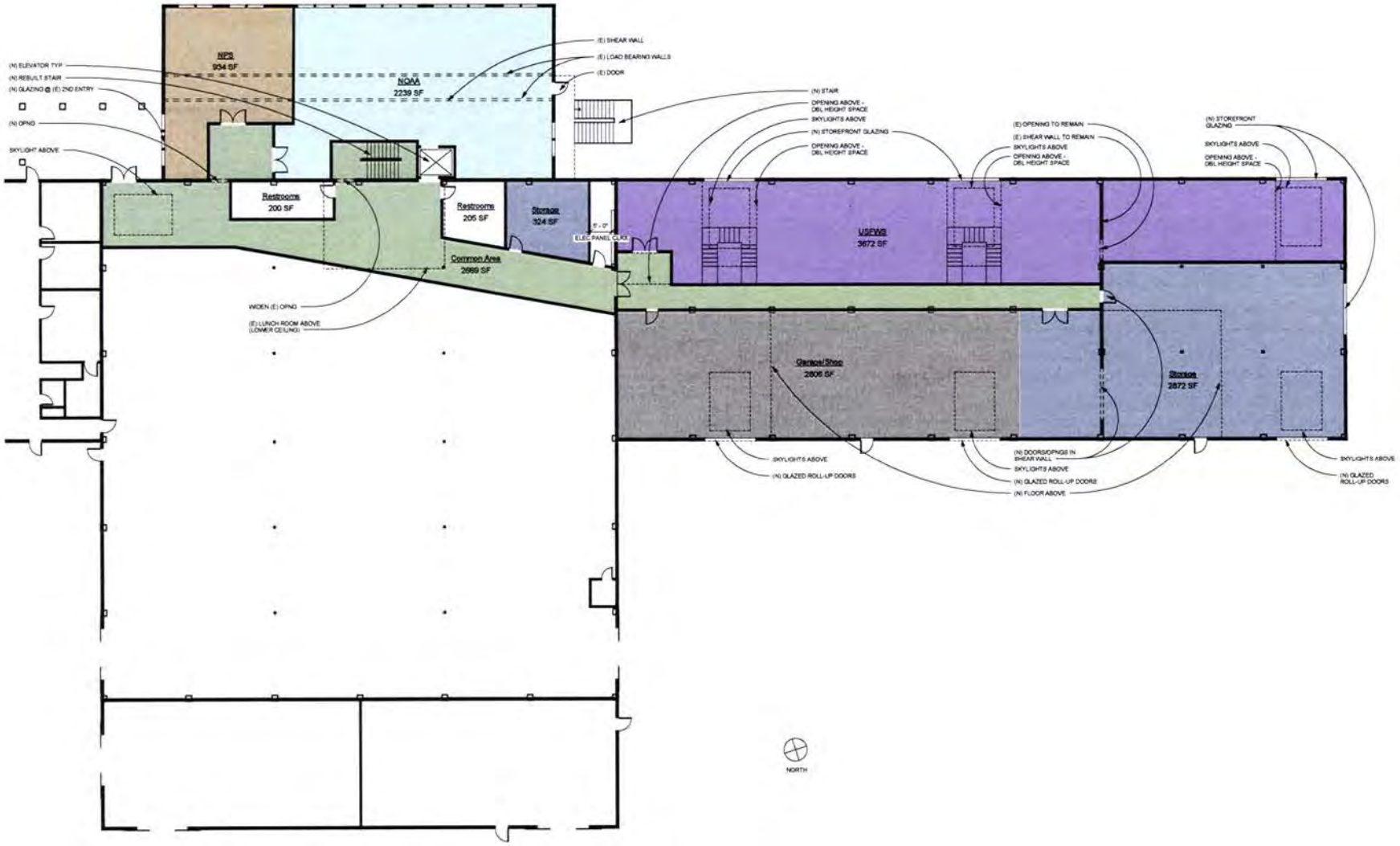

44' FIRE TRUCK
MIN TURNING RADIUS: 39.2 FT
5,634 SF WETLAND IMPACTED
1"=??'
Turnaround
Sketch A



Turnaround Sketch B



Turnaround Sketch C

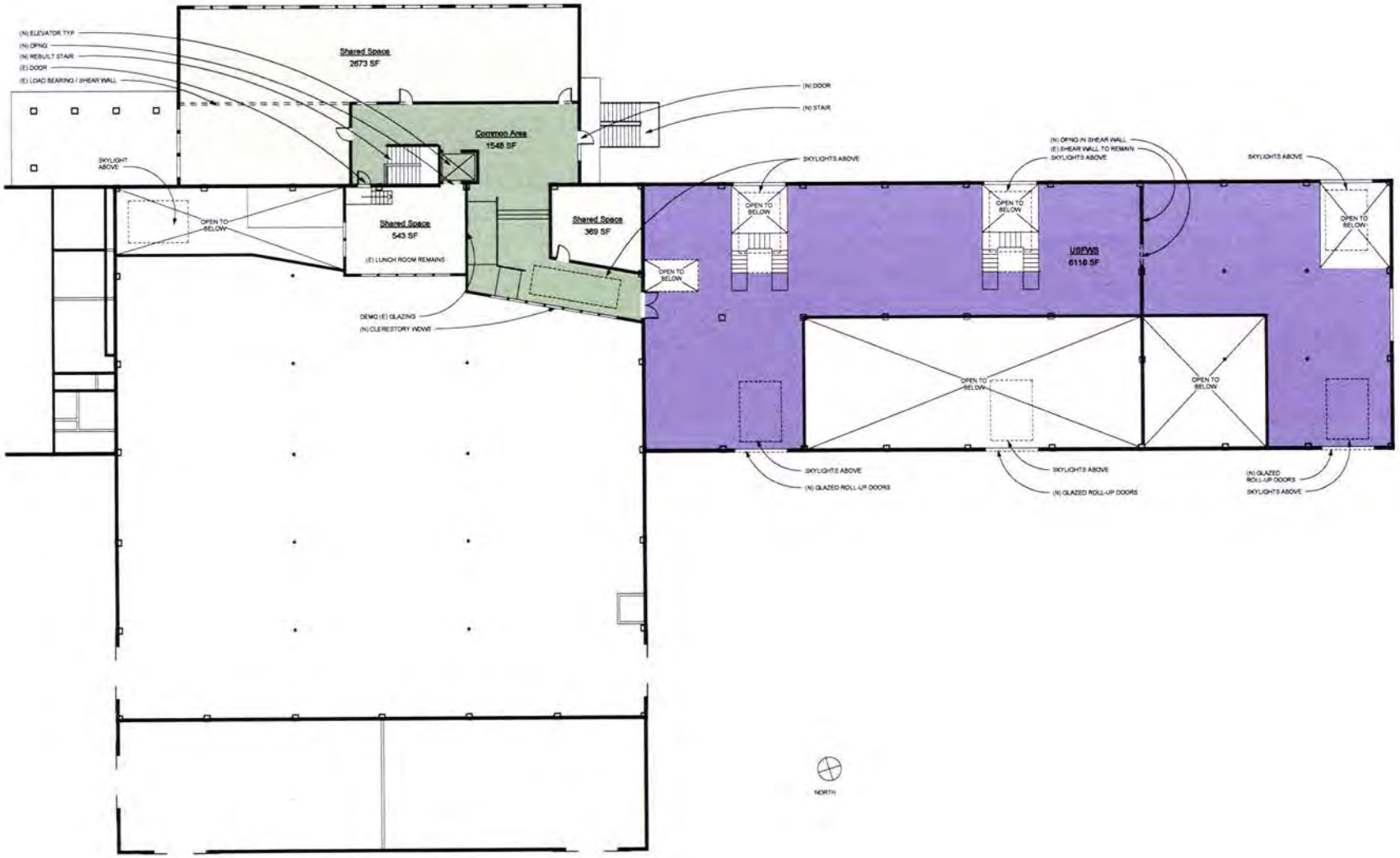


1 MAIN LEVEL
3/32" = 1'-0"

HSU SAMOA
11 FEBRUARY 2015

OPTION 2 MAIN LVL
SCALE: 3/32" = 1'-0"

SUAREZ-KUEHNE ARCHITECTURE



1 SECOND FLOOR PLAN
3/32" = 1'-0"

20 of 20

HSU SAMOA
11 FEBRUARY 2015

OPTION 2 SECOND LVL
SCALE: 3/32" = 1'-0"

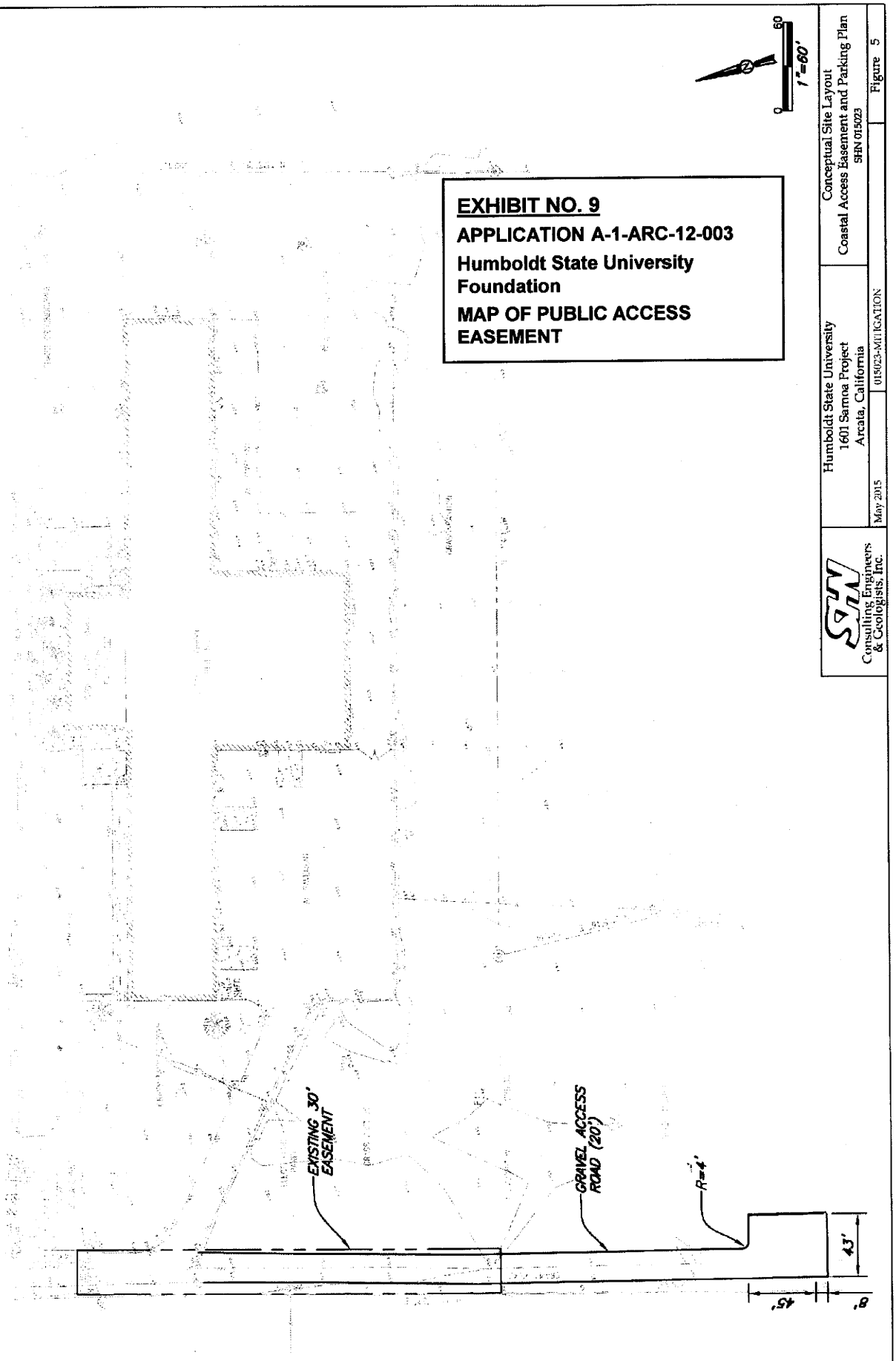
SUAREZ-KUEHNE ARCHITECTURE

EXHIBIT NO. 9

APPLICATION A-1-ARC-12-003

Humboldt State University Foundation

MAP OF PUBLIC ACCESS EASEMENT



Humboldt State University
1601 Samna Project
Arcata, California

May 2015 | 015023-MITIGATION

Conceptual Site Layout
Coastal Access Easement and Parking Plan
SHN 015023

Figure 5

SHN Consulting Engineers & Geologists, Inc.

City of ARCATA

City Manager	Environmental Services	Police	Recreation
(707) 822-5953	822-8184	822-2428	822-7091
Community Development	**Finance**	**Public Works**	**Transportation**
822-5955	822-5951	822-5957	822-3775

736 F Street
Arcata, CA 95521

May 20, 2015

Cristin Kenyon, Coastal Planner
California Coastal Commission – Arcata Office
1385 8th St., Suite 130
Arcata, CA 95521

EXHIBIT NO. 10
APPLICATION NO. A-1-ARC-12-003
Humboldt State Univ. Foundation
CORRESPONDENCE FROM THE CITY OF ARCATA
1 of 3

RE: Humboldt State University Corporation Yard at Samoa Blvd

Dear Ms. Kenyon:

It is our understanding that the California Coastal Commission will be taking action on the Appeal of the Coastal Development Permit 090-037-CDP which was approved by the Arcata Planning Commission on December 13, 2011. The City respectfully requests that the Coastal Commission deny the Appeal and uphold the decision of the Planning Commission. The Commission will find after a detailed review of the public record that the project as approved by the City is consistent with the City's Local Coastal Program and Coastal Act. The Commission will further find that the Action of the Planning Commission is supported by the Findings and Conditions of Approval. After analyzing 6 alternative site layouts, the City's Coastal Development Permit approved alternative F. The City found that of all the alternatives, Alternative F had the least impact on wetlands while providing optimal public safety for both vehicles and pedestrians which would be utilizing the propose new public coastal access trailhead and parking area.

As you are aware, the project includes access improvements for a passive recreational trail and a small parking lot. The new trailhead parking area is on a portion of Humboldt State University's project site that is zoned Coastal Agriculture Exclusive. Access to the public trail system will be from Samoa Boulevard along an existing road. The trail linkage will be from Samoa Blvd to the McDaniel Slough Wetland Enhancement Project area and interconnects into the 5.4 miles of trails that are in the Arcata Marsh and Wildlife Sanctuary trail network. This proposed trail and associated support amenities were required by the Coastal Commission as Special Condition No. 13 for the Coastal Development Permit Application No. 1-06-036, which was approved by the Commission on June 14, 2007. It is important to note that the McDaniel Slough project was on land zone Agricultural Exclusive.

In Section H. Public Access and Coastal Recreational Opportunities Section 2 Consistency Analysis of the Commission's June 14, 2007 Staff Report, the Commission found that the proposed trail and parking lot off Samoa Blvd was consistent with Section 30210, 30211, and 30212 of the Coastal Act:

> "Moreover, the project proposes to provide new, additional public access and coastal recreational opportunities through integrating with the AM&WS's trail system, with trails continuing onto the project site on the crests of the levees to be constructed around the brackish and freshwater ponds, and from the crook in South I Street out along the reclamation bayfront levee to the breach site. In addition, the City has identified and included a trail linkage out to a small parking lot on the south side of Samoa Boulevard near an existing sewer booster pump station to be improved once acquisition of the property through which the trail would

pass has been completed. With construction of this new access support facility and the continued availability of similar facilities within the AM&WS and MRSWA to the east and west, respectively, sufficient parking would exist to accommodate the current level of public use as well as the anticipated increase in use following project completion."

In an effort to meet the Special Condition No. 13 imposed by the Commission, as well as, the City's Local Coastal Program and Bike and Pedestrian Plan, when the property owner between the McDaniel Slough Project and Samoa Blvd came forward with a development project that required a Coastal Development Permit, the City through Condition A-3 and C-5 of Coastal Development Permit 090-037-CDP required the applicant to provide a 30 foot wide public access easement; gravel access road; and coastal access parking as outline in Alternative F. The project, trail, public access road and parking area are supported by the approved Findings.

The City was asked to provide the policies and standards in the City Local Coastal Program that support the development of the proposed trail, public access road and specifically the parking area. The approved Arcata Coastal Land Use Element policies; Coastal Land Use and Development Guide Standards; and California Coastal Act supporting sections are cited below:

Arcata Coastal Land Use Element Policies (CLUE):

IV - Development Constraints

- IV-1. New development shall not restrict access to the shoreline. Access to the coastal areas shall be required for new development.
- IV-8 and Coastal Land Use and Development Guide §1-0207.1 Coastal Agricultural Exclusive (C-AE) zone. Allowed uses within the C-AE zone include, but are not limited to, barns, greenhouses, residential units, creameries, and child care. These uses require the construction of vehicular parking lots on Agricultural Exclusive zoned property.
- IV-11. Indicates *"Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting .....may be permitted in the Agricultural Exclusive zone."*
- IV-14. All land on the western Arcata plain designated Agricultural Exclusive on the Land Use Map shall be identified as Coastal Scenic Areas.

V – Urban Development

- V-5. Designate Samoa Blvd a Public Access Corridor that is properly signed and identified to lead the public to approved Bay access points.

VI – Public Facilities

- VI-8. Establish a system of foot trails along the Arcata Bay shore; (c) motorized vehicles shall be restricted to paved roads and parking lot; (d) pedestrians shall be restricted to designated trails and facilities.

In addition, the following sections of the Coastal Act support the proposed trail:

§30210 encourage maximum public access and recreational opportunities;
§30211 development shall not interfere with access;
§30212.5 encourage the distribution of public access areas.

Policy IV-1. specifies that new development shall not restrict access to the shoreline. This policy in no way restricts public access over Agricultural Exclusive zoned land. The City through Policy V-5 has designated Samoa Blvd a Public Access Corridor, an area that is properly signed and identified to lead the public to approved Bay access points, it is logical that those driving on Samoa Blvd would need a parking area to access the 5.4 miles of coastal trails from this property. Since Policy IV-14. designated all land on the western Arcata

plain as Agricultural Exclusive and the site is located on the western Arcata plain and is designated Agricultural Exclusive it is implied that these agriculturally zoned lands would have public access points and their associated parking areas.

In addition, if an applicant proposed to develop buildings and uses on land designated Agriculture Exclusive that are either principally or conditionally permitted through Policy IV-8 and Coastal Land Use and Development Guide §1-0207, the Coastal Development Permit would require them to construct parking lots and access roads on Agriculture Exclusive zoned land. Similarly, as Policy IV-11. Specifies that *"Private and public non-vehicular recreational activities such as hiking, riding, fishing, hunting .....may be permitted in the Agricultural Exclusive zone."* , these uses may require parking facilities to be constructed in the Agricultural Exclusive zone. There are no policies that prohibit parking lots on Agricultural Exclusive zoned land and there are several policies that authorize development, including public access trails, which would require parking lots to be developed on Agricultural Exclusive zoned land.

In conclusion, the City respectfully requests that the Coastal Commission deny the Appeal and uphold the decision of the Planning Commission. The public record, Findings and Conditions of Approval supports the City's determination that Alternative F is consistent with both the City's Local Coastal Program and Coastal Act. If the Coastal Commission does not deny the appeal, then the City requests that the Commission approve the project with conditions that protects wetlands, maximizes public safety and require public access and the associated parking as required by the Commissions Special Condition 13 of Application No. 1-06-036.

Respectfully,

Larry P. Oetker, Director
City of Arcata – Community Development Department