

CALIFORNIA COASTAL COMMISSION

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Staff Report:	September 30, 2004
Hearing Date:	October 14, 2004
Commission Action:	

STAFF REPORT:
PERMIT AMENDMENT

APPLICATION NO.: A-1-EUR-01-029-A1

APPLICANTS: DOLORES VELLUTINI AND JOHN ASH
DBA: EUREKA WATERFRONT PARTNERS, LLC

AGENT: John Ash Group - Architects

PROJECT LOCATION: Along Humboldt Bay between "D" and "F" Streets, Eureka, Humboldt County, APNs 001-054-24 & 011-054-25.

DESCRIPTION OF PROJECT
PREVIOUSLY APPROVED: Develop two mixed-use, three-story buildings containing visitor-serving and retail commercial uses, and 14 residential units totaling 56,760 sq. ft., and two onsite parking lots providing 87 off-street parking spaces, with 20 sanctioned off-site parking spaces, and an in-lieu fee contribution for an additional 21 parking spaces.

DESCRIPTION OF
AMENDMENT REQUEST: Modify the mix of uses and design of the approved buildings by (1) increasing the number of residential units from 14 to 16; (2) reducing the amount of commercial and professional office space from 26,551 to 22,441 square

feet; (3) reconfiguring and reducing the number of on-site parking spaces from 87 to 72; (4) expanding the building footprint of the western building into an area previously devoted to parking; (5) changing the foundation and structural engineering of the approved buildings to enhance geologic stability; and (6) subdividing the subject property into three parcels, including one that would be further divided under a condominium plan into the proposed 16 residential units and owners' association held common areas, and another that encompasses the 50-space exterior parking lot along the western side of the development.

**SUBSTANTIVE FILE:
DOCUMENTS**

- 1) City of Eureka Coastal Development Permit No. 3-97;
- 2) City of Eureka Parking Variance No. V-8-97;
- 3) City of Eureka Tentative Subdivision Map Approval Nos. SD-3-98 and SD-10-03;
- 4) City of Eureka Conditional Use Permit Approval No. C-3-97; and
- 4) City of Eureka Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the construction of a mixed-use commercial/professional office/residential development along the waterfront of the City of Eureka. The original 2002 permit (CDP No. A-1-EUR-01-029, Eureka Waterfront Partners LLC, Applicants) authorized the construction of two three-story buildings containing visitor-serving and retail commercial uses, and 14 residential units totaling 56,760 sq. ft., and two onsite parking lots providing 87 off-street parking spaces. An additional 41 parking spaces were to be provided off-site within a parking lot in the vicinity of the project site (20) or through the payment of in-lieu fees into a parking improvement district fund (21).

Since the Commission's initial actions on the permit, the applicants have undertaken further design architectural refinements to the buildings and site plan, partly in response to the results of the final geo-technical analysis prepared for the project site. In addition, the number of residential units in the project has been increased from 14 (six rental apartments and eight condominium units) to 16 (condominiums), with the leaseable square footage for visitor-serving and other commercial retail and professional office uses being reduced from 26,551 to 22, 441 square-feet. Corresponding to these changes in use square-footage, and as a result of the City's reevaluation of parking requirements for the development, the total number of parking spaces to be provided by the development as amended would be reduced from 128 to 112 spaces, including 72 on site, 20 spaces reserved in the nearby parking lot as before, and an in-lieu fee payment being

deposited in the City's Waterfront Area parking improvement fund for the remaining 20 spaces. The applicants also propose to subdivide the subject property into three parcels, including one that would be further divided under a condominium plan into the proposed 16 residential units and owners' association held common areas, and another that encompasses the 50-space exterior parking lot along the western side of the development.

Staff believe the amended project with the attachment of certain special conditions would be consistent with the certified LCP and public access policies of the Coastal Act. The revised project would conform to the regulations of the Commercial Waterfront zoning district, including the land uses allowed therein, and its structural height, bulk, and setback prescriptive standards. In addition, as amended, the project would provide the required number of off-street parking and loading spaces, ensure geologic stability, and protect and enhance visual resources and public access as required by the City's coastal zoning regulations.

Four special conditions of the original permit approved by the Commission are reimposed without revision and remain in full force and effect. Staff is recommending that eight other special conditions be modified and imposed as conditions of this permit amendment to assure that the amended development remains consistent with the policies and standards of the City's LCP and the access and recreational policies of the Coastal Act. In addition staff is recommending that the special conditions of the original permit relating to the recordation of separate deed restrictions and acknowledgements be modified to allow for their consolidated recordation as detailed in another newly attached special condition, Special Condition No. 14. Staff is also recommending that a special condition be attached to the permit as amended to address the potential future loss of off-street parking facilities intended to support the subject mixed-use development that might occur if the parking lot parcel is later sold, leased, transferred offered for financing, or put to alternative uses apart from the remainder of the project property.

As conditioned, staff has determined that the development with the proposed amendment would be consistent with the certified LCP and the access and recreation policies of the Coastal Act.

STAFF NOTES:

1. Procedural Note.

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

On March 6, 2002, Coastal Permit No. A-1-EUR-01-029 (Eureka Waterfront Partners LLC) was approved by the Commission with twelve special conditions intended to address geologic stability, visual resource protection, water quality, new development, and other coastal resource issues.

The Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the approved or conditionally approved permit and subsequent permit amendments. The original permit issued by the Commission authorized a site development that would entail a mix of commercial visitor-serving, professional office, and compatible residential uses at the site as continues to be proposed. Although the revised development would entail a reduction in the number of parking spaces being provided, the project as amended would still be consistent with the parking provisions of the LCP as the proposed changes in the composition of the uses would result in the need for a reduced number of spaces under the coastal zoning code. The development as amended would conform to the policies and standards of the City's LCP with respect to development within the Waterfront Commercial zoning district, including transportation and circulation, public facilities and services, protection of natural and cultural resources, and exposure to natural and man-made hazards. The original permit also considered how views to and along the ocean and to scenic coastal areas would be adversely impacted by construction of the improvements and included conditions requiring landscaping for portions of the development visible from public vantage points. The revised plans for the amended development do not adversely affect views and similarly include landscaping that would reduce the visual prominence of the structures. The amended development would also retain measures to manage stormwater runoff from impervious surfaces to prevent impacts to stability and to reduce water quality impacts, including reducing the overall amount of impervious surface area and substituting bio-filtration vegetated swale treatment for the formerly-approved leachfield percolation treatment system. Similarly, the amendment would not result in any additional adverse impacts on public access and public coastal access and recreational opportunities would continue to be protected and enhanced under the amended project.

Therefore, for the reasons discussed above, the Executive Director has determined that the proposed amendment would not lessen or avoid the intent of the approved permit and has accepted the amendment request for processing.

2. Commission Jurisdiction and Standard of Review.

The project subject to this coastal development permit amendment is located within an area covered by a certified LCP. The Coastal Commission effectively certified the City of Eureka's LCP in July of 1984. The project site is located between the first through public road and the sea. Pursuant to Section 30604(b) of the Coastal Act, after effective certification of a certified LCP, the standard of review for all coastal permits and permit

amendments within the certified area is the certified LCP and the public access and recreation policies of the Coastal Act.

3. Scope.

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the certified LCP and the public access and recreation policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as adopted by the Commission on March 6, 2002

4. Commission Action Necessary.

The Commission must act on the application at the October 14, 2004 meeting to meet the requirements of the Permit Streamlining Act.

I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-1-EUR-01-029-A1 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 amendment 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 with Conditions:

The Commission hereby approves the proposed permit amendment and adopts the findings set forth below, subject to the conditions below, on the grounds that the development with the proposed amendment, as conditioned, will be in conformity with the certified City of Eureka LCP and the public access policies of Chapter 3

of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

II. **STANDARD CONDITIONS:** See attached.

III. **SPECIAL CONDITIONS:**

Note: Special Conditions Nos. 5, 8, 9, and 12 of the original permit are reimposed without revisions as conditions of the permit amendment and remain in full force and effect. Original permit Special Condition Nos. 1, 2, 3, 4, 6, 7, 10, and 11 are modified and imposed as conditions of this permit amendment. Special Condition Nos. 13 and 14 are additional new conditions attached to the permit amendment.

Deleted wording within the modified special conditions is shown in ~~strikethrough~~ text, new condition language appears as **bold double-underlined** text. For comparison, the text of the original permit conditions are included in Exhibit No. 6.

1. **Revised Design and Construction Plans**

A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. A-1-EUR-01-029-A1**, the applicants shall submit revised final design and construction plans for the review and approval of the Executive Director. The plans shall be consistent with the Commission's action on Coastal Development Permit No. A-1-EUR-01-029 **as amended by Coastal Development Permit No. A-1-EUR-01-029-A1** and shall substantially conform with the preliminary plans prepared by John Ash Group, Architects, dated ~~February 13, 2002~~ **July 20, 2004** and attached as Exhibit No. 4 of the staff recommendation except that the revised plans shall also provide for the following:

1) ~~1) —~~ **Parking Revisions**

a. ~~a. —~~ All required off-street parking spaces provided onsite conform to the prescriptive standards of Eureka Municipal Code Sections 155.115 through 155.123, including the following:

- ~~• Standard Parking Space Minimum Width (for spaces oriented 90° to aisle direction): 8' 6"~~
- ~~• Standard Parking Space Minimum Length (for spaces oriented 90° to aisle direction): 19'~~
- ~~• Minimum Aisle Width: 25'~~

- ~~Parking space required to be located in a garage or carport shall be not less than 20 feet in length and 10 feet in width~~
- ~~Compact Parking Space Minimum Width: 7' 6"~~
- ~~Compact Parking Space Minimum Length: 16'~~
- ~~Maximum percentage of Compact Parking Spaces: 25%~~
- ~~Handicapped Parking Space Minimum Width: 14'~~
- ~~Handicapped Parking Space Minimum Length: 19'~~
- ~~Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle;~~

b. ~~All loading areas shall conform to the prescriptive standards of Section 156.072(F) of the Coastal Zoning Regulations, and include two (2) loading areas, comprised as follows:~~

- (1) ~~One (1) large loading berth of not less than 45 feet in length and 12 feet in width, with an overhead clearance of not less than 14 feet; and~~
- (2) ~~One (1) small loading berth of not less than 25 feet in length and 12 feet in width, with an overhead clearance of not less than 14 feet; and~~

c. ~~A parking layout diagram depicting the location and dimensions of all 87 onsite off-street parking spaces conforming to the required criteria.~~

21) Landscaping Revisions

a. Only native and/or non-invasive plant species appropriate for the growing conditions of the site shall be used in the landscaping plan;

ab. A planting schedule which ensures that all planting shall be completed within 60 days after completion of construction;

bc. All required plantings shall be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;

ed. Plantings within the "E" Street view corridor area shall be limited to seeded grass lawns, sodded turf, or other low-growing groundcovers whose height at maturity will not exceed one foot (1') above finished grade;

- ~~de.~~ A minimum of four percent (4%) of the interior of a proposed ~~69~~ 55-space exterior parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the proposed parking area;
- ~~ef.~~ A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features; and
- ~~fg.~~ A schedule for the initial installation of plants and a maintenance plan for the upkeep and replacement as needed for all plantings.

32) Utility Revisions

- a. All utilities serving the project site shall be installed underground in conformance with LUP Policy 4.A.8 of the City of Eureka's certified LCP; and
- b. A project site map depicting the location of all utility service infrastructure indicating their installation occurring below the finished grade of the site improvements.

43) Lighting Revisions

- a. All exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward and shielded so as not to illuminate land and water outside the project property line; and
- b. A revised site plan map and building elevations depicting the location of all exterior buildings, grounds and parking lot lighting, accompanied by manufacturer's specifications and typicals for each type of fixture that demonstrate that the lights will be low-wattage, non-reflective and have a directional cast downward.

54) Signage Revisions

- a. All signage at the project site shall conform to LUP Policy 1.I.6 and the prescriptive standards of Eureka Municipal Code Sections 156.072(G) of the City of Eureka's certified LCP and shall include no neon or flashing signage; and
- b. Sign plans depicting all proposed signage to be placed at the project site, indicating their size, height, color, and construction materials.

65) Solid Waste Storage (Dumpster Enclosure) Revisions

- a. All solid waste trash dumpsters and trash enclosures shall be sited and designed in conformance with LUP Policy 1.J.2; and
- b. A site plan depicting all dumpster and trash enclosure areas to serve the project site tenants, designed with adequate screening to prevent impacts to visual resources and consolidated within the alley areas of the site.

76) Bicycling Racking Revisions

- a. The project shall comply with the requirements of LUP Bicycle Transportation Policy 3.C.4 by installing secure bicycle rack facilities at appropriate locations at the project site in conformance with the following minimum standards:
 - (1) One (1) four-cycle rack within the ~~Building "A"~~ **"East Wing"** parking enclosure.
 - (2) One (1) four-cycle rack within the ~~Building "A"~~ parking lot: **on the west side of the "West Wing."**
 - (3) One (1) six-cycle rack within the "E" Street view corridor.
 - (4) Required bicycle racks shall be designed to:
 - allow secure locking of bicycles to them without undue inconvenience and provide reasonable safeguards from accidental damage;
 - hold bicycles securely, and support the frame so that so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels or components;
 - accommodate locking the frame and the front wheel to the rack with a standard high-security U-shaped shackle lock, if the bicyclist does not remove either wheel from the bicycle; and be securely anchored.
- b. A map showing the type, size, and location of all required bicycling racks that will be on the developed site; and
- c. Technical specifications detailing rack dimensions, capacities, and anchoring typical.

87) Foundation, Grading, and Drainage Revisions

- a. All site development shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by Taber

Consultants and dated June 4, 1994 and January 3, 1997, and the geology and seismicity section of the Final Environmental Impact Report's Mitigation and Monitoring Program prepared for the project by Environmental Science Associates, dated September 4, 1998, including, but not limited to, the following recommendations: as amended and supplemented by the site- and project-specific "Geotechnical Investigation Report Eureka Pier Building, Eureka, California" prepared by SHN Consulting Engineers & Geologists, Inc., dated July 2, 2004.

- ~~i. — Site structures shall be engineered and constructed to meet the most recent version of the Uniform Building Code standards for Seismic Zone 4.~~
- ~~ii. — All occupied building structures shall be founded on cast-in-place re-bar caged, concrete piles set to bear on bedrock strata underlying the project site.~~
- ~~iii. — All fill and structural section materials within 12 inches of the structural subgrade section shall be compacted to at least 95 percent relative compaction, per ASTM D1557.~~

- b. Evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.

98) Exterior Materials Revisions

- a. All exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare.

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

2. Future Development

- A. — This permit is only for the development described in Coastal Development Permit No. A-1-EUR-01-029 as amended by Coastal Development Permit No. A-1-

EUR-01-029-A1. 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 parcel(s) governed by CDP No. A-1-EUR-01-029-~~A1~~. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d), Title 14 California Code of Regulations sections 13252(a)-(b), shall require an **additional** amendment to Permit No. A-1-EUR-01-029-~~A1~~ from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

~~B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029**, the applicants as prospective owners of the parcel(s) governed by CDP No. A-1-EUR-01-029 pursuant to the applicable development agreement between the City and the applicants, shall ensure that the landowner(s) of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029 have executed and recorded a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.~~

3. **Compliance with Off-Street Parking Standards – Onsite and Offsite Facilities, and In-Lieu Fee Payment**

A. Consistent with the terms of the revised project description as proposed by the Applicants in Exhibit No. 4 of the staff recommendation **for Coastal Development Permit Amendment No. A-1-EUR-01-029-A1**, the permittee shall satisfy the City off-street parking standards for the creation of **a minimum of 145 111** spaces through a combination of onsite parking spaces, reserved off-site spaces, and payment of fees into the City's Parking In-Lieu Fund as follows:

- **On-site Parking Facilities**: A total **minimum** of 87 ~~71~~ off-street parking spaces (i.e., 18 ~~16~~ internal for residences, 69 ~~55~~ external for residents' **guests, commercial and professional office** tenants, and customers) shall be developed at the project site as illustrated on "Site Plan A0-1 ~~A1.1~~" as contained in Exhibit No. 4, herein.
- **Off-site Parking Facilities**: A total of 20 existing off-street spaces within the City of Eureka's First and "C" Streets public parking lot shall be designated **and signed** for "parking by permit only" for exclusive use by employees of **the project's** site commercial and professional office tenants

as provided for by the authorization granted by the City Parking Place Commission, dated October 9, 2001, attached to the staff recommendation as Exhibit No. 10.

- City Contribution to Parking In-lieu Fee Program: An in-lieu parking fee in the minimum amount of \$150,000 for the creation of 24 at least 20 spaces, based on an estimate of \$7,000 per parking space, has been made to the Waterfront Parking In-Lieu Fee fund established by the City of Eureka for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager attached as Exhibit No. 10 of the staff recommendation.

- B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029-A1**, the applicants shall submit for the review and approval of the Executive Director evidence that: (1) 20 off-site parking spaces within the First and "C" Street lot have been posted for ~~sanctioned~~ the exclusive use by the Eureka Pier project site employees; (2) fees in the amount of a minimum of \$150,000 have been deposited within the City of Eureka Waterfront Parking In-Lieu Fee Program Fund for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager attached as Exhibit No. 10 of the staff recommendation; (3) the minimum \$150,000 that has been deposited within the City of Eureka Waterfront Parking In-lieu Fee Program Fund will be used solely for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager attached as Exhibit No. 10 of the staff recommendation; and (4) the minimum \$150,000 that has been reserved for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager that is attached as Exhibit No. 10 of the staff recommendation will be used solely as mitigation for the development governed by CDP No. A-1-EUR-01-029-A1.

4. **Erosion and Run-Off Control Plan**

- A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029 AS AMENDED BY COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029-A1**, the applicants shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1) **EROSION CONTROL PLAN COMPONENT**

- a. The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources;
- (2) The following temporary erosion control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: *Structure Construction and Painting* (CA3), *Material Delivery and Storage* (CA10), *Scheduling* (ESC1), *Mulching* (ESC11), *Stabilized Construction Entrance* (ESC24), *Silt Fences* (ESC50), *Straw Bale Barriers* (ESC51), and *Storm Drain Inlet Protection* (ESC53); and
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources.

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

- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control;
- (2) A site plan showing the location of all temporary erosion control measures;
- (3) A schedule for installation and removal of the temporary erosion control measures;
- (4) A site plan showing the location of all permanent erosion control measures; and
- (5) A schedule for installation and maintenance of the permanent erosion control measures.

2) RUN-OFF CONTROL PLAN COMPONENT

a. The runoff control plan shall demonstrate that:

- (1) Runoff from the project shall not increase sedimentation into coastal waters;
- (2) Runoff from all roofs, patios, driveways, parking lots, and other impervious surfaces on the site shall be collected and discharged into an oil-water separator system to avoid degradation of water quality either on or off the site. The system shall be designed to treat or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event;
- (3) The following temporary runoff control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks,

developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: *Paving Operations* (CA2), *Structure Construction and Painting* (CA3), *Material Delivery and Storage* (CA10), *Solid Waste Management* (CA20), *Hazardous Waste Management* (CA21), *Concrete Waste Management* (CA23), *Sanitary/Septic Waste Management* (CA24), *Vehicle and Equipment Cleaning* (CA30), *Vehicle and Equipment Fueling* (CA31), and *Employee/Subcontractor Training* (CA40); and

- (6) The following permanent runoff control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be installed: *Non-Stormwater Discharges to Drains* (SC1), *Buildings and Grounds Maintenance* (SC10), *Employee Training* (SC14), *Oil/Water Separators and Water Quality Inlets* (TC7), *Material Use* (CA11), and *Spill Prevention and Control* (CA12).

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

- (1) A narrative report describing all temporary runoff control measures to be used during construction and all permanent runoff control measures to be installed for permanent runoff control;
- (2) A site plan showing the location of all temporary runoff control measures;
- (3) A schedule for installation and removal of the temporary runoff control measures;
- (4) A site plan showing the location of all permanent runoff control measures; and
- (5) A schedule for installation and maintenance of the roof drainage media infiltration interceptor, parking lot oil/water separators, and restaurant grease traps; and
- (6) A site plan showing finished grades (at 1-foot contour intervals) and drainage improvements.

B. The erosion and runoff control plan shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that the plan is consistent with the drainage recommendations of the letter-report from the applicants' civil engineer (Pacific Affiliates, Inc.), dated December 12, 2001, attached as Exhibit No. 4.

C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the

Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Tsunami Safety Plan.

A. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029, the applicants shall submit, for the review and approval of the Executive Director, a plan for mitigating the hazards associated with tsunamis.

- 1) The plan shall demonstrate that: (a) the existence of the threat of tsunamis from both distant and local sources will be adequately communicated to all tenants, employees, commercial patrons, and residents, (b) information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event in the area, (c) efforts will be provided to assist less physically mobile tenants, employees, patrons, and residents in seeking evacuation from the site during a potential tsunami event, and (d) staff will be adequately trained to carry out the safety plan.
- 2) The plan shall include, at a minimum, the following components:
 - Tsunami Information Component, detailing the provision of informational materials to residential tenants and the posting of placards, flyers, or other materials near the rear exit of each ground floor occupied leasing unit and at all stairwell and elevation entrances on all floors throughout the buildings, provided in an appropriate variety of languages and formats explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes;
 - Tsunami Evacuation Assistance Component, detailing the efforts to be undertaken by commercial, professional office, and rental property management staff to assist the evacuation of physically less mobile persons during a tsunami event; and
 - Staff Training Component, detailing the instruction to be provided to all commercial, professional office, and rental property management to assure that the Tsunami Safety Plan is effectively implemented.

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

6. Encroachment Permit

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029-A1, the applicants shall submit to the Executive Director for review and written approval, evidence of a grant of authority, encroachment permit or exemption from the City of Eureka. The authorization, encroachment permit or exemption shall evidence the ability of the applicants to undertake the development authorized by CDP No. A-1-EUR-01-029-A1 from the City Boardwalk or within any adjacent public street rights-of-way as conditioned herein.

7. Retention of View Corridor.

~~A.~~ For the life of the project authorized by Coastal Development Permit No. A-1-EUR-01-029-A1, the 25-ft.-wide view corridor as depicted in Exhibit No. 4 of the staff recommendation shall be maintained open and unobstructed from the finished grade for the site to the height of the base of the walkway bridge (± 12 feet above finished grade) over the "E" Street right-of-way connecting the two buildings. No structural improvements, large materials or landscaping, other than the landscaping specifically provided for in Special Condition 1.A.2)c, shall be placed or stored within the view corridor or in a manner that would obstruct views through the corridor. In addition, the siding of both floors of the walkway bridge connector over the "E" Street right-of-way shall be constructed and maintained over the life of the project as see-through glass and the interior walkways of the connector shall be kept free of furniture and other materials to preserve views through the structure.

~~B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029**, the applicants as prospective owner(s) of the parcel(s) governed by CDP No. A-1-EUR-01-029 pursuant to the applicable development agreement between the City and the applicants, shall ensure that the landowner(s) of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029 have executed and recorded a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the entirety of all of the parcel(s) governed by CDP No. A-1-EUR-01-029. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.~~

8. Construction Responsibilities and Debris Removal

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be immediately removed from the bay frontage following completion of construction;
- (c) No machinery shall be allowed at any time in the intertidal zone;
- (d) Concrete trucks and tools used for construction of the approved development shall be rinsed at the specific wash-out area(s) identified in the Erosion and Runoff Control Plan approved for the project by the Commission; and
- (e) Staging and storage of construction machinery and storage of debris shall not take place on the City Boardwalk or any public street rights-of-way except in those locations and for those time periods as specified in the Erosion and Runoff Control Plan approved for the project by the Commission. Temporary construction barriers may be installed along the inland edge of the City Boardwalk but shall not encroach into the pedestrian area of the boardwalk.

9. **Archaeological Resources**

- A. The applicant shall comply with all recommendations and mitigation measures contained in the cultural resources chapter of the environmental impact report prepared for the project by Environmental Science Associates, dated September 4, 1998.
- B. If an area of cultural deposits is discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (c) hereof. A qualified cultural resource specialist shall analyze the significance of the find.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.
 - (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.

- (iii) The applicant shall undertake development in accordance with the approved supplemental Archaeological Plan. No changes to the approved supplementary archaeological plan shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. Assumption of Risk, Waiver of Liability and Indemnity Agreement

A.—By acceptance of this permit, the applicants and landowner(s) acknowledge and agree: (i) that the site may be subject to hazards from erosion, earth movement, liquefaction-related ground subsidence or lateral spreading, tsunami inundation, and 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.

~~B.— **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029**, the applicants as prospective owners of the parcel(s) governed by CDP No. A-1-EUR-01-029 pursuant to the applicable development agreement between the City and the applicants, shall ensure that the landowner(s) of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029 have executed and recorded a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the entirety of all of the parcel(s) governed by CDP No. A-1-EUR-01-029. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.~~

11. Final Subdivision Map Act Approvals

A.—**Revised Tentative Map**

~~**PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029**, the applicants shall submit for the review and approval of the Executive Director a copy of the revised tentative map for the proposed condominium subdivision that has been approved by the City of Eureka. The revised tentative map shall be~~

~~consistent with the terms of the revised project description as proposed by the applicants in Exhibit No. 4 of the staff recommendation and also with the terms and conditions of Coastal Development Permit No. A-1-EUR-01-029 and shall depict all easement areas consistent with Coastal Development Permit No. A-1-EUR-01-029. All development shall take place consistent with the revised tentative map as approved by the Executive Director. Any proposed changes to the approved revised tentative map shall be reported to the Executive Director. No changes to the approved revised tentative map shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.~~

B. Final Subdivision Map

~~PRIOR TO RECORDATION OF THE FINAL SUBDIVISION MAP~~, the applicants shall submit for the review and approval of the Executive Director a copy of the final subdivision map approved by the City of Eureka. The final subdivision map that is recorded by the applicant shall be consistent with the terms and conditions of Coastal Development Permit No. A-1-EUR-01-029-A1 as well as the revised tentative map approved by the Executive Director and the Commission, and shall depict all easement areas consistent with Coastal Development Permit No. A-1-EUR-01-029-A1, shall include a note detailing the requirements of Special Condition No. 13, and shall be consistent with the revised tentative subdivision map approved by the City of Eureka on August 13, 2004 (SD-03-010). The applicant shall record the final subdivision map consistent with the revised final subdivision map as approved by the Executive Director.

12. Conditions Imposed By Local Government

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

13. Future Development Restriction on Alternative Uses or Separate Lease, Sale, Transfer, or Financing of Parcel "C" Off-Street Parking Facilities

A. This permit establishes the sole use of Parcel "C" to be off-street parking and loading facilities to exclusively serve the authorized commercial and professional office uses within the approved Eureka Pier development on Parcel "B." Parcel "C" shall not, in whole or part, either be sold, transferred, leased, or offered for purposes of financing separately from Parcel "B" or developed or utilized for other alternative uses without the securing of a permit amendment from the Commission. Such permit amendment must demonstrate that the fifty (50) off-street parking, four (4) bicycle racking, and off-street loading berth facilities provided on Parcel "C" to serve the approved uses on Parcel "B" have been secured and/or developed elsewhere, pursuant to the standards and requirements of the

Zoning Regulations of the City of Eureka, for the exclusive purpose of providing vehicular and bicycle parking, and delivery truck loading and unloading for the Eureka Pier development on Parcel "B."

B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOTICE OF INTENT TO ISSUE COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029-A1, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition (i.e., Parcels "B" and "C" of the revised tentative parcel map SD-03-010 approved by the City of Eureka on August 13, 2004,) as shown on pages 1 and 6 of Exhibit No. 5 attached to this staff report.

14. Deed Restriction.

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029-A1, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. PROJECT AND SITE DESCRIPTION

1. Project Setting and Background

The ±1.25-acre project site is located at the foot of "D" and "E" Streets on the shoreline of Humboldt Bay along the central waterfront area of the City of Eureka at the former site

of the Fisherman's Building complex (see Exhibit Nos. 2 and 3). These buildings were constructed during the 1910-20 timeframe and were used as a fish packing and freight warehousing facilities. As Eureka's fish processing and timber industries began to decline in the 1970's, the buildings fell into disuse and eventual decrepitude. The Commission issued a coastal development permit (CDP No. 1-00-053) to the City of Eureka on February 16, 2001 to demolish the structures to provide room for construction of the adjacent boardwalk. The Fisherman's Building structures were subsequently razed in Spring, 2001. The majority of the waterfront in the vicinity of the site is occupied by an assortment of dilapidated structures. However, this section of the waterfront is now beginning a period of redevelopment. The first phase of the City's long-planned Eureka Boardwalk and Waterfront Revitalization project which involves constructing a pedestrian boardwalk extending from the foot of "F" Street along the waterfront to and beyond the project site to the foot of "C" Street was completed three years ago. The Commission approved the Eureka Boardwalk and Waterfront Revitalization project on May 10, 2000 (CDP No. 1-99-077).

The northern property boundary of the project site is co-terminus with the existing armored shoreline bank of Humboldt Bay beneath the City Boardwalk. A hydrographic survey performed since the City took action on the project found the entire project site to be located inland of the Mean High Tide Line. Therefore, the project does not include the placement of fill in coastal waters and the project site does not include the actual shoreline edge of the bay.

Since demolition of the Fisherman's Building complex in the Spring of 2001, much of the project site lies barren and graded. What vegetation remaining is comprised of a mixture of ruderal grasses and forbs of nominal habitat value. All areas landward of the top of bank that were exposed during demolition of the Fisherman's Building have been covered by geo-textile fabric and one foot of river-run gravel to stabilize the site, help minimize storm water runoff, and prevent safety hazards posed by newly uncovered areas (i.e., broken glass and metal debris).

The project site lies within the Waterfront District of the downtown Core Area. The property is planned Core – Waterfront Commercial (C-WFC), implemented by a Coastal Waterfront Commercial zoning district designation (CW). The City Coastal Zoning Regulations recognize a variety of principal and conditional uses for the CW zone including retail commercial, restaurants, theatres, piers, docks, and wharves, with an emphasis on giving priority to coastal-dependent and coastal-related uses. Offices and residences are also allowed within CW zoning districts when confined to a building's upper stories.

The Eureka Pier project site is located along the shoreline of Humboldt Bay, between the first public road (First Street) and the sea. Due to the presence of existing waterfront structures, views to and along Humboldt Bay in the vicinity of the project are limited to the ends of "C" and "F" Streets, and from the vacant parcel between "C" and "E" Streets,

which includes the project site. The City of Eureka LCP designates the northern waterfront area in general and the foot of "F" Street in particular as "scenic vista points." The LCP contains several policies regarding visual resource protection in the project area, to promote unobstructed view corridors to the waterfront from public streets and other public spaces, to create street-end gateways, and to establish landmark features (e.g., buildings, sculptures) at the terminus of key Core Area streets, most importantly at the west end of 2nd Street (B Street) and at the foot of F Street. Other policies seek to ensure that new waterfront development occur in harmony with and enhance the character of the Old Town area in terms of consistency with a "Victorian Seaport" theme.

2. Description of Originally Approved Project

As detailed in Section II.C of Part One of the staff report for the original development, attached as Exhibit No. 7 and hereby incorporated by reference, the original conditionally-approved project would entail development of two, three-story buildings that would house a commercial/professional office/residential mixed-use complex.

The project site is currently owned by the City of Eureka's Redevelopment Agency. The original project was subject to the conditions of a public-private Disposition and Development Agreement (DDA) negotiated between the City and the applicants. Accordingly, the applicants are acting under the authority of the City owners of the project site to pursue the required coastal development permit for the development.

A principal element of the DDA for the original project was the provision that the property will be sold to the applicants upon satisfactory completion of several pre-disposition conditions, most notably that the applicants submit and obtain approval from the Redevelopment Agency of: (1) preliminary plans for the development of the site; and (2) a proposed financing plan for the site improvements. However, the DDA did not require that all permits be required or the site improvements be constructed before ownership of the property could be transferred from the City to the applicants.

Under the original permitted project, the buildings that would have been developed on the 1¼-acre site would comprise a total of approximately 56,760-square-feet of gross floor area rising to an overall height of 44 feet. The two buildings would have been connected at their second and third-story levels by an enclosed walkway spanning the foot of the "E" Street right-of-way. The sides of the enclosed walkway would have been glazed to make the walkway more transparent and help retain a view corridor down the "E" Street right-of-way to the bay. At ground level, the development would have been oriented to adjoin and abut to an approximately 260-foot segment of the City of Eureka's Boardwalk, which spans the City's central waterfront from "C" to "F" Streets. As designed, the front of the project would have been oriented towards Humboldt Bay, allowing for direct access to the boardwalk from the ground-level commercial space entries, exterior parking lot, and the "E" Street breezeway between the buildings.

As proposed under the originally approved description and plans, the first floor of both buildings were proposed to be developed with an assortment of visitor-serving commercial uses to support and enhance the public coastal access and coastal recreational opportunities provided by the adjoining City boardwalk, including retail shops featuring locally produced wares, fish markets, and restaurants. At the second floor level of both buildings, the applicants proposed to develop a mixture of professional office and rental apartment spaces ranging in leaseable floor area from 1,935 to 2,228 square feet in size. The applicants identified prospective professional office tenants to include architects, engineers, yacht broker, sea kayak outfitters, and insurance brokers. The project's third floor levels would have contained a total of eight residential condominium units, four in each proposed building, ranging from 1,935 to 2,228 square feet in size.

Table 1, below, summarizes the gross floor areas and uses on each story within the two buildings proposed under the originally approved development:

Table 1: Summary of Proposed Mixed Uses – Original “Eureka Pier” Project, CDP No. A-1-EUR-01-029

Building / Level	Gross Floor Area (sq. ft.)	Leaseable* Floor Area (sq. ft.)	Proposed Uses
Building “A”			
- 1 st Floor	5,700	5,420	Retail Sales & Service, Restaurant
- 2 nd Floor	9,775	9,672	Professional Offices, 4 Residential Dwelling Units
- 3 rd Floor	10,965	8,411	4 Residential Condominium Units
Building “B”			
- 1 st Floor	9,600	9,087	Retail Sales & Service
- 2 nd Floor	9,870	9,412	Professional Offices; 2 Residential Dwelling Units
- 3 rd Floor	10,450	8,293	4 Residential Condominium Units
Breezeway			
- 1 st Floor	n/a	n/a	n/a
- 2 nd Floor	200	0	Covered walkway common area
- 3 rd Floor	200	0	Covered walkway common area

* Exclusive of balconies, stairwells, elevator shafts, and other unoccupied spaces

In addition to the building improvements, the original project would have included an 18-space ground-level interior parking garage within Building “A” for exclusive use by occupants and guests of the development's 14 residences, and a 69-space exterior parking lot to serve the tenants, employees and patrons of the commercial storefronts and professional offices. The parking lots would have been inter-connected to each other by a 15-foot-wide, one-way paved alley constructed along the property's southern boundary at the mid-block location between First Street and the bay frontage. Pedestrian walkways

would also have been developed around the perimeters of both buildings and within the "E" Street breezeway.

For compliance with the municipal code's off-street parking requirements, the City of Eureka authorized the use of 20 spaces in an under-utilized public parking lot located at First and "C" Streets, approximately one block from the project site, for "parking by permit only" use by employees of the commercial and office spaces of the original project. In addition, the City of Eureka pledged to contribute \$150,000 to the City's parking in-lieu fund to cover the costs for development of the 21 additional spaces required for the original project. Altogether, the project would have provided 128 vehicular parking spaces either on-site, off-site, or through in-lieu fees.

The original project also included a preliminary stormwater treatment system. The system would collect all runoff from impervious surfaces at the site (i.e., roof, walkway, and parking lot drainage) and convey the water into two below-grade oil/water separators for onsite treatment prior to the site runoff being released into the City's stormwater drainage system.

3. Description of Permit Amendment

The applicants now propose to amend the project to increase the aggregate size of the commercial/residential building complex by 125 square feet through a series of changes to the composition of the mixed uses to be provided therein by: (1) increasing the number of residential units from 14 to 16 on the upper floors; (2) reconfiguring the interior and exterior off-street parking facilities and reducing the number of spaces provided on-site by 15 spaces; and (3) expanding the building footprint of the western commercial building into the area previously partially occupied by 7 parking spaces. In addition, the applicants have included a land division component to the project in their amended permit application, where the property would be subdivided in three parcels, one of which would be further subdivided under a condominium plan into the proposed 16 residential units and owners' association held common areas. Under the revised tentative subdivision map approved by the City, the site of the 50-space exterior parking lot along the western side of the development would also become a separate parcel (see Tentative Parcel Map in Exhibit No. 5).

As amended, the project would consist of: (1) a 56,885-square-foot, 3-story, 54-foot-high, mixed-use commercial/residential complex comprising two buildings connected by an enclosed bridge corridors at the second and third floor levels, containing 22,441-square feet of leasable retail and professional office space and 16 residential condominium units; (2) a 17-space enclosed ground-level off-street parking area for the exclusive use of the residences; (3) a 55-space exterior off-street parking lot area for use by the commercial tenants and customers; and (4) related site landscaping and walkway improvements around the periphery of the buildings and connecting onto the adjoining City Boardwalk. In addition, the previously approved preliminary landscaping plan has been modified to

include the planting of an approximately 2,800 square-foot landscaped buffer area between the exterior parking lot and the boardwalk.

Table 2, below, summarizes the gross floor areas and uses on each story within the two buildings proposed under the amended development permit application:

Table 2: Summary of Proposed Mixed Uses – Amended “Eureka Pier” Project, CDP No. A-1-EUR-01-029-A1

Building / Level	Gross Floor Area (sq. ft.)	Leaseable* Floor Area (sq. ft.)	Proposed Uses
“West Wing”			
- 1 st Floor	10,566	9,226	Retail Sales & Service, Restaurant
- 2 nd Floor	9,217	8,183	Professional Offices
- 3 rd Floor	9,377	9,071	4 Mezzanine Loft Condominium Units
“East Wing”			
- 1 st Floor	6,178	4,838	Retail Sales & Service, Restaurant
- 2 nd Floor	9,963	8,693	6 Condominium Units
- 3 rd Floor	11,116	9,896	6 Mezzanine Loft Condominium Units
Breezeway			
- 1 st Floor	n/a	n/a	n/a
- 2 nd Floor	234	0	Covered walkway common area
- 3 rd Floor	234	0	Covered walkway common area

* Exclusive of balconies, stairwells, elevator shafts, corridors, utility rooms, and other unoccupied spaces

Although the proposed amendment would expand the habitable area of the building by over 100 square feet, the additional habitable structural area would be developed on ground level portions of the lot that were approved to be covered by cantilevered projections of the building at the second and third floor levels. In addition, this expansion would not involve additional fill or ground disturbance, or otherwise extend the structure any closer to the coastal waters of Humboldt Bay. Further, although the amended project would increase the overall building height by ten feet due to the development of the proposed third-floor mezzanine loft condominium units, as discussed further in Findings Section IV.B.2.b.3) below, the project would remain consistent with the Visual Resources and Architecture / Landscape policies and standards of the City’s LCP.

In addition to the reconfiguring of the site plan and arrangement of mixed-use spaces within the buildings, the applicants also propose to make a series of architectural design changes to the buildings and site plan, in response to a detailed geo-technical investigation prepared for the development, to incorporate input from the City’s fire department review, and as aesthetic refinements to the structures. Table 3, below, summarizes these architectural design changes:

Table 3: Summary of Proposed Architectural Changes – Amended “Eureka Pier” Project, CDP No. A-1-EUR-01-029-A1

DESCRIPTION OF CHANGE	LOCATION ON ORIGINAL PROJECT PLANS
Change location of roll-down gates into covered parking, change shape of trash enclosure	A0.1
Enclose interior corridor between covered parking spaces and back exit of east wing retail. (Fire Department requirement).	A0.1
Wall-off exterior walkway from staircase to street - Fire Department requirement.	A0.1
Change pile structural grid of Buildings “A” and “B”	A1.1 & A1.2
Delete staircase on east side of Building “A”	A2.1
Add access stairway to unit loft space.	A2.5 & A2.6
Add utility room on first floor of Building “B”	A2.4
Add trash room on first floor of Building “B”	A2.4
Change entrance layout of residential space 1 through 4	A2.5 & A2.6
Bring roof out to cover balcony on 3rd floor. (Structural engineering requirement to extend roof diaphragm to outside column line.)	A2.7 & A2.8
Open up roof on SE corner to allow roof access from staircase	A2.7
Add dormer	A2.8
Change layout, window size and location of façade tower	A3.1
Extend roof over balconies, make all roofs same height	A3.1
Change bridge design	A3.2
Change gables of end units to match middle unit in height and roof pitch; delete small intermediate dormers.	A3.2
Glass railing instead of solid wall on end units second floor	A3.2
Delete façade tower pop-out	A3.2
Revise storefront detail on south elevation	A3.2
Change shape of façade tower	A3.3
Add windows to third floor	A3.3
Add window and door at façade tower	A3.3

Treatment of stormwater runoff from the site would remain the same as that conditionally approved for the original project, consisting of the centralized collection of all exterior parking lot runoff into two oil-water separators located within the landscaped islands of the exterior parking lot areas. Runoff from uncontaminated buildings roofs and walkway surfaces would be allowed to sheetflow into Humboldt Bay.

The applicants further request that the approved permit be amended to revise those conditions of the original permit requiring recordation of individual deed restrictions, instead conforming with the Commission's new procedures for recording a single generic deed restriction to impose all of the special conditions of the permit as restrictions on the use of the property. The conditions proposed to be amended include Special Condition Nos. 2, 7, and 10 of the original approval.

B. LAND USE AND DEVELOPMENT

1. New Commercial Development in Core and Waterfront Areas.

a. Summary of Applicable LCP Provisions

The City's LUP contains numerous policies applicable to development of the proposed development type and site. LUP Core Area Concentrated Mixed Use Policies 1.B.1 through 1.B.4 state that the City should promote and encourage projects that would: (a) consist of concentrated commercial development; (b) entail mixed uses; (c) include housing and/or professional offices in upper stories of buildings; (d) reinforce viable existing uses such as fishing; (e) be pedestrian-oriented; (f) attract numerous patrons to the City's commercial downtown; and (g) have the maximum positive effect on the economic and social viability of the Core Area. Further, with respect to new development along the waterfront, LUP Waterfront Policy 1.D.5 directs the City to "... *expand and encourage opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fish, and other similar attractions.*" LUP Commercial Development Policy 1.L.7 further states that, "(t)he City shall require major commercial development to consolidate and control access to avoid congestion, confusion, and traffic conflicts."

CZR Section 156.072(C)(7) provides for "*visitor-serving facilities, including antique shops, art galleries, restaurants (but not including drive-in establishments), bars and taverns, and other establishments that offer retail sales and services to visitors*" as a principally permitted use in Waterfront Commercial (CW) zoning districts. In addition, CZR Section 156.072(C)(8) allows for "*offices related to or dependent upon coastal-dependent or coastal-related uses*" by right in CW zones. CZR Section 156.072(D)(1)(b) further provides for "*administrative, business, and professional offices, except medical and dental offices*" as conditional uses subject to findings of consistency with LCP policies and standards, and that the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the

public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. CZR Section 156.072(D)(1)(III) provisionally allows those residential uses permitted in the Multi-Family Residential (RM) Districts (e.g., combinations of attached or detached dwelling units, including duplexes, multi-family dwellings, dwelling groups, row houses, and townhouses) in CW zones provided the units are located above the ground floor of commercial structures, the minimum size of such dwelling units shall not be less than what is required in the City's Building and Housing Code, and a use permit is secured.

b. Analysis

As described in Findings Section IV.A.3 above, the applicants are proposing to amend the permit originally granted to construct a compact, multi-use commercial/professional office/residential complex comprising two interconnected three-story buildings with associated exterior off-street parking facilities. Under the amended project description, the ground floor levels of both buildings would continue to be developed with an assortment of visitor-serving commercial uses with a retail sales & service and food service orientation. The second floor level of both buildings would similarly be developed with professional office suites and a total of six condominium units being substituted for the six rental apartments approved under the original permit. Ten additional condominium units would be developed on the project's third-story levels, representing an increase of two residences from the original project design. The proposed development site would continue to be designed to interface with the City's boardwalk, with direct ingress/egress to and from the boardwalk available at the buildings' ground floors.

Thus, the Commission concludes that the development of the proposed mixed-use project at the subject site as amended is consistent with all applicable LCP provisions, including LUP Core Area Concentrated Mixed Use Policies 1.B.1 through 1.B.4, Waterfront Policy 1.D.5, and Commercial Development Policy 1.L.7. In addition, all of the proposed and prospective uses of the buildings as proposed to be amended are recognized as either principally or conditionally permitted uses within the CW zoning district in which the project site is located. Therefore, the Commission finds the amended development is consistent with the new development policies of the certified LCP for commercial and mixed use development within Eureka's waterfront and core areas because the amended development would: (a) consist of concentrated commercial development; (b) entail mixed uses; (c) include housing and/or professional offices only in the upper stories of buildings; (d) reinforce viable existing uses such as fishing; (e) be pedestrian-oriented; (f) attract numerous patrons to the City's commercial downtown; (g) have the maximum positive effect on the economic and social viability of the Core Area; (h) expand and encourage opportunities for recreational and visitor-serving uses and activities along the waterfront; (i) consolidate and control access to avoid congestion, confusion, and traffic conflicts; and (j) be consistent with the purpose and intent of the Waterfront Commercial zoning district.

2. Visual Resource Protection and Compatibility with Surrounding Character.

a. Summary of Applicable LCP Provisions

LUP View Corridors Policy 1.H.1 states:

The City shall promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting and effective street tree maintenance. [Emphasis added.]

CZR Section 156.054 states, in applicable part:

(A) Scenic coastal areas.

(1) The following shall be considered scenic coastal areas of public importance:

(a) Woodley Island, Daby Island, Indian Island...

(B) Conditions of development near scenic areas. Permitted development within scenic coastal areas, where otherwise consistent with the policies of this Local Coastal Program, or except where designated within a MG District, shall:

(1) Minimize the alteration of natural landforms;

(2) Be visually compatible with the character of the surrounding area;

(3) Be sited and designed to protect views to and along the ocean and scenic coastal areas;

(4) Wherever feasible, restore and enhance visual quality in visually degraded areas. [Emphases added.]

LUP Architectural / Landscape Character Policy 1.I.5 states:

The City shall require that new buildings in the Core Area be compatible with the surrounding building scale, character, and materials. In no event shall a new building exceed 75 feet in height. The City shall require that facades on new buildings in the Core Area are a minimum of 18 to 20 feet tall, including decorative front cornices.

LUP Architectural / Landscape Character Policy 1.I.6 states:

The City shall require that signs in the Core Area are appropriate to the pedestrian environment and to the scale and character of the buildings they serve.

LUP Architectural / Landscape Character Policy 1.I.7 states:

The City shall maintain the basic scale and character of the traditional grid street pattern in the Core Area, including street dimensions and alignment, sidewalk width, curb lines, and parallel parking.

LUP Architectural / Landscape Character Policy 1.I.8 states:

The City shall promote the creation of a strong and appealing retail environment by requiring the use of transparent commercial storefronts (i.e., windows and doors) and continuous and compatible building facades. Conversely, the City shall prohibit the creation of blank wall and discontinuity in building facades.

CZR Section 156.040(D) states, in applicable part:

Landscaping of parking facilities. In an OR, ML, RM, and all C Districts, not less than 4% of the interior of a proposed parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the proposed parking area...

LUP Maintenance and Safety Policy 1.J.2 states:

The City shall work with property owners to ensure that rear entries to stores are attractive and alleys are well maintained. The City shall encourage consolidation of dumpster areas in alleys and shall require upgrading the visual quality of dumpster enclosures.

b. Analysis

The project site is located along the City's central waterfront with Humboldt Bay at the foot of "D" and "E" Streets. The site lies directly across the bay from Woodley and Indian Islands, and is visible from these "scenic coastal areas." The parcel is not located within a formally designated "Highly Scenic Area." (Note: The City's LCP does not make that distinction for any specific sites, but focuses instead on protecting views within the "scenic coastal areas" visible from Highway 101 at the City's northern entrance, the islands within Humboldt Bay inside the City limits, wetland, riparian, and wildlife refuge areas along the sloughs along the City's eastern edge, and the "scenic routes" described in the City's General Plan.

Nevertheless, the bay front site for the proposed commercial visitor-serving mixed-use facility area is an area of notable visual interest and scenic qualities. This fact is reflected in the City's LUP, which sets forth in both general and very specific language as cited above, requirements for the protection of these scenic values and views. Though the site was previously occupied by a three-story fish processing and warehouse structure that spanned much of the lot, the property has been vacant since the dilapidated structure was demolished in mid-2001. From the fixed vantage point of the foot of "D" and "E" Street at the mid-block between First Street and the bay oriented seaward, the project site's coastal viewshed consists of an approximately 175° arc encompassing the tree-silhouetted shoreline of Woodley and Indian Islands, the moorages of the Woodley Island marina, the central span of the A.M. Bistrin Memorial Bridge (SR255), and the mid-channel bay waters of Humboldt Bay to the north, northeast and northwest. Portions of the Samoa Peninsula, including the Louisiana-Pacific Corp. pulp mill and Simpson Timber Company sawmill, are also visible beyond Indian Island to the northwest and northeast.

As originally approved, the proposed commercial visitor-serving facility would re-introduce a significant urban-type structure into the viewshed of this scenic area. The proposed amended development would continue to be highly visible from several public streets within the city, as well from the bay islands and boats on the bay, and would affect views to and along the ocean.

1) Effects of the Amended Project on Visual Resources in the First Street Area

With the exception of the 25-ft.-wide ground-level opening between the buildings, the approved site development would extend nearly a full city block of the project parcel's overall 1½-block width. Major portions of the views to and along Humboldt Bay from First Street would be significantly obstructed by the development. Instead of the relatively panoramic views currently available through the site's entire bay frontage from "C" Street east to the mid-block point between "D" and "E" Streets, the viewing area along First Street would be reduced to several openings corresponding to the exterior parking lot between east of "D" Street and the breezeway between the buildings at the foot of "E" Street. Furthermore, at nearly 23,000 square feet of ground-level building coverage and extending an additional ten feet to an overall height of 54 feet, the amended mixed-use complex is a relatively large structural development for downtown Eureka.

The originally-approved development consist of two buildings, spanning approximately 260 feet of the approximately 440-ft.-wide parcel and extending to a three-story height of 44 feet. The proposed structural changes proposed by the amendment request would represent an increase in 125 square-feet of gross floor area and an increase in the overall building height by ten feet, from 44 feet to 54 feet (see Exhibit No. 4). The "East Wing," formerly "Building 'A'," would continue to be constructed within an approximate 125-ft. x 106-ft. building envelope at the northeast corner of the property. The "West

Wing," formerly "Building 'B'," would continue to similarly occupy an approximately 125-ft. x 100-ft. building envelope at the north-central portion of the site. An enclosed, elevated walkway would continue to connect the second and third-story levels of the two buildings. Although some minor changes have been made to the bridge walkway, at-grade views and the overall bulk and appearance of this building feature remain effectively unchanged from that approved under the original permit. At the ground level between the two buildings, an approximately 25-ft.-wide opening would continue to be provided coinciding roughly with the alignment of "E" Street.

2) Conformance with LCP Coastal Visual Resources and Architectural Compatibility Policies

The proposed permit amendment can be approved if the Commission finds that the amended development continues to be consistent with the applicable visual resources policies and standards of the City's certified LCP. Recognizing that the core area of the City where the site is located is an urban area where development has historically been concentrated and views have been compromised by the presence of buildings on the site and in surrounding areas, the visual resource policies of the LCP for the core area of the City do not call for the protection of all views. Rather, the policies seek to protect view corridors and ensure that new development is compatible with the character of the area. LUP View Corridors Policy 1.H.1 directs the City to promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting. CZR Section 156.054 requires that development near coastal scenic areas minimize alteration of natural landforms, be visually compatible with the character of the surrounding area, be sited and designed to protect views to and along the ocean and scenic coastal areas, and wherever feasible, restore and enhance visual quality in visually degraded areas. LUP Architectural / Landscape Character Policy 1.I.5 requires that all new Core Area buildings be found compatible with the surrounding building scale, character, and materials, not exceed 75 feet in height, and that facades and front cornices be a minimum of 18 to 20 feet tall. LUP Architectural / Landscape Character Policy 1.I.6 requires Core Area signage be appropriate to the pedestrian environment and to the scale and character of the buildings they would serve. LUP Architectural / Landscape Character Policy 1.I.7 directs the City to maintain the Core Area's basic scale, character, grid street pattern, street dimensions and alignment, sidewalk width, curb lines, and parallel parking layout. LUP Architectural / Landscape Character Policy 1.I.8 requires commercial storefronts to develop appropriate fenestration to achieve a transparent appearance, continuous and compatible building facades, and avoid featureless and discontinuous building facades. CZR Section 156.040(D) requires that not less than 4% of the interior of a Commercial district parking areas be landscaped with trees and other plant materials suitable for ornamentation, distributed throughout the parking area. Finally, LUP Maintenance and Safety Policy 1.J.2 requires that the visual quality of dumpster enclosures be upgraded.

In regard to conformance of the proposed project revisions to the above-grade structures with Policy 1.H.1, the improvements would continue to be sited such that views of the bay from the street ends of "D" and "E" Street would remain open. With respect to the standards of CZR Section 156.054 and conformance with Policies 1.I.5, 1.I.7, and 1.I.8, the development as proposed to be amended would continue to: (a) minimize site grading; (b) not exceed 75 feet in height; (c) have facades with minimum 18-20-ft heights; (d) reserve coastal viewing opportunities from the foot of "D" and "E" Streets; (e) provide numerous visual openings through windows and doors on all floors; (f) conform to the City's grid arrangement of streets, sidewalks, curbing, and on-street parking layout; and (g) significantly improve this current blighted portion of the City's waterfront.

As to the amended project's compatibility with its surroundings, the character of the area in proximity to the project site may best be described as "diverse." As discussed in Findings Section IV.A above, the site's Waterfront Commercial zoning allows for a wide variety of commercial, professional office, and residential uses and structures. The property also lies near the junction of several zoning districts, including coastal-dependent light manufacturing, general commercial, and natural resources. Given the wide variety of building types, styles, sizes, heights, and coverages that currently exist or would be allowed on adjoining properties by the City's zoning regulations, in approving the original project the Commission found that the construction of the subject mixed-use complex was not, from a strictly architectural point of view, out of character with the surrounding area.

In addition, the Commission found in approving the original development that the development's multi-storied, hip-with-cross-gable roofs and other English Revival / Arts & Crafts stylizations would approximate that of several other prominent structures in the downtown area (i.e. Wharfinger Building, Humboldt County Library, Palmtag Building, Mansion House). As described by the project architect, the architectural style is "inspired by the rocky seashore and gable roof structures of this 'Victorian Seaport.' Our vision is to create a project that is an authentic expression of the culture of the North coast for the people living in the region. Accomplishment of this vision will insure a quality experience for visitors coming from outside the area." The minor architectural changes proposed in the amendment request would not significantly change the architectural style or character of the development. Therefore, the amended development would continue to be compatible with the character of the area.

The proposed amendment would increase the height of the building by ten feet. Although the amended project's proposed 54-ft. height for the buildings would be greater than that of many nearby structures, the development would not project higher than the Core Area 75-ft. height limit, or the multi-storied Victorian-era buildings in the commercial core area to the south.

With regard to other exterior treatments, the applicants have not proposed or provided any details as to signage, lighting, or the physical appearance of solid waste storage containers for the amended project. Additionally, only a preliminary identification of areas proposed for landscaping has been submitted (see Exhibit No. 4). These details were also not provided with the application for the originally-approved project. Depending upon the particular design and placement of these elements, the amended project may either harmonize or conflict with that of other development in the waterfront and core areas.

Thus, to find conformance of the amended project with LUP Architectural / Landscape Character Policies 1.I.5 and 1.I.6, CZR Section 156.040(D), and LUP Maintenance and Safety Policy 1.J.2, the Commission imposes Special Condition Nos. 7 and 1, respectively. Special Condition No. 7 is modified from the original permit to delete Part B as it is no longer needed as Special Condition No. 14 requires that all of the terms and conditions of the amended permit will not be recorded as restrictions against the property. Special Condition No. 7 requires that no structural improvements or landscaping, except as specifically provided for herein, or large materials be placed or stored within the "E" Street view corridor in a manner that would obstruct views through the corridor. Special Condition No. 7 also requires that the sides of the enclosed walkway above the "E" Street right-of-way be constructed out of glass and maintained as a see-through structure, and that the interior of the walkways be kept free of furniture and other materials to enable views to the bay above the walkthrough corridor be maintained. This requirement will further ensure consistency of the amended project with the language of LUP Policy 1.H.1 that unobstructed view corridors to the waterfront from other public spaces be promoted.

Special Condition No. 1 requires the applicants to submit for the review and approval of the Executive Director, revised plans for the amended site improvements. The condition requires that landscaping be included to soften the appearance of the development without obstructing views to and along the coast from designated view corridors and vista points. Special Condition No. 1 also requires that all exterior lights, including lights attached to the outside of any structures must be low-wattage, non-reflective and be mounted so as to cast their illumination downward within the project boundaries to minimize glare and lighting impacts. In addition, all future signs for the amended project are required to conform to the CW zoning district standards for signage. Applied together, Special Conditions 7 and 1 will continue to assure that view corridors through the site are protected, the visual prominence of the amended development is lessened, lighting impacts continue to be mitigated, and a pleasing overall appearance of the development as amended is promoted.

Finally, the Commission imposes modified Special Condition No. 2 to the amended permit, which states that all future development on the subject parcel that might otherwise be exempt from coastal permit requirements requires an amendment or coastal development permit. Consistent with Section 13253(b)(6) of the Commission's administrative regulations, this condition will require future improvements to the

development to be reviewed to ensure that the improvements will not have significant adverse impacts on visual and scenic resources. This requirement will ensure that all future purchasers of the property are aware of the requirement to obtain a permit for improvements that would otherwise be exempt. Similar to the revisions made to Special Condition No. 7, part B of Special Condition No 2 as set forth in the original permit has been deleted as it is no longer needed since Special Condition No. 14 requires that all of the terms and conditions of the amended permit will not be recorded as restrictions against the property.

4) Conclusion

The Commission concludes that the amended development as conditioned has been sited and designed to protect views to and along the coast. Furthermore, the Commission concludes that, as conditioned by Special Conditions Nos. 1, 2, 3, and 4 to: (a) retain the opening between the buildings providing scenic views of the bay and wildlife, and to continue to require the connecting walkway crossing the opening be transparent; (b) ensure that landscaping is not placed or allowed to grow to such size as to obstruct coastal views through the view corridor; and (c) allow landscaping, lighting, trash enclosures, and future development to be reviewed for conformity with all applicable LCP provisions, the amended development will not have significant adverse effects on visual resources.

The Commission therefore finds that as: (1) views to and along the ocean have been protected through provision of a substantial view corridor oriented from the vantage point of the adjoining public street ends toward bay shore areas; (2) natural landform alteration would be minimized; (3) the quality of visually degraded areas would be restored and enhanced where feasible; (4) the amended project has been conditioned so that landscaping, signage, trash enclosures, and other future development will be reviewed to ensure it will not be sited where it would have significant adverse effects on visual resources; and (5) the amended development would be visually compatible with the character of surrounding areas, the amended development as conditioned is consistent with LUP Policies 1.H.1, 1.I.5-1.I.8, and 1.J.2, and the standards of CZR Sections 156.040(D) and 156.054.

C. TRANSPORTATION AND CIRCULATION

(Note: Refer to Findings Sections IV.C.1, 2, and 4 of Part Two of the adopted findings for the original project, attached as Exhibit No. 7, for a discussion of the development's continued consistency with the City LCP's provisions regarding Streets and Highways, Public Transit, Bicycle and Pedestrian Transportation, and Loading in Commercial and Core Areas. These findings remain unaltered by the amended development.)

1. Parking in Commercial and Core Areas.

a. Summary of Applicable LCP Provisions

LUP Commercial Development Policy 1.L.2 states:

The City shall promote high quality design attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated area of the city. [emphasis added]

CZR Section 156.072 states, in applicable part:

(E) *Off-street parking. Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this title.*

Cited CZR Section 155.117(A)(2) sets the following number of off-street parking spaces for "all other dwellings" other than single-family residences as follows:

One space for each dwelling unit, plus one additional space for each two dwelling units except in an OR or C District.

Cited CZR Section 155.117(B)(1) sets the following number of off-street parking spaces for "retail sales and service" as follows:

One space for every 300 square feet of gross floor area.

Cited CZR Section 155.117(B)(5) sets the following number of off-street parking spaces for "restaurants, bars, soda fountains, cafes and other establishments for the sale and consumption on the premises of food or beverages as follows:

One space for every 200 square feet of gross floor area

Cited CZR Section 155.117(E)(1) states:

Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings, shall provide parking spaces for the physically handicapped in accordance with the following schedule:

<i>Total Number of Parking Spaces</i>	<i>Number of Handicapped Parking Spaces Required</i>
<i>1 – 5</i>	<i>0</i>
<i>6 – 40</i>	<i>1</i>
<i>41 – 80</i>	<i>2</i>
<i>81 – 120</i>	<i>3</i>
<i>121 – 160</i>	<i>4</i>

161 – 300	5
301 – 400	6
401 – 500	7
Over 500	1 for each 200 additional spaces provided

Cited CZR Section 155.117(F) states:

Compact car provisions.

- (1) *Compact car spaces may be utilized in meeting the above parking requirements.*
- (2) *No compact car spaces shall be allowed in parking areas contain-ing less than 10 parking spaces.*
- (3) *In lots where compact car spaces are permitted, up to 25% of all spaces in the lot may be compact car spaces.*
- (4) *Compact car spaces, when allowed, shall be visibly marked with signs and shall be clustered in one section of the parking area.*

With regard to minimum dimensions for required off-street parking spaces applicable to the proposed project's parking plan, CZR Section 155.118, requires, in applicable part, as follows:

- *Standard Parking Space Minimum Width (for spaces oriented 90° to aisle direction): 8' 6"*
- *Standard Parking Space Minimum Length (for spaces oriented 90° to aisle direction): 19'*
- *Minimum Aisle Width: 25'*
- *Compact Parking Space Minimum Width: 7' 6"*
- *Compact Parking Space Minimum Length: 16'*
- *Handicapped Parking Space Minimum Width: 14'*
- *Handicapped Parking Space Minimum Length: 19'*

Cited CZR Section 155.123 states, in applicable part:

In Lieu Payments

In a CN, CC or CW District, or in an OR District when that district is adjacent to a CN, CC, CW, or CS District, in lieu of providing parking facilities required by the provisions of this subchapter, the requirements may be satisfied by payment to the city, prior to the issuance of a zoning permit, of an amount per parking space, prescribed by the Council, for each parking space required by this subchapter but not provided. The payment shall be deposited with the city in a special fund and shall be used exclusively for the purpose of acquiring and developing off-street

facilities located, insofar as practical, in the vicinity of the use for which the payment was made. [Emphasis added.]

b. Analysis

The City's certified LCP addresses the importance of providing adequate off-street parking and loading facilities to serve proposed new development both in terms of general policies within its land use plan as well as specific standards within the Coastal Zoning Code. In general, these requirements are intended for progressively alleviating and preventing traffic congestion and shortages of on-street curb spaces by requiring new development to provide off-street parking facilities necessary to serve proposed new uses. The number of parking and loading spaces prescribed are set in proportion to the need for such facilities created by the particular type of land use. Off-street parking and loading areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and where appropriate, insulate surrounding land uses from their impact.

Numerical Parking Requirements for the Amended Eureka Pier Project

The proposed changes to the project and the reexamination by the City of the parking requirements applicable to the residential portion of the development have reduced the required amount of parking for the development. As reflected in Department Policy Statement No. 2003-01, attached as pages 4 and 5 of Exhibit No. 9, at the applicants' behest, the City has taken a closer examination of the parking requirements for the project's residential component and concluded that one space per condominium unit would be the applicable standard rather than the 1.5-space per unit applied to the original project approval. Section 155.117(A)(2) of the City's Zoning Regulations states the off-street parking requirement for "*all other dwellings*" other than one-family dwellings, motels, hotels, lodging houses, and private clubs providing sleeping accommodations, trailer parks, and bed & breakfast inns as "*one space for each dwelling unit, plus one additional space for each two dwelling units except in an OR or C District.*" The modifier phrase was apparently overlooked in the City initial review and in the Commission's *de novo* consideration of the appealed original project. The Commission finds the parking requirement is set at one space per residential condominium unit as the project site is located within a Commercial Waterfront zoning district, one of the City's "C" zoning districts.

This clarification in interpretation of Section 155.117(A)(2) resulted in a reduction in the number of parking spaces originally calculated for the residential component of the amended project by one-third, from 24 to 16 spaces. In addition, the applicants have further refined the prospective future uses to restrict building space for parking-intensive retail sales and services in favor of less demanding residential units by increasing the amount of the project's residential component by two units while correspondingly reducing its professional office area. These actions further reduced the amended project's parking requirement to 111 spaces.

With regard to the proposed revised development, Table 4 below summarizes the project's off-street parking requirements:

Table 4: Off-Street Parking Requirements for Amended Eureka Pier Mixed Use Development

Project Portion	Gross Floor Area (sq. ft.) ¹	Proposed Use(s)	Parking Requirement	No. of Spaces Required ²
"West Wing"				
-1 st Floor	7,256 ³	Retail sales & service	1 space/300 sq. ft. GFA	25
	3,110 ³	Restaurant	1 space/200 sq. ft. GFA	16
-2 nd Floor	9,217	Professional offices	1 space/300 sq. ft. GFA	31
-3 rd Floor	n/a	Condominium Units (4)	1 space per dwelling	4
"East Wing"				
-1 st Floor	4,324 ³	Retail sales & service	1 space/300 sq. ft. GFA	14
	1,854 ³	Restaurant	1 space/200 sq. ft. GFA	9
-2 nd Floor	n/a	Condominium Units (6)	1 space per dwelling	6
-3 rd Floor	n/a	Condominium Units (6)	1 spaces per dwelling	6
Total Number of Required Off-Street Parking Spaces:				111

¹ Pursuant to Section 155.006 of the Eureka Zoning Code, "gross floor area" does not include off-street parking or loading; steps, patios, decks, terraces, porches, exterior balconies, if not enclosed on more than three sides, and mechanical shafts.

² Pursuant to Section 155.116.B of the Eureka Zoning Code, if Pursuant to Section 115.006 of the Eureka Zoning Code, if in the application of the requirements for off-street parking a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.

³ Includes all elevator, corridor, stairwells, and utility spaces split between the differing use categories on a *pro rata* basis.

The applicants intend to satisfy the off-street parking requirements of the amended project through a combination of onsite, offsite, and deferred parking development strategies. First, a total of 72 spaces are proposed to be developed onsite: a 17-space interior lot accessible to residents of the project's 16 dwellings, and 55 spaces in exterior parking facilities for customers, employees, and occupants of the project's commercial and professional office uses. Second, for the original project, the City of Eureka sanctioned use of an additional 20 spaces within the under-utilized 1st and "C" Streets public parking lot, located one-half block from the project site. These spaces would be used exclusively by project site employees. Similarly, the City's Redevelopment Agency committed an appropriation of \$150,000 in funds for deposit into an in-lieu fee account toward the development of 21 future spaces in the waterfront area to mitigate the impacts,

in part, of the originally proposed development. Altogether, the applicants and City would construct, reserve, or provide funding for 112 parking spaces, representing all of the 111 parking spaces required for the amended project and one surplus space.

Structure and Characteristics of Off-Street Parking Regulations

As a general land use regulatory principle, parking standards usually first require new development to mitigate all of its parking impacts by including within its design onsite parking facilities to meet all of its projected parking demand. When conformance with parking requirements cannot feasibly be met onsite, the parking standards usually require the developer to construct or secure substitute off-site parking facilities within reasonable proximity to the project site. Only upon exhaustion of all onsite and nearby parking development opportunities do parking standards typically allow other solutions, such as allowances for the payment of in-lieu fee payments or the granting of variances to be considered. The Commission notes that several of the contentions of LCP conformance raised on appeal of the original *Eureka Pier* project concentrated on this issue (see Coastal Development Permit No. A-1-EUR-01-029, Exhibit No. 6).

The City's LCP reflects the above-described hierarchical approach through the structure of its parking regulations: Prescriptive standards for on-site parking requirements are first stated, setting forth the number, size and location of spaces to be provided for each type of land use. Secondly, provisions are made for ministerial exceptions to these standards, such as allowances for a portion of larger parking lots to be compact spaces, or a reduction in residential parking requirements for projects within parking improvement assessment districts, for instances where conformance would be difficult because of the project's unique characteristics (e.g., the availability of alternative suitable sites for the project is limited). The parking ordinance also provides for further exceptions to the on-site parking requirements (i.e., provisions for development of parking facilities on nearby sites, participation in in-lieu fee programs) subject to administrative approval. Finally, the City's regulations provide for granting variances to the parking requirement at the discretion of a hearing board. Such variances are required to be based upon specified findings designed to limit their application and to prevent attempts to circumvent the established parking requirements or to avoid compliance based on frivolous reasons.

Suitability of the Proposed Amended Development's Parking Plan

Although a total of 72 off-street parking spaces are proposed for the site of the amended project, the 17 spaces within the enclosed parking lot at the ground floor level of the East Wing would be accessible solely to residents of the 16 condominiums. Thus, the one space in this lot in excess of the 16-space requirement for the residential component of the development would not be generally available for use by the tenants, employees, or customers of the other commercial uses of the project. Accordingly, for purposes of satisfying the aggregate 95-space requirement for the amended project's retail sales and service and professional office uses, the Commission only recognizes the 55 spaces within the exterior parking lot areas as applicable for meeting the amended project's

commercial parking requirements. Consequently, a deficit of 40 spaces, rather than 39 spaces must be offset by exclusive use off-site spaces or the payment of in lieu fees. After concluding that only a certain amount of the parking required for the original project could be feasibly developed at the project parcel without adversely impacting the waterfront aesthetics of the site, the applicants turned to meeting their remaining parking obligations at nearby sites. Finding no vacant land in proximity to the project site available for off-site parking development, the applicants began working with the City's Redevelopment Agency to investigate other options. The City found that many of the spaces within their public parking lot at First and "C" Streets, approximately 1½ blocks from the project site, were going largely unused (see Exhibit No. 10). Subsequently, on October 9, 2001 at the behest of the applicants and with the support of the City Manager, the City's Parking Place Commission authorized 20 spaces within an under-utilized First and "C" Streets lot be made available for leasing to the applicants for exclusive use by persons employed at the project site (see Exhibit No. 10). This approach is similarly proposed for reducing the amended project's parking requirement deficit from 40 to 20 spaces.

To offset the 21-space deficit of the original project's parking requirement, the applicants in coordination with the Redevelopment Agency developed a proposal to utilize the LCP's parking in-lieu fee provisions of CZR Section 155.123 cited above. Section 155.123 stipulates that the parking space requirements of the City's zoning regulations may be satisfied by payment to the city, prior to the issuance of a zoning permit, of an amount per parking space, prescribed by the City Council, for each parking space required but not provided. The payment is to be deposited into a special fund established by the City and used exclusively for the purpose of acquiring and developing off-street facilities. The location of these facilities is to be, insofar as is practical, in the vicinity of the use for which the payment was made.

In April 1989, the City Council first established a \$7,000 per space in-lieu parking fee for a development project that had not met all applicable numerical off-street parking requirements. At that time, City staff recommended that the Council base the in-lieu fee amount on the realistic costs of providing parking spaces to offset the parking facilities not provided onsite by the developer. Based upon a review of a parking facility improvement study prepared previously (Winzler and Kelly, 1987) and the actual construction costs for then-recently created public parking lots within the Henderson Center and Commercial and Waterfront Drive areas, City staff recommended that in-lieu parking fees for the 1989 project be set at \$7,000 a space. The Council agreed and set in-lieu parking fees at the recommended \$7,000 per space.

Consistent with past practices, the Redevelopment Agency subsequently proposed to the City Council that \$150,000 of Redevelopment revenue (representing \$7,142.85 in acquisition and development costs per parking space, or 102% of the estimated \$7,000 per space cost estimate) be transferred into a fund established by the City for development of 21 parking spaces to offset the deficit in off-street parking not otherwise

provided by the original *Eureka* Pier project. The amount of the deposit per space of \$7,142.85 is based on previous studies of the cost per space of providing a parking facility which determined the cost to be approximately \$7,000. The City has used the \$7,000-per-space figure in its actions on other projects relying on contributions of in-lieu parking mitigation funds (see letter from City Manager David Tyson, dated February 14, 2002 in Exhibit No. 9). The funds were slated to be used exclusively for future development of a public parking facility to be located within the City's waterfront area. On January 15, 2002, the City Council approved the proposal (see Exhibit No. 10). According to the description of the fund and the City's action, the \$150,000 contribution was considered to be the first of multiple contributions that may be expected to be provided by other waterfront redevelopment projects. The ultimate parking facility developed from money derived from the in lieu fund is expected to be a surface parking facility able to accommodate many more than the 21 spaces needed for the applicants original project.

In approving the original project, the Commission found that the combination of on-site parking, providing 20 spaces within the First and "C" Street lot, and providing an in-lieu fee to the City for future development of a public facility to accommodate the rest of the needed parking was consistent with the LCP policy requirements and conditioned the project to require the parking be provided as proposed.

The Commission notes that with the onsite parking provided under the amended project design and the sanctioning of twenty spaces within the nearby First and "C" Streets public parking lot, a total deficit of twenty spaces exists.

The applicants have indicated that they wish to again utilize the in-lieu fee option as a method for offsetting a portion of the amended project's parking requirement as was done for the original project. Accordingly, the \$150,000 appropriation offer remains as part of the proposal for the revised project.

The total of 111 parking spaces required for the amended project pursuant to CZR Section 156.072 are proposed to be provided by a combination of development of 72 on-site parking spaces, devoting 20 under-utilized spaces at on off-site parking lot for employee parking for the proposed development, and reliance on the City commitment to deposit the \$150,000 in an in lieu parking fund. The provision of 20 parking spaces off-site at 1st and "C" Streets is consistent with the provision of LUP Policy 1.L.2 which requires sufficient off-street parking facilities to be provided. The City has restated its commitment to lease the 20 spaces to the applicants and the site is nearby, as it is within 1½ blocks of the proposed development. Furthermore, the use of a \$150,000 deposit to an in-lieu fee account toward the development of 20 futures spaces within a larger parking facility to be developed by the City is consistent with CZR Section 155.123.

The City's original approval of a \$150,000 deposit to the in-lieu fund was based on the amount needed to offset 21 spaces rather than 20. The Commission notes that the City

has taken no action to reduce the amount of the deposit based on a reduction by one of the total number of spaces that need to be addressed by an in-lieu payment. The Commission further notes that given the escalating costs of fuel and petroleum-derived building materials over the last 25 years since the \$7,000-per-space cost estimate was calculated, any extra amount provided by the \$150,000 deposit above and beyond what would be required based on a \$7,000/space cost estimate will likely be needed to offset the increase in construction and material costs for development of 20 contemporary parking spaces.

The Commission notes that in developing the parking plan for the *Eureka Pier* project, the applicants and City staff have endeavored to ensure that the maximum amount of off-street parking feasible be provided onsite at the project parcel. To address the shortfall between parking to be provided onsite and the total number of required spaces, the applicants and City have investigated development of off-site parking facilities on adjoining and nearby properties, including under-utilized City-owned public lots in the vicinity. Finally, the applicants and City have relied on the in-lieu fee provisions of the certified LCP to provide the remaining parking requirement for the project. Using this strategy, the applicants have exhausted all reasonable parking remedies and avoided dependence upon a parking variance to reduce the required amount of parking.

Although the City has committed to providing the 20 under-utilized spaces at the existing parking facility at 1st and "C" Streets by action of the City's Parking Place Commission and a letter to the applicant attached as Exhibit No. 10, no signed lease or other binding document granting exclusive use of the spaces by the employees of the project site's commercial and office tenants to the applicant has been submitted to the Commission. Similarly, although the City has committed to a deposit of \$150,000 in a parking in-lieu fund to serve the project by resolution of the City Council as described in the letter from the City Manager (see Exhibit No. 10 of the original project permit staff report), evidence that the money has actually been fully appropriated for this purpose has not been submitted to the Commission.

Therefore, to ensure that the parking program is implemented as proposed for the amended project, the Commission imposes Special Condition No. 3. This condition requires evidence of the designation and signing of 20 spaces for the exclusive use by the employees of the project site's commercial and office tenants within the First and "C" Street public parking lot and deposit of a minimum of a \$150,000 contribution of the City's Redevelopment Agency into the City's Waterfront Parking Improvement Fund be submitted for the review and approval of the Executive Director prior to issuance of the coastal development permit amendment. As conditioned, the Commission finds that the proposed parking plan for the amended development is consistent with the requirements of the LCP for providing certain amounts of parking spaces.

Project Compliance with LCP Off-Street Parking Prescriptive Standards

In approving the original project, the Commission found that although an intent to provide the required number of spaces had been demonstrated, there were several aspects of the parking layout depicted on the submitted site plans which did not appear to fully conform to the dimensional and modal standards for off-street parking facilities. These inconsistencies included:

- Twenty-four standard spaces within the exterior parking lot that did not meet the 19-ft. minimum length required by CZR §155.118(A);
- Twenty-five compact spaces within the exterior parking lot that did not meet the 16-ft. minimum length required by CZR §155.118(C);
- Two handicapped parking spaces within the exterior parking lot that did not meet the 19-ft. minimum length required by CZR §155.118(B);
- Exceedance the maximum 25% allowance for compact car parking spaces provided under CZR §155.117(F)(3) by three spaces; and
- Possible blockage of a portion of the Pier Street alley entrance to the exterior parking lot due to vehicles parking in spaces providing less than required stall lengths.

To resolve these inconsistencies, the Commission included within Special Condition No. 1 of the original permit requirements that revised plans required to be submitted for the review and approval of the Executive Director achieve consistency with these standards. The Commission notes that the original project's deviations from the parking ordinance standards have been fully resolved on the site plan submitted as part of the amendment request for the amended project's parking lots. Consequently, in imposing Special Condition No. 1, the Commission has modified the condition to delete the requirements of the original permit that a revised parking plan be prepared and submitted for the approval of the Executive Director illustrating that the onsite parking facilities fully conform with the standards of the City's LCP.

Ensuring the Continued Availability of Needed Onsite Parking Facilities

A major new aspect of the amended development is the proposed parcelization of the project into three lots and the further subdivision of these parcels into 16 residential condominium units and related appurtenant owner association-owned common areas. As part of this process, the 50-space parking area to the west of the West Wing building would be placed onto its own lot, referred to in the permit amendment application materials as "Parcel 'C'." This action is being undertaken by the applicants, in anticipation that at some future time, the City of Eureka will eventually develop its long planned-for multi-story parking structure to support developments planned for the City's Waterfront and Core Areas in a manner such that all of the commercial uses of the amended project, and not just the 39 spaces to be covered by the in-lieu fee contribution, might be provided therein. This anticipated substitute parking facility would then allow the bayfront area that will initially be utilized to satisfy some of the amended project's

off-street parking requirements to then be put to uses other than vehicular which are more appropriate for its bay front setting.

Such consolidation of the commercial parking for the City's waterfront at a conveniently nearby, but somewhat further inland location, would then allow for more visitor-serving, public access and coastal recreational facilities to be developed along the immediate bay frontage while relegating the parking facilities supporting these uses to a less prominent setting. In addition, by consolidating and removing parking away from the immediate waters edge, greater protection could be afforded to the bay's water quality through the inclusion of oil/grease trap treatment devices within the parking structure.

Until such an area-wide parking structure as envisioned by the City and the applicants is developed, there will be a continuing need to provide 55 on-site parking spaces as proposed on Parcel "C." However, as currently structured under the proposal for the amended permit, there is no guarantee that Parcel "C" would not be prematurely developed for other uses before such a centralized parking facility were to be developed. As a separate and discrete piece of real property, once Parcel "C" is established by the recordation of the final tract map, unless otherwise indentured, the parcel would become available for lease, sale, transfer to other parties, or as lien collateral for purposes of financing. As presently authorized by the City, neither the approval of the tentative subdivision map or the revised Disposition and Development Agreement (DDA) negotiated between the City and the applicants for the amended project contain any conditions or provisions prohibiting such leasing, sale, transfer, or lien placements. Without such covenants in place, once fee ownership of the project site has been transferred from the City, the applicants or their successors or assigns could choose to sell, lease, or secure financing with Parcel "C." If a successor upon receivership should then opt to put their acquired uses to other uses than the currently proposed parking facilities, the adjoining uses within the Eureka Pier development could lose a crucial supporting element of the project. Such elimination of parking before replacement facilities were made available could have significant adverse impacts to the entire City Waterfront Area by causing parking congestion that could similarly impact coastal access and recreational opportunities in and along Humboldt Bay.

Therefore, to prevent the premature loss of the off-street parking facilities provided at the project site, the Commission attaches new Special Condition No. 13. Special Condition No. 13 states that Parcel "C," in whole or in part, cannot be either leased, sold, transferred, or offered for purposes of securing financing separate from Parcel "B" or developed or utilized for alternative uses without a permit amendment first being obtained from the Commission. The condition further sets forth that in issuing such an amendment, the Commission must find that substitute parking afforded by the Parcel "C" area to serve the approved uses on Parcel "B" has been provided elsewhere, in compliance with the off-street parking standards of the City's Zoning Ordinance. Special Condition No. 11 in turn requires that these limitations of Special Condition No. 13 be reflected on the final subdivision map that is recorded with the City. The Commission

also attaches Special Condition No. 14 which requires that all of the terms and conditions of the amended permit will be recorded as restrictions against the property. Recordation of the terms and conditions will ensure that all future purchasers of the property area aware of the limitations on the use of Parcel "C."

Therefore, with Special Condition No. 13 attached to the approval of the permit amendment, the Commission finds that the amended development is consistent with the off-street parking policies and requirements of the City's LCP.

D. COASTAL ACCESS AND RECREATIONAL FACILITIES

1. Summary of Applicable Coastal Act Provisions.

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

With regard to the adequacy of proposed parking amenities to serve new development, a form of coastal access support facility, Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. [emphasis added]

2. Summary of Applicable LCP Provisions.

The certified City of Eureka LCP includes policies that essentially reiterate these standards for providing, maintaining, and protecting public access and coastal recreational opportunities:

LUP Coastal Recreation and Access Policy 5.B.4. states, in applicable part:

The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline, consistent with protecting environmentally sensitive resources by:

- c. Allowing only such development as will not interfere with the public's right of access to the sea, where such right is acquired through use or legislative authorization.*

LUP Coastal Recreation and Access Policy 5.B.5. states, in applicable part:

For new development between the first public road and the sea, the City shall require the dedication of a vertical access easement to the mean high tide line unless:

- a. Another more suitable public access corridor is available within 500 feet of the site; or*
- b. Access to the site would be inconsistent with other General Plan coastal policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or*
- c. Access to the site is inconsistent with public safety, environmental protection, or military security needs.*

[Note: The coastal access provisions of these LUP policies are further incorporated in the standards of CZR §156.051.]

3. Analysis.

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on the above public access policies, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The project site is located on the shore of Humboldt Bay adjoining the City of Eureka's boardwalk. In addition to the boardwalk and its "F" and "C" Street plazas, within ¼ mile to the east and west of the project area along Waterfront Drive are several publicly-owned coastal access facilities, including the Adorni Community Center's boat launch and floating dock, the Wharfinger Building, a community assembly facility, and the

Eureka Small Boat Basin. In addition, several of the private docking areas and the parking lots are open and available for public access use.

The Eureka waterfront area receives heavy seasonal use by a combination of commercial and recreational fishermen, recreational boaters, walkers, and other coastal visitors. The area is a popular embarking point for private scenic bay tours and ocean fishing excursions from the Woodley Island Marina and Eureka Small Boat Basin, especially during the summer salmon and groundfish (e.g., lingcod, rockfish) seasons. Commercial fishing is also prevalent, especially during the fall-winter Dungeness crab season, commencing on December 1. During the peak boating seasons (May through mid-September, mid-October through early December), much of the surrounding vacant waterfront areas between Commercial Street and the AM Bistrin Memorial (Samoa) Bridge are utilized by crab pot storage and for the parking of vehicles and boat trailers.

As discussed previously, the subject property is currently owned by the City of Eureka Redevelopment Agency and is the former site of fish processing complex and railroad siding. The complex had been abandoned for many years before the structures were ultimately torn down by the City in 2001 pursuant to Coastal Development Permit No. 1-00-053. Since that time the project site has been enclosed by temporary security fencing. Due to the former presence of dilapidated structures at the site, the lack of site amenities following their demolition, closure of the site during demolition and construction of other waterfront development, and the availability of numerous alternate routes to the bay shore and adjoining open space areas nearby, this area has not typically been utilized for coastal access in recent years.

To the extent the area is used for access purposes, the amended project will have only a temporary impact during construction of the site improvements. The Commission attaches Special Condition No. 1(e) to protect access along the City Boardwalk during construction. The condition requires that temporary construction barriers may be installed along the inland edge of the boardwalk but shall not encroach into the portions of the boardwalk used by pedestrians.

In approving the original project, the Commission found that the project constituted a coastal access support facility, designed specifically to attract, foster and sustain coastal access. In addition, many of the anticipated tenant uses at the project, such as restaurants and a kayak rental business, will provide commercial recreational opportunities. Furthermore, the Commission found that the original development had been sited and designed to provide improved points of vertical access to the City boardwalk and function as a support facility for coastal access and recreational uses. Walkways would be developed linking the buildings and parking lots to the boardwalk, and the identified occupant commercial uses would provide a variety of coastal visitor-oriented services.

The proposed changes of the amended development would have no significant adverse effect on public access use. The development would continue to serve as a coastal access

support facility and provide commercial recreational opportunities. In addition, the amended development includes an additional walkway point of direct ingress onto the boardwalk from the exterior parking lot along the west side of the West Wing building. Under the original project configuration, persons wishing entry onto the boardwalk from the exterior parking area would have had to walk from their vehicle to and around the front of the commercial building before being able to enter the boardwalk.

Off-street parking for the proposed visitor-serving uses would continue to be provided at two parking lots onsite and by the exclusive assignment of 20 spaces within a nearby City public lot for "parking by permit only" for commercial tenant employees. As was the case for the original development, the shortfall in the amount of estimated zoning code-required parking would be mitigated by reservation of off-site, under-utilized public parking spaces and in-lieu fee payments for development of future waterfront parking facilities (see Findings Section IV.C.3 above, for detailed discussion of LCP off-street parking requirements). Consequently, the amended development would also not impact the public parking opportunities along the waterfront. Therefore, the amended development as conditioned is consistent with the parking provisions of Section 30252 of the Coastal Act. Similarly, as was the case with the original development, the construction of the amended development would not result in substantial interference with access to Humboldt Bay or adjoining areas for recreational and commercial coastal-dependent users.

Therefore, the Commission finds that, as conditioned, the amended development is consistent with the public access policies of the Coastal Act.

E. NATURAL AND CULTURAL RESOURCE PROTECTION

(Note: Refer to Findings Section IV.F.2 of Part Two of the staff report for the original project, attached as Exhibit No. 7, for a discussion of the development's continued consistency with the City LCP's provisions regarding Cultural Resources. These findings remain unaltered by the project amendments.)

1. Aquatic Resources and Marine, Wetland, and Riparian Habitats

a. Summary of Applicable LCP Provisions

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.3 states:

The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and runoff, preventing deletion of

groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.6 states, in applicable part:

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

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.7 states:

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.8 states:

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.19 states, in applicable part:

The City shall require the establishment of a buffer for permitted development adjacent to all environmentally sensitive habitat areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the

type and size of the proposed development, and/or the proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area...

[Note: The resource protection provisions of these LUP policies are further incorporated in the standards of CZR 156.052.]

b. Analysis

The project site is located adjacent to Humboldt Bay, approximately 1½-mile inland and six miles up-channel from where bay waters enter the Pacific Ocean near the community of King Salmon. The City's certified LCP includes area wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction among its list of environmentally sensitive habitat areas (ESHAs). Given this setting, aquatic resources and water quality impact evaluations were conducted as part of the environmental impact report prepared for the original project. The evaluations found the project site to be adjacent to rocky intertidal habitat with a low diversity of emergent organisms, primarily consisting of sea algae (Enteromorpha sp.), pickleweed (Salicornia virginiana), with a few individuals of cordgrass (Spartina densiflora). Based upon studies conducted in conjunction with development of the City boardwalk (SHN Consulting Engineers, 1999), coastal water areas further bayward of the project site were found to contain intertidal mudflat habitat. Eelgrass (Zostera marina) beds are located within the muddy intertidal areas approximately 150 feet from the project site northwest corner in the offshore waters beyond the foot of "D" Street.

The proposed amended project could potentially have several kinds of adverse impacts on estuarine habitat similar to the originally-approved project. First, the amended development would involve ground-disturbing activities in close proximity to coastal waters. In addition, site grading would entail the placement of approximately 1,720 cubic yards of granular soil fill materials on the site. Fill along the northern bayward edge of the project site would extend to an approximately 2 to 3-foot height above the existing grade. If excavations and filling is not properly performed in conjunction with appropriate water quality best management practices impacts to coastal water resources could result from the introduction of sediment and other nonpoint-source pollutants entrained in stormwater runoff into the bay. These substances can adversely affect biological productivity and water quality.

Secondly, the construction of site improvements may result in the release of wooden debris and other building materials into intertidal and submerged areas. No specific preventative or clean-up measures addressing siltation, nonpoint-source pollution, or construction debris were identified in the project application. Thirdly, accidental spills associated with activities of the commercial visitor-serving uses, especially restaurant operations and grounds maintenance could result in hazardous materials entering coastal waters. Finally, exterior lighting for site illumination and nighttime security if not

properly oriented and shielded could cause light to be cast into adjoining bay waters. Depending upon the intensity and duration of lighting shining into the bay, impacts could result to estuarine habitat by exposing prey organisms to predators, altering photosynthesis cycles in marine plants, and otherwise disrupting nocturnal biological productivity.

To ensure that sedimentation of the bay does not result from erosion of graded areas or release of unearthed contaminants, the Commission imposes Special Condition No. 4, which requires the preparation of an erosion and runoff control plan to minimize adverse impacts to coastal waters. The condition is modified simply from the Special Conditions of the original permit to require approval of the erosion and runoff control plan prior to issuance of the amended permit.

To reduce the potential for construction debris to enter the bay, the Commission reimposes without modification Special Condition No. 8 which prohibits work within intertidal areas and the placement or storage of materials so as to be subject to wave action and dispersal, limits staging activities to approved designated areas, and requires that all construction debris be removed immediately from the site upon completion of the project.

To reduce the potential for hazardous materials being discharged into the bay from accidental spills of hazardous materials associated with commercial food service operations and ongoing site maintenance activities, Reimposed and modified Special Condition No. 4 requires that a spill prevention and response program be developed as part of the required erosion and runoff control plan.

To protect biological resources from lighting impacts, the Commission imposes Special Condition No. 1. Special Condition No. 1 again sets design lighting to be installed during the construction, requiring the applicants to eliminate glare by requiring that lighting be low-wattage and directed in a downcast direction so as to not be cast into adjoining bay waters.

LUP Policy 6.A.19 requires the establishment of a minimum 100-foot-wide buffer unless the applicants demonstrates on the basis of site specific information, the type and size of the proposed development, and/or the proposed mitigation that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As regards the adequacy of buffers between new development and environmentally sensitive habitat areas, the project site's northern boundary lies approximately ten feet from the edge of Humboldt Bay. Co-terminus with the bay edge is the location of the City's recently constructed boardwalk.

In approving the original development, the Commission found that given the presence of this interposing boardwalk structure and the redevelopment in-fill nature of the project, the direct effects of the proposed mixed-use development on estuarine habitat areas

within the bay are reduced. In addition, as the project proposed involves no in-water construction activities and had been required to mitigate its construction phase, runoff and lighting related impacts, the Commission concluded that the reduced 10-foot width buffer would achieve the purpose(s) of the buffer, and provide adequate protection to the aquatic habitat resource areas within Humboldt Bay, consistent with the buffer provisions of LUP Policy 6.A.19. The proposed amendment would not affect the buffer width. Therefore, the Commission finds that the proposed buffer width would continue to be consistent with LUP Policy 6.A.19.

Finally, as discussed in Findings Section IV.A.3 above, the applicant proposes to provide as part of the amended development a landscaped buffer area between the portion of the exterior parking lot that lies adjacent to the City Boardwalk. The applicant proposes to utilize a mixture of low-maintenance, native and cultivated plant species and has submitted a conceptual landscaping plan (see Exhibit No. 4). The landscaping plan includes some potentially invasive exotic species such as Boston ivy and Oakleaf Holly. The use of non-invasive plant species adjacent to environmentally sensitive habitat areas is critical in protecting the ESHA from disturbance. If non-native, invasive species are planted adjacent to an ESHA (such as invasive species of ivy), they can displace native species and alter the composition, function, and biological productivity of the ESHA. To ensure that only native or otherwise non-invasive species are planted at the site, the Commission imposes Special Condition No. 1 requiring the applicant to submit a final landscaping plan for review and approval by the Executive Director. The condition requires the plan to substantially conform to the conceptual landscaping plan prepared by JAG Architects, dated September 23, 2004, and attached as Exhibit No. 4 of the staff recommendation and shall demonstrate that only native and/or non-invasive plant species appropriate for the growing conditions of the site shall be used in the landscaping plan. The plan further requires that all plantings be maintained in good growing conditions throughout the life of the project, and whenever necessary, be replaced with new plant materials to ensure continued compliance with the landscape plan.

The Commission thus finds that as conditioned the amended development will include adequate mitigation to maintain biological productivity and the quality of coastal waters consistent with LUP Policy 6.A.3 and has been sited and designed to prevent impacts that would significantly degrade the adjacent environmentally sensitive habitat area of Humboldt Bay. Therefore, the amended development is consistent with LUP Policies 6.A.7 and 6.A.8.

F. HEALTH AND SAFETY

1. Geologic and Seismic Hazards.

a. Summary of Applicable LCP Provisions

The City's certified LCP contains numerous policies regarding avoidance and minimizing the risks of exposure of persons and property to geologic, seismic, and flood hazards.

LUP Seismic Hazards Policy 7.A.3 generally states that the City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of the occupants. LUP Geological Hazards Policy 7.B.2 further requires that the City ensure that development on or near the shoreline of Humboldt Bay neither contributes significantly to, nor be subject to, high risk of damage from shoreline erosion over the lifespan of the development. LUP Geological Hazards Policy 7.B.3 also requires that the City prohibit alteration of bluff tops by excavation or other means except to protect existing structures and that permitted development not require construction of protective devices that would substantially alter natural landforms. In addition, LUP Seismic Hazards Policy 7.A.6 directs the City to require that all new parapets, signs, and other building ornamentation are constructed to withstand seismic shaking.

LUP Seismic Hazards Policy 7.A.1, together with LUP Geological Hazards Policies 7.B.4 and 7.B.5, require that geo-technical analyses be prepared for all development in areas subject to seismic hazards (i.e., fault rupture, amplified seismic shaking, slope failure, subsidence, settlement, or other similar effects), all high density residential and other high occupancy development located in areas of significant liquefaction potential, and all development proposed in areas subject to significant shoreline erosion. The reports are to be prepared by a registered geologist, a certified engineering geologist, or a registered engineer with expertise in seismic engineering, soil mechanics and/or foundation engineering, or by a certified engineering geologist.

b. Analysis

The project as amended would continue to involve grading and filling in proximity to the mean high tide line along a portion of the bay that was reclaimed in the early 1900's. The intertidal reaches adjacent to and underlying the project area are blanketed in loose sandy fills, containing shell fragments, wooden debris, and other rubble, underlain successively by bay muds, inter-bedded dense sands and gravel, and stiff clay. These materials do not provide a competent structural platform. Therefore, the proposed amended buildings have been designed to bear on pile foundations.

Because of low shear strength of the underlying soils materials, the site is also subject to liquefaction hazards that could result in ground subsidence and uneven settlement of improvements not constructed on piles (i.e. parking lots, access roads, and landscaped areas). Given its location along the middle reach of Humboldt Bay, wakes from passing freighter and fishing vessels could possibly affect bluff edge stability of the site. In addition, the site may also be exposed to seismically related inundation associated with tsunami run-up or seiches on Humboldt Bay.

The geotechnical studies prepared for the project originally envisioned for the site (Taber Consultants, June 4, 1994, January 3, 1997) set forth three sets of recommendations addressing site preparation and fill placement, the jetting and driving of pile pipes, and the installation of the interconnecting sheetpile bulkhead.

To ensure that stability of the project site and the structural integrity of the land based visitor-serving and other commercial and residential improvements, the Commission attached Special Condition No. 1 to the original permit, requiring that the remaining applicable recommendations of the geo-technical report (i.e., design the development to the Uniform Building Code's Seismic Zone IV standards, setting foundation piles to bear on consolidated bedrock) be followed in constructing the original project. In addition, as part of the requirements of Special Condition No. 1, the applicants were required to prepare and submit for the Executive Director's approval a revised foundation plan for the project structures illustrating conformance with the geo-technical reports' recommendations.

Since the Commission's action on the original permit, the applicants have had a project-specific geo-technical analysis prepared for the revised development (see Exhibit No. 6). The investigation (SHN Consulting Engineers, Inc., July 2, 2004) provides greater specificity to the surface, subsurface, and groundwater conditions at the site, as well as the project's relative exposure to geologic instability associated with seismic shaking and liquefaction-prone soils. The report provides numerous recommendations for the design of the vertical load piles and lateral bracing piles, and sets performance standards for the dewatering and stabilization of excavated sub-grades during the project's construction phase. In addition, the report provides further recommendations for the installation of concrete piles.

Thus, to further ensure that stability of the project site and the structural integrity of the land based visitor-serving and other commercial and residential improvements, the Commission imposes Special Condition No. 1 to the permit for the amended project, revised at sub-section A.8), requiring that in addition to the standards established under the Taber Consultants reports for the original project, the recommendations of the SHN geo-technical report be followed in constructing the modified project.

Additionally, the Commission imposes Special Condition No. 10 to the amended permit which requires the applicant(s) and landowner(s) to assume the risks of liquefaction and flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant(s) and landowner(s) have chosen to implement the amended project despite flooding and liquefaction risks, the applicant(s) and landowner(s) must assume the risks. In this way, the applicant(s) and landowner(s) are notified that the Commission is not liable for damage as a result of approving the permit amendment for the revised development. The condition also requires the applicant(s) and landowner(s) 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.

As discussed previously, new Special Condition No. 14 requires the terms and conditions to be recorded as restrictions against the use of the property. Special Condition No. 14 ensures that future owners of the property will be informed of the risks, the Commission's immunity from liability, and the indemnity afforded the Commission.

The Commission finds, that as conditioned, the amended development will include adequate measures to assure structural stability, and minimize risks to life and property from geologic instability, ensure that erosion, geologic stability, or destruction of the site is prevented. Therefore, the amended development is consistent with LUP Policies 7.A.1, 7.A.3, 7.A.6, 7.B.1, 7.B.3, 7.B.4, 7.B.5, and 7.D.1.

G. APPROVAL OF CONDOMINIUM UNITS

As discussed previously in Findings Section IV.A.3 above, the amended project now includes a proposal to create sixteen condominium units, six each on the second and third floors of the "East Wing" building, and four on the third floor of the "West Wing" building. Pursuant to Section 66424 of the State Subdivision Map Act, condominiums are included within the definition of "subdivision" for which approval by the local government of a tentative map is required.

On August 14, 2004, the Director of Community Development of the City of Eureka approved a tentative subdivision tract map for the initial creation of three parcels on the project site (see Exhibit No. 9). "Parcel 'A'" would consist of an airspace parcel within the proposed mixed-use buildings that includes the second story of the "East Wing" building together with the third floor and mezzanine levels of both the "East Wing" and "West Wing" buildings, including the elevator shaft and stairwell within the East Wing. This parcel would be further subdivided at a future time to create the sixteen residential units and owner association-held common areas subject to approval of the City and the California Department of Real Estate of a condominium plan once the physical buildings and site improvements have been constructed. Parcel "B" would comprise the ground area of the project parcel, excepting therefrom the 147.18-foot-wide by 145.50-foot-deep area at the northwesterly corner of the property, consisting of 50-parking spaces and associated landscaped areas within the proposed amended project's exterior parking lot. This excepted area would be platted as "Parcel 'C'."

The City of Eureka must approve and accept for recordation a final tract map pursuant to the requirements of the City's Subdivision Ordinance. The applicants have not yet received such an authorization as approval of the condominium plan has not yet been secured. Therefore, to ensure that the subdivision portion of the project reviewed and approved by the City is the same condominium project that was reviewed under this amended permit and approved by the Commission, the Commission attaches revised Special Condition No. 11 which requires that the applicants record the final map consistent with the terms and conditions of the Commission's action on the amended project.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements 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 which the activity may have on the environment.

The Commission incorporates its findings on conformity with LCP policies at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the development as amended has been conditioned to be found consistent with the City of Eureka LCP and the access and recreation policies of the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts 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 may have on the environment. Therefore, the Commission finds that the development as amended and conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

V. EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Jurisdictional Map
4. Proposed Amended *Eureka Pier* Narrative Description, Project Site, Floor, and Tsunami Safety Plans, and Elevation Views
5. Tentative Tract Map
6. Excerpts, Geotechnical Investigation Report
7. Excerpts, Original *Eureka Pier* Coastal Development Permit Adopted Findings Staff Report
8. Excerpts, Original Project Narrative Description, Project Site & Floor Plans, and Elevation Views
9. Review Agency Correspondence

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 or interpretation of any condition will be resolved by the Executive Director of 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.

A B C D E F G H I J K L M N O

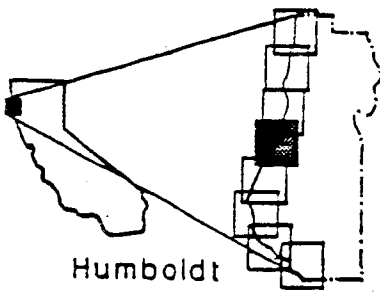
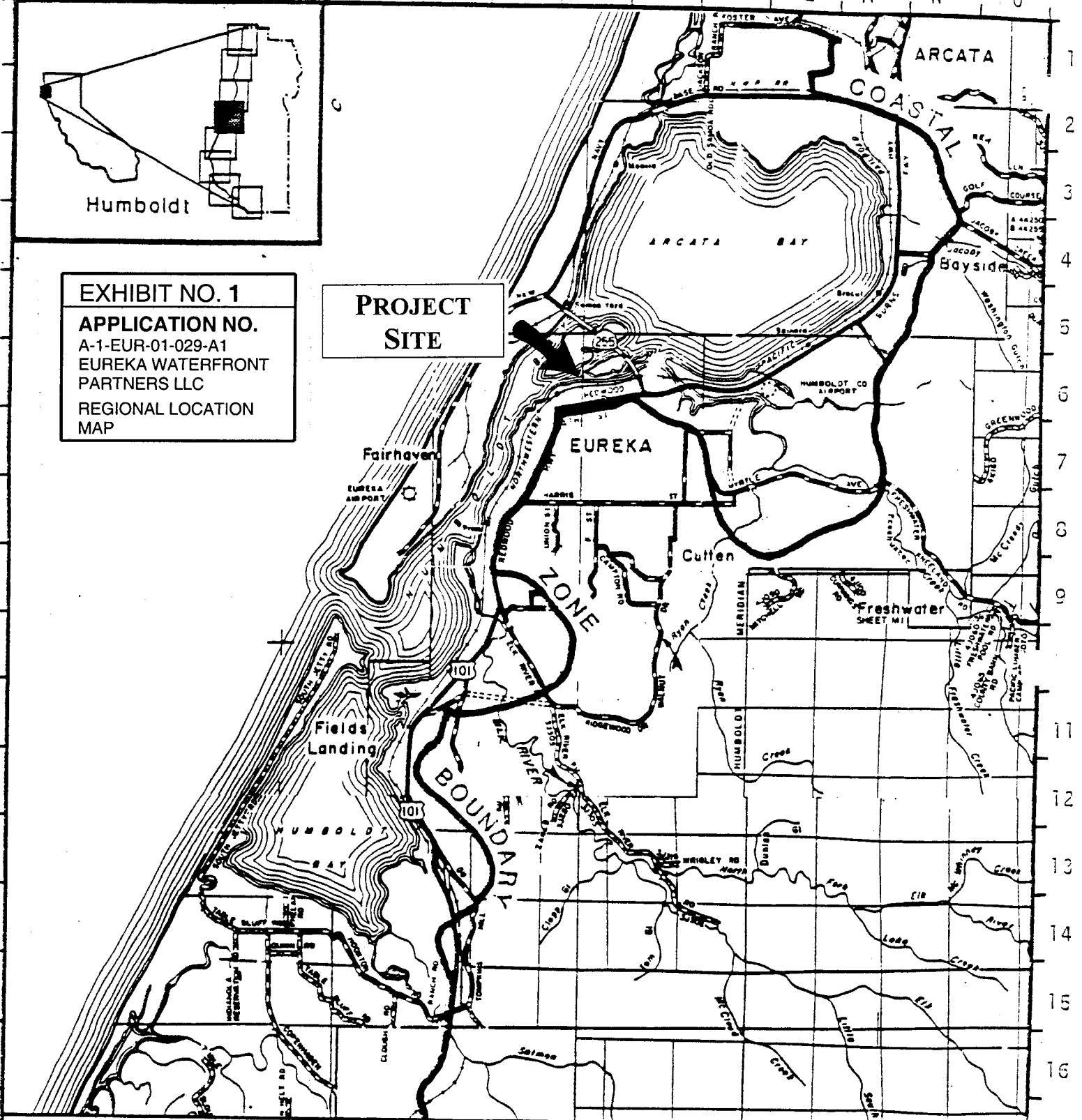


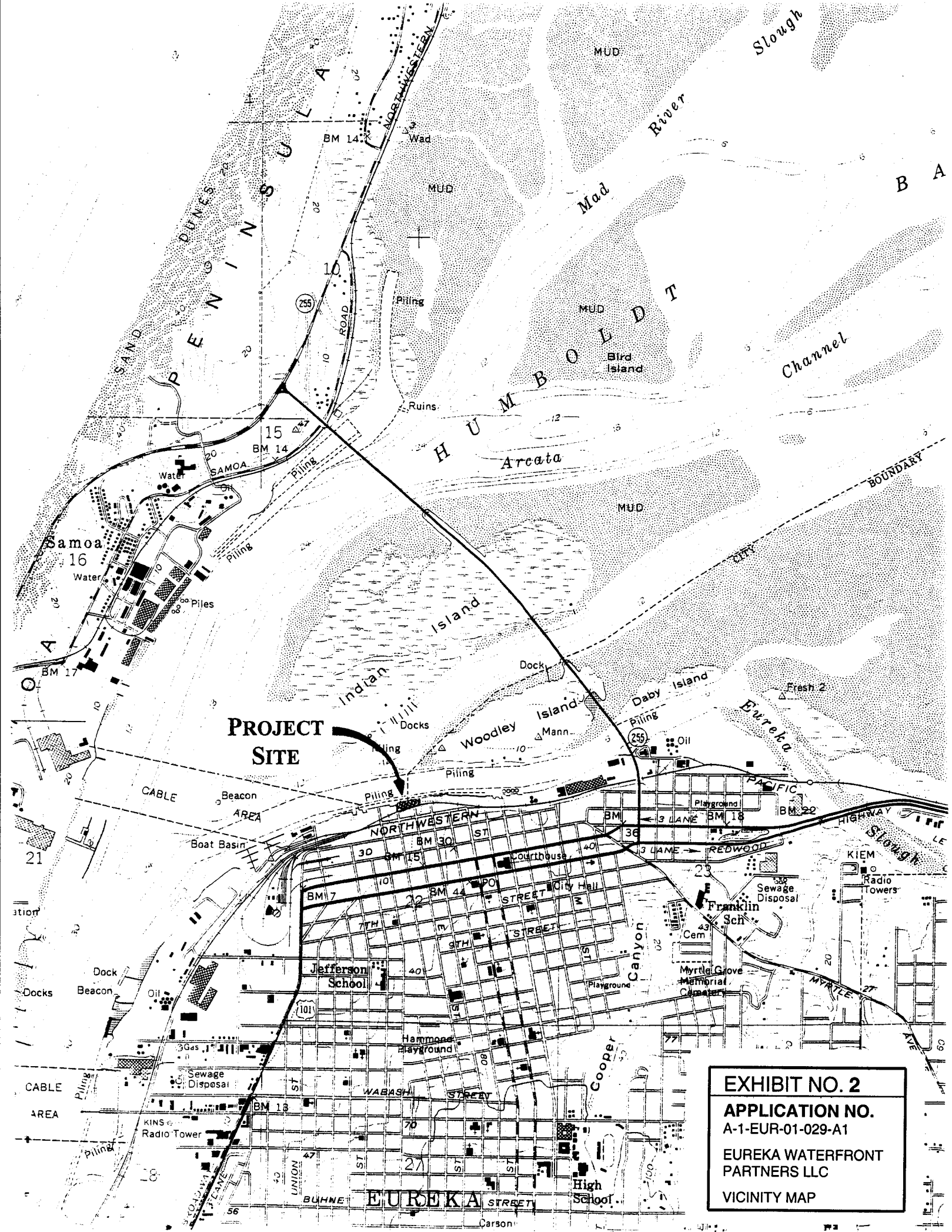
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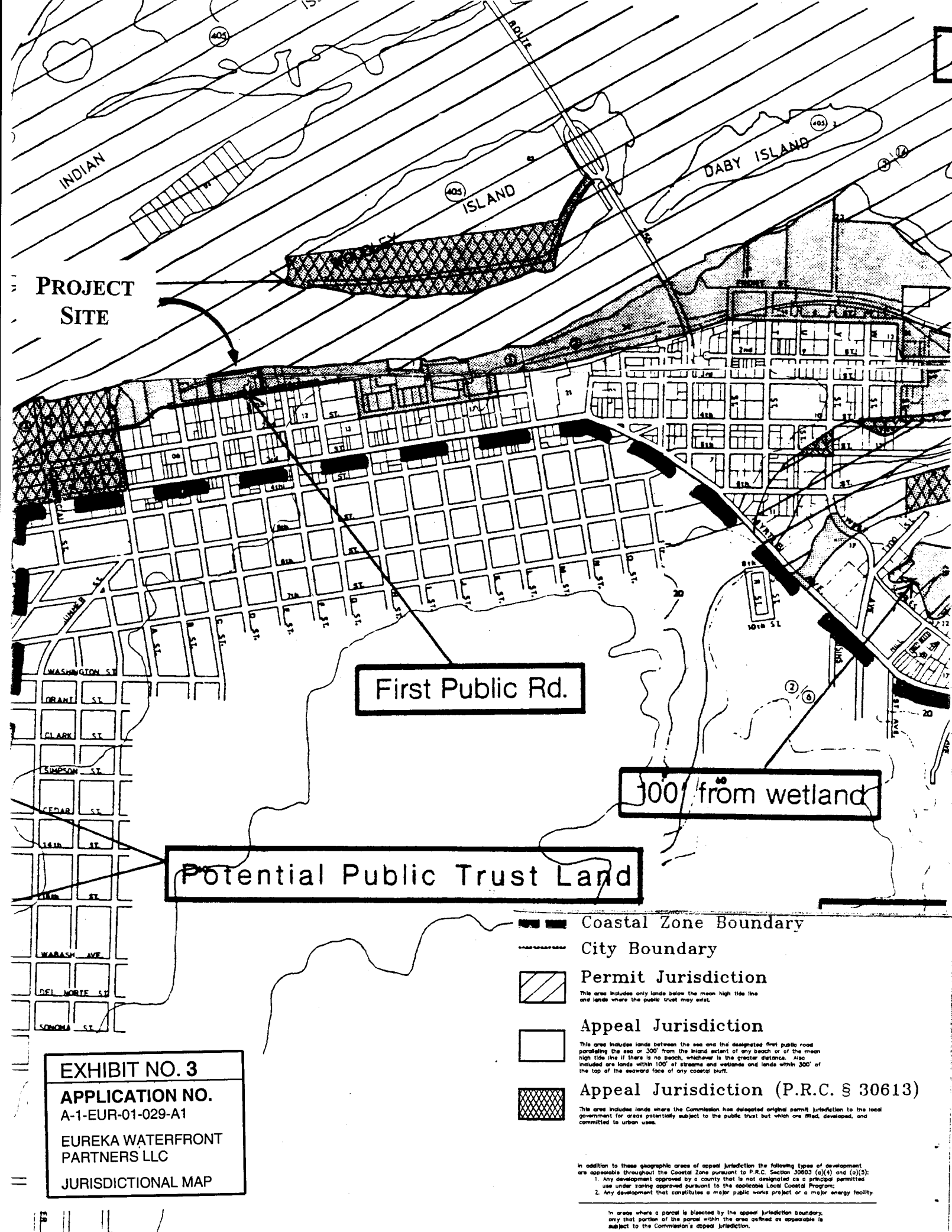
APPLICATION NO.

A-1-EUR-01-029-A1
EUREKA WATERFRONT
PARTNERS LLC
REGIONAL LOCATION
MAP

PROJECT
SITE







**EXHIBIT NO. 4****APPLICATION NO.**

A-1-EUR-01-029-A1
 PROPOSED AMENDED EUREKA
 PIER NARRATIVE PROJECT SITE,
 FLOOR, TSUNAMI SAFETY PLAN,
 ELEVATION VIEWS & LANDSCAPE
 PLAN (1 of 33)

RECEIVED

JUN 29 2004

CALIFORNIA
COASTAL COMMISSION

June 22, 2004

Mr. Jim Baskin
 California Coastal Commission
 North Coast District Office
 710 E Street, Suite 200
 Eureka, CA 95501-1865

RE: Coastal Development Permit No. 1-99-079 and Coastal Development Permit
 Appeal No. A-1-EUR-01-029 for "Eureka Pier" Commercial-Residential Complex,
 Eureka Waterfront Area, City of Eureka, Humboldt County California

**AMENDED PROJECT DESCRIPTION FOR A MATERIAL AMENDMENT TO
 COASTAL DEVELOPMENT APPEAL NO. A-1. EUR-01-029**

For the purposes of the California Coastal Commission review of the project application referenced above we are amending the project description as follows: A detailed list of the project revisions requested in the material amendment is attached as Exhibit "B."

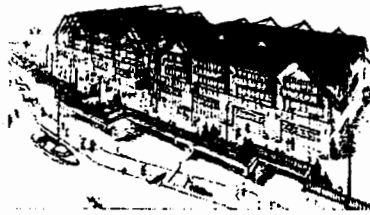
The Eureka Pier project coupled with the recently opened boardwalk will restore access to the waterfront for the first time in many years. The boardwalk provides a platform for public gatherings, outdoor cafes, concerts, and community events with spectacular views of the bay. The project replaces two dilapidated wood warehouse buildings. One of which collapsed under its own weight and another that the City removed.

The amended project design is for a three-storied building divided into East and West wings. The three-story building is designed for retail and restaurant space on the ground floor, commercial office space on the West Wing of the 2nd floor, and residential condominiums on the East wing of the 2nd floor and on the 3rd floors of the East and West Wings. There are 16 condominiums on the two floors. Exhibit "A" provides a floor by floor breakdown of the various uses.

Likely ground floor retail and restaurant tenants may include a fish market featuring local catch and imported fresh seafood. A seafood restaurant, with oyster bar, designed to highlight the history of fishing in the area; a bakery café and coffee bar; and retail stores featuring products of the North coast. The ground floor shops in the East and West wings open directly to the public boardwalk. Some of the shops in the West Wing may open to the South towards First Street.

Primary access to the site is provided from the North end of "E" Street. A right turn accesses the secure parking area for the condominium residences and a left turn leads

Dolores Vellutini, Managing Partner, John Ash, Principal Architect, Joe Vellutini, Leasing
 Eureka Pier, LLC, 426 First St., Eureka, CA 95501, 707/445-8997, fax: 707/442-7981
 Email: for Dolores: dmv@eurekapiers.com for John: jash@johnash.com for Joe: coj65@aol.com



EUREKA PIER

to the surface-parking area.

Parking for the project has been supplemented as a result of an appeal to the City's Coastal Development permit. In addition to the parking provided on-site as indicated on the attached Exhibit "A", we have leased 20 spaces from the City of Eureka that will be used for permitted employee and office parking. The remaining 20 spaces are provided through "In-Lieu" payments at a cost of \$7000 per space.

The buildings will be owned and developed by Eureka Pier, LLC. Principal partners are John Ash, Dolores Vellutini, Joe Vellutini, and Andrea Pedley, all of Eureka, California. The architect for the project is John Ash, A.I.A.

The development team principals started the project in 1995 in response to a Request for Proposals put out by the City to renovate two historic fisherman's warehouses. Dolores is a leader in the community in the preservation of historic buildings. She spent 13 years documenting all of the historic buildings in the City of Eureka. Her efforts produced the book "Eureka: An Architectural View", one of the most comprehensive surveys of the historic resources of a city ever published in the United States. Recently, she has restored three of the oldest commercial buildings in Old Town Eureka. Dolores successfully nominated all three buildings for listing on the National Register of Historic Places.

Her husband, John Ash, an award winning historic preservation architect, directed the original design to adapt the two historic warehouse buildings into mixed use commercial and residential. Due to the requirements of conflicting regulatory agencies John has had to redesign the building four times. The design of the building is inspired by the rocky seashore and gable roof structures of this "Victorian Seaport". Our vision is to create a project that is an authentic expression of the culture of the North coast for the people living in the region. Accomplishment of that vision will insure a quality experience for visitors coming from outside of the area.

20932

PROJECT NO: 9542
 PROJECT NAME: Eureka Pier

6/24/2004

Parking numbers				
	Requirements	planned	Unit	spaces req.
Condominium	1 per unit	16.00	1	16
Restaurants (30%)	1 per 200 gross sf	4,677	200	23.39
Retail Shops (70%)	1 per 300 gross sf	10,914	300	36.38
Office	1 per 300 gross sf	9,217	300	30.72

Total parking spaces required based on building area and use	106
Parking on site	72
Parking off site	20
Parking in lieu	20
Total parking provided	112

Eureka

DETAILED GROSS AREA CALCULATION				
FLOOR LEVEL	OCC. CLASS.	WEST WING S.F.	EAST WING S.F.	TOTAL S.F.
FIRST FLOOR				
RESTAURANT	A-3	2,826	1,452	4,278
RETAIL	B	6,594	3,386	9,980
UTILITY	-	640	198	838
ELEVATOR, CORRIDORS, & STAIRS	-	306	1,142	1,448
2ND FLOOR				
OFFICES	M	8,183	-	8,183
RESIDENTIAL	R-1	-	8,693	8,693
ELEVATOR, CORRIDORS, & STAIRS	-	1,034	1,270	2,304
3RD FLOOR				
RESIDENTIAL	R-1	7,879	8,886	16,765
RES. (MEZZANINE)	R-1	1,192	1,010	2,202
ELEVATOR, CORRIDORS, & STAIRS	-	306	1,270	1,576
BUILDING FLOOR				56,267

NOTE: BALCONIES NOT INCLUDED



EUREKA PIER
on Humboldt Bay

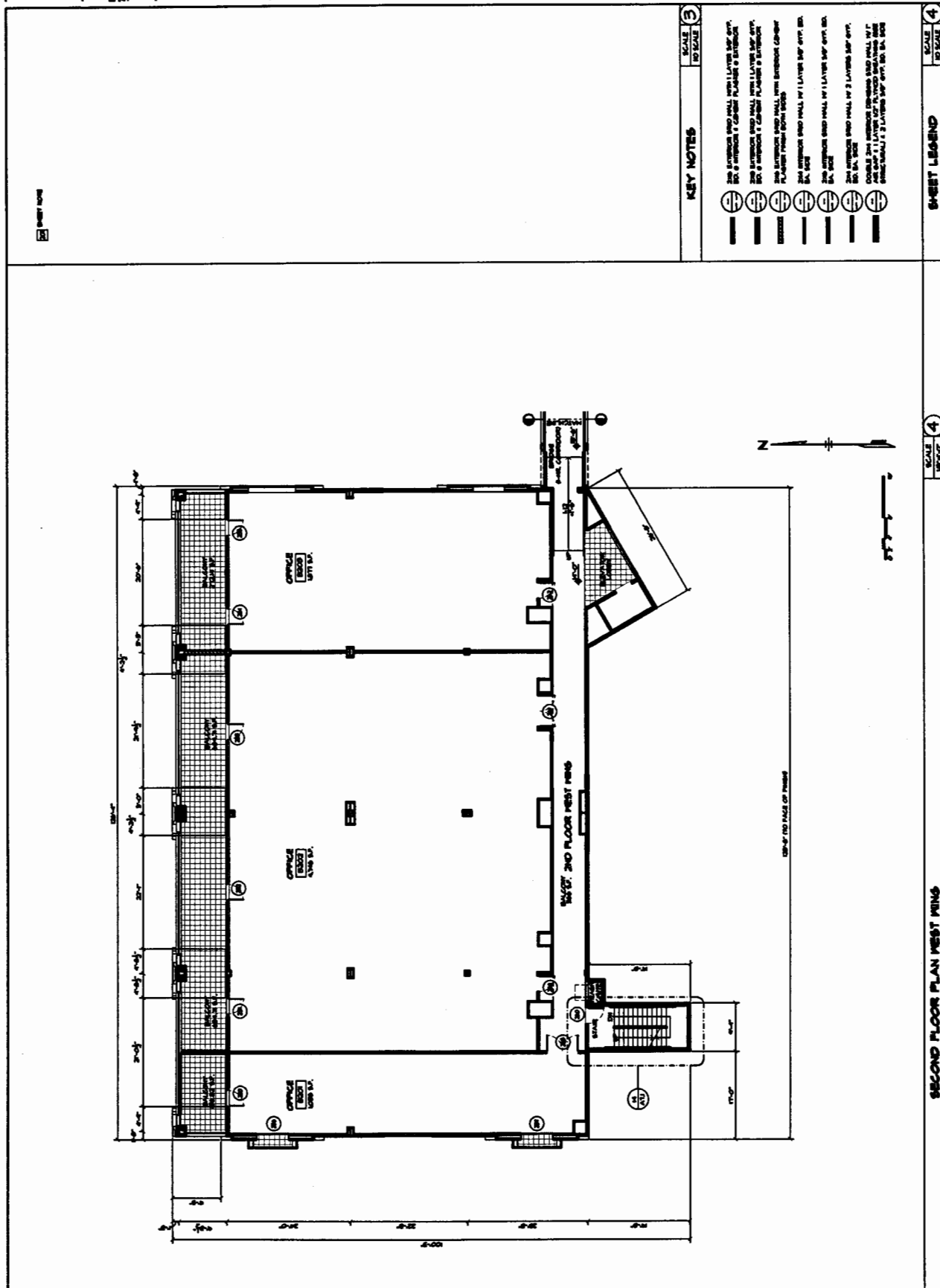
5433

PROJECT INFORMATION
 JOB NO. 9843
 JOB NAME 9843
 PLANT 9843
 DRAWN BY JAMES H. JENKINS
 CHECKED BY J. J.

SHEET NAME & NUMBER

SITE PLAN

A.I.I.



A.P. NO. 511-401-03

438 FIRST STREET
SUNBELT, CALIFORNIA 95061
707 442-0265 FAX 707 442-0267

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1-800-444-4444

**PROCESS-ORIENTANT
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CONSTRUCTION**

EUREKA PIER
on Humboldt Bay
9433

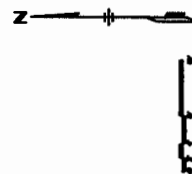
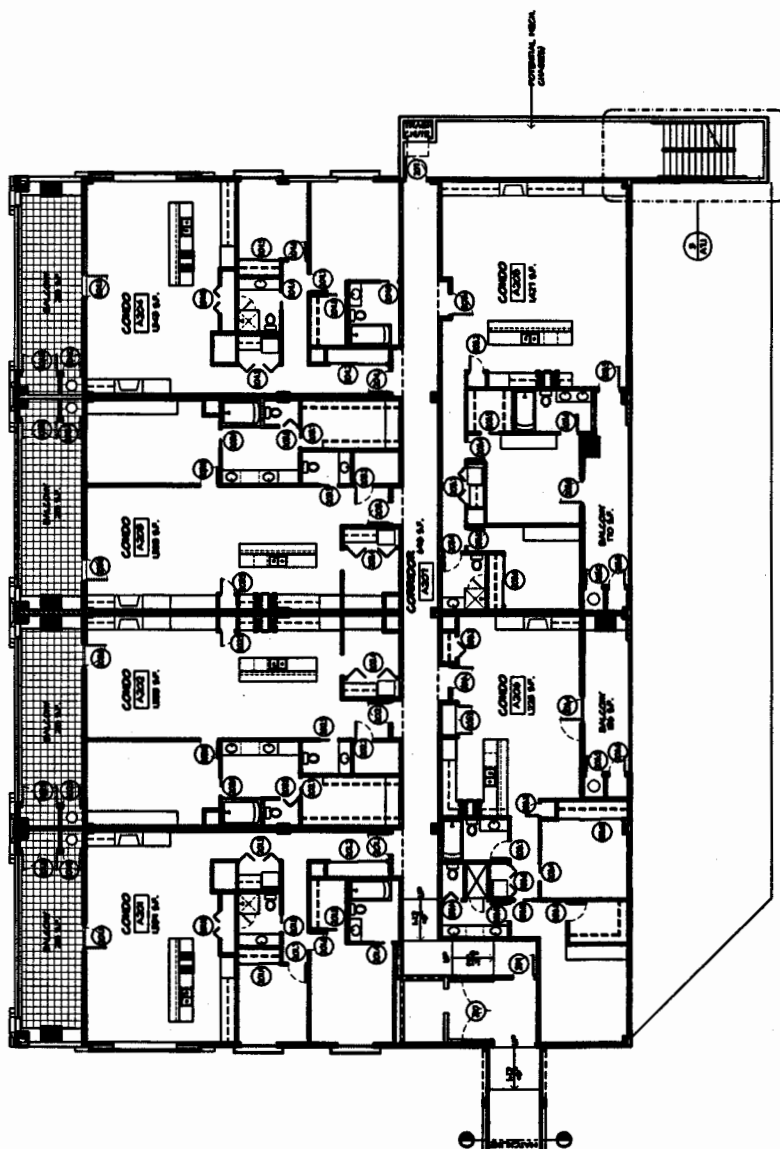
ISSUE/REVISION DATE
CHANGED - NEW PLAN CHANGE

AUTHOR'S ADDRESS:

PROJECT INFORMATION	
JOB #	0842
JOB NAME	BRISCA PER
PLANT#	A34-042-00
PLANT DATE	07/08/04
OWNER BN	DLC
CHECKED BN	JL

SHEET NAME & NUMBER
SECOND FLOOR
PLAN
EAST WING
A2.4

1:1



KEY NOTES

THE

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NOTATION

THE NEW YORK

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THE NEW YORK PUBLIC LIBRARY

NO NEW CUP.

JAN 1972

● 2000年10月1日起，凡在境内销售货物或提供应税劳务、应税服务以及进口货物的单位和个人，都必须依法缴纳增值税。

SCALE

SECOND FLOOR PLAN EAST WING

SCALE	4
UNIT	

SWEET LEGEND

4

JAG
John
Ash
Group
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**PROGRESSIVE
CONSTRUCTION**

EUREKA PIER
on Humboldt Bay

10433

11/20/2010
CANON - 11/20/2010 PLAN CASE

DATE
BY
CHECKED
APPROVED
PROJECT INFORMATION

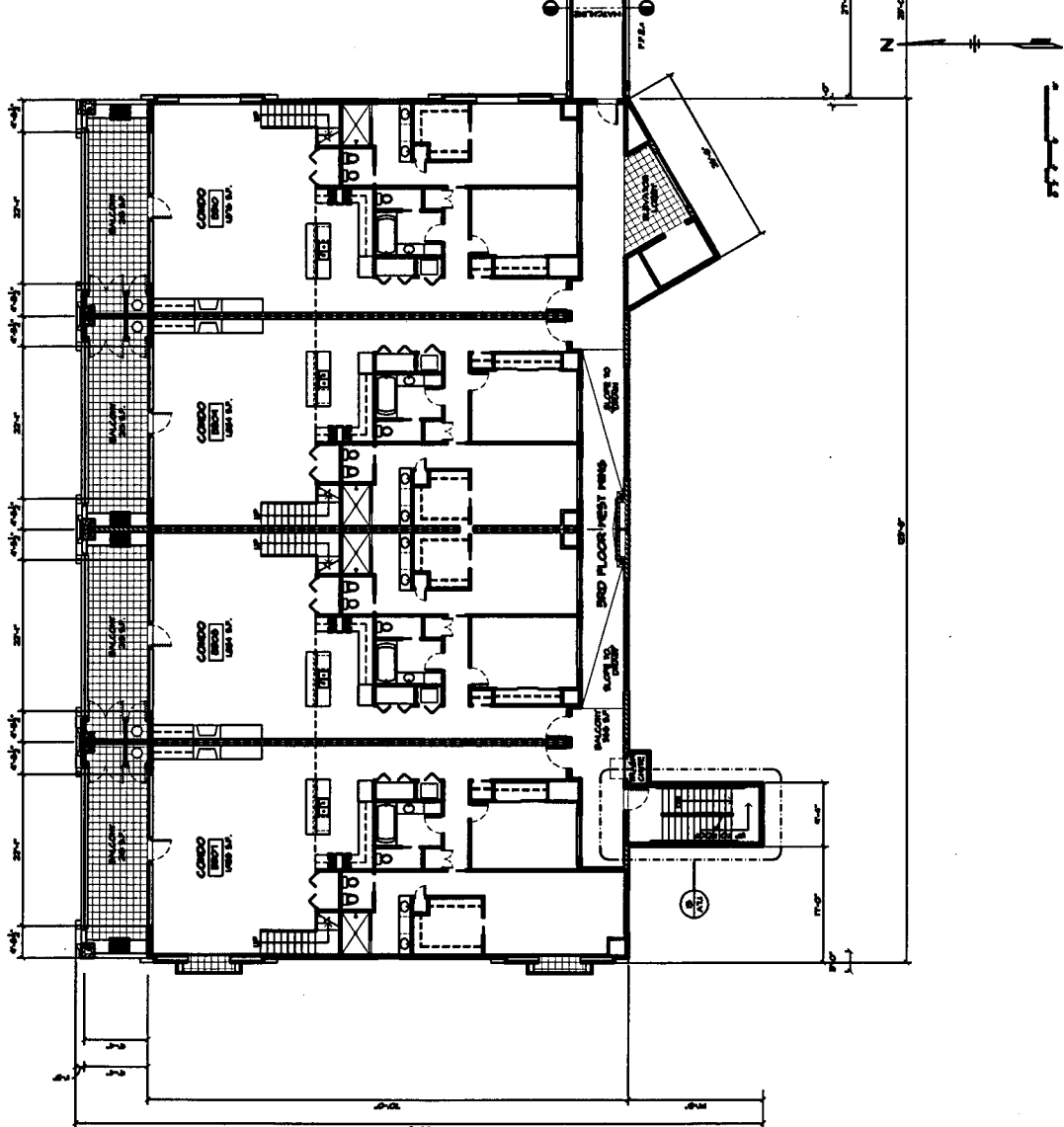
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JOB NO.
JOB NAME
CLIENT
ARCHITECT
ENGINEER
CHECKED BY
DATE

**THIRD FLOOR
PLAN
WEST WING**

A2.5

KEY NOTES	SCALE TO SCALE	3
1. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		
2. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		
3. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		
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KEY NOTES	SCALE TO SCALE	4
1. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		
2. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		
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9. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		
10. ALL ROOMS AND WALLS SHALL BE 12" THICK CONCRETE.		



THIRD FLOOR PLAN WEST WING

SHEET LEGEND

SCALE
1/8" = 1'-0"

SCALE
1/8" = 1'-0"

SCALE
1/8" = 1'-0"

THIRD FLOOR PLAN EAST WING

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PROGRAM/PERMIT
NOT-FOR-CONSTRUCTION

12/23
EUREKA PIER
on Humboldt Bay

100% / REVISION DATE
CADD - SEE FOR PLAN CHG

PROJECT INFORMATION
JOB NO. 042
JOB NAME EUREKA PIER
PROJECT NO. 042-000-000
PROJECT LOCATION 100%
DESIGNED BY J.A.
CHECKED BY J.A.

MEZZANINE PLAN
WEST WING

A2.7

MEZZANINE

KEY NOTES

SCALE
1/8" = 1'-0"

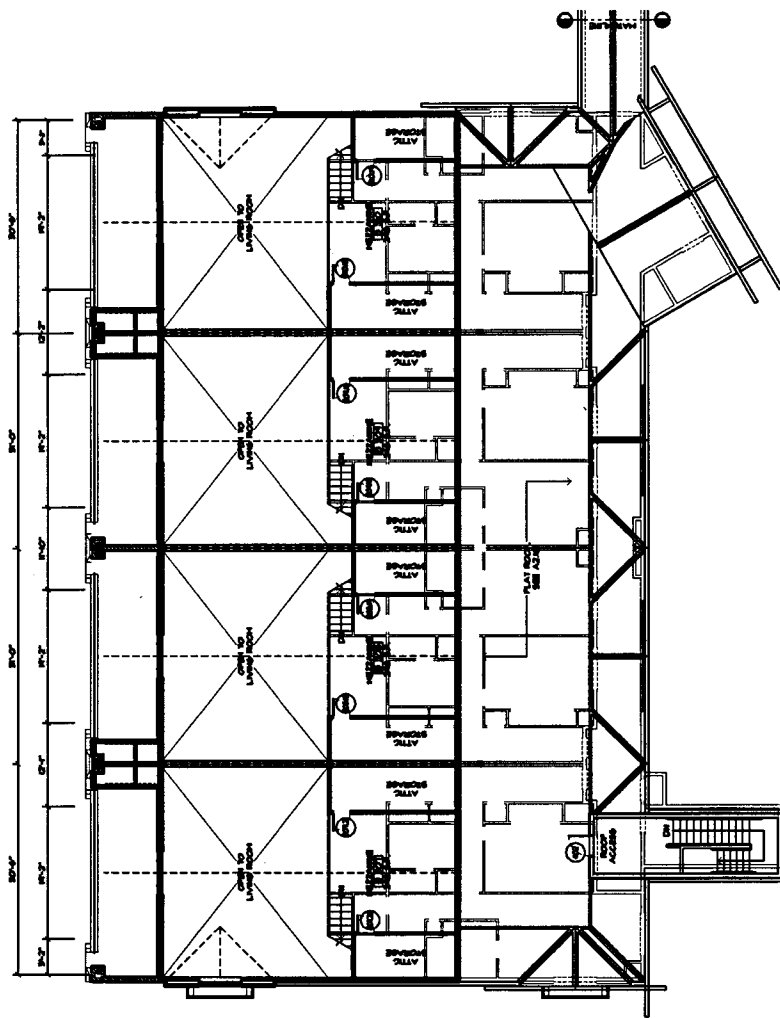
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- 1. 2ND FLOOR MEZZANINE WALL WITH 1 LAYER 300# G.P. 12" O.C. INTERIOR 1' CORNER PLACEMENT & EXTENSION
- 2. 2ND FLOOR MEZZANINE WALL WITH 1 LAYER 300# G.P. 12" O.C. INTERIOR 1' CORNER PLACEMENT & EXTENSION
- 3. 2ND FLOOR MEZZANINE WALL WITH 1 LAYER 300# G.P. 12" O.C. INTERIOR 1' CORNER PLACEMENT & EXTENSION
- 4. 2ND FLOOR MEZZANINE WALL WITH 1 LAYER 300# G.P. 12" O.C. INTERIOR 1' CORNER PLACEMENT & EXTENSION

SHEET LEGEND

SCALE
1/8" = 1'-0"

4



MEZZANINE FLOOR PLAN WEST WING

SCALE
1/8" = 1'-0"

4

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PROGRAM
HISTORIC
CONSERVATION

EUREKA PIER
on Humboldt Bay

14933

1/15/07/REVISION DATE

000000 - 0000 FOR PLANS ONLY

PROJECT INFORMATION

JOB NO. 000000

DATE 01/15/07

PROJECT ADDRESS 428 WEST STREET

PROJECT CITY EUREKA, CA

PROJECT STATE CA

PROJECT ZIP 95501

PROJECT NAME EUREKA PIER

ROOF PLAN
WEST WING

A2.9

Sheet 100

KEY NOTES

SCALE 1/8" = 1'-0"

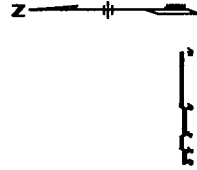
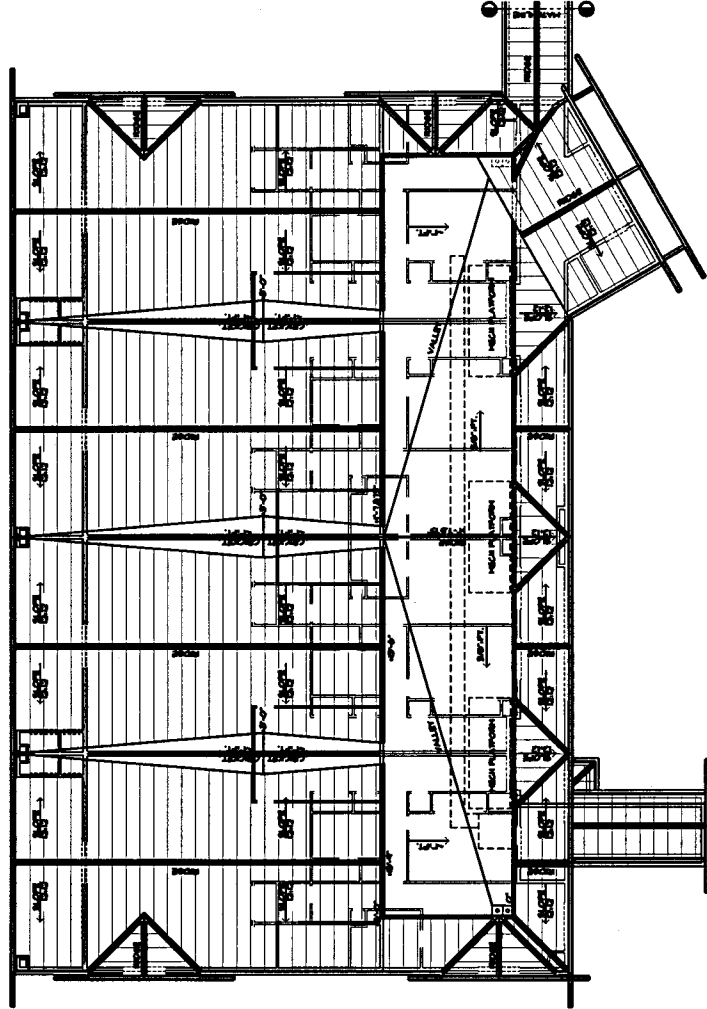
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SHEET LEGEND

SCALE 1/8" = 1'-0"

4

ROOF PLAN WEST WING



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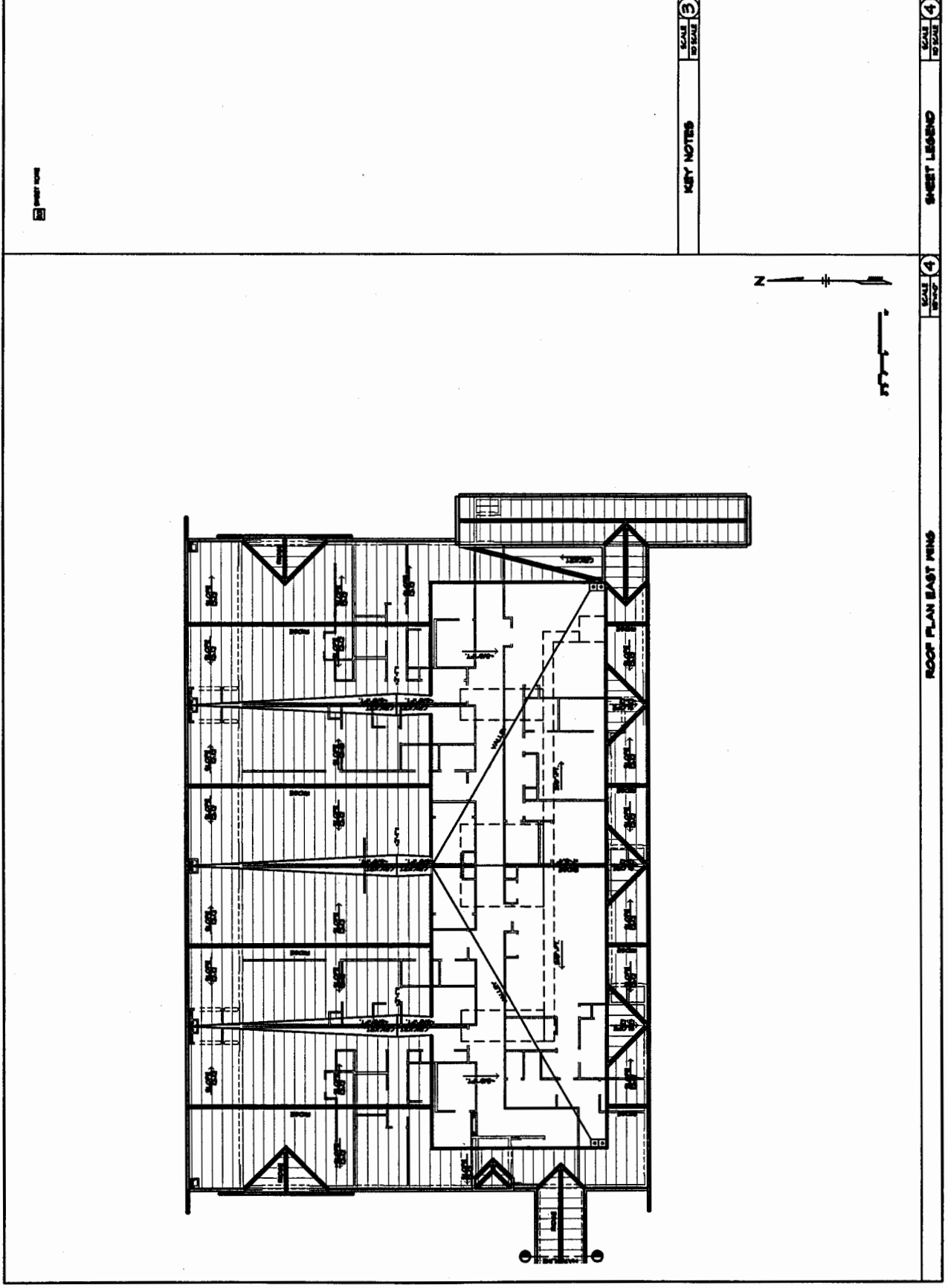
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EUREKA PIER
on Humboldt Bay
15433

ISSUE / REVISION DATE
CHANGE - NONE FOR THIS ISSUE

PROJECT INFORMATION
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JOB NAME EUREKA PIER
PROJECT LOCATION 430-622-042
DESIGNED BY JAG
CHECKED BY JAG

**ROOF
PLAN
EAST WING**
A2.10



KEY NOTES

SCALE 1/8" = 1'-0"

3

SHEET LEADING

SCALE 1/8" = 1'-0"

4

ROOF PLAN EAST WING

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PROGRESS REPORT
CONSTRUCTION

PROJECT TITLE

EUREKA PIER
on Humboldt Bay

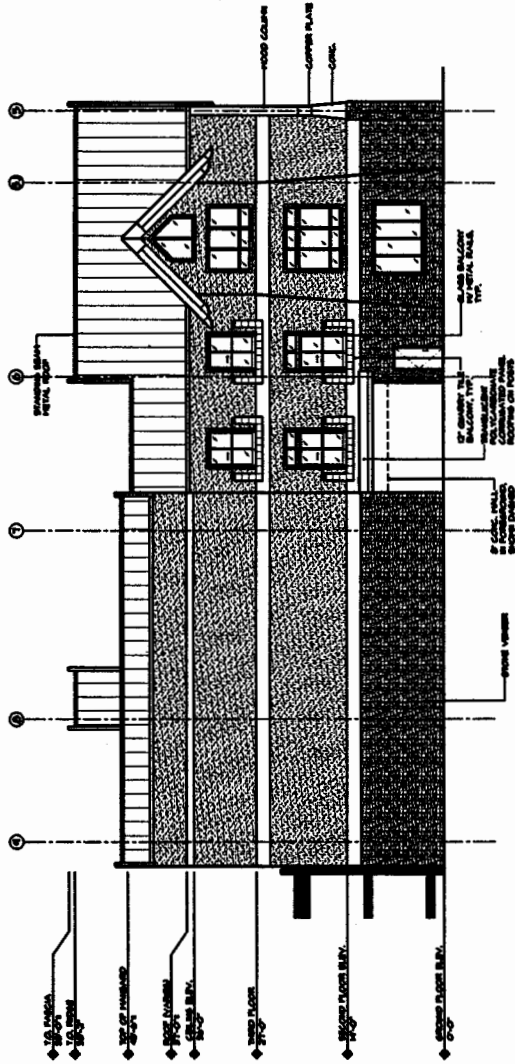
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03/11/01	JAG	JAG
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05/11/01	JAG	JAG
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12/11/01	JAG	JAG

PROJECT INFORMATION
JOB NO. 001
JOB NAME EUREKA PIER
CLIENT JAG ARCHITECTS
DESIGNER JAG ARCHITECTS
CREATED BY J.A.

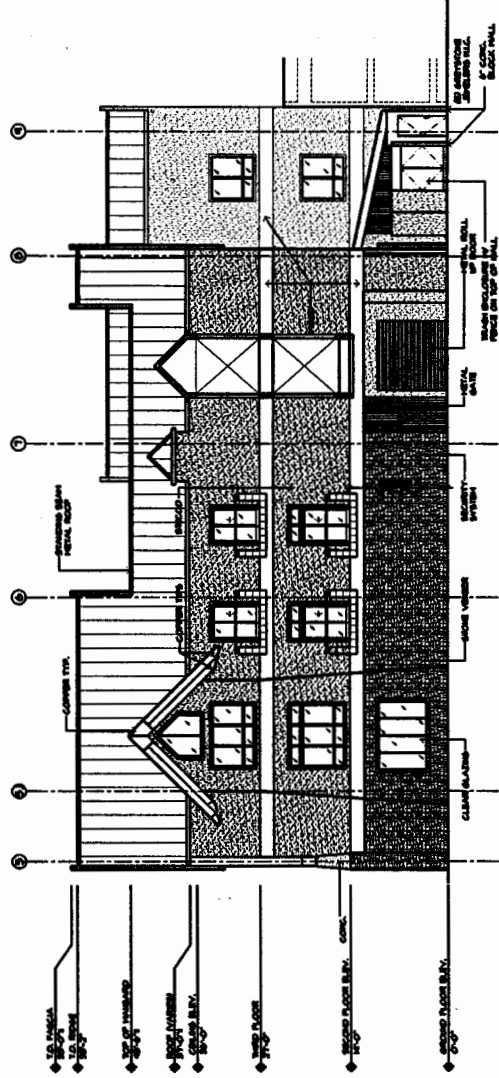
EXTERIOR ELEVATIONS

A3.2



EAST ELEVATION EAST PIER

SCALE 1/8"=1'-0"



WEST ELEVATION EAST PIER

SCALE 1/8"=1'-0"

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**PROFESSIONAL
ARCHITECT
CONSULTANT**

EUREKA PIER on Humboldt Bay

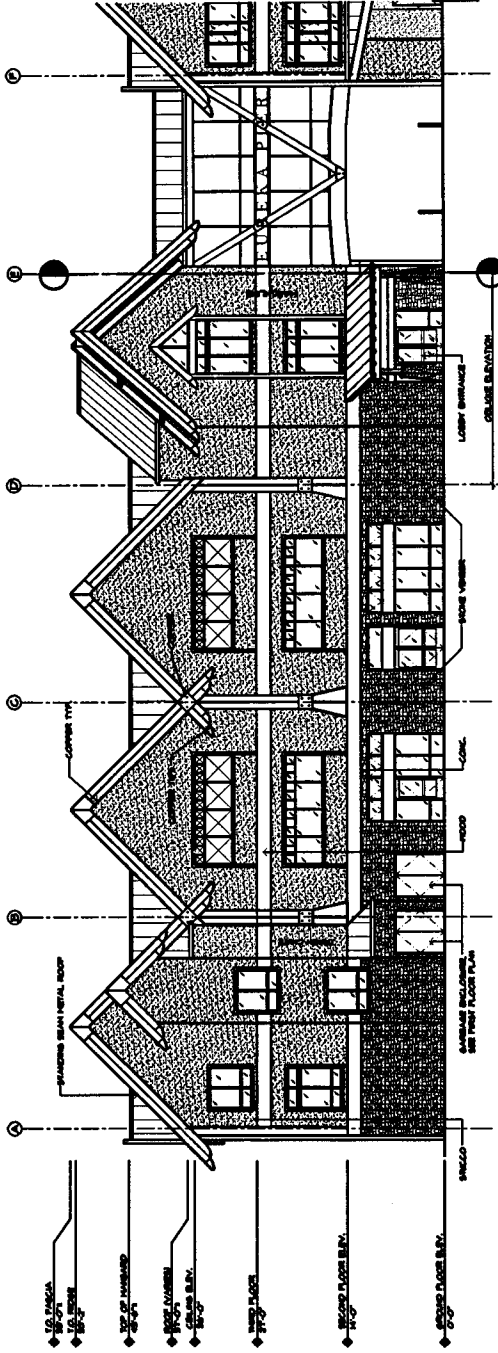
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DATE/REVISION	BY	DESCRIPTION
01/11/07	JA	ISSUED FOR PERMITS

PROJECT INFORMATION
JOB NO. 18433
JOB NAME EUREKA PIER
CLIENT JAG ARCHITECTS
ARCHITECT JAG ARCHITECTS
DESIGNER JAG ARCHITECTS
CHECKED BY JAG ARCHITECTS
DATE 01/11/07

**EXTERIOR
ELEVATION**

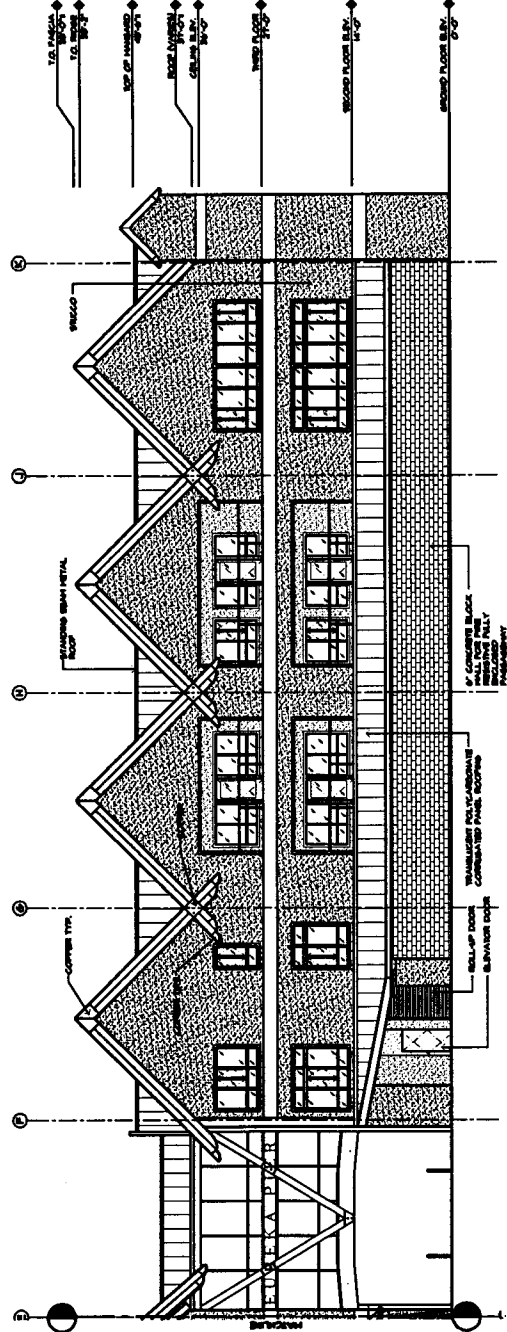
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SOUTH ELEVATION WEST WING

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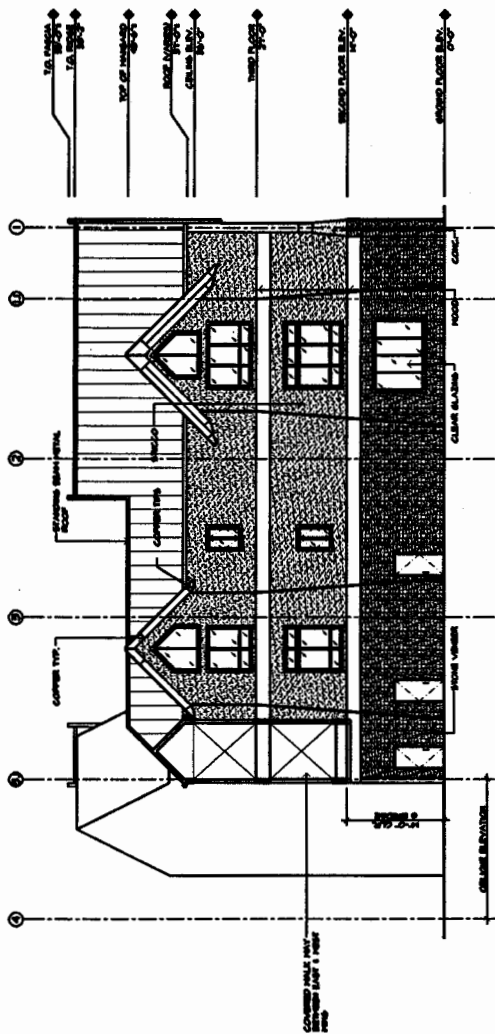
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SOUTH ELEVATION EAST WING

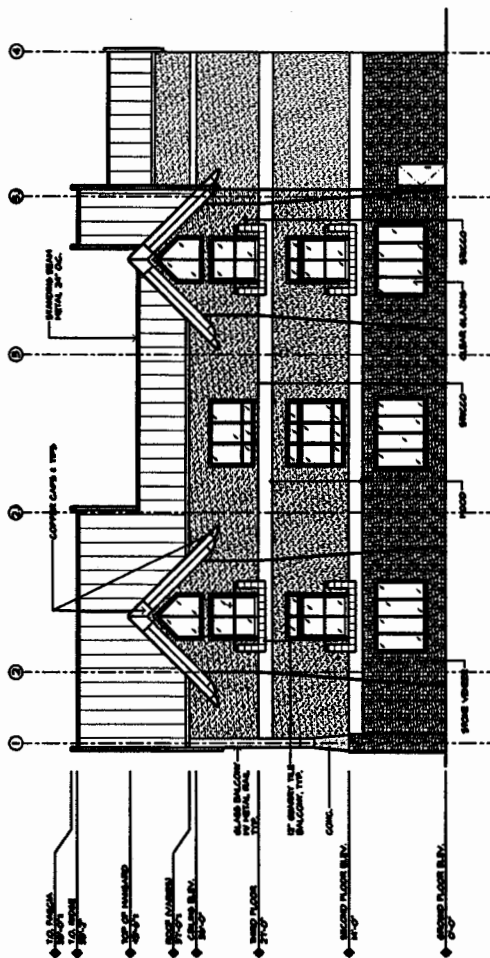
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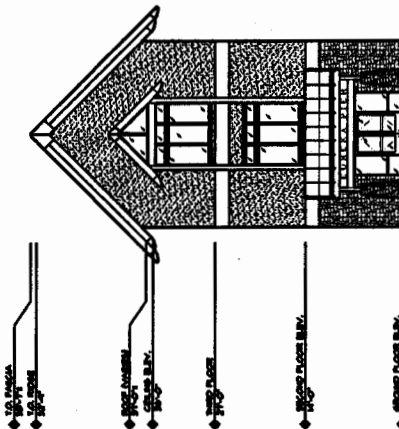


EAST ELEVATION WEST WING

SCALE 100' = 1" 2

**WEST ELEVATION WEST WIND**

SCALE	4
INCHES	



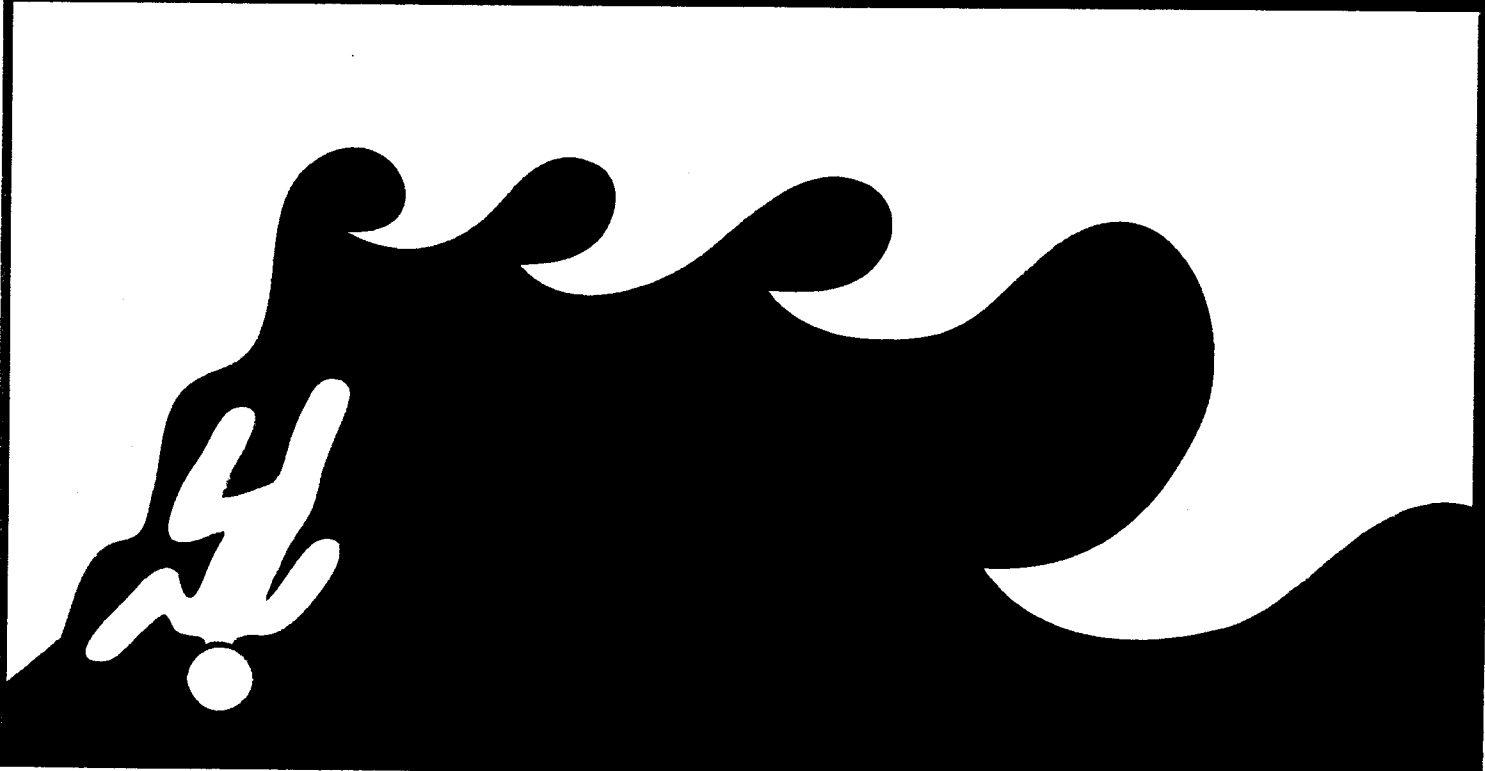
FRONT VIEW LOBBY

SCALE	16
FOR	

20933

- If you feel an earthquake at the coast:
- Protect yourself from the earthquake until it is over. (Drop, cover, & hold)
- Evacuate the building, do not take the elevator, take the stairs.
- Then quickly move inland and go to higher ground.
- Go at least 2 miles inland or at least 100 feet higher in elevation.
- Go on foot if possible. You should be able to reach your destination in 15 minutes.
- Wait for an "all clear" from local officials before returning to low-lying areas.

IN CASE OF EARTHQUAKE, GO TO HIGH GROUND OR INLAND



TSUNAMI HAZARD ZONE

Tsunami evacuation plan

The purpose of this plan is to provide guidance regarding procedures to be used during a Tsunami alert event.

A Tsunami is a series of waves caused by undersea earthquakes or volcanic eruptions. Tsunamis can be produced by distant earthquakes or by local earthquakes.

In the event that a local off-shore earthquake precipitates a tsunami threat, the expected tsunami arrival time is 5 to 30 minutes. Consequently, the emergency systems may not have time to activate and provide warning. **The obvious warning sign will be the local earthquake.** A noticeable rapid rise or fall in coastal waters is also a sign that a tsunami is approaching.

If you feel an earthquake at the coast:

- **Protect yourself from the earthquake until it is over. (Drop, cover & hold)**
- **Evacuate the building, do not take the elevator, take the stairs.**
- **Then quickly move inland and to higher ground**
- **Avoid downed power lines, buildings and bridges**
- **Go at least 2 miles inland or at least 100 feet higher in elevation.**
- **Go on foot if possible. You should be able to reach your destination in 15 minutes.**
- **Do not wait for official warning**
- **Do not pack or delay**
- **Do not return to the shore (a tsunami may be coming in several minutes, And additional larger waves may continue for several hours)**
- **Wait for an "all clear" from local officials before returning to low-lying areas.**

(Police or fire department, Coast Guard, The West Coast/Alaska Tsunami Warning Center (WC/ATWC) is responsible for tsunami warnings for California, Oregon, Washington, British Columbia, and Alaska.)

If a Tsunami is generated by a local, major earthquake near Eureka, then highway 101 probably will be damaged by the liquefied soils to the south.
Evacuation then would be feasible only to the north on highway 101.

Additional guidelines by the Federal Emergency Management Agency (FEMA)

BEFORE

Find out if your home is in a danger area.

Know the height of your street above sea level and the distance of your street from the coast. Evacuation orders may be based on these numbers.

Be familiar with the tsunami warning signs.

Because tsunamis can be caused by an underwater disturbance or an earthquake, people living along the coast should consider an earthquake or a sizable ground rumbling as a warning signal. A noticeable rapid rise or fall in coastal waters is also a sign that a tsunami is approaching.

Make sure all family members know how to respond to a tsunami.

Make evacuation plans.

Pick an inland location that is elevated. After an earthquake or other natural disaster, roads in and out of the vicinity may be blocked, so pick more than one evacuation route.

Teach family members how and when to turn off gas, electricity, and water.

Teach children how and when to call 9-1-1, police or fire department, and which radio station to listen for official information.

Have disaster supplies on hand.

- Flashlight and extra batteries
- Portable, battery-operated radio and extra batteries
- First aid kit and manual
- Emergency food and water
- Nonelectric can opener
- Essential medicines
- Cash and credit cards
- Sturdy shoes

Develop an emergency communication plan.

In case family members are separated from one another during a tsunami (a real possibility during the day when adults are at work and children are at school), have a plan for getting back together.

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Ask an out-of-state relative or friend to serve as the "family contact." After a disaster, often it's easier to call long distance. Make sure everyone knows the name, address, and phone number of the contact person.

Contact your local emergency management office or American Red Cross chapter for more information on tsunamis.

DURING

Listen to a radio or television to get the latest emergency information, and be ready to evacuate if asked to do so.

If you hear an official tsunami warning or detect signs of a tsunami, evacuate at once. Climb to higher ground. A tsunami warning is issued when authorities are certain that a tsunami threat exists.

Stay away from the beach.

Never go down to the beach to watch a tsunami come in. If you can see the wave you are too close to escape it.

Return home only after authorities advise it is safe to do so.

A tsunami is a series of waves. Do not assume that one wave means that the danger over. The next wave may be larger than the first one. Stay out of the area.

AFTER

Stay tuned to a battery-operated radio for the latest emergency information.

Help injured or trapped persons.

Give first aid where appropriate. Do not move seriously injured persons unless they are in immediate danger of further injury. Call for help.

Remember to help your neighbors who may require special assistance--infants, elderly people, and people with disabilities.

Stay out of damaged buildings. Return home only when authorities say it is safe.

Enter your home with caution.

Use a flashlight when entering damaged buildings. Check for electrical shorts and live wires. Do not use appliances or lights until an electrician has checked the electrical system.

Open windows and doors to help dry the building.

Shovel mud while it is still moist to give walls and floors an opportunity to dry.

23933

Check food supplies and test drinking water.

Fresh food that has come in contact with flood waters may be contaminated and should be thrown out. Have tap water tested by the local health department.

INSPECTING UTILITIES IN A DAMAGED HOME

Check for gas leaks--If you smell gas or hear a blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve if you can and call the gas company from a neighbor's home. If you turn off the gas for any reason, it must be turned back on by a professional.

Look for electrical system damage--If you see sparks or broken or frayed wires, or if you smell hot insulation, turn off the electricity at the main fuse box or circuit breaker. If you have to step in water to get to the fuse box or circuit breaker, call an electrician first for advice.

Check for sewage and water lines damage--If you suspect sewage lines are damaged, avoid using toilets and call a plumber. If water pipes are damaged, contact the water company and avoid the water from the tap.

The greatest risks posed by Tsunamis are

- Flooding
- Contaminated drinking water
- Fires from ruptured gas lines

In case of Emergency call: 911

24 of 32



DISPLAY VISUAL

TsunamiS

Introduce tsunamis by defining a tsunami.

A Tsunami Is . . .

An ocean wave produced by earthquakes or underwater landslides.

Tell the participants that tsunamis are ocean waves that are produced by earthquakes or underwater landslides. The word is Japanese and means "harbor wave," because of the devastating effects that these waves have had on low-lying Japanese coastal communities. Tsunamis are often incorrectly referred to as tidal waves.



DISPLAY VISUAL

Risks Posed by Tsunamis

Tsunamis can cause:

- Flooding.
- Contamination of drinking water.
- Fires from ruptured tanks or gas lines.
- Loss of vital community infrastructure.

TSUNAMIS (CONTINUED)

Explain that tsunamis, which pose the greatest risk to areas less than 25 feet above sea level and within one mile of the shoreline, can cause:

- Flooding.
- Contamination of drinking water.
- Fires from ruptured tanks or gas lines.
- Loss of vital community infrastructure.

Stress that most deaths caused by tsunamis result from drowning.

Tell the group that since 1945, six tsunamis have killed more than 350 people and caused 500 million dollars worth of property damage in Hawaii, Alaska, and the West Coast. Twenty-four tsunamis have caused damage in the United States and its territories during the past 224 years.

Point out that tsunamis can travel upstream in coastal estuaries and rivers, with damaging waves extending farther inland than the immediate coast. A tsunami can occur during any season of the year and at any time, day or night.

Explain that the first wave of a tsunami is usually not the largest in a series of waves, nor is it the most significant. One coastal community may experience no damaging waves, while another, not far away, may experience destructive deadly waves. Depending on a number of factors, some low-lying areas could experience severe inland inundation of water and debris of more than 1,000 feet.

TsunamiS (CONTINUED)

Tell the participants that tsunami warnings originate from two agencies:

- The West Coast/Alaska Tsunami Warning Center (WC/ATWC) is responsible for tsunami warnings for California, Oregon, Washington, British Columbia, and Alaska.
- The Pacific Tsunami Warning Center (PTWC) is responsible for providing warnings to international authorities, Hawaii, and U.S. territories within the Pacific basin.

Point out that the two Tsunami Warning Centers coordinate the information that is being disseminated.



ASK QUESTION

How can you prepare for a tsunami?

Allow the participants time to respond. Summarize the discussion using the visual.



DISPLAY VISUAL

Tsunami Preparedness

- Know the risk.
- Plan and practice evacuation routes.
- Discuss tsunamis with your family.
- Talk to your insurance agent.
- Use a NOAA Weather Radio.

TsunamiS (CONTINUED)

Be sure to make the points listed below.

- Know the risk for tsunamis in the area. Know the height of your street above sea level and the distance of your street from the coast or other high-risk waters. Evacuation orders may be based on these numbers.

If you are visiting an area at risk from tsunamis, check with the hotel, motel, or campground operators for evacuation information.

- Plan and practice evacuation routes. If possible, pick an area 100 feet or more above sea level, or go at least two miles inland, away from the coastline. You should be able to reach your safe location on foot within 15 minutes. Be able to follow your escape route at night and during inclement weather.
- Discuss tsunamis with your family. Discussing tsunamis ahead of time will help reduce fear and anxiety and let everyone know how to respond. Review flood safety and preparedness measures with your family.
- Talk to your insurance agent. Homeowners' policies do not cover flooding from a tsunami. Ask your agent about the National Flood Insurance Program (NFIP).
- Use a NOAA Weather Radio with a tone-alert feature to keep you informed of local watches and warnings.



ASK QUESTION

How do you protect your property in case of a tsunami?

Allow the group time to respond. If not mentioned by the participants, suggest the following ways to protect property:

- Avoid building or living in buildings within several hundred feet of the coastline. These areas are most likely to experience damage from tsunamis, strong winds, or coastal storms.
- Elevate coastal homes. Most tsunami waves are less than 10 feet high.

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TsunamiS (CONTINUED)

- Follow flood preparedness precautions. Many of the precautions that are appropriate for floods are also appropriate for tsunamis .
- Consult with a professional for advice about ways to make your home more resistant to tsunami. Also, there may be ways to divert waves away from your property.



ASK QUESTION

What do you do if you feel a strong coastal earthquake?

Allow the participants time to respond. Then, use the visual to explain the actions that they should take.



DISPLAY VISUAL

If a Strong Coastal Earthquake Occurs . . .

- Drop, cover, and hold.
- When shaking stops, evacuate.
- Avoid downed power lines, buildings, and bridges.

Be sure to emphasize the following points:

- Drop, cover, and hold. You should protect yourself from the earthquake first.
- When the shaking stops, gather your family members and evacuate quickly. Leave everything else behind. A tsunami could occur within minutes. Move quickly to higher ground away from the coast.

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TSUNAMIS (CONTINUED)

- Avoid downed power lines, and stay away from buildings and bridges from which heavy objects might fall during an aftershock.



ASK QUESTION

What should you do when you receive a Tsunami Warning?

Allow the group time to respond. Use the visual to summarize the discussion.



DISPLAY VISUAL

If a Tsunami Warning is Issued

- If in a tsunami risk area, evacuate immediately.
- Follow instructions issued by local authorities.
- Get to higher ground as far inland as possible.
- Listen to a NOAA Weather Radio or Coast Guard emergency frequency station.
- Return home only after local officials tell you that it is safe.

Discuss the following actions:

- If you are in a tsunami risk area and you hear an official tsunami warning or detect signs of a tsunami, evacuate at once. A tsunami warning is issued when authorities are certain that a tsunami threat exists, and there may be little time to get out.
- Follow instructions issued by local authorities. Recommended evacuation routes may be different from the one you planned, or you may be advised to move to higher ground than you had planned.
- Get to higher ground as far inland as possible. Officials cannot reliably predict either the height or local effects of tsunamis.



INSTRUCTOR'S
NOTE

TSUNAMIS (CONTINUED)

- Listen to a NOAA Weather Radio or Coast Guard emergency frequency station for updated emergency information.
- Return home only after local officials tell you that it is safe. A tsunami is a series of waves that may continue for hours. Do not assume that after one wave, the danger is over. The next wave may be larger than the first one.

Emphasize that watching a tsunami from the beach or cliffs can put people in grave danger. If a person can see the wave, he or she is too close to escape it.

Explain that, following a tsunami, citizens should continue listening to a NOAA Weather Radio or Coast Guard emergency frequency station for updated emergency information and instructions. As with many other hazards, post-tsunami actions include:

- Avoiding fallen power lines or broken utility lines and immediately reporting those that you see.
- Staying out of damaged areas until told that it is safe to enter.
- Staying out of damaged buildings.
- Using a flashlight to look for damage and fire hazards, and documenting damage for insurance purposes.
- Turning off utilities, if necessary.
- Reserving the telephone for emergencies.

Ask the participants if anyone has additional questions, comments, or concerns about tsunamis or tsunami preparedness and response.



PM, P. 1-A-49

Refer the participants to *Tsunami Myths and Facts* in the Participant Manual. Suggest that they review these myths and facts after the session.

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COMMUNITY EMERGENCY RESPONSE TEAM

APPENDIX 1-A: HAZARD LESSON PLANS



PM, P. 1-A-49

Tsunami Myths and Facts

Myth:	Tsunamis are giant walls of water.
Fact:	Tsunamis normally have the appearance of a fast-rising and receding flood. They can be similar to a tide cycle occurring over 10-60 minutes instead of 12 hours. Occasionally, tsunamis can form walls of water, known as tsunami bores, when the waves are high enough and the shoreline configuration is appropriate.
Myth:	Tsunamis are a single wave.
Fact:	Tsunamis are a series of waves. Often the initial wave is not the largest. The largest wave may occur several hours after the initial activity has started at a coastal location.
Myth:	Boats should seek protection of a bay or harbor during a tsunami.
Fact:	Tsunamis are often most destructive in bays and harbors. Tsunamis are least destructive in deep, open ocean waters.

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SEP 23 2004

CALIFORNIA
COASTAL COMMISSION

JAG John
Ash
Group
Architects
A.P. NO. 511-451-03

**425 FIRST STREET
EUREKA, CALIFORNIA 95501
707 442-8125 FAX 707 442-8127**
**www.jagarchitects.com
jane@jagarchitects.com**

**PROGRESS PRINT
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CONSTRUCTION**

EUREKA PIER

on Humboldt Bay

33 of 33

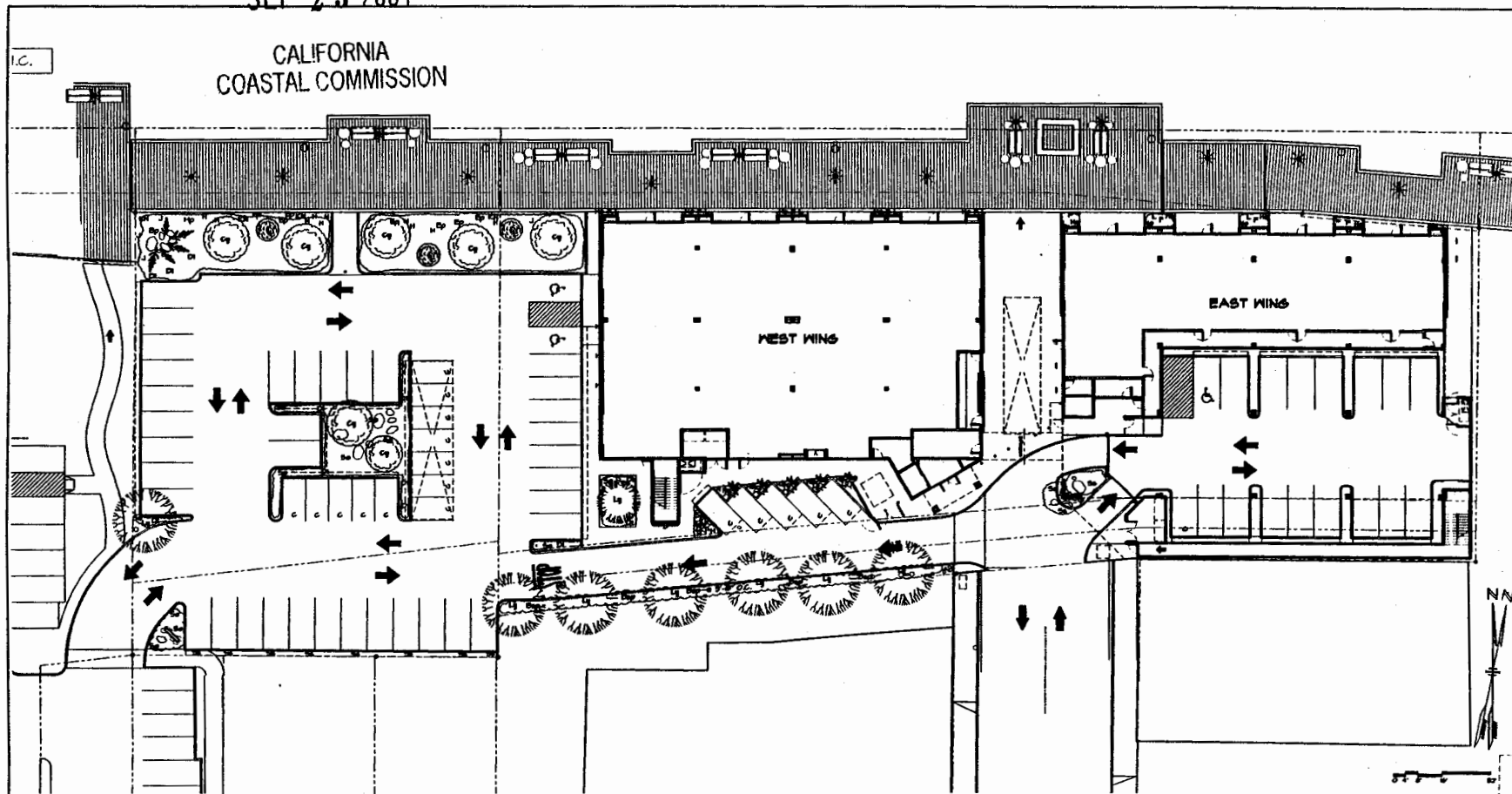
ISSUE/REVISION DATE
04-14-04 - ISSUE FOR PLAN CHECK

PROJECT INFORMATION	
JOB #:	1042
JOB NAME:	BURKA PIER
PLOTFILE:	AL-1042
PLOT DATE:	04/23/04
DRAWN BY:	DJC
CHECKED BY:	JA
SHEET NAME & NUMBER	

SHEET NAME & NUMBER

LANDSCAPE PLAN

L1.1



LANDSCAPE PLAN

SCALE	3
1"=4'-0"	

[illegible]

NOTES:

1. ALL LANDSCAPE BEDS TO HAVE 3-4" COVER OF SHREDDED BARK OR WASHED RIVER ROCK.
2. ALL LANDSCAPE BEDS WILL HAVE PENNET-PRO NEED MAT.
3. ALL LANDSCAPE BEDS WILL HAVE DROP IRRIGATION TO ALL PLANTS.
4. TOTO VALVES IF A F DOUBLE CHECK VALVE WILL BE INSTALLED. THIS WILL BE A MANUAL SYSTEM. A F GATE VALVE WILL BE INSTALLED IN FRONT OF THE DOUBLE CHECK VALVES.

SHEET LEGEND

SCALE	4
NO SCALE	

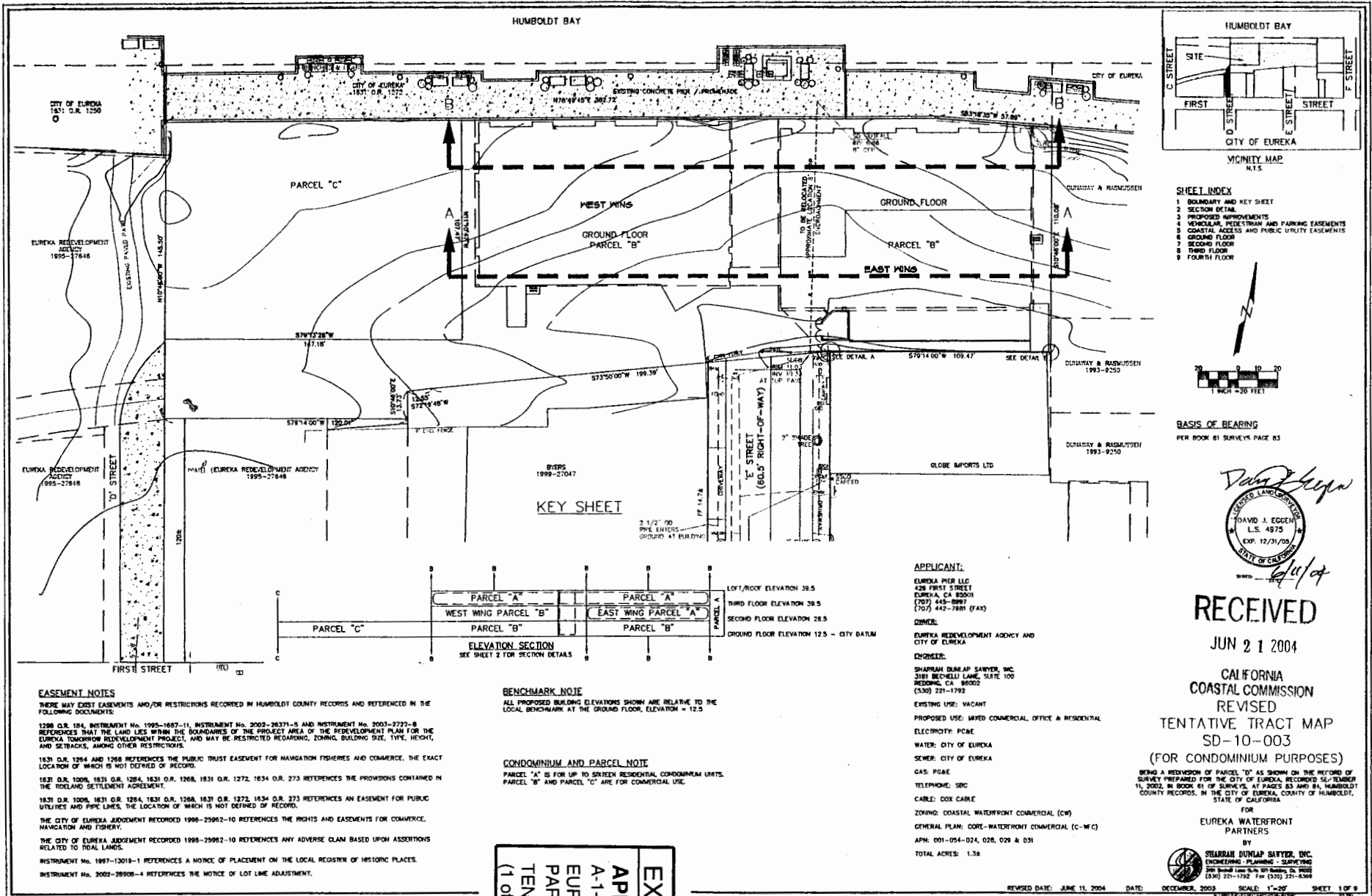


EXHIBIT NO. 5

APPLICATION NO.

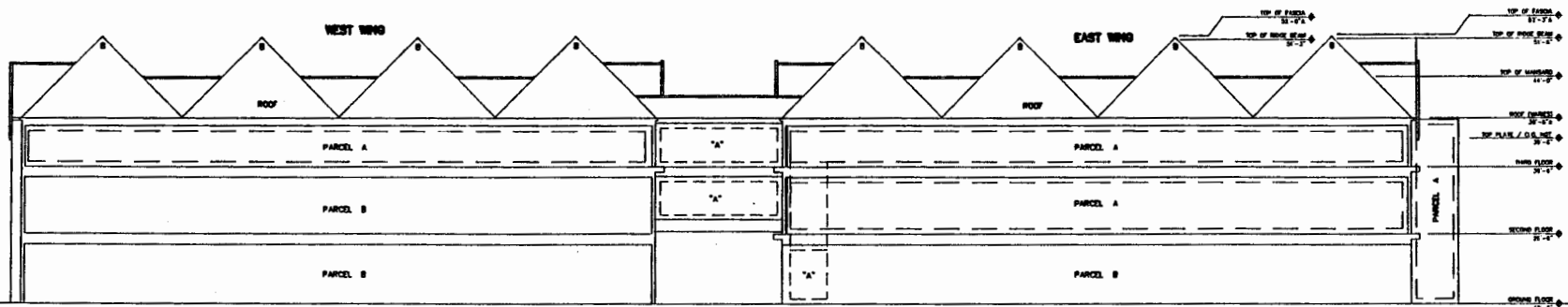
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EUREKA WATERFRONT

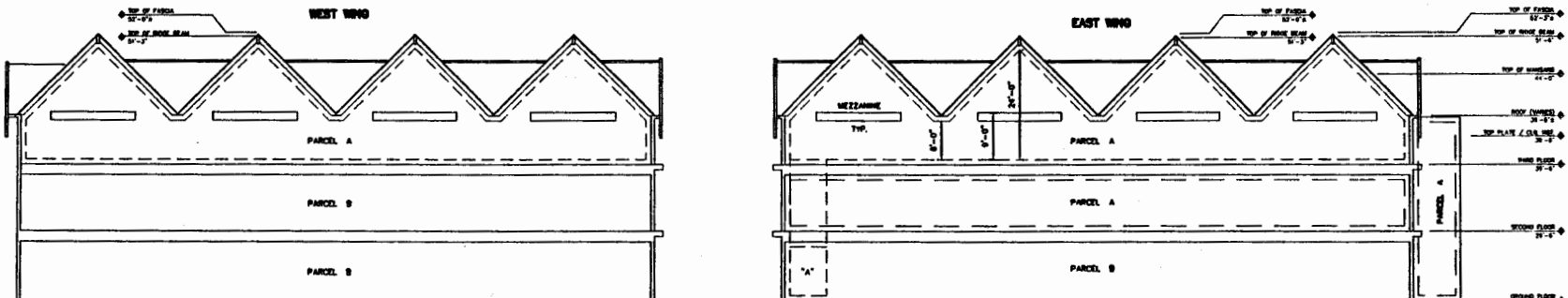
PARTNERS LLC

TENTATIVE TRACT MAP

(1 of 9)



SECTION A-A



SECTION B-B
ELEVATION SECTIONS

HORIZONTAL SCALE 1" = 10'
VERTICAL SCALE 1" = 10'

BENCHMARK NOTE
ALL PROPOSED BUILDING ELEVATIONS SHOWN ARE RELATIVE TO THE
LOCAL BENCHMARK AT THE GROUND FLOOR, ELEVATION = 0.

REVISED
TENTATIVE TRACT MAP
SD-10-003
(FOR CONDOMINIUM PURPOSES)

BEING A REVISION OF PARCEL "D" AS SHOWN ON THE RECORD OF
SURVEY PREPARED FOR THE CITY OF EUREKA, RECORDED SEPTEMBER
14, 2002, IN BOOK 01 OF SURVEYS, AT PAGES 83 AND 84, HUMBOLDT
COUNTY RECORDS, IN THE CITY OF EUREKA, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA.

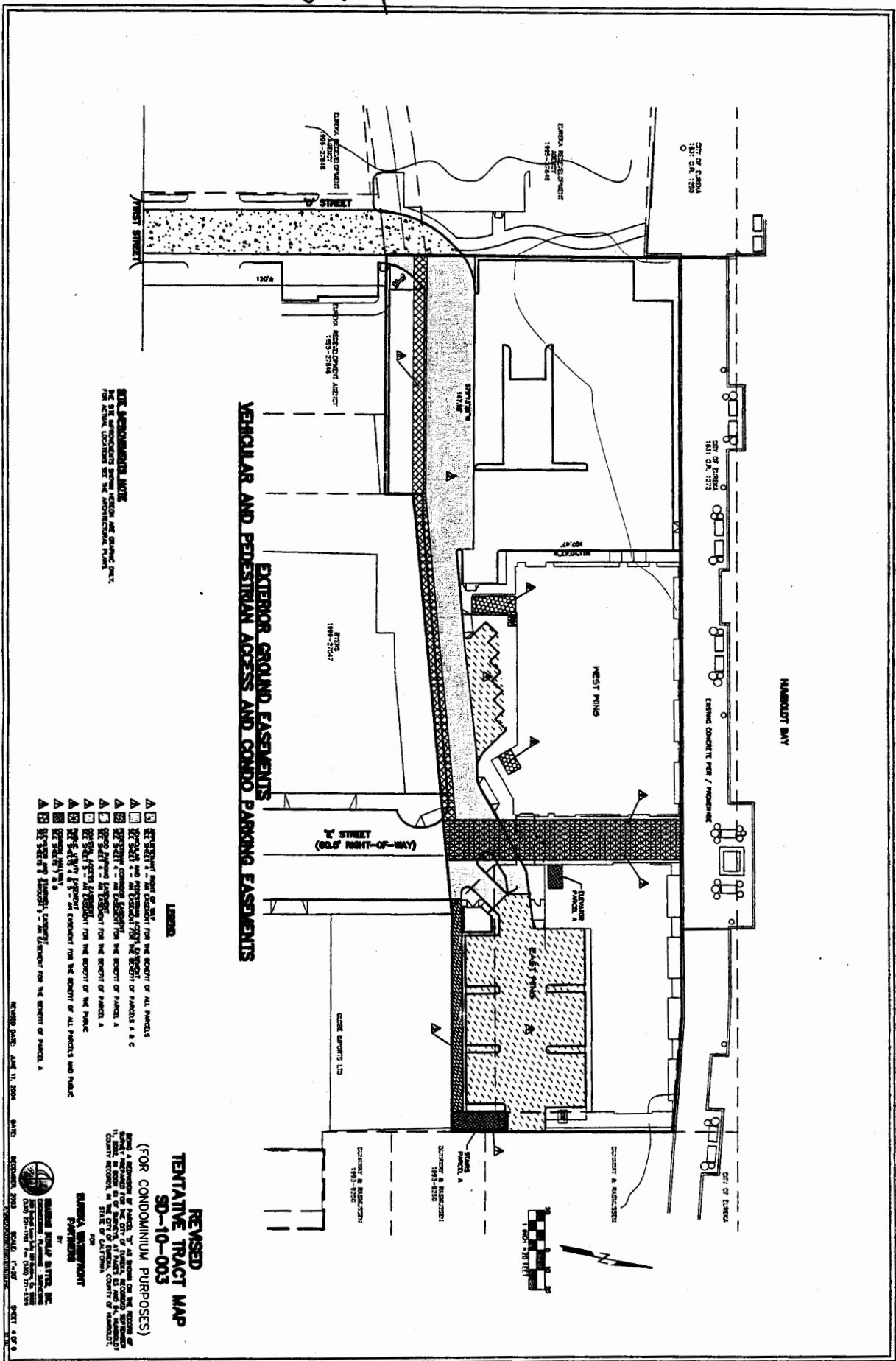
FOR
EUREKA WATERFRONT
PARTNERS

BY
MAURICE BUNLAP GATVET, INC.
ENGINEERING - PLANNING - SURVEYING
300 BROADWAY, SUITE 200, EUREKA, CA 94501
(707) 441-1100 FAX (707) 441-1101

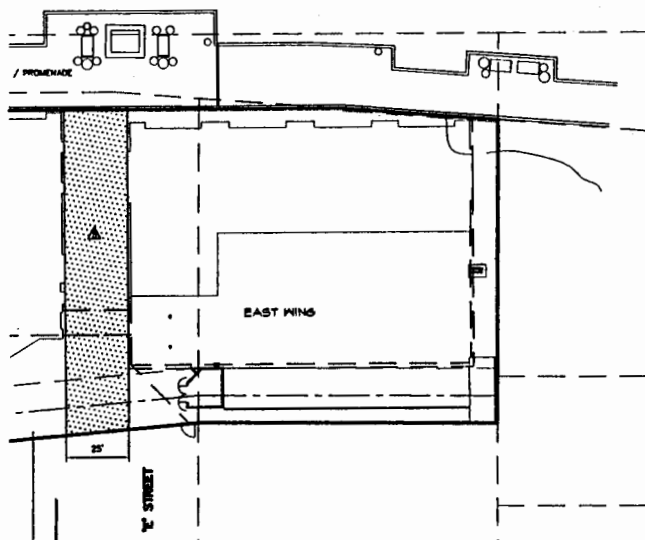
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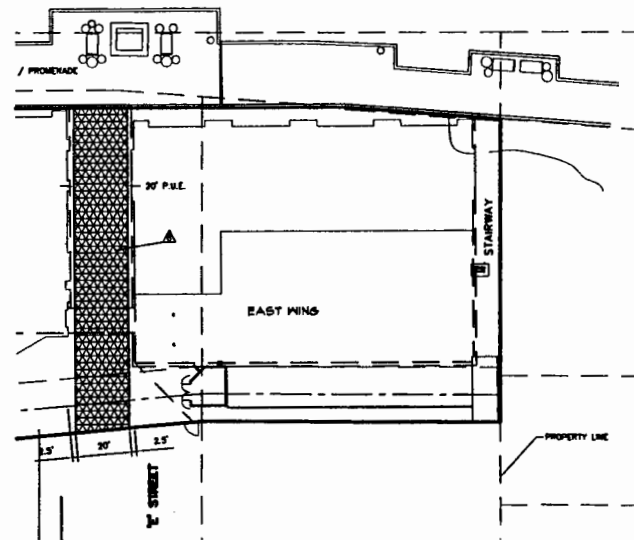
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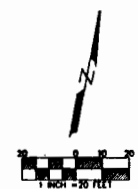
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COASTAL ACCESS EASEMENT
(VARIABLE WIDTH, 25')



20' PUBLIC UTILITY EASEMENT



SITE IMPROVEMENTS NOTE

THE SITE IMPROVEMENTS SHOWN HEREON ARE GRAPHIC ONLY.
FOR ACTUAL LOCATIONS SEE THE ARCHITECTURAL PLANS.

LEGEND

- △ [Symbol] APPURTENANT RIGHT OF WAY
SEE SHEET 4 - AN EASEMENT FOR THE BENEFIT OF ALL PARCELS
- △ [Symbol] VEHICULAR AND PEDESTRIAN ACCESS EASEMENT
SEE SHEET 4 - AN EASEMENT FOR THE BENEFIT OF PARCELS A & C
- △ [Symbol] DEVELOPER COMMON EASEMENT
SEE SHEET 4 - AN EASEMENT FOR THE BENEFIT OF PARCEL A
- △ [Symbol] CONDO PARKING EASEMENT
SEE SHEET 4 - AN EASEMENT FOR THE BENEFIT OF PARCEL A
- △ [Symbol] COASTAL ACCESS EASEMENT
SEE SHEET 5 - AN EASEMENT FOR THE BENEFIT OF THE PUBLIC
- △ [Symbol] PUBLIC UTILITY EASEMENT
SEE SHEETS 4 & 5 - AN EASEMENT FOR THE BENEFIT OF ALL PARCELS AND PUBLIC
- △ [Symbol] STAIRWAY
SEE SHEETS 7 & 8
- △ [Symbol] ELEVATOR SHAFT EASEMENT
SEE SHEETS 8 THROUGH 9 - AN EASEMENT FOR THE BENEFIT OF PARCEL A

**REVISED
TENTATIVE TRACT MAP
SD-10-003
(FOR CONDOMINIUM PURPOSES)**

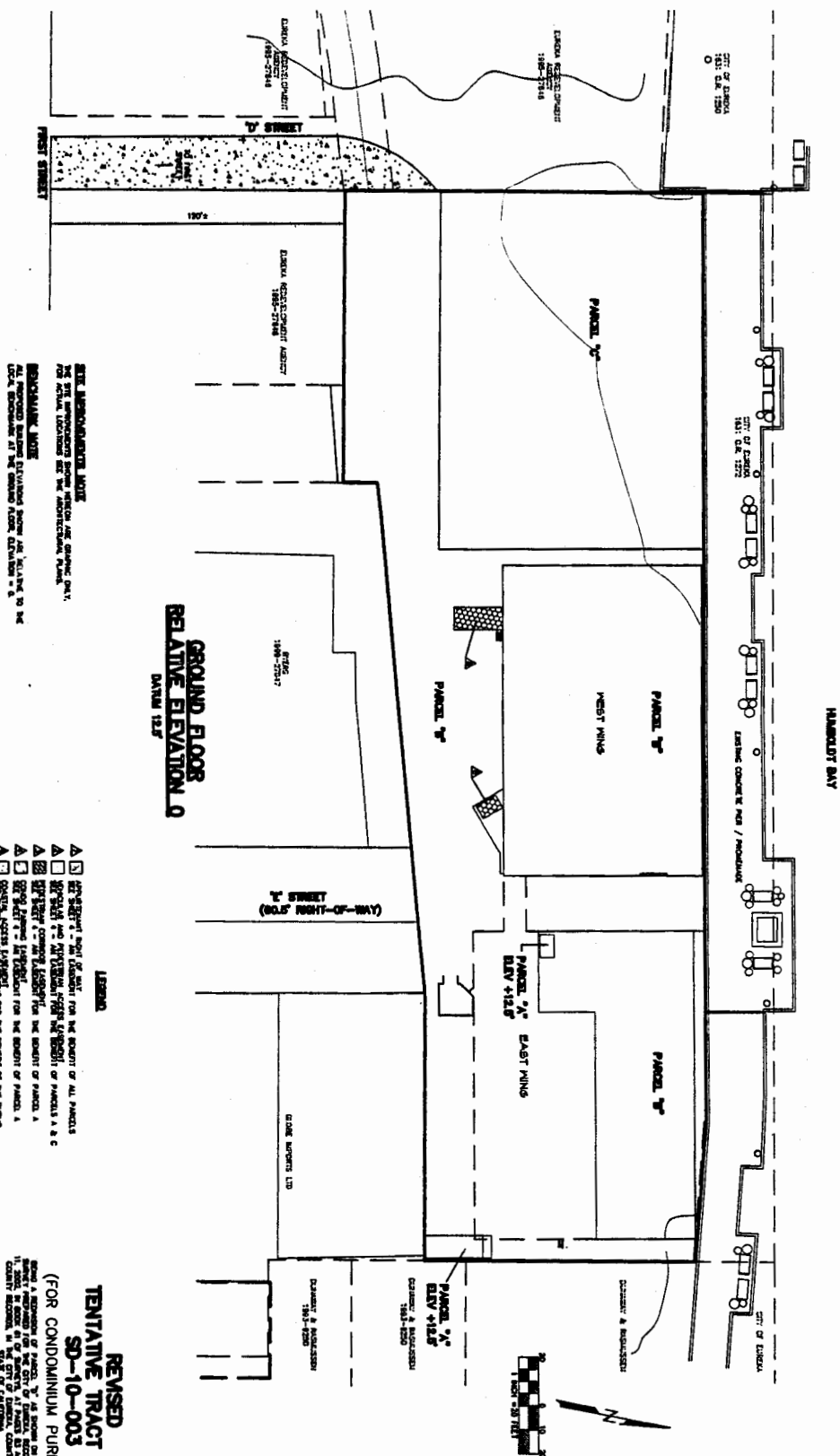
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11, 2003, IN BOOK 81 OF SURVEYS, AT PAGES 83 AND 84, HUMBOLDT
COUNTY RECORDS IN THE CITY OF EUREKA, COUNTY OF HUMBOLDT,
STATE OF CALIFORNIA.

FOR
**EUREKA WATERFRONT
PARTNERS**

BY
SHARON BOYLAN SAYTEL, INC.
ENGINEERS - PLANNERS - SURVEYORS
200 Second Line Drive, Suite 200, Eureka, CA 95501
(415) 221-1752 Fax (415) 221-1309

REVISED DATE: JUNE 11, 2004 DATE: DECEMBER, 2003 SCALE: 1"=20' SHEET 5 OF 8

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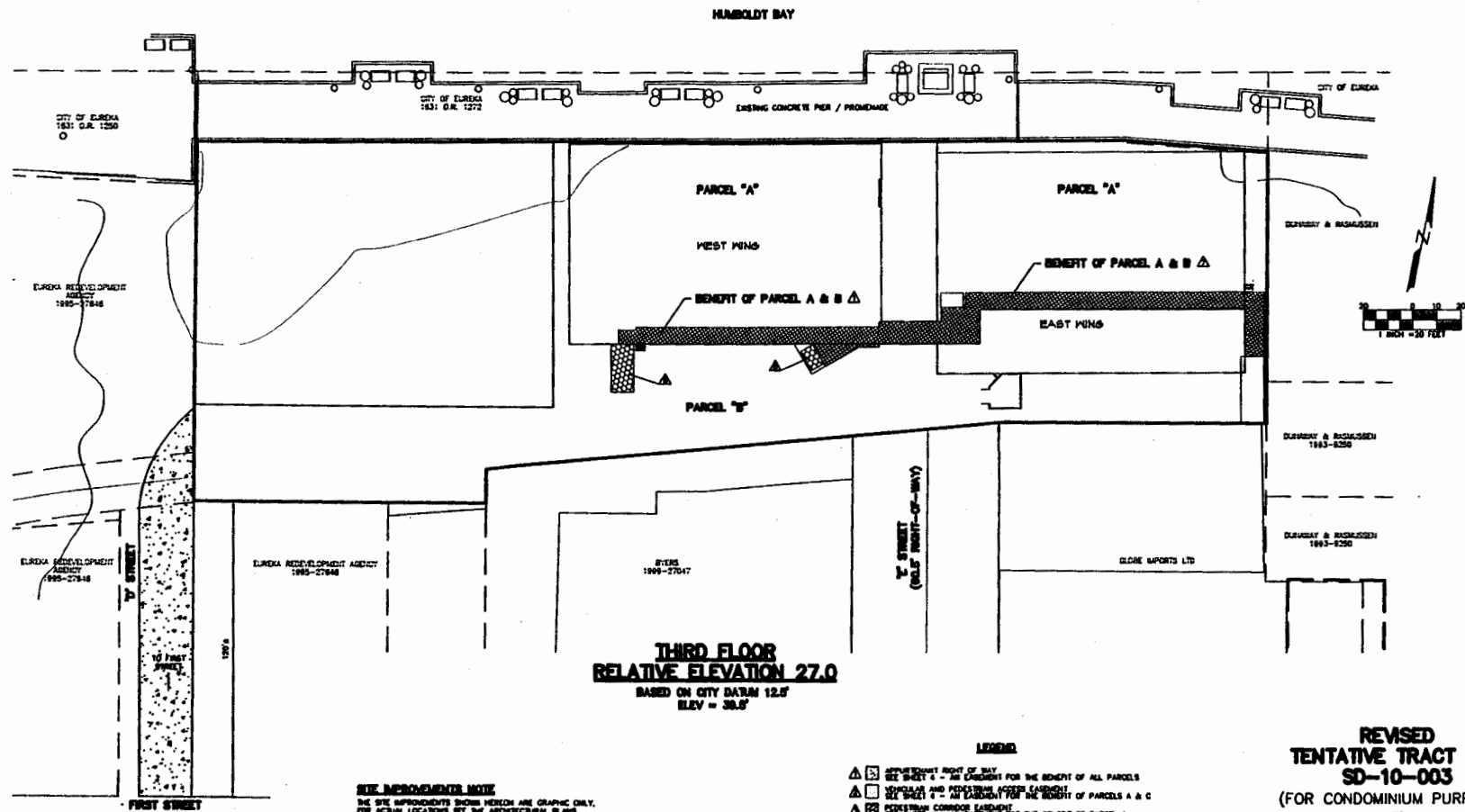


**REVISED
TENTATIVE TRACT MAP
SD-10-003**

(FOR CONDOMINIUM PURPOSES)

BEING A REDUCTION OF PLOTS, 76.56 ACRES, BEING THE EIGHTH OF SEVENTY-SEVEN ACRES FOR THE CITY OF LEBANON, RECORDED SEPTEMBER 11, 2002, IN BOOK 40 OF SALES, AT PAGES 48 AND 49, HANCOCK COUNTY RECORDS, IN THE CITY OF LEBANON, COUNTY OF HANCOCK.

RECORD DATE: JAN 11, 2004 DATE: DECEMBER, 2003 SCALE: 1"=20' SHEET 4 OF 4



SITE IMPROVEMENTS NOTE
THE SITE IMPROVEMENTS SHOWN HEREON ARE GRAPHIC ONLY.
FOR ACTUAL LOCATIONS SEE THE ARCHITECTURAL PLANS.

BENCHMARK NOTE
ALL PROPOSED BUILDING ELEVATIONS SHOWN ARE RELATIVE TO THE
LOCAL BENCHMARK AT THE GROUND FLOOR, ELEVATION = 0.

- LEGEND**
- ⚠️ **APPROVED RIGHT OF WAY**
SEE SHEET 1 - AN EASEMENT FOR THE BENEFIT OF ALL PARCELS
- ⚠️ **VEHICULAR AND PEDESTRIAN CROSS EASEMENT**
SEE SHEET 1 - AN EASEMENT FOR THE BENEFIT OF PARCELS A & C
- ⚠️ **POCKET-TO-POCKET CROSS EASEMENT**
SEE SHEET 4 - AN EASEMENT FOR THE BENEFIT OF PARCEL A
- ⚠️ **WOOD EASEMENT**
SEE SHEET 5 - AN EASEMENT FOR THE BENEFIT OF PARCEL A
- ⚠️ **CONVEYED CROSS EASEMENT**
SEE SHEET 5 - AN EASEMENT FOR THE BENEFIT OF THE PUBLIC
- ⚠️ **PUBLIC UTILITY EASEMENT**
SEE SHEETS 4 & 5 - AN EASEMENT FOR THE BENEFIT OF ALL PARCELS AND PUBLIC
- ⚠️ **WATER AND SEWER EASEMENT**
SEE SHEETS 7 & 8
- ⚠️ **WATER AND SEWER EASEMENT**
SEE SHEET 8 - AN EASEMENT FOR THE BENEFIT OF PARCEL A

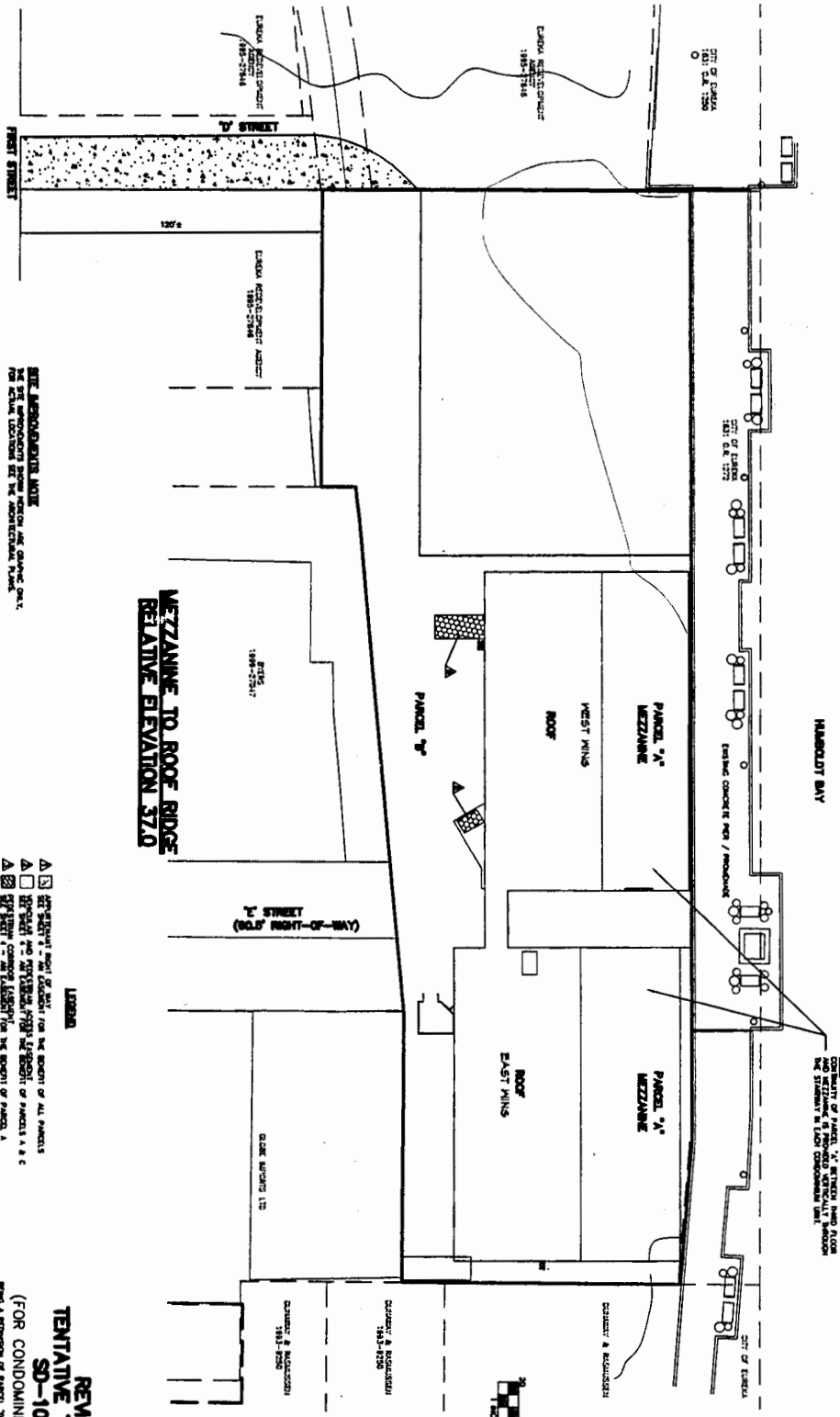
**REVISED
TENTATIVE TRACT MAP
SD-10-003
(FOR CONDOMINIUM PURPOSES)**

BEING A REDIVISION OF PARCEL "D" AS SHOWN ON THE RECORD OF SURVEY PREPARED FOR THE CITY OF EUREKA, RECORDED SEPTEMBER 11, 2002, IN BOOK 61 OF SURVEYS, AT PAGES 83 AND 84, HUMBOLDT COUNTY RECORDS, IN THE CITY OF EUREKA, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

CLINICAL WATERFRONT PARTNERS

SHARRAN DUNLAP SAWYER, INC.
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301 South Lane-John H. Bunting, Co. 10000
(3.30) 221-1702 Fax (3.30) 221-8260

999



REVISIONS

1. REVISION 1 - SEE LORRAINE FOR THE BOUNDARY OF ALL PANELS

2. REVISION 2 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

3. REVISION 3 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

4. REVISION 4 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

5. REVISION 5 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

6. REVISION 6 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

7. REVISION 7 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

8. REVISION 8 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

9. REVISION 9 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

10. REVISION 10 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

LEGEND

1. REVISION 1 - SEE LORRAINE FOR THE BOUNDARY OF ALL PANELS

2. REVISION 2 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

3. REVISION 3 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

4. REVISION 4 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

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9. REVISION 9 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

10. REVISION 10 - SEE LORRAINE FOR THE BOUNDARY OF PANELS A & C

REVISION 1

REVISION 2

REVISION 3

REVISION 4

REVISION 5

REVISION 6

REVISION 7

REVISION 8

REVISION 9

REVISION 10

REVISION 1

REVISION 2

REVISION 3

REVISION 4

REVISION 5

REVISION 6

REVISION 7

REVISION 8

REVISION 9

REVISION 10

Geotechnical Investigation Report

Eureka Pier Building
Eureka, California

Prepared for:

John Ash Group
428 First Street
Eureka, CA 95501

EXHIBIT NO. 6

APPLICATION NO.

A-1-EUR-01-029-A1
EUREKA WATERFRONT
PARTNERS LLC
EXCERPTS OF GEOTECHNICAL
INVESTIGATION REPORT
(1 of 30)



Consulting Engineers & Geologists, Inc.

812 w. Wabash Ave.
Eureka, CA 95501
707/441-8855

July 2004
003030



Reference: 003030

July 2, 2004

Mr. John Ash
John Ash Group
428 First Street
Eureka, CA 95501

Subject: Geotechnical Investigation Report for Eureka Pier Building, Eureka, California

Dear Mr. Ash:

The enclosed report documents the results of our investigations for the proposed Eureka Pier buildings to be located at the shoreline of Humboldt Bay between D and F streets in Eureka, California. In the report we discuss geotechnical site characteristics, and provide specific recommendations for design and construction of the building foundation system.

The primary geotechnical site considerations are the presence of soft bay mud soil and the potential for strong seismic shaking. These issues are discussed within the attached report.

Thank you for the opportunity to assist you with this project. If you have any questions, please feel free to call me at (530) 221-5424.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

David Bradley, P.E.
Geotechnical Engineer

DRB:lms

Enclosure: Geotechnical Investigation Report

Reference: 003030

Geotechnical Investigation Report

Eureka Pier Building Eureka, California

Prepared for:

John Ash Group
428 First Street
Eureka, CA 95501

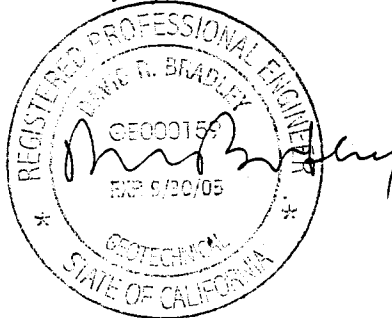
Prepared by



Consulting Engineers & Geologists, Inc.
812 W. Wabash Ave.
Eureka, CA 95501
707/441-8855

July 2004

QA/QC:DRB *drb*



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JUL 02 2004

CALIFORNIA
COASTAL COMMISSION

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- C. Additional Concrete Pile Recommendations

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Abbreviations and Acronyms

C _a and C _v	Seismic Coefficients
CPT	Cone Penetrometer Test
M#	Magnitude#
N _a and N _v	Seismic Source Type, Near-Source Factors
S	Soil Profile Type
SHN	SHN Consulting Engineers & Geologists, Inc.
UBC	Uniform Building Code
Z	Seismic Zone Factor

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1.0 Introduction

This report documents the results of geotechnical investigations conducted by SHN Consulting Engineers & Geologists, Inc. (SHN) during September and October 2003, at the site of the proposed Eureka Pier Development Project located at the shoreline of Humboldt Bay between D and F streets in Eureka, California. The site location is shown on Figure 1.

We understand that construction will include two, 3-story buildings, which will be utilized for retail, restaurant, office, and residential purposes. The structures will consist of steel moment resisting frames, supported on a deep foundation system.

Previous subsurface investigations have been performed by others in the vicinity of the proposed Eureka Pier buildings. The purpose of SHN's geotechnical investigation was to acquire additional subsurface information and verify information that was obtained from the previous investigations. The conclusions and recommendations within this report were based upon subsurface conditions encountered within boreholes and Cone Penetrometer Test (CPT) holes by others and CPT holes by SHN within the general vicinity of the proposed structures.

Our scope of work included the advancement of a CPT at two locations within the building footprint. The information obtained from the CPT was then combined with existing subsurface information from previous investigations to develop recommended design criteria for the Eureka Pier building foundation system. Recommendations for the design and construction of appurtenant improvements, such as adjacent pavement for parking lots, retaining structures, exterior slabs-on-grade, or other surrounding appurtenant facilities, are not included herein.

This report is intended to provide the owner with findings, conclusions, and recommendations related to geotechnical aspects of foundation design and construction. The recommendations contained in this report are subject to the limitations presented herein.

Work was performed in general accordance with our proposal dated January 21, 2003.

2.0 Field Investigation

Our field geotechnical investigation was limited to a site reconnaissance and subsurface exploration through advancement of two cone penetrometer tests. The cone penetrometer met refusal at a depth of approximately 30 feet below the existing ground surface within both test locations. The inclination angle of the cone was excessive within the upper fill soil at the site likely due to cobbles or other rubble within the fill material, and additional tests were not attempted due to the high risk of breaking the penetrometer rods.

The field investigation was conducted on September 30, 2003. The CPT hole locations are shown in Figure 2. Graphs of the variation of cone tip resistance, side friction, and equivalent blow counts with depth are included in Appendix A. Copies of Borehole logs and CPT data prepared by others are presented within Appendix B, and the test hole locations are included in Figure 2. Previous reports from which subsurface information was obtained include the following:

- Geotechnical Investigation, Inner Channel Dock and Boardwalk Revitalization Projects, Eureka, California, April 16, 1999, by Harding Lawson Associates, Oakland, California.

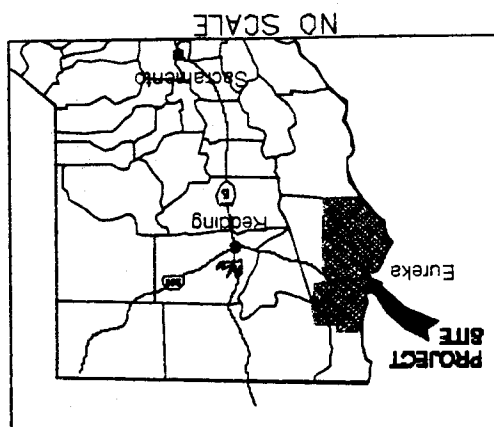
EUREKA CALIFORNIA

DECEMBER 2003

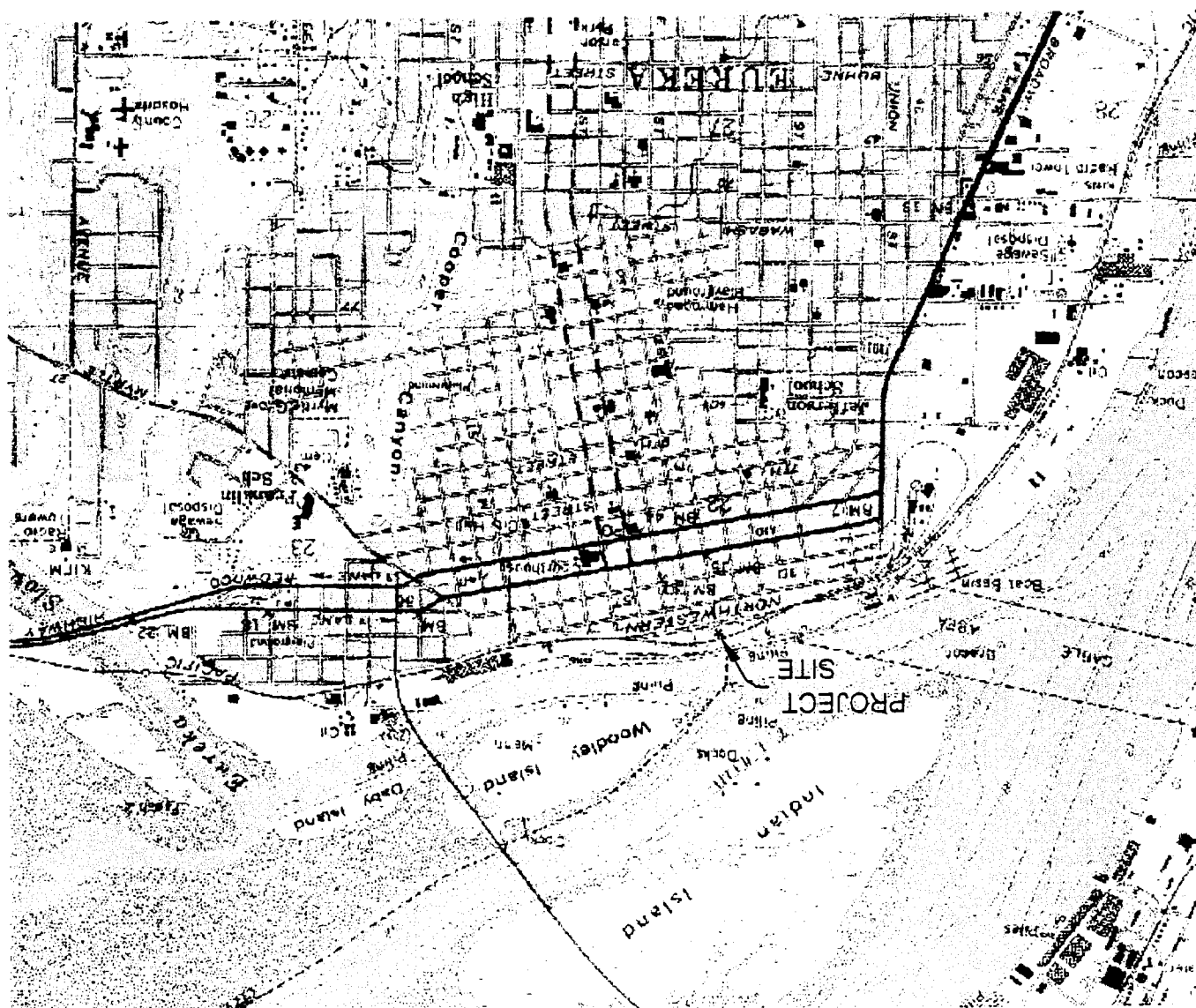
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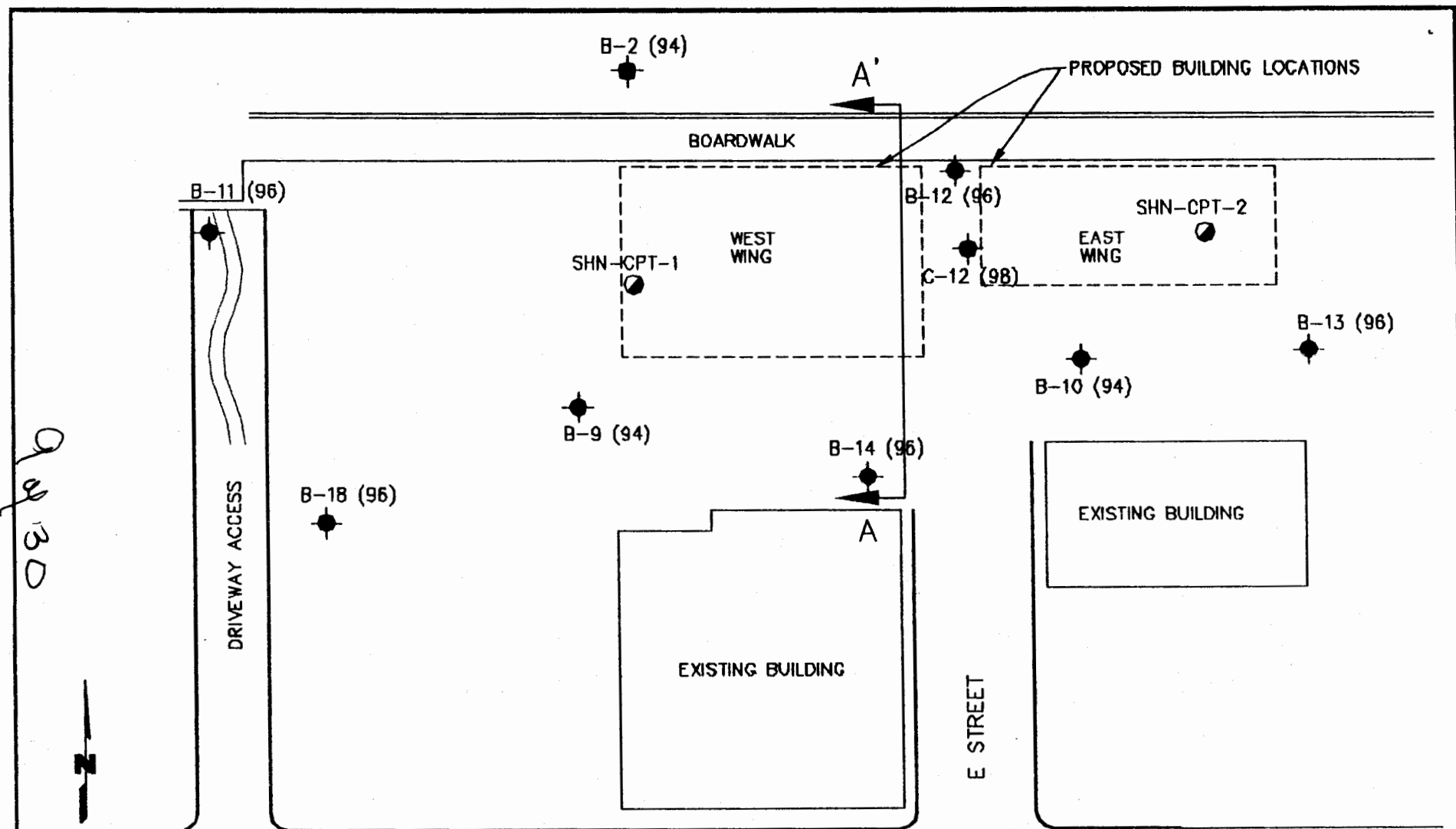
FIGURE

LOCATION MAP
SHN 003030



SCALE: 1"=200'





SCALE: 1"=60'

LEGEND

CPT-1



CPT LOCATIONS BY SHN



BOREHOLES BY OTHERS



CROSS SECTION LOCATION

SHN
Consulting Engineers
& Geologists, Inc.

EUREKA PIER
NORTH END OF E STREET
EUREKA, CALIFORNIA

BOREHOLE & CPT LOCATIONS

SHN 003030

DECEMBER 2003

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FIGURE 2

- Subsurface Investigation, Sea Wall and Roadway Elements, Waterfront Redevelopment Project, December, 1996, by Taber Consultants, Sacramento, California. (Boreholes drilled in 1994 were included within the 1996 report).

3.0 Site Conditions

3.1 Surface Conditions

The waterfront building site is relatively flat, with a slope into Humboldt Bay beneath the boardwalk along the northern side. The site is currently vacant, with sparse weeds and grass. Previous buildings, which were demolished prior to our field investigation, were located within the proposed building footprints.

3.2 Subsurface Soil

The site has historically been filled with miscellaneous fill materials along the length of the boardwalk to reclaim additional shoreline area along Humboldt Bay. As indicated by the borings and CPT logs, the fill is highly variable, including sand, brick, wood, and rubble, and is poorly compacted. The thickness of fill beneath the footprint of the proposed Eureka Pier buildings is approximately 8 to 10 feet across the site. The fill is underlain by soft bay mud. The bay mud is thickest near the shore, and varies in thickness from 0 to 14 feet. The clay is sensitive based on the CPT soundings. The bay mud is underlain by a sand material, with a thickness of approximately 16 to 20 feet. The upper portion (3 to 4 feet) of the sand layer is silty, and is medium dense. The lower portion is very dense, with standard penetration test blow counts typically greater than 50. Refusal was met on the dense sand in both of the CPT soundings performed during our field investigation. Below the dense sand, a stiff clay layer was encountered at variable depths. We estimate the thickness of the dense sand layer to be between 15 to 20 feet within the building footprints. For purposes of estimating pile capacities, a thickness of 15 feet was used.

A generalized cross section of the subsurface materials perpendicular to the shoreline is shown in Figure 3. In general, the section is similar to other cross-sections presented during previous geotechnical investigations.

3.3 Groundwater

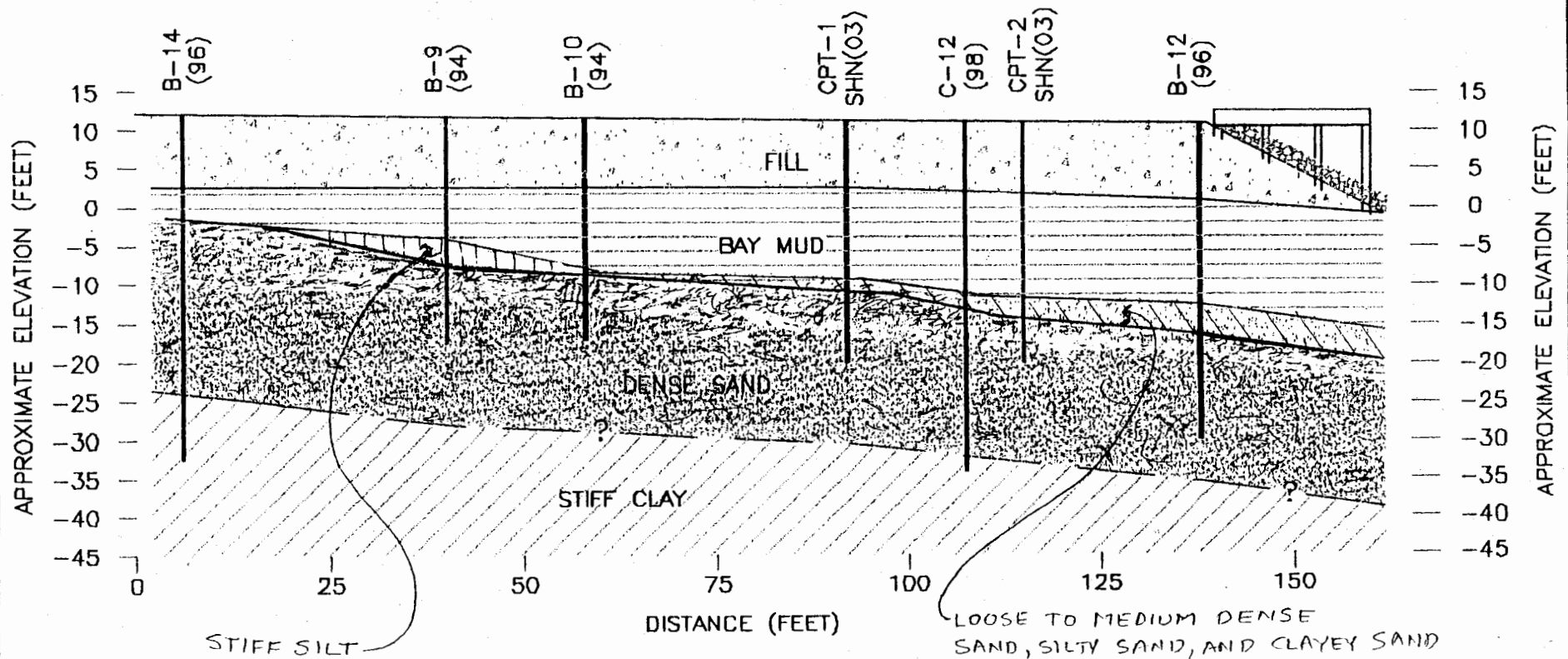
Groundwater levels are expected to fluctuate with the tide. Groundwater has been measured at levels as high as 3 feet below the ground surface within the proposed footprint of the Eureka Pier buildings.

3.4 Seismic Setting and UBC Seismic Design Parameters

The State of California designates faults as active, potentially active, and inactive depending on the recency of movement that can be substantiated for a fault. Fault activity is rated based upon the age criteria noted in Table 1. No active or potentially active faults are known to project through the project site. A number of active regional and local faults traverse the project region.

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NOTE: TEST HOLES ARE PROJECTED PERPENDICULAR TO THE CROSS SECTION.



SECTION A-A'

NOTE: SOIL BOUNDARIES ARE BASED ON INTERPOLATION
AND JUDGEMENT; VARIATIONS SHOULD BE EXPECTED.

SCALE: 1"=20'

SHN
Consulting Engineers
& Geologists, Inc.

EUREKA PIER
NORTH END OF E STREET
EUREKA, CALIFORNIA

SUBSURFACE CROSS-SECTION

SHN 003030

DECEMBER 2003

P:\2003\003030 Eureka Pier\Figures.dwg

FIGURE 3

Table 1 Fault Activity Ratings		
Fault Activity Rating	Geologic Period of Last Rupture	Time Interval (Years)
Active	Holocene	Within last 11,000 Years
Potentially Active	Quaternary	>11,000 to 1.6 Million Years
Inactive	Pre-Quaternary	Greater than 1.6 Million Years

The nearest identified active fault is the Little Salmon Fault, with a slip rate estimated at about 0.2 inches (5 millimeters) per year and a characteristic magnitude of 7.0, located within approximately 1.2 miles (2 kilometers) of the site.

At a minimum, structures should be designed in accordance with the 1997 Uniform Building Code (UBC) criteria. UBC-based design requires the definition of the following seismic parameters: a Seismic Zone Factor (Z), a Soil Profile Type (S), Seismic Source Type, Near-Source Factors (N_a and N_v), and Seismic Coefficients (C_a and C_v).

The most critical fault capable of causing the strongest ground motion at the site is the Little Salmon Fault, a Type "A" fault in accordance with the 1997 UBC. The 1997 UBC places this area in Seismic Zone 4. A Soil Profile Type S_D , or stiff soil, may be used for design, based on the conditions encountered during our field investigation. Near-source factors N_a and N_v of 1.5 and 2.0, respectively, from Tables 16-S and 16-T of the 1997 UBC are indicated. Seismic Coefficients C_a and C_v of 0.66 and 1.28, respectively, were determined from the N_a and N_v values, the soil profile type, and the seismic zone factor per UBC Tables 16-Q and 16-R. The resulting seismic design parameters are summarized in Table 2.

Table 2 UBC Seismic Design Parameters	
Parameter	Recommended UBC Criteria
Seismic Zone	4
Soil Profile Type	S_D (Stiff Soil)
Seismic Source Type	"A"
Distance to Seismic Source	<2 kilometers to "A"
Near Source Factor, N_a	1.5
Near Source Factor, N_v	2.0
Seismic Coefficient, C_a	0.66
Seismic Coefficient, C_v	1.28

3.5 Expansive Soils

High plasticity clay soil was encountered within the subsurface soil; however, the potentially expansive clay was encountered at depths greater than 10 feet below the existing ground surface, and the risk of adverse consequences to the foundation from expansive behavior of soils is considered low.

4.0 Conclusions and Discussion

Based on the results of our field investigations, it is our opinion that the project site can be developed as proposed, provided that our recommendations are followed, and that noted conditions and risks are acknowledged.

The primary geotechnical site considerations are the presence of weak and compressible soils, a high groundwater table, potentially liquefiable sands, a risk of shoreline lateral spreading under rare, extreme earthquake conditions, and boulders or other debris in the fill soils which may affect installation of deep foundations. Other geohazards, which are no greater at this site than at other locations along the waterfront, include high water levels associated with storm surges, seiches, and tsunamis, which are beyond the scope of this report.

Weak, compressible bay mud soil extends up to a maximum depth of approximately 18 to 23 feet beneath the building footprints. Consequently, pile foundations are required to mitigate excess settlement potential in fill and bay mud under vertical project loadings.

Liquefaction is a phenomenon that occurs during or closely following dynamic loading of loose or medium dense, low cohesion soil materials beneath the groundwater surface. Increased soil particle size, increased silt and clay content, increased cohesion, and increased geologic age decrease liquefaction risk. During shaking, pore water pressure builds up until shear strength is significantly reduced. Liquefied soil can be ejected to the ground surface in sand boils "sand volcanoes," or through ground cracks. Shallow foundation bearing support can be temporarily lost. Block (lateral) gliding of upper, non-liquefied soils can occur, or lateral spreading or movement of liquefied soils may occur, even on mild slope gradients, provided an underlying liquefied layer extends near a slope face.

At this site, possibly liquefiable sand material was encountered within SHN's CPT borings in the upper 3 to 4 feet of the sand material encountered beneath the bay mud. Some of the borings by others also encountered similar loose to medium dense sand, silty sand, or clayey sand immediately below the bay mud material. The factor of safety against liquefaction was less than 1 from a depth of 21 to 25 feet deep below the existing ground surface in the SHN-CPT locations. The factor of safety against liquefaction was determined using methods described by Youd et al. (2001) for evaluation of CPT data. Other materials above and below the loose to medium dense sand, silty sand, and clayey sand were considered non-liquefiable due to either material type or high density. Liquefaction of the upper sand layer has the potential to cause lateral spreading or block gliding of the upper bay mud materials towards Humboldt Bay.

Lateral spreading risk is considered mitigated to a degree by the typical presence of cohesive silt and clay in this moderate-in-density transition layer between the bay mud and underlying dense sand. It is also considered mitigated by geologic age, in that the potentially susceptible layer probably has experienced past strong earthquakes, which tend to decrease future potential for

liquefaction and movement. Risk of lateral spreading is also mitigated by the presence of the piling supporting the boardwalk, the piling that will support the proposed structures, and by the existing bay mud strata along the shoreline, as may be seen in Figure 3.

Under rare, major seismic shaking events, it is our opinion that there is a low to moderate risk that the loose to medium dense, sand, silty sand, and clayey sand material encountered at the transition zone between the bay mud and the underlying dense sand may liquefy and lead to lateral spreading of the upper fill and bay mud material. In our opinion, the risk of lateral spreading would typically be negligible for earthquake magnitudes lower than about M7.0.

Lateral forces and moments on piles penetrating through the liquefied layer under lateral spreading conditions are not accurately predictable. We do not consider it possible to economically design the foundations of the Eureka Pier buildings to withstand the stresses induced from lateral spreading during a rare, major seismic event without some damage occurring. The stresses, if lateral spreading were to occur, would involve a mass of soil up to approximately 20 feet thick, displacing horizontally on a liquefied layer that may be inclined towards the bay. Using the method by Bartlett and Youd (1992) and assuming a magnitude 7.0 earthquake occurring within 4 miles of the site, the magnitude of horizontal ground displacement was estimated to be about 3 feet at the proposed building edge nearest the harbor, and zero feet at the building edge furthest from the harbor. It should be noted that the confining effect of the bay mud material is not incorporated into the lateral spreading analysis. Based on this analysis, a differential horizontal displacement of 1 foot may occur beneath the building structure in a large earthquake event.

For piles that are embedded above and below a liquefied layer and subjected to lateral spreading, recent research has shown that the bending moment is greatest just under the upper non-liquefied layer, and is limited to the passive pressure from the upper non-liquefied layer (Dobry et al., 2003). The bending moment for piles at the Eureka Pier site can be determined through evaluation of the passive pressure resistance due to the upper fill material and the bay mud. The maximum bending moment in the piles may exceed 1,400 kip-feet for a magnitude of lateral spreading on the order of 2 to 3 feet. It does not appear reasonable to design the foundation to withstand such stress, rather it is necessary to either perform deep ground improvements to reduce the potential for liquefaction to occur, or acknowledge the risk of damage to the piles in the event of a rare, major earthquake event. The risk of liquefaction is not unique to this site, and is considered to be similar to that across much of the southern shoreline of Humboldt Bay north of 1st Street in Eureka. Recent building codes have been based on the criteria that structures should be able to

1. resist a minor level of earthquake motion without damage;
2. resist a moderate level of earthquake ground motions without structural damage, but possibly experience some nonstructural damage; and
3. resist a major level of earthquake ground motion having an intensity equal to the strongest either experienced or forecast for the building site, without collapse, but possibly with some structural as well as nonstructural damage." (Kramer, 1996).

Our recommendations for pile foundations are designed to meet these criteria, which we assume are an acceptable level of risk for the proposed construction.

Although the conditions encountered in our subsurface investigation indicate a potentially high risk of soil liquefaction under relatively rare, strong, prolonged seismic shaking, we are not aware of reported shoreline instability or evidence of liquefaction or lateral spreading in the site vicinity, during the stronger earthquakes of recent history. Within the last 200 years, we are aware of three

earthquakes that have occurred near the project with magnitudes greater than M7.0, the nearest of which was a M7.2 that occurred in 1923 approximately 27 miles from the site, and the most recent of which was a M7.1 that occurred in 1992 approximately 30 miles from the site. We are not aware of reported liquefaction or lateral spreading resulting from these or other closer historical earthquakes such as a M6.5 earthquake that occurred within 15 miles of the site in 1954; however, larger earthquakes are possible from a number of sources.

With the buildings pile supported in accordance with the following recommendations, less than ½ inch of building vertical settlement under sustained dead and live loads is estimated.

Where new fill or other loadings are placed, ground-supported project elements are expected to settle following construction. Settlement is expected from new loadings to existing poorly consolidated soils, including fill, bay mud, and upper native sands. The amount of settlement depends on the magnitude, area, and duration of the loading, and on the compressibility of the underlying deposits. The rate of settlement is correlated to soil type and permeability, and to the degree of soil saturation. Bay mud soil is indicated to underlie the site at depths between about 10 to 25 feet below the existing ground surface within the building areas, and these soils are anticipated to consolidate slowly under added loadings.

We understand that up to 2 feet of fill material may be placed in portions of the site to create a level building pad. The consolidation settlement of the bay mud layer beneath the site under the load from an additional 2 feet of fill was estimated to be approximately 1½ to 2 inches within the building area, based on previous consolidation tests performed during investigations by others. The time required for the primary settlement to occur was estimated to be approximately 2 years. It is considered economically infeasible to over-excavate and replace the soft clay; therefore, we advise that if fill material is going to be placed, it should precede construction as much as possible to allow as much settlement as possible to occur prior to construction. Due to the deep foundations proposed for the Eureka Pier buildings, the consolidation settlement will not directly result in settlement of the building, but may potentially result in an air gap between the base of structural slabs and the top of subgrade. If an air gap is unacceptable, a surcharge load of fill placed within the building area, followed by subsequent removal down to final fill grade, would increase the rate of settlement and allow the majority of settlement to occur on an accelerated schedule. Secondary consolidation settlement of the bay mud, which would be less in magnitude than the estimated primary settlement, will continue over an extended period of time. Ideally, settlement monitoring should be performed to determine when the ratio of measured to estimated consolidation settlement reaches an acceptable level, or when the settlement rate decreases indicating completion of primary settlement.

In our opinion, settlement due to seismic compaction is not as high a risk as compared to lateral spreading during earthquake events due to the subsurface consisting of either cohesive material or very dense soil, with only a thin layer varying from 0 to about 4 feet of liquefiable loose to medium dense, sand, silty sand, or clayey sand material. In relatively rare, strong, prolonged earthquakes, it could feasibly result in a lowering of the finished grade, although it would be expected that the magnitude would not exceed 1 inch of additional settlement.

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5.0 Recommendations

5.1 Pile Foundations

For the two planned Eureka Pier buildings, we recommend that pile foundations be used for building support. In our opinion, precast concrete piles would be most suitable for this project based on the following reasoning:

1. Timber piles would not withstand the blows required to advance the piles into the dense sand material, which often had SPT blow counts greater than 50 to 100 blows per foot.
2. Jetting at the pile tip can be performed to embed the concrete piles into or through the dense sand to the required depths.
3. Concrete piles are typically more resistant to decay and corrosion, compared with timber or steel piles, along the waterfront in the zone of tidal fluctuation.

The concrete piles should be pre-stressed due to the required length of the piles and to avoid tension failure of the concrete while driving within the soft bay mud material that is expected to provide very little resistance.

The building floor slabs should also be pile supported, due to settlement potential of the existing ground surface due to continued consolidation of bay mud material, and possible earthquake disruption potential in major earthquake conditions.

We recommend leaving older existing piling in place along the waterfront to enhance lateral stability, and cutting them off at or just below the ground surface if their tops are to be removed. Existing pilings should be removed in their entirety where they interfere with the placement of new concrete piles.

At some locations, the upper fill soils are indicated to contain obstructions such as boulders and logs. Consequently, in some cases pile refusal on obstructions in the fill may occur, and the obstructions may have to be removed using a backhoe, excavator, or other methods. Backfill any excavations with moderately compacted cohesive soils or 'river-run' gravel, and re-drive the pile. If pre-drilling or spudding is performed to penetrate through previous timber piles or fill obstructions, the diameter of the pre-drilled hole or spud should not exceed 80 percent of the least cross-sectional dimension of the pile to be installed.

It is anticipated that the planned displacement piles will either refuse upon short penetration into the underlying dense soils, or exhibit high blow counts that may (or may not) damage the piles if driving into the dense underlying sand is continued. Dynamic pile driving formulas are likely to predict very high pile capacities once the pile enters the dense sand material. If pile driving is terminated with little penetration into the underlying dense sand, the piling will have little lateral resistance to horizontal forces applied to the piles by the upper bay mud and fill under seismic loadings. Consequently, we recommend they penetrate a minimum of 8 feet into the underlying dense, well consolidated material, so that the piles have lateral resistance capacity should the upper bay mud and fill soils tend to move horizontally relative to the underlying dense soils. This will allow the piles to help limit lateral soil movement, and to maximize foundation system

resistance to such forces. Jetting will likely be required to obtain the recommended penetration distance into the underlying dense sands. The jetting should be discontinued and the pile driven the final 2 to 3 feet of embedment, if possible without damaging the concrete piles.

Additional recommendations regarding pile installation and specifications are presented within Appendix C.

5.1.1 Vertical Pile Capacities

The allowable pile capacities provided below are estimates based on the limited information obtained during geotechnical investigations at the site. Test or indicator piling is recommended, which can be used to verify estimated pile capacities and to determine actual required pile lengths in the various locations within the building footprint.

Reduction of the allowable pile loads due to group effects is not necessary unless the spacing of the piles within a group are less than 4 times the diameter, measured center to center for the proposed concrete piles.

Two different alternatives are provided below for the pile foundation system. The first alternative involves driving the piles to sufficient depth to support the building loads predominately through skin friction around the piles. This alternative requires longer piles, and the capacities are significantly lower due to the tip capacity being low for pile tips ending within the stiff clay material. Allowable vertical loads for friction piles are presented in Section 5.1.1.1.

The second alternative is to found the pile tips at a shallower depth within the dense sand material, for which we anticipate a large end bearing capacity. The second alternative will require fewer and shorter piles, resulting in cost savings and greater ease of construction; however, there is a risk of increased settlement for the end-bearing piles, and the allowable lateral loads are lower, as discussed below in Sections 5.1.1.1 and 5.1.2. Also, the thickness of the dense sand material may be variable beneath the building area, and the high tip bearing capacities may not be realized if the pile tips are separated by less than about 3 pile widths from the underlying clay.

5.1.1.1 Friction Piles

For the first alternative of friction piles, the allowable pile capacities for downward and uplift long-term dead plus live loads are summarized in Tables 3 through 6 for 14-inch, 16-inch, 18-inch, and 20-inch pre-cast concrete piles. The tip capacities are based on the bearing capacity of the stiff clay material. A factor of safety of 3 was used for the tip capacity and a factor of safety of 2.5 was used for the skin friction. For short term loading such as from earthquake or wind loading, the allowable pile capacities may be increased by 40 percent. The weight of the pile should be subtracted from the given total capacity to determine the net soil capacity of the piles. The weight of the pile should be added to the uplift capacity to determine the gross uplift capacity for an individual pile. Concrete piles longer than 50 feet become difficult to handle and transport, and are not recommended.

Table 3 Allowable Vertical Soil Capacities For 14-Inch-Wide Pre-Cast Concrete Piles					
Embedment Below Bay Mud Layer (feet)	Approximate Pile Length below ground surface (feet)	Total Skin Friction (kips)	Total Tip Capacity (kips)	Total Soil Capacity (downward) (kips)	Uplift Capacity (kips)
17	40	24	13	38	19
22	45	35	10	48	28
27	50	45	9	49	42

Table 4 Allowable Vertical Soil Capacities for 16-inch-wide Pre-cast Concrete Piles					
Embedment Below Bay Mud Layer (feet)	Approximate Pile Length below ground surface (feet)	Total Skin Friction (kips)	Total Tip Capacity (kips)	Total Soil Capacity (downward) (kips)	Uplift Capacity (kips)
17	40	27	16	43	22
22	45	39	15	54	32
27	50	51	13	64	45

Table 5 Allowable Vertical Soil Capacities For 18-Inch Wide Pre-Cast Concrete Piles					
Embedment Below Bay Mud Layer (feet)	Approximate Pile Length below ground surface (feet)	Total Skin Friction (kips)	Total Tip Capacity (kips)	Total Soil Capacity (downward) (kips)	Uplift Capacity (kips)
17	40	31	20	51	24
22	45	44	20	64	36
27	50	58	20	79	50

Table 6 Allowable Vertical Soil Capacities For 20-Inch-Wide Pre-Cast Concrete Piles					
Embedment Below Bay Mud Layer (feet)	Approximate Pile Length below ground surface (feet)	Total Skin Friction (kips)	Total Tip Capacity (kips)	Total Soil Capacity (downward) (kips)	Uplift Capacity (kips)
17	40	39	25	64	29
22	45	54	25	79	43
27	50	70	25	95	59

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The stiff clay layer below the dense sand material is moderately compressible. The allowable tip capacities listed in Table 3 through 6 for the concrete piles have been reduced where necessary to limit the estimated amount of total consolidation settlement to ½ inch, based on group action of the piles. The elastic settlement of the pile shaft, which should effectively occur immediately after applying the working loads, has not been included in the estimated settlement, and will depend on the strength of concrete used for the piles. For piles designed using the allowable loads, we estimate that long-term differential settlement between adjacent pile caps under similar loading will likely be less than ¼ inch, although ½ inches of differential settlement is possible due to inherent limitations of settlement theory and variation in construction quality.

The piles support the load through a combination of tip capacity and skin friction. For the deeper embedments listed in Tables 3 through 6, the tip capacity accounts for less than 25 percent of the total allowable load.

5.1.1.2 End-Bearing Piles

For the alternative of end-bearing piles, assuming a minimum penetration of 8 feet into the dense sand material, the allowable pile capacities for downward and uplift long-term dead plus live loads are summarized in Table 7 for pre-cast concrete piles. We anticipate that the pile depth below the ground surface will need to be between approximately 34 to 38 feet for the required embedment into the dense sand, based on the conditions encountered during the subsurface investigations performed at the site, but contingencies should be made in advance for possible variations. As can be seen by comparison of the skin versus the tip capacities in Table 6, the pile loads are predominately supported through end bearing in the dense sand. Experience has shown that end bearing piles require larger pile displacement to fully mobilize the tip resistance, resulting in greater settlement of the pile.

Table 7 Allowable Vertical Soil Capacities for End Bearing Piles in Dense Sand					
Embedment into Dense Sand Layer (feet)	Approximate Pile Length below ground surface (feet)	Total Skin Friction (kips)	Total Tip Capacity (kips)	Total Soil Capacity (downward) (kips)	Uplift Capacity (kips)
14-inch Pile					
8	34 to 38	14	86	100	12
16-inch Pile					
8	34 to 38	15	105	120	14
18-inch Pile					
8	34 to 38	17	123	140	16
20-inch Pile					
8	34 to 38	19	141	160	18

The settlement for end-bearing piles could be higher than for piles that rely predominately on skin friction. The thickness of the dense sand layer was estimated to be at least 15 feet thick, and the underlying stiff clay layer is moderately compressible. For piles subjected to long-term loads equal to the end-bearing pile capacities listed in Table 7, we estimate that the post-construction settlement of the piles due to consolidation of the underlying stiff clay material may be as much as

1 inch. If this magnitude of long-term settlement is unacceptable, the longer skin-friction piles are recommended, or vertical capacities can be reduced by 15%, resulting in estimated settlements of less than about $\frac{3}{4}$ inch.

5.1.2 Lateral Pile Capacities

Lateral resistance to loads such as from earthquake or wind loading will be provided by lateral soil forces against embedded portions of the piling, and against structurally integrated pile caps and grade beams. Due to the potential for an air gap developing between the pile caps or grade beams and the subgrade surface, we recommend that friction not be relied upon for resistance to lateral loads.

An allowable lateral passive pressure of $200Z$, in pounds per square foot, may be used for embedded portions of pile caps and grade beams, where Z is the depth below the lowest adjacent finished ground surface. Any soil material above the compacted subgrade level (e.g. landscaping material) should be neglected when evaluating the depth of passive resistance. Hard surface pavements such as concrete may be included within the depth of resistance.

The allowable lateral loads that may be resisted by the embedded piles were estimated using methods presented in "Foundations and Earth Structures," Design Manual 7.02 (Navy, 1986). The recommended maximum allowable lateral loads for friction piles that were described in 5.1.1.1 are summarized in Table 8 for both free-head and fixed-head conditions. The recommended maximum allowable lateral loads for end-bearing piles that were described in 5.1.1.2 are summarized in Table 9.

Table 8 Allowable Lateral Load, Friction Piles, Single Pile At $\frac{1}{4}$ -Inch Deflection		
Width	Free Head (lbs)	Fixed Head (lbs)
14-inch	2500	7000
16-inch	3,000	8,000
18-inch	3,500	9,000
20-inch	4,500	10,500

Table 9 Allowable Lateral Load, End-Bearing Piles, Single Pile At $\frac{1}{4}$ -Inch Deflection		
Width	Free Head (lbs)	Fixed Head (lbs)
14-inch	1500	4500
16-inch	2,000	5,500
18-inch	2,500	6,500
20-inch	3,500	7,500

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The allowable loads presented in Tables 8 and 9 are for a maximum lateral deflection of $\frac{1}{4}$ inches and may be increased in direct proportion to the allowable deflection, up to a maximum factor of 2. For example, if the building structure is designed to withstand a lateral deflection of $\frac{1}{2}$ -inch instead of $\frac{1}{4}$ -inch at the ground surface, the allowable lateral loads may be increased by a factor of 2.

The allowable lateral loads should be reduced where pile spacing in the direction of loading is less than about 8 pile widths, or approximately 12 feet for the proposed piles. For spacing between piles of 3 pile widths center to center, the allowable lateral loads should be reduced to the values summarized in Table 10 for both friction and end bearing piles. A linear interpolation should be made, between values in Tables 7 or 8 and Table 10, for group pile spacings from 3 to 8 pile widths.

Table 10 Allowable Lateral Load, per Pile Within Pile Group, Pile Spacing of 3 Pile Widths		
Width	Free Head (lbs)	Fixed Head (lbs)
14-inch	700	2,000
16-inch	1,000	3,000
18-inch	1,500	4,000
20-inch	2,500	5,000

The point of fixity, where the moment in the pile becomes zero, for the piles varies with the width of the piles as summarized in Table 11. The estimated typical variation of moment and head deflection with depth for piles subjected to a lateral load is shown in Figures 4 and 5 for both free-head and fixed-head conditions. The deflection and moments in the concrete piles were estimated using linear sub-grade-reaction analyses (Matlock and Reese, 1960).

Table 11 Point of Fixity in Piles (in feet below the ground surface)	
Width	Depth Below the Ground Surface Fixed Head
14-inch	24 feet
16-inch	25 feet 3,000
18-inch	27 feet 4,000
20-inch	30 feet 5,000

Due to the potential differential horizontal displacement of the ground beneath the buildings in the event of lateral spreading, we recommend that the structure be reinforced through grade beams or other methods to hold the building structure together should the ground spread beneath the building. The direction of principal reinforcement should be perpendicular to the shoreline. If failure of the piles were to occur in such an event, the building structure could thus remain intact, and remain subject only to the less threatening hazard of foundation settlement due to consolidation of the bay mud following loss of load transfer down the piles.

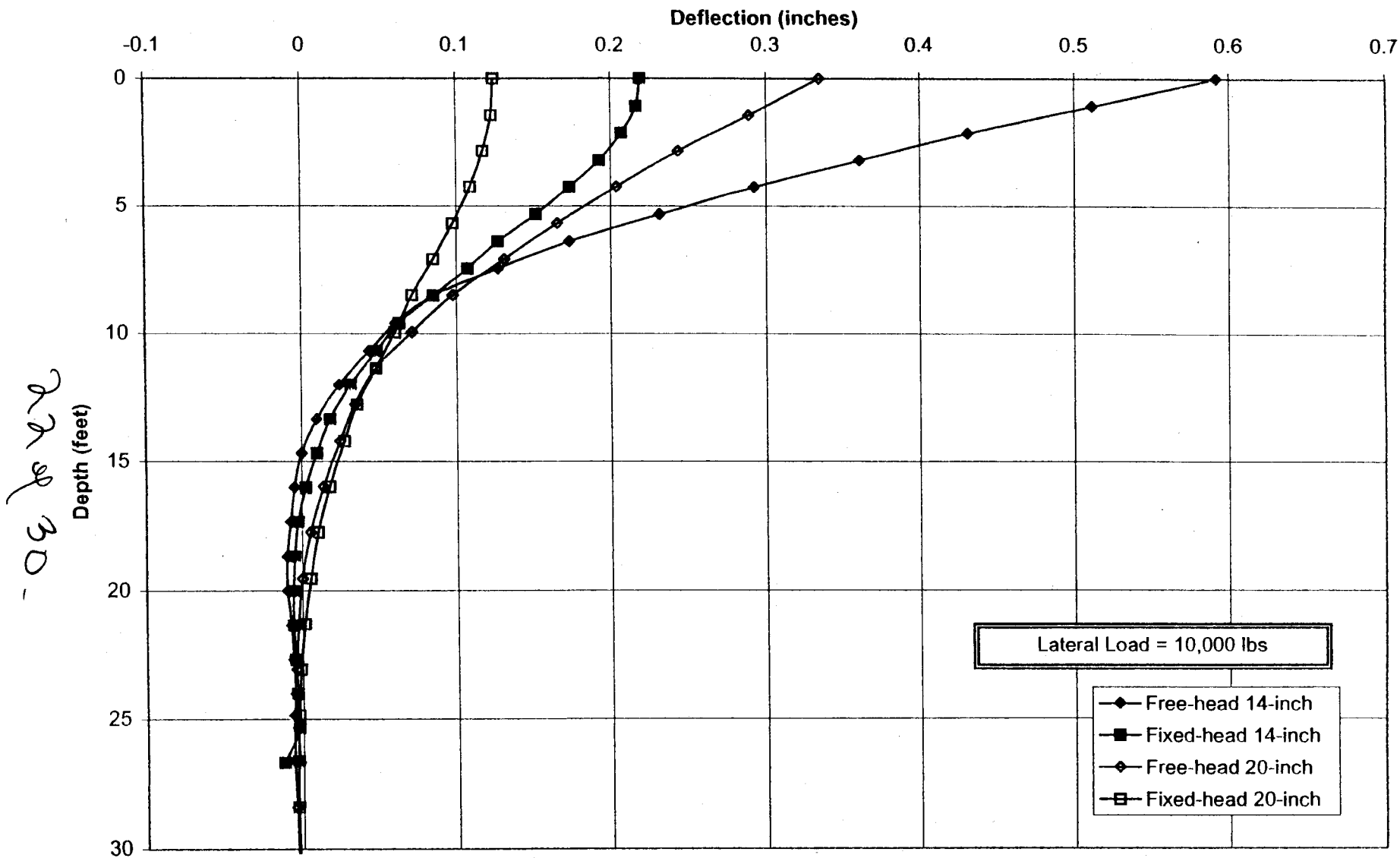


Figure 4 - Variation of Deflection in Piles with Depth Below the Ground Surface

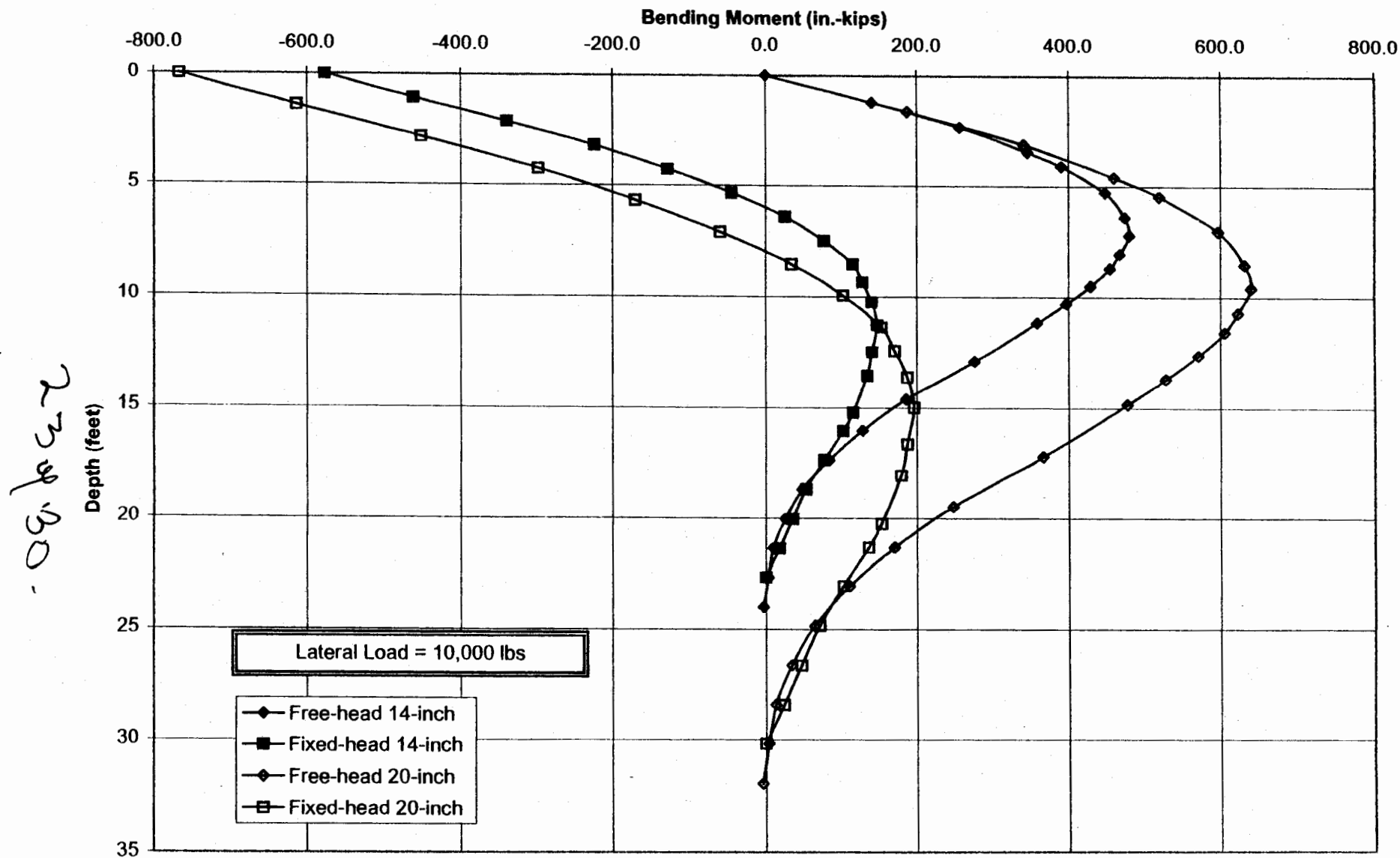


Figure 5 - Variation of Moment in Piles with Depth Below the Ground Surface

5.2 Dewatering and Stabilization of Excavation Subgrades

Groundwater was encountered as high as 3 feet below the ground surface. Dewatering of temporary excavations may be necessary for construction of the certain building facilities such as the elevator shaft foundation or for compaction of sub-grade at the base of excavations. Site-specific groundwater evaluations to aid in dewatering system design were beyond the scope of our current service agreement. Due to the highly variable nature of the upper fill material, an accurate estimate of the pumping rate required to dewater an open excavation is not practical without performing well pumping tests or down-hole permeability testing.

The excavation contractor is solely responsible for the proper design, installation, operation, and destruction of dewatering facilities needed during construction.

Soft and yielding sub-grade may be encountered at the bottom of foundation excavations. It is recommended that the bottom of the excavations be stabilized prior to constructing foundations so that, in the judgment of the geotechnical engineer, the sub-grade is firm and unyielding. The excavation contractor should have the sole responsibility for design and implementation of sub-grade stabilization techniques. Some methods that we have observed used to stabilize excavation sub-grades include the following:

- Use of 3/4-inch to 1½-inch float-rock worked into the bottom of the excavation and covered with a geo-textile fabric such as Mirafi 500X;
- Placement of a geo-textile fabric, such as Mirafi 500X, on the bottom of the excavation, covered with at least one foot of compacted crushed rock; and
- Over-excavation below the design sub-grade and replacement with two-sack sand-cement slurry back up to sub-grade.

If float-rock is used, typically sand with an SE of 50 or more should be used to fill the voids in the rock prior to construction of foundations.

6.0 Additional Services

During the design phase, we recommend that communications between the design team and SHN be maintained to optimize compatibility between the design and soil and groundwater conditions.

We have assumed, in preparing our recommendations, that we will be retained to review those portions of the plans and specifications that pertain to earthwork and foundations. The purpose of this review is to confirm that our earthwork and foundation recommendations have been properly interpreted and implemented during design. If we are not provided this opportunity for review of the plans and specifications, we will assume no responsibility for misinterpretation of our recommendations.

In order to assess construction conformance with the intent of our recommendations, we recommend that a representative of our firm observe and monitor pile installations. If indicator piles are planned, we should be present to evaluate the driving resistance and modify our recommendations as appropriate, which potentially could save overall pile construction costs if the capacity is determined to exceed the allowable capacities that were determined from the current theoretical values.

This work allows SHN the opportunity to verify anticipated site conditions, and recommend appropriate changes in design or construction procedures if site conditions encountered during construction vary significantly from those described in this report.

7.0 Limitations

This report has been prepared for the specific application to the design and construction of the proposed Eureka Pier buildings as discussed herein. SHN prepared the findings, conclusions, and recommendations presented herein in accordance with generally accepted geotechnical engineering practices at the time and location that this report was prepared. No other warranty, express or implied, is made.

Soil and rock materials are typically not homogeneous in type, strength, and other geotechnical properties, and can vary between points of observation and exploration. In addition, groundwater and soil moisture conditions can vary seasonally and for other reasons. SHN does not and cannot have a complete knowledge of the subsurface conditions underlying a site. The conclusions and recommendations presented in this report are based upon the findings at the points of exploration, interpolation and extrapolation of information between and beyond the points of observation, which are subject to confirmation of the conditions revealed by construction.

Findings of this report are valid as of the date of issuance; however, changes in condition of a property can and will occur with the passage of time. If the scope of the proposed construction, including the proposed loads, grades, or structural locations, changes from that described in this report, our recommendations should also be reviewed.

The scope of SHN's geotechnical services did not include assessment for the presence or absence of hazardous/toxic substances in the soil, ground water, surface water, or atmosphere, or the presence of any environmentally sensitive habitats or culturally significant areas.

8.0 References

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Additional Concrete Pile Recommendations

Appendix C

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Concrete Pile Recommendations

Use precast, prestressed concrete piles conforming to Section 49 of the Caltrans Standard Specifications, unless otherwise approved by the Design Engineer. The piles shall have a minimum cross-sectional dimension of 12 inches. Pile driving equipment, techniques, and determination of allowable pile capacity should also conform to the Cal-Trans Standard Specifications. Alternatively, refer to "Recommendations for Design, Manufacture, and Installation of Concrete Piles, ACI Committee 543" where not treated otherwise.

Air, steam, or diesel hammers shall be within the manufacturer's recommendations for wear, adjustment, and rate of operation. Sufficient pressure shall be maintained for steam hammers so that: 1) for a double acting hammer, the number of blows per minute during and at the completion of driving of a pile is equal approximately to that at which the hammer is rated; 2) for a single-acting hammer, there is a full upward stroke of the ram; and 3) for a differential type hammer, there is a slight rise of the hammer base during each upward stroke.

The hammer furnished shall have a capacity at least equal to the hammer manufacturer's recommendation for the total weight of pile and character of subsurface material to be encountered.

The required driving energy of the hammer shall be obtained by use of a heavy ram and a short stroke with low impact velocity, rather than a light ram and a long stroke with high impact velocity.

While driving through soft ground, the energy per blow should be reduced, or a diesel hammer used, to avoid overstressing the pile in tension. When driving through hard ground, the allowable compressive strength of the concrete shall not be exceeded.

Pile driving equipment and operation should be monitored and recorded by the Geotechnical Engineer or Engineer's representative. Prior to driving piles, they shall be suitably marked as directed by the Geotechnical Engineer.

Drive piles until the specified depth or blow count is achieved, with the pile tip having penetrated in competent bearing soil. High blow counts from obstructions shall not qualify as adequate bearing.

If obstructions are encountered before the specified penetration is obtained, remove the obstruction, predrill or spud a pilot pile through it, move the pile, or put in an additional pile as approved by the Design Engineer.

If an annular space results from predrilling, jetting, or using a spud or pilot pile to penetrate obstructions, the space shall be backfilled with sand or pea gravel.

Any injured or damaged pile, or piles driven out of location or out of alignment, shall be removed and replaced.

The Geotechnical or Design Engineer may require the Contractor to pull certain selected piles after driving for test and inspection to determine the condition of the pile. Any pile so pulled and determined to be damaged shall be removed and a replacement driven. Piles pulled and found to be sound and in a satisfactory condition shall be redriven.

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Tops of piles shall be cut off horizontally at the design elevation. The cutoffs shall conform to the recommendations of the Design Engineer.

A steel driving helmet or cap including a cushion block or cap block shall be used between the top of the pile and the ram to prevent impact damage to the pile.

The driving helmet or cap and cushion block combination shall be capable of protecting the head of the pile, minimizing energy absorption and dissipation, and transmitting hammer energy uniformly and consistently during the entire driving period.

The driving helmet or cap shall fit loosely around the top of the pile so that the pile may rotate slightly without binding within the driving head.

The cushion block may be a solid or laminated soft-wood block with the grain parallel to the end of the pile, enclosed in a close-fitting steel housing.

The thickness of the cushion block shall be at least 4 inches and suitable for the length of pile to be driven and the character of subsurface material.

The cushion block shall be replaced if it has been damaged, split, highly compressed, charred or burned, or has become spongy or deteriorated in any manner.

Small wood blocks, wood chips, rope or other material permitting excessive loss of hammer energy will not be permitted.

Where the block is other than that specified above, the Contractor shall submit to the Geotechnical Engineer, at least two weeks before the start of test pile driving operations, detailed drawings of the cushion block including records of the successful use.

Piles shall be laterally supported during driving.

Pile driving leads shall be rigidly supported at the bottom. No suspended-only leads will be allowed. Any system of leads that allows the pile driving derrick to move relative to the pile being driven will be rejected.

All piles should be driven with a variation of not more than 1/4 inch per foot of pile length (two percent) from the vertical for plumb piles, or more than 1/2 inch per foot of pile length from the angle shown for batter piles unless otherwise approved by the Design Engineer. The maximum allowable variation from the plan position shall be set by the Design Engineer.

Piles should be spaced no closer than three pile widths, measured center to center.

Piles driven closer together than 10 pile butt widths shall be checked for heave by accurate measurements made before and after driving the adjacent pile. Piles heaving over 1/4 inch should be redriven.

Any pile that does not meet the stated tolerances for location, plumbness, squareness, or elevation, or is unsatisfactory because of damage to the structural integrity of pile caused during handling or driving, may be rejected by the Geotechnical or Design Engineer.

Structural engineering considerations (manufacture, materials, shipping, handling, shop drawings, etc.) are not addressed herein.

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Pile splicing shall be approved in advance by the Design and Geotechnical Engineers. Pile splice details shall be suitable for the type of pile to be used and shall be capable of resisting the full axial load of the unspliced pile. The pile splice shall not weaken the piles in any manner and shall have a life at least equal to the prestressed pile.

The above requirements are general and it is specifically intended that the Contractor shall use a hammer which will be suitable for driving piles of the type, shape and length required for this project, to the indicated tip elevations or penetration resistance, having in mind all the relevant circumstances, including the specific soil conditions of the site.

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PART TWO – DE NOVO ACTION ON APPEAL**STAFF NOTES:****EXHIBIT NO. 7****APPLICATION NO.**A-1-EUR-01-029-A1
EXCERPTS, ORIGINAL
EUREKA PIER COASTAL
DEVELOPMENT PERMIT
ADOPTED FINDINGS STAFF
REPORT (1 of 57)**1. City and Commission Permit Jurisdictions Over Site.**

As detailed in Findings Section II.B of the first part of this report, on March 16, 1999, the Eureka City Council initially approved Coastal Development Permit No. CDP-3-97 for the subject development. At the time of the City's action on the project, survey records indicated the northernmost portions of the project site extending past the mean high tide line along the City's frontage of Humboldt Bay and into the Commission's original coastal development permit jurisdiction. Consequently, following the local agency permit action, on November 30, 1999 the applicants submitted an application to the Commission's offices for those portions of the project understood to be at or below the mean high tide line.

Section 30519(b) of the Coastal Act indicates that after certification of an LCP, the Commission retains coastal development permit jurisdiction over tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone. No portion of the project site is within submerged areas, and the site's northern property boundary corresponds to the "settlement line" reached between the City and the State Lands Commission (see Exhibit Nos. 10 and 11). This agreement effectively extinguished public trust status over any of the former submerged or tidelands lying beneath the project site. Since receipt of the appeal filed on the City's approval of an immaterial amendment to the project in May 2001, the applicants contracted a hydrographic re-survey of the project site's bay frontage. The survey found that the location of the mean high tide line to be approximately 20 feet bayward of where the datum was originally thought to lie. According to the surveyor's letter-report (Pacific Affiliates, 2001; see Exhibit No. 11), the correct location of the mean high tide line is the top of the low bank at the edge of Humboldt Bay, roughly co-terminus with the property's northern boundary. Accordingly, securement of a coastal development permit from the Commission would not be required for the project because the project lies entirely within the permit jurisdiction of the City of Eureka. Commission staff have since returned the applicants' permit application materials and are processing a refund of their submitted permit fees.

2. Procedure.

If the Commission finds that a locally approved coastal development permit raises a Substantial Issue with respect to the policies of the certified LCP, the local government's approval no longer governs, and the Commission must consider the merits of the project with the LCP *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the City), or deny the application.

3. **Incorporation of Substantial Issue Findings.**

The Commission hereby incorporates by reference the Substantial Issue Findings above.

4. **Submittal of Additional Information by the Applicant.**

For purposes of *de novo* review by the Commission, the applicants have provided Commission staff with supplemental information including a revised project description and revised project plans. The supplemental information provides clarification of the proposed project and additional information regarding issues raised by the appeal that was not part of the record when the City originally acted to approve the coastal development permit immaterial amendment. In addition, as further described in Findings Section IV.B below, the applicants have amended the permit application to include additional on- and off-site parking to serve the project, a contribution of in-lieu parking fees by the City's Redevelopment Agency, revised the list of possible uses within the proposed buildings to uses that have fewer required off-street parking spaces, and has further described stormwater treatment facilities and landscaping for the site.

I. **MOTION, STAFF RECOMMENDATION *DE NOVO*, AND RESOLUTION:**

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-EUR-01-029 subject to conditions.

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 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 certified City of Eureka LCP and is located between the sea and the nearest public road to the sea and is in conformance with the public access and public recreation 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

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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 attached.

III. SPECIAL CONDITIONS:

1. Revised Design and Construction Plans

A. PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029, the applicants shall submit revised final design and construction plans for the review and approval of the Executive Director. The plans shall be consistent with the Commission's action on Coastal Development Permit No. A-1-EUR-00-029 and shall substantially conform with the preliminary plans prepared by John Ash Group, Architects, dated February 13, 2002 and attached as Exhibit No. 4 of the staff recommendation except that the revised plans shall also provide for the following:

1) Parking Revisions

a. All required off-street parking spaces provided onsite conform to the prescriptive standards of Eureka Municipal Code Sections 155.115 through 155.123, including the following:

- Standard Parking Space Minimum Width (for spaces oriented 90° to aisle direction): 8' 6"
- Standard Parking Space Minimum Length (for spaces oriented 90° to aisle direction): 19'
- Minimum Aisle Width: 25'
- Parking space required to be located in a garage or carport shall be not less than 20 feet in length and 10 feet in width
- Compact Parking Space Minimum Width: 7' 6"
- Compact Parking Space Minimum Length: 16'
- Maximum percentage of Compact Parking Spaces: 25%
- Handicapped Parking Space Minimum Width: 14'
- Handicapped Parking Space Minimum Length: 19'
- Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle;

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- b. All loading areas shall conform to the prescriptive standards of Section 156.072(F) of the Coastal Zoning Regulations, and include two (2) loading areas, comprised as follows:
 - (1) One (1) large loading berth of not less than 45 feet in length and 12 feet in width, with an overhead clearance of not less than 14 feet; and
 - (2) One (1) small loading berth of not less than 25 feet in length and 12 feet in width, with an overhead clearance of not less than 14 feet; and
- c. A parking layout diagram depicting the location and dimensions of all 87 onsite off-street parking spaces conforming to the required criteria.
- 2) Landscaping Revisions
 - a. A planting schedule which ensures that all planting shall be completed within 60 days after completion of construction;
 - b. All required plantings shall be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - c. Plantings within the "E" Street view corridor area shall be limited to seeded grass lawns, sodded turf, or other low-growing groundcovers whose height at maturity will not exceed one foot (1') above finished grade;
 - d. A minimum of four percent (4%) of the interior of a proposed 69-space exterior parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the proposed parking area;
 - e. A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system, topography of the developed site, and all other landscape features; and
 - f. A schedule for the initial installation of plants and a maintenance plan for the upkeep and replacement as needed for all plantings.

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3) Utility Revisions

- a. All utilities serving the project site shall be installed underground in conformance with LUP Policy 4.A.8 of the City of Eureka's certified LCP; and
- b. A project site map depicting the location of all utility service infrastructure indicating their installation occurring below the finished grade of the site improvements.

4) Lighting Revisions

- a. All exterior lights, including lights attached to the outside of any structures, shall be low-wattage, non-reflective and have a directional cast downward and shielded so as not to illuminate land **and water** outside the project property line; and
- b. A revised site plan map and building elevations depicting the location of all exterior buildings, grounds and parking lot lighting, accompanied by manufacturer's specifications and typicals for each type of fixture that demonstrate that the lights will be low-wattage, non-reflective and have a directional cast downward.

5) Signage Revisions

- a. All signage at the project site shall conform to LUP Policy 1.I.6 and the prescriptive standards of Eureka Municipal Code Sections 156.072(G) of the City of Eureka's certified LCP and shall include no neon or flashing signage; and
- b. Sign plans depicting all proposed signage to be placed at the project site, indicating their size, height, color, and construction materials.

6) Solid Waste Storage (Dumpster Enclosure) Revisions

- a. All solid waste trash dumpsters and trash enclosures shall be sited and designed in conformance with LUP Policy 1.J.2; and
- b. A site plan depicting all dumpster and trash enclosure areas to serve the project site tenants, designed with adequate screening to prevent impacts to visual resources and consolidated within the alley areas of the site.

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7) Bicycling Racking Revisions

- a. The project shall comply with the requirements of LUP Bicycle Transportation Policy 3.C.4 by installing secure bicycle rack facilities at appropriate locations at the project site in conformance with the following minimum standards:

- (1) One (1) four-cycle rack within the Building "A" parking enclosure.
- (2) One (1) four-cycle rack within the Building "A" parking lot.
- (3) One (1) six-cycle rack within the "E" Street view corridor.
- (4) Required bicycle racks shall be designed to:
 - allow secure locking of bicycles to them without undue inconvenience and provide reasonable safeguards from accidental damage;
 - hold bicycles securely, and support the frame so that so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels or components;
 - accommodate locking the frame and the front wheel to the rack with a standard high-security U-shaped shackle lock, if the bicyclist does not remove either wheel from the bicycle; and be securely anchored.

- b. A map showing the type, size, and location of all required bicycling racks that will be on the developed site; and
- c. Technical specifications detailing rack dimensions, capacities, and anchoring typical.

8) Foundation, Grading, and Drainage Revisions

- a. All site development shall be consistent with all recommendations contained in the Engineering Geologic Reports prepared by Taber Consultants and dated June 4, 1994 and January 3, 1997, and the geology and seismicity section of the Final Environmental Impact Report's Mitigation and Monitoring Program prepared for the project by Environmental Science Associates, dated September 4, 1998, including, but not limited to, the following recommendations:

- i. Site structures shall be engineered and constructed to meet the most recent version of the Uniform Building Code standards for Seismic Zone 4.

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- ii. All occupied building structures shall be founded on cast-in-place re-bar caged, concrete piles set to bear on bedrock strata underlying the project site.
 - iii. All fill and structural section materials within 12 inches of the structural subgrade section shall be compacted to at least 95 percent relative compaction, per ASTM D1557.
 - b. Evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluations approved by the California Coastal Commission for the project site.
 - 9) Exterior Materials Revisions
 - a. All exterior materials, including the roofing materials and windows, shall be non-reflective to minimize glare.
 - B. The permittee shall undertake development in accordance with the approved revised plans. Any proposed changes to the approved revised plans shall be reported to the Executive Director. No changes to the approved revised site plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
2. Future Development
- A. This permit is only for the development described in Coastal Development Permit No. A-1-EUR-00-029. 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 parcel(s) governed by CDP No. A-1-EUR-01-029. Accordingly, any future improvements to the structures authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d), Title 14 California Code of Regulations sections 13252(a)-(b), shall require an amendment to Permit No. A-1-EUR-00-029 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
 - B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-00-029**, the applicants as prospective owners of the parcel(s) governed by CDP No. A-1-EUR-01-029 pursuant to the applicable development agreement between the City and the applicants, shall ensure that the landowner(s) of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029 have

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executed and recorded a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

3. **Compliance with Off-Street Parking Standards – Onsite and Offsite Facilities, and In-Lieu Fee Payment**

A. Consistent with the terms of the revised project description as proposed by the Applicants in Exhibit No. 4 of the staff recommendation, the permittee shall satisfy the City off-street parking standards for the creation of 145 spaces through a combination of onsite parking spaces, reserved off-site spaces, and payment of fees into the City's Parking In-Lieu Fund as follows:

- **On-site Parking Facilities:** A total of 87 off-street parking spaces (i.e., 18 internal for residences, 69 external for residents, tenants, and customers) spaces shall be developed at the project site as illustrated on "Site Plan A0.1" as contained in Exhibit No. 4, herein.
- **Off-site Parking Facilities:** A total of 20 existing off-street spaces within the City of Eureka's First and "C" Streets public parking lot shall be designated for "parking by permit only" for exclusive use by employees of project site commercial and professional office tenants as provided for by the authorization granted by the City Parking Place Commission, dated October 9, 2001, attached to the staff recommendation as Exhibit No. 10.
- **City Contribution to Parking In-lieu Fee Program:** An in-lieu parking fee in the amount of \$150,000 for the creation of 21 spaces, based on an estimate of \$7,000 per parking space, has been made to the Waterfront Parking In-Lieu Fee fund established by the City of Eureka for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager attached as Exhibit No. 10 of the staff recommendation.

B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029**, the applicants shall submit for the review and approval of the Executive Director evidence that: (1) 20 off-site parking spaces within the First and "C" Street lot have been posted for sanctioned use by the Eureka Pier project site employees; (2) fees in the amount of \$150,000 have been deposited within the City of Eureka Waterfront Parking In-Lieu Fee Program Fund for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager attached as

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Exhibit No. 10 of the staff recommendation; (3) the \$150,000 that has been deposited within the City of Eureka Waterfront Parking In-lieu Fee Program Fund will be used solely for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager attached as Exhibit No. 10 of the staff recommendation; and (4) the \$150,000 that has been reserved for development of a parking facility within the designated Waterfront project area described in the letter dated February 11, 2002 from the City Manager that is attached as Exhibit No. 10 of the staff recommendation will be used solely as mitigation for the development governed by CDP No. A-1-EUR-01-029.

4. **Erosion and Run-Off Control Plan**

A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-00-029**, the applicants shall submit, for review and approval of the Executive Director, a plan for erosion and run-off control.

1) **EROSION CONTROL PLAN COMPONENT**

a. The erosion control plan shall demonstrate that:

- (1) During construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources;
- (2) The following temporary erosion control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: *Structure Construction and Painting* (CA3), *Material Delivery and Storage* (CA10), *Scheduling* (ESC1), *Mulching* (ESC11), *Stabilized Construction Entrance* (ESC24), *Silt Fences* (ESC50), *Straw Bale Barriers* (ESC51), and *Storm Drain Inlet Protection* (ESC53); and
- (3) Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and coastal resources.

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

- (1) A narrative report describing all temporary run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control;
- (2) A site plan showing the location of all temporary erosion control measures;

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- (3) A schedule for installation and removal of the temporary erosion control measures;
- (4) A site plan showing the location of all permanent erosion control measures; and
- (5) A schedule for installation and maintenance of the permanent erosion control measures.

2) RUN-OFF CONTROL PLAN COMPONENT

a. The runoff control plan shall demonstrate that:

- (1) Runoff from the project shall not increase sedimentation into coastal waters;
- (2) Runoff from all roofs, patios, driveways, parking lots, and other impervious surfaces on the site shall be collected and discharged into an oil-water separator system to avoid ~~sedimentation~~ degradation of water quality either on or off the site. The system shall be designed to treat or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event;
- (3) The following temporary runoff control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be used during construction: *Paving Operations* (CA2), *Structure Construction and Painting* (CA3), *Material Delivery and Storage* (CA10), *Solid Waste Management* (CA20); *Hazardous Waste Management* (CA21), *Concrete Waste Management* (CA23), *Sanitary/Septic Waste Management* (CA24), *Vehicle and Equipment Cleaning* (CA30), *Vehicle and Equipment Fueling* (CA31), and *Employee/Subcontractor Training* (CA40); and
- (6) The following permanent runoff control measures, as described in detail within in the "California Storm Water Best Management Commercial-Industrial and Construction Activity Handbooks, developed by Camp, Dresser & McKee, *et al.* for the Storm Water Quality Task Force, shall be installed: *Non-Stormwater Discharges to Drains* (SC1), *Buildings and Grounds Maintenance* (SC10), *Employee Training* (SC14), *Oil/Water Separators and Water Quality Inlets* (TC7), *Material Use* (CA11), and *Spill Prevention and Control* (CA12).

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

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- (1) A narrative report describing all temporary runoff control measures to be used during construction and all permanent runoff control measures to be installed for permanent runoff control;
 - (2) A site plan showing the location of all temporary runoff control measures;
 - (3) A schedule for installation and removal of the temporary runoff control measures;
 - (4) A site plan showing the location of all permanent runoff control measures; and
 - (5) A schedule for installation and maintenance of the roof drainage media infiltration interceptor, parking lot oil/water separators, and restaurant grease traps; and
 - (6) A site plan showing finished grades (at 1-foot contour intervals) and drainage improvements.
 - B. The erosion and runoff control plan shall, prior to submittal to the Executive Director, be reviewed and certified by a qualified professional to ensure that the plan is consistent with the drainage recommendations of the letter-report from the applicants' civil engineer (Pacific Affiliates, Inc.), dated December 12, 2001, attached as Exhibit No. 4.
 - C. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
5. **Tsunami Safety Plan.**
- A. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029**, the applicants shall submit, for the review and approval of the Executive Director, a plan for mitigating the hazards associated with tsunamis.
 - 1) The plan shall demonstrate that: (a) the existence of the threat of tsunamis from both distant and local sources will be adequately communicated to all tenants, employees, commercial patrons, and residents, (b) information will be made available regarding personal safety measures to be undertaken in the event of a potential tsunami event in the area, (c) efforts will be provided to assist less physically mobile tenants, employees, patrons, and residents in seeking evacuation from the site during a potential tsunami event, and (d) staff will be adequately trained to carry out the safety plan.
 - 2) The plan shall include, at a minimum, the following components:

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- Tsunami Information Component, detailing the provision of informational materials to residential tenants and the posting of placards, flyers, or other materials near the rear exit of each ground floor occupied leasing unit and at all stairwell and elevation entrances on all floors throughout the buildings, provided in an appropriate variety of languages and formats explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes;
 - Tsunami Evacuation Assistance Component, detailing the efforts to be undertaken by commercial, professional office, and rental property management staff to assist the evacuation of physically less mobile persons during a tsunami event; and
 - Staff Training Component, detailing the instruction to be provided to all commercial, professional office, and rental property management to assure that the Tsunami Safety Plan is effectively implemented.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. **Encroachment Permit**

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029, the applicants shall submit to the Executive Director for review and written approval, evidence of a grant of authority, encroachment permit or exemption from the City of Eureka. The authorization, encroachment permit or exemption shall evidence the ability of the applicants to undertake the development authorized by CDP No. A-1-EUR-01-029 from the City Boardwalk or within any adjacent public street rights-of-way as conditioned herein.

7. **Retention of View Corridor.**

- A. For the life of the project authorized by Coastal Development permit No. A-1-EUR-00-029, the 25-ft.-wide view corridor as depicted in Exhibit No. 4 of the staff recommendation shall be maintained open and unobstructed from the finished grade for the site to the height of the base of the walkway bridge (± 12 feet above finished grade) over the "E" Street right-of-way connecting the two buildings. No structural improvements, large materials or landscaping, other than the landscaping specifically provided for in Special Condition 1.A.(2)c, shall be placed or stored within the view corridor or in a manner that would obstruct views through the corridor. In addition, the siding of both floors of the walkway bridge connector over the "E" Street right-of-way shall be constructed and maintained

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over the life of the project as see-through glass and the interior walkways of the connector shall be kept free of furniture and other materials to preserve views through the structure.

- B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-00-029**, the applicants as prospective owner(s) of the parcel(s) governed by CDP No. A-1-EUR-01-029 pursuant to the applicable development agreement between the City and the applicants, shall ensure that the landowner(s) of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029 have executed and recorded a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the entirety of all of the parcel(s) governed by CDP No. A-1-EUR-01-029. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. **Construction Responsibilities and Debris Removal**

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be immediately removed from the bay frontage following completion of construction;
- (c) No machinery shall be allowed at any time in the intertidal zone;
- (d) Concrete trucks and tools used for construction of the approved development shall be rinsed at the specific wash-out area(s) identified in the Erosion and Runoff Control Plan approved for the project by the Commission; and
- (e) Staging and storage of construction machinery and storage of debris shall not take place on the City Boardwalk or any public street rights-of-way except in those locations and for those time periods as specified in the Erosion and Runoff Control Plan approved for the project by the Commission. Temporary construction barriers may be installed along the inland edge of the City Boardwalk but shall not encroach into the pedestrian area of the boardwalk.

9. **Archaeological Resources**

- A. The applicant shall comply with all recommendations and mitigation measures contained in the cultural resources chapter of the environmental impact report

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prepared for the project by Environmental Science Associates, dated September 4, 1998.

- B. If an area of cultural deposits is discovered during the course of the project, all construction shall cease and shall not recommence except as provided in subsection (c) hereof. A qualified cultural resource specialist shall analyze the significance of the find.
- C. An applicant seeking to recommence construction following discovery of the cultural deposits shall submit a supplementary archaeological plan for the review and approval of the Executive Director.
 - (i) If the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are *de minimis* in nature and scope, construction may recommence after this determination is made by the Executive Director.
 - (ii) If the Executive Director approves the Supplementary Archaeological Plan but determines that the changes therein are not *de minimis*, construction may not recommence until after an amendment to this permit is approved by the Commission.
 - (iii) The applicant shall undertake development in accordance with the approved supplemental Archaeological Plan. No changes to the approved supplementary archaeological plan shall occur without a Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

10. **Assumption of Risk, Waiver of Liability and Indemnity Agreement**

- A. By acceptance of this permit, the applicants and landowner(s) acknowledge and agree: (i) that the site may be subject to hazards from erosion, earth movement, liquefaction-related ground subsidence or lateral spreading, tsunami inundation, and 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.

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- B. **PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-00-029**, the applicants as prospective owners of the parcel(s) governed by CDP No. A-1-EUR-01-029 pursuant to the applicable development agreement between the City and the applicants, shall ensure that the landowner(s) of the entirety of all parcel(s) governed by CDP No. A-1-EUR-01-029 have executed and recorded a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the entirety of all of the parcel(s) governed by CDP No. A-1-EUR-01-029. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

11. **Subdivision Map Act Approvals**

A. **Revised Tentative Map**

PRIOR TO THE ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. A-1-EUR-01-029, the applicants shall submit for the review and approval of the Executive Director a copy of the revised tentative map for the proposed condominium subdivision that has been approved by the City of Eureka. The revised tentative map shall be consistent with the terms of the revised project description as proposed by the applicants in Exhibit No. 4 of the staff recommendation and also with the terms and conditions of Coastal Development Permit No. A-1-EUR-01-029 and shall depict all easement areas consistent with Coastal Development Permit No. A-1-EUR-01-029. All development shall take place consistent with the revised tentative map as approved by the Executive Director. Any proposed changes to the approved revised tentative map shall be reported to the Executive Director. No changes to the approved revised tentative map shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

B. **Final Subdivision Map**

PRIOR TO RECORDATION OF THE FINAL SUBDIVISION MAP, the applicants shall submit for the review and approval of the Executive Director a copy of the final subdivision map approved by the City of Eureka. The final map shall be consistent with the terms and conditions of Coastal Development Permit No. A-1-EUR-01-029 as well as the **revised** tentative map approved by the Executive Director and the Commission, and shall depict all easement areas consistent with Coastal Development Permit No. A-1-EUR-01-029. The applicant shall record the final subdivision map consistent with the revised final subdivision map as approved by the Executive Director.

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12. Conditions Imposed By Local Government

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares as follows:

A. PROJECT AND SITE DESCRIPTION

As detailed above in Section II.C of Part One of this report, and hereby incorporated by reference, the proposed project would entail the development of two, three-story commercial/professional office/residential mixed-use complex on a vacant lot located between "D" and the mid-block of "E" and "F" Streets, along the City of Eureka's Humboldt Bay waterfront (see Exhibit No. 2). The subject property is located approximately 3½ blocks from the closest Humboldt Transit Authority bus stop.

The northern property boundary of the project site is co-terminus with the existing armored shoreline bank of Humboldt Bay beneath the newly constructed City Boardwalk. A recent hydrographic survey performed since the City took action on the project found the entire project site to be located inland of the Mean High Tide Line. Therefore, the project does not include the placement of fill in coastal waters and the project site does not include the actual shoreline edge of the bay.

The project is currently owned by the City of Eureka's Redevelopment Agency. The project is subject to the conditions of a public-private Disposition and Development Agreement (DDA) negotiated between the City and the applicants. Accordingly, the applicants are acting under the authority of the City owners of the project site to pursue the required coastal development permit for the development.

A principal element of the DDA is the provision that the property will be sold to the applicants upon satisfactory completion of several pre-disposition conditions, most notably that the applicants submit and obtain approval from the Redevelopment Agency of: (1) preliminary plans for the development of the site; and (2) a proposed financing plan for the site improvements. However, the DDA does not require that all permits be required or the site improvements be constructed before ownership of the property could be transferred from the City to the applicants.

The buildings to be developed on the 1¼-acre site would comprise a total of approximately 56,760-square-feet of gross floor area rising to an overall height of 44 feet. The two buildings would be connected at their second and third-story levels by an enclosed walkway spanning the foot of the "E" Street right-of-way. The sides of the

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enclosed walkway would be glazed to make the walkway more transparent and help retain a view corridor down the "E" Street right-of-way to the bay. At ground level, the development would be oriented to adjoin and abut to an approximately 260-foot segment of the City of Eureka's Boardwalk, which spans the City's central waterfront from "C" to "F" Streets. As designed, the front of the project would be oriented towards Humboldt Bay, allowing for direct access to the boardwalk from the ground-level commercial space entries, exterior parking lot, and the "E" Street breezeway between the buildings.

For purposes of *de novo* review by the Commission, the applicants submitted a revised project description and project plans which differs from the project description and plans approved by the City and subject to the appeal. The revised project does not change the exterior of the proposed buildings, but changes the amount of interior space devoted to the mix of retail, office, and residential uses from what had been approved by the City prior to the appeal to the Commission. The changes have the result of reducing the total amount of required parking from 145 spaces to 121 spaces.

As proposed under the revised description and plans, the first floor of both buildings are proposed to be developed with an assortment of visitor-serving commercial uses to support and enhance the public coastal access and coastal recreational opportunities provided by the adjoining City boardwalk, including retail shops featuring locally produced wares, fish markets, and restaurants. At the second floor level of both buildings, the applicants are proposing to develop a mixture of professional office and rental apartment spaces ranging in leaseable floor area from 1,935 to 2,228 square feet in size. The applicants have identified prospective professional office tenants to include architects, engineers, yacht broker, sea kayak outfitters, and insurance brokers. The project's third floor levels would contain a total of eight condominium units, four in each proposed building, ranging from 1,935 to 2,228 square feet in size.

Table 1, below, summarizes the gross floor areas and proposed uses on each story within the two buildings:

Table 1: Summary of Proposed Mixed Uses – "Eureka Pier" Project

Building / Level	Gross Floor Area (sq. ft.)	Leaseable* Floor Area (sq. ft.)	Proposed Uses
Building "A"			
- 1 st Floor	5,700	5,420	Retail Sales & Service, Restaurant
- 2 nd Floor	9,775	9,672	Professional Offices, 4 Residential Dwelling Units
- 3 rd Floor	10,965	8,411	4 Condominium Units
Building "B"			
- 1 st Floor	9,600	9,087	Retail Sales & Service
- 2 nd Floor	9,870	9,412	Professional Offices; 2 Residential Dwelling Units

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Building / Level	Gross Floor Area (sq. ft.)	Leaseable Floor Area (sq. ft.)	Proposed Uses
- 3 rd Floor	10,450	8,293	4 Condominium Units
Breezeway			
- 1 st Floor	n/a	n/a	n/a
- 2 nd Floor	200	0	Covered walkway common area
- 3 rd Floor	200	0	Covered walkway common area

Exclusive of balconies, stairwells, elevator shafts, and other unoccupied spaces

In addition to the building improvements, the project as revised includes an 18-space ground-level interior parking garage within Building "A" for exclusive use by occupants and guests of the development's 14 residences, and a 69-space exterior parking to serve the tenants, employees and patrons of the commercial storefronts and professional offices. The parking lots would be inter-connected to each other by a 15-foot-wide, one-way paved alley constructed along the property's southern boundary at the mid-block location between First Street and the bay frontage. Pedestrian walkways would also be developed around the perimeters of both buildings and within the "E" Street breezeway.

The project has been further revised for the Commission's *de novo* consideration to include additional parking enhancements. The City of Eureka has authorized the use of 20 spaces in an under-utilized public parking lot located at First and "C" Streets, approximately one block from the project site, for "parking by permit only" use by employees of the commercial and office spaces (see Exhibit No. 10). In addition, the City of Eureka has pledged to contribute \$150,000 to the City's parking in-lieu fund to cover the costs for development of the 21 additional spaces required for the project (see Exhibit No. 10).

The project has also been further amended to include a preliminary stormwater treatment system. The system would collect all runoff from impervious surfaces at the site (i.e., roof, walkway, and parking lot drainage) and convey the water into two below-grade oil/water separators.

B. LAND USE AND DEVELOPMENT

1. New Commercial Development in Core and Waterfront Areas.

Summary of Applicable LCP Provisions

The City's LUP contains numerous policies applicable to development of the proposed development type and site. LUP Core Area Concentrated Mixed Use Policies 1.B.1 through 1.B.4 state that the City should promote and encourage projects that would: (a) consist of concentrated commercial development; (b) entail mixed uses; (c) include housing and/or professional offices in upper stories of buildings; (d) reinforce viable existing uses such as fishing; (e) be pedestrian-oriented; (f) attract numerous patrons to the City's commercial downtown; and (g) have the maximum positive effect on the

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economic and social viability of the Core Area. Further, with respect to new development along the waterfront, LUP Waterfront Policy 1.D.5 directs the City to "... *expand and encourage opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fish, and other similar attractions.*" LUP Commercial Development Policy 1.L.7 further states that, "(t)he City shall require major commercial development to consolidate and control access to avoid congestion, confusion, and traffic conflicts."

CZR Section 156.072(C)(7) provides for "*visitor-serving facilities, including antique shops, art galleries, restaurants (but not including drive-in establishments), bars and taverns, and other establishments that offer retail sales and services to visitors*" as a principally permitted use in Waterfront Commercial (CW) zoning districts. In addition, CZR Section 156.072(C)(8) allows for "*offices related to or dependent upon coastal-dependent or coastal-related uses*" by right in CW zones. CZR Section 156.072(D)(1)(b) further provides for "*administrative, business, and professional offices, except medical and dental offices*" as conditional uses subject to findings of consistency with LCP policies and standards, and that the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. CZR Section 156.072(D)(1)(III) provisionally allows those residential uses permitted in the Multi-Family Residential (RM) Districts (e.g., combinations of attached or detached dwelling units, including duplexes, multi-family dwellings, dwelling groups, row houses, and townhouses) in CW zones provided the units are located above the ground floor of commercial structures, the minimum size of such dwelling units shall not be less than what is required in the City's Building and Housing Code, and a use permit is secured.

Analysis

As described in Findings Section IV.A above, the applicants are proposing to construct a compact, multi-use commercial/professional office/residential complex comprising a total of approximately 56,760 square feet of gross floor area, contained in two interconnected three-story buildings. The ground floor levels of both buildings are proposed to be developed with an assortment of visitor-serving commercial uses with a retail sales & service and food service orientation. On the second floor level of both buildings the applicants are proposing to develop professional office suites and a total of six rental apartments. Eight condominium residential units would be developed on the project's third-story levels. The proposed development site has been designed to interface with the City's boardwalk, with direct ingress/egress to and from the boardwalk available at the buildings' ground floors.

Thus, the Commission concludes that the development of the proposed mixed-use project at the subject site is consistent with all applicable LCP provisions, including LUP Core Area Concentrated Mixed Use Policies 1.B.1 through 1.B.4, Waterfront Policy 1.D.5, and

Commercial Development Policy 1.L.7. In addition, all of the proposed and prospective uses of the buildings are recognized as either principally or conditionally permitted uses within the CW zoning district in which the project site is located. Therefore, the Commission finds the proposed development is consistent with the new development policies of the certified LCP for commercial and mixed use development within Eureka's waterfront and core areas because the project would: (a) consist of concentrated commercial development; (b) entail mixed uses; (c) include housing and/or professional offices in upper stories of buildings; (d) reinforce viable existing uses such as fishing; (e) be pedestrian-oriented; (f) attract numerous patrons to the City's commercial downtown; (g) have the maximum positive effect on the economic and social viability of the Core Area; (h) expand and encourage opportunities for recreational and visitor-serving uses and activities along the waterfront; (i) consolidate and control access to avoid congestion, confusion, and traffic conflicts; and (j) be consistent with the purpose and intent of the Waterfront Commercial zoning district.

2. **Visual Resource Protection and Compatibility with Surrounding Character.**

Summary of Applicable LCP Provisions

LUP View Corridors Policy 1.H.1 states:

The City shall promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting and effective street tree maintenance.

CZR Section 156.054 states, in applicable part:

(A) *Scenic coastal areas.*

(1) *The following shall be considered scenic coastal areas of public importance:*

(a) *Woodley Island, Daby Island, Indian Island...*

(B) *Conditions of development near scenic areas. Permitted development within scenic coastal areas, where otherwise consistent with the policies of this Local Coastal Program, or except where designated within a MG District, shall:*

- (1) *Minimize the alteration of natural landforms;*
- (2) *Be visually compatible with the character of the surrounding area;*
- (3) *Be sited and designed to protect views to and along the ocean and scenic coastal areas;*
- (4) *Wherever feasible, restore and enhance visual quality in visually degraded areas.[emphases added]*

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LUP Architectural / Landscape Character Policy 1.I.5 states:

The City shall require that new buildings in the Core Area be compatible with the surrounding building scale, character, and materials. In no event shall a new building exceed 75 feet in height. The City shall require that facades on new buildings in the Core Area are a minimum of 18 to 20 feet tall, including decorative front cornices.

LUP Architectural / Landscape Character Policy 1.I.6 states:

The City shall require that signs in the Core Area are appropriate to the pedestrian environment and to the scale and character of the buildings they serve.

LUP Architectural / Landscape Character Policy 1.I.7 states:

The City shall maintain the basic scale and character of the traditional grid street pattern in the Core Area, including street dimensions and alignment, sidewalk width, curb lines, and parallel parking.

LUP Architectural / Landscape Character Policy 1.I.8 states:

The City shall promote the creation of a strong and appealing retail environment by requiring the use of transparent commercial storefronts (i.e., windows and doors) and continuous and compatible building facades. Conversely, the City shall prohibit the creation of blank wall and discontinuity in building facades.

CZR Section 156.040(D) states, in applicable part:

Landscaping of parking facilities. In an OR, ML, RM, and all C Districts, not less than 4% of the interior of a proposed parking area shall be landscaped with trees and other plant materials suitable for ornamentation. Landscaped areas shall be distributed throughout the proposed parking area...

LUP Maintenance and Safety Policy 1.I.2 states:

The City shall work with property owners to ensure that rear entries to stores are attractive and alleys are well maintained. The City shall encourage consolidation of dumpster areas in alleys and shall require upgrading the visual quality of dumpster enclosures.

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Analysis

The proposed project site is located along the City's central waterfront with Humboldt Bay at the foot of "C" and "D" Streets. The site lies directly across the bay from Woodley and Indian Islands, and is visible from these "scenic coastal areas." The parcel is not located within a formally designated "Highly Scenic Area." (Note: The City's LCP does not make that distinction for any specific sites, but focuses instead on protecting views within the "scenic coastal areas" visible from Highway 101 at the City's northern entrance, the islands within Humboldt Bay inside the City limits, wetland, riparian, and wildlife refuge areas along the sloughs along the City's eastern edge, and the "scenic routes" described in the City's General Plan.

Nevertheless, the bay front site for the proposed commercial visitor-serving mixed-use facility area is an area of notable visual interest and scenic qualities. This fact is reflected in the City's LUP, which sets forth in both general and very specific language as cited above, requirements for the protection of these scenic values and views. Though the site was previously occupied by a three-story fish processing and warehouse structure that spanned much of the lot, the property has been vacant since the dilapidated structure was demolished in mid-2001. The proposed commercial visitor-serving facility would reintroduce a significant urban-type structure into the viewshed of this scenic area. The proposed complex would be highly visible from several public streets within the city, as well from the bay islands and boats on the bay, and would affect views to and along the ocean.

a. Existing Visual Resources in the Project Vicinity

As no site improvements are currently developed on the project property, viewing opportunities currently exist laterally along the entire 440-foot width of the property. Though impressive where they can be observed, coastal views for motorists through the project site from Front Street are somewhat fleeting due to the presence of intervening commercial structures in the area which limit the expanse of bay vistas to the open spaces between buildings. In addition, the recently constructed City boardwalk just offshore of the project site further limits near shore views to and along the coast. From the fixed vantage point of the foot of "D" and "E" Street at the mid-block between First Street and the bay oriented seaward, the project site's coastal viewshed consists of an approximately 175° arc encompassing the tree-silhouetted shoreline of Woodley and Indian Islands, the moorages of the Woodley Island marina, the central span of the A.M. Bistrin Memorial Bridge (SR255), and the mid-channel bay waters of Humboldt Bay to the north, northeast and northwest. Portions of the Samoa Peninsula, including the Louisiana-Pacific Corp. pulp mill and Simpson Timber Company sawmill, are also visible beyond Indian Island to the northwest and northeast.

b. Effects of the Project on Visual Resources in the First Street Area

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The proposed new development at the site would consist of two buildings, spanning approximately 260 feet of the approximately 440-ft.-wide parcel and extending to a three-story height of 44 feet (see Exhibit No. 4). Building "A" would be constructed within an approximate 125-ft. x 106-ft. building envelope at the northeast corner of the property. Building "B" would similarly occupy an approximately 125-ft. x 100-ft. building envelope at the north-central portion of the site. An enclosed, elevated walkway would connect the second and third-story levels of the two buildings. At the ground level between the two buildings, an approximately 25-ft.-wide opening would be provided coinciding roughly with the alignment of "E" Street.

With the exception of the 25-ft.-wide ground-level opening between the buildings, site developments would extend nearly a full city block of the project parcel's overall 1½-block width. With the project improvements in place, major portions of the views to and along Humboldt Bay from First Street would be significantly obstructed by the development. Instead of the relatively panoramic views currently available through the site's entire bay frontage from "C" Street east to the mid-block point between "D" and "E" Streets, the viewing area along First Street would be reduced to several openings corresponding to the exterior parking lot between east of "D" Street and the breezeway between the buildings at the foot of "E" Street.

Furthermore, at nearly 23,000 square feet of ground-level building coverage and extending to a height of 44 feet, the mixed-use complex would be a relatively large structural development for downtown Eureka. Most of the north-central portion of the waterfront in the immediate vicinity of First Street is developed with one to two-story commercial structures ranging from approximately 3,500 to 21,500 sq. ft. in size. Several of the parcels in the immediate area to the west and east of the project site within the site's Commercial Waterfront zoning district are currently vacant and/or undergoing redevelopment. However, many structures comparable in bulk and scale can be found in the downtown area. The closest structure having approximately the same bulk and scale as that of the proposed mixed-use complex is the former Vance Hotel building. This four-story, approximately 20,000-sq.ft. ground-floor coverage commercial structure is located four blocks southeast of the project site at the corner of Second and "G" Streets within the City's commercial core area.

c. Conformance with LCP Coastal Visual Resources and Architectural Compatibility Policies

Any above ground development of the site would inevitably result in a loss of some coastal views. Recognizing that the core area of the City where the site is located is an urban area where development has historically been concentrated and views have been compromised by the presence of buildings on the site and in surrounding areas, the visual resource policies of the LCP for the core area of the City do not call for the protection of all views. Rather, the policies seek to protect view corridors and ensure that new development is compatible with the character of the area. The proposed project can be

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approved if the Commission finds that the development is consistent with the applicable visual resources policies and standards of the City's certified LCP. LUP View Corridors Policy 1.H.1 directs the City to promote unobstructed view corridors to the waterfront from public streets and other public spaces through careful building siting. CZR Section 156.054 requires that development near coastal scenic areas minimize alteration of natural landforms, be visually compatible with the character of the surrounding area, be sited and designed to protect views to and along the ocean and scenic coastal areas, and wherever feasible, restore and enhance visual quality in visually degraded areas. LUP Architectural / Landscape Character Policy 1.I.5 requires that all new Core Area buildings be found compatible with the surrounding building scale, character, and materials, not exceed 75 feet in height, and that facades and front cornices be a minimum of 18 to 20 feet tall. LUP Architectural / Landscape Character Policy 1.I.6 requires Core Area signage be appropriate to the pedestrian environment and to the scale and character of the buildings they would serve. LUP Architectural / Landscape Character Policy 1.I.7 directs the City to maintain the Core Area's basic scale, character, grid street pattern, street dimensions and alignment, sidewalk width, curb lines, and parallel parking layout. LUP Architectural / Landscape Character Policy 1.I.8 requires commercial storefronts to develop appropriate fenestration to achieve a transparent appearance, continuous and compatible building facades, and avoid featureless and discontinuous building facades. CZR Section 156.040(D) requires that not less than 4% of the interior of a Commercial district parking areas be landscaped with trees and other plant materials suitable for ornamentation, distributed throughout the parking area. Finally, LUP Maintenance and Safety Policy 1.J.2 requires that the visual quality of dumpster enclosures be upgraded.

In regard to conformance of the proposed above-grade structures with Policy 1.H.1, the improvements have been sited such that views of the bay from the street ends of "D" and "E" Street remain open. With respect to the standards of CZR Section 156.054 and conformance with Policies 1.I.5, 1.I.7, and 1.I.8, the development would: (a) minimize site grading; (b) not exceed 75 feet in height; (c) have facades with minimum 18-20-ft heights; (d) reserve coastal viewing opportunities from the foot of "D" and "E" Streets; (e) provide numerous visual openings through windows and doors on all floors; (f) conform to the City's grid arrangement of streets, sidewalks, curbing, and on-street parking layout; and (g) significantly improve this current blighted portion of the City's waterfront.

As to the project's compatibility with its surroundings, the character of the area in proximity to the project site may best be described as "diverse." As discussed in Findings Section IV.A above, the site's Waterfront Commercial zoning allows for a wide variety of commercial, professional office, and residential uses and structures. The property also lies near the junction of several zoning districts, including coastal-dependent light manufacturing, general commercial, and natural resources. Given the wide variety of building types, styles, sizes, heights, and coverages that currently exist or would be allowed on adjoining properties by the City's zoning regulations, the construction of the

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proposed mixed-use complex cannot, from a strictly architectural point of view, be determined to be out of character with the surrounding area.

In addition, the proposed development's multi-storied, hip-with-cross-gable roofs and other English Revival / Arts & Crafts stylizations would approximate that of several other prominent structures in the downtown area (i.e. Wharfinger Building, Humboldt County Library, Palmtag Building, Mansion House). As the project architect has indicated in his letter revising the project description (see Exhibit No. 4) that the architectural style is meant to represent a modern distillation of classic architectural styles found in the Eureka area including elements of Victorian, Craftsman, and other schools of architecture. In addition, although the proposed 44-ft. height for the buildings would be greater than that of many nearby structures, the development would not project higher than the Core Area 75-ft. height limit, or the multi-storied Victorian-era buildings in the commercial core area to the south. It should also be noted that the old Fisherman's Building that occupied the site for decades up until 2000 was approximately 32 feet in height.

With regard to other exterior treatments, the applicants have not proposed or provided any details as to signage, lighting, or the physical appearance of solid waste storage containers at the site. Additionally, only a preliminary identification of areas proposed for landscaping as been submitted (see Exhibit No. 4). Depending upon the particular design and placement of these elements, the project may either harmonize or conflict with that of other development in the waterfront and core areas.

Thus, to find conformance of the project with LUP Architectural / Landscape Character Policies 1.I.5 and 1.I.6, CZR Section 156.040(D), and LUP Maintenance and Safety Policy 1.J.2, the Commission attaches Special Condition Nos. 7 and 1, respectively. Special Condition No. 7 requires that no structural improvements or landscaping, except as specifically provided for herein, or large materials be placed or stored within the "E" Street view corridor in a manner that would obstruct views through the corridor. Special Condition No. 7 also requires that the sides of the enclosed walkway above the "E" Street right-of-way be constructed out of glass and maintained as see-through structure, and that the interior of the walkways be kept free of furniture and other materials to enable views to the bay at height above the walkthrough corridor would be maintained. This requirement will further ensure consistency with the language of LUP Policy 1.H.1 that unobstructed view corridors to the waterfront from other public spaces be promoted. Special Condition No. 1 requires the applicants to submit for the review and approval of the Executive Director, revised plans for the site improvements. The condition requires that a landscaping be included for softening the appearance of the development while assuring that the landscaping materials are located and sized so as not to obstruct views to and along the coast from designated view corridors and vista points. Special Condition No. 1 also requires that all exterior lights, including lights attached to the outside of any structures must be low-wattage, non-reflective and be mounted so as to cast their illumination downward within the project boundaries to minimize glare and lighting impacts. In addition, all future signs are required to conform to the CW zoning district

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standards for signage. Applied together, Special Conditions 7 and 1 will protect view corridors through the site, lessen the visual prominence of the development, minimize lighting impacts, and promote a pleasing overall appearance.

Finally, the Commission attaches Special Condition No. 2, which states that all future development on the subject parcel that might otherwise be exempt from coastal permit requirements requires an amendment or coastal development permit. Consistent with Section 13253(b)(6) of the Commission's administrative regulations, this condition will require future improvements to the development to be reviewed to ensure that the improvements will not have significant adverse impacts on visual and scenic resources. Special Condition No. 2 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 improvements that would otherwise be exempt.

d. Conclusion

Accordingly, the Commission concludes that the proposed new development as conditioned has been sited and designed to protect views to and along the coast. Furthermore, the Commission concludes that, as conditioned by Special Conditions Nos. 1, 2, 3, and 4 to: (a) retain the opening between the buildings providing scenic views of the bay and wildlife, and to require the connecting walkway crossing the opening be transparent; (b) ensure that landscaping is not placed or allowed to grow to such size as to obstruct coastal views through the view corridor; and (c) allow landscaping, lighting, trash enclosures, and future development to be reviewed for conformity with all applicable LCP provisions, the project improvements will not have significant adverse effects on visual resources.

The Commission therefore finds that as: (1) views to and along the ocean have been protected through provision of a substantial view corridor oriented from the vantage point of the adjoining public street ends toward bay shore areas; (2) natural landform alteration would be minimized; (3) the quality of visually degraded areas would be restored and enhanced where feasible; (4) the project has been conditioned so that landscaping, signage, trash enclosures, and other future development will be reviewed to ensure it will not be sited where it would have significant adverse effects on visual resources; and (5) the new development would be visually compatible with the character of surrounding areas, the proposed project as conditioned is consistent with LUP Policies 1.H.1, 1.I.5-1.I.8, and 1.J.2, and the standards of CZR Sections 156.040(D) and 156.054.

C. TRANSPORTATION AND CIRCULATION

1. Streets and Highways.

Summary of Applicable LCP Provisions

LUP Streets and Highways Policy 3.A.6 states:

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The City shall require all new land development projects to contribute a fair share of the cost of any street and highway improvement that can be assigned to the traffic-generating attributes of the new or intensified uses. Any project that is expected to generate more than 50 trips per peak hour shall be required to submit a traffic analysis prior to approval. Any project that is anticipated to generate significant traffic impacts will be required to mitigate such impacts.

Analysis

In 1998, the City required the development to prepare a traffic analysis pursuant to LUP Policy 3.A.6. The Final Environmental Impact Report (FEIR) for the project (ESA, 9/4/98) included a traffic analysis for the original project that concluded that the project would contribute approximately 1,500 additional vehicular trips to cumulative increases in traffic volumes at the regional street system intersections in proximity to the site. However, the report found these impacts to be less than significant and thus recommended no mitigation measures, such as street improvements addressed in LUP Policy 3.A.6. Because the current project design has less commercial gross floor area and fewer residential units to produce additional traffic than did the original project, the Commission concludes that the current project's traffic generation impacts would similarly be less than significant. The Commission therefore finds the project to be consistent with LUP Streets and Highways Policy 3.A.6.

2. Public Transit, Bicycle and Pedestrian Transportation.

Summary of Applicable LCP Provisions

LUP Commercial Development Policy 1.L.8 states:

The City shall require major commercial development projects to either be located in areas served by public transportation or in areas to which the existing public transportation service can be feasibly extended.

LUP Public Transit Policy 3.B.5 states:

Where appropriate, the City shall require new development to dedicate easements for and provide sheltered public stops for transit patron access.

LUP Bicycle Transportation Policy 3.C.4 states:

The City shall promote the installation of secure bicycle racks in areas generating substantial bicycle traffic and at major public facilities. The City shall require the installation of bicycle racks whenever a major traffic generator is developed.

LUP Pedestrian Transportation Policy 3.D.3 states:

The City shall ensure that pedestrian walkways are separated, safe, and protected from automobile traffic.

Analysis

Public transportation services for the greater Eureka area are provided by the Humboldt Transit Authority (HTA). The closest HTA bus stop to the project site is located at the intersection of Fourth and "D" Streets, approximately 3½ blocks to the south of the site. Additionally, should future transit demand for service to the waterfront area warrant extension of services closer to the project site, bus service could be routed and bus stops placed along First Street, ½ block from the project parcel (Greg Pratt, HTA General Manager, pers. comm.).

LUP Bicycle Transportation Policy 3.C.4 directs the City to require the installation of bicycle racks whenever a major traffic generating project is developed. As discussed in Findings Section IV.C.1 above, the Eureka Pier project uses are anticipated to generate approximately 1,500 daily vehicular trips, making it a major traffic-generating project for the City's waterfront core area. Accordingly, to assure the project conforms to the LUP Bicycle Transportation policy provisions, the Commission includes within the revised development plan requirements of Special Condition No. 1 that the applicants install an appropriately apportioned number of bicycle racks at suitable locations at the project site. The condition, based on recommended standards for municipal bicycle facilities (Pedestrian and Bicycle Information Center, ©2000) requires that a minimum of three bicycle racks for a total of 14 cycles be placed at convenient and safe locations that would not otherwise interfere with vehicular or pedestrian movements.

Therefore, the Commission finds that as conditioned, the project would be consistent with the Transit, Bicycle, and Pedestrian policies of the certified LUP.

3. Parking in Commercial and Core Areas.

Summary of Applicable LCP Provisions

LUP Commercial Development Policy 1.L.2 states:

The City shall promote high quality design attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated area of the city. [emphasis added]

CZR Section 156.072 states, in applicable part:

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- (E) *Off-street parking. Off-street parking facilities shall be provided for each use as prescribed in §§ 155.115 through 155.123 of this title.*

[Note: The full text of referenced CZR Sections 155.115 through 155.123 is provided as Exhibit No. 9]

Cited CZR Section 155.117(E)(1) states:

Facilities accommodating the general public, including but not limited to auditoriums, theaters, restaurants, hotels, motels, stadiums, retail establishments, medical offices and office buildings, shall provide parking spaces for the physically handicapped in accordance with the following schedule:

<i>Total Number of Parking Spaces</i>	<i>Number of Handicapped Parking Spaces Required</i>
<i>1 – 5</i>	<i>0</i>
<i>6 – 40</i>	<i>1</i>
<i>41 – 80</i>	<i>2</i>
<i>81 – 120</i>	<i>3</i>
<i>121 – 160</i>	<i>4</i>
<i>161 – 300</i>	<i>5</i>
<i>301 – 400</i>	<i>6</i>
<i>401 – 500</i>	<i>7</i>
<i>Over 500</i>	<i>1 for each 200 additional spaces provided</i>

Cited CZR Section 155.117(F) states:

Compact car provisions.

- (1) *Compact car spaces may be utilized in meeting the above parking requirements.*
- (2) *No compact car spaces shall be allowed in parking areas containing less than 10 parking spaces.*
- (3) *In lots where compact car spaces are permitted, up to 25% of all spaces in the lot may be compact car spaces.*
- (4) *Compact car spaces, when allowed, shall be visibly marked with signs and shall be clustered in one section of the parking area.*

With regard to minimum dimensions for required off-street parking spaces applicable to the proposed project's parking plan, CZR Section 155.118, requires, in applicable part, as follows:

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- *Standard Parking Space Minimum Width (for spaces oriented 90° to aisle direction): 8' 6"*
- *Standard Parking Space Minimum Length (for spaces oriented 90° to aisle direction): 19'*
- *Minimum Aisle Width: 25'*
- *Parking space required to be located in a garage or carport shall be not less than 20 feet in length and 10 feet in width*
- *Compact Parking Space Minimum Width: 7' 6"*
- *Compact Parking Space Minimum Length: 16'*
- *Handicapped Parking Space Minimum Width: 14'*
- *Handicapped Parking Space Minimum Length: 19'*

Cited CZR Section 155.123 states, in applicable part:

In Lieu Payments

In a CN, CC or CW District, or in an OR District when that district is adjacent to a CN, CC, CW, or CS District, in lieu of providing parking facilities required by the provisions of this subchapter, the requirements may be satisfied by payment to the city, prior to the issuance of a zoning permit, of an amount per parking space, prescribed by the Council, for each parking space required by this subchapter but not provided. The payment shall be deposited with the city in a special fund and shall be used exclusively for the purpose of acquiring and developing off-street facilities located, insofar as practical, in the vicinity of the use for which the payment was made. [emphasis added]

Analysis

The City's certified LCP addresses the importance of providing adequate off-street parking and loading facilities to serve proposed new development both in terms of general policies within its land use plan as well as specific standards within the Coastal Zoning Code. In general, these requirements are intended for progressively alleviating and preventing traffic congestion and shortages of on-street curb spaces by requiring new development to provide off-street parking facilities incidental to serve proposed new uses. The number of parking and loading spaces prescribed are set in proportion to the need for such facilities created by the particular type of land use. Off-street parking and loading areas are to be laid out in a manner that will ensure their usefulness, protect the public safety, and where appropriate, insulate surrounding land uses from their impact.

Numerical Parking Requirements for the Eureka Pier Project

With regard to the proposed development, Table 2 below summarizes the project's off-street parking requirements:

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Table 2: Off-Street Parking Requirements for Eureka Pier Mixed Use Development

Project Portion	Gross Floor Area (sq. ft.)	Proposed Use(s)	Parking Requirement	No. of Spaces Required
Bldg "A"				
-1 st Floor	2,850	Retail sales & service	1 space/300 sq. ft. GFA	10
	2,850	Restaurant	1 space/200 sq. ft. GFA	14
-2 nd Floor	4,835	Professional offices	1 space/300 sq. ft. GFA	16
	n/a	Apartments (4)	1½ spaces per dwelling	6
-3 rd Floor	n/a	Condominium Units (4)	1½ spaces per dwelling	6
Bldg "B"				
-1 st Floor	4,800	Retail sales & service	1 space/300 sq. ft. GFA	16
	4,800	Restaurant	1 space/200 sq. ft. GFA	24
-2 nd Floor	7,970	Professional offices	1 space/300 sq. ft. GFA	27
	n/a	Apartments (2)	1½ spaces per dwelling	3
-3 rd Floor	n/a	Condominium Units (4)	1½ spaces per dwelling	6
Total Number of Required Off-Street Parking Spaces:				128

The applicants intend to satisfy the off-street parking requirements of the project through a combination of onsite, offsite, and deferred parking development strategies. First, a total of 87 spaces are proposed to be developed onsite: an 18-space interior lot accessible to residents of the project's 12 dwellings, and 69 spaces in exterior parking facilities for customers, employees, and occupants of the project's commercial and professional office uses. Second, the City of Eureka has sanctioned use of an additional 20 spaces within the under-utilized 1st and "C" Streets public parking lot, located one-half block from the project site. These spaces would be used exclusively by project site employees. Finally, the City's Redevelopment Agency has committed to appropriating \$150,000 in funds for deposit into an in-lieu fee account toward the development of 21 future spaces in the waterfront area to mitigate the impacts, in part, of the proposed development. Altogether, the applicants and City would construct, reserve, or provide funding for all of the 128 parking spaces required for the project.

Structure and Characteristics of Off-Street Parking Regulations

As a general land use regulatory principle, parking standards usually first require new development to self-mitigate all of its parking impacts by including within its design onsite parking facilities to meet all of its projected parking demand. When rote conformance with parking requirements cannot fully or feasibly be met onsite, the parking standards usually require the developer to construct or secure substitute off-site parking facilities within reasonable proximity to the project site. Only upon exhaustion of all onsite and nearby parking development opportunities do parking standards typically allow other solutions, such as allowances for the payment of in-lieu fee payments or variances to be considered. The Commission notes that several of the contentions of LCP

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conformance raised on appeal of the *Eureka Pier* project concentrated on this issue (see Exhibit No. 6).

The City's LCP reflects the above-described hierarchical approach through the structure of its parking regulations (see Exhibit No. 9): Prescriptive standards for on-site parking requirements are first stated, setting forth the number, size and location of spaces to be provided for each type of land use. Secondly, provisions are made for ministerial exceptions to these standards, such as allowances for a portion of larger parking lots to be compact spaces, or a reduction in residential parking requirements for projects within parking improvement assessment districts, for instances where rote conformance would be difficult because of the project's unique characteristics (e.g., full compliance would require the project to be scaled-back to a size that would be economically feasible, the availability of alternative suitable sites for the project is limited). The parking ordinance also provides for further exceptions to the on-site parking requirements (i.e., provisions for development of parking facilities on nearby sites, participation in in-lieu fee programs) subject to administrative approval. Finally, the City's regulations provide for granting variances to the parking requirement at the discretion of a hearing board. Such variances are required to be based upon specified findings designed to limit their application and to prevent attempts to circumvent the established parking requirements or to avoid compliance based on frivolous reasons.

Suitability of the Proposed Development Parking Plan

With respect to the proposed development's observance of the parking compliance process outlined above, the applicants have taken efforts to first design their project to satisfy the City's schedule of parking requirements as much as feasibly possible. First, the project was scaled-back in bulk from an originally proposed 85,390-sq.-ft. size to the current 56,760-sq.-ft. size. This action reduced the parking requirement from approximately 200 spaces down to 145. Secondly, for purposes of the Commission's *de novo* review, the applicants refined the prospective future uses to restrict building space for parking-intensive retail sales and services in favor of less demanding residential units, further reducing the parking requirement to 128 spaces.

After concluding that only 87 of the 128 required spaces could be feasibly developed at the project parcel without rendering the project infeasible or adversely impacting the waterfront aesthetics of the site, the applicants then turned to meeting their remaining parking obligations at nearby sites. Finding no vacant land in proximity to the project site available for off-site parking development, the applicants began working with the City's Redevelopment Agency to investigate other options. The City found that many of the spaces within their public parking lot at First and "C" Streets, approximately 1½ blocks from the project site, were going largely unused (see Exhibit No. 10). Subsequently, on October 9, 2001 at the behest of Dolores Vellutini, applicant and with the support of the City Manager, the City's Parking Place Commission authorized 20 spaces within an under-utilized First and "C" Streets lot be made available for leasing to

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the applicants for exclusive use by persons employed at the project site (see Exhibit No. 10). This action reduced the parking requirement deficit from 44 to 24 spaces.

Concurrent with these efforts, to meet the remaining 21 spaces of the project's parking requirement, the applicants in coordination with the Redevelopment Agency developed a proposal to utilize the LCP's parking in-lieu fee provisions of CZR Section 155.123 cited above. Section 155.123 stipulates that the parking space requirements of the City's zoning regulations may be satisfied by payment to the city, prior to the issuance of a zoning permit, of an amount per parking space, prescribed by the City Council, for each parking space required but not provided. The payment is to be deposited into a special fund established by the City and used exclusively for the purpose of acquiring and developing off-street facilities. The location of these facilities is to be, insofar as is practical, in the vicinity of the use for which the payment was made.

In April 1989, the City Council first established a \$7,000 per space in-lieu parking fee for a development project that had not met all applicable numerical off-street parking requirements. At that time, City staff recommended that the Council base the in-lieu fee amount on the realistic costs of providing parking spaces to offset the parking facilities not provided onsite by the developer. Based upon a review of a parking facility improvement study prepared previously (Winzler and Kelly, 1987) and the actual construction costs for then-recently created public parking lots within the Henderson Center and Commercial and Waterfront Drive areas, City staff recommended that in-lieu parking fees for the 1989 project be set at \$7,000 a space. The Council agreed and set in-lieu parking fees at the recommended \$7,000 per space.

Consistent with past practices, the Redevelopment Agency subsequently proposed to the City Council that \$150,000 of Redevelopment revenue (representing \$7,142.85 in acquisition and development costs per parking space, or 102% of the estimated \$7,000 per space cost estimate) be transferred into a fund established by the City for development of 21 parking spaces to offset the deficit in off-street parking not otherwise provided by the *Eureka* Pier project. The funds were slated to be used exclusively for future development of a public parking facility to be located within the City's waterfront area. On January 15, 2002, the City Council approved the proposal (see Exhibit No. 10). According to the description of the fund and the City's action provided by the City Manager as Exhibit 11, the \$150,000 contribution is considered to be the first of multiple contributions that may be expected to be provided by other waterfront redevelopment projects. The ultimate parking facility developed from money derived from the in lieu fund is expected to be a surface parking facility able to accommodate many more than the 21 spaces needed for the applicants project.

Thus, the Commission notes that in developing the parking plan, the applicants and City staff have endeavored to ensure that the maximum amount of off-street parking feasible be provided onsite at the project parcel. To address the shortfall between parking to be provided onsite and the total number of required spaces, the applicants and City have

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investigated development of off-site parking facilities on adjoining and nearby properties, including under-utilized City-owned public lots in the vicinity. Finally, the applicants and City have relied on the in-lieu fee provisions of the certified LCP to provide the remaining parking requirement for the project. Using this strategy, the applicants have exhausted all reasonable parking remedies and avoided dependence upon the 1998 parking variance previously issued for an earlier project design or the potential for a new variance for the current project design.

The total of 128 parking spaces to be provided by a combination of development of 87 on-site parking spaces, devoting 20 under-utilized spaces at an off-site parking lot for employee parking for the proposed development, and reliance on a City commitment to deposit \$150,000 in an in lieu parking fund satisfies the 128-space parking requirement for the project calculated pursuant to CZR Section 156.072. In addition, the provision of 20 parking spaces off-site at 1st and "C" Streets is consistent with the provision of LUP Policy 1.L.2 which requires sufficient off-street parking facilities to be provided. The City has committed to leasing the 20 spaces to the applicants and the site is nearby, as it is within 1½ blocks of the proposed development. Furthermore, the use of a deposit to an in-lieu fee account toward the development of 21 future spaces within a larger parking facility to be developed by the City is consistent with CZR Section 155.123.

The City Council has pledged by resolution to deposit the \$150,000 in a fund that would be specifically used for development of a surface parking facility within the waterfront area in the vicinity of the project site. CZR Section 155.123 states that the amount per space to be paid to the in lieu account shall be prescribed by the Council. The amount of the deposit per space of \$7,142.85 is based on previous studies of the cost per space of providing a parking facility which determined the cost be approximately \$7,000. The City has consistently used the \$7,000 per space figure in its actions on other projects relying on contributions to in lieu parking mitigation funds, and the City has been able to build parking facilities utilizing such funds (see Exhibit No. 10). Therefore, the \$7,142.85 per space deposit to the in lieu parking mitigation fund is reasonable and consistent with CZR Section 155.123.

Although the City has committed to providing the 20 under-utilized spaces at the existing parking facility at 1st and "C" Streets by action of the City's Parking Place Commission and a letter to the applicant attached as Exhibit No. 10, no signed lease or other final document granting the spaces to the applicant has been submitted to the Commission. Similarly, although the City has committed to a deposit of \$150,000 in a parking in-lieu fund to serve the project by resolution of the City Council as described in the letter from the City Manager attached as Exhibit No. 10, evidence that the money has actually been fully appropriated for this purpose has not been submitted to the Commission. To ensure that the parking program is implemented as proposed, the Commission attaches Special Condition No. 3. This condition requires that evidence of sanctioned posting of the 20 spaces within the First and "C" Street public parking lot and deposit of the \$150,000 contribution of the City's Redevelopment Agency into the City's Waterfront Parking

Improvement Fund be submitted for the review and approval of the Executive Director prior to issuance of the coastal development permit. As conditioned, the Commission finds that the proposed parking plan is consistent with the requirements of the LCP for providing certain amounts of parking spaces.

Project Compliance with LCP Off-Street Parking Prescriptive Standards

As discussed above, the applicants have proposed to meet the 128-space requirement of the City's off-street parking ordinance through a development of a combination of onsite and off-site parking spaces, and participating in the City's parking in-lieu fee program. Although an intent to provide the required number of spaces has been demonstrated, there are several aspects of the parking layout depicted on the submitted site plans which do not appear to fully conform to the dimensional and modal standards for off-street parking facilities. These include:

- Twenty-four standard spaces within the exterior parking lot that do not meet the 19-ft. minimum length required by CZR §155.118(A);
- Twenty-five compact spaces within the exterior parking lot that do not meet the 16-ft. minimum length required by CZR §155.118(C);
- Two handicapped parking spaces within the exterior parking lot that do not meet the 19-ft. minimum length required by CZR §155.118(B);
- Seventeen standard spaces within the interior parking lot that do not meet the 20-ft. minimum length required by CZR §155.118(A);
- One handicapped parking space within the interior parking lot that does not meet the 20-ft. minimum length required by CZR §155.118(A);
- Exceeding the maximum 25% allowance for compact car parking spaces provided under CZR §155.117(F)(3) by three spaces; and
- Possible blockage of a portion of the Pier Street alley entrance to the exterior parking lot due to vehicles parking in spaces providing less than required stall lengths.

The Commission notes that the above deviations from the parking ordinance standards on the site plans are relatively minor and through subtle revisions to the parking facility layouts full compliance could be achieved. For example, there appears to be surplus area within the exterior parking lot islands to accommodate expanding the length of adjacent substandard spaces, and converting excess compact spaces to standard spaces without adversely affecting compliance with minimum parking lot aisle width standards, parking lot landscaping requirements, or stormwater treatment policies. Similarly, adjustments could also be made to the interior parking lot's layout to accommodate required parking stall lengths by reducing or eliminating proposed walkways within the facility.

Consequently, the Commission includes within the requirements of Special Condition No. 1 that a revised parking plan be prepared and submitted for the approval of the Executive Director illustrating that the onsite parking facilities fully conform with the standards of the City's LCP. Therefore, the Commission finds that as conditioned, the

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project complies with the standards of the certified LCP with regard to off-street parking prescriptive standards.

4. Loading in Commercial and Core Areas.

Sections 155.135 through 155.141 of the Eureka Municipal Code (EMC), as incorporated within the standards of CZR Section 156.072(F) for Waterfront Commercial zoning districts, state, in applicable part:

At the time of initial occupancy, major alteration, or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided off-street loading facilities for trucks in accord with the schedule of off-street loading berth requirements prescribed in § 155.137 of this subchapter... [EMC §155.136(A)]

Commercial and industrial establishments, including retail stores, eating and drinking establishments, personal service establishments, commercial service enterprises, warehouses, storage facilities, manufacturing plants, and other industrial uses. No berths for less than 4,000 square feet gross floor area; one berth for 4,000 to 30,000 square feet gross floor area; two berths for 30,000 to 70,000 square feet gross floor area... [EMC §155.137(A); emphasis added]

All off-street loading facilities, whether provided in compliance with § 155.137 of this subchapter, or not, shall conform with the regulations prescribed in § 155.036 of this chapter and with the following standards:

(A) Small loading berths are allowed for retail and service commercial uses and financial and personal services that generally have small business floor areas of less than 10,000 square feet. These square feet berths shall be not less than 25 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet.

(B) Large loading berths are required for all industrial uses, markets, restaurants, large-product commercial uses, warehousing, shopping centers and large office buildings. These berths shall be not less than 45 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet. [EMC §155.138]

More than one use on a site. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this subchapter for each use. If more than one use is located on a site and the gross floor area of each use is less than the

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minimum for which loading berths are required, but the aggregate gross floor area is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths. [EMC §155.140(A)]

The off-street loading facilities prescribed in §155.140 of this subchapter shall be located on the same site with the use for which the berths are required or on an adjoining site in a district in which the use served by the off-street loading facilities is a permitted use... [EMC §155.139(A)]

Analysis

The proposed development would comprise a total of 56,760 square feet of gross floor area housing a mixture of retail sales and service, restaurant, professional office, and residential uses. Sections 155.137(A) and 155.140(A) of the City's loading space standards require that two loading berths be provided onsite for the proposed development size. Further, EMC Section 155.138 stipulates that to serve the proposed restaurant uses, one of these loading spaces must be a "large loading berth," comprising a minimum 25 ft. wide by 45 ft. long area. The other loading space must meet the minimum dimensional standards for "small loading berths," being 12 feet in width and 25 feet in length.

The applicants have included in their site plan revisions for purposes of the Commission's *de novo* review the depiction of two loading areas, one 15-ft. wide x 40-ft. long small berth within the exterior parking lot, and a dimensionless area labeled "loading zone" within the 25-ft.-wide "E" Street breezeway between the buildings (see Exhibit No. 4). Although the project design could feasibly meet the loading area requirements, it is not clear from the submitted site map if the proposed berths would comply fully with the minimum dimensions for loading areas. To ensure that the loading area requirements of the City's LCP are fully met, the Commission includes within the requirements of Special Condition No. 1 that the applicants prepare and submit for the approval of the Executive Director a revised off-street loading facilities plan indicating the location and dimensions of the minimum required loading spaces. Therefore, the Commission finds that the project as so conditioned would conform to the off-street loading facilities standards of the City's LCP.

D. PUBLIC FACILITIES AND SERVICES

1. Water, Wastewater, and Other Community Services.

Summary of Applicable LCP Provisions

The City's LUP contains numerous policies regarding the community services and public utilities to serve new development. General Public Facilities and Services Policy 4.A.3

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generally states that, *"the City shall require all land designated for urban development be served by adequate water and other utilities necessary for health, safety, and welfare of citizens and property..."*

Analysis

Water and sewer services will be provided for the proposed project by the City of Eureka's Community Services Department. The City has indicated that it has reserved capacity of water supply and wastewater treatment sufficient to accommodate the proposed mixed commercial-recreation / visitor-serving / residential development without compromising service to other planned higher-priority uses. Solid waste collection services would be provided to the site by the City's current waste management franchisee, Eureka Garbage Company.

The Commission thus finds that the proposed project, as conditioned, is consistent with Policy 4.A.3 of the LUP because adequate services are available and the carrying capacity of water supplies and wastewater treatment capacity is sufficient for all permitted and proposed uses at the site.

2. Grading, Drainage, and Stormwater Management.

Summary of Applicable LCP Provisions

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.3 states:

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

LUP Stormwater Drainage Policy 4.D.5 states:

The City shall promote sound soil conservation practices and carefully examine the impact of proposed urban developments with regard to water quality and effects on drainage courses.

LUP Stormwater Drainage Policy 4.D.6 states:

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The City shall improve the quality of runoff from urban and suburban development through use of appropriate and feasible mitigation measures including, but not limited to, artificial wetlands, grassy swales, infiltration / sedimentation basins, riparian setbacks, oil/grit separators, and other best management practices (BMPs).

LUP Stormwater Drainage Policy 4.D.9 states:

The City shall require new projects that affect the quantity or quality of surface water runoff to allocate land necessary for the purpose of detaining post-project flows and/or for the incorporation of mitigation measures for water quality impacts related to urban runoff. To the maximum extent feasible, new development shall not produce a net increase in peak stormwater runoff.

LUP Hazardous Materials and Toxic Contamination Policy 7.E.1 states:

The City shall ensure that the use and disposal of hazardous materials in the Eureka area complies with local, state, and federal safety standards.

CZR Section 156.021 states, in applicable part:

- (A) *The ground floor level of all buildings, building enlargements, or extensions of structures shall be at a minimum elevation of 12½ feet based on city datum. In addition, the site shall be graded to drain to the adjacent design finish grade of streets or alleyways...*

Analysis

The project site is located adjacent to the Humboldt Bay. As discussed in Findings Section IV.F.1 below, this aquatic area is listed as an environmentally sensitive habitat area within the certified LCP. The project could adversely affect the water quality of this environmentally sensitive habitat area by the introduction of non-point source pollution in the form of stormwater runoff, siltation from ground disturbing construction activities, and potential accidental releases of hazardous materials. The project would entail the construction of structures and paving for parking lots, walkways, and other impervious surfaces of approximately 50,300 square feet of the roughly 55,000-sq.-ft. site.

The existing site is currently graded to a nearly flat slope with all former structural improvements having been razed. Remnants of pre-existing foundations and railroad sidings are found at and below grade. As part of the scope of work for the preceding demolition at the site, the entire property has been covered with geotextile fabric overlain with river-run gravel. Drainage at the project site is currently directed toward the

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northwest corner of the property where it passes through a hay bale filtering media and a small rock-lined swale before being discharged into Humboldt Bay under the City boardwalk. Once developed, drainage from the site, especially that from impervious surfaces such as rooftops, sidewalks, and parking lots, would be collected into gutters and drop-inlets and discharged into the City's stormwater sewer. The closest storm drains to the subject property are located within "E" Street along the mid-southern boundary of the site. This 12-inch-diameter line passes under the vacated "E" Street right-of-way east of the former locations of the Fisherman's Building and discharges into bay waters to the northwest of the project site. A second storm drain line would be constructed from the middle of the exterior parking lot on the western third of the site running northward and tie into an existing 12-inch-diameter line running beneath the boardwalk.

Pollutants within stormwater runoff from commercial visitor-serving facilities uses have the potential to degrade the water quality of the nearshore environment. Parking lots contain pollutants such as heavy metals, oil and grease, and polycyclic aromatic hydrocarbons that deposit on these surfaces from motor vehicle traffic. In addition, outdoor maintenance equipment, routine washing and steam-cleaning and routine restaurant maintenance activities have the potential to contribute metals, oil and grease, solvents, phosphates, and suspended solids to the stormwater conveyance system.

The proposed project includes measures to mitigate some stormwater runoff impacts from impervious surfaces, through installation of subsurface oil-water separators within the landscaped areas of the site (see Exhibit No. 4). All parking lot and roof drainage would be collected and conveyed into two concrete baffle separators, one 1,200-gallon and one 750-gallon separator. These treatment works are designed to accommodate the volume of runoff generated from up to the 85th percentile storm for the Eureka area (see Exhibit No. 4). For the Eureka area, this rainfall amount is approximately one-tenth foot ($\pm 1\text{-}3/16''$) per hour, based upon long-term precipitation rates recorded locally by the California Department of Transportation. With the mitigation measures proposed by the applicant and sized to accommodate the 85th percentile of the volume of flows from a 24-hour storm that would be generated from these impervious surfaces, the project would minimize the adverse effects of storm water discharges from the site consistent with LUP Policy 6.A.3 and LUP Policy 4.D.6.

To ensure that these mitigation measures will be implemented as proposed, the Commission includes within the scope of attached Special Condition No. 1 a requirement that final revised development drainage plans include construction engineering details for the installation of the two oil-water separators. In addition, to further ensure that water quality is protected from numerous other potential pollutants during construction of the project and its on-going operations, the Commission attaches Special Condition No. 4. Special Condition No. 4 requires that the development be performed consistent with an erosion and runoff control plan designed to prevent, intercept, and/or treat a variety of potential pollutants, including sediment, oils and grease, cleaning solvents, and solid wastes.

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The Commission also attaches Special Condition No. 8. Special Condition No. 8 requires that the permittee comply with various construction-related standards designed to further protect the site from habitat and water quality impacts, including: (1) requiring that construction debris be promptly removed from the site upon the completion of construction; (2) excluding construction equipment or machinery from the beach or intertidal zone at any time; (3) limiting the rinsing of concrete trucks and tools used for construction only at the specific wash-out area(s) described within the approved Erosion and Runoff Control Plan; and (4) requiring that staging and storage of construction machinery or materials and storage of debris not take place on the beach or within public street rights-of-way.

Taken together, these special conditions form a suite of water quality Best Management Practices which will ensure that biological productivity is sustained and protected, and potentially adverse stormwater impacts of the project are reduced to less than significant levels consistent with the policies and standards of the City's LCP. The requirements of Special Condition No. 1 that the permittees install two oil-water separators designed to treat polluted runoff from the project site will ensure the project's consistency with LUP Policies 4.D.5 and 4.D.9. Special Condition No. 4 requires that the permittees prepare and implement an erosion and runoff control plan for the project. As conditioned by Special Condition No. 4, the Commission finds that the project is consistent with LUP Policy 4.D.6 as the project is required to include best management practices (BMPs) for controlling stormwater runoff and maintaining water quality. In addition, Special Condition No. 8 sets numerous construction activity and debris disposal requirements to further protect water quality. The Commission further finds that with the BMPs for controlling stormwater runoff and maintaining water quality required by Special Condition Nos. 1, 4 and 8, the project as conditioned will protect the adjacent inter-tidal and estuarine habitats from the impacts of the development and maintain habitat values consistent with LUP Policy 6.A.3.

Finally, the proposed project is designed to conform to the site grading requirements of CZR Section 156.021 that buildings be developed with a minimum +12½-ft. Eureka City Datum (ECD) floor elevation and graded to drain to adjacent street and alley drainage grades. Approximately 1,720 cubic yards of clean granular fill would be imported to the site to raise the grade by two to three feet to the specified minimum elevation. Site plans further indicate the finished floor height and project drainage flow lines would conform to the +12½-ft. ECD minimum and match the grades of facilities within adjoining "D" and "E" Streets, respectively. Therefore, the Commission finds the project as designed is consistent with the standards of CZR Section 156.021.

E. COASTAL ACCESS AND RECREATIONAL FACILITIES

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Summary of Applicable Coastal Act Provisions

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

With regard to the adequacy of proposed parking amenities to serve new development, a form of coastal access support facility, Coastal Act Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development. [emphasis added]

Summary of Applicable LCP Provisions

The certified City of Eureka LCP includes policies that essentially reiterate these standards for providing, maintaining, and protecting public access and coastal recreational opportunities:

LUP Coastal Recreation and Access Policy 5.B.4. states, in applicable part:

The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline, consistent with protecting environmentally sensitive resources by:

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- c. *Allowing only such development as will not interfere with the public's right of access to the sea, where such right is acquired through use or legislative authorization.*

LUP Coastal Recreation and Access Policy 5.B.5. states, in applicable part:

For new development between the first public road and the sea, the City shall require the dedication of a vertical access easement to the mean high tide line unless:

- a. *Another more suitable public access corridor is available within 500 feet of the site; or*
- b. *Access to the site would be inconsistent with other General Plan coastal policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or*
- c. *Access to the site is inconsistent with public safety, environmental protection, or military security needs.*

[Note: The coastal access provisions of these LUP policies are further incorporated in the standards of CZR §156.051.]

Analysis

In its application of these policies, the Commission is limited by the need to show that any denial of a permit application based on the above public access policies, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The project site is located on the shore of Humboldt Bay adjoining the City of Eureka's boardwalk. In addition to the boardwalk and its "F" and "C" Street plazas, within ¼ mile to the east and west of the project area along Waterfront Drive are several publicly-owned coastal access facilities, including the Adorni Community Center's boat launch and floating dock, the Wharfinger Building, a community assembly facility, and the Eureka Small Boat Basin. In addition, several of the private docking areas and the parking lots are open and available for public access use.

The Eureka waterfront area receives heavy seasonal use by a combination of commercial and recreational fishermen, recreation boaters, beachcombers, hikers, and other coastal visitors. The area is a popular embarking point for private scenic bay tours and ocean fishing excursions from the Woodley Island Marina and Eureka Small Boat Basin, especially during the summer salmon and groundfish (e.g., lingcod, rockfish) seasons. Commercial fishing is also prevalent, especially during the fall-winter Dungeness crab season, commencing on December 1. During the peak boating seasons (May through

mid-September, mid-October through early December), much of the surrounding vacant waterfront areas between Commercial Street and the AM Bistrin Memorial (Samoa) Bridge are utilized by for crab pot storage and for the parking of vehicles and boat trailers.

As discussed previously, the subject property is currently owned by the City of Eureka Redevelopment Agency and is the former site of fish processing complex and railroad siding. The complex had been abandoned for many years before the structures were ultimately torn down by the City within the last two years pursuant to Coastal Development Permit No. 1-00-053. Since that time the project site has been enclosed by temporary security fencing. Due to the former presence of dilapidated structures at the site, the lack of site amenities following their demolition, closure of the site during demolition and construction of other waterfront development, and the availability of numerous alternate routes to the bay shore and adjoining open space areas nearby, this area has not typically been utilized for coastal access in recent years.

To the extent the area is used for access purposes, the project will have only a temporary impact during construction of the site improvements. The Commission attaches Special Condition No. 1(e) to protect access along the City Boardwalk during construction. The condition requires that temporary construction barriers may be installed along the inland edge of the boardwalk but shall not encroach into the portions of the boardwalk used by pedestrians.

The project site will be available again for public access use upon completion of the project. The proposed construction is for a coastal access support facility, designed specifically to attract, foster and sustain coastal access. In addition, many of the anticipated tenant uses at the project, such as restaurants and a kayak rental business, would provide commercial recreational opportunities. In addition, the development has been sited and designed to provide improved points of vertical access to the City boardwalk and function as a support facility for coastal access and recreational uses. Walkways would be developed linking the buildings and parking lots to the boardwalk, and the identified occupant commercial uses would provide a variety of coastal visitor-oriented services.

Off-street parking for the proposed visitor-serving uses would be provided at two parking lots onsite and by assignment of 20 spaces within a nearby City public lot for "parking by permit only" for commercial tenant employees. The 44-space shortfall in the amount of estimated zoning code-required parking would be mitigated by reservation of off-site, under-utilized public parking spaces and in-lieu fee payments for development of future waterfront parking facilities (see Findings Section IV.C.3 above, for detailed discussion of LCP off-street parking requirements). Consequently, the proposed development would not impact the public parking opportunities along the waterfront. Therefore, the project as conditioned is consistent with the parking provisions of Section 30252 of the Coastal Act. Similarly, construction of the proposed mixed-use complex would not result in

substantial interference with access to Humboldt Bay or adjoining areas for recreational and commercial coastal-dependent users.

Therefore, the Commission finds that, as conditioned, the proposed project is consistent with the public access policies of the Coastal Act.

F. NATURAL AND CULTURAL RESOURCE PROTECTION

1. Aquatic Resources and Marine, Wetland, and Riparian Habitats

Summary of Applicable LCP Provisions

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.3 states:

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.6 states, in applicable part:

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

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.7 states:

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.8 states:

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

LUP Aquatic Resources and Marine, Wetland, and Riparian Habitats Policy 6.A.19 states, in applicable part:

The City shall require the establishment of a buffer for permitted development adjacent to all environmentally sensitive habitat areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or the proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area...

[Note: The resource protection provisions of these LUP policies are further incorporated in the standards of CZR 156.052.]

Analysis

The project site is located adjacent to Humboldt Bay, approximately 1½-mile inland and six miles up-channel from where bay waters enter the Pacific Ocean near the community of King Salmon. The City's certified LCP includes area wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction among its list of environmentally sensitive habitat areas (ESHAs). Given this setting, aquatic resources and water quality impact evaluations were conducted as part of the environmental impact report prepared for the project. The evaluations found the project site to be adjacent to rocky intertidal habitat with a low diversity of emergent organisms, primarily consisting of sea algae (Enteromorpha sp.), pickleweed (Salicornia virginiana), with a few individuals of cordgrass (Spartina densiflora). Based upon studies conducted in conjunction with development of the City boardwalk (SHN Consulting Engineers, 1999), coastal water areas further bayward of the project site were found to contain intertidal mudflat habitat. Eelgrass (Zostera marina) beds are located within the muddy intertidal areas approximately 150 feet from the project site northwest corner in the offshore waters beyond the foot of "D" Street.

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The proposed project could potentially have adverse impacts on estuarine habitat from several perspectives. First, the development would involve ground-disturbing activities in close proximity to coastal waters. In addition, site grading would entail the placement of approximately 1,720 cubic yards of granular soil fill materials on the site. Fill along the northern bayward edge of the project site would extend to an approximately 2 to 3-foot height above the existing grade. If excavations and filling is not properly performed in conjunction with appropriate water quality best management practices impacts to coastal water resources could result from the introduction of sediment and other nonpoint-source pollutants entrained in stormwater runoff into the bay. These substances can adversely affect biological productivity and water quality.

Secondly, the construction of site improvements may result in the release of wooden debris and other building materials into intertidal and submerged areas. No specific preventative or clean-up measures addressing siltation, nonpoint-source pollution, or construction debris were identified in the project application. Thirdly, accidental spills associated with activities of the commercial visitor-serving uses, especially restaurant operations and grounds maintenance, could result in hazardous materials entering coastal waters. Finally, exterior lighting for site illumination and nighttime security if not properly oriented and shielded could cause light to be cast into adjoining bay waters. Depending upon the intensity and duration of lighting shining into the bay, impacts could result to estuarine habitat by exposing prey organisms to predators, altering photosynthesis cycles in marine plants, and otherwise disrupting nocturnal biological productivity.

As further discussed in Findings Section IV.D.2 above, to ensure that sedimentation of the bay does not result from erosion of graded areas or release of unearthed contaminants, the Commission attaches Special Condition No. 4, which requires the preparation of an erosion and runoff control plan to minimize adverse impacts to coastal waters.

To reduce the potential for construction debris to enter the bay, the Commission attaches Special Condition No. 8 which prohibits work within intertidal areas and the placement or storage of materials so as to be subject to wave action and dispersal, limits staging activities to approved designated areas, and requires that all construction debris be removed immediately from the site upon completion of the project.

As further discussed in Findings Section IV.D.2 above, to reduce the potential for hazardous materials being discharged into the bay from accidental spills of hazardous materials associated with commercial food service operations and ongoing site maintenance activities, Special Condition No. 4 requires that a spill prevention and response program be developed as part of the required erosion and runoff control plan.

To protect biological resources from lighting impacts, the Commission attaches Special Condition No. 1. Special Condition No. 1 sets design lighting to be installed during the construction, requiring the applicants to eliminate glare by requiring that lighting be low-

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wattage and directed in a downcast direction so as to not be cast into adjoining bay waters.

Finally, LUP Policy 6.A.19 requires the establishment of a minimum 100-foot-wide buffer unless the applicants demonstrates on the basis of site specific information, the type and size of the proposed development, and/or the proposed mitigation that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As regards the adequacy of buffers between new development and environmentally sensitive habitat areas, the project site's northern boundary lies approximately ten feet from the edge of Humboldt Bay. Co-terminus with the bay edge is the location of the City's recently constructed boardwalk. Given the presence of this interposing structure and the redevelopment in-fill nature of the project, the direct effects of the proposed mixed use development on estuarine habitat areas within the bay are reduced. In addition, as the project involves no in-water construction activities and has been required to mitigate its construction phase, runoff and lighting related impacts, the Commission concludes that the reduced 10-foot width buffer would achieve the purpose(s) of the buffer, and provide adequate protection to the aquatic habitat resource areas within Humboldt Bay, consistent with the buffer provisions of LUP Policy 6.A.19.

The Commission thus finds that as conditioned the proposed project will include adequate mitigation to maintain biological productivity and the quality of coastal waters consistent with LUP Policy 6.A.3 and has been sited and designed to prevent impacts that would significantly degrade the adjacent environmentally sensitive habitat area of Humboldt Bay consistent with LUP Policies 6.A.7 and 6.A.8.

2. Cultural Resources.

Summary of Applicable LCP Provisions

LUP Archaeological Resources Policy 5.F.5 states:

The City shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archeological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a citywide cultural resource data base.

LUP Archaeological Resources Policy 5.F.6 states:

The City shall require that discretionary development projects are designed to avoid potential impacts to significant cultural resources whenever feasible. Unavoidable impacts, whenever feasible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts,

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significance, and mitigation shall be made by qualified archeological or historical consultants, depending on the type of resource in question.

Analysis

The above LUP policies call for the protection of historical, archaeological, and cultural sites from damage and destruction by new development. The fish-processing complex that formerly occupied the site contained a historic building that has subsequently been demolished pursuant to coastal development permits issued by the City of Eureka and the Commission. The City adopted a Statement of Overriding Considerations for aesthetic and cultural resource impacts resulting from the deconstruction of the Fisherman's Building. The building was originally constructed in 1922 and is a contributor to the Old Town National Register Historic District. Due to the poor condition of the building and its lack of structural integrity, preservation and/or reuse of the building was not considered feasible. As mitigation for the loss of a historic resource, the City prepared photo-documentation of the structure prior to and during demolition. The photo-documentation was prepared similar to the requirements and standards outlined for the Historic American Buildings Survey (HABS) program and the documentation was submitted to the HABS archives at the City of Eureka, the Historic Preservation Commission, the Humboldt County Historical Society, the Humboldt County Heritage Society, and the California Historical Resources Inventory at Sonoma State University. No historic structures currently are found on the site.

The lands surrounding Humboldt Bay are located within the ethnographic territory of the Wiyot Indians. As part of the environmental review process conducted by the City for its General Plan, a cultural resources record search of the project area was performed by a professional archaeologist with the California Archaeological Inventory, Northwest Information Center at Sonoma State University. The study results, included within the EIR prepared for the project by Environmental Science Associates, dated September 4, 1998 indicated that no prehistoric or historic cultural resources were discovered within the project area as a result of this investigation and no further archaeological studies were recommended. However, because of the archaeological sensitivity of the general area, there is a slight possibility that buried archaeological materials may be uncovered by future construction operations within the project area. Therefore, to ensure protection of any archaeological or cultural resources that may be discovered at the site during construction of the proposed project, the Commission attaches Special Condition No. 9. The special condition requires the applicant to comply with all recommendations and mitigation measures contained in the Environmental Impact Report prepared for the project by Environmental Science Associates, dated September 4, 1998. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resource specialist must analyze the significance of the find. To recommence construction following discovery of cultural deposits the applicant is required to submit a supplementary archaeological plan

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for the review and approval of the Executive Director to determine whether the changes are *de minimis* in nature and scope, or whether an amendment to this permit is required.

Therefore, the Commission finds that as conditioned, the project is consistent with LUP Policies 5.F.5 and .F.6 as: (a) the protection of historical and archaeological cultural resources as important historical, archeological, and cultural sites and their contributing environment associated with the project environs and provisions for their protection from damage, destruction, and abuse have been identified; and (b) as conditioned, the proposed project will not adversely affect cultural and archaeological resources.

G. HEALTH AND SAFETY

1. Geologic, Seismic, and Flooding Hazards.

Summary of Applicable LCP Provisions

The City's certified LCP contains numerous policies regarding avoidance and minimizing the risks of exposure of persons and property geologic, seismic, and flood hazards.

LUP Seismic Hazards Policy 7.A.3 generally states that the City shall require that new structures intended for human occupancy be designed and constructed to minimize risk to the safety of the occupants. LUP Geological Hazards Policy 7.B.2 further requires that the City ensure that development on or near the shoreline of Humboldt Bay neither contributes significantly to, nor is subject to, high risk of damage from shoreline erosion over the lifespan of the development. LUP Geological Hazards Policy 7.B.3 also requires that the City prohibit alteration of bluff tops by excavation or other means except to protect existing structures and that permitted development not require construction of protective devices that would substantially alter natural landforms. In addition, LUP Seismic Hazards Policy 7.A.6 directs the City to require that all new parapets, signs, and other building ornamentation are constructed to withstand seismic shaking.

LUP Seismic Hazards Policy 7.A.1, together with LUP Geological Hazards Policies 7.B.4 and 7.B.5, require that geo-technical analyses be prepared for all development in areas subject to seismic hazards (i.e., fault rupture, amplified seismic shaking, slope failure, subsidence, settlement, or other similar effects), all high density residential and other high occupancy development located in areas of significant liquefaction potential, and all development proposed in areas subject to significant shoreline erosion, and which is otherwise consistent with the policies of this General Plan, respectively. The reports are to be prepared by a registered geologist, a certified engineering geologist, or a registered engineer with expertise in seismic engineering, soil mechanics and/or foundation engineering, or by a certified engineering geologist.

With regard to flooding related hazards, LUP Policy 7.D.1 prohibits high occupancy development, including office buildings of 10,000 square feet in size or larger, or visitor-serving structural developments comprising 5,000 square feet in size or larger, from

locating in flood hazard areas. The City is directed to utilize the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM) to assure that such developments will be constructed with a finished foundation that extends above the 100-year flood level. Development in flood hazard areas shall be required to incorporate mitigation measures that minimize the potential for flood damage, including development siting and use of flood-proofing techniques and materials, consistent with other land use plan provisions, including all applicable drainage policies.

Analysis

The applicants are proposing to construct a new 55,000-sq.ft. commercial/professional office/residential mixed use complex on a low blufftop parcel adjacent to Humboldt Bay. The project involves grading and filling in proximity to the mean high tide line along a portion of the bay that was reclaimed in the early 1900's. The intertidal reaches adjacent to and underlying the project area are blanketed in loose sandy fills, containing shell fragments, wooden debris, and other rubble, underlain successively by bay muds, inter-bedded dense sands and gravel, and stiff clay. These materials do not provide a competent structural platform. Therefore, the proposed buildings have been designed to bear on pile foundations.

Because of low shear strength of the underlying soils materials, the site is also subject to liquefaction hazards that could result in ground subsidence and uneven settlement of improvements not constructed on piles (i.e. parking lots, access roads, and landscaped areas). Given its location along the middle reach of Humboldt Bay, wakes from passing freighter and fishing vessels could possibly affect bluff edge stability of the site. In addition, the site may also be exposed to seismically related inundation associated with tsunami run-up or seiches on Humboldt Bay.

The geotechnical studies prepared for the project (Taber Consultants, June 4, 1994, January 3, 1997) set forth three sets of recommendations addressing site preparation and fill placement, the jetting and driving of pile pipes, and the installation of the interconnecting sheetpile bulkhead. Several of these recommendations are no longer applicable to the current proposed development as the building sites on the project parcel have subsequently been found to lie further landward than originally thought at the time of the geo-technical report's preparation and the project scope no longer includes development of the abutting portion of the City boardwalk and floating dock facilities for which sheetpile bulkheads or in-water pile jetting would be required.

However, to ensure that stability of the project site and the structural integrity of the land based visitor-serving and other commercial and residential improvements, the Commission attaches Special Condition No. 1, which requires that the remaining applicable recommendations of the geo-technical report (i.e., design the development to the Uniform Building Code's Seismic Zone IV standards, setting foundation piles to bear on consolidated bedrock) be followed in constructing the project. In addition, as part of the requirements of Special Condition No. 1, the applicants are required to prepare and

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submit for the Executive Director's approval a revised foundation plan for the project structures illustrating conformance with the geo-technical reports' recommendations.

Additionally, the Commission attaches Special Condition No. 10 which requires the applicant(s) and landowner(s) to assume the risks of liquefaction and flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant(s) and landowner(s) have chosen to implement the project despite flooding and liquefaction risks, the applicant(s) and landowner(s) must assume the risks. In this way, the applicant(s) and landowner(s) are notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant(s) and landowner(s) 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, the condition ensures that future owners of the property will be informed of the risks, the Commission's immunity from liability, and the indemnity afforded the Commission.

With respect to water-borne hazards, according to the subject FEMA flood insurance rate map for the City of Eureka (Community Panel No. 060062 0005C, dated June 17, 1986), the project site is located outside of the 100-year flood elevation of Humboldt Bay. Accordingly, the site is not within a flood-prone area. In spite of this, given the subject property's bayside location, the project site is subject to exposure to seismic hazards related to tsunamis and seiches.

According to the project EIR, tsunami and seiche waves are considered to be a significant threat to the project site. However, the EIR concludes that this threat is somewhat muted by the site's location within the bay's inter-reaches as compared to more damage prone locations near the bay entrance:

Tsunami risk inside Humboldt Bay is controlled by the flow dynamics of the enclosed bay and are less than for areas without direct ocean exposure. The tsunami wave run-up for areas with direct ocean exposure were calculated as 10 feet for the 100-year event (e.g., an event that would be likely to occur once in 100-years, or that has a one percent chance of occurrence per year) and 21 feet for the 500-year event.

The EIR prepared for the most recent City of Eureka general plan update (SCH No. 9607062, J. Laurence Mintier & Assoc., February, 1997) further addresses the issue of tsunami exposure along the City waterfront. Quoting from a planning scenario prepared for the California Office of Emergency Services by the California Department of Conservation, the general plan EIR states, in applicable part:

The entire Eureka waterfront, from Elk River to Eureka Slough, is identified as subject to tsunami inundation, possibly within minutes after being subjected to very intense seismic shaking.

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In response to this risk, the general plan EIR included Mitigation Measure M.6.4, which provides:

The City shall cooperate with Humboldt County and the State Office of Emergency Services, Humboldt State University, the California Division of Mines and Geology, and the U.S. Geological Survey to develop a more adequate understanding of CSZ-derived tsunami risks and the potential effects of CCSZ-derived tsunami on the city and its inhabitants. The City shall update its local preparedness programs and its General Plan policies as additional information becomes available about the risks of CSZ-derived tsunami, in order to better protect the city's inhabitants and visitors.

Notwithstanding, the City's ongoing efforts at inter-agency coordination and seeking a deeper understanding of the nature of tsunamis, with regard to the efficacy of the adopted mitigation measure, the general plan EIR concluded that, "(e)ven with this additional mitigation measure, it may not be possible to reduce the risks from a CZR-derived tsunami below the level of environmental significance."

Moreover, although the predicted 10 to 21-foot height of 100- and 500-year tsunamis would arguably be somewhat attenuated by the time they were to reach the project site, and by the intervening presence of the boardwalk absorbing some of their wave energy, with a first-floor elevation of approximately six feet above the typical bay water high tide level, portions of the site could be exposed to low to moderate intensity inundation associated with seismic events of sufficient magnitudes during the design life of the structures. Such inundation could result in significant property damage, and, unless warning and evacuation actions are undertaken in a timely manner, possible loss of human life.

To assure that the proposed new development minimizes risks to life and property from tsunami inundation, the Commission attaches Special Condition No. 5. Special Condition No. 5 requires that prior to issuance of the coastal development permit, the applicants submit for the review and approval of the Executive Director, a tsunami safety plan. The plan would detail the project site occupant's involvement in tsunami hazard response actions developed by the City of Eureka and the Humboldt County Office of Emergency Services for reducing tsunami hazard exposure, including informative materials to be provided to residential occupants and posted for commercial patrons (e.g., explanation of the threat of waterfront tsunami inundation, evacuation directions), and summarize local tsunami warning and response plans that take in the project site.

As the development has been conditioned to provide a tsunami safety plan for aiding the evacuation of commercial patrons, the proposed mixed use project will be designed so as to

minimize risks to life and property from tsunami inundation consistent applicable LUP Policies.

The Commission finds, that as conditioned, the proposed project will include adequate measures to assure structural stability, minimize risks to life and property from geologic instability, ensure that erosion, geologic stability, or destruction of the site is prevented, and make certain that the floor elevations of all structures intended for human occupation are located outside of the 100-year floodplain consistent with LUP Policies 7.A.1, 7.A.3, 7.A.6, 7.B.1, 7.B.3, 7.B.4, 7.B.5, and 7.D.1.

H. CONSISTENCY WITH LOCAL APPROVALS

As discussed previously in Findings Section IV.A above, the project includes a proposal to create eight condominium units, four each on the third floors of each proposed building. Pursuant to Section 66424 of the State Subdivision Map Act, condominiums are included within the definition of "subdivision" for which approval by the local government of a tentative map is required. On December 14, 1998, as part of actions taken on an earlier project design, the Planning Commission of the City of Eureka approved a tentative subdivision map for the creation of eleven (11) second-story condominium units within one project structure. For purposes of the Commission's *de novo* review, the project has been subsequently revised to propose the current eight units.

The project requires that the City of Eureka authorize an amendment to the approved tentative map pursuant to Section 154.043 of the City's Subdivision Ordinance (see Exhibit No. 9). The applicants have not yet received such an approval. Therefore, to ensure that the subdivision portion of the project reviewed and approved by the City is the same condominium project that was reviewed under this permit and approved by the Commission, the Commission attaches Special Condition No. 11 which requires that prior to issuance of the permit, the applicants submit a copy of the revised tentative map and the final map approved by the City of Eureka and demonstrate that both the revised tentative map and the final map are consistent with the terms and conditions of the Commission's action.

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements 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 which the activity may have on the environment.

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

V. EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Jurisdictional Map
4. Proposed *Eureka Pier* Narrative Description, Project Site, Floor, Drainage, and Landscaping Plans, and Elevation Views
5. *Notice of Final Action*
6. *Appeal from Coastal Permit Decision of Local Government*, filed May 16, 2001 (Jones)
7. *Appeal from Coastal Permit Decision of Local Government*, filed May 16, 2001 (Wan & Woolley)
8. Excerpts, Project EIR and City Staff Reports Regarding Off-street Parking, Protection of Aquatic Resources and Water Quality Appellate Issues
9. Excerpts, Eureka Municipal Code
10. Review Agency Correspondence
11. General Correspondence

564 57

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 or interpretation of any condition will be resolved by the Executive Director of 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.

57 & 57

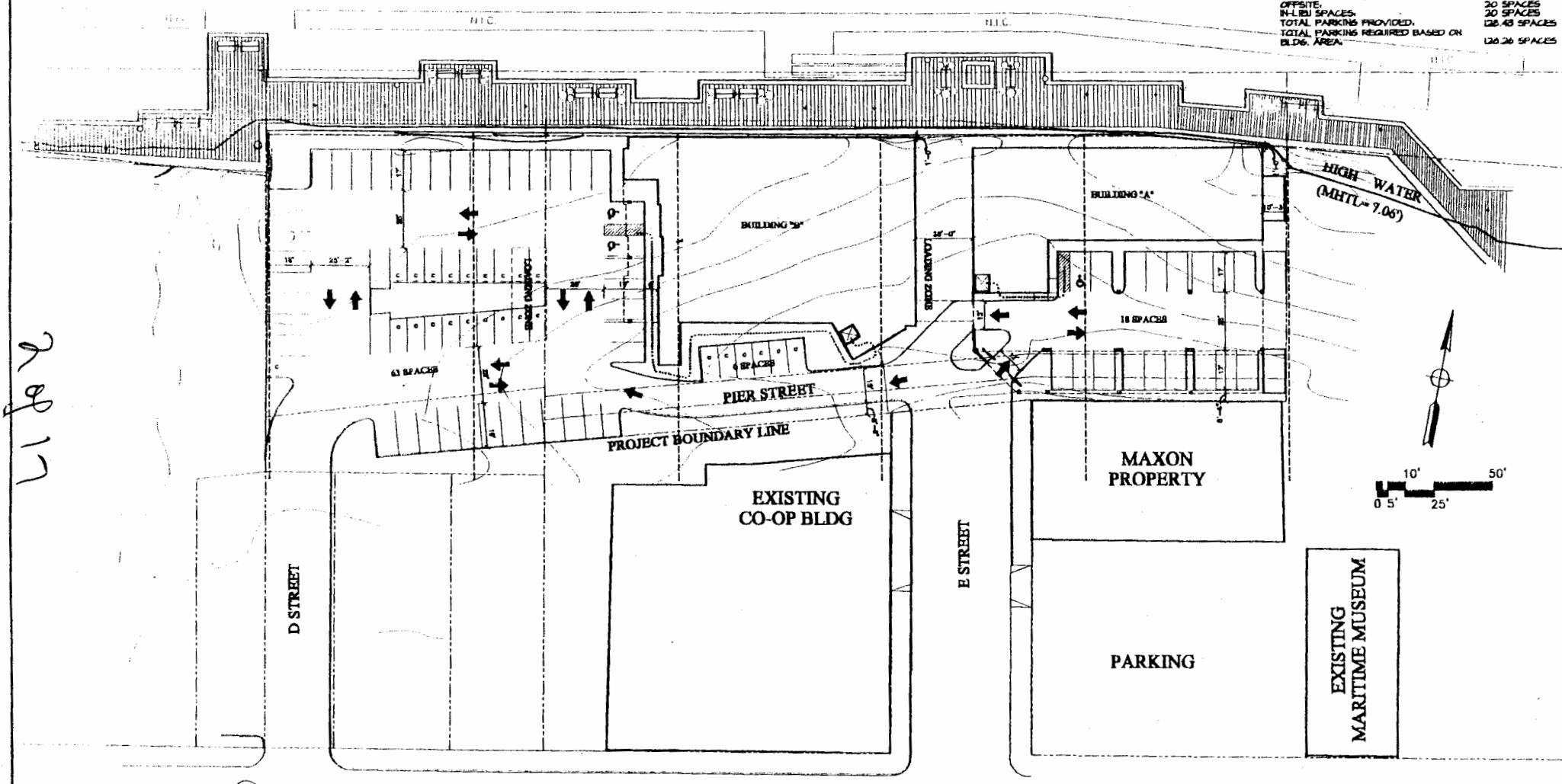
EXHIBIT "A"						
Revised with Scheme "B"						
EUREKA PIER PROJECT DESCRIPTION						
Building Uses, Square Footage and Parking Requirements						
February 13, 2002						
Project Portion	Gross Floor Area (sq. ft.) or Residential Units	Net Floor Area (sq. ft.) or Residential Units	Proposed Use(s)	Parking Requirement	No. of Spaces Required Gross	No. of Spaces Required Net
Bldg. "A"						
1st Floor	2850	2710	Restaurant	1 space/200 sq. ft.	14.25	13.55
	2850	2710	Retail	1 space/300 sq. ft.	9.50	9.03
2nd Floor	4835	4632	Office	1 space/300 sq. ft.	16.12	15.44
	10,435 4	4	Residential Apartment	1.5 spaces per unit	6.00	6.00
3rd Floor	4	4	Residential Condominiums	1.5 spaces per unit	6.00	6.00
Bldg. "B"						
1st Floor	4800	4543.5	Restaurant	1 space/200 sq. ft.	24.00	22.72
	4800	4543.5	Retail	1 space/300 sq. ft.	16.00	15.15
2nd Floor	7970	7412	Office	1 space/300 sq. ft.	26.57	24.71
	15,470 2	2	Residential Apartment	1.5 spaces per unit	3.00	3.00
3rd Floor	4	4	Residential Condominiums	1.5 spaces per unit	6.00	6.00
TOTAL PARKING REQUIRED					127.43	121.59
Parking Break Down						
On-Site						87
Leased Off-Site						20
In-Lieu	Per space	\$ 7,000	In-Lieu fees paid =	\$ 150,000		21.43
Total						128.43

EXHIBIT NO. 8
APPLICATION NO.

A-1-EUR-01-029-A1
EXCERPTS OF ORIGINAL
PROJECT NARRATIVE
DESCRIPTION, PROJECT
SITE & FLOOR PLANS &
ELEVATION VIEWS (1 of 17)

HUMBOLDT BAY

PROJECT SUMMARY:		
GROSS BLDG. AREA W/O VERT SHAFTS:	50,245	
GROSS BLDG. AREA W/ VERT SHAFTS:	50,787	
NET RENTABLE AREA:	47,116	
RESTAURANT:	1,650 S.F.	
RETAIL:	1,650 S.F.	
OFFICE:	1,650 S.F.	
RENTAL APARTMENTS:	8	
RESIDENTIAL CONDOMINIUMS:	8	
PARKING ON SITE (15% STD. 25% COMP.):	67 SPACES	
OFFSITE:	20 SPACES	
IN-LIU SPACES:	20 SPACES	
TOTAL PARKING PROVIDED:	107 SPACES	
TOTAL PARKING REQUIRED BASED ON BLDG. AREA:	126.26 SPACES	



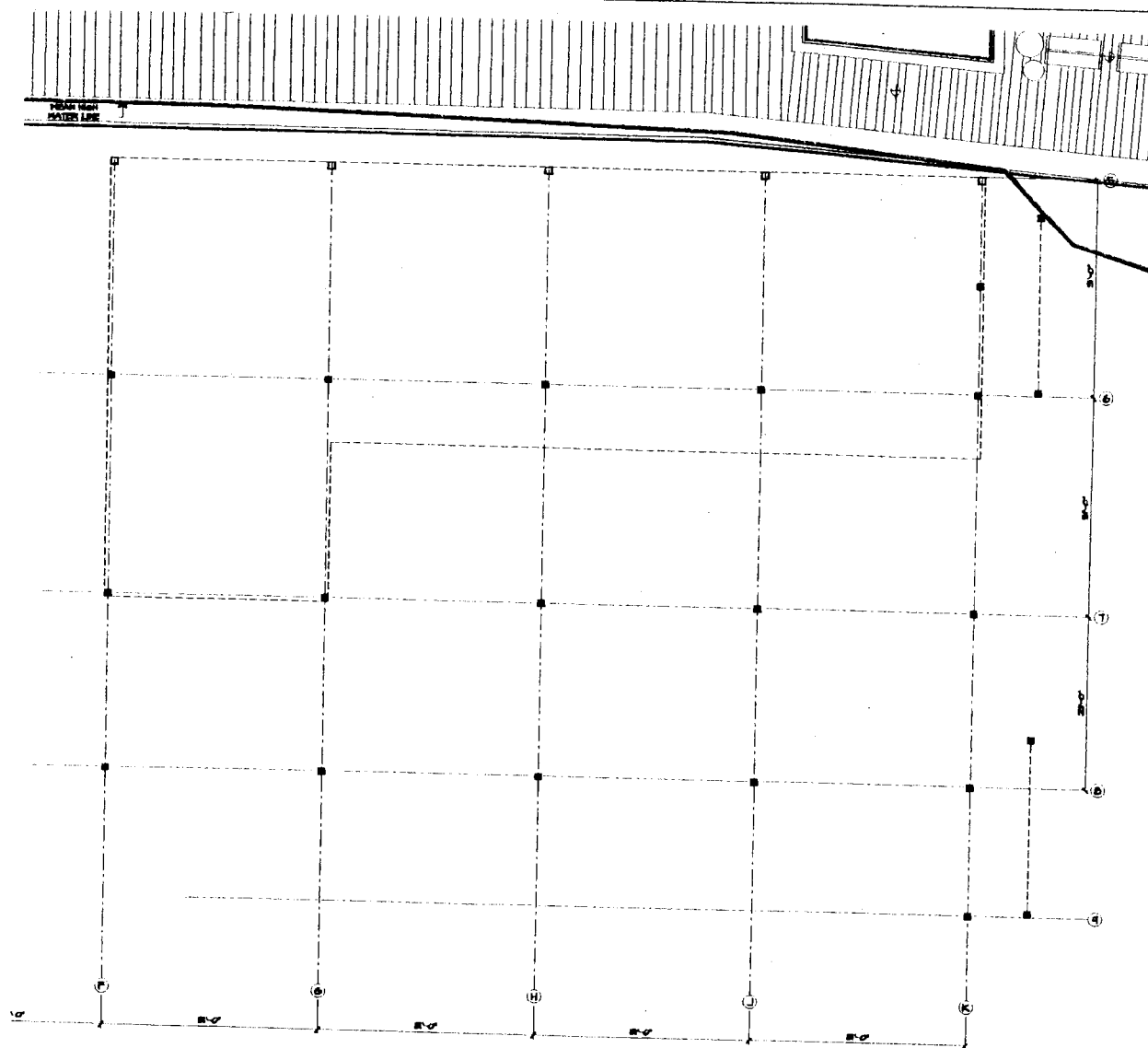
EUREKA PIER

New mixed use project
located on Humboldt Bay
Eureka, California

Developer: Eureka Waterfront Partners, LLC
Managing Partner: Dolores Vellutini
Architect: John Ash Group

COPYRIGHT © 2002 JOHN ASH GROUP
**SITE PLAN
SCHEME "B"**
A0.1
Scale: 1"=20'-0"
Date: February 13, 2002

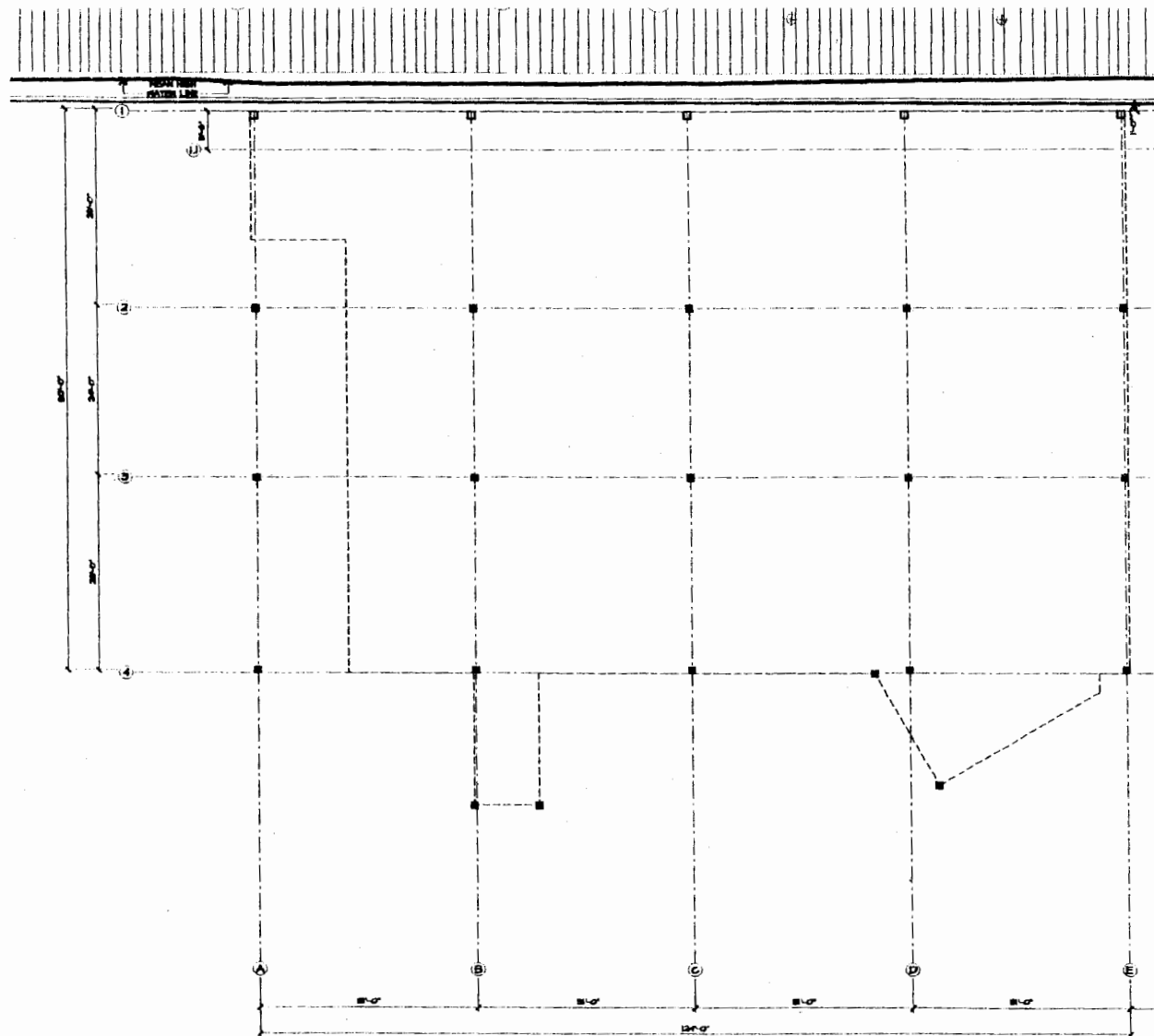
3417



EUREKA PIER
New mixed use project
located on Humboldt Bay
Eureka, California

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**BUILDING A
FOUNDATION PLAN
A1.1**
Scale: 1/8" = 1'-0"
Date: January 10, 2002

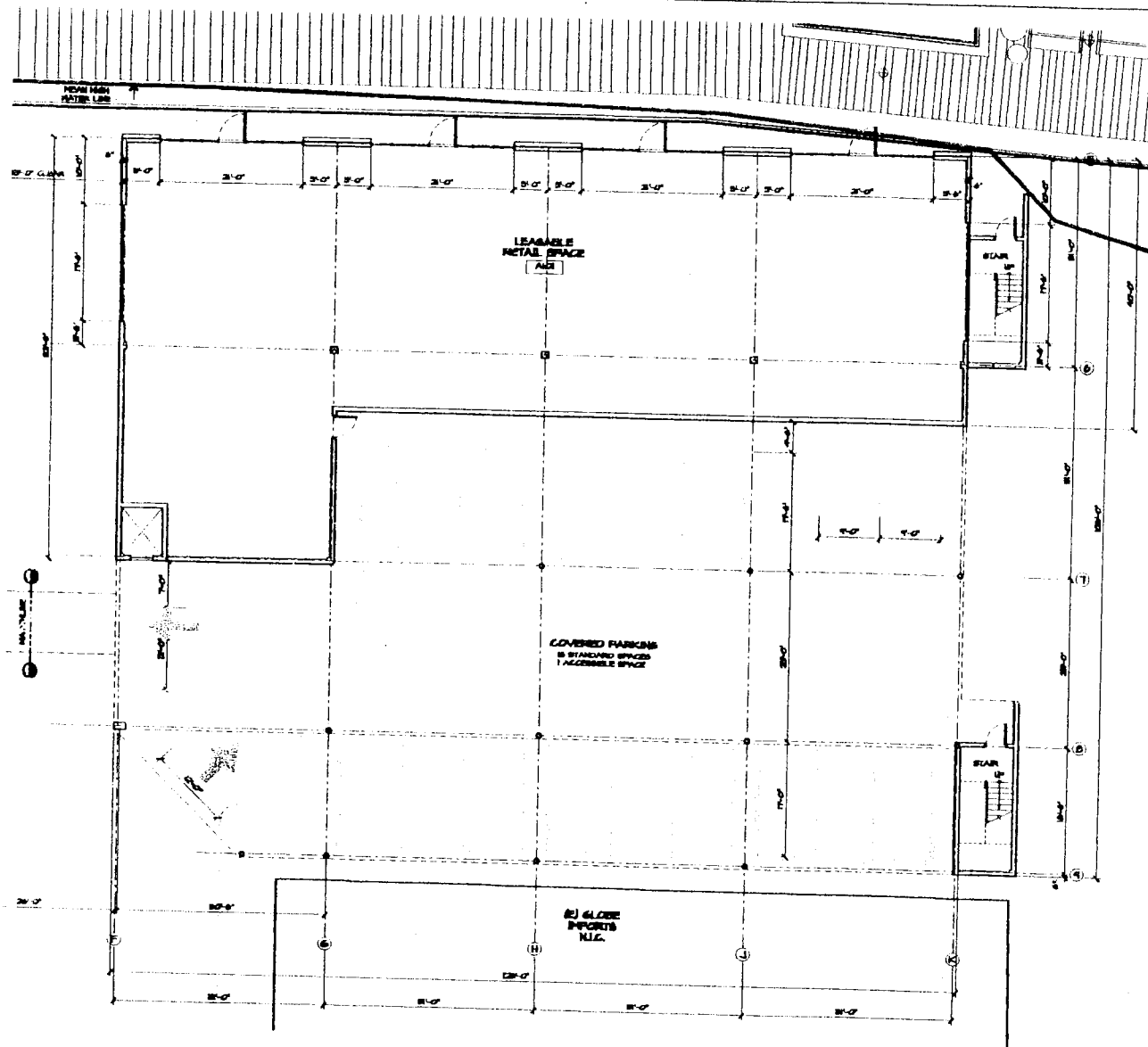
Developer: Eureka Waterfront Partners, LLC
Managing Partner: Dolores Vellutini
Architect: John Ash Group



EUREKA PIER
New mixed use project
located on Humboldt Bay
Eureka, California

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

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BUILDING B
FOUNDATION PLAN
A1.2
 Scale: 1/8"=1'-0"
 Date: January 10, 2002



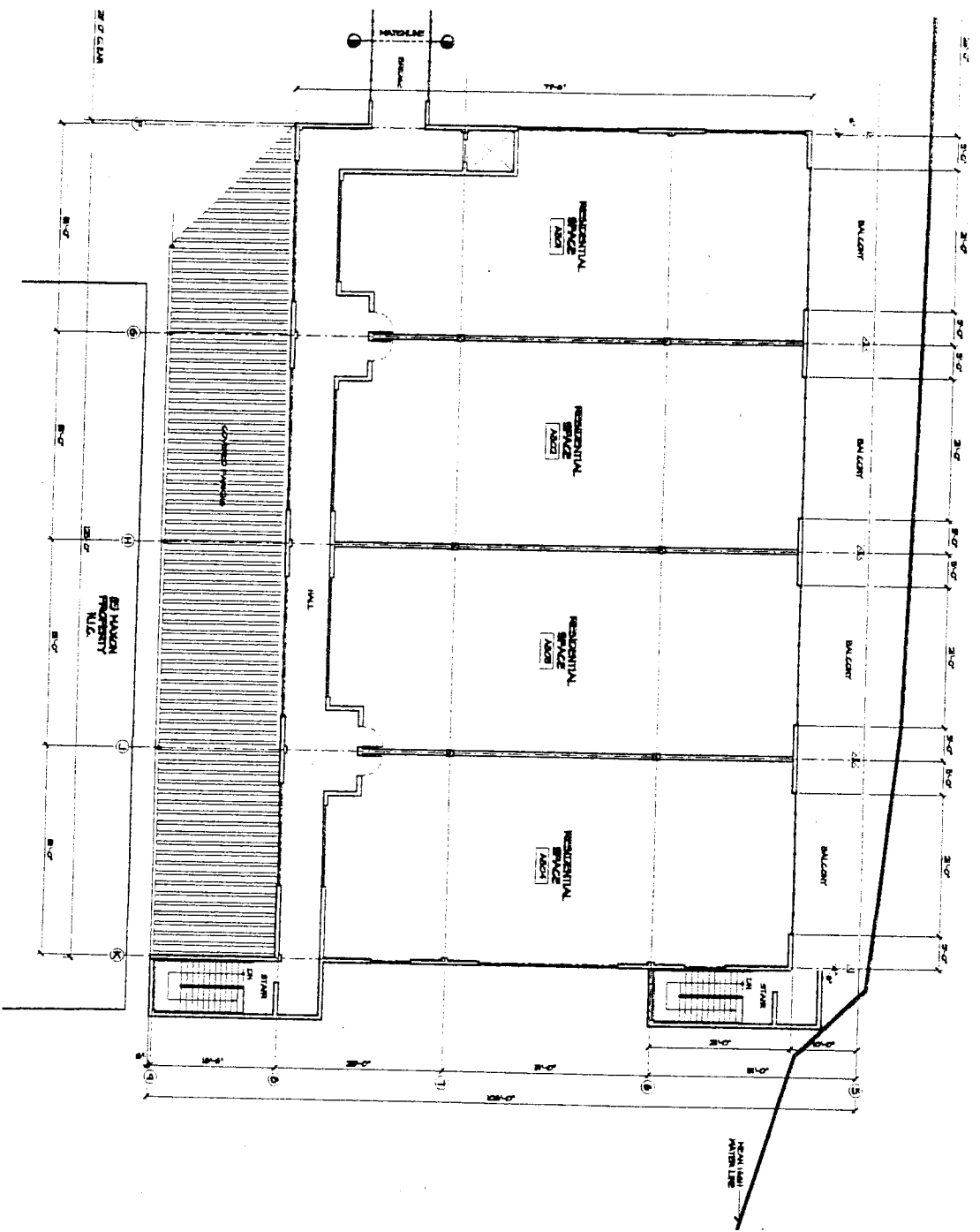
EUREKA PIER
New mixed use project
located on Humboldt Bay
Eureka, California

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BUILDING A
FIRST FLOOR PLAN
A2.1

Scale: 1/8"=1'-0"
Date: January 10, 2002

Developer: Eureka Waterfront Partners, LLC
Managing Partner: Dolores Vellutini
Architect: John Ash Group

2917

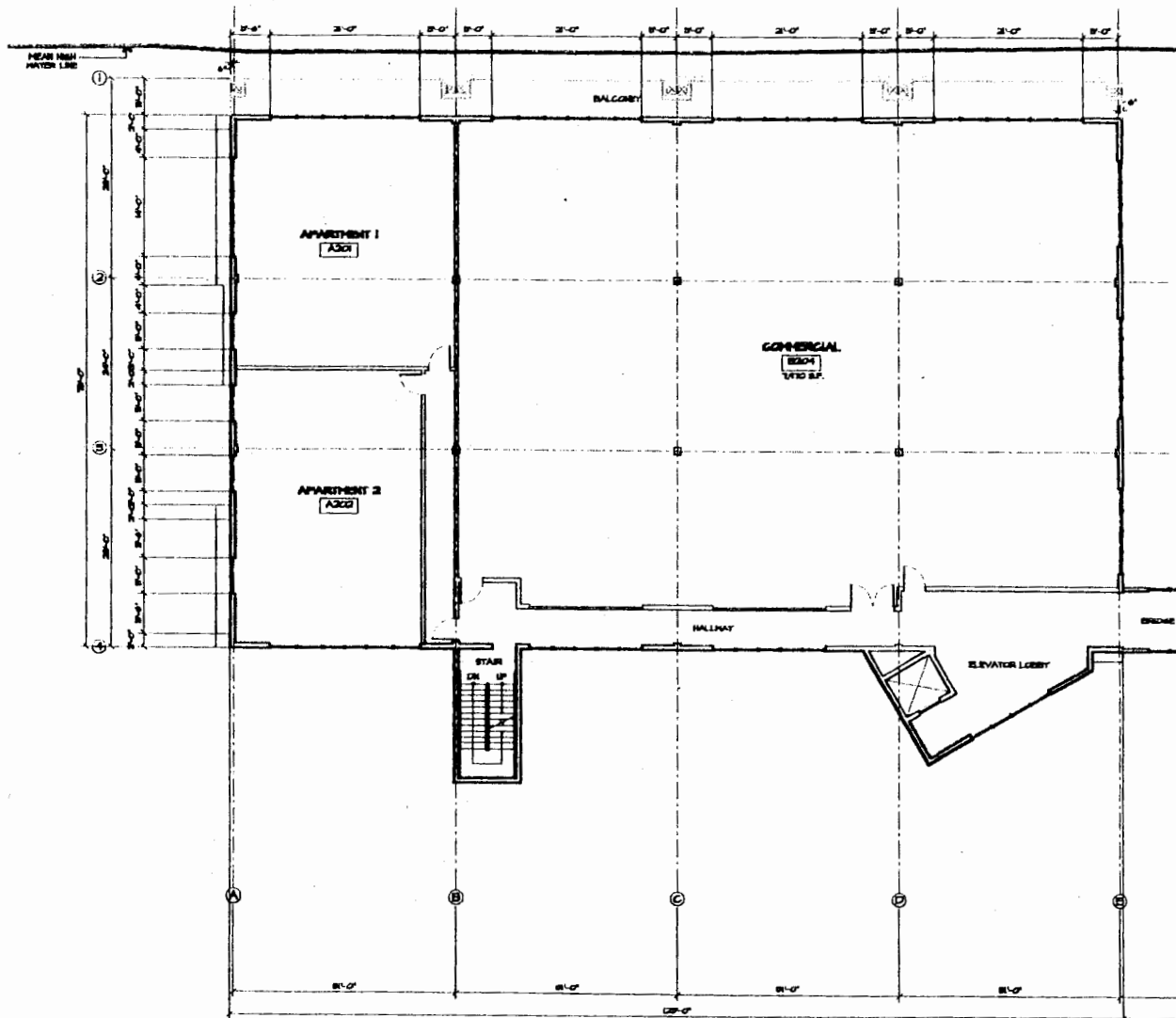


Developer: Eureka Waterfront Partners, LLC
Marketing Partner: Dolores Vallini
Architect: John Ash Group

EUREKA PIER
New mixed use project
located on Humboldt Bay
Eureka, California

COMMITTEE & BOARD
BUILDING A
THIRD FLOOR PLAN
A2.3
Scale: 1/8"=1'-0"
Date: January 10, 2002

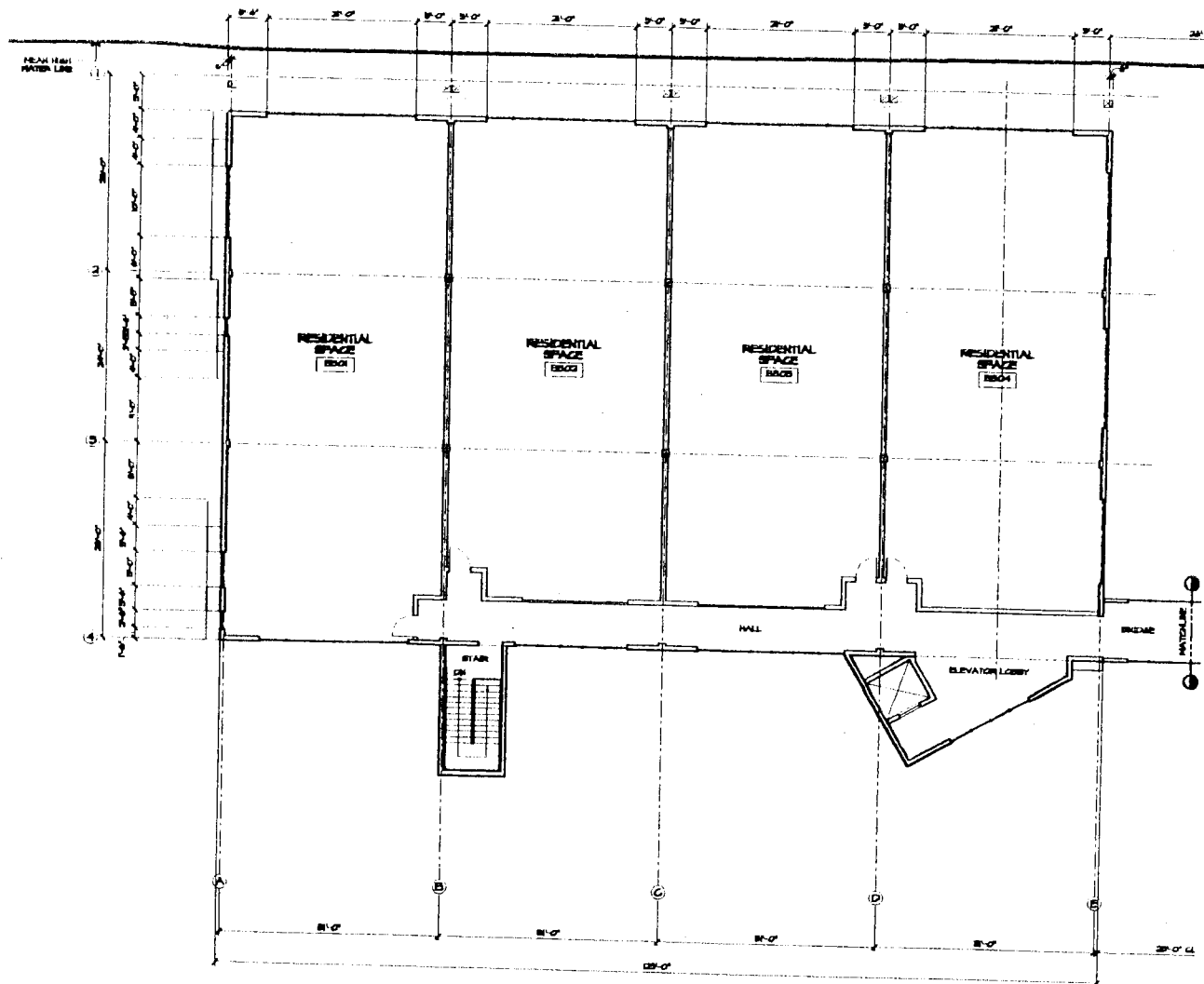
2112



Developer: Eureka Waterfront Partners, LLC
Managing Partner: Dolores Vellutini
Architect: John Ash Group

EUREKA PIER
New mixed use project
located on Humboldt Bay
Eureka, California

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BUILDING B
SECOND FLOOR PLAN
SCHEME 'B'
A2.5
Scale: 1/8"=1'-0"
Date: February 13, 2002

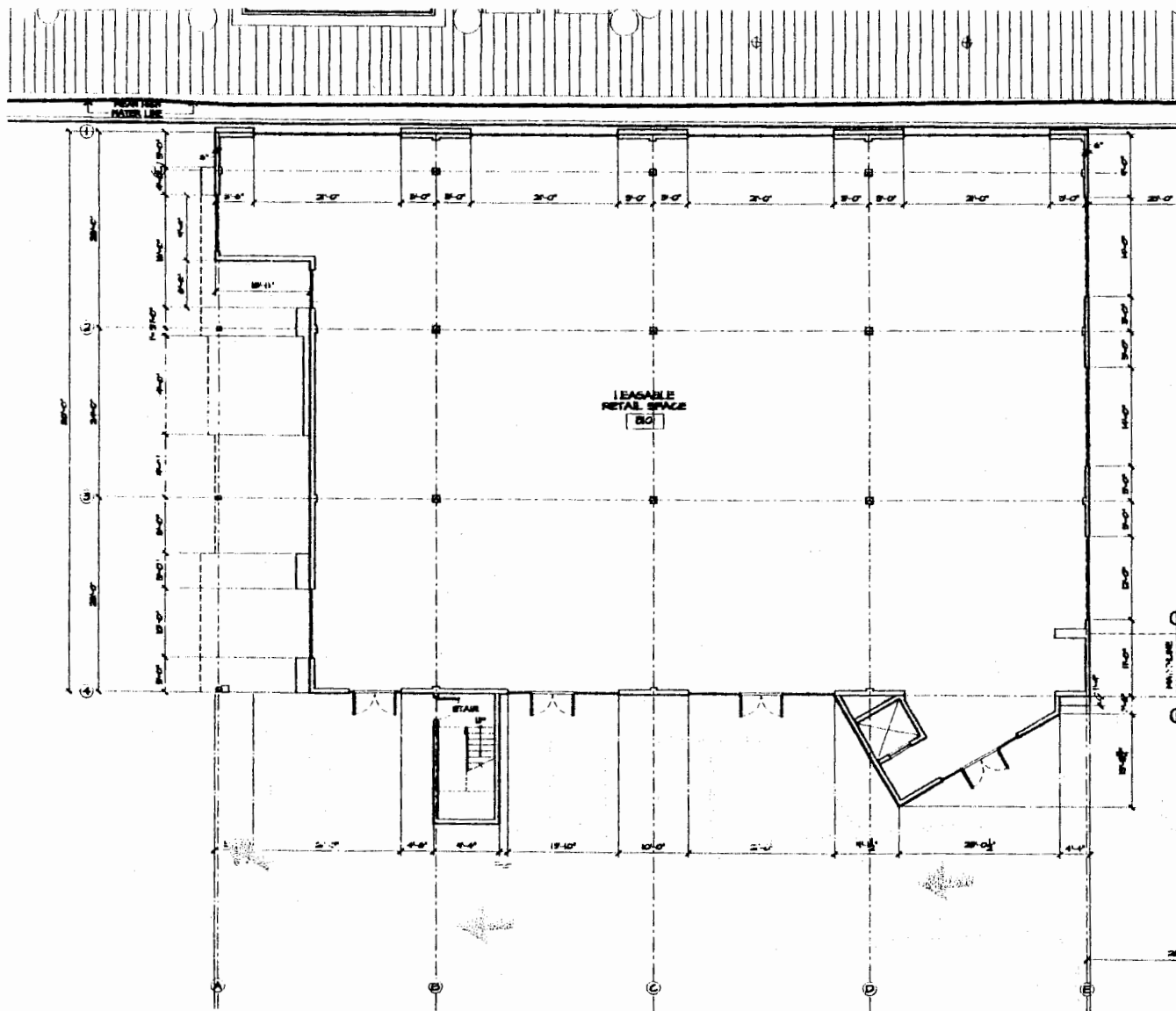


EUREKA PIER
 New mixed use project
 located on Humboldt Bay
 Eureka, California

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BUILDING B
THIRD FLOOR PLAN
A2.6

Scale: 1/8" = 1'-0"
 Date: January 10, 2002

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group



10917

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

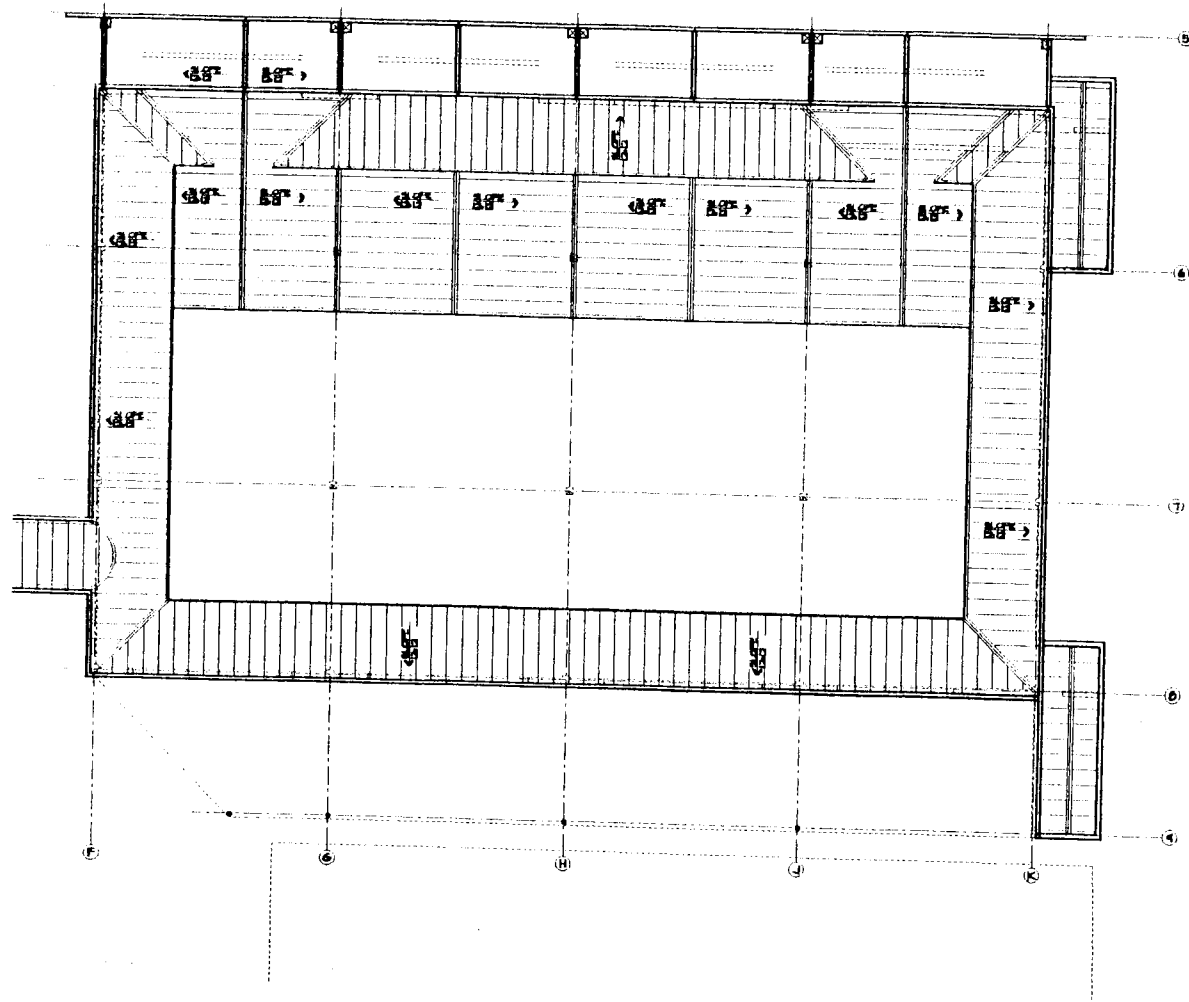
EUREKA PIER **New mixed use project** **located on Humboldt Bay** **Eureka, California**

BUILDING B
FIRST FLOOR PLAN
A2.4

Scale: 1/8" = 1' 0"
 Date: January 10, 2002

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11917



EUREKA PIER
 New mixed use project
 located on Humboldt Bay
 Eureka, California

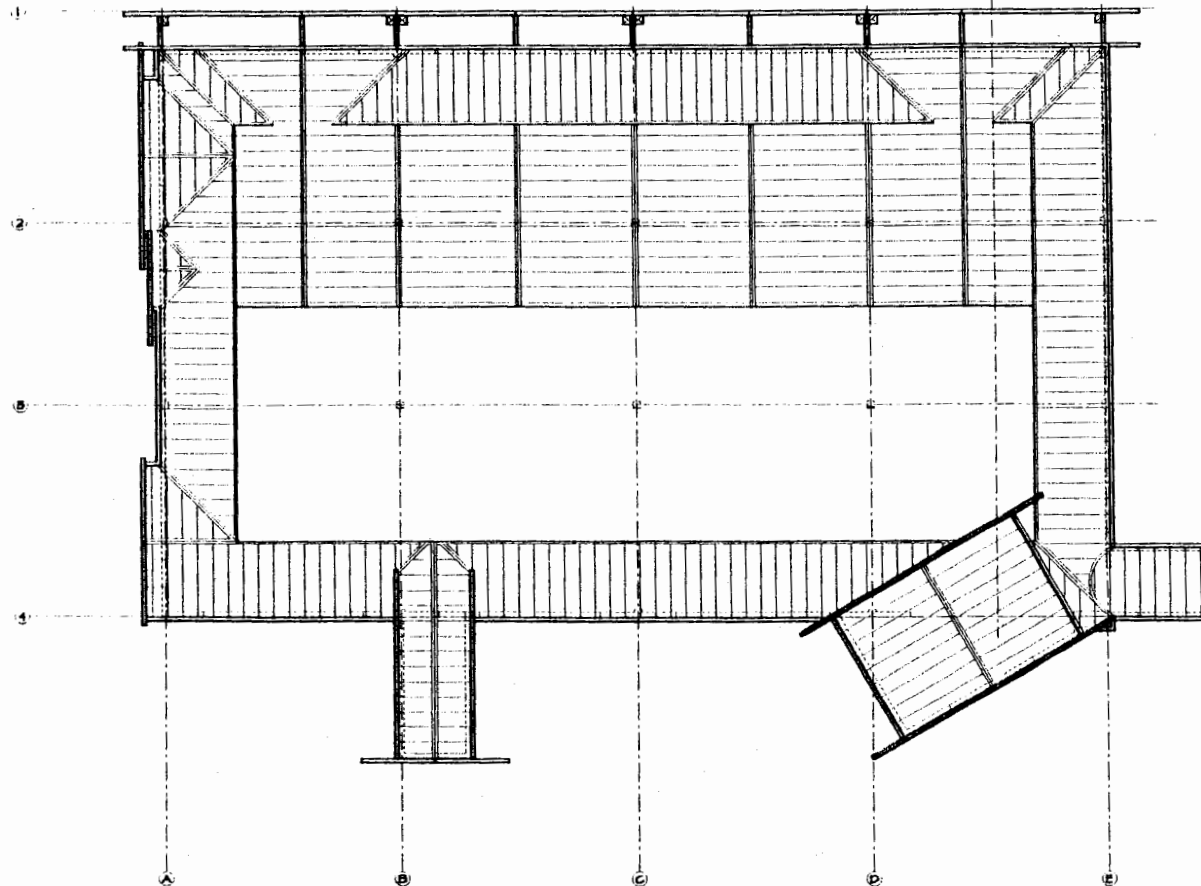
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BUILDING A
ROOF PLAN
A2.7

Scale: 1/8"=1'-0"
 Date: January 10, 2002

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

12917



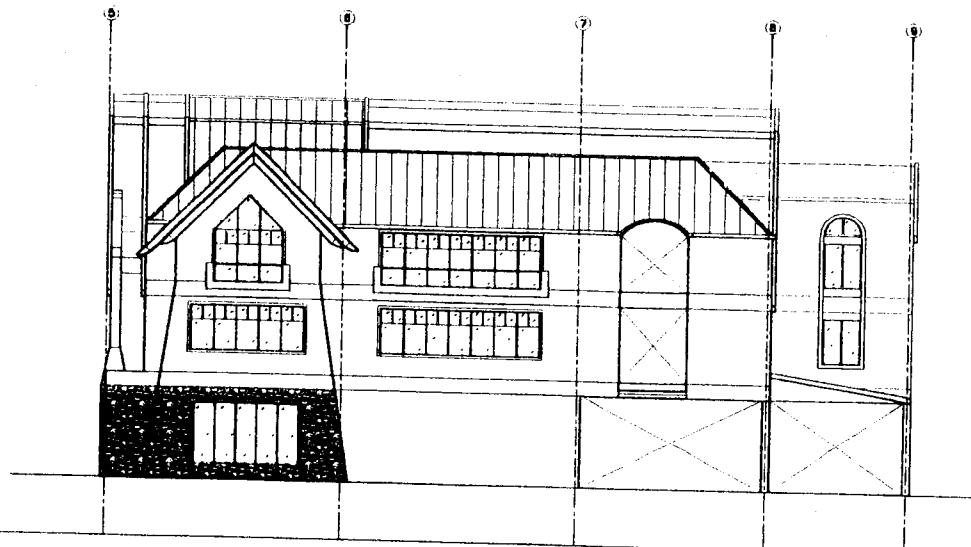
Developer: Eureka Waterfront Partners, LLC
Managing Partner: Dolores Vellutini
Architect: John Ash Group

EUREKA PIER
New mixed use project
located on Humboldt Bay
Eureka, California

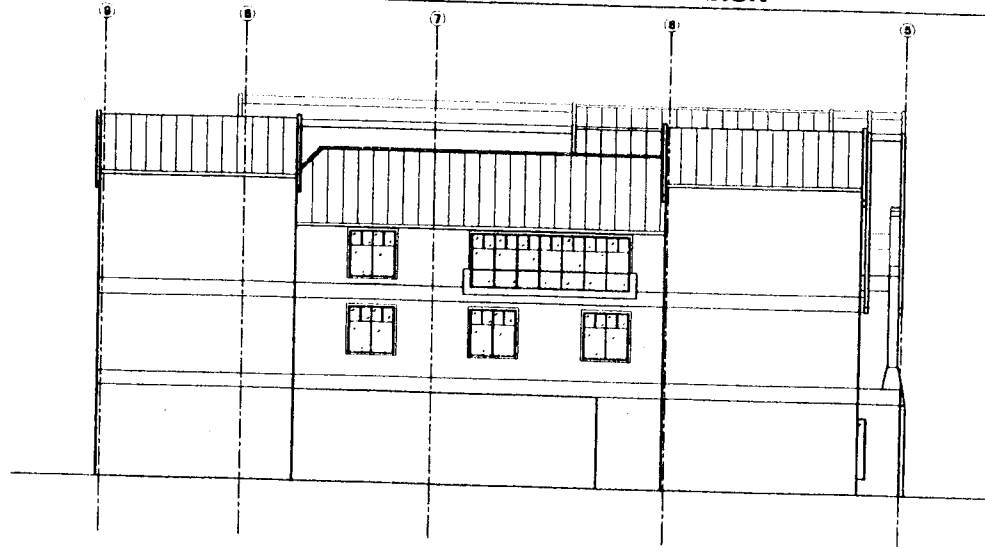
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BUILDING B
ROOF PLAN
A2.8

Scale: 1/8"=1'-0"
Date: January 10, 2002



BUILDING A-WEST ELEVATION



BUILDING A-EAST ELEVATION

EUREKA PIER
 New mixed use project
 located on Humboldt Bay
 Eureka, California

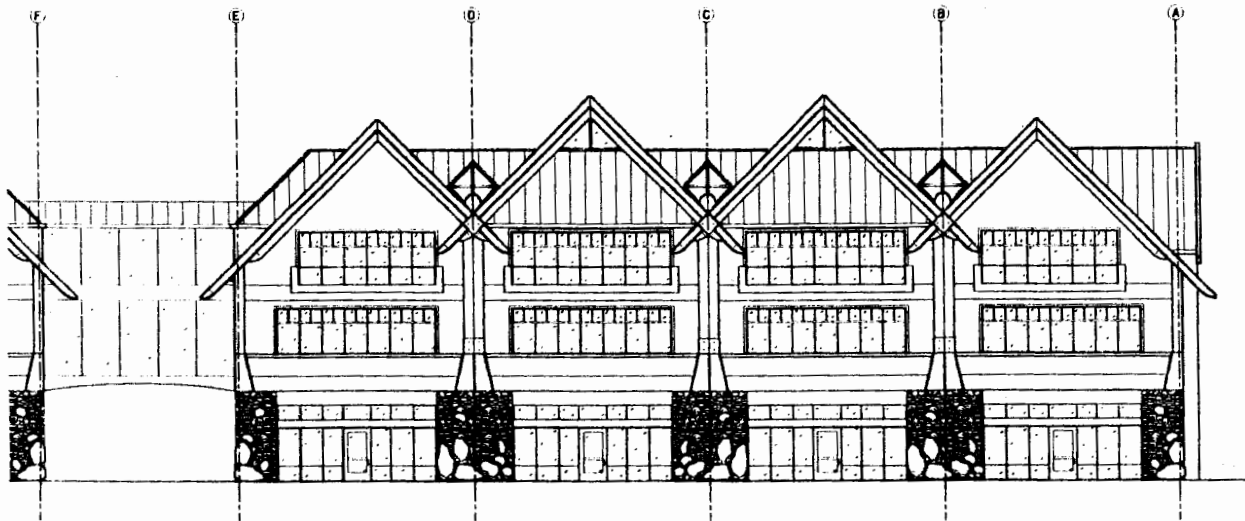
BUILDING A
EXTERIOR ELEVATIONS
A3.1

Scale: 1/8"=1'-0"
 Date: January 10, 2002

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Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

13417



BUILDING B-NORTH ELEVATION



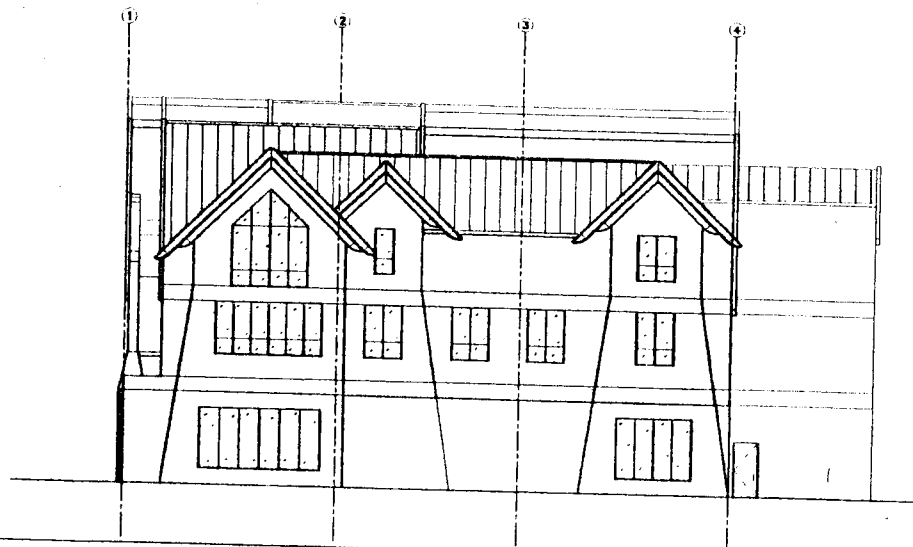
BUILDING B-SOUTH ELEVATION

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

EUREKA PIER
 New mixed use project
 located on Humboldt Bay
 Eureka, California

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BUILDING B
EXTERIOR ELEVATIONS
A3.2
 Scale: 1/8"=1'-0"
 Date: January 10, 2002

14917



BUILDING B-WEST ELEVATION



BUILDING B-EAST ELEVATION

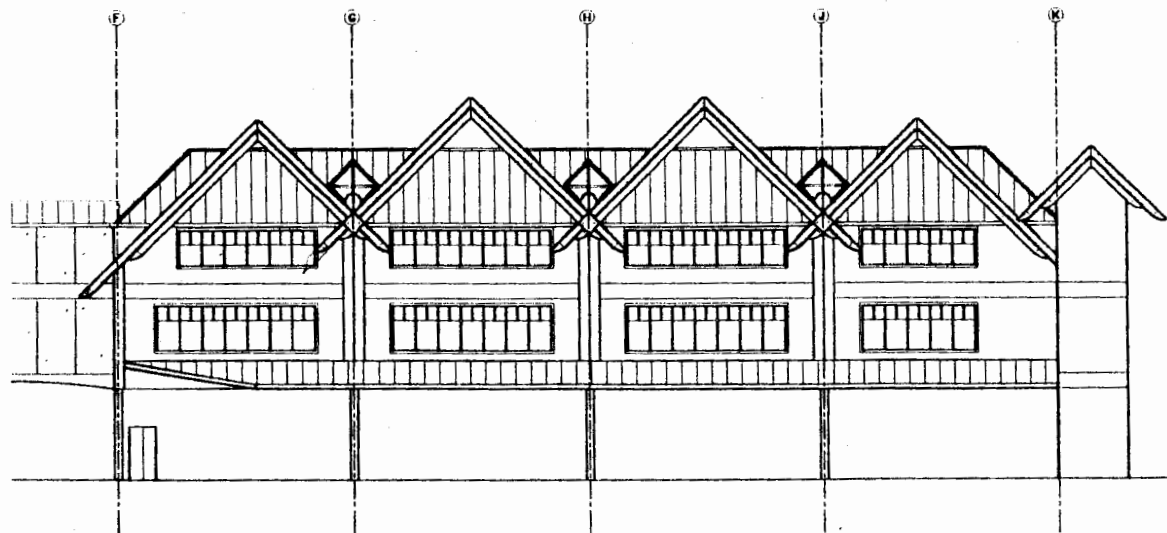
EUREKA PIER
 New mixed use project
 located on Humboldt Bay
 Eureka, California

BUILDING B
EXTERIOR ELEVATIONS
A3.3

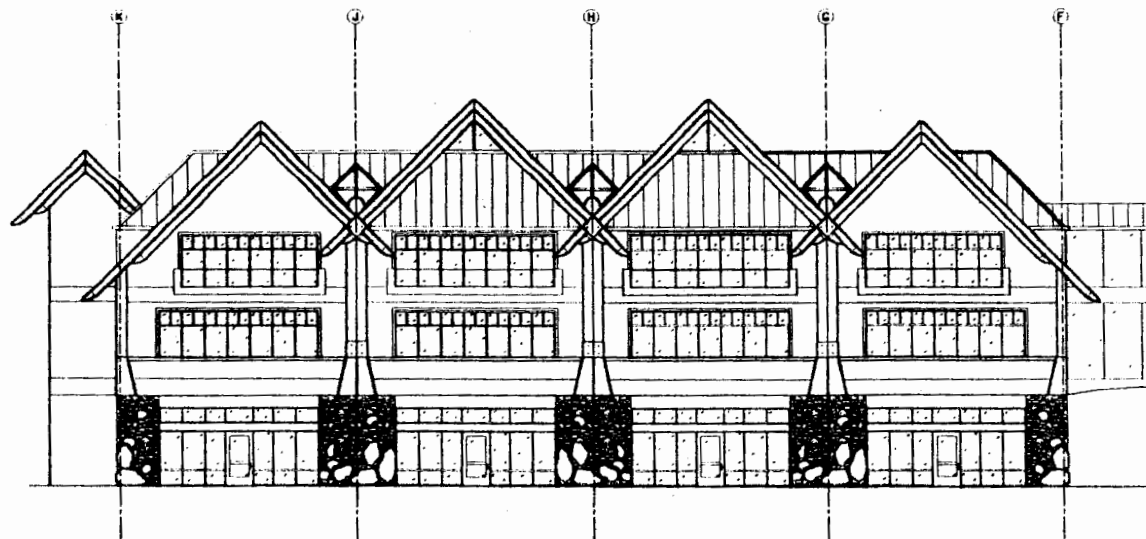
Scale: 1/8"=1'-0"
 Date: January 10, 2002

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

15917



BUILDING A-NORTH ELEVATION



BUILDING A-SOUTH ELEVATION

EUREKA PIER
 New mixed use project
 located on Humboldt Bay
 Eureka, California

Developer: Eureka Waterfront Partners, LLC
 Managing Partner: Dolores Vellutini
 Architect: John Ash Group

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BUILDING A
EXTERIOR ELEVATIONS
A3.4

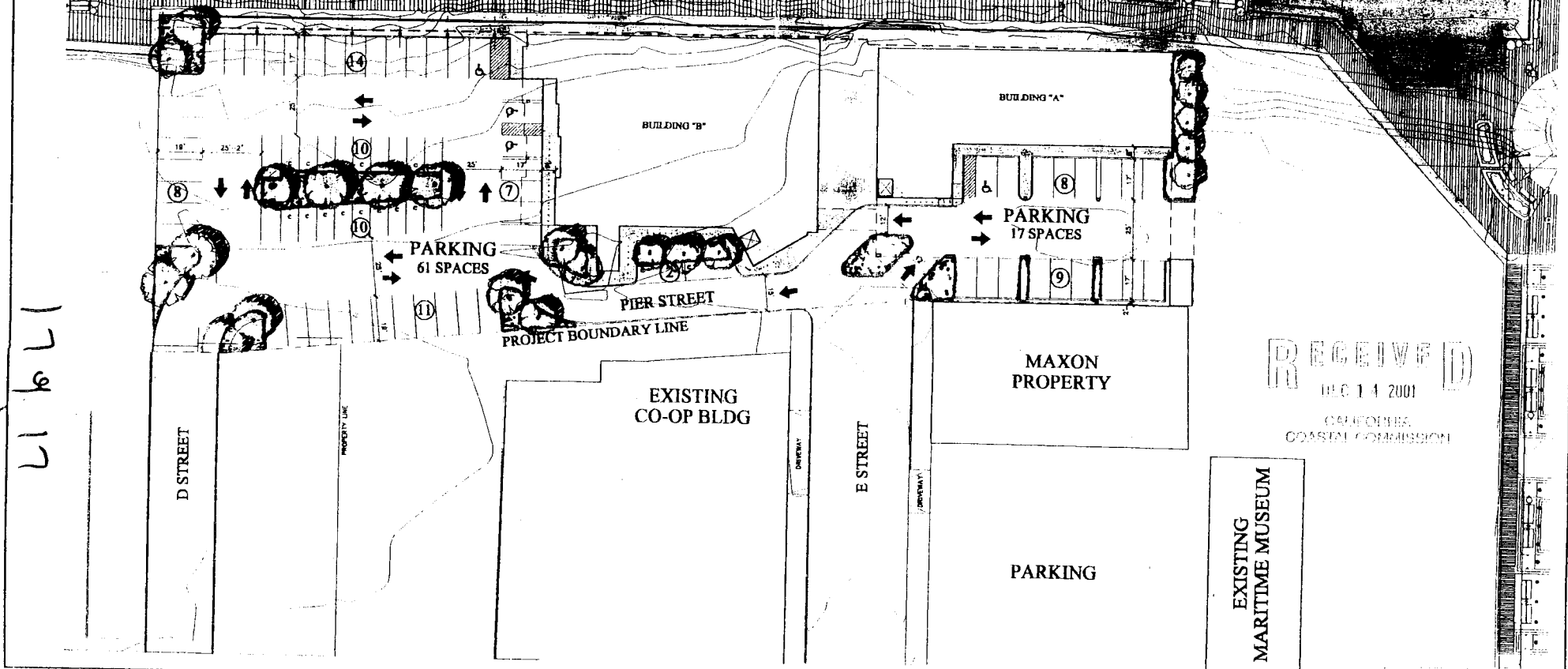
Scale: 1/8"=1'-0"
 Date: January 10, 2002

12817

HUMBOLDT BAY

WATERFRONT DOCKS ARE NOT
A PART OF THIS APPLICATION
SEE EUREKA APPLICATION
FOR DOCK IMPROVEMENTS

OLD TOWN EUREKA BOARDWALK
NOT A PART OF THIS APPLICATION



Developer: Eureka Waterfront Partners, LLC
Managing Partner: Dolores Vellutini
Architect: John Ash Group

EUREKA PIER
A New Retail and Restaurant project
located on Beautiful Humboldt Bay
in Old Town Eureka, California

LANDSCAPE PLAN
Scale: 1"=40'-0"
Date: June 25, 2001

A1

**EXHIBIT NO. 9****APPLICATION NO.**

A-1-EUR-01-029-A1
EUREKA WATERFRONT
PARTNERS LLC
REVIEW AGENCY
CORRESPONDENCE (1 of 5)

**CITY OF EUREKA
COMMUNITY DEVELOPMENT DEPARTMENT****Kevin R. Hamblin, AICP, Director**

Sidnie L. Olson, AICP, Senior Planner

531 K Street • Eureka, California 95501-1146

Ph (707) 441-4265 • Fx (707) 441-4202 • solson@ci.eureka.ca.gov**NOTICE OF SUBDIVISION ACTION**

NOTICE IS HEREBY GIVEN that on August 13, 2004, the Director of Community Development approves with conditions the Subdivision referenced below. Please be advised that the review of the Community Development Department was performed consistent with the State Subdivision Map Act. Please be further advised that the subdivider or any interested person adversely affected by the decision of the Director may, within fifteen (15) days following the date of the action by the Director of Community Development, request a hearing by the Planning Commission. A request for a public hearing must be made in writing and should include the reasons why the request is being made. If no request for public hearing is filed within 15 days of the date of this action, the decision of the Director will be final.

PROJECT TITLE: *Eureka Pier Parcel Map Subdivision***PROJECT APPLICANT:** John Ash Group Architects**CASE NO:** SD-03-010**PROJECT LOCATION:** Foot of "F" Street; APN 001-054-045**ZONING & GENERAL PLAN DESIGNATION:** Commercial Waterfront

PROJECT DESCRIPTION: The applicant is proposing a parcel map subdivision that would create three parcels. Parcel "A" is an airspace parcel within the proposed mixed-use building to be constructed on the property as shown on the site plan approved by the Design Review Committee on July 14, 2004. More specifically, proposed Parcel "A" includes the second floor of the East Wing and the third floor and mezzanine of both the West and East Wings, and will include the elevator shaft and stairwell in the East Wing. Proposed Parcel "B" is the ground area of the lot (excluding Parcel "C"), the first floor of both the West and East Wings, the second floor of the West Wing and the roof of both wings. Proposed Parcel "C" is the surface parking lot in the northwest corner of the property.

LEAD AGENCY: City of Eureka, Community Development Department; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4160, fax: (707) 441-4202

FINDINGS OF FACT: The decision of the Director to approve with conditions the proposed parcel map subdivision was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application. The findings of fact listed below "bridge the analytical gap" between the raw evidence in the record and the Director's decision.

1. This project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA). On September 15, 1998, the City Council of the City of Eureka certified an Environment Impact Report for the Eureka Waterfront Partners mixed-use project on the same property as the proposed parcel map subdivision (SCH# 1998062013). The mixed-use project for which the EIR was certified included residential, retail and office uses. The proposed parcel map

subdivision will facilitate a mixed-use project for residential, retail and office uses similar to that for which the EIR was certified. Pursuant to CEQA guidelines section 15162, no subsequent EIR is required.

2. The subject property consists of approximately 1.25 acres zoned Commercial Waterfront. The minimum parcel size of the CW zone district is 6,000 square feet. Each of the three parcels proposed to be created by this subdivision are greater than 6,000 square feet.
3. The subject property is currently planned Core Commercial Waterfront under the City of Eureka adopted Local Coastal Program (LCP). Policies of the LCP that support the proposed subdivision include Policies 1.B.1 and 1.B.2 that support and encourage a compact Core Area of concentrated commercial, residential, retail and office uses.
4. The subject property is located in the Coastal Zone. The proposed parcel map subdivision is "development" under the Coastal Act and, therefore, requires a coastal development permit. The California Coastal Commission has authority for issuing the Coastal Development Permit.
5. The City has reviewed the proposed parcel map subdivision submitted by the applicant. The subdivision design is consistent with the Subdivision Map Act and local regulations enacted pursuant thereto.

CONDITIONS OF APPROVAL: Approval of the parcel map subdivision 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:

1. All taxes to which the property is subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the property must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the parcel to satisfy this condition. The Engineering Department will administer this requirement.
2. The applicant shall submit to the Engineering Department three prints of a Parcel Map prepared by a Registered Civil engineer or Licensed Land Surveyor for approval by the City Engineer. The Parcel Map shall conform to all requirements of the Subdivision Map Act and local regulations enacted thereto. Copies of all reference materials used in the preparation of the Parcel Map shall also be submitted, including a title report(s) updated within the last six months, copies of deeds, surveys, and computer map checks, etc. References for all records of survey, parcel maps, and subdivisions which abut the subject parcel will be required on the final map along with all found existing survey corner monuments. Survey monuments will be required at all corners where existing monuments are not found. At least two City street monuments shall be tied and shown on the Parcel Map. Once approved by the City Engineer, the applicant shall submit the original signed Parcel Map for recording along with one Conformed Copy reproducible mylar, two prints, recording fees and proof of property taxes and/or special tax payments (see condition No. 1, above)
3. Prior to recordation of the Parcel Map, the applicant shall complete construction of, or bond for as allowed by Eureka Municipal Code, all public improvements as required by the City Engineering Department, City Fire Department and/or City Building and Public Works Department. This condition shall be administered and completed to the satisfaction of the City Engineering Department.

4. Prior to recordation of the Parcel Map all utilities including gas and electric shall be relocated or easements reserved if the utilities are in conflict, to the satisfaction of the utility provider such as PG&E, SBC, and Cox Communications.
5. Prior to recordation of the Parcel Map, the applicant shall obtain approval from the California Coastal Commission of a Coastal Development Permit for the parcel map subdivision.
6. The parcel boundaries depicted on the recorded Parcel Map shall be the same or substantially the same as described and approved herein, which are shown on the Tentative Parcel Map received by the Community Development Department on August 12, 2004.

Except for the specified subdivision stated above, this action does not eliminate the requirement of the applicant to comply with all codes and ordinances, as well as to secure all required permits of local, regional, State and Federal entities which relate to this project.

The approval, which is subject to the conditions of approval contained herein, will remain in effect for 24 months from the effective date of this action. If the conditions cannot be completed within the 24-month time limit, an extension of this approval may be granted in accordance with the Subdivision Map Act. The application shall be filed no less than 30 days prior to the expiration date and shall state the reasons for requesting the extension.



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

August 13, 2004

Date

cc: Applicant
Agent
Property Owner, Eureka Redevelopment Agency
Engineering Department
Building Official
California Coastal Commission
Property owners within 300' of the boundaries of the project site

CITY OF EUREKA
COMMUNITY DEVELOPMENT DEPARTMENT

DEPARTMENT POLICY STATEMENT No. 2003-01

ISSUE/SUBJECT: Parking for Residential uses in Office Residential (OR) and Commercial (C) Districts.

EUREKA MUNICIPAL CODE SECTION(S): §155.117(A) and §155.121

RELATED POLICY ISSUE(S): none identified.

BACKGROUND: The question has been raised, how many off-street parking spaces are required for residential uses in the OR and C districts; and whether the required spaces must be located in a garage or carport. The two primary Code Sections at question are §155.117(A)(1) and §155.117(A)(2), which are repeated below:

§ 155.117 SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS.

(A) Dwellings and lodgings.

(1) *One-family dwellings.* Two spaces, one of which is located in a garage or carport, for each dwelling unit; ~~except in an OR or C District there shall be one space in a garage or carport for each dwelling unit.~~

(2) *All other dwellings.* One space for each dwelling unit, plus one additional space for each two dwelling units ~~except in an OR or C District.~~

(3) *Motels, hotels, lodging houses, and private clubs providing sleeping accommodations.* One space for each guest room or for each two beds, whichever is greater, plus one space for each two employees.

(4) *Trailer parks.* One space for each unit, plus one additional space for each three units, none of which shall occupy the area designated for access drives.

(5) *"Bed and breakfast inns."* One space for each guest room or for each two beds, whichever is greater.

In some instances Staff had interpreted these section to mean that under (A)(2), the "except in an OR or C District" meant that you had to look at (A)(1) where it states "provided that in an OR or C District there shall be one space in a garage or carport for each dwelling unit" - this was regardless whether the dwelling was one-family or multi-family. Meaning that in the OR or C districts each dwelling required one off-street parking space in a garage or carport.

Upon a close literal interpretation, which we believe to be more accurate, is that under (A)(1) if a one-family residence is proposed in an OR or C District, that there must be one off-street parking space in a garage or carport for that one-family residence. However, for "all other dwellings," meaning any residential use that is not a one-family use, only one space for each dwelling unit is required and it is not required to be in a garage or carport. This interpretation is based on an analysis of the use of the comma in (A)(2), which reads: "One space for each dwelling unit, plus one additional space for each two dwelling units except in an OR or C District." By exact interpretation of the sentence it means that in the OR or C District there must be one space for each dwelling unit, and in all other Districts you must add one additional space for each two dwelling units. But, in no case is there a requirement for these spaces to be in a garage or carport.

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Of added interest is the section regarding the parking assessment district:

§ 155.121 EXEMPTIONS FOR SITES IN PARKING ASSESSMENT DISTRICTS.

In a Municipal Parking Assessment District, only the uses listed in § 155.117(A) of this subchapter shall be subject to off-street parking facilities requirements, and only one space per dwelling or lodging unit or trailer space shall be required.

This section supports the discussion above in that only one parking space is required per dwelling unit and that this one space need not be in a garage or carport. But, it tweaks the analysis for one-family dwellings in an OR or C District because it does not differentiate one-family vs. "all other dwellings" when it states "dwelling or lodging unit." Thus, it appears that the intent is that in the Parking Assessment District it does not matter what type of dwelling (i.e., one-family or multi-family), only one off-street parking space is required per dwelling unit and it need not be in a garage or carport.

Also at question is the number of required parking spaces, whether it is straight one space per dwelling, or one space per dwelling plus one additional space per two dwelling units. It appears that it is one space per dwelling in the OR and C districts.

OPTIONS:

1. Determine that within the Parking Assessment District in an OR or C District, all dwellings require one off-street parking space per dwelling regardless if one-family or "all other dwellings", which need not be in a garage or carport.
2. Determine that outside the Parking Assessment District in an OR or C District, one-family dwellings require one off-street parking space per dwelling that must be in a garage or carport.
3. Determine that outside the Parking Assessment District in an OR or C District, "all other dwellings" other than a one-family dwelling require one off-street parking space per dwelling, which need not be in a garage or carport.
4. Determine that outside the Parking Assessment District in an OR or C District all dwellings require one off-street parking space per dwelling in a garage or carport.
5. Determine that in the OR or C District that there must be one space for each dwelling unit, plus one additional space for each two dwelling units.

STAFF ANALYSIS

Based on the discussion above, Staff believes that Options 1, 2 and 3 capture the intent of the Code sections discussed herein

RECOMMENDATION:

Accept options 1, 2 and 3 as the correct interpretation of Code Sections §155.117(A) and §155.121.

Prepared by: Sidnie L. Olson, AICP

Date: August 27, 2003

POLICY DETERMINATION (by Director):

☒ I concur with Staff's recommendation.

Kevin R. Hamblin

Kevin R. Hamblin, AICP

Director of Community Development

Date: August 27, 2003

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