

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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RECORD PACKET COPY

Th 15b

Date Filed: February 4, 2003
49th Day: March 25, 2003
180th Day: August 3, 2003
Staff: Tiffany S. Tauber
Staff Report: April 18, 2003
Hearing Date: May 8, 2003
Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-02-165**

APPLICANT: Phil Ayers – E.G. Ayers Distributing, Inc.

AGENT: Omsberg & Company

PROJECT LOCATION: 5819 South Broadway, in the Spruce Point area south of Eureka, Humboldt County (APN 305-101-28)

PROJECT DESCRIPTION: Demolition of an existing 3,486-square-foot detached accessory building and construction of a 3,600-square-foot accessory building to be attached to an existing warehouse structure and associated landscaping.

GENERAL PLAN DESIGNATION: Commercial General (CG)

PHIL AYERS – E.G. AYERS DISTRIBUTING, INC.

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ZONING DESIGNATION: Commercial General with Coastal Resources
Dependent, Flood Hazards and Wetlands
Combining Zones (CG/C,F,W)

LOCAL APPROVALS RECEIVED: Humboldt County Conditional Use Permit
Modification (CUP-22-97M)

OTHER APPROVALS REQUIRED: None

SUBSTANTIVE FILE DOCUMENTS: (1) Humboldt County Local Coastal Program;
(2) CDP File No. 1-92-180

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends approval with conditions of the coastal development permit application submitted by Phil Ayers of E.G. Ayers Distributing, Inc. for the proposed remodeling of an existing warehouse and food products distribution center including: (1) the demolition of a 3,486-square-foot detached accessory building, (2) construction of a 3,600-square-foot accessory building to be attached to the existing warehouse structure, and (3) associated landscaping at 5819 South Broadway, in the Spruce Point area south of Eureka, Humboldt County. The staff recommended special conditions would ensure the protection of environmentally sensitive habitat and that the development is safe from flood hazards.

The project site is located adjacent to an undeveloped parcel that contains riparian willow and alder vegetation and freshwater marsh habitat. Existing development (i.e. pavement) on the site comes to within approximately 15 feet of the ESHA on the adjoining property. The proposed development would encroach no further upon the ESHA, and the changes to the development on the site resulting from the proposed project would reduce the impacts on the ESHA. The proposed warehouse structure would be set back approximately 9 feet further away from the willow and alder vegetation that borders the freshwater marsh located on the adjacent parcel than the existing warehouse structure proposed to be removed.

To ensure the protection of wetland habitat values, staff recommends Special Condition Nos. 1, 2, 3, and 6. Special Condition No. 1 requires a coastal development permit or a permit amendment for all future development on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to environmentally sensitive habitat. The applicant is proposing to incorporate landscaping

at various locations throughout the site. The landscaping plan submitted with the application does not include any invasive plants that could encroach into the wetland area. To ensure that the landscaping that is actually installed does not include any invasive plants that could encroach into the wetland habitat and displace wetland vegetation, Special Condition No. 2 requires that landscaping be performed consistent with the submitted landscaping plan. Special Condition No. 3 requires that prior to issuance of the coastal development permit, the applicant submit for the review and approval of the Executive Director, a plan for the disposal of construction-related debris to ensure that debris resulting from the demolition of the existing warehouse is properly disposed to prevent debris and pollutants from entering the adjacent wetlands. Special Condition No. 6 requires that a deed restriction be recorded informing future buyers of the property of the special conditions of the permit, including the limitations on the design, future improvement, and use of the southern wall of the development. Such notice to future buyers will better ensure that in the future, the development is not modified or used in a manner that would compromise the wetland buffer.

The primary natural hazard affecting development of the subject property is flooding. The project site is designated in the County's LCP as being within a flood combining zone. To ensure that the proposed development is designed to minimize risks to life and property from flood hazards, staff recommends Special Condition No. 4 that requires the applicant to provide evidence of a Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be at least one foot above the Base Flood Elevation. Staff also recommends Special Condition No. 5 that requires the applicant to acknowledge and assume the risks of flooding to the applicant and the property that is the subject of this permit.

As conditioned, staff believes that the project is fully consistent with the Chapter 3 policies of the Coastal Act.

STAFF NOTES:

1. Standard of Review

The proposed project is located in Humboldt County. Humboldt County has a certified LCP, but the project site that is the subject of Coastal Development Permit No. 1-02-165 is located within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the site is within the Commission's retained jurisdiction and the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-02-165 pursuant to the staff recommendation.

Staff Recommendation of Approval:

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

Resolution to Approve the Permit:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because 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.

II. STANDARD CONDITIONS: See Attachment A.

III. SPECIAL CONDITIONS:

1. Future Development Restriction

This permit is only for the development described in coastal development permit No. 1-02-165. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the development governed by the coastal development permit No. 1-02-165. Accordingly, any future improvements to the structure authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections

13252(a)-(b), shall require an amendment to Permit No. 1-02-165 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. Landscaping Plan

- A. The permittee shall undertake development in accordance with the landscaping plan submitted with the application entitled "*Landscape Plan for E.G. Ayers Distributing, Inc.*" prepared by Omsberg & Company and dated October 11, 2002. No invasive exotic plant species shall be substituted for the non-invasive plant species depicted in the plan.
- B. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Debris Disposal Plan

- A. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director a plan for the disposal of construction-related debris. The plan shall describe the manner by which the material will be removed from the site and identify all debris disposal sites that will be utilized. The plan shall demonstrate that all disposal sites are in upland areas where construction-related debris from the project may be lawfully disposed.
- B. The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Flood Elevation Certificate

PRIOR TO COMMENCEMENT OF CONSTRUCTION, the applicant shall provide to the Executive Director a copy of a Flood Elevation Certificate, prepared by a qualified, registered land surveyor, engineer, or architect, and approved by the Humboldt County Building Department demonstrating that the finished foundation of the development would be above the Base Flood Elevation. The applicant shall inform the Executive Director of any changes to the project required by the Humboldt County Building Department. 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.

5. Assumption of Risk

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (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.

6. Deed Restriction

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowner has executed and recorded against the parcel 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 governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

1. Site & Project Description

The project site is located at 5819 South Broadway, south of Eich Road, in the Spruce Point area south of Eureka. The 1.4-acre property is developed with an existing 3,486-square-foot warehouse and an approximately 26,900-square-foot warehouse/office structure used for the storage and distribution of food products. Virtually all of the remainder of the parcel is either paved with asphalt or graveled for truck parking and outdoor storage. The only exception is an unpaved, approximately 10-foot-wide grassy

corridor between the smaller warehouse and the southern property line. This narrow grassy area fronts a dense stand of willow and alder vegetation that extends to a freshwater marsh area located on the adjacent parcel. However, no wetlands or other environmentally sensitive habitat areas exist on the subject parcel.

The proposed project involves demolition of an existing 3,486-square-foot detached warehouse building and construction of a 3,600-square-foot warehouse building to be attached to the existing larger warehouse structure. The new warehouse addition would be approximately 22 feet in height and would accommodate the loading/unloading of three semi-trucks. No changes in office space, the number of employees, or the operations of the site are proposed.

2. Locating and Planning New Development

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

The proposed project site is within a partially developed area along South Broadway, east of Highway 101. The parcel is designated in Humboldt County's Humboldt Bay Area Plan as Commercial General (CG) and is also zoned as CG with Coastal Resources Dependent, Flood Hazards and Wetland combining zones (CG/C, F, W). The Commercial General designation and zoning allows for the proposed warehouse addition as a conditionally permitted use under the County's Local Coastal Program. The County has approved a conditional use permit for the proposed project (CUP-22-97M). The site is served by municipal sewer and water service.

As discussed in Finding No. 3 below, development of the parcel could adversely affect the habitat values of the wetland areas immediately adjacent to the south on an adjoining parcel. However, as conditioned to (1) prohibit windows, doors, lighting, and reflective material along the side of the building adjacent to the wetland, (2) require only native, or otherwise non-invasive landscaping plants, and (3) ensure that all construction debris is properly disposed of, the project will not significantly degrade the adjacent environmentally sensitive habitat area.

Therefore, the Commission finds that the proposed development is consistent with Coastal Act Section 30250(a) in that it is located in a developed area, it has adequate water and sewer capability to accommodate it, and it will not cause significant adverse effects, either individually or cumulatively, to coastal resources.

3. **Protection of Adjacent Environmentally Sensitive Habitat Area (ESHA) and Water Quality**

Section 30240(b) of the Coastal Act states in applicable part:

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

Section 30231 of the Coastal Act addresses the protection of coastal water quality and wetland resources in conjunction with development and other land use activities. Section 30231 states:

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

Section 30240(b) requires that environmentally sensitive habitat areas (ESHAs) be protected against any significant disruption of habitat values potentially resulting from adjacent development. The project site is located adjacent to an undeveloped parcel that contains ESHA. A 40-foot-wide corridor of dense riparian willow and alder vegetation flanks a freshwater marsh. The extent and quality of the freshwater marsh has been diminished by the placement of fill prior to the Coastal Act. However, the marsh and associated seasonal wetlands still occupy sizeable areas between South Broadway and Humboldt Hill Road to the east. During previous permit actions on the project site by the Commission, the Department of Fish and Game commented that numerous species of wildlife inhabit the marshes in the immediate vicinity of the project site including mallard, teal, scaup, bufflehead, scoter, coot, egret, heron, snipe, sandpipers, and mammals such as skunks, weasels, and voles.

As discussed previously, the project site is already developed as a warehouse/distribution center with two existing buildings and paved and graveled areas used for truck parking and outdoor storage. Thus, the proposed project is not new development that would establish a buffer for the first time over vacant land between proposed development and

the adjoining ESHA. Rather, the proposed project is a partial redevelopment of a portion of the site. The narrow approximately 15-foot-wide buffer of open space between the edge of the existing development (i.e. pavement) and the riparian vegetation bordering the freshwater marsh was established when the site was originally developed many years ago. The entire area landward of the buffer will continue to be used as part of the warehouse/distribution center that exists at the site.

The proposed project would not encroach upon the buffer of open space that exists currently. In addition, the proposed project would not result in an increase in stormwater runoff at the site that could potentially carry pollutant loads to the adjacent wetlands. The proposed building is approximately 114 square feet larger than the existing building it would replace, but the new building would be located entirely within the existing paved portion of the site. The existing warehouse to be removed is constructed on a concrete foundation that would remain following removal of the building. As the area under the building to be removed and the location of the new warehouse are already impervious surfaces, the project would not result in an increase in stormwater runoff. As proposed, all site drainage, including roof runoff, would be directed toward existing drainage facilities that drain to South Broadway and away from the wetlands.

The proposed project will also reduce the impacts of the warehouse/distribution center on the adjacent ESHA in several ways. First, the proposed warehouse structure would be set back approximately 9 feet further away from the willow and alder vegetation that borders the freshwater marsh located on the adjacent parcel than the existing warehouse structure proposed to be removed. The proposed warehouse addition would be located as close as approximately 30 feet from the willow and alder vegetation and 70 feet from the freshwater marsh.

Second, the project would consolidate the structures into one. The proposed structure would be attached to the existing large warehouse and would replace the existing detached structure. As a result, operations at the site would be enclosed within one warehouse, thereby minimizing the amount of human activity outside of and around the warehouse such as voices, loud noises, and the visible presence of people, which can discourage birds and other wildlife from using the adjacent habitat. Third, the proposed building design does not include windows, doors, or lighting on the southern wall of the building. The solid wall would further screen human activities within the building from birds and other wildlife using the wetlands and riparian area.

To ensure the protection of wetland habitat values, the Commission attaches Special Condition Nos. 1, 2, 3, and 6. Special Condition No. 1 requires the warehouse addition to be constructed without doors, windows, lighting, or other reflective materials along the southern wall facing the wetland area as proposed by the applicant. As a result, the wall of the building would act as an additional physical barrier to minimize physical, light, and noise disturbance to the riparian and wetland habitat. However, the Commission notes that future development on the site such as further additions to the warehouse, or modifications to the existing warehouse, could be sited and designed in a manner that

would result in adverse impacts to the environmentally sensitive habitat. Much of this kind of development is normally exempt from the need to obtain coastal development permits pursuant to Section 30610(b) of the Coastal Act. Thus, the Commission would not normally be able to review such development to ensure that impacts to sensitive habitat are avoided.

To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing structures, Section 30610(b) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(b) of the Coastal Act, the Commission adopted Section 13253 of Title 14 of the California Code of Regulations. Section 13253(b)(6) specifically authorizes the Commission to require a permit for additions to existing structures that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a development permit. As noted above, certain additions or improvements to the approved warehouse could involve a risk of adverse impacts to the environmentally sensitive habitat adjacent to the site. Therefore, in accordance with provisions of Section 13253 (b)(6) of Title 14 of the California Code of Regulations, the Commission attaches Special Condition No. 1 which requires a coastal development permit or a permit amendment for all future development on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to environmentally sensitive habitat. Special Condition No. 6 also requires recordation of a deed restriction to ensure that all future owners of the property are aware of the requirement to obtain a permit for development that would otherwise be exempt. This requirement will reduce the potential for future landowners to make improvements to the residence without first obtaining a permit as required by this condition.

The applicant is proposing to incorporate landscaping at various locations throughout the site. The landscaping plan submitted with the application does not include any invasive plants that could encroach into the wetland area. To ensure that the landscaping that is actually installed does not include any invasive plants that could encroach into the wetland habitat and displace wetland vegetation, Special Condition No. 2 requires that landscaping be performed consistent with the submitted landscaping plan.

The demolition of the existing warehouse structure would generate a significant amount of debris that if not properly disposed of could result in debris and pollutants entering the adjacent wetlands. To ensure that debris is adequately disposed of in an approved location, the Commission attaches Special Condition No. 3 requiring that prior to issuance of the coastal development permit, the applicant submit for the review and approval of the Executive Director, a plan for the disposal of construction-related debris. The plan must describe the manner by which the material would be removed from the construction site, identify all debris disposal sites that would be utilized and demonstrate

that all disposal sites are in upland areas where construction-related debris from the project may be lawfully disposed.

Lastly, Special Condition No. 6 requires that a deed restriction be recorded informing future buyers of the property of the special conditions of the permit, including the limitations on the design, future improvement, and use of the southern wall of the development. Such notice to future buyers will better ensure that in the future, the development is not modified or used in a manner that would compromise the wetland buffer.

With the mitigation measures discussed above, which are designed to minimize any potential impacts to the adjacent wetland habitat, the project as conditioned will not significantly degrade adjacent ESHA and will be compatible with the continuance of those habitat areas. Therefore, the Commission finds that the project as conditioned is consistent with Sections 30240(b) and 30231 of the Coastal Act.

4. Flood Hazard

Section 30253 states in applicable part:

New development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high geologic, flood, and fire hazard and neither create nor contribute significantly to erosion or geologic instability.

The primary natural hazard affecting development of the subject property is flooding. The project site is designated in the County's LCP as being within a flood combining zone. According to the FEMA Flood Insurance Rate Map, the project site is located in flood zone "A" or the 100-year flood plain. As a result, all development must conform to the County's flood damage prevention ordinance and the applicant is required to obtain a Flood Elevation Certificate from the County Building Inspection Division. The primary way to minimize flooding risks is to raise the structure above flood elevations. The County requires the applicant to provide a Flood Elevation Certificate prepared by a registered land surveyor, engineer, or architect in accordance with Federal Emergency Management Agency (FEMA) guidelines demonstrating that the finished foundation would be constructed above the Base Flood Elevation prior to issuance of the County building permit.

To ensure that the proposed development is designed to minimize risks to life and property from flood hazards as required by Coastal Act Section 30253, the Commission attaches Special Condition No. 4 that requires the applicant to provide evidence of a

Flood Elevation Certificate approved by the Humboldt County Building Department as being adequate to demonstrate that the finished foundation would be above the Base Flood Elevation.

The Commission also attaches Special Condition No. 5 that requires the landowner to assume the risks of flooding hazards to the property and 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.

In addition, Special Condition No. 6 requires that a deed restriction be recorded informing future buyers of the property of the special conditions of the permit, including the required Flood Elevation Certificate and the requirement that the landowner assume the risk and indemnify the Commission from all liability associated with the approved development. Recordation of such a deed restriction will provide notice to future buyers of the property, lending institutions, and insurance agencies that the property is safe for an indefinite period of time and for further development indefinitely into the future. In addition, the condition ensures that future owners will be informed of the Commission's immunity from liability and the indemnity afforded the Commission.

Therefore, as conditioned, the project would minimize risks to life and property from flood hazards and is consistent with Section 30253 of the Coastal Act.

5. 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.

The proposed project is located in an existing commercial and light industrial area and is surrounded by existing commercial development, some undeveloped parcels, and freshwater marsh. The proposed building site for the new warehouse addition is currently a partially graveled and partially paved lot developed with an existing warehouse and office. The subject site is inland of Highway 101 and does not offer views to or along Humboldt Bay or other coastal areas and thus, would not block views to or along the coast. Additionally, the warehouse addition would be consistent with the color, design, materials, and height of the existing adjacent building and thus, would be compatible with the surrounding development. Furthermore, the site is essentially flat and would not involve grading or alteration of natural landforms.

Therefore, the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act as the development will not block views to and along the coast, will not involve any alteration of land forms, and the proposed demolition activities would not result in any adverse change to the visual character of the area.

6. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by findings showing that the application, as modified by any conditions of approval, is consistent with any applicable 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.

The Commission incorporates its findings on Coastal Act consistency 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 above, the proposed project has been conditioned to be found consistent with the policies of the Coastal Act. As specifically discussed in these above findings which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impact have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity would have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

PHIL AYERS – E.G. AYERS DISTRIBUTING, INC.

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Exhibits:

1. Regional Location
2. Vicinity Location
3. Site Plan
4. Elevations
5. Building Plan

ATTACHMENT A

Standard Conditions:

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

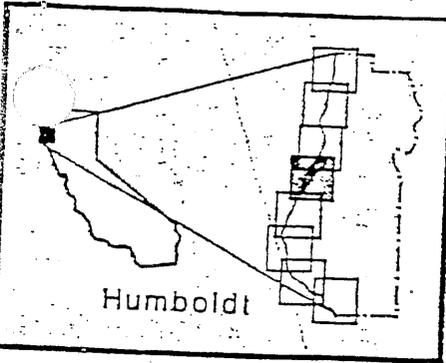
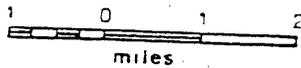
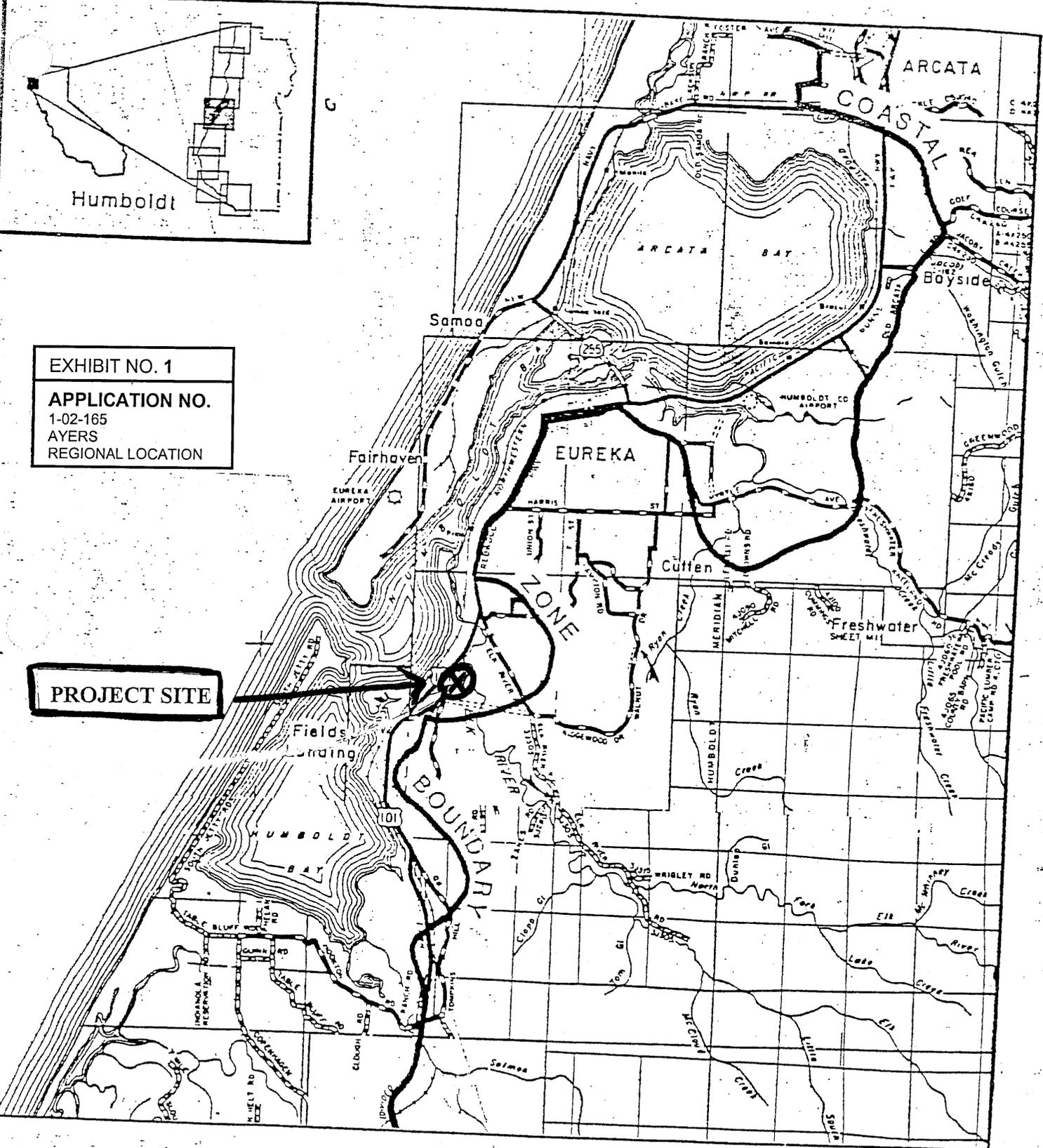
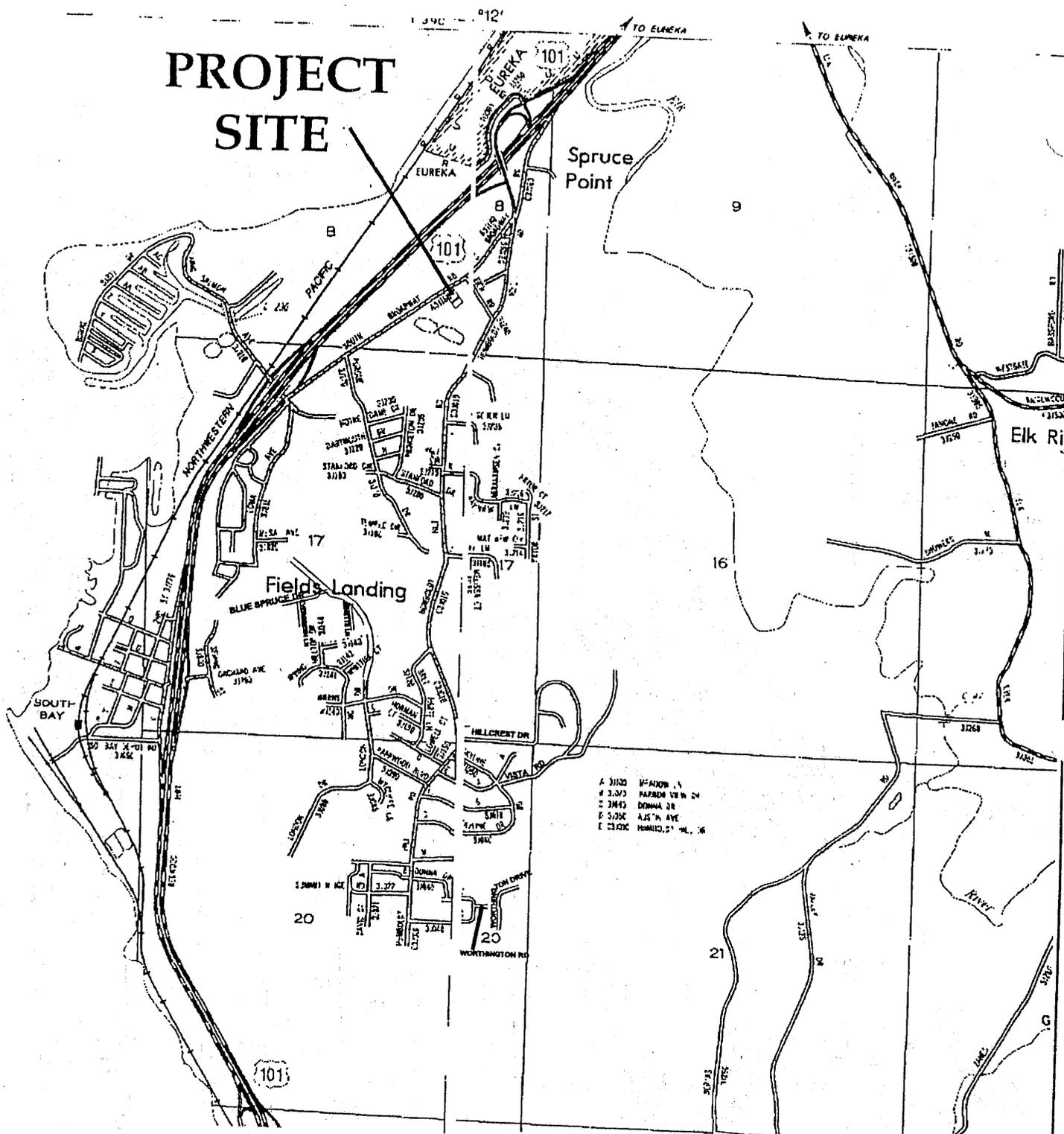


EXHIBIT NO. 1
 APPLICATION NO.
 1-02-165
 AYERS
 REGIONAL LOCATION

PROJECT SITE



PROJECT SITE

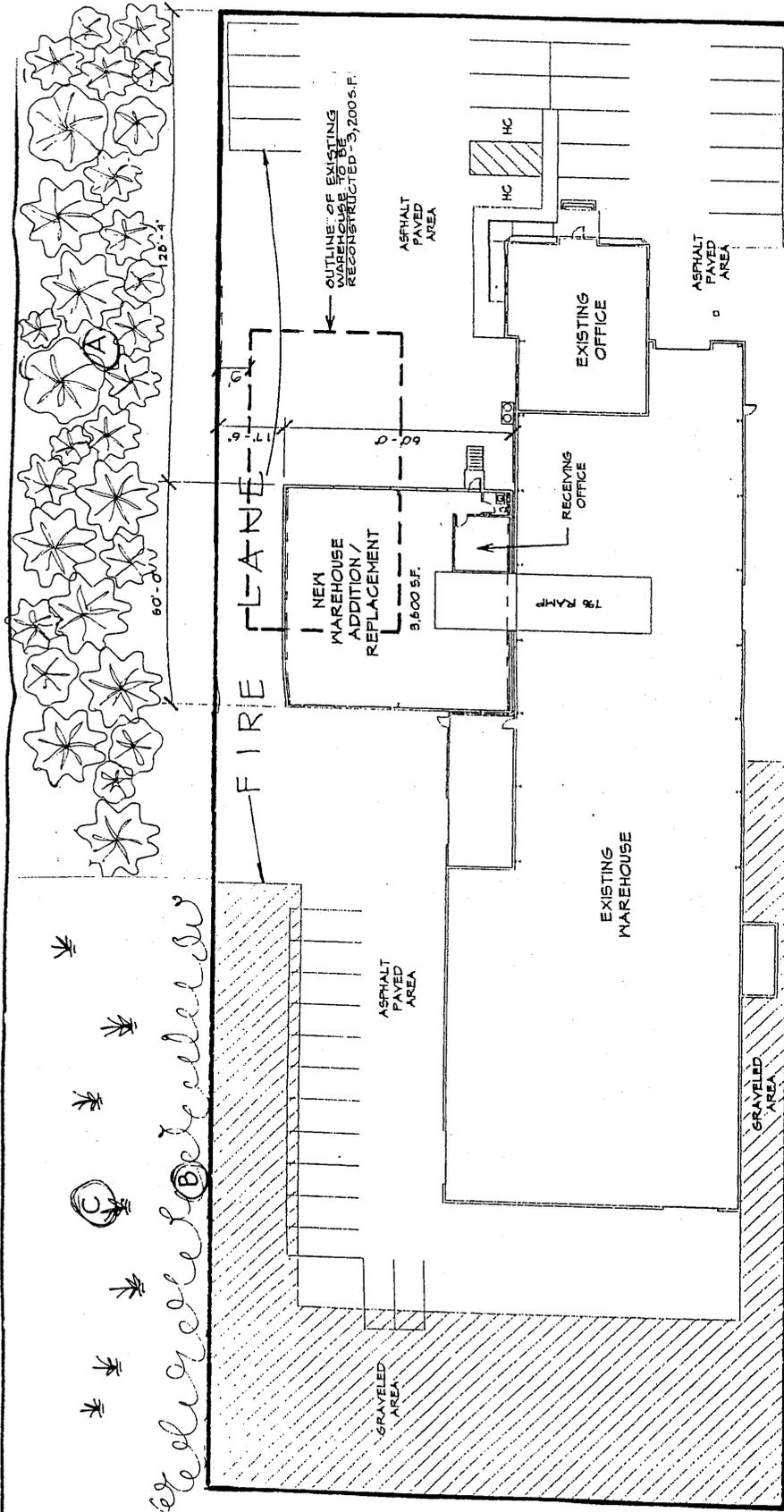


EUREKA AREA
APN: 305-101-28
SECTION 8 T4N R1W H. B. & M.
LOCATION MAP

EXHIBIT NO. 2
APPLICATION NO.
 1-02-165
 AYERS
 VICINITY MAP



Map is not drawn to scale.



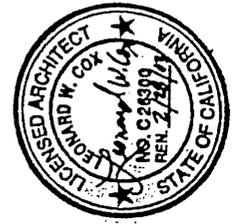
LEONARD COX ARCHITECT
 P.O. BOX 905, FERNDALE, CA 95536
 (707) 796-4203

G. AYERS WAREHOUSE ADDITION
 III
 6/28/02
 A-1

RECEIVED

OCT 23 2002

HUMBOLDT COUNTY
 PLANNING COMMISSION



REVISED PARKING PLAN
 AYERS - MODIFICATION APPLICATION
 10/22/02

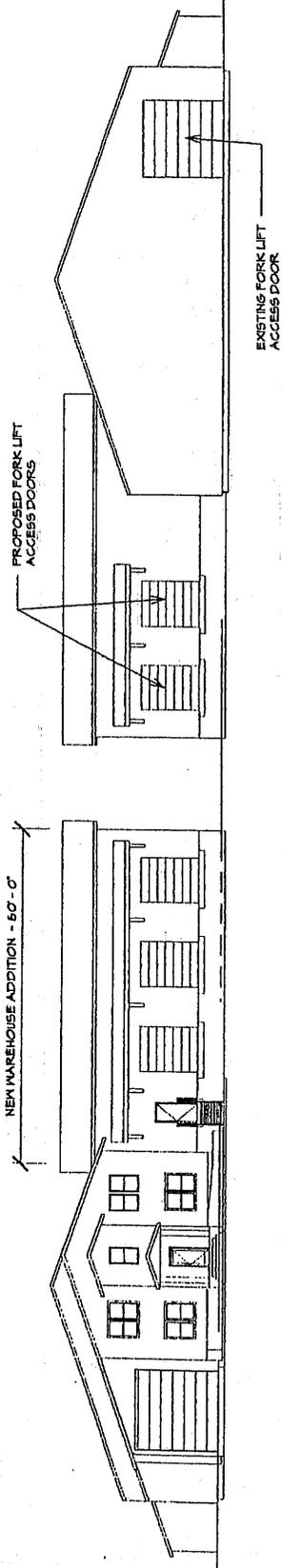
EXHIBIT NO. 3
 APPLICATION NO.
 1-02-165
 AYERS
 SITE PLAN

1 SITE PLAN
 1" = 50'-0"



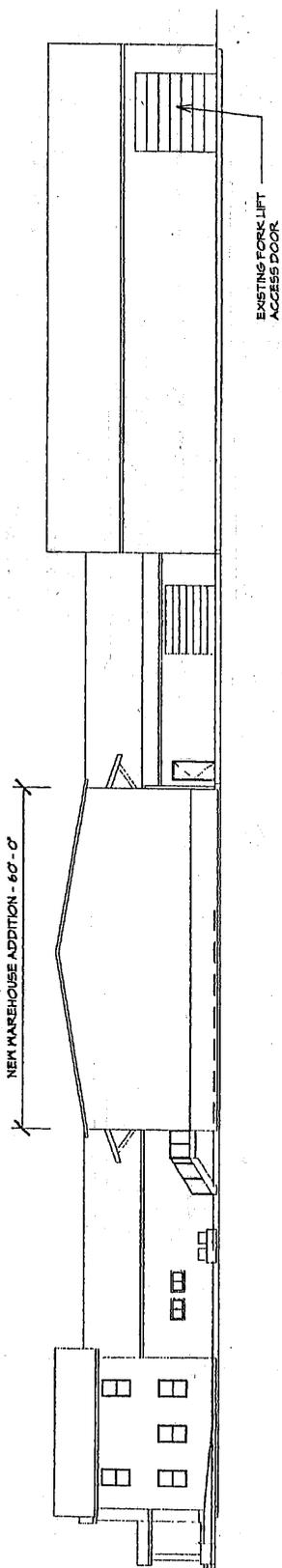
NOTE:
 NO PARKING - FIRE LANE
 PER COUNTY PLANNING DEPARTMENT
 10/22/02

SWAMP SEDGE - WETLAND AREAS



1 NORTH ELEVATION
1" = 20'-0"

3 SOUTH ELEVATION
1" = 20'-0"



2 WEST ELEVATION
1" = 20'-0"

EXHIBIT NO. 4
APPLICATION NO.
1-02-165
AYERS
ELEVATIONS

LEONARD COX ARCHITECT
P.O. BOX 905, FERNDALE, CA 95536
(707) 788-4203

M. G. AYERS WAREHOUSE ADDITION
6/28/02

A-3

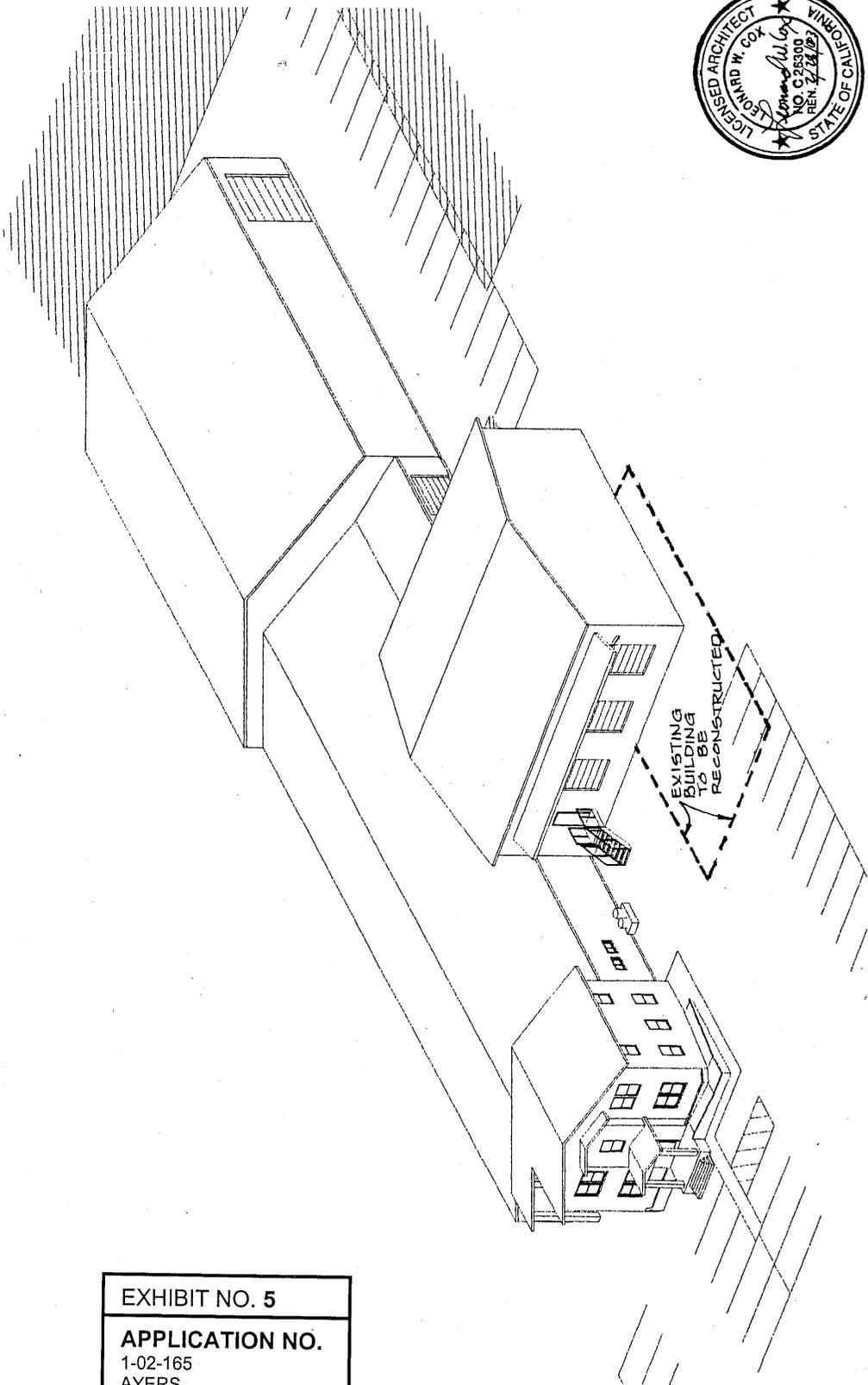


EXHIBIT NO. 5
APPLICATION NO.
1-02-165
AYERS
BUILDING PLAN

1 AXONOMETRIC VIEW

