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Filed:	June 11, 1999
49th Day:	June 30, 1999
180th Day:	December 9, 1999
Date of Extension Request:	December 6, 1999
Length of Extension:	87 days
Final Date for Commission Action:	June 16, 2000
Staff:	Jim Baskin
Staff Report:	May 25, 2000
Hearing Date:	June 16, 2000
Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.:	**1-99-041**
APPLICANT:	**Pacific Affiliates, Inc.**
PROJECT LOCATION:	990 West Waterfront Drive, Eureka, Humboldt County
PROJECT DESCRIPTION:	Placement of shoreline hardening materials along the entire 408' shoreline of Parcel No. 003-062-23 consisting of concrete riprap, 150 lb. minimum size.
LOCAL APPROVALS RECEIVED:	City of Eureka Coastal Development Permit No. CDP-9-99, approved March 31, 2000.
OTHER APPROVALS RECEIVED:	Humboldt Bay Harbor, Recreation, and Conservation District Permit No. 1998-6, approved September 23, 1999. US Army Corps of Engineers CWA §404 Nationwide Permit 13 – Bank Stabilization.
OTHER APPROVALS REQUIRED:	Regional Water Quality Control Board CWA §401 Certification and Stormwater Pollution Prevention Plan approval.
SUBSTANTIVE FILE DOCUMENTS:	City of Eureka Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION

The permit application seeks authorization to place a revetment along the shoreline of Humboldt Bay. However, the proposed revetment is not required to serve a coastal dependent use or protect existing structures or public beaches in danger from erosion. In fact, the upland area that the revetment would protect is currently vacant land with no existing structures. Therefore, approval of the revetment is not required by Section 30235 of the Coastal Act. Accordingly, the major issue raised by the application is whether or not the proposed development is consistent with Coastal Act policies that (a) limit the allowable uses for fill of open coastal waters, wetlands, and estuaries, (b) allow fill for only the least environmentally damaging feasible alternative, and (c) require feasible mitigation measures to address the environmental effects of the project. In addition, the application raises an issue as to whether the revetment as proposed would assure geologic stability. Finally, the application raises an issue as to whether coastal visual resources would be adequately protected.

These issue areas were raised with the applicant during the processing of the application and additional information was requested to assist staff in ascertaining the validity of the identified concerns. The applicant's response to these requests has been to generally contend that the proposed project would not result in environmental damage for which either alternatives or mitigation needs to be considered, because the bay margin along which the revetment would be placed was already covered with fill during the reclamation of Humboldt Bay in the late 1800's.

Consequently, staff believe that the project is inconsistent with the Coastal Act from a variety of perspectives. These include:

- That the proposed shoreline protection fill is not for an allowable use pursuant to Section 30233 and is not required by Section 30235 as fill to protect an existing structure or public beach in danger from erosion;

- That the proposed fill is not the least environmentally damaging feasible alternative as required by Section 30233;

- That the proposed filling in coastal waters although along a degraded stretch of bay shoreline, will adversely affect habitat values and no mitigation measures are proposed for replacement of such habitat areas, inconsistent with Section 30233;

- That no reasonable assurance has been made that the project as designed would not adversely affect the stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area as required by Section 30235; and

- That the resulting physical appearance of the proposed project would not be visually compatible with the character of surrounding areas as required by Section 30251.

Staff believes the Commission cannot make the required findings under Sections 30233, 30235, 30251, and 30253. Therefore, staff recommends DENIAL of the application.

It should be noted, however, that the applicant could feasibly modify the proposed project to make it consistent with all applicable policies of the Coastal Act. If the upland area is developed with truly coastal dependent industrial uses and/or uses fully consistent with the uses identified in Section 30233 of the Coastal Act, the revetment could be authorized if it was an integral component of a use for which it is allowable to place fill. To produce an approvable project, the applicant would also need to redesign the revetment to assure structural stability to enable the Commission to find consistency with Section 30253. The applicant would also need to use quarry rock instead of concrete rubble over the eastern portion of the revetment to ensure visual compatibility with the surrounding area as required by Section 30251. In addition, the applicant would need to demonstrate that there is no feasible less environmentally damaging alternative and would need to provide mitigation for the adverse impacts of the project on intertidal habitat as required under Section 30233(a).

STAFF NOTES

1. Jurisdiction and Standard of Review

The proposed revetment project is located in tidelands within the Coastal Commission's area of original or retained jurisdiction. Therefore, the standard of review is the applicable Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION

Motion:

I move that the Commission approve Coastal Development Permit No. 1-99-041 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Deny Permit:

The Commission hereby **denies** a coastal development permit for the proposed development on the ground that the development will not conform to the policies of Chapter 3 of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. FINDINGS AND DECLARATIONS.

A. Site Description.

The proposed project site is located approximately ¼ mile west of Highway 101 along the margins of Humboldt Bay within the City of Eureka's Westside Industrial Area. The project site consists of a cleared vacant lot located between the Schneider Intermodal Facility, a commercial pier and berthing dock complex, and the City of Eureka's Dock "B" commercial fishing pier. The project site is within the area of the Commission's retained permit jurisdiction and is not governed by a certified LCP. Under the City of Eureka's Local Coastal Program (LCP), the surrounding properties have a "Coastal Dependent Industrial" (CDI) land use designation, implemented through the City's "Coastal Dependent Industrial" (MC) zoning standards. Offshore areas to the north of the project site are zoned "Water Dependent" (WD).

The project site lies along an approximately ½-mile-wide constriction of Humboldt Bay along the west side of the City of Eureka. This stretch of the bay waterfront was significantly altered during the late 1800's / early 1900's when a variety of waste materials were pushed into the bay as part of an area reclamation effort. A four to five-foot depth of fill comprised of earthen materials, woody debris, metal scrap, and demolition debris is currently in place at the site. These materials appear to be highly erodable, as they currently form a near vertical bank at the bay edge.

Vegetation at the site is sparse, consisting primarily of herbaceous and ruderal weedy species, including sweet vernal grass (Anthoxanthum odoratum), white clover (Trifolium repens), English plantain (Plantago lanceolata), pineapple weed (Chamomilla sauveolens), pearly everlasting (Anaphalis margaritacea), coyotebrush (Bacharis pilularis), Himalaya blackberry (Rubus spactablis), Scotch broom (Cytisus scoparius), and pampas grass (Cortaderia selloana). The shoreline of the subject property is sparsely covered with a variety of vegetation typically found within an intertidal or wrack zone, including rockweed (Fucus distichus), little rockweed (Pelvetiopsis limitata), and sea lettuce (Ulva lactuca). Established eelgrass (Zostera marina) beds lie within tidal areas parallel to the shoreline approximately ten feet from the toe of the proposed fill slope.

B. Project Description.

The proposed development consists of the development of an approximately 400-ft.-long rock slope protection revetment to protect the vacant site from continued erosion by wave and tidal actions on Humboldt Bay. The applicant proposes to construct the revetment with approximately 367 cubic yards of 150-lb.-minimum recycled concrete block riprap, free of earthen debris or reinforcement bar ("rebar"). The applicant proposes to place these materials directly along the existing shoreline and upper intertidal zone, at an elevation of +5.9′ and +11.9′ Mean Low Low Water (MLLW). The materials would be placed with a backhoe loader operated from the bank top. Preparatory grading for either grubbing the bluff edge or excavating the slope toe for "key-stoning" the materials into the bay muds is stated in the application as being neither necessary or desirable given the uncertain composition and frailty of underlying bank materials. No provisions for using geo-textile fabric lining beneath the riprap --- a practice common to contemporary shoreline hardening projects to prevent undermining --- were detailed in the application.

The applicant did not include a wetlands mitigation plan for the project and concludes instead that mitigation is not necessary. The applicant asserts that the materials along the bay margin abutting the property onto which the revetment would be placed comprise eroded historic fill materials without appreciable habitat value.

C. Development Within the City of Eureka Coastal Jurisdiction.

The application before the Commission was submitted concurrently with the submittal of a coastal development permit application to the City of Eureka. The application before the City was for development on the inland portion of the subject property within the City's coastal development permit jurisdiction. In addition to permitting the placement of those portions of the rock slope protection revetment above the high water line, the application before the City sought authorization for construction of a 6,784-square-foot office building, including a 2,000-square-foot garage, and 664-square-foot caretaker's quarters. No specific occupant uses for these improvements were identified in the application to the City. Instead a list of intended and potential tenant uses were provided (see Findings Section IV.E.1). Consequently, the City processed the application as a program for the general development of a waterfront industrial site for which subsequent review of specific tenant development proposals would be required.

On March 31, 2000, the City of Eureka conditionally approved Coastal Development Permit No. CDP-9-99 for the requested site improvements above the high water line. The permit conditions incorporated numerous operational parameters and mitigation measures for the development, including limiting site tenant activities to uses identified within the MC zoning district standards, plan review provisions for evaluating the coastal-dependency and zoning consistency of future specified tenant uses, specifications for revetment materials along portions of the property visible from adjacent public access and recreational areas, shielding of outdoor lighting, and measures to contain and direct

stormwater runoff to existing municipal stormdrain works. The approved project was not appealed to the Commission.

D. Coastal Act Provisions for Filling, Dredging, or Diking of Coastal Waters

The Coastal Act defines fill as including *"...earth or any other substance or material ... placed in a submerged area."* The proposed project includes the placement of rock slope protection fill in coastal waters and in an estuary. The revetment materials would be placed within intertidal areas of Humboldt Bay. The total area of fill proposed in coastal waters is 4,848 square feet.

Several sections of the Coastal Act address the placement of fill within coastal waters and the construction of revetments and similar shoreline structures. Section 30231 provides in applicable part that:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes... shall be maintained and, where feasible restored...*

Section 30233 provides as follows, in applicable part:

> *(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 in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
>
> *(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.*

(4) 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.

(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.

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

(7) Restoration purposes.

(8) 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. [emphases added]

Section 30235 provides, in applicable part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local sand supply. [emphases added]

As discussed in the Project Description Finding section, the applicant believes the bay shoreline at the project site does not constitute mudflat or wetlands that are subject to the requirements of Section 30233, especially the requirement that feasible mitigation measures be provided for any filling project. The applicant has asserted that the materials along the shoreline are not intertidal mudflat wetlands as they are composed of erosion-borne debris from reclamation fill previously placed into the bay over the last century. The applicant states that the sloped profile of these materials is indicative of their man-made origin as contrasted with the flatter gradient of mudflats formed by natural processes. Notwithstanding their intertidal location, the applicant perceives the materials onto which the revetment would be placed as fill overlying reclaimed mudflat that is not wetlands. Accordingly, the applicant concludes that replacement mitigation is not indicated for the project and that the project is not subject to review under 30233.

In response to the applicant's assertion that the bay shoreline abutting the property does not constitute wetlands for which the mitigation requirements of Section 30233 would apply, a review of pertinent definitions in the Coastal Act and its implementing regulation as well as determinations regarding wetlands at the site and in general is an appropriate starting point.

First, provisions of Coastal Act Section 30233, including its mitigation requirements, would still apply to the project whether or not the site is characterized as "wetland." The section does not just apply to wetlands, but also to open coastal waters, estuaries, and lakes. Dredging, filling or diking within any of these areas are subject to the requirements of Section 30233. The shoreline along the project site is certainly part of the Humboldt Bay estuary and given its location along the open bay can also be considered an open coastal water. Therefore, Section 30233 applies to the proposed fill project whether or not the site is characterized as a wetland.

With regard to whether the area is also a wetland, Section 30121 of the Coastal Act defines "wetlands" as: "*lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.*" (emphasis added) Thus, mudflats are specifically referenced within the Coastal Act definition. In addition, the shoreline materials lie at an elevation of approximately +5.9′ relative to the "Mean Low Low Water" (MLLW) datum, within the estimated tidal range of +6.39′ to +1.23′ MLLW. As such, the area is subject to periodic covering by shallow water during high tide cycles consistent with Section 30121.

The subject area also qulaifies as a wetland under the definition found in the Commission's administrative regulations. Section 13577(b) of the California Code of Regulations defines wetlands as follows:

> *Wetlands are lands where the water table is at, 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 in surface water levels, wave action, water flow, turbidity or high concentration of salt or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each years and their location within, or adjacent to, vegetated wetlands or deep water habitats* (emphases added).

The regulations specifically include wetlands where vegetation is lacking and soil poorly developed as a result of fluctuations in surface water levels and other substances in the water. Thus, the fact that the wetlands contain erosion-borne debris does not preclude the Commission finding that the area is a wetland under Sections 30121 and 13557.

In addition, under the regulations, these types of wetlands are recognizable by the presence of surface water or saturated substrata and their location adjacent to vegetated wetlands. As discussed under the preceding finding section, supporting documentation submitted with the application included biological reports for development projects adjacent to the project site, including: Amendment to the Environmental Assessment for the City of Eureka Dock 'B' Access Project, OCS Project 'C' (Rising Sun Enterprises, March 1989), Biological Resources Investigation, Dock A, Eureka, California (Karen Theiss and Associates, August, 1993), Biological Investigation Dock A, AP#003-062-25 Eureka, California (Karen Theiss and Associates, April, 1996), and Report by M.J. Boyd to Rising Sun Enterprises on Biological Impacts of Project Development at the "B" Dock Waterfront Site, Eureka, CA (May, 1988). All of these reports acknowledged the presence of intertidal wetlands at the bay margin of the adjoining properties on either side of the project site and addressed provisions for replacement mitigation. Thus, the environmental studies provided by the applicant do not support the proposition that the project site's shoreline is not wetlands.

Accordingly, the proposed fill area meets the definition of wetlands under the Coastal Act and its administrative regulations. Moreover, as discussed above, the site is subject to the limitations of Section 30233 because the proposed revetment would fill estuaries or open coastal waters.

The policies of Section 30231, 30233, and 30235 of the Coastal Act set forth a number of different limitations on what types of shoreline protection fill projects may be allowed in wetlands and coastal waters. For analysis purposes, the limitations applicable to the subject project can be grouped into five general categories or tests. These tests are:

1. The purpose of the fill is either for one of the eight uses allowed under Section 30233, or consistent with Section 30235, is required to serve coastal dependent uses or to protect existing structures or public beaches in danger from erosion; and

2. The project has no feasible less environmentally damaging alternative; and

3. Feasible mitigation measures are provided to minimize the adverse impacts of the proposed project on habitat values; and

4. Habitat values are maintained and enhanced; and

5. The project is designed to eliminate or mitigate adverse impacts on local sand supply.

1. Permissible Use for Fill

The first general limitation set forth by the above-referenced Chapter 3 policies is that any proposed fill can only be allowed for certain limited uses. These uses include any of the eight kinds of uses specified in Section 30233(a). Alternatively, a shoreline revetment fill project must be approved pursuant to Section 30235 of the Coastal Act if the revetment is required to serve coastal dependent uses, or to protect existing structure or public beaches in danger from erosion.

The proposed shoreline revetment is not necessary to serve coastal-dependent uses, to protect existing structures, or to protect public beaches in danger from erosion. As discussed below, the revetment would not serve a coastal dependent use. Furthermore, there are no existing structures on the site to protect and the revetment would not serve to protect any public beach. Therefore, the Commission finds that the approval of the proposed revetment is not required by Section 30235.

In addition, it is not possible for the Commission to determine that the proposed fill would be placed as part of a use allowable under Section 30233(a). As noted above, the upland area that the revetment would protect is currently vacant land with no existing structures. Thus, the proposed revetment cannot be viewed as an integral component of any allowable Section 30233 use.

The applicant, while having secured a generalized permit from the City of Eureka, has not identified to what specific uses the adjacent vacant land would be put. In conditioning the project, the City limited subsequent development of the adjacent site to the following list of categorical uses:

- Boat repair and shipbuilding;
- Commercial fishing facilities;
- Marine services;
- OCS service bases;
- Seafood processing;
- Water borne carrier import and export facilities;
- Access support facilities;
- Ice and cold storage facilities; and
- Warehouses serving permitted uses.

Thus, under the City of Eureka's coastal development permit, the uses allowed on the area upland from the proposed revetment are not limited to or directly correlate with the eight uses allowed under Section 30233(a). The closest allowable Section 30233 use to the City's permissible uses for the adjacent site would be "coastal dependent industrial facilities," pursuant to Section 30233(a)(1). However, Section 30101 of the Coastal Act defines "coastal dependent development or use as: "*...any development or use which requires a site on, or adjacent to, the sea to be able to function at all.*" Although marine services, seafood processing, and ice and cold storage facilities are arguably "coastal related" for which proximity to the coast is desirable, they are not coastal dependent

because they do not specifically require direct waterfront locations in order to be conducted.

For example, an ice factory that makes block and party ice would qualify as an ice and cold storage facility, yet it makes a product that is used mainly for purposes other than shipping and commercial fishing and to the extent that the products are used for shipping and commercial fishing, the manufacturer could reasonably truck the product to the harbor with minimal loss or spoilage. The ice plant itself would not have to be located on the waterfront to function.

In addition, stores that sell boat supplies might qualify as "marine services" under the City's criteria, yet such stores do not have to be on or adjacent to the sea to function. Many such stores are located well away from the shoreline and even outside the coastal zone (i.e., Humboldt Boat Company in the Alliance area of north Arcata). The commercial sales use that is conducted at such an establishment does not need to be on the water even though the products that they sell are often used in the water.

Accordingly, as presently conditioned under the City of Eureka's coastal development permit, future site development may proceed in a manner that does not include any of the uses that are listed in Section 30233 for which filling of coastal waters may be authorized. Thus, the Commission cannot find that the revetment would be an integral component of an allowable use for fill under Section 30233(a). Therefore, the Commission finds that the proposed revetment does not meet the requirement of Coastal Act Section 30233 for permissible uses for fill of coastal waters, wetlands, and estuaries and is not required to be approved by the Commission pursuant to Section 30235 of the Coastal Act.

No further analysis of the proposed project is required to find the development inconsistent with Section 30233 of the Coastal Act. However, the Commission notes that even if the proposed futures uses of the adjacent site met the test for permissible uses for fill set out above and the proposed revetment was an integral component of that allowable use, it has not been adequately demonstrated that other tests for compliance with the fill polices of the Coastal Act have been met, as discussed below.

2. Alternatives

Coastal Act Section 30233 does not allow the filling coastal waters if there is a feasible, less environmentally damaging alternative to the project. Alternatives to the project as proposed must be considered before a finding can be made that the proposed fill is the least environmentally damaging feasible alternative. Potentially feasible less environmentally damaging alternatives identified and considered by staff include: (a) the "no project" alternative; (b) other hardening alternatives such as sheetpile bulkhead, (c) placing the revetment atop graded-back bank materials, and (d) redesigning the site improvements to alleviate the need for a shoreline revetment.

No Project Alternative.

The objective for installing the revetment is to protect the site and its future improvements from further erosional losses along the bay shoreline from wave and tidal forces. The no project alternative is feasible because the project site is not currently developed and work under the recently issued City coastal development permit has not commenced. Further, while in close proximity to the eroding shoreline, the adjacent City-authorized site improvements do not require the revetment to be in place in order for site construction to commence. Accordingly, other than for preventing further landward erosion of the site, there is no need to erect the rock slope protection for the protection of existing structures. The "no project" alternative is therefore a feasible less environmentally damaging alternative.

Substituting Sheetpile Bulkhead or Seawall for Rock Slope Protection.

The applicant considered other shoreline protection devices, including the use of a seawall or sheetpile bulkhead. Due to their vertical orientation, seawalls and sheetpile bulkhead have smaller structural projection and displace a smaller area of mudflat. The applicant concluded that, given the current vacant nature of the parcel, the use of these more expensive options would not be economically feasible for the present owner. Accordingly, this alternative was not pursued further.

The applicant's reasoning is apparently based upon the present unimproved state of the site and did not apparently take into consideration the potential of the property at full development as authorized under the City's permit. In that context, the increased costs of a seawall or bulkhead may be amortized and incrementally offset by the leasing and rental revenues received from site tenants. As the applicant did not analyze this option, the Commission cannot reasonably conclude that these other shoreline protection designs would not be either feasible or environmentally less damaging alternatives as compared to the proposed rock slope protection.

Placing Rock Slope Protection atop a Graded-Back Shoreline

Another possible alternative identified by staff involves minimizing the covering of intertidal areas by placing the rock slope protection materials along the bank after it has been graded back at an angle away from Humboldt Bay. In this way, the riprap would be limited to covering materials currently above or inland of tidal areas and would be less environmentally damaging.

As the applicant has not provided further alternatives analysis as was requested by staff, the viability of this option has not been determined. In the absence of such analysis, the Commission cannot reasonably conclude that this alternative is either infeasible or environmentally more damaging than the proposed mudflat location for placing the riprap.

Redesigning Site Improvements

Another alternative involves the possible redesigning of the adjacent upland development in such a way as to provide an appropriate shoreline setback such that the need for a revetment is avoided. This alternative would clearly be less environmentally damaging since no fill would be required, and the relatively large acreage available on the project site indicates it be a feasible alternative.

Information within the submitted application suggests a shoreline retreat rate on the order of .5 to 1.5 foot per year. Based on a 75-year economic life for the structures to be placed on the adjacent property, this translates to a needed setback of 38 to 112 feet. Such a setback would still leave approximately 90-80% of the upland area available for development. Although such a redesign would require an amendment of the City's coastal development permit, a redesigned project to accommodate a shoreline setback could feasibly be approved consistent with the City's certified LCP.

Conclusion

As discussed above, the applicant has not demonstrated that alternatives to the proposed project, including (a) the use of sheetpile bulkhead or constructing a vertical seawall; or (b) relocating the revetment landward out of the mudflat areas would be infeasible or would be more environmentally damaging. Moreover, the no project alternative and the redesign of adjacent site improvements alternative are feasible, less environmentally damaging alternatives. Therefore, the Commission finds that the proposed development is not consistent with the requirement of Section 30233 of the Coastal Act that no fill project be approved if there is a feasible less environmentally damaging alternative.

3. Adequate Mitigation Measures

The third general limitation set forth by the above-referenced Chapter 3 policies is that adequate mitigation measures to minimize the adverse impacts of the proposed project on habitat values has been provided. The proposed rock slope protection would cover approximately 4,848 square feet of intertidal wetland, therefore eliminating the habitat value of this mudflat area. As discussed in Findings Section IV. E above, the applicant has not included a mitigation proposal as part of the application, contending that the area under which the revetment would be placed is not a mudflat with appreciable habitat value as the slope protection materials would be placed on top of non-native materials (coarse gravel, cobble, and other debris that have eroded from the bank and cover any mudflats that previously existed).

The applicant states:

- With regard to wetlands and mudflats being filled over, we will not be placing fill on existing mudflats. The slope protection will be placed on

top of non-native materials (coarse gravel, cobble, and other debris) that have been eroded from the bank and which have already covered any mudflats that existed previously. Sheet #7 from the submitted permit application shows an approximate 10 to 40 foot losses (*sic*) in bank over the last thirty years. A 12-foot wide section of concrete riprap will be placed where the bank used to be preventing further upland erosion and continued covering and degradation of the bay mudflats. The hardening of the shoreline will ultimately benefit the mudflats and allow natural reclamation. Natural reclamation will occur as fine sediment contained in tidal water deposits itself over the present cobble substrate.

In subsequent responses to staff inquiries, the applicant further elaborated on their perspective that the habitat values of the shoreline area did not warrant mitigation and that the project would enhance coastal waters, observing:

- Although the bottom sediments are moderately soft, this area would not be characterized as "mudflats" due to the moderate slope caused by the deposition of bank materials over previous tidal mudflats as a result of erosion/recession of the shoreline bank fill.

- The project will arrest further bank erosion and associated deposition of materials onto the mudflat portion of the lower tidal zone.

- There will likely be depositional changes in the wrack/upper tidal zone proximal to the project due to bank stabilization but they will be very slow, likely being on the order of decades. Thus, post-project monitoring is not indicated, nor is it proposed.

- The project also proposes to remove unsuitable debris, including scrap metal items from the upper tidal zone, incorporate concrete debris suitable for inclusion in the proposed riprap into that structure, and relocate other hard substrate (debris) from the lower wrack zone into the upper wrack zone.

- The scope and nature of this project would not result in any significant changes to the wrack zone/upper tidal zone as the project changes are limited to the addition of hard substrate and the minor conversion of semi-exposed upper wrack zone, for which mitigation would not appear to be necessary.

The application did not, however, include any survey of existing species at the shoreline of the project site to support the proposition that the area has no habitat value. On the contrary, the applicant submitted biological surveys from adjoining areas that did document that various species do inhabit this shoreline area. All of these reports

acknowledged the presence of intertidal value of varying significance at the bay margin of the adjoining properties on either side of the project site and/or addressed provisions for replacement mitigation. Relevant excerpts from these reports include as follows:

> The intertidal sampling indicates that the project area present supports a diverse and productive benthic fauna, with polychaete worms numerically dominating the standing crop of organisms. The upper intertidal sample sites were relatively less productive than either the lower or middle intertidal zones, possibly due to wave action, coarse substrate, and desiccation and avian predation during low tide. Comparison with other recent studies of intertidal fauna at nearby sites within Humboldt Bay suggests that productivity in the [Dock 'A'] project area is intermediate between the relatively poor conditions observed at the Louisiana Pacific dock near Samoa (KTA 1993) and the highly productivity noted in similar intertidal mudflat habitat near Fields Landing. - Biological Resources Investigation, Dock A, Eureka, California, p. 5 (Karen Theiss and Associates, August, 1993)
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> Algae was sparse in the rocky intertidal area, providing <10% total cover. Species observed include sea lettuce (Ulva lactuca - <5%). Little rockweed (Pelvetiopsis limitata - <5%), and rockweed (Fucus distichus – 5%)... Rocky intertidal vegetation and wildlife will be eliminated and/or displaced by the reinforcement of the existing rock slope, but may recolonize the area over a period of time after the project is completed. The overall rocky intertidal habitat value is expected to decline due to the reconstruction of the rocky slope, and the increase in human activity on the parcel. In addition, indirect impacts that would further degrade the habitat value include stormwater runoff and debris deposition into the rocky intertidal area.
>
> The project area has been utilized in the past for industrial purposes, and has been affected by human activity for an extended period of time. The direct effects of the previously listed impacts will be relatively minimal due to the already disturbed nature of the area. - Biological Investigation Dock A, AP#003-062-25 Eureka, California, pp. 2-3, (Karen Theiss and Associates, April, 1996)

The rock slope protection would be installed within intertidal habitat that, although degraded by the presence of waste and construction debris, supports a variety of benthic organisms. In addition to the sparse estuarine vegetation covered, typical intertidal fauna that would be affected by the installation of the rock slope protection include: bivalve molluscs, burrowing worms, limpets, and shore crabs. In addition, the placement of riprap would also reduce shorebird foraging opportunities in the project area.

Regardless of the degraded status of these and other waterfront sites along central Humboldt Bay, the development projects authorized for these areas have been required to provide a minimum of 1:1 replacement mitigation for the intertidal areas covered by rock slope protection and other improvements. Examples of these projects include:

- Schneider Intermodal Dock "A" (Permit No. 1-93-75), where 5,530 square feet of rock slope protection fill within the intertidal wrack zone and saltmarsh wetlands, and the construction of a 30-ft.-wide concrete vessel launching ramp were mitigated through an in-lieu purchase of $12,442 of Bracut Marsh Mitigation Bank credits at a 3:1 exchange rate, and the transplanting of eelgrass beds affected by the ramp;

- City of Eureka's Small Boat Basin / Wharfinger Building (Permit No. 1-98-28) involving 21,600 square feet of rock slope protection fill of intertidal mudflat, mitigated at an off-site mitigation site at a 1:1 exchange ratio, with an additional 7,900 square feet of eelgrass habitat enhancement provided onsite; and

- City of Eureka's Dock and Boardwalk Revitalization Project (Permit No. 1-99-77), where the filling of approximately 7,115 square feet of mudflat intertidal and saltmarsh habitats by rock slope protection and pilings were required to be mitigated at an offsite mitigation site at exchange ratios of 1:1 and 2:1, respectively.

The proposed project would have significant adverse impacts on estuarine habitat. The project as proposed would result in the net loss of 4,848 square feet of wetland habitat. As discussed above, past projects in the project vicinity involving similar shoreline revetment development have feasibly provided mitigation measures to minimize adverse environmental effects. Therefore the Commission finds that as proposed without any mitigation for the impacts of the project, the project is inconsistent with the requirement of Section 30233 that feasible mitigation measures be provided to minimize adverse environmental effects.

4. Maintenance and Enhancement of Estuarine Habitat Values

The fourth general limitation set by Sections 30231 and 30233(a) on fill projects is that any such proposed project shall maintain and enhance the biological productivity and functional capacity of the habitat, where feasible.

As discussed above, the proposed project does not include a mitigation plan that would both maintain and enhance the biological productivity and functional capacity of Humboldt Bay. As discussed above, the mitigation plan is necessary to ensure that through the creation of in-kind and out-of-kind replacement wetlands, there would be no net loss of intertidal habitat area and habitat value. Without such mitigation, habitat values will not be maintained. Therefore, the Commission finds that the project as

proposed would not maintain the biological productivity and quality of Humboldt Bay, as a loss of 4,848 square feet of intertidal habitat would result. As such, the project is inconsistent with Section 30231 of the Coastal Act. Similarly, in the absence of a program for replacing filled wetland areas, the Commission finds that proposed project would not maintain the functional capacity of the wetlands as required by Section 30233(c).

5. Impact on Local Sand Supply

The proposed rock slope protection will not adversely effect local shoreline sand supply as the structure is sited on an enclosed harbor within Humboldt Bay. No changes in sediment transport for Humboldt Bay should result.

F. Geologic Hazards and New Development

The Coastal Act contains policies to assure that new development provides structural integrity, minimizes risks to life and property in areas of high flood hazard, and does not create or contribute to erosion. Section 30253 of the Coastal Act states in applicable part:

> *New development shall:*
>
> (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.* (emphasis added)

The project as proposed would not assure stability and structural integrity, primarily because the revetment is not engineered with a filter fabric and keyway. The applicant contends such improvements are not needed and placement of the revetment on the shoreline bank "as is" is appropriate as selective removal of material from the bank cannot be accomplished without undue disturbance of the area. It should be noted that the use of geo-textile fabric liners and the keying-in of the base of shoreline protective devices are commonly included in revetment designs. Given the location of the site along the middle reach of Humboldt Bay, wakes from passing freighter and fishing vessels can affect the site. This is further substantiated by the fact that the shoreline has been observed to be eroding at a rate of .5 to 1.5 feet per year, suggesting that an engineered design is needed. Accordingly, regardless of the intent to avoid further disturbance of the shoreline and bank associated with lining and key-stoning the revetment, the Commission finds the project as designed will not assure stability and structural integrity as required by Section 30253(2).

G. Visual Resources

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance, and requires in applicable 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, and to be visually compatible with the character of surrounding areas. Furthermore, in designated highly scenic coastal areas, permitted development must be subordinate to the character of its setting.

The project site is located along the shoreline of Humboldt Bay, between the first public road (Waterfront Drive) and the sea. The project site is partially visible from public coastal access facilities directly to the northeast constructed by the City of Eureka (e.g., Marina Way). In authorizing a coastal development permit for the adjacent site, the City included a condition which required that the applicant place ¼ to ½ ton rock slope protection along the northern 267 feet of the shoreline within the City's jurisdiction in a manner in which coastal scenic resources in the Marina Way area are not substantially damaged.

The revetment as proposed is not consistent with Section 30251 because it would not be visually compatible with the character of surrounding areas. In addition, the proposed revetment would also be visible from the waters of Humboldt Bay, and from selected shoreline sites across Humboldt Bay near the communities of Fairhaven and Samoa. The concrete rubble revetment materials would not match the quarry rock revetment which the City constructed along the Marina Way / Dock "B" area, and would also not be compatible with the City's requirement that the upper part of this revetment be constructed with quarry rock. As presently proposed, the project would result in armoring a reach of Humboldt Bay with a hodge-podge of materials visible from points on and along the ocean and scenic coastal areas. Therefore, the Commission finds that the project is not consistent with the Chapter 3 policies for protecting coastal visual resources.

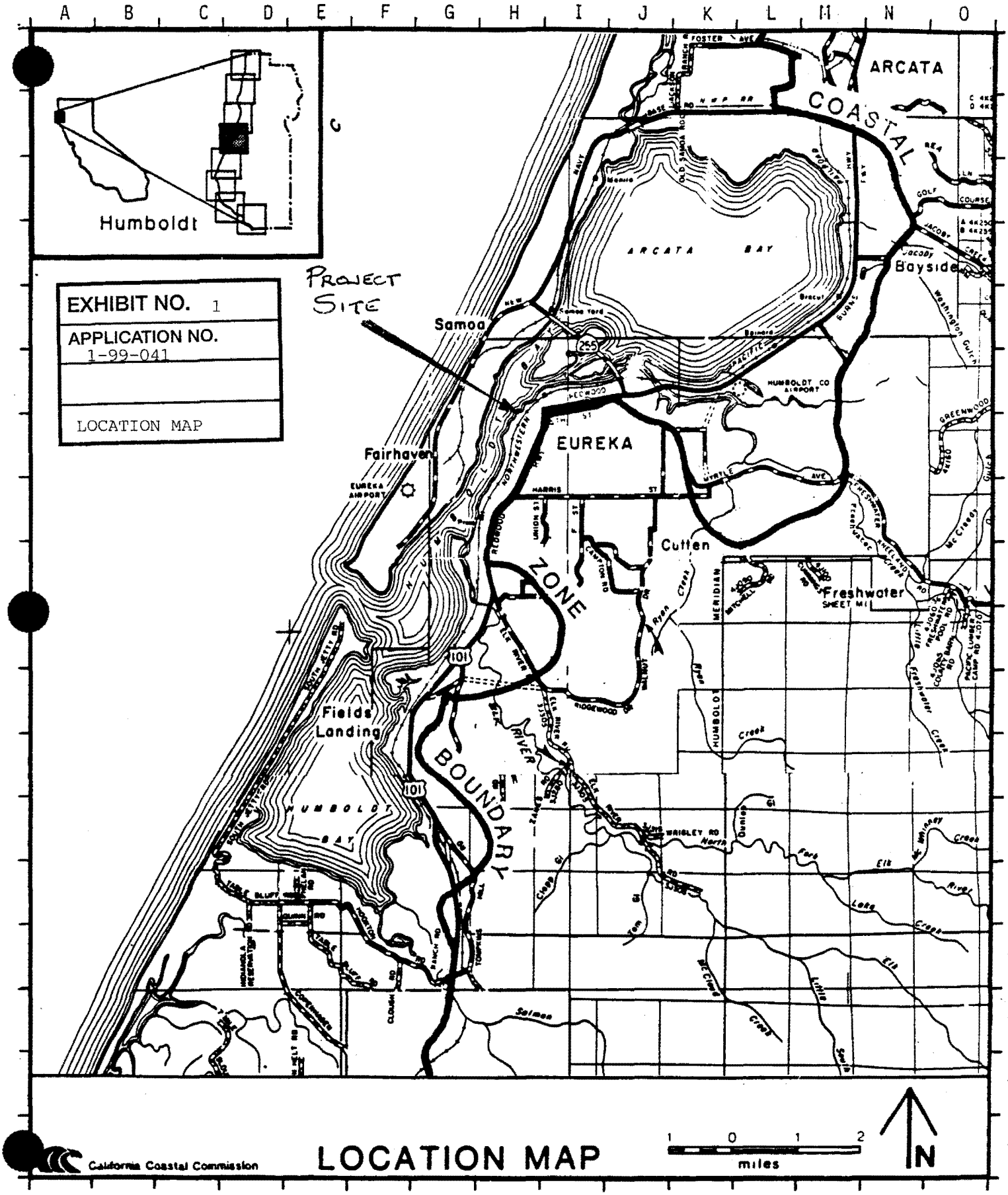
H. California Environmental Quality Act.

Section 13906 of the California Code of Regulation requires Coastal Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Public Resources Code Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse impact that the activity may have on the environment.

The proposed project is not consistent with the policies of the Coastal Act that restrict the filling of coastal waters and wetlands. There are feasible mitigation measures and feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

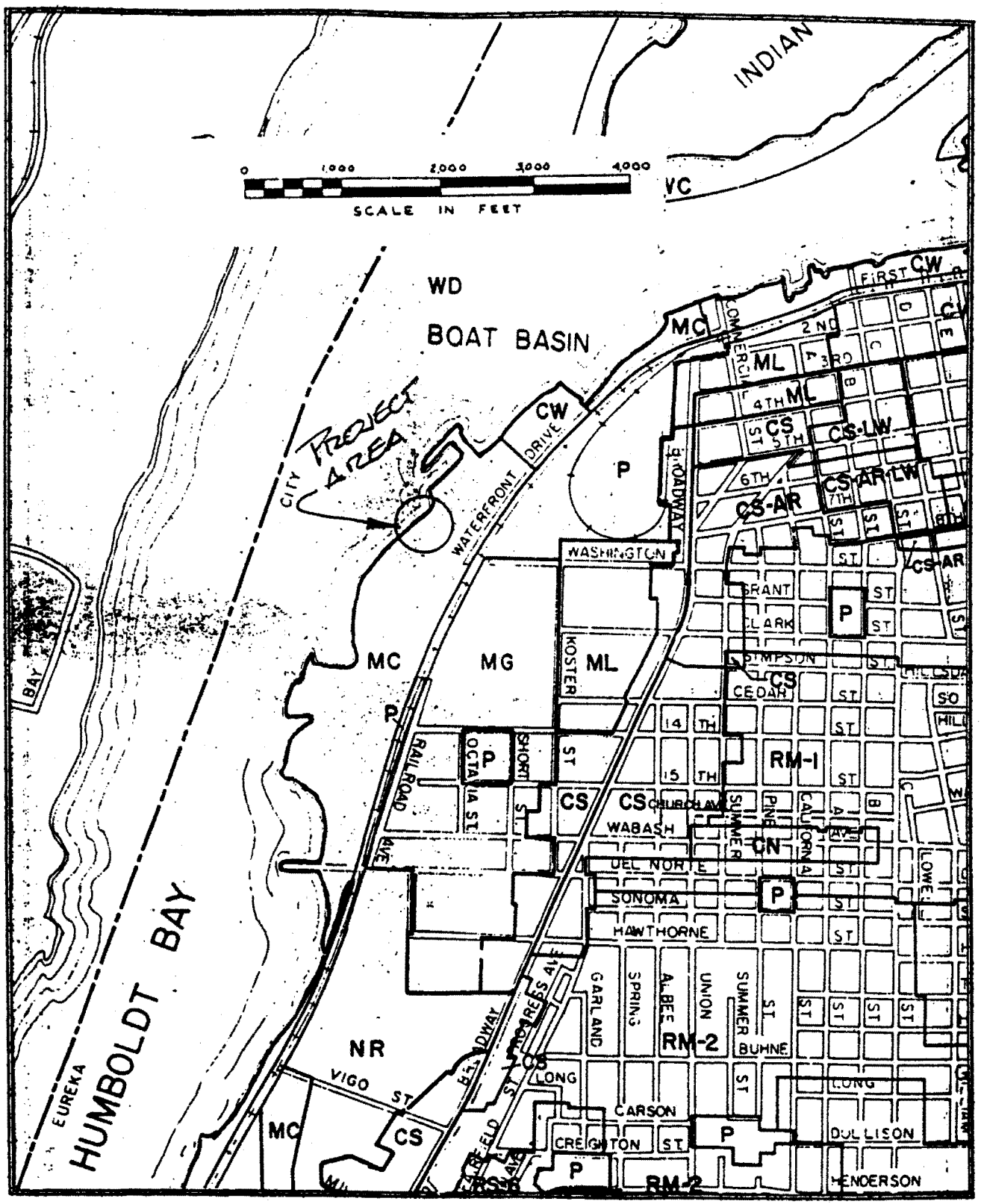
EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Site Plan
4. Typical Cross Section
5. Local Approval – City of Eureka CDP-9-99



County of Humboldt

Sheet 4 of 8



EUREKA GENERAL PLAN / ZONING

Project: Shoreline Hardening APN 005-063-23
Waterfront Drive, Eureka, CA
Humboldt Bay - North Channel

Applicant: David L. Schneider
Datum: mllw

Date:

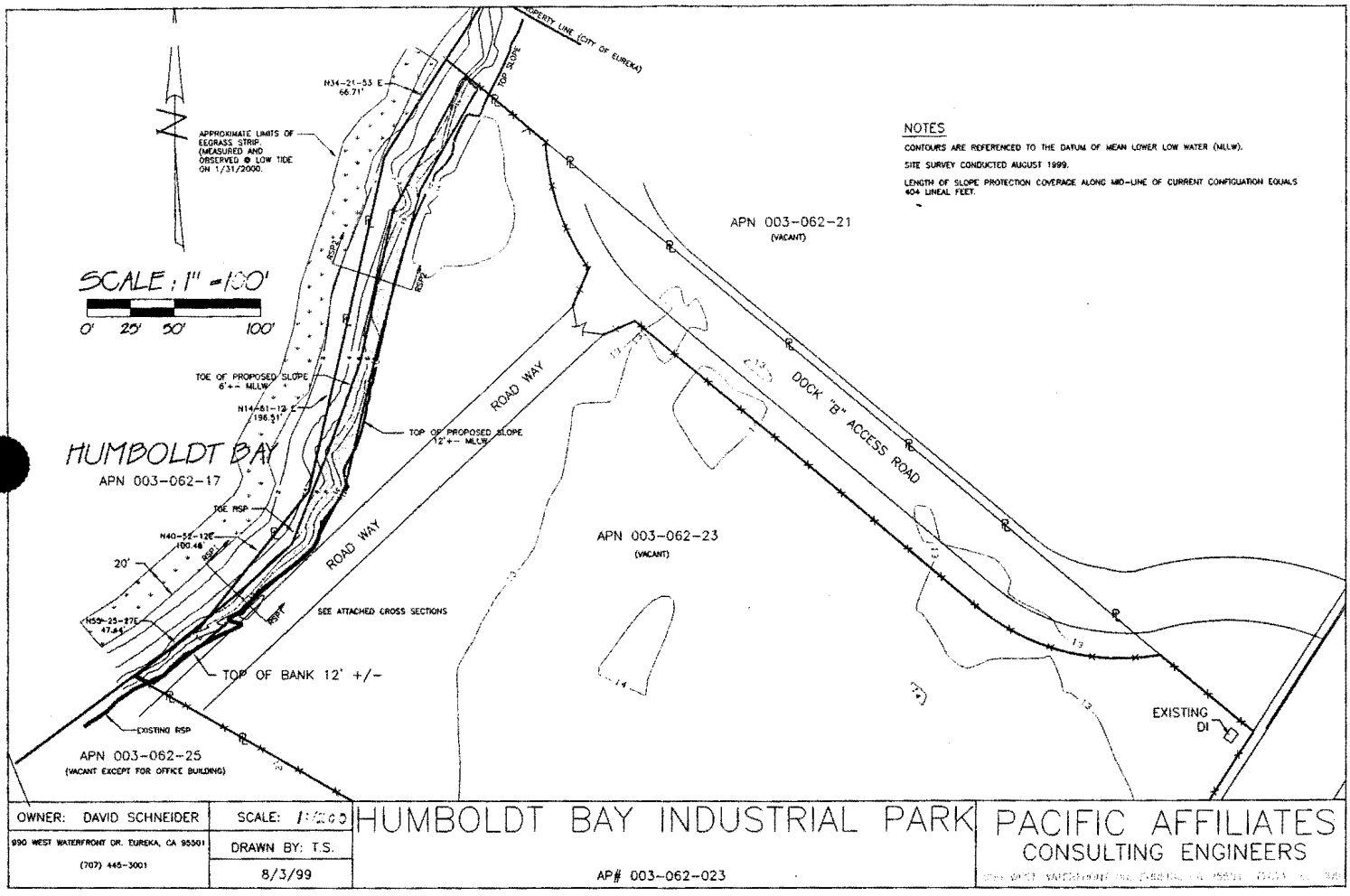
Adjacent Property Owners
Union Oil Co.
David L. Schneider
North Coast Railroad
City of Eureka

Sheet #

EXHIBIT NO. 2

APPLICATION NO. 1-99-041

VICINITY MAP



OWNER: DAVID SCHNEIDER	SCALE: 1" = 100'	HUMBOLDT BAY INDUSTRIAL PARK	PACIFIC AFFILIATES
990 WEST WATERFRONT DR. EUREKA, CA 95501	DRAWN BY: T.S.		CONSULTING ENGINEERS
(707) 445-3001	8/3/99	AP# 003-062-023	

EXHIBIT NO. 3
APPLICATION NO. 1-99-041
SITE MAP

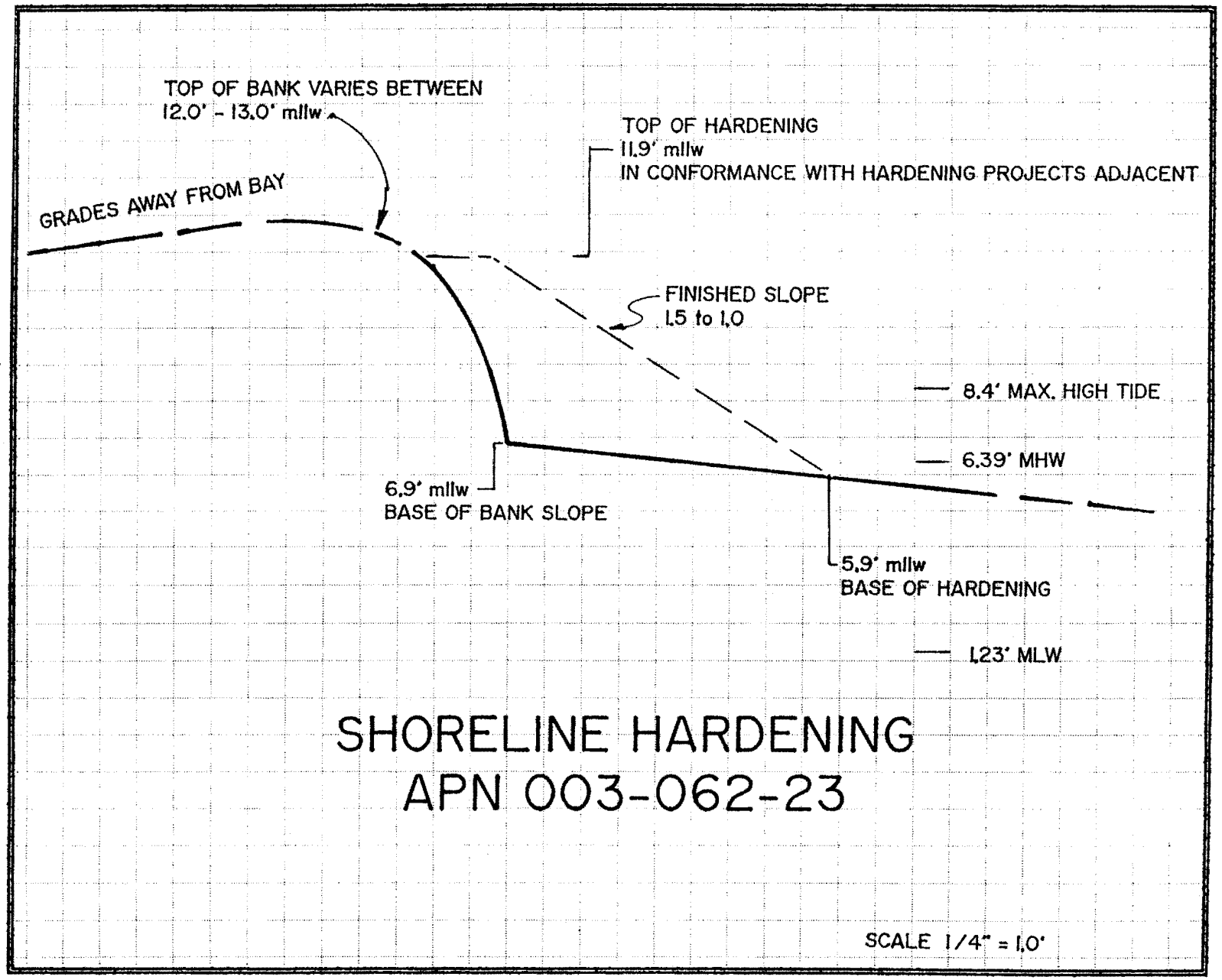
Project: Shoreline Hardening APN 003-062-23
Waterfront Drive, Eureka, CA
Humboldt Bay - North Channel

Applicant: David L. Schneider
Dates: adhv

Date:

Adjacent Property Owners:
Union Oil Co.
David L. Schneider
North Coast Railroad
City of Eureka

TYPICAL CROSS-SECTION



Sheet # of

EXHIBIT NO. 4
APPLICATION NO. 1-99-041
TYPICAL CROSS-SECTION

PLANNING COMMISSION, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. March 13, 2000.

SUBJECT: AGENDA ITEM #E.5: File No. CDP-9-99/C-01-00 - Applicant: David L. Schneider - Project Location: 990 W. Waterfront Drive; APN: 003-062-23. - Project Description: A Conditional Use Permit for the 1) installation of approximately 500 feet of shoreline hardening/rock slope protection; 2) construction of approximately 37,600 square feet of industrial buildings for a coastal dependent industrial park; and 3) construction of an approximately 6,784 square foot office building, including a 2,000 square foot garage and 664 square foot caretaker's quarters - the proposed office was previously approved of the adjacent property to the south.

DISCUSSION: Sidnie Olson summarized the staff report and indicated that this staff report would only include the Conditional Use Permit as the Coastal Development Permit would be heard at a later date. The shoreline hardening/rock slope protection would not be under consideration by the Planning Commission. This is a unique "program" permit process. All Mitigation Items were worked out between the applicant and staff, except Mitigation Measure #4 regarding the oil/water separator. The City has required oil/water separators as mitigation measures for quite some time. During the Project Referral stage, the Regional Water Quality Control Board (RWQCB) responded back to the City stating that oil/water separators were not adequate mitigation measures and they would like another solution to the surface runoff. Upon contacting RWQCB, Ms. Olson was told that the separators are not being maintained properly and for the first heavy rains of the season, a large plume of petroleum product is pushed into the bay, therefore, they would like the runoff to be treated prior to discharge into the bay. The City Water Treatment Facility is not able to filter petroleum based products, nor is it prepared to shoulder the burden of costs. The applicant therefore must come up with an equal or better method of treatment. Ms. Olson recommended that the Conditional Use Permit be approved as outlined in the "Revised" Exhibit A. The applicant would still have to provide a Storm Water Pollution Prevention Plan or other alternative satisfactory to the RWQCB.

Dave Schneider, the applicant, indicated that Pacific Affiliates, as Environmental Engineers would be the first to install oil/water separator if they can get clear guidance. RWQCB does not want oil/water separators as they are not effective in treating runoff. Because water surges through the separators, it does not have time to decant the hydro-carbons, and consequently are ineffective. He would prefer to prepare a Storm Water Pollution Prevention Plan, which is governed by an agency, who can let them know what they would like to use.

Commissioner Shoffner asked if the City would be open to liability if the Commission eliminated Mitigation Measure #4 from the requirements of approval? Sidnie Olson indicated that this would have to be answered by the City Attorney, but she felt that this measure could be replaced with other wording which would save re-noticing of the Negative Declaration.

EXHIBIT NO. 5
APPLICATION NO. 1-99-041
LOCAL AGENCY ACTIONS CITY OF EUREKA
CDP-9-99 (6 pages)

ACTION: Commissioner Shoffner moved, and Commissioner Penfold seconded to adopt the findings for approval and approved the Conditional Use Permit subject to the "Revised" Conditions of Approval (***See "Revised" Exhibit A attached***), with a modification to Mitigation Measure #4, based on the finding that the applicant shall obtain approval of a Storm Water Pollution Prevention Program (SWPP) from the Regional Water Quality Control Board. The applicant shall abide by all terms and conditions of the approved SWPP to the satisfaction of the Regional Water Quality Control Board.

AYES:	**COMMISSIONERS:**	**EDMONDS, KESSLER, PENFOLD, SHOFFNER, SPENCER**
NOES:	**COMMISSIONERS:**	**NONE**
ABSENT:	**COMMISSIONER:**	**NONE**

MOTION PASSED BY A UNANIMOUS VOTE.

I, Kevin R. Hamblin, Executive Secretary of the Planning Commission, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said Planning Commission as it now appears in record in the office of Community Development.

KEVIN R. HAMBLIN

By: Melinda Petersen
Melinda Petersen, Administrative Secretary

KRH:mp
ATTACHMENT: Revised Exhibit A "Conditions of Approval"

REVISED
EXHIBIT A
Conditions of Approval

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

Operational Conditions:

1. The following broad range of uses for the coastal dependent industrial park shall be permitted under this conditional use permit and concurrent coastal development permit (CDP-9-99):
   (1) Boat repair and ship building;
   (2) Commercial fishing facilities;
   (3) Marine services;
   (4) OCS service bases;
   (5) Seafood processing;
   (6) Water borne carrier import and export facilities.
   (7) Access support facilities;
   (8) Ice and cold storage facilities;
   (9) Warehouses serving permitted uses.

2. The applicant, Mr. Schneider, is responsible for assuring that each tenant use within the coastal dependent industrial park is compatible with the conditional use permit and concurrent coastal development permit (CDP-9-99), the coastal act and City Ordinances; that all parking based on the use type is available on-site; and, that all building permits, including the Fire Department's requirements are obtained/met prior to occupancy of any space by any tenant.

Mitigation Measures:

Mitigation Measure No. 1: Beginning from the northern extent of the proposed shoreline hardening/rock slope protection, the applicant shall use 1/4 to 1/2 ton RSP, or similar, to at least ½ way around the inland bend of the shoreline being approximately 267 feet south of the northern property line. The remainder of the shoreline hardening/rock slope protection can be RSP or recycled concrete or other material as approved by the State Coastal Commission.
Timing for Implementation/Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department for the first building ready for occupancy on the project site.
Person/Agency Responsible for Monitoring: City Community Development and Building Departments.
Monitoring Frequency: Review of site plan prior to issuance of building permit, inspection upon completion.
Evidence of Compliance: Shoreline hardening/rock slope protection placed in compliance with condition

Mitigation Measure No. 2: Any and all outdoor lighting shall be designed, directed and/or shielded as necessary to prevent light and/or glare from projecting beyond the property boundary.
Timing for Implementation/Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department for the first building ready for occupancy on the project site
Person/Agency Responsible for Monitoring: City Community Development and Building Departments.
Monitoring Frequency: Review of site plan prior to issuance of building permit, inspection upon completion.
Evidence of Compliance: All lighting is installed in such a manner that no light or glare projects beyond the property boundary.

Mitigation Measure No. 3: The applicant shall direct all surface runoff east of the existing grade break on the property to existing City storm drains on Waterfront Drive, and the applicant shall direct all surface water west of the existing grade break towards the existing drain inlet in the southwest corner of the property. This mitigation measure shall be completed to the satisfaction of the City Public Works Department and the Regional Water Quality Control Board.
Timing for Implementation Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department for the first building ready for occupancy on the project site
Person Agency Responsible for Monitoring: City Public Works Department, Regional Water Quality Control Board.
Monitoring Frequency: Review of site plan prior to issuance of building permit, inspection upon completion.
Evidence of Compliance: All surface runoff drains to inlet as approved by City Public Works Department.

Mitigation Measure No. 4: The applicant shall obtain approval of a Storm Water Pollution Prevention Program (SWPP) from the Regional Water Quality Control Board. And, the applicant shall abide by all terms and conditions of the approved SWPP to the satisfaction of the Regional Water Quality Control Board.
Timing for Implementation/Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department for the first building ready for occupancy on the project site
Person Agency Responsible for Monitoring: Regional Water Quality Control Board, City Public Works Department.
Monitoring Frequency: Approval of SWPP by the Regional Water Quality Control Board.
Evidence of Compliance: Compliance with all terms and conditions.

Mitigation Measure No. 5: In addition to obtaining all required building permits, all uses/tenants proposed for the coastal dependent industrial park relying upon the "program" coastal development permit and not expressly enumerated in Operational Condition No. 1, shall be administratively reviewed and approved by the Community Development Department prior to occupation. This is to assure all uses are in compliance with the provisions and intent of the coastal development permit.
Timing for Implementation/Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department.
Person Agency Responsible for Monitoring: City Community Development.
Monitoring Frequency: Review of site plan prior to issuance of building permit, if one is required and/or upon submittal of approval request by applicant/tenant.
Evidence of Compliance: Proposed use/tenant complies with the regulations of the adopted LCP and the findings of the approved coastal development permit and conditional use permit, and the adopted mitigated negative declaration.

Mitigation Measure No. 6: In addition to obtaining all required building permits, all uses/tenants proposed for the coastal dependent industrial park relying upon the "program" coastal development permit and requiring tenant improvements and/or a change of occupancy pursuant to the Uniform Building Code shall be, at a minimum, administratively reviewed and approved by the Building Department prior to occupation.
Timing for Implementation/Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department.
Person Agency Responsible for Monitoring: City Building Development.
Monitoring Frequency: Review of site plan prior to issuance of building permit, if one is required and/or upon submittal of approval request by applicant/tenant.
Evidence of Compliance: Proposed use/tenant complies with the regulations of the Uniform Building Code

Mitigation Measure No. 7: In addition to obtaining all required building permits, all uses/tenants proposed for the coastal dependent industrial park relying upon the "program" coastal development permit and requiring tenant improvements and/or a change of occupancy pursuant to the Uniform Building Code shall be, at a minimum, administratively reviewed and approved by the Fire Department prior to occupation.
Timing for Implementation Compliance: Prior to issuance of the Certificate of Occupancy by the Building Department.
Person/Agency Responsible for Monitoring: City Fire Development.
Monitoring Frequency: Review of site plan prior to issuance of building permit, if one is required and/or upon submittal of approval request by applicant/tenant.
Evidence of Compliance: Proposed use/tenant complies with the regulations of the Uniform Fire Code

Mitigation Measures incorporated from previously prepared negative declarations:

8. The contractor will limit construction activities to uninundated periods. (SCH# 88120613)

9. The Contractor will follow the California State Pollution regulations in insuring that construction activities will include a design to prevent possible contamination by petroleum products and a plan to dewater excavated spills such that the water quality will not be degraded. (SCH# 88120613)

10. The Contractor will make every effort to protect the adjacent, lower, intertidal sediments and the old pilings, that are not removed, from adverse impacts during project construction. (SCH# 88120613)

11. The recommendations specified in the soils study(Preliminary Soils Report, Case CDP-3-96, July 30, 1996, Pacific Affiliates), or more recent soils study, shall be incorporated into the design of the development and reviewed in conjunction with building permits. (SCH# 96082061)

12. The fill imported to the site shall be clean fill obtained from a source who can verify that it is not contaminated. (SCH# 96082061)

13. Appropriate mitigation measures (such as, sprinkling the site with water during hot windy days) will be conducted. Construction will not take place during days of heavy precipitation. (SCH# 96082061)

14. When pile driving or other activities involving the use of heavy equipment is conducted for the construction of the future site improvements, operators of heavy equipment will use caution and good judgment when approaching areas near the shoreline. During pile driving operation, the operator will keep the work between himself and the bank and proceed to the east, away from the bank to mitigate the potential for bank failure, loss of equipment, or personal injury. (SCH# 96082061)

15. All windows facing Humboldt Bay shall be grey glass to reduce impacts to wildlife, and the window schedule shall be shown on any submitted building plans. (SCH# 96082061)

16. The proposed offices and structures proposed on this parcel may not be changed in use nor be rented or leased in whole or in part to other businesses, but must remain accessory to the coastal dependent use of the parcel. (SCH# 96082061)

17. The finished floor elevation shall not be lower than 12.5 feet City Datum, unless a flood elevation certificate is submitted with the building plans. In no case shall the finished floor be lower than 11.0 feet City Datum. (SCH# 98102025)

18. For each phase of project development, the applicant shall provide adequate paving necessary to facilitate fire truck turnaround. (SCH# 98102025)

19. The applicant shall install a "Knox Box" at all exterior gates to the satisfaction of the Fire and Police Departments. (SCH# 98102025)

20. The applicant shall develop parking as required by the Eureka Municipal Code for each phase of development. (SCH# 98102025)

End Exhibit A