CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
710 E STREET • SUITE 200
EUREKA, CA 95501-1865
VOICE (707) 445-7833
FACSIMILE (707) 445-7877

MAILING ADDRESS:
P. O. BOX 4908
EUREKA, CA 95502-4908

F9c

Filed:	May 5, 2006
49th Day:	June 23, 2006
Hearing Opened:	June 16, 2006
Staff:	Jim Baskin
Staff Report:	September 29, 2006
Hearing Date:	October13, 2006
Commission Action:	

STAFF REPORT: APPEAL

HEARING *DE NOVO*

APPEAL NO.:	**A-1-EUR-06-028**
APPLICANT:	**Eureka Pacific LLC**
LOCAL GOVERNMENT:	City of Eureka
DECISION:	Approval with Conditions
PROJECT LOCATION:	At the southwest corner of the intersection of Vigo Street and Broadway (Highway 101), 2616 Broadway, Eureka; APNs 007-121-005 & -007.
PROJECT DESCRIPTION:	*Vigo Street Mixed Use Development* – Construction of approximately 44,400 square-feet of retail commercial sales & service structural and outdoor storage yard improvements on two boundary-adjusted parcels comprising a combined area of approximately 3.0 acres situated between Highway 101 and Maurer Marsh.
APPELLANTS:	Commissioners Sara Wan and Meg Caldwell.
SUBSTANTIVE FILE: DOCUMENTS	1) City of Eureka Coastal Development Permit CDP 04-009; 2) City of Eureka Conditional Use Permit C-04-007; and 3) City of Eureka Local Coastal Program.

SUMMARY OF STAFF RECOMMENDATION:

1. SUMMARY OF STAFF RECOMMENDATION *DE NOVO*: DENIAL

Staff recommends that the Commission **DENY** the coastal development permit for the proposed commercial sales and service development on the basis that the project, as proposed by the applicant, is inconsistent with the City of Eureka's certified LCP regarding the protection of adjacent wetland and riparian vegetation environmentally sensitive habitat areas (ESHAs).

The applicants seek authorization to construct approximately 44,400 square-feet of retail commercial structures and related site improvements within two boundary-adjusted parcels totaling three acres located between Highway 101 and Maurer Marsh, along the Highway 101 corridor through the southwestern side of the City of Eureka, Humboldt County. The Commission first heard the appeal at the June, 2006 Commission meeting and determined that the appeal raised a substantial issue of conformance with the ESHA protection policies of the certified LCP.

To afford better protection of the resources within the adjoining wetlands, the applicants have amended the project for purposes of the Commission's *de novo* review, to expand the wetland buffer between the site improvements and the edge of the wetlands situated along the western rear side of the property from a ten-foot width to a variable width 34- to 65-foot (±48.56-foot average-width) buffer. In addition, the applicants propose to include a variety of building design features, barriers, signage, landscaping, and other remedial actions to be taken within the adjacent wetlands in-lieu of providing the full 100-foot-wide buffer identified within the LCP.

Notwithstanding the changes to the site plan and the inclusion of offers to partially improve the conditions within the adjoining wetland areas, staff continues to believe that the development does not fully conform to the policies and standards of the certified LCP for the following reasons:

Staff continues to believe that the proposed reduced-width buffer would not adequately protect the significant wetland and riparian vegetation resources within the adjoining coastal wetland complex from the potential significant adverse impacts associated with the proposed amended development for the following reasons. First, based upon a review of the biological assessments and visits to the site, the Commission's staff biologist believes a reduced width buffer may be appropriate in this case, provided the buffer allows sufficient room for the planting of a dense wax-myrtle-alder-willow thicket of sufficient size and species composition to effectively screen the noise and visual disturbance for the proposed new commercial complex. However, for any such proposed reduced width buffer, the applicant must demonstrate that the reduced width buffer will be adequate to protect the resources of the habitat. Given the proposed constrictions along certain segments of the buffer, staff believe establishment of such a dense vegetated curtain would not be likely. Accordingly, staff believe the applicant has not demonstrated that the reduced buffer width would adequately protect the adjacent ESHA.

Secondly, staff has determined that, based on a statistical and geometric analysis of the reduced-width buffer layout, the proposal does not provide either a minimum 100-foot wide buffer or an average 50-foot width. Instead, the site layout affords only a 48.56-foot average width as the buffer varies in width from 34 to 65.

Thirdly, although a restoration native revegetation component is included within the proposed project, the spatial requirements to fully accommodate the planting and grow-out of the four rows of tree species with 10-foot-center spacing would not be provided through the portions of the buffer where the width is reduced below fifty feet. As a consequence, the efficacy of the shielding of light, noise, and human activity that this vegetated screening is intended to provide would substantively diminish through these buffer portions. As the planting vegetative screening is identified as a major amenity influencing the adequacy of a reduced buffer, such a diminution in screening efficiency would effectively nullify the reduced buffer's functions, allowing for potential significant impacts from light, noise, and human activity associated with the development to adversely effect the adjacent ESHA.

Finally, the Commission noted that in spite of the various technical materials provided evaluating the habitat utilization and potential impacts of development of the adjacent ESHA, a paucity of factual evidence persists with respect to the demonstrated adequacy of the proposed reduced-width buffer. The Commission notes that the scope of the wetland delineation potentially did not fully disclose the extent and location of wetlands along the whole periphery of the project site, as the delineation was terminated at the property's southwesterly and northwesterly corners. Therefore, the applicant has not demonstrated that the variable width 34-65 feet wide buffer will be adequate to protect the resources of ESHA on the adjoining properties from disturbance from the proposed development.

Furthermore, no analysis has been provided about potential development impacts to adjoining resources, if any, taking into account the fact that the property borders the riparian wetlands along two property sides rather than just one, as is the case with many of the other developed sites on the periphery of Maurer Marsh, or recognition that the ESHA under consideration comprises not just delineated wetland areas, but both the delineated wetland areas as well as the riparian vegetated cover extending onto the site to its drip line. Given these omissions within the biological assessments, the applicant has not demonstrated that the proposed 34-65-foot-wide buffer will adequately protect the resources of the habitat area.

Therefore, staff believes the proposed development is not consistent with the wetland protection policies and standards of Chapter 6 of the Land Use Plan and Chapter 156 of the Coastal Zoning Regulations of the City of Eureka's certified LCP and must be denied.

The Motion to adopt the Staff Recommendation of Denial is found on page 6.

STAFF NOTES:

1. Standard of Review.

The Coastal Commission effectively certified the City of Eureka's LCP in 1984. Pursuant to Section 30603(b) of the Coastal Act, after effective certification of an LCP, the standard of review for all coastal permits and permit amendments for development located between the first public road and the sea is the standards of the certified LCP and the public access and recreation policies of the Coastal Act.

2. Procedure.

On June 16, 2006, the Coastal Commission found that the appeal of the City of Eureka's conditional approval of a coastal development permit for the subject development raised a substantial issue with respect to the grounds on which the appeal had been filed, pursuant to Section 30625 of the Coastal Act and Section 13115 of Title 14 of the California Code of Regulations. As a result, the City's approval is no longer effective, and the Commission must consider the project *de novo*. The Commission may approve, approve with conditions (including conditions different than those imposed by the City), or deny the application. Since the proposed project is within an area for which the Commission has certified a Local Coastal Program (LCP) and is within the area between the first public road and the sea, the applicable standard of review for the Commission to consider is whether the development is consistent with the City's certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act. Testimony may be taken from all interested persons at the *de novo* hearing.

3. Project Amendments for De Novo Consideration / Submittal of Additional Information.

Since the Commission's action on the question of Substantial Issue at its June 16, 2006 meeting, the applicants have made several changes to the proposed development's layout. On August 10, 2006, the applicants submitted revised site plans depicting a total of 45,920 square-feet of retail building area entailing an aggregate 43,520-square-foot area comprised of one to three commercial buildings and outdoor yard storage space, situated toward the rear of the lot, with a detached 2,400 square-foot retail/restaurant structure along the parcel's Broadway frontage. The site plan showed the application of a buffer outward from the wetlands ranging in width from 26.3 to 66.3 feet in width. Although the overall square-footage of building and outdoor storage yard area is increased, the vehicular drive-through aisle appearing on the previous proposal's site plan has been deleted from the current proposal. On August 31, 2006, the applicant further amended the project site plan to reduce the building and outdoor storage yard coverage by 1,520 square-feet, substituting a 4,200 square-foot paved tractor display area within portions of the former outdoor storage yard and parking lot areas. The buffer between the riparian/wetlands ESHA and site improvements was also expanded to the currently proposed 34 to 65 feet.

In addition, for the purposes of *de novo* review by the Commission, the applicant has provided Commission staff with supplemental information consisting of: 1) a wildlife habitat assessment and impact analysis; (2) a mitigation and monitoring program for conducting additional enhancement work within the wetland areas adjacent to the project site; and (3) a revised analysis of the adequacy of a buffer width of less than 100 feet between the proposed development and wetland and riparian vegetation environmentally sensitive habitat areas (ESHAs) on and adjoining the project site. The supplemental information addresses issues raised by the appeal and provides additional information that was not a part of the record when the County originally acted to approve the coastal development permit.

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

As discussed below, the staff recommends that the Commission determine that the development does not conform to the policies of the City of Eureka Local Coastal Program and **deny** the permit. The proper motion is:

Motion:

I move that the Commission approve Coastal Development Permit No. A-1-EUR-06-028 pursuant to the staff recommendation.

Staff Recommendation of Denial:

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

Resolution to Approve Permit:

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

II. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT HISTORY / BACKGROUND.

On July 29, 2004, the City of Eureka Community Development Department accepted for filing a completed coastal development permit application from Eureka Pacific, LLC, for the development of approximately 34,600 square-feet of building area and related site improvements for a commercial retail sales and service complex on an approximately 3.0-acre parcel located at the southwestern corner of Broadway (Highway 101) and Vigo Street in the City of Eureka in west-central Humboldt County (see Exhibit No. 5). The purpose of the proposed commercial complex is to provide facilities for retail store and restaurant uses for serving both transient visitor and resident needs. As restaurants are identified as a conditional use within Commercial Service (CS) zoning district in which the project site is located, Community Development Department staff determined that the development requires the issuance of both a use permit and a coastal development permit.

On May 20, 2005, the applicant submitted revised site and elevation view plans depicting a total of 49,674 square-feet of retail building area to be constructed in two phases, with the first phase entailing an aggregate 43,674-square-foot area comprised of one to three commercial buildings and outdoor yard storage space, situated toward the rear of the lot, with the second phase comprising construction of a detached 6,000 square-foot retail/restaurant structure along the parcel's Broadway frontage. The site plan showed the application of a ten-foot wide buffer outward from the wetlands, with the corner of one of the retail buildings extending up to the wall proposed to be erected along the upland extent of the buffer.

Following completion of the Community Development Department staff's review of the project, and the requisite preparation and circulation of environmental review documentation, City staff set the use permit for a hearing before the Planning Commission for July 11, 2005 and a hearing before the City Counsel on the coastal development permit for July 19, 2005. After a series of postponements, in early September 2005, the applicants informed the City that they were again modifying the project application and requested further hearing continuances.

In late February 2006, the applicants further modified the project description and site maps, scaling the aggregate building/yard coverage area back to 37,750 square feet, to be developed all in one phase. In addition to reducing the sizes of the retail buildings, the proposed uses with the buildings were further clarified, particularly, the identification of a drug store within the "Retail 'A'" building, which includes provisions for a drive-through aisle situated between that structure and the barrier wall proposed for erection on the upland side of the ten-foot-wide buffer (see Exhibit No. 4).

On March 13, 2006, the City Planning Commission conditionally approved Conditional Use Permit No. C-04-007, attaching special conditions and a mitigation and monitoring program consisting of 31 measures to be taken to reduce the project's potentially significant adverse effects to less than significant levels. The record of action issued by the City for the use permit indicated that the City Council would take subsequent final

action on related Coastal Development Permit No. CDP-04-009 at a separate later hearing.

On April 18, 2006, the Eureka City Council approved with conditions Coastal Development Permit No. CDP-04-009 for the subject development (see Exhibit No. 6). The Council attached four special conditions requiring that: (1) reciprocal access easements be recorded for each parcel where any vehicular entry/exit onto Broadway that cross property lines; (2) either merge the two existing parcels or record Notices of Lot Line Adjustment and Certificates of Subdivision Compliance for the new lot configuration with reciprocal access easements recorded on both parcels for parking and access; (3) the location and size of all parking, landscaping and loading areas be shown on a final site plan submitted to the Design Review Committee and be in compliance with Municipal Code standards; and (4) an Encroachment Permit from Caltrans be obtained for any work within the Broadway right-of-way. In addition, the City Council adopted a 29-point mitigation and monitoring program,[1] setting project design and layout specifications including exterior lighting, the installation and maintenance of oil-water separator/clarifiers, emergency services ingress and egress, parking and loading areas, and wetland buffer fencing, and establishing protocols for the protection of any cultural resources that might be encountered during construction at the site.

The decision of the City Council regarding the conditional approval of the commercial service improvements was final. The City then issued a Notice of Final Local Action that was received by Commission staff on April 21, 2006. The appellants filed their appeals to the Commission on May 5, 2006, within 10 working days after receipt by the Commission of the Notice of Final Local Action (see Exhibit No. 6).

On June 16, 2006, the Commission found that the project as approved by the City raised a substantial issue of conformance with the City's certified LCP regarding: (1) the adequacy of the proposed ten-foot-wide buffer to protect adjacent wetlands ESHA; (2) whether requisite consultations with the California Department of Fish and Game had been undertaken and any resulting recommendations duly considered; and (3) requirements for the incorporation of informational signage into ESHA buffers. The Commission also continued the *de novo* hearing and requested specific information from the applicant to assist the Commission in evaluating the consistency of the project with the LCP, including: (1) an assessment of wildlife habitat utilization and impact analysis for the adjoining ESHA; and (2) a discussion of offsite and/or in-lieu mitigation measures if implementation of the identified measures on the project site were found to be infeasible. Copies of these items are provided in Exhibit Nos. 5 and 6.

---

[1] With the addition of supplemental traffic analyses and in response to comments from the California Department of Transportation, two of the mitigation measures imposed on the conditional use permit were determined to be no longer necessary or infeasible to implement and were subsequently excised from the mitigation and monitoring program for the related coastal development permit.

The applicant provided this information on August 11-14, 2006. The project site plan was also further revised to delete the preceding drug store vehicular drive-through and convert much of the area formally designated for structural development to open storage yard for occupancy by a farm implement sales firm. These changes resulted in increasing the ESHA buffer at the rear of the development from a uniform ten feet to 50 feet for an approximate 110-foot run along the sites northwestern corner, constricting down to a 34-foot width for an approximately 25-foot course around the southwestern corner of the retail building, before widening again to approximately 34 to 65 feet for the remaining 45-foot run within the property's southwest corner. In addition, on July 31, 2006, the California Department of Fish and Game issued a letter stating their findings that, based upon their understanding of materials submitted by the applicant's biological consultant, there would be a low likelihood that the project would result in significant adverse impacts to the adjacent wetland/riparian ESHA if the proposed reduced width buffer with the inclusion of various additional habitat enhancement mitigation measures were to be included in the design of the development. These materials were circulated for review by the Commission's biologist and once the staff recommendation was finalized, the item was subsequently scheduled for a de novo hearing before the Commission at the October meeting.

B. PROJECT AND SITE DESCRIPTION.

1. Project Setting

The project site consists of two parcels comprising a rectangularly shaped 3.0-acre area located southwest of the intersection of Vigo Street with Broadway (Highway 101) along the southern highway commercial services entrance to the City of Eureka (see Exhibit Nos.1-3). The property consists of a generally flat, cleared lot with thickets of hydrophytic riparian vegetation along its western margins.

The middle of the site is currently developed with a truck terminal structure with peripheral paved and gravel-covered areas, extending essentially over the entire property. These buildings and their surrounding areas were utilized by a variety of surface transportation related support uses, including re-fueling, grocery vending, and rest-period parking and/or storage of long haul tractor trailers.

Residual unfilled wetland areas in the form of vegetated drainage swales are situated along a roughly 312 lineal-foot run along the property's western and southwestern boundary lines. Plant cover in these areas is dominated by a canopy of willow species (*Salix* spp.), notably arroyo willow (*Salix lasiolepis*) intermixed with other tree species including red alder (*Alnus rubra*), poplar (*Populus* sp.) and a naturalized apple (*Malus* sp), with an attending sparse understory composed of Himalaya blackberry (*Rubus discolor*), California blackberry (*Rubus ursinus*), swordfern (Polystichum munitum), and horsetail (*Equisetum arvense*).

The forested wetlands along the western side of the property are hydrologically integrated with the approximately 20-acre freshwater and brackish wetlands complex comprising

Maurer, Railroad and East (AKA: "Bayshore Mall Restoration Area 'B'") Marshes, situated west and southwest of the project site. Vegetation cover in these marsh areas is composed of primarily of a canopy of willow, with emergent wetland species including common cattail (*Typha latifolia*), slough sedge (*Carex obnupta*), Pacific silverweed (*Potentilla pacifica*), salmonberry (*Rubus spectablis*) and creeping buttercup (*Ranunculus repens*) within clearings and as understory beneath the willows and alders. Several inches to approximately one foot of standing freshwater exist in the depressions within the marsh areas during the wetter seasons. Under the Cowardin classification system,[2] this area is considered a blend of "palustrine-scrub-shrub-broadleaf-deciduous-seasonally-flooded" (PSS1C) and "palustrine-emergent-persistent-seasonally-flooded" (PEM1C) wetlands.

Located across Vigo Street approximately 50 feet to the northwest of the project parcels lies another wetland area, the "Palco" or "Eureka" Marsh. This roughly 30-acre area comprises a mixture of brackish and saltwater marshes with direct and muted tidegate connections to Humboldt Bay. The vegetation in this area is fringed by a tree canopy composed of composed various willows, red alder, and scattered California wax-myrtle (*Myrica californica*). The interior clearings are vegetated predominantly by obligate hydrophytes, including pickleweed (*Salicornia virginica*), inland saltgrass (*Distichlis spicata*), reed canary grass (*Phalaris arundinacea*), and in some locales, extensive patches common reed (*Phragmites australis*), an exotic invasive species. This area is classified as a combination of "estuarine-intertidal-emergent-persistent-irregularly-flooded (E2EM1P) and estuarine-intertidal-unconsolidated-muddy-shore-regularly-flooded (E2US3N) wetlands (see Exhibit No. 3).

The project site is situated within the coastal zone and lies within the incorporated boundaries of the City of Eureka. The subject property lies completely within the City of Eureka's certified permitting area. Thus, the development is subject to the policies and standards of the City of Eureka's certified Local Coastal Program (LCP).

The site is designated in the City's Land Use Plan as "Highway Service Commercial" (HSC), implemented through a "Service Commercial" (CS) zoning designation. The subject property is not within any viewpoint, view corridor, or highly scenic area as designated in the visual resources inventory of the LCP's Land Use Plan. Due to the property's location approximately ¼-mile inland from the inner shoreline of Humboldt Bay and the presence of surrounding public and private land development and natural vegetation screening, no public views across the property to and along the ocean and designated scenic areas exist.

2. Project Description

[2] Refer to U.S. Fish and Wildlife Service - Office of Biological Services' Publication No. FWS/OBS-79/31 "Classification of Wetlands and Deepwater Habitats of the United States" (Lewis M. Cowardin, et al, USGPO December 1979) for a further discussion of the definition of the extent of wetland habitats.

The proposed development, as amended for purposes of the Commission's *de novo* review, consists of a commercial retail sales and service complex that would entail the construction of approximately 44,370 square-feet of building floor area and outdoor storage yard improvements, together with associated off-street parking, walkways, landscaping, and other related amenities. In addition to the main retail sales building (23,520 square-feet), paved and fence-enclosed storage yard (18,480 square-feet), and drive-through restaurant (2,400 square-feet) shown on the revised site plan, various other site improvements would include the paving of interior traffic lanes and 102-space off-street vehicular parking lot, delivery loading facilities, the installation of an oil-water separator-based stormwater drainage collection, conveyance, and treatment system, and the construction of a six-foot-tall solid cinderblock fence along the outboard side of the proposed 34- to 65-foot wide buffer around the wetlands along the west perimeter of the property.[3] To further bolster the protective function of the reduced width buffer, exterior lighting, window and openings have been eliminated from the west-facing wall of the building, and an enclosure has been included around the loading dock receiving platform. The planting of riparian tree and shrub species within the buffer to further protect the existing riparian and wetland habitat is also proposed. In addition, the applicants are proposing to perform various wetland restoration activities within the adjacent ESHA, including cleaning up homeless encampment debris and replanting the area with native vegetation (see Exhibit No. 4).

The proposed retail commercial uses are considered as principal permitted uses under the CS zoning district standards as one or several of a wide assortment of other retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area. The proposed drive-through restaurant is listed as a conditional use and was authorized by the City through the March 13, 2006 issuance of accompanying Conditional Use Permit No. C-04-007.

Domestic and/or process water supplies and sewage disposal services would be provided to the facility from the City of Eureka's municipal water and wastewater systems.

C. Protection of Environmentally Sensitive Habitat Areas.

1. Relevant LCP Provisions and Standard:

Policy 6.A.1 of the City of Eureka Land Use Plan states, in applicable part:

---

[3] The Commission notes that the project site plan indicates a 90-foot dimension depicting the buffer width between the outer edge of the riparian/wetland ESHA and the parking lot area along the south side of the retail sales building. This dimension is misleading, as it does not reflect the closest distance between the ESHA boundary and the site improvements along this segment of the buffer — the south wall of the retail sales building — which scales off as approximately 65 feet.

> *The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance.*

LUP Policy 6.A.3 states:

> *The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the 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 depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.* [Emphasis added.]

LUP Policy 6.A.6 states, in applicable part:

> *The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:*
>
> *a.* *Rivers, creeks, sloughs, gulches and associated riparian habitats, including but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Cooper Slough, Second Slough, Third Slough, Martins Slough, Ryan Slough, and Elk River.*[4]
> *b.* *Wetlands…* [Emphases added.]

LUP Policy 6.A.7 directs that:

> *Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of their habitat values, and that 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.* [Emphasis added.]

---

[4] The Commission notes that while the riparian habitat area fringing the freshwater and brackish water bodies within the Palco-Maurer-Railroad-East Marshes complex are not specifically listed among the examples of riverine/riparian vegetation ESHA listed in LUP Policy 6.A.6, the areas adjoining the project site share many of the same ecological freshwater riparian attributes as that found in the upper reaches of the enumerated exemplary habitats.

LUP 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 area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced, or restored.* [Emphases added; parentheses in original.]

Policy 6.A.19 of the City of Eureka Land Use Plan directs that:

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

LUP Policy 6.A.20 reads as follows:

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

Section 156.052 of the City of Eureka's Coastal Zoning Code Regulations states, in applicable part:

…

> *(C) Environmentally sensitive habitat areas.*
>
> *(1) Environmentally sensitive habitat areas within the city's coastal zone shall include:*

(a) Rivers, creeks, sloughs, gulches and associated riparian habitats, including Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Sloughs, Third Slough, and Elk River.[5]
(b) Wetlands
(c) Indian Island, Daby Island, and Woodley Island wildlife area.
(d) Other habitat areas, such as rookeries, and rare or endangered species on state or federal lists.
(e) Grazed or farmed wetlands.

(2) These areas are generally portrayed on the resources maps, where they are designated as wetlands or other natural resources.

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

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

(O) Buffers. A buffer shall be established for permitted development adjacent to all environmentally sensitive areas. The width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will

[5] Ibid.

> *achieve the purposes of the buffer, that a smaller buffer will protect the resources of the habitat area. For a wetland, the buffer should be measured from the landward edge of the wetland. For a stream or river, the buffer should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (such as, in channelized streams). Maps and supplemental information submitted as part of the application should be used to specifically determine these boundaries.* [Emphases added.]

Finally, in establishing criteria and procedures for addressing uncertainties over the extent and/or sensitivity of a particular ESHA, LUP Policy 6.A.24 directs that:

> *Within the Coastal Zone, where there is a question regarding the boundary, buffer requirements, location, or current status of an environmentally sensitive area identified pursuant to the policies of this General Plan, the City shall require the applicant to provide the City with the following:*
>
> *a. Base map delineating topographic lines, adjacent roads, location of dikes, levees, of flood control channels and tide gates, as applicable;*
>
> *b. Vegetation map, including identification of species that may indicate the existence or non-existence of the sensitive environmental habitat area;*
>
> *c. Soils map delineating hydric and non-hydric soils; and*
>
> *d. Census of animal species that may indicate the existence or non-existence of the sensitive environmental habitat area.*
>
> *The City shall transmit the information provided by the applicant pursuant to this policy to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The City shall make its decision concerning the boundary, location, or current status of the environmentally sensitive habitat area in question based on the substantial evidence in the record and shall adopt findings to support its actions.* [Emphasis added.]

2. Discussion:

Natural Resources Section 6 of the certified LUP together with the Chapter 156 of the Coastal Zoning Regulations set forth a variety of policies and standards for the protection of environmentally sensitive natural resources, including wetlands and riparian vegetated areas. These policies and standards generally require that in the authorization of new development the biological integrity of such environmentally sensitive areas be protected from significant degradation and, when feasible, enhanced. New development must be shown to have been sited and designed to protect resource areas such that continuance of the habitat is assured.

The principal method identified within the LCP for protecting environmentally sensitive habitat areas (ESHAs) from the effects of new development is the application of a non-development buffer area between the proposed site development and the outer edge of the ESHA. Ecologically, a buffer is a transition zone between one type of habitat and another. Buffers provide an area of refuge for plants and animals between their normal or preferred habitat and human activities. Buffers also serve to lessen the impacts caused by road and paved area runoff, landscape fertilizing, and spills of other household hazardous materials that could severely reduce a wetland's ecological value and the quality of the water flowing outward or downward into surface or sub-surface waters. LUP Policy 6.A.19 sets a default 100-foot buffer width as the minimum spatial separation to be maintained between the development and ESHA. Although this requirement is reiterated in Coastal Zoning Regulation Section 156.052(O), the zoning standard does not expressly indicate that a 100-foot width is a minimum requirement as does the language in LUP Policy 6.A.19.

In both the LUP and zoning code provisions, an option is enumerated wherein, if an applicant can demonstrate, taking into consideration the type and size of the development and inclusion of vegetation plantings, that a buffer of less than one hundred feet would protect the resources within the adjoining ESHA, the buffer may be reduced to less than 100 feet in width.

Finally, as set forth in LUP Policy 6.A.24, whenever a question regarding buffer requirements arises, the City is directed to transmit the information provided by the applicant to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department are to then be immediately sent to the applicant for his or her response.

As discussed in *Project History/Background* Findings Section II.A, since the Commission's June 16, 2006 action on Substantial Issue, the applicants have proposed a series of amendments to the development in an effort to bring the project into greater compliance with the LCP's ESHA protection policies. These project changes include reducing building and parking lot coverages to provide greater physical separation between the site improvements and the adjacent wetland resources, revisions to the development site plan to change the proposed arrangement of commercial uses to be housed at the site, providing various building design features to lessen impacts of noise light, and human activities associated with the commercial uses at the site to the adjoining ESHA, and offers to conduct offsite wetland restoration to further mitigate for the impacts of the development (see Exhibit No. 4). Summarized below are the specific mitigation measures proposed for protecting the adjacent wetland and riparian ESHAs from the potential adverse effects of the development:

- A 50-foot-wide, averaged-width buffer shall be established between the site improvements and the edge of the wetlands along the property's western boundary;

- A six-foot-tall cinder-block wall shall be erected along the 50-foot-wide segment of buffer in the northwestern corner of the property, between entire width of the property, ten feet outboard on the outside edge of the wetlands, extending from the lot's Vigo Street frontage tying into the retail sales building loading dock and extending from the southern side of the building to the property's southern boundary;

- No west-facing windows shall be constructed in the retail sales building situated adjacent to the riparian/wetland habitat area;

- No exterior lighting shall be installed: (1) on or along the west side of the retail building situated adjacent to the riparian/wetland habitat, except for lighting specifically needed for the loading dock; (2) on the west half of the south wall of the building; and (3) within outdoor storage area facing the riparian habitat area;

- The loading dock adjacent to the riparian/wetland habitat shall have a roof cover and be enclosed on three sides;

- Pursuant to an approved Stormwater Pollution Prevent Plan, no debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the riparian/wetland ESHA;

- A succession of wax-myrtle, red alder, and willow saplings shall be planted on 10-foot centers within graded topsoil materials commencing ten feet from the cinder-block wall and extending in radial bands to the edge of the wetlands, subject to a two-year monitored success rate of 90%; and

- Solid waste debris associated with homeless encampments and illegal dumping from an approximate 1,000 square-foot area within the portions of Maurer Marsh in proximity to the project site shall be clean-up and disposed of at an appropriate solid waste disposal facility.

In addition, the applicants assert that once constructed, by its very presence, the proposed commercial sales and service complex, including the cinder-block barrier wall and building facades, would afford additional protection to the adjacent ESHAs through reducing ambient levels of traffic noise and light. While periodic loading operations at the rear of the building may broadcast light and noise into the adjoining wetland areas, the applicants contend that such impacts would be minor when compared to the continual high levels of light and noise currently permeating the ESHA from Broadway/Highway 101. Furthermore, the applicants suggest that the heightened activity at the project site would help discourage illegal camping and dumping within the neighboring riparian/wetland areas, incrementally reducing impacts to these ESHAs.

Notwithstanding the offers made by the applicant to undertake various improvements and enhancements at the project site and on adjoining City-owned lands in the interest of restoring the degraded conditions within Maurer Marsh, the Commission finds that the development as currently proposed would not be in full compliance with all applicable LCP policies intended for the protection of ESHA.

Before examining the adequacy of the proposed reduced-width buffer, the Commission examines the width of the actual buffer being provided. First, the buffer width is variable and not a uniform 50 feet throughout its length across the property; the buffer is as narrow as 34 feet in some locations. Secondly, based upon a statistical and geometric evaluation of the buffer depicted on the revised site plan, the Commission finds that despite claims to the contrary by the applicants' agent, the proposed reduced-width buffer does not average 50 feet. Table One below summarizes these calculations:

Table One: Analysis of Proposed Averaged Buffer Width

Buffer Run	Distance of Buffer Run	% of Total Buffer Distance	Buffer Width Ranges and Averages (ft)	% Distance x Buffer Width
A	110	35.26	50.00	17.63
B	45	14.42	56.30	8.12
C	65	20.83	42.50-56.30 χ = 49.40	10.29
D	22	7.05	34.00-42.50 χ = 38.25	2.69
E	24	7.69	34.00	2.61
F	21	6.74	34.00-45.00 χ = 39.50	2.66
G	25	8.01	45.00-65.00 χ = 55.00	4.56
Totals:	312	100.00	---	48.56
Average Buffer Width				**48.56 feet**

Notwithstanding the provision of a greater than fifty-foot width along certain portions of the buffer's run across the property, the proposed buffer does not provide a minimum average width of even 50 feet.

Thirdly, the Commission finds that while vegetative plantings have been included within the proposal for the reduced width buffer, the buffer would be so diminished along certain segments of the buffer as to significantly compromise the screening the plants would be intended to provide. Based on a review of the development proposal and site visits, the Commission's staff biologist John Dixon has opined that it may be possible to demonstrate that a reduced-width buffer would be adequate to protect the ESHA resources at and adjoining the site, noting that, if properly designed, the installation of adequate vegetative screening within a reduced buffer of at least 50 feet minimum in all

locations could afford greater protection to the habitat than would result from a bare 100-foot-wide spatial buffer alone. If adequate space were allocated for a dense band of riparian vegetation to mature within the buffer area, the resulting tall and dense thicket would likely provide sufficient visual and noise screening to protect the existing habitat from disturbance from the proposed development.

As described in Findings Section II, the applicant proposes to plant a succession of wax-myrtle, red alder, and willow saplings on 10-foot centers within graded topsoil materials, commencing ten feet from the cinder-block wall and extending in radial bands toward the outer edge of the wetlands. Arborists generally recommend a minimum 10- to 12-foot diameter area in which to grow to allow the trees to spread as they grow to full maturity is generally.

Thus, under the proposed planting configuration, adequate space would not be afforded along the portions of the buffer where the width falls below a 35- or 36-foot depth between the wetland edge and development. In such localities the density of the vegetative growth would be less than that which could be achieved if at least a full 50-foot buffer width were to be provided and would not support a sufficiently dense or wide band of tree canopy and riparian understory to provide an effective screen for the adjoining ESHA. With the reduction in the density of the screening through these portions of the buffer, a greater amount of light and glare, noise, and increased visibility of the development would likely result which equate to greater degree of potential impact on the adjoining ESHA resources. Therefore, the Commission finds that a reduction in the buffer width to less than fifty feet would not provide adequate protection to the environmentally sensitive resource areas adjacent to the development, contrary to the requirements of the LCP.

Finally, the Commission noted that in spite of the various technical materials provided evaluating the habitat utilization and potential impacts of development of the adjacent ESHA, a paucity of factual evidence persists with respect to the demonstrated adequacy of the proposed reduced-width buffer. The Commission notes that the scope of the wetland delineation potentially did not fully disclose the extent and location of wetlands along the periphery of the project site, as the delineation was terminated at the property's southwesterly and northwesterly corners. Therefore, the applicant has not demonstrated that the variable width 34-65 feet wide buffer will be adequate to protect the resources of ESHA on the adjoining properties from disturbance from the proposed development.

Furthermore, no analysis has been provided about potential development impacts to adjoining resources, if any, taking into account the fact that the property borders the riparian wetlands along two property sides rather than just one, as is the case with many of the other developed sites on the periphery of Maurer Marsh, or recognition that the ESHA under consideration comprises not just delineated wetland areas, but both the delineated wetland areas as well as the riparian vegetated cover extending onto the site to its drip line. Given these omissions within the biological assessments, the applicant has not demonstrated that the proposed 34-65-foot-wide buffer will adequately protect the resources of the habitat area. For example, no discussion has been provided as to how the

different wildlife species that have been found to inhabit or likely could inhabit the marsh would actually utilize the area, whether for nesting, roosting, or feeding, etc. Without the knowledge of how wildlife are actually using or could potentially use the site for habitat, it is not possible to determine how much of a buffer is needed as a wider buffer may be needed for protecting particular habitat uses, such as roosting and nesting. Therefore, the proposed project is inconsistent with LUP Policy 6.A.19 and Coastal Zoning Regulations Section 156.052(O), which require a full 100-foot buffer unless the applicant can demonstrate that a smaller buffer will be adequate to protect the resource.

Therefore, based upon the above reasons, the Commission finds that the proposed development is inconsistent with the policies and standards of the LCP for protecting environmentally sensitive habitat areas, including LUP Policies 6.A.1, 6.A.3, 6.A.7, 6.A.8, 6.A.19, and Coastal Zoning Regulations Section 156.052 and must be denied.

5. Alternative Uses of the Property

Denial of the proposed permit will not eliminate all economically beneficial or productive use of the applicant's property or unreasonably limit the owner's reasonable investment backed expectations of the subject property. Denial of this application to develop the project site to the extent and manner proposed by the applicant would still leave the applicant available alternatives to use the property in a manner that would be consistent with the certified LCP and the public access policies of the Coastal Act.

The Commission notes that, even if the 100-foot-wide buffer identified within the LCP as a default development setback were to be imposed at the project site, approximately 32,650 square feet of area along its western side would be designated as non-developable resource and buffer area. Taking into account the 20-foot-wide traffic visibility setback that would be imposed along the site's street frontages, nearly two acres of parcel area would remain available for development. Alternately, if a uniform fifty-foot-wide wetland non-development buffer were to be applied outward from the approximately 312 lineal-foot wetland boundary along the property's western side, a total of 2.36 acres of potentially developable space would remain. Accordingly there exists significant net area on the property where the applicant/owner could develop economic uses of the property and accommodate a minimum wetland buffer width of at least fifty feet.[6] In addition, reuse and/or remodeling of the existing buildings on the site to accommodate new commercial development would remain an option.

Therefore, the Commission finds that feasible alternatives to the proposed project exist for the applicant to make economically beneficial or productive use of the property in a manner that would be consistent with the Chapter 3 policies of the Coastal Act.

6. California Environmental Quality Act

[6] The Commission notes that, depending upon the occupant use and the scale and intensity of a given alternative development scenario at the project site, a 50-foot-wide may not be adequate to fully protect the habitat within the adjacent ESHA and may need to be larger.

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

The Commission incorporates its findings on LCP and Coastal Act consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report.

As discussed herein in the findings addressing the consistency of the proposed project with the standards of the certified LCP and the public access policies of the Coastal Act, the proposed project is not consistent with the policies of the LCP that restrict the design and siting of development adjacent to environmentally sensitive habitat areas, including wetlands and riparian areas.

As also discussed above in the findings addressing project alternatives, there are feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA.

III. EXHIBITS:

1. Regional Location Map
2. Vicinity Map
3. Portion, DWR/CCC Aerial Photograph 189-25, 1:12,000, May, 30, 2001 – Project Setting
4. Portion, DWR/CCC Aerial Photograph 189-25, 1:12,000, May, 30, 2001 – Project Site
5. Project Site Plan
6. Notice of Final Local Action
7. Appeal, filed May 5, 2006 (Wan & Caldwell)
8. Wetlands Delineation and ESHA Buffer Analysis
9. Wildlife Habitat Utilization and Impact Assessment
10. California Department of Fish and Game Comment Letter
11. Applicant's Correspondence

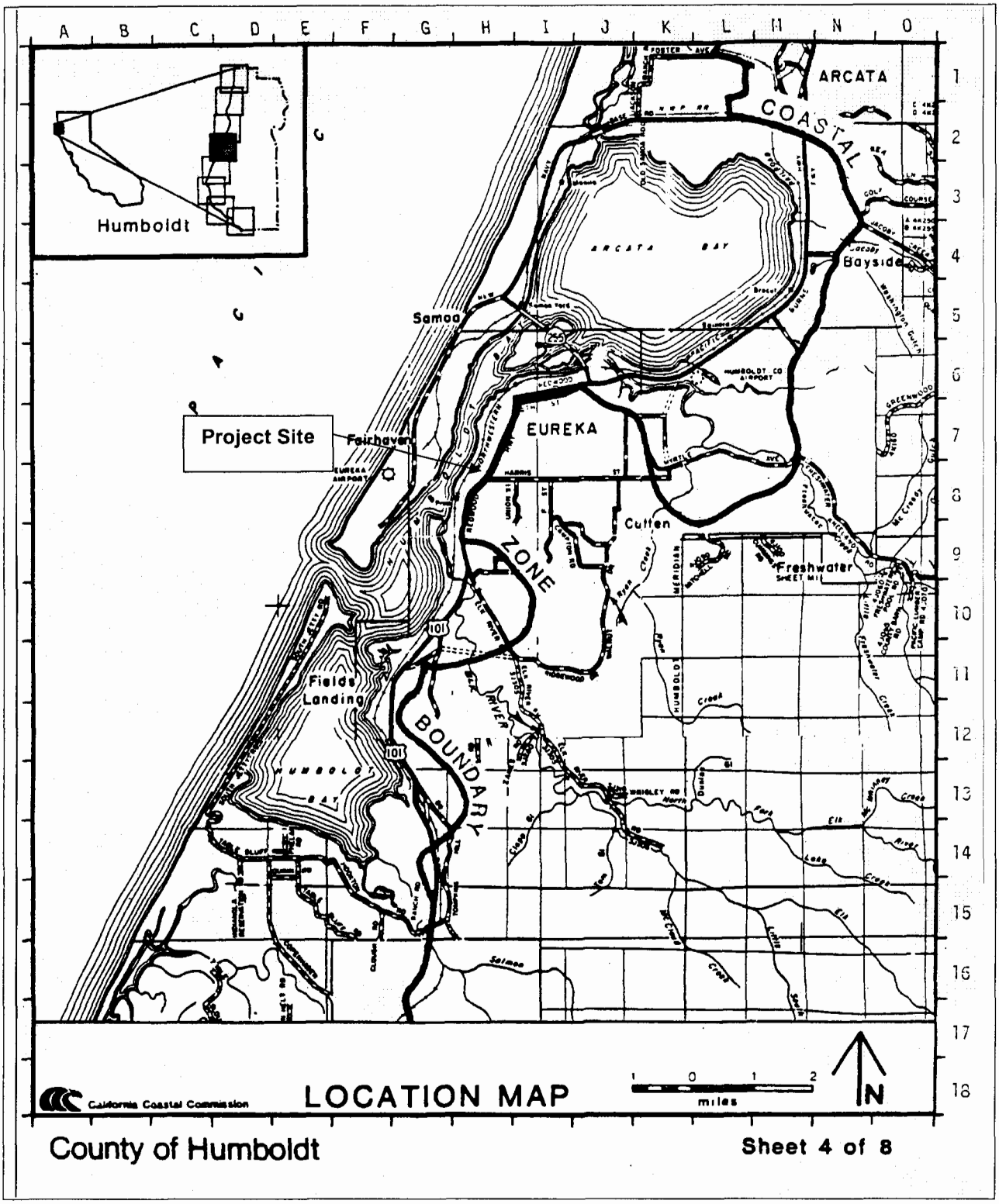


EXHIBIT NO. 1

APPLICATION NO.

A-1-EUR-06-028

EUREKA PACIFIC LLC

REGIONAL LOCATION MAP

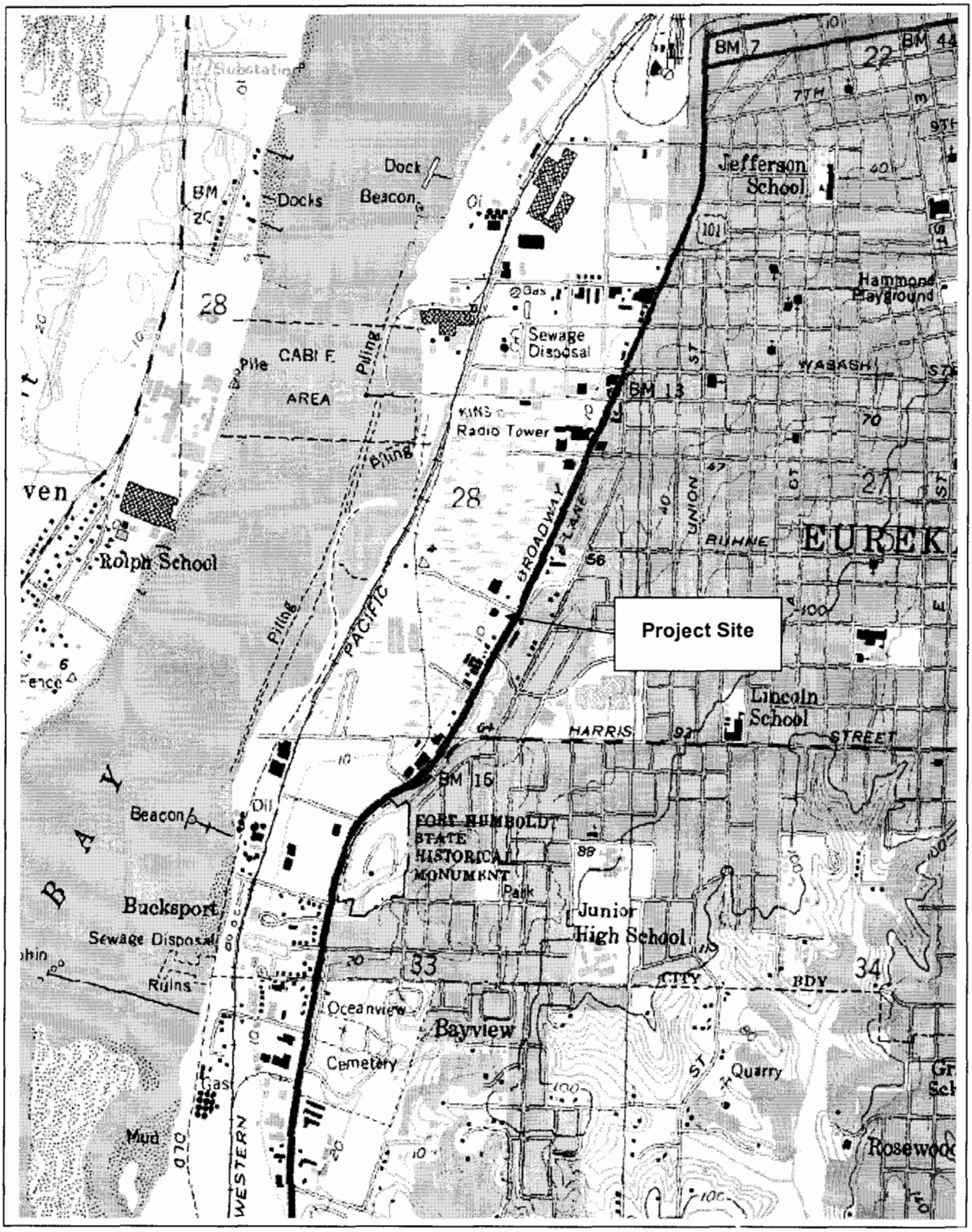


EXHIBIT NO. 2

APPLICATION NO.

A-1-EUR-06-028

EUREKA PACIFIC LLC

VICINITY MAP

EXHIBIT NO. **3**

APPLICATION NO.

A-1-EUR-06-028

EUREKA PACIFIC LLC

PORTION, DWR/CCC AERIAL PHOTOGRAPH 189-25, 1:12,000, MAY 30, 2001 – PROJECT SETTING

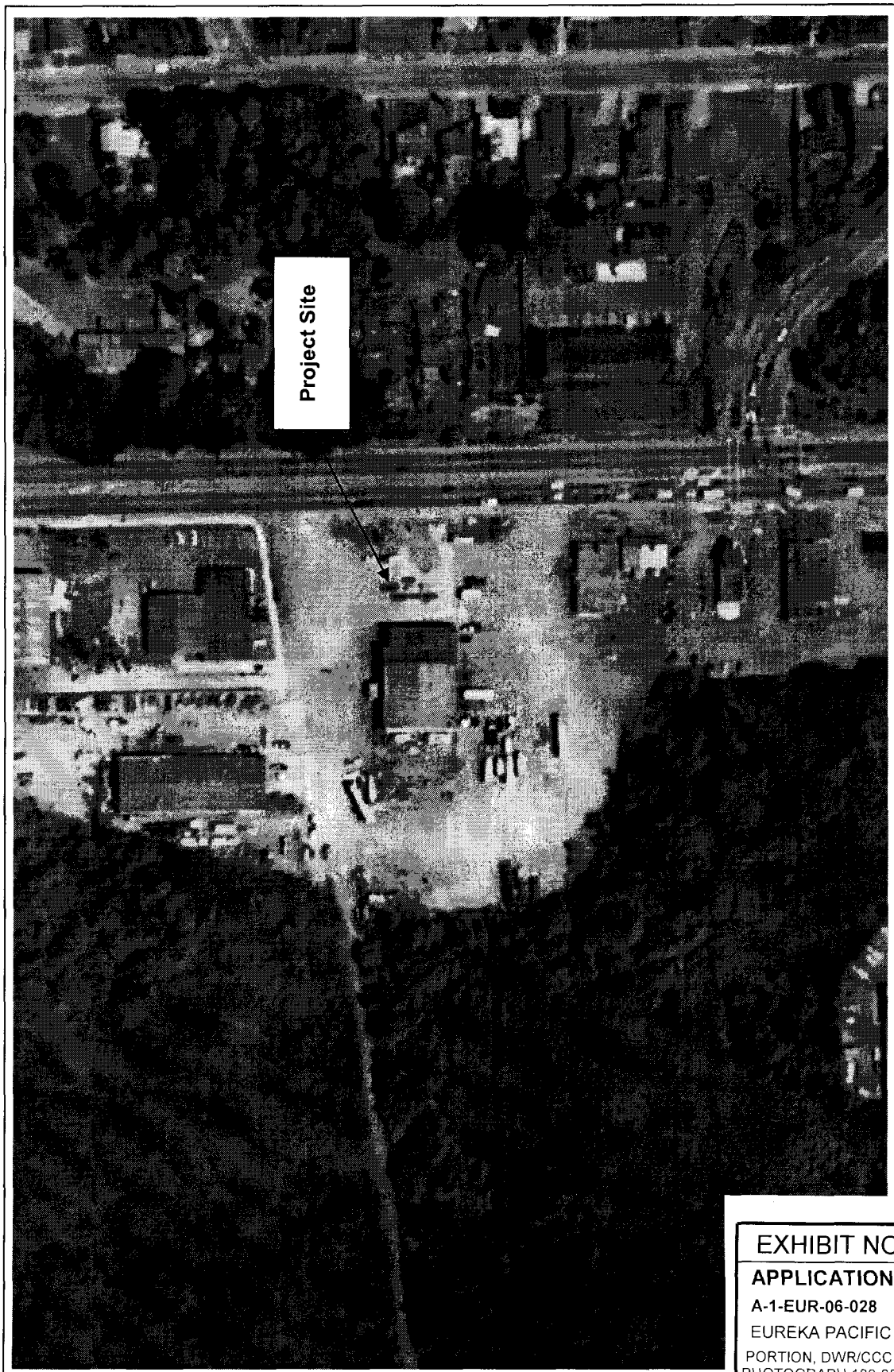


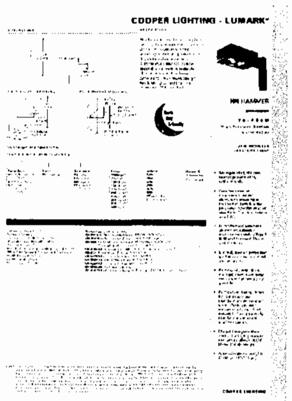
EXHIBIT NO. 4

APPLICATION NO.

A-1-EUR-06-028

EUREKA PACIFIC LLC

PORTION, DWR/CCC AERIAL PHOTOGRAPH 189-25, 1:12,000, MAY 30, 2001 – PROJECT SITE



PROPOSED EXTERIOR LIGHT

MITIGATION MEASURES NOTES

Mitigation Measure I-1. All exterior lighting located and shielded such that no light or glare extends beyond the property line. In addition, the illuminated portion of the light fixture or lens shall not extend below or beyond the canister or light shield. Exterior lighting comply with §21466.5 of the State of California Vehicle Code. See Catalog Sheet.

Mitigation Measure I-2. 8-foot tall cinder block wall located from the north edge of the lot the entire width to the south edge on the outside edge of the ten-foot buffer area.

Mitigation Measure III-1. Should the applicant and the City Fire Department desire to demolish the existing commercial building via a fireburn exercise, prior to any such exercise the applicant shall be responsible for obtaining any and all approvals/authorizations from the NCUAQMD to the satisfaction of the NCUAQMD.

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

Mitigation Measure IV-1. No west facing windows in the structure(s) adjacent to the riparian habitat area.

Mitigation Measure IV-2. There are no exterior lighting on or along the west side of the building(s) or outdoor storage area facing the riparian habitat area and no exterior lighting on or along the west end of the south wall of the building(s) adjacent to the riparian habitat area. The only exception are lighting specifically needed for the loading dock.

Mitigation Measure IV-3. The proposed loading dock adjacent to the riparian habitat has a roof and be enclosed on three sides.

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

Mitigation Measure V-2. The applicant shall hire a cultural monitor from the Table Bluff Reservation, Wiyot Tribe to be on-site during all excavation and ground disturbance activities.

Mitigation Measure VI-1. If surplus soils are stockpiled from site excavation and utility trench construction, the piles shall be covered if rains are pending or other factors affecting erosion potential are encountered. Erosion control requirements shall be included in the construction plans and specifications. The construction contractor shall comply with the requirements for protecting exposed soils from runoff-producing rain and for the proper disposal of excess soils.

Mitigation Measure VI-2. During construction all soil, previously identified at the site by the Humboldt County Department of Environmental Health in their file for A's Eureka Truck Terminal No 12086, which is to be removed from the site shall to be sampled for contaminants; if contaminants are identified, the soils shall be disposed at a permitted facility.

Mitigation Measure VII-1. A hazardous materials business plan will be prepared and implemented to deal with the presence of lead and sulfuric acid batteries on heavy equipment used during construction. The plan will be submitted to the Humboldt County Division of Environmental Health as required.

Mitigation Measure VII-2. Prior to demolition, in accordance with the applicable regulations, the applicant shall cause to be made a survey of the structure to determine the presence, or lack thereof, of hazardous substances such as asbestos materials and/or lead based paint. The findings of the survey shall be submitted, as applicable, to the RWQCB, NCUAQMD, DTSC and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, NCUAQMD, DTSC and other agencies with regard to the handling, transport and disposal of hazardous materials such as asbestos and lead based paint to the satisfaction of the applicable agency.

MITIGATION MEASURES NOTES **Mitigation Measure VII-3.** The applicant shall comply with the cleanup plan included in the Humboldt County Department of Environmental Health, in the file identified as A's Eureka Truck Terminal No 12086.

Mitigation Measure VII-4. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools; contaminants; if contaminants are identified, the soils shall be disposed at a permitted facility.

Measure VIII-1. Grading and drainage plan see Sheet C-1, C-2

Mitigation Measure VIII-2. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.

Mitigation Measure VIII-3. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.

Mitigation Measure VIII-4. All landscaping shall be located in curbed planter beds.

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

Mitigation Measure XV-2. Site Plan shown 8-foot wide public sidewalks along the entire frontage of Vigo Street as well as the entire frontage of Broadway. The public sidewalks is hat encroach onto private property.

Mitigation Measure XV-3. Access to the property from Vigo Street designed as driveways per City of Eureka Resolution No. 6219 (see commercial driveways). Caltrans details will be used for driveways off Broadway.

Mitigation Measure XV-4. All Vigo Street driveways designed to meet ADA accessibility per City of Eureka Resolution 6219 and per standards required by Caltrans.

Mitigation Measure XV-5. The curb return and radius at Vigo and Broadway shall be handicapped approved and approved by both the City of Eureka and Caltrans.

Mitigation Measure XV-6. Visibility triangles shall be maintained at all private driveways per the City of Eureka Sight Obstruction Regulations. Larger visibility triangles shall be used on Broadway due to the higher volume and speeds of traffic.

Mitigation Measure XV-7. The Vigo Street leg of the Broadway intersection is reconfigured including right-turn pockets.

Mitigation Measure XVI-1. At the time of demolition, all utilities shall be disconnected, with water and sewer services located and plugged/capped at the property line.

Mitigation Measure XVI-2. Size and location of all solid waste and recycling facilities on the project site in compliance with Public Resources Code §42910 and §42911 and Title 14 California Code of Regulation §17313 Design Requirements.

Mitigation Measure XVI-3. The storage, transfer, processing and disposal of construction, demolition and inert (CD&I) debris including but not limited to asphalt, concrete, metal, glass, gypsum wallboard, soil, and wood shall comply with Title 14, California Code of Regulations Article 5.9, adopted August 9, 2003 and Article 5.95, adopted February 24, 2004.

PROJECT SUMMARY

SITE AREA: 130,682 SF (+/- 3.0 AC)
SITE AREA NET: 108,080 SF (EXLUDING SET-BACKS AND LANDSCAPE BUFFER)

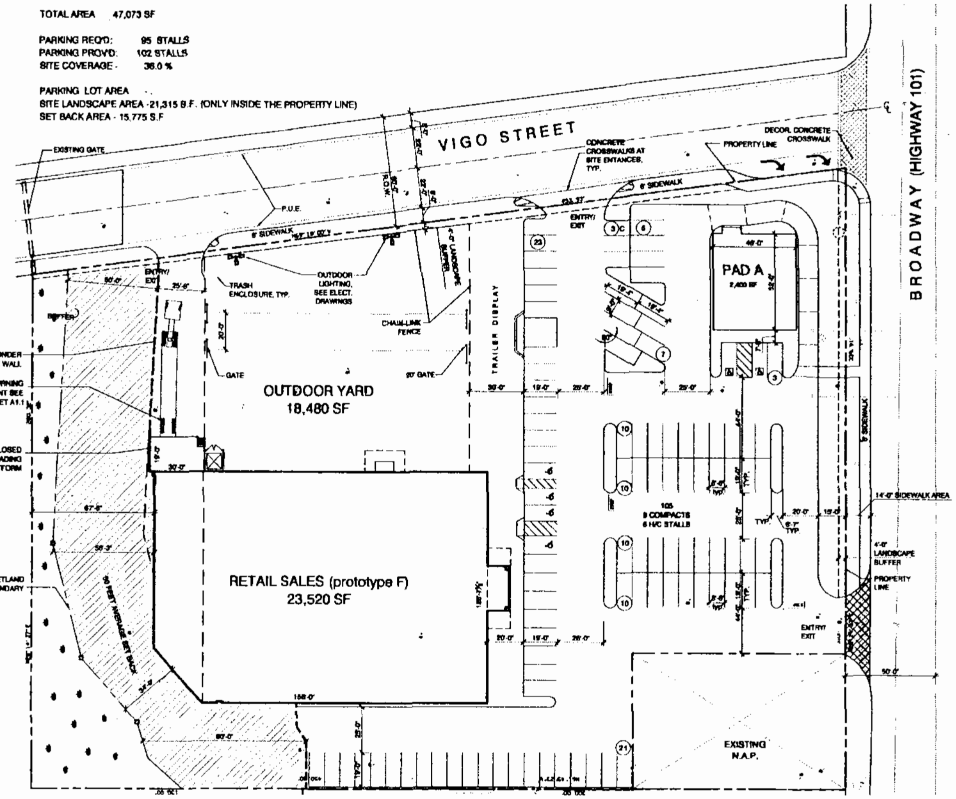
BLDG AREA PROPOSED: 25,920 S.F.

TRACTOR SUPPLY	19,442 SF (1/500 SF)	39 STALLS
WAREHOUSE	4,078 SF (1/1000 SF)	4 STALLS
OUTDOOR YARD	20,000 SF (1/500 SF)	40 STALLS
PAD A	2,400 SF (1/200 SF)	12 STALLS

TOTAL AREA 47,073 SF

PARKING REQ'D: 95 STALLS
PARKING PROV'D: 102 STALLS
SITE COVERAGE: 36.0 %

PARKING LOT AREA
SITE LANDSCAPE AREA - 21,315 S.F. (ONLY INSIDE THE PROPERTY LINE)
SET BACK AREA - 15,775 S.F.



SHEET NOTES

LANDSCAPE PLAN AND SIGNAGE WILL BE SUBMITTED FOR APPROVAL IN THE FUTURE.

DATE:	AUGUST 30 2006
MCG JOB #:	02.115.05
DATE	REVISIONS

SITE PLAN. Scheme K-5

Scale: 1" = 30'

0 30' 60'

EXHIBIT NO. 5

APPLICATION NO.

A-1-EUR-06-028

EUREKA PACIFIC LLC

PROJECT SITE PLAN (1 of 2)

VIGO & BROADWAY

EUREKA, CALIFORNIA

EUREKA PACIFIC, LLC.

SHEET 1.0

785 Market Street
San Francisco, California 94103-2019
T 415.974.6002 F 415.974.1556
mcgarchitecture.com

MITIGATION MEASURES NOTES

Mitigation Measure I-1. All exterior lighting located and shielded such that no light or glare extends beyond the property line. In addition, the illuminated portion of the light fixture or lens shall not extend below or beyond the canister or light shield. Exterior lighting comply with §21466.5 of the State of California Vehicle Code. See Catalog Sheet.

Mitigation Measure I-2. 6-foot tall cinder block wall located from the north edge of the lot the entire width to the south edge on the outside edge of the ten-foot buffer area.

Mitigation Measure III-1. Should the applicant and the City Fire Department desire to demolish the existing commercial building via a fire/burn exercise, prior to any such exercise the applicant shall be responsible for obtaining any and all approvals/authorizations from the NCUAQMD to the satisfaction of the NCUAQMD.

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

Mitigation Measure IV-1. No west facing windows in the structure(s) adjacent to the riparian habitat area.

Mitigation Measure IV-2. There are no exterior lighting on or along the west side of the building(s) or outdoor storage area facing the riparian habitat area and no exterior lighting on or along the west end of the south wall of the building(s) adjacent to the riparian habitat area. The only exception are lighting specifically needed for the loading dock.

Mitigation Measure IV-3. The proposed loading dock adjacent to the riparian habitat has a roof and be enclosed on three sides.

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

Mitigation Measure V-2. The applicant shall hire a cultural monitor from the Table Bluff Reservation, Wiyot Tribe to be on-site during all excavation and ground disturbance activities.

Mitigation Measure VI-1. If surplus soils are stockpiled from site excavation and utility trench construction, the piles shall be covered if rains are pending or other factors affecting erosion potential are encountered. Erosion control requirements shall be included in the construction plans and specifications. The construction contractor shall comply with the requirements for protecting exposed soils from runoff-producing rain and for the proper disposal of excess soils.

Mitigation Measure VI-2. During construction all soil, previously identified at the site by the Humboldt County Department of Environmental Health in their file for Al's Eureka Truck Terminal No 12088, which is to be removed from the site shall to be sampled for contaminants; if contaminants are identified, the soils shall be disposed at a permitted facility.

Mitigation Measure VII-1. A hazardous materials business plan will be prepared and implemented to deal with the presence of lead and sulfuric acid batteries on heavy equipment used during construction. The plan will be submitted to the Humboldt County Division of Environmental Health as required.

Mitigation Measure VII-2. Prior to demolition, in accordance with the applicable regulations, the applicant shall cause to be made a survey of the structure to determine the presence, or lack thereof, of hazardous substances such as asbestos materials and/or lead based paint. The findings of the survey shall be submitted, as applicable, to the RWQCB, NCUAQMD, DTSC and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, NCUAQMD, DTSC and other agencies with regard to the handling, transport and disposal of hazardous materials such as asbestos and lead based paint to the satisfaction of the applicable agency.

MITIGATION MEASURES NOTES

Mitigation Measure VII-3. The applicant shall comply with the cleanup plan included in the Humboldt County Department of Environmental Health, in the file identified as Al's Eureka Truck Terminal No 12088.

Mitigation Measure VII-4. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools.r contaminants; if contaminants are identified, the soils shall be disposed at a permitted facility.

Measure VIII-1. Grading and drainage plan see Sheet C-1, C-2

Mitigation Measure VIII-2. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.

Mitigation Measure VIII-3. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.

Mitigation Measure VIII-4. All landscaping shall be located in curbed planter beds.

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

Mitigation Measure XV-2. Site Plan shown 6-foot wide public sidewalks along the entire frontage of Vigo Street as well as the entire frontage of Broadway. The public sidewalks is not encroach onto private property.

Mitigation Measure XV-3. Access to the property from Vigo Street designed as driveways per City of Eureka Resolution No. 6219 (see commercial driveways). Caltrans details will be used for driveways off Broadway.

Mitigation Measure XV-4. All Vigo Street driveways designed to meet ADA accessibility per City of Eureka Resolution 6219 and per standards required by Caltrans.

Mitigation Measure XV-5. The curb return and radius at Vigo and Broadway shall be handicapped approved and approved by both the City of Eureka and Caltrans.

Mitigation Measure XV-6. Visibility triangles shall be maintained at all private driveways per the City of Eureka Sight Obstruction Regulations. Larger visibility triangles shall be used on Broadway due to the higher volume and speeds of traffic.

Mitigation Measure XV-7. The Vigo Street leg of the Broadway intersection is reconfigured including right-turn pockets..

Mitigation Measure XVI-1. At the time of demolition, all utilities shall be disconnected, with water and sewer services located and plugged/capped at the property line.

Mitigation Measure XVI-2. Size and location of all solid waste and recycling facilities on the project site in compliance with Public Resources Code §42910 and §42911 and Title 14 California Code of Regulation §17313 Design Requirements.

Mitigation Measure XVI-3. The storage, transfer, processing and disposal of construction, demolition and inert (CD&I) debris including but not limited to asphalt, concrete, metal, glass, gypsum wallboard, soil, and wood shall comply with Title 14, California Code of Regulations Article 5.9, adopted August 9, 2003 and Article 5.95, adopted February 24, 2004.

242

EXHIBIT NO. 6
APPLICATION NO.
A-1-EUR-06-028
EUREKA PACIFIC LLC
NOTICE OF FINAL LOCAL ACTION (1 of 36)

CITY OF EUREKA

COMMUNITY DEVELOPMENT DEPARTMENT
Kevin R. Hamblin, AICP, Director
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • Fx (707) 441-4202

NOTICE OF FINAL CITY ACTION ON A COASTAL DEVELOPMENT PERMIT
~~Cdp-04-009– Eureka Pacific, Inc. Vigo & Broadway Development –~~
Eureka Pacific, LLC
April 18, 2006

The following project is located within the Coastal Zone of the City of Eureka. On April 18, 2006, action was taken by the City Council on C-04-007 to adopt the Findings of Fact as described in Exhibit "A" and approve the Conditional Use Permit subject to the mitigation measures and conditions of approval as described in Exhibit "B".

APPLICANT: Eureka Pacific, Inc. Vigo & Broadway Development
2616 Broadway
Eureka, CA +5501

APPLICATION FILE NUMBERS: CDP-04-009 FILED: July 29, 2004

ACTION WAS TAKEN BY: City Council
April 18,2006

CEQA STATUS: The project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA), however, it can be exempted from environmental review under CEQA Guideline Section 15303 (Class 03) which exempts minor new construction or conversion of small structures.

ACTION: ____ Approved ____ Denied __X__ Approved with Conditions

The project was not appealed at the local level.

The project is: _____ Not appealable to the Coastal Commission.

__X__ Appealable to the Coastal Commission pursuant to Public Resources Code, Section 3063. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days following Commission receipt of this notice. Appeals must be in writing to the appropriate Coastal Commission district office.

Sidnie Olson
Acting Director of Community Development

KRH:bc

cc: Building/Public Works Department
Engineering Department
City Manager
Owner/Applicant

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of April 18, 2006.

SUBJECT: Public hearing - Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007

ACTION:

Senior Planner Sidnie Olson provided a report. The public hearing was opened at 8:57 p.m. The following individuals addressed the Council regarding this matter:

Randy Cooke, applicant, described the historic uses of the property as an active truck stop, outlet for U.S. Cellular, and bus stop. He spoke regarding the work that has been accomplished with regard to regulatory cleanup, an analysis of a 40,000 sq/ft retail/commercial development, biological assessment, and Planning Commission approval of a conditional use permit based on a restaurant in the front. He stated that the project now has a letter of intent to lease the back property for a farm/retail-type business, which significantly reduces the traffic to that area as opposed to a 40,000 square foot full retail unit. He stated that he did the Les Schwab and Commercial Radio developments, and pointed out that there is a birm that separates the Maurer Marsh from the commercial development, and are well within the 100 feet. He stated that this project would be in-filling in line with all of the other development along there, and asked for support of the project.

Kent Hallen, Eureka Pacific Properties, made a presentation regarding the building elements relating to elevations, lighting, loading and site plan. He addressed questions regarding the drive-through traffic flow.

Jeff Elia, Hexagon Transportation Consultants, provided background information regarding the traffic impact analysis, and stated that the results of the study of a 40,000 sq/ft retail unit with a small restaurant showed there was no level of service impacts and it met all the standards required by the city and the state. He spoke about several recommendations that were made in terms of improving traffic flow and stated that most have been incorporated as mitigation measures. He stated that with the exploration of uses of the site with different tenants, it would result in significantly less traffic than was studied, to the order of about 45% less. He stated that the results of the original traffic study would still stand, and that the mitigation measures of the impacts that have been identified are still applicable to the project. He stated that the impacts in the study are now over-stated, and there would be no additional traffic issues that would come up for this current project.

Ron Kuhnel, Chair-Planning Commission, spoke regarding the Planning Commissioners' questions regarding possible traffic concerns. He stated that he was concerned with the notion of putting a "keep clear" requirement on the state highway, as he wasn't sure CalTrans would approve it, and that if they did approve it, he wasn't sure that it was going to make it more or less safe. He also was concerned about where traffic would go, and dubious of them making a U-turn at Henderson. He stated that he was concerned about the lack of analysis on the driveway that exits onto Broadway next to Cellular One. He stated that CalTrans had only just received the report and asked for continuance, but continuance was not granted. He stated that the Planning Commission voted to approve the permit on the understanding that the issues raised would be dealt with by the City Council in the Coastal Development Permit. He stated that he also would add a concern that the mitigation measures that were in there, were going to be the same ones that the Council would approve, and that the fact that mitigation measures are mandatory, they didn't want to have mitigation measures that couldn't be enforced, particularly the "keep clear" requirement. He stated that if other mitigation measures are necessary, then that would be dealt with.

Mark McCulloch, owner-Mr. Fish, stated that his big concern is the traffic. He stated that with regard to a right turn going out of the driveway closest to him or Vigo Street, the traffic would go through his parking lot, which they do already, to go through the intersection to go North. It would increase the flow there and behind the coffee shop. He stated that he is in favor of the project succeeding and for the lot to be improved as it is a blight in the neighborhood, but that he wants it done with traffic safety in mind too. He stated that he is concerned about how it might impact his business.

Richard Tollison, Eureka, stated that Mr. McCulloch is saying that the people driving on 101 will cross his property to get back onto 101 and he is afraid it will get worse with the project. He stated that he has walked there several times, and that it is getting dangerous for pedestrians there because there are people who don't want to wait to turn.

Mary Ann McCulloch, co-owner-Mr. Fish, stated that the speed limit is 30 MPH until you hit Wabash, at which it turns to 40 MPH. She asked if Caltrans would consider reducing the speed limit, to allow for safer egress.

The public hearing was closed at 9:37 p.m.

Agenda Item 2

A motion by Councilmember Wolford to refer the matter back to the Planning Commission to study the new information and make a recommendation died for lack of a second.

On motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote, Council adopted the Mitigated Negative Declaration (SCH# 200562024) and the Mitigation Monitoring and Reporting Program; adopted the Findings of Fact as listed in Exhibit 'A'; and approved the Coastal Development Permit subject to the Conditions of Approval and Mitigation Measures listed in Exhibit 'B'.

AYES:	BASS-JACKSON, LEONARD, KERRIGAN, JONES
NOES:	WOLFORD
ABSENT:	NONE
ABSTAIN:	NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on April 19, 2006.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Community Development Director Agenda Item 2

City of Eureka ~ City Council

AGENDA SUMMARY

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	**FOR AGENDA DATE**: April 18, 2006 **AGENDA ITEM NO.**:

RECOMMENDATION:

1. Hold a Public Hearing;
2. Adopt the Mitigated Negative Declaration (SCH# 200562024) and the Mitigation Monitoring and Reporting Program; and
3. Adopt the Findings of Fact as listed in Exhibit 'A'; and
4. Approve the Coastal Development Permit subject to the Conditions of Approval and Mitigation Measures listed in Exhibit 'B'.

SUMMARY OF THE ISSUE:

The applicant is requesting a coastal development permit for the demolition of one existing commercial structure and the construction of an approximately 40,000 square foot mixed use retail sales/service and restaurant development on approximately three acres, comprised of two CS zoned parcels. The project also includes a lot line adjustment between the two commercial parcels that will place the larger retail sales/service development located towards the rear of the property onto one parcel, and the smaller restaurant/retail area at the corner of Vigo and Broadway on a separate parcel. The project site is located in the California Coastal Zone. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit with appeal jurisdiction to the state Coastal Commission.

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

Signature: Kevin R. Hamblin **Kevin R. Hamblin** *Director of Community Development*	Signature: _____ **David W. Tyson** *City Manager*

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	4/12/06	D.T.
Engineering	_____	_____

COUNCIL ACTION:	
Ordinance No. _____	**Resolution No.** _____

6436

City of Eureka ~ City Council

AGENDA SUMMARY

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006 AGENDA ITEM NO.:

RECOMMENDATION:

1. Hold a Public Hearing;
2. Adopt the Mitigated Negative Declaration (SCH# 200562024) and the Mitigation Monitoring and Reporting Program; and
3. Adopt the Findings of Fact as listed in Exhibit 'A'; and
4. Approve the Coastal Development Permit subject to the Conditions of Approval and Mitigation Measures listed in Exhibit 'B'.

SUMMARY OF THE ISSUE:

The applicant is requesting a coastal development permit for the demolition of one existing commercial structure and the construction of an approximately 40,000 square foot mixed use retail sales/service and restaurant development on approximately three acres, comprised of two CS zoned parcels. The project also includes a lot line adjustment between the two commercial parcels that will place the larger retail sales/service development located towards the rear of the property onto one parcel, and the smaller restaurant/retail area at the corner of Vigo and Broadway on a separate parcel. The project site is located in the California Coastal Zone. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit with appeal jurisdiction to the state Coastal Commission.

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

Signature: Kevin R. Hamblin **Kevin R. Hamblin** *Director of Community Development*	Signature: _____ **David W. Tyson** *City Manager*

REVIEWED BY:	DATE:	INITIALS:
City Attorney		
Engineering	4/12/06	KEG

COUNCIL ACTION:	
Ordinance No. _____	**Resolution No.** _____

7936

City of Eureka ~ City Council

AGENDA SUMMARY

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006 AGENDA ITEM NO.:

RECOMMENDATION:

1. Hold a Public Hearing;
2. Adopt the Mitigated Negative Declaration (SCH# 200562024) and the Mitigation Monitoring and Reporting Program; and
3. Adopt the Findings of Fact as listed in Exhibit 'A'; and
4. Approve the Coastal Development Permit subject to the Conditions of Approval and Mitigation Measures listed in Exhibit 'B'.

SUMMARY OF THE ISSUE:

The applicant is requesting a coastal development permit for the demolition of one existing commercial structure and the construction of an approximately 40,000 square foot mixed use retail sales/service and restaurant development on approximately three acres, comprised of two CS zoned parcels. The project also includes a lot line adjustment between the two commercial parcels that will place the larger retail sales/service development located towards the rear of the property onto one parcel, and the smaller restaurant/retail area at the corner of Vigo and Broadway on a separate parcel. The project site is located in the California Coastal Zone. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit with appeal jurisdiction to the state Coastal Commission.

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

Signature: Kevin R. Hamblin **Kevin R. Hamblin** *Director of Community Development*	Signature: _____ **David W. Tyson** *City Manager*

REVIEWED BY:	DATE:	INITIALS:
City Attorney	_____	_____
Engineering	_____	_____

COUNCIL ACTION:	
Ordinance No. _____	**Resolution No.** _____

8436

AGENDA REVIEW

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

BACKGROUND:

The applicant is proposing to construct an approximately 40,000 square foot mixed use retail sales/service and restaurant development on the subject property which is located at the southwest corner of the intersection of Vigo Street with Broadway. The property is located within the coastal zone and on land zoned Service Commercial (CS). Eureka Municipal Code Section 156.074 specifies the permitted and conditional uses allowed in the coastal CS zone; the principally permitted uses include a wide range of retail sales/service uses. A few of the principally permitted retail sales/service uses are: art supply stores; bakeries; clothing stores; delicatessen stores; department stores; drugstores; florists; furniture stores; garden shops; hardware stores; hobby shops; jewelry stores; liquor stores; lumberyards; music stores; pet and bird stores; shoe stores; sporting goods stores; stationery stores; toy stores; and variety stores.

The proposed restaurant use is a conditionally permitted use in the coastal CS zone. A conditional use permit was approved by the Planning Commission on March 13, 2006 (Case No. C-04-007). No appeal of the Planning Commission's action was filed; therefore, the action of the Commission on the conditional use permit is final.

The proposal is a "project" as defined by the California Environmental Quality Act (CEQA). In 2005, the city, as the Lead Agency for CEQA, circulated for review and comment an initial study and draft Mitigated Negative Declaration (MND). The project described and analyzed in the 2005 initial study was slightly different than the project currently proposed. The initial study analyzed "*the demolition of one existing commercial structure (a former truck terminal) in order to construct, perhaps in two phases, approximately 49,674 square feet of retail building area. Phase One will include the construction of approximately 43,674 square feet of retail buildable area, comprised of 1 to 3 buildings and/or an outdoor yard for large product retail use and will include construction of all off-street parking and landscaping; Phase Two will include approximately 6,000 square feet of retail/café buildable area with the possibility of a café/restaurant with a drive thru window.*" Whereas, the current project would only be 40,000 square foot of mixed use retail sales/service and restaurant use.

The initial study and draft MND were sent to the State Clearinghouse (SCH #200562024) for circulation to state agencies including Caltrans. The MND and initial study were also sent to local and federal agencies, including the Army Corps of Engineers, for review and comment. The agency review period was June 6, 2005 through July 5, 2005.

The conditional use permit was scheduled for a public hearing before the Planning

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	**FOR AGENDA DATE**: April 18, 2006

Commission on July 11, 2005; and the coastal development permit was scheduled for a public hearing before the City Council on July 19, 2005. On July 11, 2005, due to a lack of quorum, the Planning Commission continued the public hearing to their next meeting of August 8, 2005. The coastal development permit that was scheduled to be heard by the City Council on July 19, 2005 was continued to August 16, 2005.

At the applicant's request, on August 8, 2005, the Planning Commission continued the public hearing for the conditional use permit to September 12, 2005; and the City Council continued the August 16, 2005 public hearing to September 20, 2005. In early September 2005 the applicant advised city staff that they were making revisions to the project; therefore, the project was pulled from the public hearing calendar to be re-noticed for future hearing dates when the changes were completed.

Unrelated to the continuances described above, on September 26, 2005, the City received a letter from the Army Corps of Engineers (ACOE) which included a mapped delineation of wetlands under the Corps jurisdiction; the mapping showed that portions of the graveled parking lot were jurisdictional wetlands. In the subsequent months, the applicant's agent Misha Schwarz of Winzler and Kelly Consulting Engineers assiduously pursued an appeal of the Army Corps determination. Finally, in a letter from Jane M. Hicks, Chief, Regulatory Branch of the ACOE dated January 18, 2006, to Misha Schwarz of Winzler & Kelly, ACOE approved a revised jurisdictional delineation which excluded the graveled parking lot from the wetlands area. Further discussion regarding biological issues is below.

Subsequent to the September 26, 2005, letter from the Army Corps of Engineers and prior to the public hearing on March 13, 2006, the project was revised to the current proposal of "approximately 40,000 square foot mixed use retail sales/service and restaurant development." The revised site plan shows RETAIL 'A' having 18,000 square feet and RETAIL 'B' having 13,750 square feet for a total of 31,750 square feet of retail. PAD 'A' is shown as having 6,000 square feet; PAD 'A' is described as Drive-thru Restaurant.

As stated above, the conditional use permit for the proposed 6,000 square foot restaurant use was approved by the Planning Commission on March 13, 2006. At the public hearing for the conditional use permit, a representative of Caltrans spoke stating that Caltrans wanted a continuance of the public hearing so that Caltrans could have more time to look at the differences from the current proposal to what had been previously reviewed. The Planning Commission did not grant the continuance. On April 10, 2006, the City received a letter from Caltrans; the content and implications of the

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

April 10th letter are discussed below.

Biological:

The City of Eureka's adopted Local Coastal Program (LCP) requires that Environmentally Sensitive Habitat Areas (ESHA), including wetlands, be protected. Specifically, LCP Policy 6.A.19 states:

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

A buffer area provides essential open space between the proposed development and adjacent ESHA. The existence of the open space ensures that the type and scale of development proposed will not significantly degrade the habitat area. A buffer area is not itself a part of the environmentally sensitive habitat area, but a "buffer" or "screen" that protects the habitat area from potential adverse environmental impacts caused by the development. The buffer area is measured from the landward edge of the wetland (riparian woodlands are considered wetland habitats under the LCP).

Winzler & Kelly Consulting Engineers in a letter to Sidnie L. Olson dated April 3, 2006, provided the justification to support a reduced ten foot buffer for the proposed project. The criteria and discussion for determining that a reduced buffer is appropriate and supportable for the proposed project is as follows:

Biological Significance of Adjacent Lands. Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist or botanist who is familiar with the particular type of habitat involved. Where a significant functional relationship

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

exists, the land supporting this relationship should also be considered to be part of the environmentally sensitive habitat area, and the buffer area should be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer should be extended from the edge of the wetland, stream or riparian habitat (for example) which is adjacent to the proposed development (as opposed to the adjacent area which is significantly related ecologically).

The existing Maurer Marsh that is adjacent to the proposed development is understood as an Environmentally Sensitive Habitat Area (ESHA). Winzler & Kelly Senior Biologist, is very familiar with the riparian and marsh habitats and the wildlife species present in the Maurer Marsh, having surveyed birds for different projects near that location beginning approximately 18 years ago. In 1987, he surveyed the Maurer Marsh and adjacent Holmes Lumber pocket marsh for the proposed expansion of the Bayshore Mall parking lot. In 1988, he assisted in the mitigation monitoring of the adjacent Bayshore Mall wetlands. In 1994, he surveyed the adjacent Maurer Marsh for the proposed development of the Gold Rush Coffee Shop. In 1998, he surveyed the adjacent Holmes Lumber pocket marsh for the proposed development of the Broadway Taco Bell. In 2001, he surveyed the adjacent Maurer Marsh for the proposed development of the Broadway Chevron Gas Station. And in 2005, Mr. Lester surveyed the Maurer Marsh for the current proposed development at Vigo Street and Broadway. During his census work and observations of numerous other independent observers, it has been determined that two California Department of Fish & Game (DFG) bird species of special concern, Black-capped Chickadee (*Poecile atricapillus*) and Yellow Warbler (*Dendroica petechia*), occur in the Maurer Marsh ESHA west of the proposed development. A resident population of Black-capped Chickadees frequents the riparian habitats of Maurer Marsh. The Black-capped Chickadee is an assumed breeder in the area. The Yellow Warbler is a common migrant. Numerous other species are assumed to be breeders, and are protected under the Federal Migratory Bird Act, but are not recognized as species of special concern by DFG.

In all of the above proposed developments, all new construction was to occur on already previously filled lots that were located next to existing City of Eureka wetlands. None of the proposed developments were to encroach or otherwise remove existing marsh vegetation. In most of the above developments there were requirements to restrict habitat facing windows and the requirement of the placement of fencing between the marsh and new construction. Due to the presence in most of the above cases of already existing development there was no required 100' set back. Where there has been new construction in the proximity of Maurer Marsh (i.e. Six Rivers National Forest Headquarters, Taco Bell), the buildings have been setback and parking with fencing built between the marsh habitat and the building. There has been no or very little set back

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

from the Maurer Marsh riparian.

At the existing proposed development at Vigo Street and Broadway, there has been an active truck stop or similar activity at that location since 1954. Prior to the truck stop there had been as early as 1931 an active dairy or cattle ranch that had a barn at the approximate location as the existing truck stop building. The existing site protection from the adjacent marsh habitat was a poorly maintained cyclone fence and a 2 foot to 4 foot high berm. Much of the berm had been overgrown by riparian vegetation canopy cover. The berm and cyclone fence had at one time prevented inadvertent entry of vehicles into the marsh. Most recently the riparian cover was likely doing a better role in that regard. A narrow strip of seasonal wetlands and riparian cover occurs between the berm and the proposed development. It is recommended that a 6 foot high cinder block wall be placed 10 feet from the existing wetlands and be built the entire width of the parcel opposite Maurer Marsh. The wall will isolate the retail activities from the marsh and prevent unnecessary human disturbance from the development directly to the ESHA.

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

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

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

The Maurer Marsh habitat from Vigo Street to Bayshore Way is one of the most frequently birded habitats in all of Humboldt County. Due to the birding coverage of Maurer Marsh, the variety of migrant bird use of the Maurer Marsh riparian would rival any coastal riparian habitat in all of northern California. At no time has Mr. Lester become aware of the threats to the bird populations using the marsh habitat due to permitted development at the margins of Maurer Marsh. For over 50 years, the Maurer Marsh has been adjacent to lumber mill activity, railroads, highways, ranching and commercial developments. The current location had been used most recently as vehicle staging, equipment storage, vehicle maintenance and materials staging. The activity associated with the most recent commercial use adjacent to Maurer Marsh habitat was intermittent, frequently active in the early mornings, at times intense, often loud and with little buffer. Yet despite these activities, the bird species which occupy Maurer Marsh would appear to have become accustomed to the various types of human activities associated with a busy, growing and productive coastal port city. The marsh plant species

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	**FOR AGENDA DATE**: April 18, 2006

composition at Maurer Marsh does not appear to have any susceptibility to adjacent development. The entire riparian stretch from Vigo Street to Bayshore Way appears composed of intact, healthy and diverse native tree, shrub and herbaceous species. The proposed commercial development would seemingly be less intrusive than the most recent use and would provide a solid wall as a buffer.

Maybe nothing inherently unique of Maurer Marsh makes it so bird species rich. It could simply be where it occurs. Maurer Marsh is located along the Pacific Coast Flyway and resident coastal species of birds are mixed with those in transit. In addition, it occurs next to the U. S. Forest Service Headquarters and a major thoroughfare making it easy to visit by local birdwatchers. No long-term studies of bird use at Maurer Marsh are known to have been conducted; therefore these conclusions are based on personal experience, reported observations of numerous individuals and not on published data. To help ensure that continued bird diversity is allowed to occupy the adjacent riparian forests, the proposed development will not install west facing windows on the structure adjacent to the marsh, will install a protective, solid, 6 foot high cinder block wall be built between the development and the marsh and that outdoor lighting will be shielded as to not shine directly on the riparian marsh habitat behind the rear building.

There appears to be evidence of what could only be described as criminal environmental destruction caused by illegal activities that would cause harm, threaten, disturb, maim, destroy nests, eggs, nestlings and kill adult birds occurring in the Maurer Marsh for over 20 years. Since surveys have been conducted in the Maurer Marsh habitat, the single greatest threat to the habitat has been the continued illegal camping occurring in the riparian forest. Large areas of ground cover have been cleared, major canopy occupying riparian trees have been entirely removed and vast amount of illegal dumping has occurred. There is no place in the city limits of Eureka that appears so environmentally challenged. It seems that more Maurer Marsh riparian habitat is lost to illegal activities in a single summer than has been lost to commercial development in 20 years. Despite the intense activity occurring on adjacent development and illegal camping, there has not been any apparent lack of resident and migrant bird population use claimed by any observers. Often nearly every year since 1989 there has been at least one and frequently multiple sightings of bird species that encourage follow-up from other birdwatchers that they themselves will find some species at Maurer Marsh not previously reported and which causes another wave of birdwatchers to visit the marsh.

The development and commercial use of the adjacent parcels of property next to Maurer Marsh may in fact help improve habitat conditions by preventing the spread of non-permitted use of the marsh by eliminating an easy access to the marsh.

14436

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

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

Although a portion of the proposed development drains towards the Maurer Marsh, the lack of slope gradient would seem to minimize the threat to the adjacent habitat from erosion and sedimentation. Most of the parcel will be paved to prevent on-site erosion. As part of the CUP, an oil water clarifier shall be installed prior to any waters leaving the site and entering the public storm water system or the adjacent Maurer Marsh. Possibly a Storm Water Pollution Prevention Plan (SWPPP) will be prepared.

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

There are little or no natural topographic features on the site. There does not appear to be any significant topographic feature that can provide a means to protect the adjacent riparian habitats. An existing man-made gravel berm is located in the back of the parcel adjacent to the marsh habitat. This berm will be retained and provide a protective feature from the development and the Maurer Marsh wetlands.

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

The existing parcel has limited room to allow for required coastal zone setbacks of 100' from existing wetlands or coastal riparian forest ESHA. Therefore it is recommended that reduced setback be allowed to provide for adequate accommodation for the proposed development. Existing conditions of enriched bird species use of stable riparian wetlands and marsh habitats which are closely approached by roadway traffic, road noise and existing commercial lighting suggests that a development of additional commercial buildings and access driveway would not be detrimental to those habitats or species that use them. To better serve as a buffer, the existing gravel berm should be left in place. In addition, the existing poorly maintained cyclone fence should be replaced with a solid fence or wall. In this case, a cinder block wall, 6 feet high, will be built from the north side

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

of the parcel and extending to the south side. No riparian trees shall be removed and the nearest construction (wall) shall be no closer than 10' from the wetland boundary.

Traffic/Transportation:

Hexagon Transportation Consultants drafted a Traffic Impact Analysis for the Vigo Street development in May, 2005. The project that the traffic analysis studied consisted of replacing the existing truck facility with 40,000 square feet of retail space and a 2,000 square foot drive-through coffee shop. Subsequent to the completion of the final Traffic Impact Analysis, the project description was modified. A majority of the general retail space that was proposed for the site (about 36,000 square feet) was replaced by a home-improvement type store (Tractor Supply Company). The amount of general retail space was reduced to about 4,000 square feet and the proposed 2,000 square foot coffee shop remained as part of the project. The Tractor Supply Company operation included 23,500 square feet of sales building and 20,100 square feet of outdoor yard.

Hexagon analyzed the revised project and determined that the revised project would generate less traffic during both the a.m. and p.m. peak hours than the originally proposed project. In a letter sent to Caltrans on June 2, 2005, Hexagon described their analysis of the revised project. Hexagon concluded that the revised project would not cause a significant impact to the surrounding transportation system, and they stated that the improvements contained in the May, 2005 Traffic Impact Analysis would still be applicable to the revised project.

The Mitigated Negative Declaration and initial study that were circulated in June/July 2005 was for the 'revised' project and it contained the May, 2005 Traffic Impact Analysis and the June 2, 2005, letter. Based on these analyses, the initial study concluded that with the mitigation/improvements recommended in the Traffic Impact Analysis the project would not result in adverse impacts to traffic and transportation.

Based on the information available at the time the initial study was prepared, Mitigation Measure XV-1 was recommended to control the use of the property. The mitigation measure stated: "The uses of the property shall not include a grocery store or drug store unless the traffic study is amended to include traffic calculations for these uses; and that a determination is made that the amended traffic study confirms that a grocery store and/or drug store can occupy the site without resulting in adverse traffic impacts." Nevertheless, subsequent to the completion of the initial study additional information was made available that determined that the Mitigation Measure XV-1 was not needed to mitigate potential adverse impacts. Therefore, Mitigation Measure XV-1 has been eliminated.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	**FOR AGENDA DATE**: April 18, 2006

The project studied in the May, 2005 Traffic Impact Analysis contained 40,000 square feet of retail space and 2,000 square feet of drive-thru coffee shop, whereas the current project has 31,750 square feet of retail and 6,000 square feet of restaurant - therefore, the current project has 8,250 square feet less retail and 4,000 square feet more restaurant than the project studied in May, 2005.

The April 10, 2006, letter from Caltrans to Sidnie L. Olson states that subsequent to the March 13, 2006, Planning Commission Caltrans staff had time to take a closer look at the proposal and they note the following:

The Initial Study and traffic study were based on a project that included a 2,000 square foot coffee shop with drive-through window, and a 40,000 square foot retail facility. The current project now proposes a 6,000 square foot restaurant with drive-through (with 31,750 of unspecified retail to be built later).

This statement does not include recommendations for modification of the project, or additional mitigation measures or conditions of approval.

According to the traffic study, "In order to reduce the eastbound left-turn delay to tolerable levels, about 40 vehicles would need to be diverted to the Broadway/Henderson intersection." This means that during peak periods, drivers who have been unable to turn left out of Vigo Street due to congestion would have to turn right and weave through two lanes of the same congestion in a distance of less than 400 feet, in order to make a U-turn at Henderson Street. It is unrealistic to assume that 40 motorists will choose to make this aggressive maneuver during the peak period.

This is a comment on the May, 2005 Traffic Impact Analysis and appears to indicate that the Traffic Impact Analysis "assumed" that 40 cars would attempt the maneuver described and/or that the Traffic Impact Analysis recommended that the maneuver was necessary to reduce potential impacts. In fact, the Traffic Impact Analysis does not "assume" that 40 motorists would make this maneuver, nor does it recommend that such a maneuver would mitigate potential impacts. The paragraph in the Traffic Impact Analysis in full states:

"The high left-turn delay on Vigo Street would be an inconvenience for customers of the project and not a level of service policy violation because the public street (Broadway) would continue to operate at acceptable levels. If drivers find the left-turn delay to be excessive, they could change their behavior to reduce delay. The change in driver behavior could occur in three different ways: (1) customers could shop at different times of the day (outside of the peak commute times), (2) customers could choose to shop at another store that doesn't have long traffic waits, or (3) customers

17436

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

could change their travel patterns to avoid the left-turn movement from Vigo onto Broadway. The first two options would result in better traffic operations overall in the study area since there would be less peak-hour traffic in the area. The third option would result in better traffic operations for the eastbound left-turn movement from Vigo onto Broadway, but could affect nearby intersections as a result of the diversion of left-turn traffic. Diverted traffic from the eastbound left-turn lane would turn right out of the project site and then make a left-turn or U-turn at the Broadway/Henderson intersection. In order to reduce the eastbound left-turn delay on Vigo Street to tolerable levels, about 40 vehicles would need to be diverted to the Broadway/Henderson intersection. It is not anticipated that this diverted traffic would have a significant effect on the overall level of service at the Broadway/Henderson intersection."

We agree with Mitigation Measure XV-2, requiring sidewalks along the project frontage of both Vigo Street and Broadway. In addition, it would be advantageous to construct sidewalks along the other side of Vigo Street in order to establish it as a recognizable "street."

Through the CEQA process, there is no "nexus" between project impacts and the requirement to construct sidewalks on the north side of Vigo Street. Therefore, it was not identified as mitigation for the project. Notwithstanding, the City Council may, if it chooses, add a condition of project approval that requires the applicant to construct sidewalks on the north side of Vigo Street. The Council would need to make findings that support a decision to require the construction of sidewalks on the north side of Vigo Street.

Mitigation Measure XV-8 requires the applicant to apply for an Encroachment Permit to mark the southbound lanes of Broadway with "KEEP CLEAR." Upon further consideration of this proposal, we have determined that this will not be permitted. "KEEP CLEAR" markings are indicated for emergency vehicle access (Manual of Uniform Traffic Control Devised, Section 2B-112; California Code SR-46).

Based on this comment, Mitigation Measure XV-8 has been deleted. The mitigation measure did not require the applicant to paint the markings; it only required that the applicant apply to Caltrans to allow them to paint the markings. Therefore, deletion of the recommendation does not change the conclusion of the initial study with regard to impacts.

During initial discussions and analysis that took place, signalization of Vigo Street was proposed by the applicant. The Department determined that signalization was not feasible because of the proximity of the signal at Henderson Street and the resulting impacts to that intersection. Furthermore, the projected traffic volumes for the intersection did not meet traffic signal warrants.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

There is no recommendation that a signal be installed.

The driveway from the project site onto Broadway was not included in the scope of the traffic study. It can be assumed that some portion of the as yet unnamed commercial development (as well as some of the restaurant's traffic) would be utilizing this driveway. Safety and operational concerns related to the driveway's proximity to the Henderson Street signal and Vigo Street will require restriction of left turns (right in/right out only) for the driveway as part of the Encroachment Permit process.

Because Caltrans will enforce, through their Encroachment Permit, the restricted movement in/out of the driveway onto Broadway there is no necessity for the City to similarly condition the project.

We are not opposed to the development of these parcels. Our primary concern is the safety of the public. We want to ensure the safe passage of motor-vehicles, bicycles, and pedestrians. To this end, if safety or operational issues develop, it may be necessary for us to take measures to correct them. These may include prohibition of left-turns into and out of Vigo Street and/or prohibition of U-turns at Henderson.

It is understood that Caltrans has the authority, at any time, to modify the movement and operation of Broadway. Therefore, no condition of approval granting Caltrans this authority is necessary.

Any work within the Caltrans right of way, including landscaping or the construction of sidewalks, will require an Encroachment Permit. We recommend that the City require that the developer complete all required mitigation prior to the opening of any business on the site. Encroachment Permit application forms, the Permit Manual and application instructions can now be found on-line at : <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

A condition of approval has been added to Exhibit "B" stating that an Encroachment permit from Caltrans is required for any work in their right-of-way. With regard to the timing for completion of the mitigation, CEQA requires that the City Council adopt a Mitigation Monitoring and Reporting Program (MMRP) that ensures that the mitigation measures adopted in connection with project approval are effectively implemented. The MMRP establishes the framework that the City of Eureka and others will use to implement the adopted mitigation measures and the monitoring and/or reporting of such implementation. The MMRP specifies that certain mitigation measures must be completed prior to issuance by the Building Department of the Certificate of Occupancy. Therefore, the recommendation of Caltrans is already in place.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

ANALYSIS:

EMC, Section 156.107, specifies that a coastal development permit shall only be approved upon making the finding that the proposed development conforms to the policies of the adopted and certified Local Coastal Program (LCP). The Local Coastal Program is divided into two components: the Land Use Plan (LUP), which is the relevant portion of the adopted General Plan; and, the Implementation Plan (IP), which includes zoning regulations.

Land Use Plan

Below are goals and policies of the Land Use Plan portion of the adopted and certified LCP, each followed by a brief discussion how the project conforms to that goal or policy.

Goal 1.A To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.

The proposed project would add commercial and restaurant uses to the existing mix of commercial and restaurant uses located along the west side of Broadway in the vicinity of the project site. The new development will provide greater shopping and dining opportunities for the residents and visitors to the area thus promoting economic choices and expansion.

The closest residential uses are located across Broadway on top of the bluff. As discussed in the initial study and supplemental information, the project will not impact the use or enjoyment of the existing residential neighborhood. Therefore, the project 'protects' the residential neighborhoods.

No service extensions are required.

The project site is adjacent to the Mauer Marsh, which is a valuable and productive natural resource. However, as discussed in the initial study and supplemental information, the project will not adversely affect the Mauer Marsh or any other natural or ecological resources.

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

The project site is currently partially vacant underutilized commercial property; the project would be infill development that includes the demolition of the former truck stop building and the construction of approximately 40,000 square feet of commercial

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

retail and visitor serving uses, including a restaurant.

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

The project would not result in any deterioration or destruction of coastal resources. As discussed in the initial study, supplemental information and in this report, the recommended mitigation measures will adequately protect the adjacent Maurer Marsh from adverse impacts resulting from the project.

Policy 1.L.1 The City shall discourage new commercial development within the city that will adversely affect the economic vitality of the Core Area. This City shall also encourage Humboldt County to discourage such development in adjacent unincorporated areas.

The project would result in the construction of about 40,000 square feet of commercial and restaurant use in an existing commercial corridor along Broadway. The expansion is relatively minor considering the size of the existing commercial corridor. The existing commercial corridor does not conflict with or adversely compete with downtown businesses or otherwise affect the economic vitality of the core area; therefore, there is no expectation that the proposed project would affect the economic vitality of the core area.

Policy 1.L.2 The City shall promote high quality design, visual attractiveness, proper location, adequate sites, sufficient off-street parking, and a convenient circulation system for commercially-designated areas of the city.

The plans and elevations submitted by the applicant show that great care has been given to the design and hardscape for the project to assure a high quality design and visual attractiveness. As discussed in the initial study and supplemental information, including the Traffic Study prepared for the project, the project is appropriately located, provides all required off-street parking, and has an appropriate circulation system. Therefore, the project complies with Policy 1.L.2.

Policy 1.L.3 The City shall discourage isolated and sprawling commercial activities along major roads and instead reinforce the vitality of the Core Area and existing community and neighborhood shopping areas.

The proposed project would be located within an existing commercial corridor and will not be isolated or sprawling.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

Policy 1.L.10 The City shall work with property owners in deteriorated and deteriorating commercial areas to either rehabilitate their properties or convert them to productive uses that are consistent with this General Plan.

The subject property is arguably deteriorated. Approval of the project would return the property to a productive use, with uses that are consistent with the general plan.

Policy 3.A.14 The City shall require all new or intensified development projects to provide sufficient off-street parking supply so as to conserve the existing on-street supply, particularly in the commercial, medical services commercial, industrial, and higher density residential areas, except in the Core Area as specified under Goal 3.H in this document. In cases where off-street parking is required, the City will encourage joint-use parking arrangements.

The project would require the construction of about 126 off-street parking spaces where the site plan shows 145 spaces. Therefore, the project would provide all required off-street parking.

Policy 4.D.6 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).

The project is conditioned upon the installation of oil/water separators in the parking lots to reduce potential contaminants in surface runoff.

Policy 5.B.5 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 at 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 at the site is inconsistent with public safety, environmental protection, or military security needs.

The project site is more than 1000 feet from the mean high tide line of Humboldt Bay; however, the project site does back-up to Maurer Marsh which is a valuable coastal resource. The project site is located on Vigo Street which provides public access into the Maurer Marsh and Palco Marsh areas. Therefore, adequate and more suitable access to coastal resources is available from Vigo Street and is not required across the subject

22436

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

property.

Policy 5.B.6 For new development between the first public road and the sea, the City shall require a lateral access easement along the shoreline unless:

a. Lateral access at 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,

b. Access is inconsistent with public safety or military security needs.

The subject property is greater than 1000 feet from Humboldt Bay, therefore lateral access is not possible.

Policy Goal 6.A To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.

The existing Maurer Marsh that is adjacent to the proposed development is understood to be an Environmentally Sensitive Habitat Area (ESHA). The initial study, biological study and supplemental information confirm that the project will not adversely impact the adjacent ESHA. The justification for a buffer of less than 100' is fully discussed and justified in the letter from Winzler & Kelly to Sidnie Olson dated April 3, 2006.

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

The initial study, biological study and supplemental information confirm that the project will not adversely impact the adjacent ESHA. The justification for a buffer of less than 100' is fully discussed and justified in the letter from Winzler & Kelly to Sidnie Olson dated April 3, 2006.

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

23436

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

affected by the proposed project and the manner in which they will be protected, enhanced or restored.

The adjacent ESHA is designated NR. The initial study, biological study and supplemental information confirm that the project will not adversely impact the NR designated property.

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

The initial study, biological study and supplemental information confirm that the project will not adversely impact the adjacent ESHA. The justification for a buffer of less than 100' is fully discussed and justified in the letter from Winzler & Kelly to Sidnie Olson dated April 3, 2006.

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

Included as a mitigation measure is the construction of a six-foot tall cinder block wall at the outside edge of the ten foot buffer area.

Policy 6.E.4 The City shall submit development proposals to the North Coast Unified Air Quality Management District for review and comment in compliance with CEQA prior to consideration by the Planning Commission and /or City Council.

The NCUAQMD did receive a project referral as well as a copy of the initial study and mitigated negative declaration from the City for their review and comment. Mitigation measures have been added to the project approval requiring compliance with NCUAQMD regulations.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

Implementation Plan

Below are the objectives and purposes of the Implementation Plan portion of the adopted and certified LCP (Eureka Municipal Code § 156.002), each followed by a brief discussion how the project conforms to that objective and purpose.

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

The initial study, biological study, and supplemental information discuss and analyze the potential impact of the project on coastal resources. The conclusion of these documents is that the project will not adversely impact the coastal zone environment and its natural or human-created resources.

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

The initial study, biological study, and supplemental information discuss and analyze the potential impact of the project on coastal resources. The project will not 'utilize' any coastal resources.

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

The project site is more than 1000 feet from the shoreline of Humboldt Bay; however, the project site does back-up to Maurer Marsh which is a valuable coastal resource. The project site is located on Vigo Street which provides maximum public access into the Maurer Marsh and Palco Marsh areas.

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

The project is not located on the shoreline.

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

The adopted Land Use Plan is a definite plan for development and is the guide for future grown of the City within the coastal zone.

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

25436

AGENDA REVIEW

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

The project is infill of a deteriorated commercial property within a commercial corridor along Broadway. The development would add to the economic base for the city, it would increase commercial choices for the residents and visitors to Eureka and it would increase property values of nearby commercial properties thereby protecting the social and economic character of a commercial area of the city.

SUMMARY:

In order to approve the Coastal Development Permit, the City Council must find that the project is in conformance with the adopted and certified Local Coastal Program. Based on the discussion above, the information and analysis in the Initial Study, and supplemental information Staff believes that such a finding can be made. Therefore, Staff recommends that the City Council adopt the Mitigated Negative Declaration (SCH# 200562024) and the Mitigation Monitoring and Reporting Program; and adopt the Findings of Fact as listed in Exhibit 'A'; and approve the Coastal Development Permit subject to the Conditions of Approval and Mitigation Measures listed in Exhibit 'B'

SUPPORT MATERIAL:

Exhibit "A"	Findings of Fact	pages 20-24
Exhibit "B"	Conditions of Approval/Mitigation Measures	pages 25-29
Attachment 1	Vicinity & Location Maps	pages D1-D9
Attachment 2	Mitigation, Monitoring & Reporting Program	pages M1-M11
Attachment 3	Mitigated Negative Declaration/Initial Study	pages C1-C50
Attachment 4	Traffic information	pages T1-T93
Attachment 5	Biological information	pages B1-B110
Attachment 6	Planning Commission minute order 3/13/2006	pages PC1-PC3

Sidnie L. Olson, AICP
Senior Planner
City of Eureka

Kevin Hamblin, AICP
Director of Community Development
City of Eureka

April 10, 2006

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

Exhibit "A"
FINDINGS OF FACT

The decision of the City Council to approve with conditions and mitigation measures the coastal development permit was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; initial study and, the evidence submitted with the permit application.

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

1. The applicant is requesting a coastal development permit for the demolition of one existing commercial structure and the construction of an approximately 40,000 square foot mixed use retail sales/service and restaurant development on approximately three acres, comprised of two separate legal parcels.

2. The project includes a lot line adjustment between the two commercial parcels that will place the larger retail sales/service development located towards the rear of the property onto one parcel, and the smaller restaurant/retail area at the corner of Vigo and Broadway on a separate parcel.

3. The project site is located in the California Coastal Zone. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit with appeal jurisdiction to the state Coastal Commission.

4. The property is located on land zoned Service Commercial (CS). Eureka Municipal Code Section 156.074 specifies the permitted and conditional uses allowed in the coastal CS zone. The principally permitted uses include a wide range of retail sales/service uses.

5. The proposed restaurant use is a conditionally permitted use in the coastal CS zone. A conditional use permit was approved by the Planning Commission on March 13, 2006 (Case No. C-04-007). No appeal of the Planning Commission's action was filed; therefore, the action of the Commission on the conditional use permit is final.

6. The proposal is a "project" as defined by the California Environmental Quality Act (CEQA). In 2005, the city, as the Lead Agency for CEQA, circulated for review

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	**FOR AGENDA DATE**: April 18, 2006

and comment an initial study and draft Mitigated Negative Declaration (MND). The initial study and draft MND were sent to the State Clearinghouse (SCH #200562024) for circulation to state agencies. The MND and initial study were also sent to local and federal agencies for review and comment. The agency review period was June 6, 2005 through July 5, 2005.

7. The proposed project would add commercial and restaurant uses to the existing mix of commercial and restaurant uses located along the west side of Broadway in the vicinity of the project site. The existing commercial corridor along Broadway does not conflict with or adversely compete with downtown businesses or otherwise affect the economic vitality of the core area; therefore, there is the proposed project would not affect the economic vitality of the core area.

8. The project is infill of a deteriorated commercial property within a commercial corridor along Broadway. The development would add to the economic base for the city, it would increase commercial choices for the residents and visitors to Eureka and it would increase property values of nearby commercial properties thereby protecting the social and economic character of a commercial area of the city.

9. At the project site, there has been an active truck stop or similar activity at that location since 1954. Prior to the truck stop there had been as early as 1931 an active dairy or cattle ranch that had a barn at the approximate location as the existing truck stop building.

10. The plans and elevations submitted by the applicant show that great care has been given to the design and hardscape for the project to assure a high quality design and visual attractiveness.

11. The subject property is arguably deteriorated. Approval of the project would return the property to a productive use, with uses that are consistent with the general plan.

12. The project would require the construction of about 126 off-street parking spaces where the site plan shows 145 spaces. Therefore, the project would provide all required off-street parking.

13. The project is conditioned upon the installation of oil/water separators in the parking lots to reduce potential contaminants in surface runoff.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

14. Hexagon Transportation Consultants drafted a Traffic Impact Analysis for the Vigo Street development in May, 2005. Subsequent to the completion of the final Traffic Impact Analysis, the project description was modified. Hexagon analyzed the revised project and determined that the revised project would generate less traffic during both the a.m. and p.m. peak hours than the originally proposed project.

15. The Mitigated Negative Declaration and initial study that were circulated in June/July 2005 was for the 'revised' project and it contained the May, 2005 Traffic Impact Analysis and the June 2, 2005, letter. Based on these analyses, the initial study concluded that with the mitigation/improvements recommended in the Traffic Impact Analysis the project would not result in adverse impacts to traffic and transportation.

16. Mitigation Measure XV-1 is not needed to mitigate potential adverse impacts. Therefore, Mitigation Measure XV-1 has been eliminated.

17. The project studied in the May, 2005 Traffic Impact Analysis contained 40,000 square feet of retail space and 2,000 square feet of drive-thru coffee shop, whereas the current project has 31,750 square feet of retail and 6,000 square feet of restaurant - therefore, the current project has 8,250 square feet less retail and 4,000 square feet more restaurant than the project studied in May, 2005.

18. Caltrans has stated that they will not allow Mitigation Measure XV-8 which requires the applicant to apply for an Encroachment Permit to mark the southbound lanes of Broadway with "KEEP CLEAR." Therefore Mitigation Measure XV-8 has been deleted.

19. The project site is located on Vigo Street adjacent to Maurer Marsh which is a valuable coastal resource and is an Environmentally Sensitive Habitat Area (ESHA).

20. The initial study, biological study, and supplemental information discuss and analyze the potential impact of the project on coastal resources. The conclusion of these documents is that the project will not adversely impact the coastal zone environment and its natural or human-created resources.

21. Vigo Street provides public access into the Maurer Marsh and Palco Marsh areas. Therefore, adequate and more suitable access to coastal resources is available from Vigo Street and is not required across the subject property. The subject property is greater than 1000 feet from Humboldt Bay, therefore lateral access along the Bay is not possible.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

22. The initial study, biological study and supplemental information confirm that the project will not adversely impact the adjacent ESHA. The justification for a buffer of less than 100' is fully discussed and justified in the letter from Winzler & Kelly to Sidnie Olson dated April 3, 2006.

23. The adjacent ESHA is designated NR. The initial study, biological study and supplemental information confirm that the project will not adversely impact the NR designated property.

24. A 6 foot high cinder block wall placed 10 feet from the existing wetlands and built the entire width of the parcel opposite Maurer Marsh will isolate the retail activities from the marsh and prevent unnecessary human disturbance from the development directly to the ESHA.

25. The Maurer Marsh habitat from Vigo Street to Bayshore Way is one of the most frequently birded habitats in Humboldt County. There are no known threats to the bird populations using the marsh habitat due to permitted development at the margins of Maurer Marsh.

26. For over 50 years, the Maurer Marsh has been adjacent to lumber mill activity, railroads, highways, ranching and commercial developments; the bird species which occupy Maurer Marsh have become accustomed to the various types of human activities associated with such development.

27. The marsh plant species composition at Maurer Marsh does not appear to have any susceptibility to adjacent development. The entire riparian stretch from Vigo Street to Bayshore Way appears composed of intact, healthy and diverse native tree, shrub and herbaceous species. The proposed commercial development would seemingly be less intrusive than the most recent use and would provide a solid wall as a buffer.

28. The development and commercial use of the adjacent parcels of property next to Maurer Marsh may help improve habitat conditions by preventing the spread of non-permitted use of the marsh by eliminating an easy access to the marsh.

29. Although a portion of the proposed development drains towards the Maurer Marsh, the lack of slope gradient would minimize the threat to the adjacent habitat from erosion and sedimentation.

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	**FOR AGENDA DATE**: April 18, 2006

30. Most of the parcel will be paved to prevent on-site erosion. As a condition of project approval an oil water clarifier shall be installed prior to any waters leaving the site and entering the public storm water system or the adjacent Maurer Marsh.

31. An existing man-made gravel berm is located in the back of the parcel adjacent to the marsh habitat. This berm will be retained and provide a protective feature from the development and the Maurer Marsh wetlands.

32. The existing parcel has limited room to allow for a buffer of 100' from existing wetlands or coastal riparian forest ESHA. Existing conditions of enriched bird species use of stable riparian wetlands and marsh habitats which are closely approached by roadway traffic, road noise and existing commercial lighting suggests that a development of additional commercial buildings and access driveway would not be detrimental to those habitats or species that use them.

33. To better serve as a buffer, the existing gravel berm will be left in place. In addition, the existing poorly maintained cyclone fence will be replaced with a solid cinder block wall, 6 feet high from the north side of the parcel and extending to the south side.

34. No riparian trees shall be removed and the nearest construction (wall) shall be no closer than 10' from the wetland boundary.

End Exhibit A

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

Exhibit "B"
Conditions of Approval & Mitigation Measures

Approval of the coastal development permit is conditioned on and mitigated by the following terms and requirements. The violation of any term or requirement of this conditional approval or violation of any term or requirement of any mitigation measures may result in the revocation of the permit.

CONDITIONS OF APPROVAL

1. Should the entry/exit on Broadway cross property lines, a reciprocal access easement shall be recorded for each property.

2. The applicant shall either merge the two existing properties or shall record Notices of Lot Line Adjustment and Certificates of Subdivision Compliance for the new lot configuration approved under LLA-05-004. If the Notices of Lot Line Adjustment are recorded, a reciprocal access easement shall be recorded on both parcels for parking and access.

3. The site plan submitted to the Design Review Committee for approval shall show the location and size of all parking, landscaping and loading in compliance with the Code.

4. The applicant shall obtain an Encroachment Permit from Caltrans for any work within the Broadway right-of-way.

MITIGATION MEASURES

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

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

Mitigation Measure I-2. The applicant shall construct a 6-foot tall cinder block wall from the north edge of the lot the entire width to the south edge on the outside edge of the ten-foot buffer area.

Mitigation Measure III-1. Should the applicant and the City Fire Department desire to demolish the existing commercial building via a fire/burn exercise, prior to any such exercise the applicant shall be responsible for obtaining any and all approvals/authorizations from the NCUAQMD to the satisfaction of the NCUAQMD.

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

Mitigation Measure IV-1. No west facing windows shall be allowed in the structure(s) adjacent to the riparian habitat area.

Mitigation Measure IV-2. There shall be no exterior lighting on or along the west side of the building(s) or outdoor storage area facing the riparian habitat area and no exterior lighting on or along the west end of the south wall of the building(s) adjacent to the riparian habitat area. The only exception shall be lighting specifically needed for the loading dock.

Mitigation Measure IV-3. The proposed loading dock adjacent to the riparian habitat shall have a roof and be enclosed on three sides.

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

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

appropriate course of action. Pursuant to the California Health and Safety Code Section 7050.5, if human remains are encountered, all work will cease and the County coroner will be contacted. The County coroner and Native American Heritage Commission will be charged with determining if the human remains are of Native American origin.

Mitigation Measure V-2. The applicant shall hire a cultural monitor from the Table Bluff Reservation, Wiyot Tribe to be on-site during all excavation and ground disturbance activities.

Mitigation Measure VI-1. If surplus soils are stockpiled from site excavation and utility trench construction, the piles shall be covered if rains are pending or other factors affecting erosion potential are encountered. Erosion control requirements shall be included in the construction plans and specifications. The construction contractor shall comply with the requirements for protecting exposed soils from runoff-producing rain and for the proper disposal of excess soils.

Mitigation Measure VI-2. During construction all soil, previously identified at the site by the Humboldt County Department of Environmental Health in their file for Al's Eureka Truck Terminal No 12088, which is to be removed from the site shall to be sampled for contaminants; if contaminants are identified, the soils shall be disposed at a permitted facility.

Mitigation Measure VII-1. A hazardous materials business plan will be prepared and implemented to deal with the presence of lead and sulfuric acid batteries on heavy equipment used during construction. The plan will be submitted to the Humboldt County Division of Environmental Health as required.

Mitigation Measure VII-2. Prior to demolition, in accordance with the applicable regulations, the applicant shall cause to be made a survey of the structure to determine the presence, or lack thereof, of hazardous substances such as asbestos materials and/or lead based paint. The findings of the survey shall be submitted, as applicable, to the RWQCB, NCUAQMD, DTSC and any other appropriate regulatory agencies. The applicant shall comply at all times with the requirements and regulations of the RWQCB, NCUAQMD, DTSC and other agencies with regard to the handling, transport and disposal of hazardous materials such as asbestos and lead based paint to the satisfaction of the applicable agency.

Mitigation Measure VII-3. The applicant shall comply with the cleanup plan included in the Humboldt County Department of Environmental Health, in the file

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

identified as Al's Eureka Truck Terminal No 12088.

Mitigation Measure VII-4. The contractor shall use appropriate fire safety precautions during construction activities, including having on-site and readily available appropriate fire-suppression tools.

Mitigation Measure VIII-1. The applicant shall submit a grading and drainage plan that shall show that all runoff from parking areas run through an oil/water clarifier prior to discharge to the public storm drain system or the adjacent marsh. The applicant will be required to enter into a recorded Hold Harmless and Maintenance Agreement with the City of Eureka for runoff discharge.

Mitigation Measure VIII-2. To mitigate potential impacts to water quality and waste discharge requirements to a less than a significant level, the applicant will secure a SWPPP (if required), prior to the commencement of any construction activities.

Mitigation Measure VIII-3. To mitigate the potential for storm water to carry additional pollutants from the proposed parking lot areas, good housekeeping including maintenance and cleaning of the parking areas is recommended on a regular basis. No debris, soil, silt, sand, bard, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction operations shall be allowed to enter or be placed where it can enter the ESHA. All erosion control measures and handling of petroleum products will be followed as specified in the SWPPP. Best Management Practices (BMP's) will be implemented during all phases of construction.

Mitigation Measure VIII-4. All landscaping shall be located in curbed planter beds.

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

Mitigation Measure XV-2. The developer shall be required to install 6-foot wide public sidewalks along the entire frontage of Vigo Street as well as the entire frontage of Broadway. The public sidewalks shall not encroach onto private property.

Mitigation Measure XV-3. Access to the property from Vigo Street shall be

RE: Eureka Pacific, Vigo Street Mixed Use Development coastal development permit, 2616 Broadway, APN 007-121-005 & -007	FOR AGENDA DATE: April 18, 2006

constructed as driveways per City of Eureka Resolution No. 6219 (see commercial driveways). Caltrans details shall be used for driveways off Broadway. Street or alley type access will not be allowed.

Mitigation Measure XV-4. All Vigo Street driveways shall be reconstructed/constructed to meet ADA accessibility per City of Eureka Resolution 6219 and per standards required by Caltrans.

Mitigation Measure XV-5. The curb return and radius at Vigo and Broadway shall be handicapped approved and approved by both the City of Eureka and Caltrans.

Mitigation Measure XV-6. Visibility triangles shall be maintained at all private driveways per the City of Eureka Sight Obstruction Regulations. Larger visibility triangles shall be used on Broadway due to the higher volume and speeds of traffic.

Mitigation Measure XV-7. The Vigo Street leg of the Broadway intersection shall be reconfigured to include separate left- and right-turn pockets. This can be accomplished by restriping the west approach to include separate turn lanes.

Mitigation Measure XVI-1. At the time of demolition, all utilities shall be disconnected, with water and sewer services located and plugged/capped at the property line.

Mitigation Measure XVI-2. The applicant shall show, on the plans submitted to and approved by the Design Review Committee and the Building Department, the size and location of all solid waste and recycling facilities on the project site in compliance with Public Resources Code §42910 and §42911 and Title 14 California Code of Regulation §17313 Design Requirements.

Mitigation Measure XVI-3. The storage, transfer, processing and disposal of construction, demolition and inert (CD&I) debris including but not limited to asphalt, concrete, metal, glass, gypsum wallboard, soil, and wood shall comply with Title 14, California Code of Regulations Article 5.9, adopted August 9, 2003 and Article 5.95, adopted February 24, 2004.

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

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

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

SECTION I. Appellant(s)

Name: Commissioners Sara Wan | Meg Caldwell, c/o Stanford Law School

Mailing Address: 22350 Carbon Mesa Road | 559 Nathan Abbot Way, Stanford CA 94305-8610

City: Malibu, CA Zip Code: 90265 Phone: (310) 456-6605

EXHIBIT NO. 7
APPLICATION NO.
A-1-EUR-06-028
EUREKA PACIFIC LLC
APPEAL, FILED MAY 5, 2006
(WAN & CALDWELL) (1 of 12)

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Eureka

2. Brief description of development being appealed:

Eureka Pacific LLC Mixed Retail Commercial - Demolition of former Al's Eureka Truck Terminal and construction of approximately 37,750 square-feet of retail commercial sales and service structural improvements on a two-parcel area of approximately three acres situated between Highway 101 and Maurer Marsh.

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

2616 Broadway, Eureka, at the southwest corner of the intersection of Vigo Street and Broadway; .APNs 007-121-005 & -007.

RECEIVED
MAY 0 5 2006
CALIFORNIA
COASTAL COMMISSION

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

☐ Approval; no special conditions

☒ Approval with special conditions:

☐ Denial

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO:	A-1-EUR-06-028
DATE FILED:	May 5, 2006
DISTRICT:	North Coast

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

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

- ☐ Planning Director/Zoning Administrator
- ☒ City Council/Board of Supervisors
- ☐ Planning Commission
- ☐ Other

6. Date of local government's decision: April 18, 2006

7. Local government's file number (if any): CDP-04-009; C-04-007

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Eureka Pacific LLC
1805 Tribute Road, Suite H
Sacramento, CA 95815
Attn: Ronald H. Severaid

Pacific Properties
P.O. Box 2176
Chico, CA 95927
Attn: Kent Allen, Robin Matley, Betsy Bigbee

Randall Cook
408 Seventh Street, Suite R
Eureka, CA 95501

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

(1) Rex Jackman - Chief, Systems and Community Planning
California Department of Transportation, District #1
1656 Union Street
Eureka, CA 95501

(2) Mr. Fish
2740 Broadway
Eureka, CA 95501
Attn: Mark and Mary Ann McCulloch

(3)

(4)

2 of 12

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

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

1. The approved development is located adjacent to Maurer Marsh. Maurer Marsh, along with adjoining Palco and Railroad Marshes, comprise an approximately 40-acre complex of palustrine-scrub-shrub-broadleaf-deciduous-seasonally-flooded, estuarine-intertidal-emergent-persistent-irregularly-flooded, and estuarine-intertidal-unconsolidated-muddy-shore wetlands and is therefore an environmentally sensitive habitat area (ESHA) as defined by Land Use Plan (LUP) Policy 6.A.6.b and Section 156.052(C)(1)(b) of the Coastal Zoning Regulations (CZR), and subject to the protective measures prescribed in LUP Policies 6.A.1, 6.A.3, 6.A.7, 6.A.8, 6.A.19, and 6.A.20, and CZC Sections 156.052(D), (E), (O), and (P). LUP Policy 6.A.1 directs, in applicable part, that the City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological significance. LUP Policy 6.A.3 additionally provides that the biological productivity and the quality of wetlands and estuaries appropriate to maintain optimum populations of aquatic organisms be maintained and, where feasible, restored. LUP Policy 6.A.7 states in part, that ESHAs shall be protected against any significant disruption of their habitat values and that development in areas adjacent to ESHA be sited and designed to prevent impacts which would significantly degrade such areas. LUP Policy 6.A.8 states that any development occurring within 250 feet of Natural Resource designated lands that has the potential to affect an environmentally sensitive habitat area, be factually found in conformity with the applicable habitat protection policies of the General Plan. LUP Policy 6.A.19 and CZR Section 156.052 (O) state in part, that the City shall require a buffer for permitted development adjacent to all ESHA, and that the minimum width of a buffer shall be 100 feet, unless the applicant demonstrates on the basis of site specific information that a smaller buffer will protect the resources of the habitat area. LUP Policy 6.A.20 and CZR Section 156.052(P) mandate that attractively designed and strategically located barriers and informational signs be incorporated into buffers for protecting urban wetlands against physical intrusion.

2. The development conditionally approved by the City entails construction of 37,750 square-feet of structural improvements for a mix of commercial retail sales and service uses, including a drive-through drug store and drive-through restaurant. Portions of the approved site improvements would be developed within 100 feet of the forested wetlands located on the western side of the property, including 12 of the associated off-street parking spaces and the drug store's drive-through aisle which would be placed as close as ten-feet from the forested wetlands on the western side of the property. The adjoining

wetlands and the proposed ten-foot-wide buffer area would be screened from the approved development by the construction of a six-foot-high cinderblock wall. The development approved by the City in April 2006 differs markedly from the project originally proposed in mid-2004 for which much of the environmental analysis was initially prepared. This preceding development proposal did not include parking spaces at the western rear of the property, nor the drive-through aisle that appear on the revised site plan approved by the City. As the approved buffer would be less than the mandated default 100-foot-width identified in LUP Policy 6.A.19 and CZR Section 156.052(O), the applicant was required to demonstrate that, on the basis of site-specific information, the type and scale of development, and with the inclusion of proposed mitigation, a smaller buffer would protect the resources of the habitat area. In making this case, the applicant's consultant, while acknowledging the apparent significant use of the adjoining Maurer Marsh by a variety of resident and migratory bird species, including several state-listed species of concern, and the marsh's popularity as a noted bird watching area, emphasized the past intensive use of the project site as a truck stop and the relative high degree of human related noise, light, and activity associated with development along the surrounding Broadway area and within Maurer Marsh from transient encampments, concluding that the avian species utilizing the portions of Maurer Marsh adjoining the development along Broadway must have adapted to the noise, light, and human activity in the area. Implicit in the consultant's buffer adequacy analysis is the contention that the subject development with the approved reduced-width buffer and the inclusion of the cinderblock wall would: (1) be similar to other approved site development along the Broadway corridor; and (2) have no greater impacts than did the past truck terminal uses on the project site or other historical or current uses in proximity to Maurer Marsh. Thus, the baseline upon which demonstration of the protective adequacy of the proposed reduced-width buffer was determined was limited to assuring that the observed degraded habitat conditions within Maurer Marsh were not further degraded rather than whether the buffer and attending mitigation features would protect the habitat resources within the marsh. The City in approving the reduced-width buffer incorporated this rationale within its adopted findings for approval for the project.

3. In authorizing the subject development project, the City did not substantively address the adequacy of the proposed less than 100-foot-wide buffer to protect the wetland ESHA resources within Maurer Marsh from quantifiable potential impacts from the approved development. No specific analysis was developed as to the significance of the potential direct, indirect, or cumulative impacts to wetland habitat resources that could result from the development of highway service commercial uses at the site, especially the placement of improvements within 100 feet of the wetlands boundary, or the efficacy of the proposed barrier and other proffered mitigation measures to reduce these impacts to less than significant levels. For example no indication was given as to the degree of noise and light attenuation that would result from installation of the cinderblock wall barrier with respect to typical levels representative of vehicular parking and drive-through uses in the area compared to that that would be afforded by a 100-foot-wide buffer. Instead, the City concluded the adequacy of the reduced-width buffer based largely on a qualitative comparison of the environmental effects of the subject development against historic and current land uses in the project vicinity, and/or activities at the site associated with its past use as a truck stop. In drawing these conclusions, no recognition was made of the site's current status as a shuttered commercial site in establishing the environmental impact analytical baseline even though the truck stop use has been discontinued for several years while concurrently undergoing leaking underground storage tank remedial abatement work. Neither was the significance of the project site's location and configuration discussed, especially being sited adjacent to a portion of the marsh having more extensive mature tree canopy cover and possibly more actual or potential habitat utitlity, or the project site's relatively long border with Maurer Marsh along its western and southeastern sides, with particular regard to whether such features would cause the habitat resources within the adjoining marsh

to be exposed to more pronounced noise and lighting impacts than comparatively from developments in surrounding areas. Moreover, no recognition was made of the fact that the project entails the wholesale redevelopment of the entire three-acre site wherein limitations that would prevent the establishment of the full default 100-foot-wide buffer identified in LUP Policy 6.A.19 and CZR Section 156.052(O) would not be present. Consequently, contemporary site-specific information unique to the project site and its surroundings, and the type and scale of the development were not fully considered in the concluded adequacy of the proposed reduced-width buffer to protect the resources of the habitat area, contrary to LUP Policy 6.A.19 and CZR Section 156.052(O).

4. As the environmental analysis adopted by the City characterizes Maurer Marsh as being subject to higher levels of human activity-related stessors than currently exist at the project environs, the degree of degradation present along the portion of the marsh adjacent to the project site is overstated. In addition to overlooking the current vacant character of the project site and at other businesses along Vigo Street, many of the purportedly greater impacting developments along the Broadway corridor share only one common property boundary with Maurer Marsh and are physically distant from the portion of the marsh adjacent to the subject development. The subject property extends along approximately 450 feet of the marsh. Light and noise from vehicles and other sources on these other Broadway corridor developments are not likely to significantly affect the marsh habitat immediately adjacent to the subject site. This representation of Maurer Marsh as heavily encroached upon along its entire Broadway flank by intensive development and human activity also gives a false impression of the habitat conditions that could potentially be attained if restoration and enhancement efforts, including the imposition of wider buffers than currently exist on the project site, were to be undertaken in the area. Moreover, the project entails the razing and full redevelopment of a three-acre commercial site situated immediately adjacent to lands planned and zoned for Natural Resources (NR). Given the extensive nature of the development and its location, opportunities exist for incorporating features into the project design that could provide greater protection to the adjoining wetland ESHA than existed in the past, effectively enhancing the adjacent area while accommodating a reasonable and economically viable level of commercial development at the site. There is no indication in the project record that the City granted precedence to the protection of natural resource-designated areas in their deliberations on permissible development types and density at the project site, as directed by CZR Section 156.056(E). Neither was consideration given to the feasibility of enhancing and restoring the adjoining wetland ESHA through such actions as establishing wider buffer areas on the project site. Accordingly, the project as approved by the City is inconsistent with Land Use Plan Policy 6.A.1 & 6.A.3, and Section 156.056(E) of the Coastal Zoning Regulations which require that the City: (1) "enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance;" (2) "maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms;" and (3) grant precedence to policies and standards regarding natural resources protection and enhancement in consideration of permissible development types and densities, respectively.

5. In authorizing the subject development, the City did not fully comply with the procedures of LUP Policy 6.A.24 for addressing the adequacy of the proposed reduced-width buffer for protecting the adjoining habitat resources within Maurer Marsh. LUP Policy 6.A.24 directs that, in cases where there is a question regarding buffer requirements, the City is to transmit the information provided by the applicant regarding environmental conditions, potential project impacts, and/or a given proposed buffer to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department are then to be immediately sent to the applicant for his or her response. Although the City did route environmental information to and received comments from the CDFG

regarding the project layout originally applied for in mid-2004, which, among other things, recommended a 50-foot minimum buffer width at the site, there is no indication in the record that this referral transmittal was conducted for the approved revised project configuration which included the juxtaposition of more extensive vehicular uses in closer proximity to the ESHA than did the previous project version. In addition, the project as approved does not incorporate the 50-foot minimum buffer recommended by CDFG. Therefore, the project as approved by the City is inconsistent with LUP Policy 6.A.24.

6. CZR Section 156.052(P) requires that, "To protect wetlands against physical intrusion, wetland buffer areas shall incorporate attractively designed and strategically located barriers and informational signs." While the project mitigation measures identified the erection of a six-foot-high cinderblock wall to shield the adjoining wetlands from noise, light, and human activity associated with the proposed mixed retail sales/service commercial development, there is no indication in the record that provison of requisite informational signage was included in the conditions of the coastal development permit, inconsistent with Section 156.052.P.

Without: (1) a factual demonstration that the 10-foot-wide spatial separation between the approved site improvements and Maurer Marsh with the inclusion of berming, fencing, and on-site stormwater runoff collection, conveyance, and treatment facilities would adequately protect the resources of the adjacent marsh and prevent impacts that would significantly degrade such areas; (2) consideration of comments received from requisite interagency project referral transmittals; and (3) incorporation of informational signage as part of the establishment of buffers around urban wetlands, the project as approved is inconsistent with the certified LCP, including LUP Policies 6.A1, 6.A.3, 6.A.7, 6.A.8, 6.A.19, & 6.A.20, and Sections 156.052(D), (E), (O), & (P), 156.056(E), and 156.107 of the City's certified Coastal Zoning Regulations.

Attachments: Excerpts, Cited City of Eureka General Plan - Section 6 "Natural Resources"
Excerpts, Cited City of Eureka Municipal Code - Title XV, Chapter 156 "Coastal Zoning Regulations"

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

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

SECTION V. Certification

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

Signed: Meg Caldwell
Appellant or Agent

Date: May 5, 2006

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

Signed: _____

Date: _____

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

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

SECTION V. Certification

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

Signed: Laura Kaban
Appellant or Agent

Date: May 5, 2006

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

Signed: _____

Date: _____

(Document2)

8 of 12

CITED LCP POLICIES AND STANDARDS:

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

LUP Policy 6.A.3: The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the 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 depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

LUP Policy 6.A.7: Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of their habitat values, and that 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 Policy 6.A.8: Within the Coastal Zone, prior to the approval of a development, the City shall require that all development on lots or parcels designated NR (Natural Resources) on the Land Use Diagram or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced, or restored.

LUP Policy 6.A.19: The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific

information, the type and size of the proposed development, and/or proposed mitigation (such as the planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The buffer shall be measured from the edge of the environmentally sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.

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

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

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

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

CZR §156.052: (D) *Protection of environmentally sensitive habitat areas.* Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources, including restoration and enhancement projects, shall be allowed within such areas. Development in areas adjacent to environmentally sensitive habitat

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

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

(O) *Buffers.* A buffer shall be established for permitted development adjacent to all environmentally sensitive areas. The width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purposes of the buffer, that a smaller buffer will protect the resources of the habitat area. For a wetland, the buffer should be measured from the landward edge of the wetland. For a stream or river, the buffer should be measured landward from the landward edge of riparian vegetation or from the top edge of the bank (such as, in channelized streams). Maps and supplemental information submitted as part of the application should be used to specifically determine these boundaries.

(P) *Barriers.* To protect wetlands against physical intrusion, wetland buffer areas shall incorporate attractively designed and strategically located barriers and informational signs…

CZR §156.056:

(E) *Precedence of natural resources.* Development type and density shall be that specified by the land use categories and designations in the land use plan map. However, natural resource designations and policies shall take precedence in all cases, except as otherwise provided in this Local Coastal Program, consistent with applicable policies of the Coastal Act. Where a parcel is

located partly within and partly without an environmentally sensitive habitat area, development shall be located and designed to avoid significant adverse effects on the environmental resources.

CZR §156.107: A coastal development permit shall be approved only upon making the finding that the proposed development conforms to the policies of the certified local coastal program.

12912

WINZLER & KELLY
CONSULTING ENGINEERS

April 3, 2006

Ms. Sidnie L. Olson, AICP
Senior Planner
Community Development
City of Eureka
531 K Street
Eureka, California 95501-1165

Re: Response to City of Eureka's Request for Information for Coastal Development Permit (CDP) No. 04-009 / C-04-007 (Items 1-5)

Dear Ms. Olson:

The purpose of this letter report is to respond to items 1 through 5 in the document, "Coastal Development Permit Supplemental Application Information Request for Reduced Buffer Width Adjacent to Environmentally Sensitive Areas," provided by your office regarding the proposed development at 2616 Broadway.

1. Biological Significance of Adjacent Lands

The existing Maurer Marsh that is adjacent to the proposed development is understood as an Environmentally Sensitive Habitat Area (ESHA). Winzler & Kelly Senior Biologist, is very familiar with the riparian and marsh habitats and the wildlife species present in the Maurer Marsh, having surveyed birds for different projects near that location beginning approximately 18 years ago. In 1987, he surveyed the Maurer Marsh and adjacent Holmes Lumber pocket marsh for the proposed expansion of the Bayshore Mall parking lot. In 1988, he assisted in the mitigation monitoring of the adjacent Bayshore Mall wetlands. In 1994, he surveyed the adjacent Maurer Marsh for the proposed development of the Gold Rush Coffee Shop. In 1998, he surveyed the adjacent Holmes Lumber pocket marsh for the proposed development of the Broadway Taco Bell. In 2001, he surveyed the adjacent Maurer Marsh for the proposed development of the Broadway Chevron Gas Station. And in 2005, Mr. Lester surveyed the Maurer Marsh for the current proposed development at Vigo Street and Broadway. During his census work and observations of numerous other independent observers, it has been determined that two California Department of Fish & Game (DFG) bird species of special concern, Black-capped Chickadee (*Poecile atricapillus*) and Yellow Warbler (*Dendroica petechia*), occur in the Maurer Marsh ESHA west of the proposed development. A resident population of Black-capped Chickadees frequents the riparian habitats of Maurer Marsh. The Black-capped Chickadee is an assumed breeder in the area. The Yellow Warbler is a common migrant. Numerous other species are assumed to be breeders, and are protected under the Federal Migratory Bird Act, but are not recognized as species of special concern by DFG.

633 Third Street, Eureka, CA 95501-0147
tel 707.443.8326 fax 707.444.8330
www.w-and-k.com

B1

In all of the above proposed developments, all new construction was to occur on already previously filled lots that were located next to existing City of Eureka wetlands. None of the proposed developments were to encroach or otherwise remove existing marsh vegetation. In most of the above developments there were requirements to restrict habitat facing windows and the requirement of the placement of fencing between the marsh and new construction. Due to the presence in most of the above cases of already existing development there was no required 100' set back. Where there has been new construction in the proximity of Maurer Marsh (i.e. Six Rivers National Forest Headquarters, Taco Bell), the buildings have been setback and parking with fencing built between the marsh habitat and the building. There has been no or very little set back from the Maurer Marsh riparian.

At the existing proposed development at Vigo Street and Broadway, there has been an active truck stop or similar activity at that location since 1954. Prior to the truck stop there had been as early as 1931 an active dairy or cattle ranch that had a barn at the approximate location as the existing truck stop building. The existing site protection from the adjacent marsh habitat was a poorly maintained cyclone fence and a 2 foot to 4 foot high berm. Much of the berm had been overgrown by riparian vegetation canopy cover. The berm and cyclone fence had at one time prevented inadvertent entry of vehicles into the marsh. Most recently the riparian cover was likely doing a better role in that regard. A narrow strip of seasonal wetlands and riparian cover occurs between the berm and the proposed development. It is recommended that a 6 foot high cinder block wall be placed 10 feet from the existing wetlands and be built the entire width of the parcel opposite Maurer Marsh. The wall will isolate the retail activities from the marsh and prevent unnecessary human disturbance from the development directly to the ESHA.

2. Sensitivity of Species to Disturbance

The Maurer Marsh habitat from Vigo Street to Bayshore Way is one of the most frequently birded habitats in all of Humboldt County. Due to the birding coverage of Maurer Marsh, the variety of migrant bird use of the Maurer Marsh riparian would rival any coastal riparian habitat in all of northern California. At no time has Mr. Lester become aware of the threats to the bird populations using the marsh habitat due to permitted development at the margins of Maurer Marsh. For over 50 years, the Maurer Marsh has been adjacent to lumber mill activity, railroads, highways, ranching and commercial developments. The current location had been used most recently as vehicle staging, equipment storage, vehicle maintenance and materials staging. The activity associated with the most recent commercial use adjacent to Maurer Marsh habitat was intermittent, frequently active in the early mornings, at times intense, often loud and with little buffer. Yet despite these activities, the bird species which occupy Maurer Marsh would appear to have become accustomed to the various types of human activities associated with a busy, growing and productive coastal port city. The marsh plant species composition at Maurer Marsh does not appear to have any susceptibility to adjacent development. The entire riparian stretch from Vigo Street to Bayshore Way appears composed of intact, healthy and diverse native tree,

shrub and herbaceous species. The proposed commercial development would seemingly be less intrusive than the most recent use and would provide a solid wall as a buffer.

Maybe nothing inherently unique of Maurer Marsh makes it so bird species rich. It could simply be where it occurs. Maurer Marsh is located along the Pacific Coast Flyway and resident coastal species of birds are mixed with those in transit. In addition, it occurs next to the U. S. Forest Service Headquarters and a major thoroughfare making it easy to visit by local birdwatchers. No long-term studies of bird use at Maurer Marsh are known to have been conducted; therefore these conclusions are based on personal experience, reported observations of numerous individuals and not on published data. To help ensure that continued bird diversity is allowed to occupy the adjacent riparian forests, the proposed development will not install west facing windows on the structure adjacent to the marsh, will install a protective, solid, 6 foot high cinder block wall be built between the development and the marsh and that outdoor lighting will be shielded as to not shine directly on the riparian marsh habitat behind the rear building.

There appears to be evidence of what could only be described as criminal environmental destruction caused by illegal activities that would cause harm, threaten, disturb, maim, destroy nests, eggs, nestlings and kill adult birds occurring in the Maurer Marsh for over 20 years. Since surveys have been conducted in the Maurer Marsh habitat, the single greatest threat to the habitat has been the continued illegal camping occurring in the riparian forest. Large areas of ground cover have been cleared, major canopy occupying riparian trees have been entirely removed and vast amount of illegal dumping has occurred. There is no place in the city limits of Eureka that appears so environmentally challenged. It seems that more Maurer Marsh riparian habitat is lost to illegal activities in a single summer than has been lost to commercial development in 20 years. Despite the intense activity occurring on adjacent development and illegal camping, there has not been any apparent lack of resident and migrant bird population use claimed by any observers. Often nearly every year since 1989 there has been at least one and frequently multiple sightings of bird species that encourage follow-up from other birdwatchers that they themselves will find some species at Maurer Marsh not previously reported and which causes another wave of birdwatchers to visit the marsh.

The development and commercial use of the adjacent parcels of property next to Maurer Marsh may in fact help improve habitat conditions by preventing the spread of non-permitted use of the marsh by eliminating an easy access to the marsh.

3. Susceptibility of Parcel to Erosion

Although a portion of the proposed development drains towards the Maurer Marsh, the lack of slope gradient would seem to minimize the threat to the adjacent habitat from erosion and sedimentation. Most of the parcel will be paved to prevent on-site erosion. As part of the CUP, an oil water clarifier shall be installed prior to any waters leaving the site

and entering the public storm water system or the adjacent Maurer Marsh. Possibly a Storm Water Pollution Prevention Plan (SWPPP) will be prepared.

4.0 Use of Natural Topographic Features to Locate Development

There are little or no natural topographic features on the site. There does not appear to be any significant topographic feature that can provide a means to protect the adjacent riparian habitats. An existing man-made gravel berm is located in the back of the parcel adjacent to the marsh habitat. This berm will be retained and provide a protective feature from the development and the Maurer Marsh wetlands.

5.0 Use of Existing Cultural Features to Locate Buffer Zones

The existing parcel has limited room to allow for required coastal zone setbacks of 100' from existing wetlands or coastal riparian forest ESHA. Therefore it is recommended that reduced setback be allowed to provide for adequate accommodation for the proposed development. Existing conditions of enriched bird species use of stable riparian wetlands and marsh habitats which are closely approached by roadway traffic, road noise and existing commercial lighting suggests that a development of additional commercial buildings and access driveway would not be detrimental to those habitats or species that use them. To better serve as a buffer, the existing gravel berm should be left in place. In addition, the existing poorly maintained cyclone fence should be replaced with a solid fence or wall. In this case, a cinder block wall, 6 feet high, will be built from the north side of the parcel and extending to the south side. No riparian trees shall be removed and the nearest construction (wall) shall be no closer than 10' from the wetland boundary.

If you have any questions please do not hesitate to call me or Misha Schwarz at 443-8326.

Sincerely,
Winzler & Kelly Consulting Engineers

Misha. Schwarz
Senior Project Manager

cc: Ms. Betsy Bigbee, Pacific Properties Group

WINZLER & KELLY

CONSULTING ENGINEERS

B19

04-1022-01.032

REVISED
WETLANDS DELINEATION/
BIOLOGICAL SURVEY
2616 BROADWAY
EUREKA, CALIFORNIA
(AP #007-121-005, 006, 007)

RECEIVED
SEP - 2 2005
DEPARTMENT OF
COMMUNITY DEVELOPMENT

July 2005

Prepared for:

Mr. Kent Hallen
Project Manager
Pacific Properties Group, LLC
P. O. Box 2176
Chico, CA 95927-2126

Prepared by:

Winzler & Kelly Consulting Engineers
633 Third Street
Eureka, CA 95501-0417
(707) 443-8326

B20

TABLE OF CONTENTS

APPENDICES

LIST OF FIGURES

B21

REVISED
WETLANDS DELINEATION/
BIOLOGICAL SURVEY
2616 BROADWAY
EUREKA, CALIFORNIA
(AP #S 007-121-005, 006, 007)

I. SUMMARY

On April 15, 2004, a wetland delineation and biological survey was performed on 3.75 acres, assessor's parcel numbers (APN) 007-121-005, 006, 007. On July 6, 2005, a revised wetland delineation was conducted at the request of the US Army Corps of Engineers (COE), see further detail in Section IV. The wetland delineations determined that wetland-type vegetation, hydric soils, and wetland hydrology is present on the western edge of the subject acreage in the slightly lower topographical area. The riparian canopy vegetation located in the wetlands is considered biologically significant.

II. INTRODUCTION

The property at 2616 Broadway (Figure 1) is owned by Randall M. Cook and Suzanne J. Cook. It currently has two commercial buildings, Al's Eureka Truck Stop (005) and U. S. Cellular (006), and paved parking area to the east, south and north sides. The far rear portion of the lot is undeveloped and is unpaved (portion of 005 and all of 007).

The west portion is adjacent to the Maurer Marsh, which is largely riparian vegetation and freshwater marsh next to the City of Eureka's Palco Marsh. The three lots are 3.75 acres in size. Immediately to the south of the site are the commercial lots of Gold Rush Coffee (0.5 acres) and Mr. Fish Seafood (0.7 acres). Immediately to the east is Broadway (U.S. Highway 101) and immediately to the north is Vigo Street.

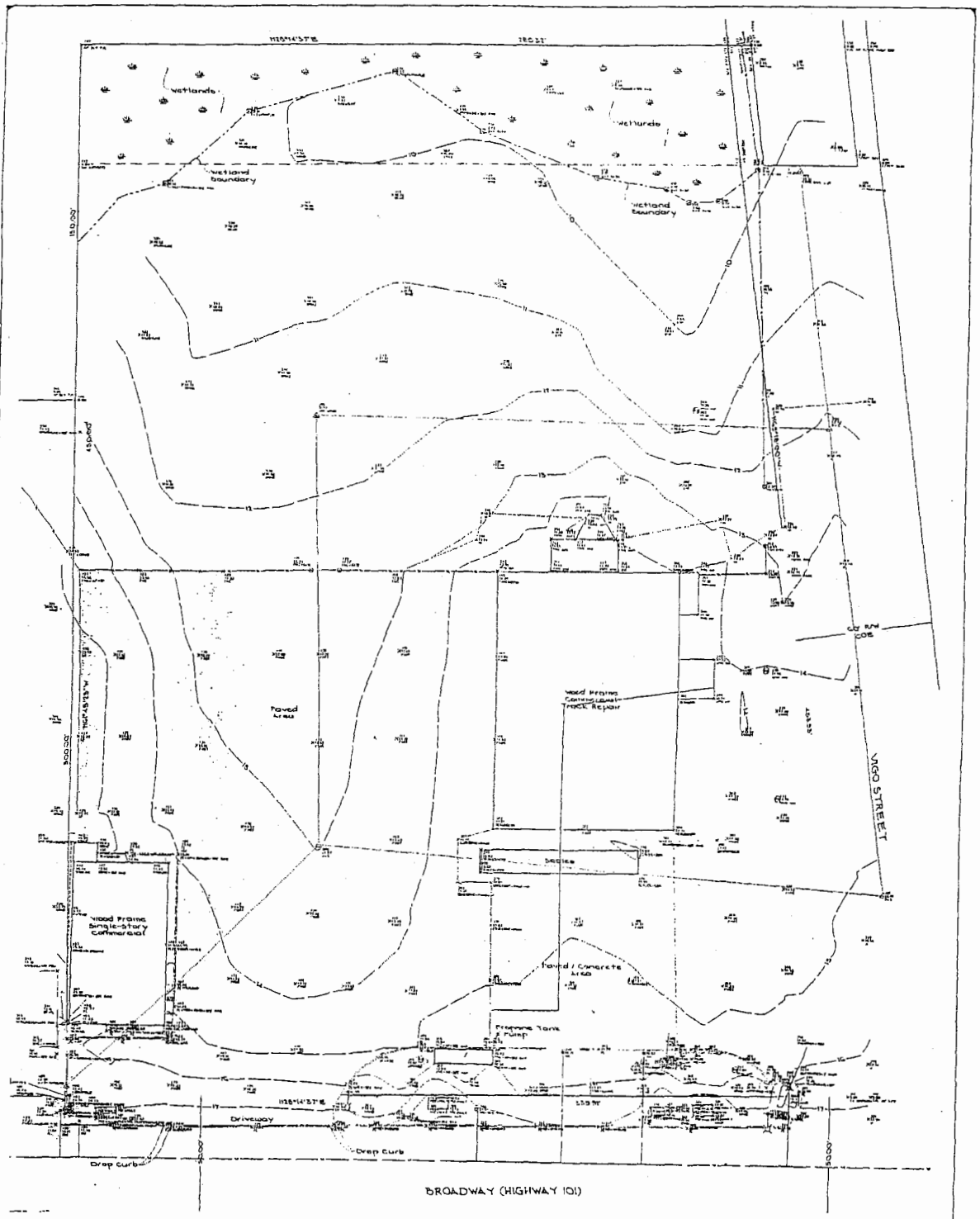
The proposed project is to demolish the existing truck stop building, and construct new commercial buildings.

A wetland delineation was conducted on April 15, 2004, and a revised delineation conducted July 6, 2005. A one-parameter approach was used to conform to California Coastal Commission (CCC) policies. The biological resources of the entire parcel were surveyed on April 15, 2004 as well.

III. DELINEATION/BIOLOGICAL SURVEY PURPOSE

The purpose of this investigation was to determine the size and location of wetland(s) in accordance with the California Coastal Commission criteria and determine significant biological resources on APNs 007-121-005, 006, and 007 in preparation for future development.

B22



WETLANDS NOTE:
This wetlands delineation map is the opinion of Winzler & Kelly. Not for planning, permitting or construction uses without an US Army Corps of Engineers Jurisdictional Verification stamp below. (Note that some projects may need California Fish & Game and California Coastal Commission verification of this delineation)

SURVEY DATUM NOTE:
Elevation Datum is top of fire hydrant EL 13.03 feet at southwest corner of Vago Street and Broadway as shown on Winzler & Kelly construction plans of Job No 82-047-C in DRL for the City of Eureka, sheet 4 of 13 titled South Broadway Sidewalks

Scale: 1" = 10'
Contour Interval: 1'

US Army Corps of Engineers verification here

SURVEYOR'S STATEMENT
This map was prepared by me or under my direction and is based on a field survey performed in April 2004 and July 2005 by Omsberg & Company at the request of Winzler & Kelly.

This survey is for the purpose of delineating the topographic features of the property as shown hereon.

Kenneth J Omsberg, P.L.S. LS 3246
License expires 9-30-05
Dated

LEGEND

SYMBOL	INDICATES
———	wetland boundary
⊡	wetland boundary marker

CLIENT
Winzler & Kelly
633 Third Street
Eureka, CA 95501
(707) 443-8326

SURVEYOR / ENGINEER
Omsberg & Preston
304 "I" Street
Eureka, CA 95501
(707) 443-8651

Old Truck Stop - Vago & Broadway

OMSBERG & COMPANY — SURVEYORS — CIVIL ENGINEERS

TOPOGRAPHIC MAP AND WETLAND BOUNDARY (REVISED 7/6/05)
FOR
WINZLER & KELLY
in the City of Eureka

SCALE: 1" = 10'
JOB NO: 04-436-S
SHEET 1 OF 1

D:\Projects\04-436-S_Eureka & Arcata\dwg\4436-S_TOPO01.DWG 7/7/2005 11:29:33 AM PST

B23

IV. WETLAND DELINEATION METHODOLOGY

The wetlands delineation was conducted by Gary Lester and Misha Schwarz of Winzler & Kelly Consulting Engineers, on April 15, 2004, following the CCC and COE criteria. The City of Eureka sent the results of the 2004 delineation to the COE and the California Department of Fish & Game (DFG). The DFG commented on the biology section but not the delineation. COE did not comment. During the second week of June 2005, Winzler & Kelly received a call from the COE with regard to the delineation and requested a map not provided them. A follow-up inspection by COE biologists Dan Martel and Carol Heidsiek and Winzler & Kelly botanist Gary Lester took place June 29, 2005. The result of the June, 2005 inspection was that a revised delineation be conducted to reflect changes in site hydrology and vegetation since the original delineation. A revised delineation was conducted July 6, 2005, by Schwarz and Lester and subsequently confirmed in the field that day by COE biologist Heidsiek and the revised wetland boundary was surveyed by Omsberg and Company the same day. A revised map showing the new plot locations, located in the northwest portion of the proposed development (W-1 T-4A-9A) is attached (follows page 2).

To define a wetland, the CCC requires that only one parameter (vegetation, soil, or hydrology) show a wetland attribute. Vegetation, soil, or hydrology data were collected at one transect with two plots (upland/wetland) per transect (see Appendix A, Field Data Sheets). Other wetland/upland boundaries were determined and marked by an "intermediate" stake, i.e., T1-INT. Primary determination of the wetland boundary was made based on vegetation, soil characteristics, and direct observation of hydrology.

A. Botanical Methodology

Vegetation data collection consisted of listing the five dominant species at each plot if only one layer, or up to three species in each layer (herb, shrub, tree). The species were then classified as to whether or not they are wetlands indicators, using the standard reference for plant wetlands indicators, National List of Plant Species that Occur in Wetlands: California (Region O) (Department of the Interior 1988). That document classifies plants based on the probability that they would be found in wetlands, ranging from Obligate (almost always in wetlands), Facultative/wet (67% to 99% in wetlands), Facultative (34% to 66% in wetlands), Facultative/up (1% to 33% in wetlands) to Uplands (less than 1% in wetlands). Plants not listed are included in the uplands category. If 50% or greater of the dominant plant species at each plot are classified Obligate (OBL), Facultative/wet (FACW), or Facultative (FAC), the vegetation is determined to be hydrophytic (wetland plants).

B. Soils Methodology

Soil test pits were dug to an approximate depth of 15 inches. The 1987 Manual's procedures were combined with the Natural Resources Conservation Service's (NRCS) definition of hydric soils presented in Changes in Hydric Soils of the United States and Field Indicators of Hydric Soils in the United States [United States Department of Agriculture (U.S.D.A.) 1995 and 1998, respectively]. Care was taken to observe mottling

(iron concentrations) and to distinguish between chromas of 1 and 2.

Soils/hydrology data sheets were prepared for use as supplements to the 1987 Manual's Data Sheet 1 (as modified by Winzler & Kelly, Consulting Engineers). Data sheets are attached (Appendix A). Color indicators of hydric soils were used in this delineation and are as follows:

1.	Matrix chroma of 2 or less in mottled soils	(1987 Manual)
2.	Matrix chroma of 1 or less in unmottled soils	(1987 Manual)
3.	Colors (evidence of saturation) determined at 12 inches depth in poorly drained or very poorly drained soil	(NRCS)

Colors were described for the entire depth of the test pit and were compared to the above parameters at a depth of 10 inches. Colors were determined on moist ped surfaces, which had not been crushed, using the Munsell Color Chart (GretagMacbeth 2000). Soil in test pit T-2-W with low chromas were verified as being hydric or upland with Field Indicators of Hydric Soils in the United States, Version 5.0, 2002, using indicators for dark surface horizons (F4, F5, F6 and F7). A solution of ά, ά'-Dipyridyl was used to verify presence or absence of reduced soils at the test plot.

C. Hydrology Methodology

The delineation was performed during early spring and mid summer. Direct evidence of ground water (soil saturation, standing water, etc.) was present in the spring wetland plot when the initial delineation was performed. Evidence of ponding (algae mats, cracked soil, and deep wheel ruts) was present during the July 2005 delineation.

D. Wetland Determination

The wetland determination was made with an emphasis on redoximorphic soil features and the presence of wetland hydrology and wetlands vegetation. An area was determined to be a wetland when soil, vegetation, or hydrology met the wetlands criteria defined above by a one parameter approach to satisfy the CCC. An area was determined to be uplands based on absence of wetland hydrology, hydrophytic vegetation, and wetland soil indicators. The wetland plot exhibited a predominance of FAC or wetter vegetation. The upland plot exhibited a predominance of FAC or drier vegetation.

Once wetland characteristics were determined for a transect, a flag was placed to delineate the limits of the wetland/upland boundary. Plot numbers were written on each flag. Flag locations were surveyed by Omsberg and Company, the results of which are attached as a Wetland Boundary Map (back pocket).

V. RESULTS OF WETLAND DELINEATION

The parameters used to identify a wetland are characteristics of the soil, hydrology, and vegetation. The CCC jurisdiction defines a wetland based on the presence of any one parameter.

A single wetland boundary line that satisfies the CCC and the COE methodologies was marked with flagging. Results of analysis of the three on-site parameters, vegetation, soils and hydrology, are described below and presented in the figure which follows page 2.

Hydrophytic vegetation was dominant within the wetland area (see Appendix A, Data Sheets). Typical vegetation associated with Palustrine Forested wetlands include:

- Arroyo willow *(Salix lasiolepis)*
- California blackberry *(Rubus ursinus)*
- Himalayan blackberry *(Rubus discolor)*

All the above aforementioned species are FACW or FAC designated indicator species (U.S. Fish and Wildlife Services, 1988). Upland vegetation was dominant in all the upland plots. All upland plots were confirmed by upland soils, lack of wetland groundwater parameters, and lack of predominance of hydrophytic vegetation.

Soils in the area delineated were predominantly silty loam in texture with the subsoil beginning at between 8–14 inches in depth. Wetland soils exhibited redoximorphic features typically found in hydric soils. These features included mottles (iron concentrations) at or above 10 inches from the soil surface. Wetland (hydric) soils had a matrix color of 10YR 3/1 at the surface underlain by soils with matrix colors of 2.5Y 3/2. Iron concentrations of 2.5Y 4/3 existed in the wetland plot within 10 inches of the surface. Upland soils were compacted gravel fill and were not investigated; soils in the revised wetlands area that COE had concerns about were 11" of river run gravel (engineered, compacted fill) over sand (fill). See Appendix A, Data Sheets.

Hydrologic conditions were present in wetland plot (W-1 T-2) to confirm the wetland/upland boundary at that location in April 2004. The primary indicator of hydrology was the direct observation of the water table within 6" of the ground surface. A secondary indicator noted was a pass on the FAC-neutral test. Secondary hydrology indicators of algae mats, cracked soil surfaces, and deep wheel ruts were present in the July 2005, plots in the northwest corner of the property; but no direct evidence of hydrology was observed.

VI. BIOLOGICAL SETTING

The majority of the parcel is developed and no habitat or plant community of biological significance is present (3.0 acres). The rear portion of the site is comprised of riparian woodland. This woodland is a portion of the larger Maurer Marsh. The western portion of the property that is vegetated by riparian vegetation consists of approximately 5,300 square feet (0.12 acre). A brief vegetation description of the habitat follows.

Riparian Woodland

The riparian woodland, which occurs in a portion of the western edge of the parcel, is dominated by willow species (*Salix* spp.). Other tree species, which are present in the canopy, are red alder (*Alnus rubra*), poplar (*Populus* sp.) and a naturalized apple (*Malus* sp). The woodland canopy cover is complete and very little understory is present. Scattered individuals of Himalaya berry (*Rubus discolor*), California blackberry (*Rubus ursinus*), sword fern (*Polystichum munitum*), and horsetail (*Equisetum arvense*) occur as understory species. A complete plant species list is

provided in Appendix B. The riparian woodland provides cover and food source for numerous species of resident and migrant bird species. Due to the season of the survey, the bird list from the site is biased towards species that are present in winter and early spring. No nesting documentation was obtained. Bird composition includes common resident and migrant species that occur in the riparian habitats of Humboldt Bay. A complete list of bird species is provided in Appendix C.

VII. CONCLUSIONS

The wetland delineation of April 15, 2004 and the revised delineation of July 6, 2005 identified a wetland area on APN 007-121-005 and 007. The area with hydrophytic vegetation, hydric soil characteristics, and in association with observable hydrology was classified as a Palustrine Emergent and Palustrine Forested wetlands. A revised wetland boundary map is included following page 2 of this report ("Topographic Map and Wetland Boundary (Revised 7/6/05"). All field data sheets area included in Appendix A.

No rare, endangered, or threatened wildlife or plant species were detected during the biological survey. The riparian woodland, found on the parcel, is part of the larger adjacent Maurer Marsh and likely provides valuable nesting and foraging habitat for numerous migrant and native bird species.

VIII. RECOMMENDATIONS

The habitat of value that occurs on the parcel is the riparian woodland. Riparian woodlands are wetland habitats and, as such, are considered environmentally sensitive areas under the Eureka Local Coastal Plan (LCP). The Eureka LCP requires that environmentally sensitive habitat areas and wetlands be protected. Specifically, policy 5.17 requires that "a buffer shall be established for permitted development adjacent to all environmentally sensitive areas. The width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific and/or proposed mitigation (such as planting of vegetation) that will achieve the purposes of the buffer, that a smaller buffer will protect the resources of the habitat."

It is recommended that a 10 foot setback be established between the mapped wetlands and the development. Based on the conditions discussed below it is concluded that a 10 foot setback is adequate to protect the wetland resource.

Any new construction should restrict the size and number of west-facing windows in any structure adjacent to the riparian habitat. Additionally, night lighting should be shielded or angled to directly illuminate the paved area and not the riparian habitat. A cinder block wall shall be installed along the westerly edge of development to minimize the impacts for both window reflection and on-site lighting. In addition, the wall will isolate the riparian habitat from the development. The cinder block wall can be replaced, in a short section, with a 3-foot high soil berm landscaped with dense, evergreen trees, such as wax myrtle (*Myrica californica*) or an equal. The planting of evergreens shall be done as to provide a solid vegetative screen when the trees mature (10'-15' on center).

Based on the presence of the environmentally sensitive habitat area (Maurer Marsh) and on

established Eureka LCP policy, any planned site development would likely not be permitted beyond the edge of wetlands.

IX. SPECIAL TERMS AND CONDITIONS

To achieve the delineation objectives stated in this report, we based our conclusions on the information available during the period of the investigation, April 15, 2004 and July 6, 2005. This report does not authorize any individuals to develop, fill or alter the wetlands delineated. Verification of the delineation by jurisdictional agencies is necessary prior to the use of this report for site development purposes. Permits to affect wetlands must be obtained from the involved government agencies. If permits are obtained to develop the delineated wetlands after agency review, and written verification, the delineation is given a 5-year expiration period. If filling is used under permitted authority, care should be given to maintain and sufficient quantity of fill to prevent a reestablishment of wetlands. Land use practices and regulations can change thereby affecting current conditions and delineation results.

This report was prepared for the exclusive use of Pacific Properties Group, LLC. Winzler & Kelly is not liable for any action arising out of the reliance of any third party on the information contained within this report.

X. REFERENCES

City of Eureka, General Plan, Policy Document, February 27, 1997 (Amended February 23, 1999).

GretagMacbeth, Munsell Soil Color Charts, 2000.

Hickman, James, The Jepson Manual, University of California Press, Berkeley and Los Angeles, California, 1993.

Soil Survey Staff, Keys to Soil Taxonomy, 5th Edition, SMSS Technical Monograph No. 19, Blacksburg, Virginia, 1992.

United States Department of Agriculture, Changes in Hydric Soils of the United States, Federal Register, Vol. 60, No. 37, February 24, 1995.

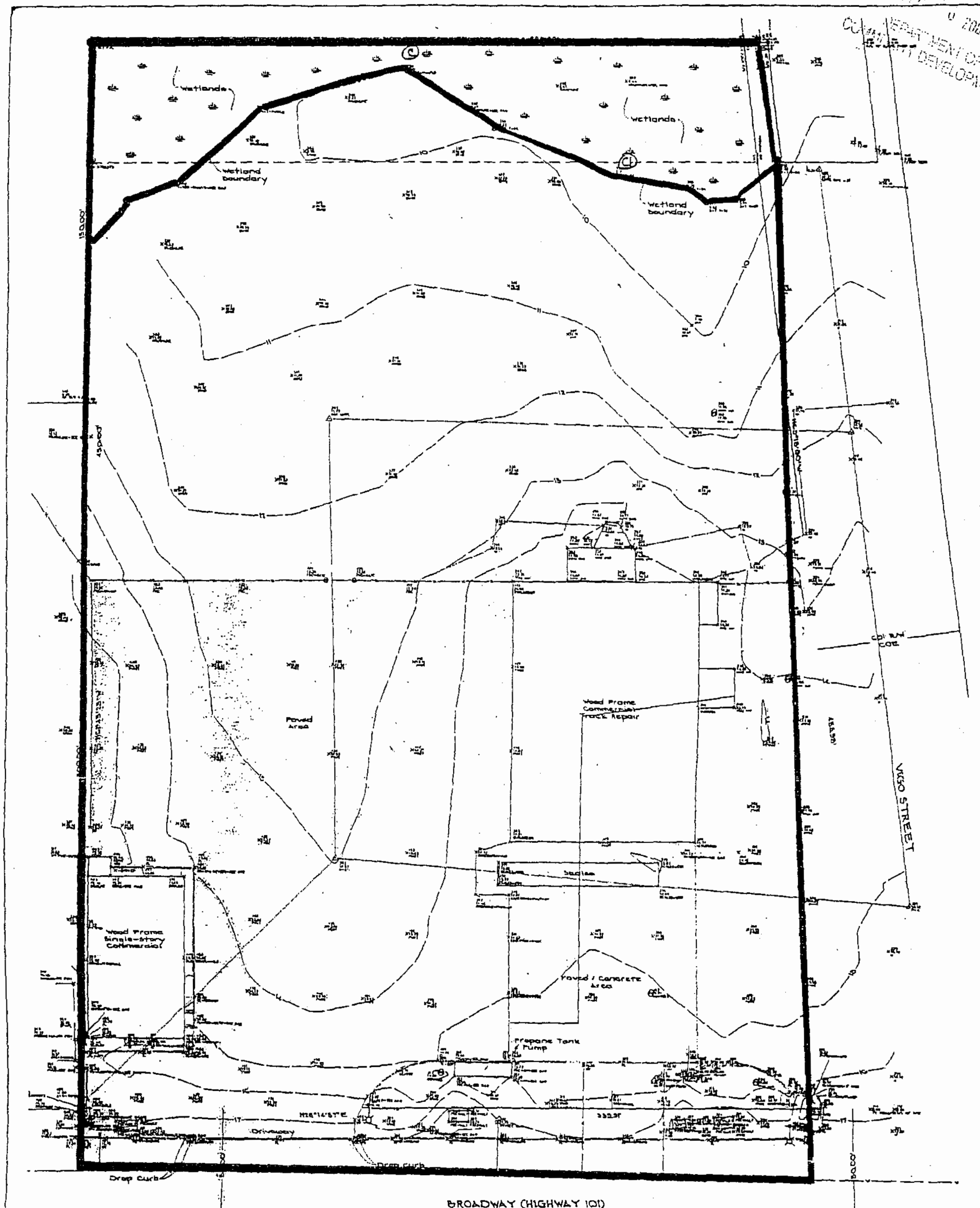
United States Department of Agriculture, Natural Resources Conservation Service, Field Indicators of Hydric Soils in the United States, March 1998.

United States Department of the Army Corps of Engineers, Wetlands Delineation Manual, Tech. Rep 4-87-11987.

United States Department of the Interior, National List of Plant Species that Occur in Wetlands, California (Region O), Bio. Rep. 88 (26.20) 1988.

United States Fish and Wildlife Service, Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS 79/31, 1979.

RECEIVED
SEP 0 2005
COMMUNITY DEVELOPMENT DEPARTMENT



BROADWAY (HIGHWAY 101)

WETLANDS NOTE:
This wetlands delineation map is the opinion of Winzler & Kelly. Not for planning, permitting or construction uses without an U.S. Army Corps of Engineers Jurisdictional Verification stamp below. (Note that some projects may need California Fish & Game and California Coastal Commission verification of this delineation).

SURVEY DATUM NOTE:
Elevation Datum is top of fire hydrant El. 15.03 feet at southwest corner of Vigo Street and Broadway as shown on Winzler & Kelly construction plans of Job No. 86-047-C in 1986 for the City of Eureka, sheet 16 of 19 titled South Broadway Sidewalks.

Scale 1" = 20'
Contour Interval 1'

US Army Corps of Engineers verification here

SURVEYOR'S STATEMENT
This map was prepared by me or under my direction and is based on a field survey performed in April 2004 and July 2005 by Omsberg & Company at the request of Winzler & Kelly.

This survey is for the purpose of delineating the topographic features of the property as shown hereon.

Kenneth J. Omsberg, Jr. L.S. 4446
License expires 9-30-08

LEGEND

SYMBOL	INDICATES
—— - - ——	Wetland boundary
▪	Wetland boundary marker

CLIENT
Winzler & Kelly
633 Third Street
Eureka, CA 95501
(707) 443-8326

SURVEYOR / ENGINEER
Omsberg & Preston
304 'N' Street
Eureka, CA 95501
(707) 443-8651

Old Truck Stop - Vigo & Broadway

OMSBERG & COMPANY — SURVEYORS PLANNERS ENGINEERS
Drawn by: C. Hock 7/06/05
TOPOGRAPHIC MAP AND WETLAND BOUNDARY (REVISED 7/6/05)
For WINZLER & KELLY
in the City of Eureka
Scale 1" = 20'
Job No. 04-1496-5
Sheet 1 of 1

O:\Projects\04-1496-5_Winzler & Kelly\dwg\1496-5_TOPO01.DWG 7/7/2005 11:20:33 AM PST

US Army Corps of Engineers

2616 Broadway, Eureka,
Humboldt, California
APN: 007-121-05, 06, and 07
Confirmed by Carol Heidsiek, Eureka, California, ACOE

Wetlands Subject to Sec. 404 of CWA

Project Boundary

Data Points

FILE NO.: 29665

DATE: September ... 2005

B12

B29

Appendix A
Soils and Vegetation Data Sheets

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-W Date 4/15/04 Investigator Schauer
Job # _____ Site _____

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings
0-8		Silt Loam	10YR3/1	~~0~~	~~0~~	~~0~~
8-14			2.5Y3/2	10%, M, 2.5Y 4/3	~~0~~	~~0~~

Comments: _____

Yes	No	
	X	NRCS soil survey mapping unit? _____
	X	On NRCS Hydric Soil list? If yes, name _____
	X	Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
	X	Sulfidic odor @ ≤ 12"? If yes, depth _____
	X	Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
	X	Soil saturated at or near soil surface all of the year (Peraquic)?
X		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
X		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
	X	Reaction to α -α dipyridyl (Reducing conditions?)?
	X	Gleyed Soil matrix @ 10" or under A?
	X	Iron and Manganese concretions @ 10" or under A?
	X	High organic content in surface layer of sandy soil?
	X	Organic streaking in sandy soils?
	X	Organic pans in sandy soil?
		Other? (Explain) _____
X		Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
		A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: _____

B30

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-W Date 4/15/04 Investigator Schwarz
Job # _____ Site 1150 Broadway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface _____
X		Water table encountered w/in 12"? If yes, depth to water table from soil surface 6"
X		Can water be squeezed or shaken from the surface soil within 12"?
	X	Algal mats present?
	X	Sediment deposits?
	X	Drift lines?
	X	Watermarks?
	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
	X	Water-stained leaves?
	X	Local soil survey data?
X		FAC-Neutral Test?
	X	Alkali scalds?
	X	Deep hoof divets?
		Other?

X		Summary: Wetland hydrologic regime?

Notes: _____

B31

DATA FORM 1 Date: 4/15/04
WETLAND DETERMINATION Plot #: T-2-W
(Modified by Winzler and Kelly Consulting Engineers)

me: _____ Appl.#: _____ Proj. Name: Visa/Broadway
A County: Humb. Legal Descr.: T: ___ R: ___ Section: ___

on List the three dominant species in each vegetation layer (5 if r 2 layers). Indicate species with observed morphological or known gical adaptations with an asterisk.

Species	Ind. Status	Species	Ind. Status
		Herbs	
x lasiolepis	FACW	1. Rubus discolor	FACW
		2. Rubus ursinus	FACW
		3.	
		4.	
		5.	
/Shrubs		**Woody Vines**	
		1.	
		2.	
		3.	
		4.	
		5.	

cies that are OBL, FACW, and/or FAC: 100
dicators: Morphological: _____
Physiological: _____
Reproductive: _____
ic vegetation: Yes ✓ No ___
o/r > 50% FAC

Situation: Yes ___ No ✓
rcumstances: Yes ✓ No ___
etermination: Wetland ✓ Nonwetland ___

B32
Determined by: Schwarz/Lester

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-U Date 4/15/04 Investigator Schauer
Job # _____ Site _____

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings
		Gravel	Fill – no pit Dug			

Comments: _____

Yes	No	
	X	NRCS soil survey mapping unit? _____
	X	On NRCS Hydric Soil list? If yes, name _____
	X	Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
	X	Sulfidic odor @ ≤ 12"? If yes, depth _____
	X	Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
	X	Soil saturated at or near soil surface all of the year (Peraquic)?
	X	Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
	X	Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
	X	Reaction to α -α dipyridyl (Reducing conditions?)?
	X	Gleyed Soil matrix @ 10" or under A?
	X	Iron and Manganese concretions @ 10" or under A?
	X	High organic content in surface layer of sandy soil?
	X	Organic streaking in sandy soils?
	X	Organic pans in sandy soil?
	X	Other? (Explain) _____
		Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: _____

B33

ct and Plot # T-2-U Date 4/15/04 Investigator Schwarz
Site

OLOGY

Indicator:

No	
X	Inundated? If yes, depth from water surface to soil surface
X	Water table encountered w/in 12"? If yes, depth to water table from soil surface
X	Can water be squeezed or shaken from the surface soil within 12"?
X	Algal mats present?
X	Sediment deposits?
X	Drift lines?
X	Watermarks?
X	Drainage patterns?

ary Indiators (2 or more required)

No	
X	Oxidized root channels in upper 12 inches?
X	Water-stained leaves?
X	Local soil survey data?
X	FAC-Neutral Test?
X	Alkali scalds?
X	Deep hoof divets?
X	Other?
X	Summary: Wetland hydrologic regime?

B34

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-U Date 4/15/04 Investigator Schwarz
Job # _____ Site _____

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	X	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	X	Can water be squeezed or shaken from the surface soil within 12"?
____	X	Algal mats present?
____	X	Sediment deposits?
____	X	Drift lines?
____	X	Watermarks?
____	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	X	Water-stained leaves?
____	X	Local soil survey data?
____	X	FAC-Neutral Test?
____	X	Alkali scalds?
____	X	Deep hoof divets?
____	X	Other?
____	X	Summary: Wetland hydrologic regime?

Notes: _____

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler and Kelly Consulting Engineers)

Date: 4/15/04
Plot #: T-2 u

Appl. Name: _____ Appl.#: _____ Proj. Name: Vigo/Broadway
State: CA County: Humboldt Legal Descr.: T:___ R:___ Section: _____

Vegetation List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

Species	Ind. Status	Species	Ind. Status
Trees		**Herbs**	
1.		1. Bromus diandrus	NI
2.		2. Vulpia bromoides	NI
3.		3. Geranium molle	NI
4.		4. Anthoxanthum odoratum	FACW
5.		5. Rubus discolor	FACW
Saplings/Shrubs		**Woody Vines**	
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	

% of species that are OBL, FACW, and/or FAC: 25
Other indicators: Morphological: _____
Physiological: _____
Reproductive: _____
Hydrophytic vegetation: Yes___ No ✓
Basis: % < 50

Atypical Situation: Yes___ No ✓
Normal Circumstances: Yes ✓ No___
Wetland Determination: Wetland___ Nonwetland ✓
Comments:

Determined by: BJO Schwarz / Lester

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-4AW Date 7/6/05 Investigator Lester
Job # _____ Site gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel Fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
X		Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: Based on algal mats and likely prolonged winter ponding

B37

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W1T4AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface _____
		Water table encountered w/in 12"? If yes, depth to water table from soil surface _____
		Can water be squeezed or shaken from the surface soil within 12"?
X		Algal mats present?
	X	Sediment deposits?
		Drift lines?
		Watermarks?
		Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
		Water-stained leaves?
		Local soil survey data?
X		FAC-Neutral Test?
		Alkali scalds?
		Deep hoof divets?
X		Other? cracked surface soil, wheel ruts
X		Summary: Wetland hydrologic regime?

Notes: _____

B38

Date: 7/6/05
Plot #: W-1 T-4A W
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Lolium multiflorum	10	FAC
2	Cyperus eragrostis	30	FACW
3			
4			
5			
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 100
Hydrophytic vegetation: Yes ✓ No ____
Basis: % > 50 %
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ✓ Non-Wetland ____
Comments: die back was evident on Cyperus

Determined by: Coster / Mish

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1T-4Au Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: Based on absence of algal mats, wheel ruts & dominant hydrophytic plant cover

B40

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T4AU Date 7/6/05 Investigator Lesta
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	____	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	____	Can water be squeezed or shaken from the surface soil within 12"?
____	____	Algal mats present?
____	____	Sediment deposits?
____	____	Drift lines?
____	____	Watermarks?
____	____	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	____	Water-stained leaves?
____	____	Local soil survey data?
____	____	FAC-Neutral Test?
____	____	Alkali scalds?
____	____	Deep hoof divets?
____	____	Other?
____	X	Summary: Wetland hydrologic regime?

Notes: No evidence of ponding

1341

Date: 7/6/05
Plot #: W-1 T-4Au
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Medicago arabica	5	NI
2	Hypochaeris radicata	5	NI
3	Trifolium repens	5	FACu
4	Lolium multiflorum	5	FAC
5	Cyperus eragrostis	2	FACW
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 40
Hydrophytic vegetation: Yes ____ No ✓
Basis: % < 50%
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ____ Non-Wetland ✓
Comments: _____

Determined by: Lester / Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-5AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
X		Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: Based on evidence of prolonged ponding — algal mats, dominance of hydrophyte

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W1T5AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface_____
		Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
		Can water be squeezed or shaken from the surface soil within 12"?
X		Algal mats present?
	X	Sediment deposits?
		Drift lines?
		Watermarks?
		Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
	X	Water-stained leaves?
	X	Local soil survey data?
X		FAC-Neutral Test?
	X	Alkali scalds?
	X	Deep hoof divets?
X		Other? wheel ruts, surface cracks
X		Summary: Wetland hydrologic regime?

Notes: _____

B44

Date: 7/6/05
Plot #: W-1 T-5A W
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name:_____ Proj. Location:_____ Appl. Name:_____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Lotus corniculatus	5	FAC
2	Lolium multiflorum	10	FAC
3	Cyperus eragrostis	2	FACW
4	Lythrum hyssopifolia	2	FACW
5	Medicago arabica	2	NI
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 80
Hydrophytic vegetation: Yes ✓ No_____
Basis: % > 50%
Atypical Situation: Yes ✓ No_____
Normal Circumstances: Yes_____ No ✓
Wetland Determination: Wetland X Non-Wetland_____
Comments:_____

Determined by: Lester / Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-5AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: _____

BAO

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-5AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	____	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	____	Can water be squeezed or shaken from the surface soil within 12"?
____	____	Algal mats present?
____	____	Sediment deposits?
____	____	Drift lines?
____	____	Watermarks?
____	____	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	____	Water-stained leaves?
____	____	Local soil survey data?
____	____	FAC-Neutral Test?
____	____	Alkali scalds?
____	____	Deep hoof divets?
____	____	Other?
____	X	Summary: Wetland hydrologic regime?

Notes: No evidence of ponding

Date: 7/6/05
Plot #: W-1 T-5 Au
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name:_____ Proj. Location:_____ Appl. Name:_____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Medicago arabica	5	NI
2	Trifolium repens	5	FACU
3	Matricaria matricarioides	3	FACU
4	Lolium multiflorum	2	FAC
5	Polypogon monspeliensis	2	FACW
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 40
Hydrophytic vegetation: Yes____ No ✓
Basis: o/o < 50
Atypical Situation: Yes ✓ No____
Normal Circumstances: Yes___ No ✓
Wetland Determination: Wetland____ Non-Wetland ✓
Comments:_____

Determined by: Lester Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W1-T6A-W Date 7/6/05 Investigator Schwarz
Job # _____ Site Gateway, Eureka, CA (Viga)

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings
0-11		V.G. Sand ①	2.5Y3/2	⊖	⊖	⊖
11-24		Sand ②	10GY4/1	⊖	⊖	⊖

Comments: ① Compacted Engineered Fill (Riverrun) - Imported
② Imported Engineered fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
	X	On NRCS Hydric Soil list? If yes, name _____
	X	Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
	X	Sulfidic odor @ ≤ 12"? If yes, depth _____
	X	Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
	X	Soil saturated at or near soil surface all of the year (Peraquic)?
	X	Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
	X	Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A? no >10"
	X	Reaction to α -α dipyridyl (Reducing conditions?)?
	X	Gleyed Soil matrix @ 10" or under A?
	X	Iron and Manganese concretions @ 10" or under A?
	X	High organic content in surface layer of sandy soil?
	X	Organic streaking in sandy soils?
	X	Organic pans in sandy soil?
	X	Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)? no, but standing H_2O

Field Indicators of Hydric Soils (NRCS Ver 5.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
X		Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: Based on algae mats and likely ponding, although substrate consists of engineered compacted fill.

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W1-T6AW Date 7/6/05 Investigator Schwarz
Job # _____ Site Gateway, Eureka

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	X	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	X	Can water be squeezed or shaken from the surface soil within 12"?
X	____	Algal mats present?
____	X	Sediment deposits?
____	X	Drift lines?
____	X	Watermarks?
____	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	X	Local soil survey data?
X	____	FAC-Neutral Test?
____	X	Alkali scalds?
X	____	Summary: Wetland hydrologic regime?

Notes: Based on Algal mats, although over engineered-Compacted fill.

Date: 7/6/05
Plot #: W-1 T-6A u
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Cyperus eragrostis	10	FACW
2	Juncus bufonius	5	FACW
3	Lolium multiflorum	2	FAC
4	Lythrum hyssopifolia	2	FACW
5	Lotus corniculatus	2	FAC
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 100
Hydrophytic vegetation: Yes X No ____
Basis: o/o > 50°/o
Atypical Situation: Yes X No ____
Normal Circumstances: Yes ____ No X
Wetland Determination: Wetland X Non-Wetland ____
Comments: _____

Determined by: Lester Schwarz

SOIL HYDROLOGY DATA SHEET

Transect and Plot # W-1 T6AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Asphalt, gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
		Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 5.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1; A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: Based on the absence of algal mats, tire ruts or cracked surface soil

B52

SOIL HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-6AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface _____
____	____	Water table encountered w/in 12"? If yes, depth to water table from soil surface _____
____	____	Can water be squeezed or shaken from the surface soil within 12"?
____	X	Algal mats present?
____	____	Sediment deposits?
____	____	Drift lines?
____	____	Watermarks?
____	____	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	____	Local soil survey data?
____	____	FAC-Neutral Test?
____	____	Alkali scalds?
____	X	Summary: Wetland hydrologic regime?

Notes: No evidence of ponding, lack of hydrophete dominance

Date: 7/6/05
Plot #: W-1 T-6A
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Lolium multiflorum	5	FAC
2	Hypochaeris radicata	5	NI
3	Medicago arabica	2	NI
4	Trifolium repens	2	NI
5	Cyperus eragrostis	2	FACW
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 40
Hydrophytic vegetation: Yes ____ No X
Basis: % < 50%
Atypical Situation: Yes X No ____
Normal Circumstances: Yes ____ No X
Wetland Determination: Wetland ____ Non-Wetland X
Comments: _____

Determined by: Lester Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W.I T-7AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
X		Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: Based on prolonged ponding during winter -algal mats

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W.1 T-7Aw Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface _____
		Water table encountered w/in 12"? If yes, depth to water table from soil surface _____
		Can water be squeezed or shaken from the surface soil within 12"?
X		Algal mats present?
	X	Sediment deposits?
		Drift lines?
		Watermarks?
		Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
		Water-stained leaves?
		Local soil survey data?
X		FAC-Neutral Test?
	X	Alkali scalds?
	X	Deep hoof divets?
X		Other? wheel ruts, cracked soil surface
X		Summary: Wetland hydrologic regime?

Notes: Ponding evidence, dominance of hydrophytes

Date: 7/6/05
Plot #: SW-1. T-7A
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name:

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Lythrum hyssopifolia	5	FACW
2	Lolium multiflorum	10	FAC
3	Polypogon monspeliensis	2	FACW
4	Lotus corniculatus	2	FAC
5	Cyperus eragrostis	5	FACW
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 100
Hydrophytic vegetation: Yes ✓ No ____
Basis: % > 50
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ✓ Non-Wetland ____
Comments: Evidence of ponding

Determined by: Coster / Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-7AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: No hydrologic evidence / lack of hydrophyte dominance.

Transect and Plot # W.1 T-7AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	____	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	____	Can water be squeezed or shaken from the surface soil within 12"?
____	____	Algal mats present?
____	____	Sediment deposits?
____	____	Drift lines?
____	____	Watermarks?
____	____	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	____	Water-stained leaves?
____	____	Local soil survey data?
____	____	FAC-Neutral Test?
____	____	Alkali scalds?
____	____	Deep hoof divets?
____	____	Other?
____	X	Summary: Wetland hydrologic regime?

Notes: No evidence of ponding

Date: 7/6/05
Plot #: W-1 T-7AC
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Medicago arabica	5	NI
2	Hypochaeris radicata	5	NI
3	Trifolium repens	2	FACU
4	Lolium multiflorum	2	FAC
5	Plantago lanceolata	2	FAC
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 40
Hydrophytic vegetation: Yes ____ No ✓
Basis: % < 50%
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ____ Non-Wetland ✓
Comments: _____

Determined by: Lester/Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-8AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
X		Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: Based on algal mats, dominance of hydrophytes.

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1T-8AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface _____
	X	Water table encountered w/in 12"? If yes, depth to water table from soil surface _____
	X	Can water be squeezed or shaken from the surface soil within 12"?
X		Algal mats present?
	X	Sediment deposits?
	X	Drift lines?
	X	Watermarks?
	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
	X	Water-stained leaves?
	X	Local soil survey data?
X		FAC-Neutral Test?
	X	Alkali scalds?
	X	Deep hoof divets?
X		Other? wheel ruts, surface cracking
		Summary: Wetland hydrologic regime?

Notes: Soils are hydric based on evidence of prolonged ponding

Date: 7/6/05
Plot #: W-1 T-8W
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Juncus bufonius	5	FACW
2	Lythrum hyssopifolia	5	FACW
3	Poa annua	2	FAC
4	Cyperus eragrostis	1	FACW
5			
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 100
Hydrophytic vegetation: Yes ✓ No ____
Basis: % > 50
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ✓ Non-Wetland ____
Comments: _____

Determined by: Lester / Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-8AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill / Asphalt

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: No evidence of ponding

B04

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W1 T-8AU Date 7/6/05 Investigator Lesta
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface _____
		Water table encountered w/in 12"? If yes, depth to water table from soil surface _____
		Can water be squeezed or shaken from the surface soil within 12"?
		Algal mats present?
		Sediment deposits?
		Drift lines?
		Watermarks?
		Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
		Water-stained leaves?
		Local soil survey data?
		FAC-Neutral Test?
		Alkali scalds?
		Deep hoof divets?
		Other?
	X	Summary: Wetland hydrologic regime?

Notes: No hydrological evidence

Date: 7/6/05
Plot #: W-1 T-8 u
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	No vegetation		
2			
3			
4			
5			
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: _____
Hydrophytic vegetation: Yes_____ No_____
Basis: _____
Atypical Situation: Yes_____ No_____
Normal Circumstances: Yes_____ No_____
Wetland Determination: Wetland_____ Non-Wetland_____
Comments: Asphalt base No vegetation

Determined by: Lester Schwarz

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-9AW Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
X		Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes: Evidence of ponding - algal mats

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W-1 T-9AW Date 7/6/05 Investigator Lester
Job # _____ Site gateway

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	X	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	X	Can water be squeezed or shaken from the surface soil within 12"?
X	____	Algal mats present?
____	X	Sediment deposits?
____	X	Drift lines?
____	X	Watermarks?
____	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	X	Water-stained leaves?
____	X	Local soil survey data?
X	____	FAC-Neutral Test?
____	X	Alkali scalds?
____	X	Deep hoof divets?
X	____	Other? wheel ruts, surface cracking
____	____	Summary: Wetland hydrologic regime?

Notes: Ponding, evidence

Date: 7/6/05
Plot #: W-1 T-9W
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Lotus corniculatus	10	FAC
2	Rumex crispus	10	FACW
3	Lolium multiflorum	10	FAC
4	Cyperus eragrostis	5	FACW
5	Juncus bufonius	1	FACW
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 100
Hydrophytic vegetation: Yes ✓ No ____
Basis: % > 50
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ✓ Non-Wetland ____
Comments: _____

Determined by: Lester/Schwarz

WE ANDS SOIL/HYDROLOGY DATA HEET

Transect and Plot # W.1 T.9AU Date 7/6/05 Investigator Lester
Job # _____ Site Gateway

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings

Comments: Gravel fill

Yes	No	
	X	NRCS soil survey mapping unit? _____
		On NRCS Hydric Soil list? If yes, name _____
		Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
		Sulfidic odor @ ≤ 12"? If yes, depth _____
		Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
		Soil saturated at or near soil surface all of the year (Peraquic)?
		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
		Reaction to α -α dipyridyl (Reducing conditions?)?
		Gleyed Soil matrix @ 10" or under A?
		Iron and Manganese concretions @ 10" or under A?
		High organic content in surface layer of sandy soil?
		Organic streaking in sandy soils?
		Organic pans in sandy soil?
		Other? (Explain) _____
	X	Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes: No Ponding evidence

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # W.1 T9AU Date 7/6/05 Investigator Lesta
Job # _____ Site Gateway

HYDROLOGY

Primary Indicator:

Yes	No	
____	X	Inundated? If yes, depth from water surface to soil surface_____
____	____	Water table encountered w/in 12"? If yes, depth to water table from soil surface_____
____	____	Can water be squeezed or shaken from the surface soil within 12"?
____	____	Algal mats present?
____	____	Sediment deposits?
____	____	Drift lines?
____	____	Watermarks?
____	____	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
____	X	Oxidized root channels in upper 12 inches?
____	____	Water-stained leaves?
____	____	Local soil survey data?
____	____	FAC-Neutral Test?
____	____	Alkali scalds?
____	____	Deep hoof divets?
____	____	Other?
____	X	Summary: Wetland hydrologic regime?

Notes: No evidence of ponding

Date: 7/6/05
Plot #: W-1 T-9 A u
County: Humboldt
State: CA

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler & Kelly Consulting Engineers)

Proj. Name: Gateway Proj. Location: Eureka Appl. Name: _____

Vegetation. List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

	Species	% Cover	Ind. Status
Trees			
1			
2			
3			
4			
5			
Saplings/Shrubs			
1			
2			
3			
4			
5			
Herbs			
1	Medicago arabica	10	NI
2	Hypochaeris radicata	10	NI
3	Vulpia myuros	10	FACU
4	Lolium multiflorum	10	FAC
5	Plantago lanceolata	10	FAC
Woody Vines			
1			
2			
3			
4			
5			

% of species that are OBL, FACW, and/or FAC: 40
Hydrophytic vegetation: Yes ____ No ✓
Basis: % < 50
Atypical Situation: Yes ✓ No ____
Normal Circumstances: Yes ____ No ✓
Wetland Determination: Wetland ____ Non-Wetland ✓
Comments: _____

Determined by: Cathy Schwarz

G:\FORMS\Environmental Forms\Wetlands-Veg-COE0904.doc B72

Appendix B

Plant Species List of Riparian Woodland

Plant Species List of Riparian Woodland

Scientific Name	Family	Common Name
Agrostis stolonifera	*Poaceae*	creeping bent
Aira caryophyllea	*Poaceae*	hairgrass
Alnus rubra	*Betulaceae*	red alder
Anthoxanthum oderatum	*Poaceae*	sweet vernal grass
Athyrium filix-femina	*Aspidiaceae*	lady fern
Avena barbata	*Poaceae*	wild oat
Baccharis pilularis	*Asteraceae*	coyote bush
Bellis perennis	*Asteraceae*	English daisy
Brassica rapa	*Brassicaceae*	mustard
Bromus mollis	*Poaceae*	brome grass
Bromus rigidus	*Poaceae*	ripgut grass
Calystegia sp.	*Convolvulaceae*	morning glory
Cirsium vulgare	*Asteraceae*	bull thistle
Cotoneaster sp.	*Rosaceae*	(ornamental)
Dactylis glomerata	*Poaceae*	orchard grass
Epilobium ciliatum	*Onagraceae*	willow herb
Equistem arvense	*Equisetaceae*	horse tail
Festuca arundinacea	*Poaceae*	reed fescue
Foeniculum vulgare	Apiaceae	anise
Hedera helix	*Araliaceae*	English ivy
Holcus lanatus	*Poaceae*	velvet grass
Hypochoeris radicata	*Asteraceae*	cat's ear
Ilex sp.	*Ilicaceae*	holly
Linum angustifolium	*Linaceae*	flax
Lolium perenne	*Poaceae*	perennial ryegrass
Lotus corniculatus	*Fabaceae*	perennial trefoil
Lupinus sp.	*Fabaceae*	lupine
Malus sylvestris	*Rosaceae*	common apple
Parentucellia viscosa	*Scrophulariaceae*	none
Plantago lanceolata	*Plantaginaceae*	English plantain
Poa annua	*Poaceae*	annual bluegrass
Polygonum sp.	*Polygonaceae*	knotweed
Polystichum munitum	*Aspidiaceae*	sword fern
Populus sp.	*Salicaceae*	poplar (ornamental)
Raphanus sativus	*Brassicaceae*	wild radish
Rosa sp.	*Rosaceae*	(ornamental) rose
Rubus discolor	*Rosaceae*	Himalaya berry
Rubus ursinus	*Rosaceae*	California blackberry
Rumex acetosella	*Polygonaceae*	sheep sorrel
Rumex crispus	*Polygonaceae*	curly dock
Salix hookeriana	*Salicaceae*	hooker's willow
Salix lasiolepis	*Salicaceae*	arroyo willow
Trifolium repens	*Fabaceae*	white clover

B75

Appendix C
Bird Species List

Bird Species List

Scientific Name	Common Name
Calypte anna	Anna's Hummingbird
Cyanocitta stelleri	Steller's Jay
Regulus satrapa	Golden-crowned Kinglet
Regulus calendula	Ruby-crowned Kinglet
Catharus guttatus	Hermit Thrush
Turdus migratorius	American Robin
Bombycilla cedrorum	Cedar Waxwing
Vireo huttoni	Hutton's Vireo
Vireo gilvus	Warbling Vireo
Vermivora celata	Orange-crowned Warbler
Dendroica coronata	Yellow-rumped Warbler
Wilsonia pusilla	Wilson's Warbler
Melospiza melodia	Song Sparrow
Pipilo erythrophthalmus	Spotted Towhee
Passerella iliaca	Fox Sparrow
Zonotrichia atricapilila	Golden-crowned Sparrow
Zonotrichia leucophrys	White-crowned Sparrow
Junco hyemalis	Dark-eyed Junco
Carduelis pinus	Pine Siskin
Carduelis tristis	American Goldfinch
Carpodacus mexicanus	House Finch
Passer domesticus	House Sparrow

04-1022-01032

WETLANDS DELINEATION/ BIOLOGICAL SURVEY

2616 BROADWAY
EUREKA, CALIFORNIA
(AP #007-121-005, 006, 007)

July 2004

Prepared for:

Mr. Robin Matley
Gateway Pacific Properties
P. O. Box 2176
Chico, CA 95921

Prepared by:

Winzler & Kelly Consulting Engineers
633 Third Street
Eureka, CA 95501-0417
(707) 443-8326

391

TABLE OF CONTENTS

APPENDICES

LIST OF FIGURES

WETLANDS DELINEATION/ BIOLOGICAL SURVEY 2616 BROADWAY EUREKA, CALIFORNIA (AP #S 007-121-005, 006, 007)

I. SUMMARY

On April 15, 2004, a wetland delineation and biological survey was performed on 3.75 acres, assessor's parcel numbers (APN) 007-121-005, 006, 007. The wetland delineation determined that wetland-type vegetation, hydric soils, and wetland hydrology is present on the western edge of the subject acreage in the slightly lower topographical area. The riparian canopy vegetation located in the wetlands is considered biologically significant.

II. INTRODUCTION

The property at 2616 Broadway (Figure 1) is owned by Randall M. Cook and Suzanne J. Cook. It currently has two commercial buildings, Al's Eureka Truck Stop (005) and U. S. Cellular (006), and paved parking area to the east, south and north sides. The far rear portion of the lot is undeveloped and is unpaved (portion of 005 and all of 007).

The west portion is adjacent to the Maurer Marsh, which is largely riparian vegetation and freshwater marsh next to the City of Eureka's Palco Marsh. The lot is 3.75 acres in size. Immediately to the south of the site are the commercial lots of Gold Rush Coffee (0.5 acres) and Mr. Fish Seafood (0.7 acres). Immediately to the east is Broadway (U.S. Highway 101) and immediately to the north is Vigo Street.

The proposed project is to demolish the existing truck stop building, and construct new commercial buildings.

Formal wetland delineation was conducted on April 15, 2004. A one-parameter approach was used to conform to California Coastal Commission (CCC) policies. The biological resources of the entire parcel were surveyed on April 15, 2004 as well.

III. DELINEATION/BIOLOGICAL SURVEY PURPOSE

The purpose of this investigation was to determine the size and location of wetland(s) in accordance with the California Coastal Commission criteria and determine significant biological resources on APNs 007-121-005, 006, and 007 in preparation for future development.

IV. WETLAND DELINEATION METHODOLOGY

The wetlands delineation was conducted by Gary Lester and Misha Schwarz of Winzler & Kelly Consulting Engineers, on April 15, 2004, following the CCC criteria. To define a wetland, the CCC requires that only one parameter (vegetation, soil, or hydrology) show a wetland attribute. Vegetation, soil, or hydrology data were collected at one transect with two plots (upland/wetland) per transect (see Appendix A, Field Data Sheets). Other wetland/upland boundaries were determined and marked by an "intermediate" stake, i.e., T1-INT. Primary determination of the wetland boundary was made based on vegetation, soil characteristics, and direct observation of hydrology.

A. Botanical Methodology

Vegetation data collection consisted of listing the five dominant species at each plot if only one layer, or up to three species in each layer (herb, shrub, tree). The species were then classified as to whether or not they are wetlands indicators, using the standard reference for plant wetlands indicators, National List of Plant Species that Occur in Wetlands: California (Region 0) (Department of the Interior 1988). That document classifies plants based on the probability that they would be found in wetlands, ranging from Obligate (almost always in wetlands), Facultative/wet (67% to 99% in wetlands), Facultative (34% to 66% in wetlands), Facultative/up (1% to 33% in wetlands) to Uplands (less than 1% in wetlands). Plants not listed are included in the uplands category. If 50% or greater of the dominant plant species at each plot are classified Obligate (OBL), Facultative/wet (FACW), or Facultative (FAC), the vegetation is determined to be hydrophytic (wetland plants).

B. Soils Methodology

Soil test pits were dug to an approximate depth of 15 inches. The 1987 Manual's procedures were combined with the Natural Resources Conservation Service's (NRCS) definition of hydric soils presented in Changes in Hydric Soils of the United States and Field Indicators of Hydric Soils in the United States [United States Department of Agriculture (U.S.D.A.) 1995 and 1998, respectively]. Care was taken to observe mottling (iron concentrations) and to distinguish between chromas of 1 and 2.

Soils/hydrology data sheets were prepared for use as supplements to the 1987 Manual's Data Sheet 1 (as modified by Winzler & Kelly, Consulting Engineers). Data sheets are attached (Appendix A). Color indicators of hydric soils were used in this delineation and are as follows:

1.	Matrix chroma of 2 or less in mottled soils	(1987 Manual)
2.	Matrix chroma of 1 or less in unmottled soils	(1987 Manual)
3.	Colors (evidence of saturation) determined at 12 inches depth in poorly drained or very poorly drained soil	(NRCS)

Colors were described for the entire depth of the test pit and were compared to the above parameters at a depth of 10 inches. Colors were determined on moist ped surfaces, which had not been crushed, using the Munsell Color Chart (GretagMacbeth 2000). Soil in test pit T-2-W with low chromas were verified as being hydric or upland with Field Indicators of Hydric Soils in the United States, Version 5.0, 2002, using indicators for dark surface horizons (F4, F5, F6 and F7). A solution of á, á'-Dipyridyl was used to verify presence or absence of reduced soils at the test plot.

C. Hydrology Methodology

The delineation was performed during early spring. Direct evidence of ground water (soil saturation, standing water, etc.) was present in the wetland plot when the delineation was performed.

D. Wetland Determination

The wetland determination was made with an emphasis on redoximorphic soil features and the presence of wetland hydrology and wetlands vegetation. An area was determined to be a wetland when soil, vegetation, or hydrology met the wetlands criteria defined above by a one parameter approach to satisfy the CCC. An area was determined to be uplands based on absence of wetland hydrology, hydrophytic vegetation, and wetland soil indicators. The wetland plot exhibited a predominance of FAC or wetter vegetation. The upland plot exhibited a predominance of FAC or drier vegetation.

Once wetland characteristics were determined for a transect, a flag was placed to delineate the limits of the wetland/upland boundary. Plot numbers were written on each flag. Flag locations were surveyed by Omsberg and Company, the results of which are attached as a Wetland Boundary Map (back pocket).

V. RESULTS OF WETLAND DELINEATION

The parameters used to identify a wetland are characteristics of the soil, hydrology, and vegetation. The CCC jurisdiction defines a wetland based on the presence of any one parameter. A single wetland boundary line that satisfies the CCC and the U.S. Army Corps of Engineers' methodologies was marked with flagging. Results of analysis of the three on-site parameters, vegetation, soils and hydrology, are described below and presented on Figure 1 (back pocket).

Hydrophytic vegetation was dominant within the wetland area (see Appendix A, Data Sheets). Typical vegetation associated with Palustrine Forested wetlands include:

- Arroyo willow *(Salix lasiolepis)*
- California blackberry *(Rubus ursinus)*
- Himalayan blackberry *(Rubus discolor)*

All the above aforementioned species are FACW or FAC designated indicator species (U.S. Fish and Wildlife Services, 1988). Upland vegetation was dominant in all the upland plots. All upland plots were confirmed by upland soils, lack of wetland groundwater parameters, and lack of predominance of hydrophytic vegetation.

Soils in the area delineated were predominantly silty loam in texture with the subsoil beginning at between 8–14 inches in depth. Wetland soils exhibited redoximorphic features typically found in hydric soils. These features included mottles (iron concentrations) at or above 10 inches from the soil surface. Wetland (hydric) soils had a matrix color of 10YR 3/1 at the surface underlain by soils with matrix colors of 2.5Y 3/2. Iron concentrations of 2.5Y 4/3 existed in the wetland plot within 10 inches of the surface. Upland soils were compacted gravel fill and were not investigated (see Appendix A, Data Sheets).

Hydrologic conditions were present in the wetland plot to confirm the wetland/upland boundary. The primary indicator of hydrology was the direct observation of the water table within 6" of the ground surface. A secondary indicator noted was a pass on the FAC-neutral test.

VI. BIOLOGICAL SETTING

The front half of the parcel is developed and no habitat or plant community of biological significance is present in that location. The rear portion of the site is comprised of riparian woodland. A brief vegetation description of the habitat follows.

Riparian Woodland

The riparian woodland, which occurs in a portion of the western edge of the parcel (Figure 1), is dominated by willow species (*Salix* spp.). Other tree species, which are present in the canopy, are red alder (*Alnus rubra*), poplar (*Populus* sp.) and a naturalized apple (*Malus* sp). The woodland canopy cover is complete and very little understory is present. Scattered individuals of Himalaya berry (*Rubus discolor*), California blackberry (*Rubus ursinus*), sword fern (*Polystichum munitum*), and horsetail (*Equisetum arvense*) occur as understory species. A complete plant species list is provided in Appendix B. The riparian woodland provides cover and food source for numerous species of resident and migrant bird species. Due to the season of the survey, the bird list from the site is biased towards species that are present in winter and early spring. No nesting documentation was obtained. Bird composition includes common resident and migrant species that occur in the riparian habitats of Humboldt Bay. A complete list of bird species is provided in Appendix C.

VII. CONCLUSIONS

The wetland delineation of April 15, 2004 identified a wetland area on APN 007-121-007. The area with hydrophytic vegetation, hydric soil characteristics, and in association with observable hydrology was classified as a Palustrine Forested wetland. The wetland area maintains a boundary roughly parallel to the riparian edge on the west section of the subject acreage. The wetland boundary line complies with Coastal Commission definition of a wetland. A "Wetland Boundary Map." is included in the back pocket of this report. All field data sheets area included in Appendix A.

No rare, endangered, or threatened wildlife or plant species were detected during the biological survey. The riparian woodland, found on the parcel, is part of the larger adjacent Maurer Marsh and likely provides valuable nesting and foraging habitat for numerous bird species.

VIII. RECOMMENDATIONS

The habitat of value that occurs on the parcel is the riparian woodland. Riparian woodlands are wetland habitats and, as such, are considered environmentally sensitive areas under the Eureka Local Coastal Plan (LCP). The Eureka LCP requires that environmentally sensitive habitat areas and wetlands be protected. Specifically, policy 5.17 requires that "a buffer shall be established for permitted development adjacent to all environmentally sensitive areas. The width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific and/or proposed mitigation (such as planting of vegetation) that will achieve the purposes of the buffer, that a smaller buffer will protect the resources of the habitat."

It is recommended that a 10 foot setback be established between the mapped wetlands and the development. Based on the conditions discussed below it is concluded that a 10 foot setback is adequate to protect the wetland resource.

Any new construction should restrict the size and number of west-facing windows in any structure adjacent to the riparian habitat. Additionally, night lighting should be shielded or angled to directly illuminate the paved area and not the riparian habitat. A cinder block wall shall be installed along the westerly edge of development to minimize the impacts for both window reflection and on-site lighting. In addition, the wall will isolate the riparian habitat from the development. The cinder block wall can be replaced, in a short section, with a 3-foot high soil berm landscaped with dense, evergreen trees, such as wax myrtle (*Myrica californica*) or an equal. The planting of evergreens shall be done as to provide a solid vegetative screen when the trees mature (10'-15' on center).

Based on the presence of the environmentally sensitive habitat area (Maurer Marsh) and on established Eureka LCP policy, any planned site development would likely not be permitted beyond the edge of wetlands.

IX. SPECIAL TERMS AND CONDITIONS

To achieve the delineation objectives stated in this report, we based our conclusions on the information available during the period of the investigation, April 15, 2004. This report does not authorize any individuals to develop, fill or alter the wetlands delineated. Verification of the delineation by jurisdictional agencies is necessary prior to the use of this report for site development purposes. Permits to affect wetlands must be obtained from the involved government agencies. If permits are obtained to develop the delineated wetlands after agency review, and written verification, the delineation is given a 5-year expiration period. If filling is used under permitted authority, care should be given to maintain and sufficient quantity of fill to prevent a reestablishment of wetlands. Land use practices and regulations can change thereby affecting current conditions and delineation results.

This report was prepared for the exclusive use of Gateway-Pacific. Winzler & Kelly is not liable for any action arising out of the reliance of any third party on the information contained within this report.

X. REFERENCES

City of Eureka, General Plan, Policy Document, February 27, 1997 (Amended February 23, 1999).

GretagMacbeth, Munsell Soil Color Charts, 2000.

Hickman, James, The Jepson Manual, University of California Press, Berkeley and Los Angeles, California, 1993.

Soil Survey Staff, Keys to Soil Taxonomy, 5th Edition, SMSS Technical Monograph No. 19, Blacksburg, Virginia, 1992.

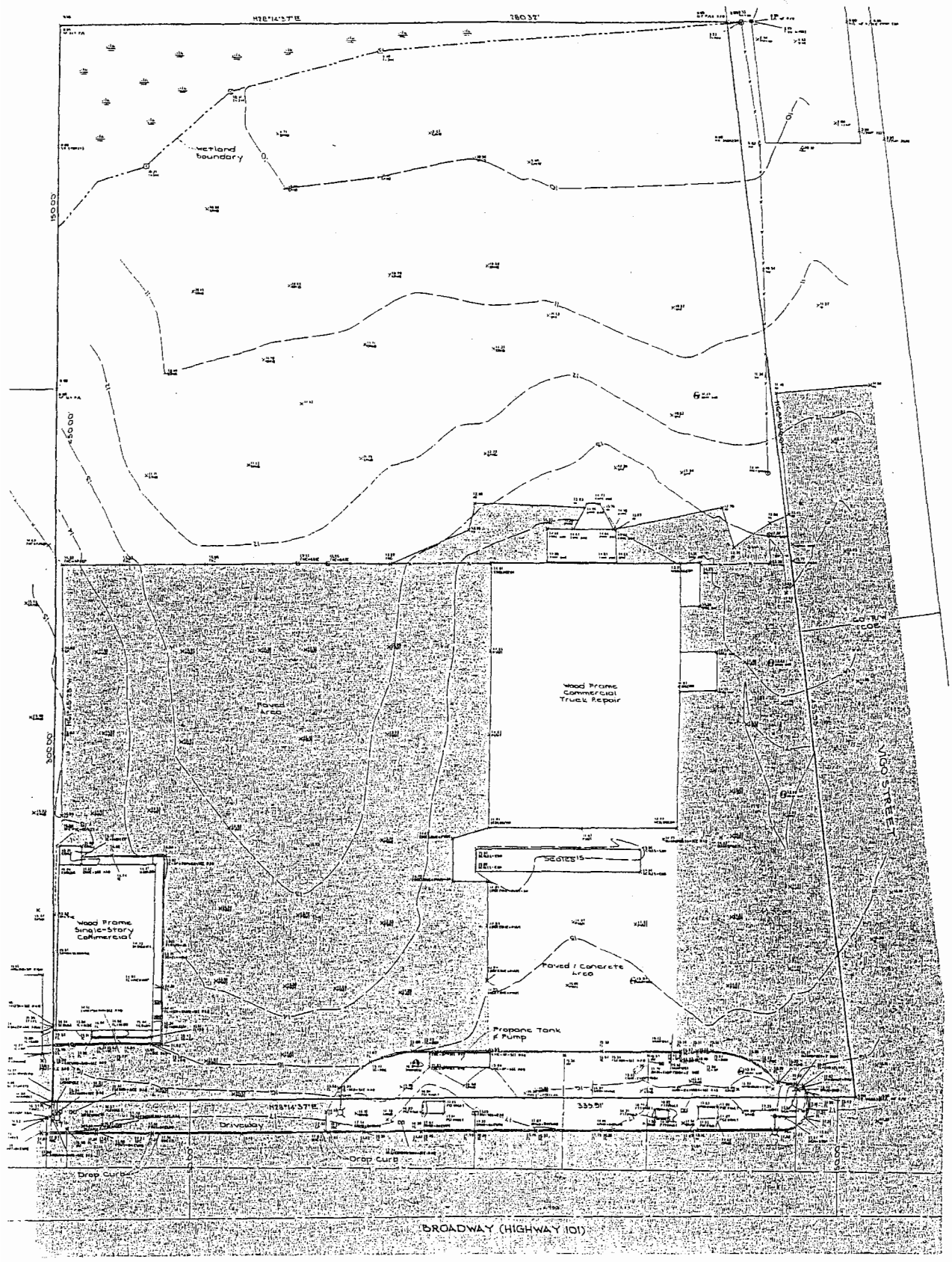
United States Department of Agriculture, Changes in Hydric Soils of the United States, Federal Register, Vol. 60, No. 37, February 24, 1995.

United States Department of Agriculture, Natural Resources Conservation Service, Field Indicators of Hydric Soils in the United States, March 1998.

United States Department of the Army Corps of Engineers, Wetlands Delineation Manual, Tech. Rep 4-87-11987.

United States Department of the Interior, National List of Plant Species that Occur in Wetlands, California (Region O), Bio. Rep. 88 (26.20) 1988.

United States Fish and Wildlife Service, Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS 79/31, 1979.



SURVEY DATUM NOTE

Elevation Datum is top of fire hydrant El. 15.05 feet at southwest corner of Vigo Street and Broadway as shown on Winzler & Kelly construction plans of Job No. 86-047-C in 1986 for the city of Eureka, sheet 16 of 19 titled South Broadway Sidewalks.

SURVEYOR'S STATEMENT

This map was prepared by me or under my direction and is based on a field survey performed in April, 2004 by Omsberg & Company at the request of Winzler & Kelly.

This survey is for the purpose of distincating the topographic features of the property as shown hereon.

Kenneth J. Omsberg, Jr. LS 4446
License expired 9-30-05
Dated

Scale: 1" = 40'
Contour Interval: 1'

LEGEND

SYMBOL	INDICATES
⊡	Wetland Boundary Marker

CLIENT

Winzler & Kelly
633 Third Street
Eureka, CA 95501
(707) 443-8326

SURVEYOR / ENGINEER

Omsberg & Company
304 'H' Street
Eureka, CA 95501
(707) 443-8651

12-99

Old Truck Stop - Vigo & Broadway

NO.	REVISIONS	DATE	BY

OMSBERG & COMPANY

DESIGNED BY | DATE
DRAWN BY | DATE

TOPOGRAPHIC MAP / WETLAND BOUNDARY
WINZLER & KELLY

SCALE: 1" = 20'
JOB NO.

B100

Appendix A
Soils and Vegetation Data Sheets

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-W Date 4/15/04 Investigator Schauer
Job # Site

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings
0-8		Silt Loam	10YR3/1	0	0	0
8-16			2.5Y3/2	10%, M, 2.5Y 4/3	0	0

Comments:

Yes	No	
	X	NRCS soil survey mapping unit?
	X	On NRCS Hydric Soil list? If yes, name
	X	Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists)?
	X	Sulfidic odor @ ≤ 12"? If yes, depth
	X	Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
	X	Soil saturated at or near soil surface all of the year (Peraquic)?
X		Matrix chroma ≤2 with Iron concentrations or depletions @ 10" or under A?
X		Matrix chroma ≤1 with or without Iron concentrations or depletions @ 10" or under A?
	X	Reaction to α -α dipyridyl (Reducing conditions?)?
	X	Gleyed Soil matrix @ 10" or under A?
	X	Iron and Manganese concretions @ 10" or under A?
	X	High organic content in surface layer of sandy soil?
	X	Organic streaking in sandy soils?
	X	Organic pans in sandy soil?
		Other? (Explain)
X		Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
		A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
X		Summary: Hydric Soil?

Notes:

2101

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-W Date 4/15/04 Investigator Schwarz
Job # Site 1301 Broadway

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface
X		Water table encountered w/in 12"? If yes, depth to water table from soil surface 6"
X		Can water be squeezed or shaken from the surface soil within 12"?
	X	Algal mats present?
	X	Sediment deposits?
	X	Drift lines?
	X	Watermarks?
	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
	X	Water-stained leaves?
	X	Local soil survey data?
X		FAC-Neutral Test?
	X	Alkali scalds?
	X	Deep hoof divets?
		Other?
X		Summary: Wetland hydrologic regime?

Notes:

B102

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler and Kelly Consulting Engineers)

Date: 4/15/04
Plot #: T-2-W

Appl. Name: _____ Appl.#: _____ Proj. Name: Vis/Broadway
State: CA County: Humb Legal Descr.: T: ___ R: ___ Section: ___

Vegetation List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

Species	Ind. Status	Species	Ind. Status
Trees		**Herbs**	
1. Salix lasiolepis	FACW	1. Rubus discolor	FACW
2.		2. Rubus ursinus	FACW
3.		3.	
4.		4.	
5.		5.	
Saplings/Shrubs		**Woody Vines**	
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	

% of species that are OBL, FACW, and/or FAC: 100
Other indicators: Morphological: _____
Physiological: _____
Reproductive: _____
Hydrophytic vegetation: Yes ✓ No ___
Basis: o/o > 50 o/o

Atypical Situation: Yes ___ No ✓
Normal Circumstances: Yes ✓ No ___
Wetland Determination: Wetland ✓ Nonwetland ___
Comments:

B103
Determined by: Schwarz / Lester

WETLANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-U Date 4/15/04 Investigator Schwarz
Job # Site

SOILS

General Data

Profile Description:

Depth Inches	Horizon	Texture	Matrix Color	Record: percent, size, color, contrast (Fe or Fe/Mn, Nodules, Concretions) Redox Masses	Redox Depletions	Pore Linings
		Gravel	Fill — no pit	Dug		

Comments:

Yes	No	
	X	NRCS soil survey mapping unit?
	X	On NRCS Hydric Soil list? If yes, name
	X	Field Observation to confirm mapping unit?

Hydric Soil Determination

Corp Indicators:

Yes	No	
	X	Histosol, Organic soil material is >50% (volume) in upper 32" (excludes folists) ?
	X	Sulfidic odor @ ≤ 12"? If yes, depth
	X	Histic Epipedon: >30% O.M. in 8-16" layer near soil surface (>20% in sand)?
	X	Soil saturated at or near soil surface all of the year (Peraquic)?
	X	Matrix chroma ≤2 with iron concentrations or depletions @ 10" or under A?
	X	Matrix chroma ≤1 with or without iron concentrations or depletions @ 10" or under A?
	X	Reaction to α-α dipyridyl (Red [illegible])?
	X	Gleyed Soil matrix @ 10" or under A?
	X	Iron and Manganese concretions @ 10" or under A?
	X	High organic content in surface layer of sandy soil?
	X	Organic streaking in sandy soils?
	X	Organic pans in sandy soil?
	X	Other? (Explain)
		Aquic conditions (saturation, reduction & redoximorphic features)?

Field Indicators of Hydric Soils (NRCS Ver 4.0) (Circle) [LRR-A only]:

Yes	No	
	X	A1, A2, A3, A4, A10, S1, S4, S5, S6, F1, F2, F3, F4, F5, F6, F7, F8

Criteria for Hydric Soils (NCRS, Federal Reg., 2-24-1995):

Yes	No	
	X	Is soil frequently ponded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	If soil frequently flooded (>50 x in 100 yrs) for long duration (≥7 days) or very long duration during growing season?
	X	Summary: Hydric Soil?

Notes:

B104

WE. _ANDS SOIL/HYDROLOGY DATA SHEET

Transect and Plot # T-2-U Date 4/15/04 Investigator Schwarz
Job # Site

HYDROLOGY

Primary Indicator:

Yes	No	
	X	Inundated? If yes, depth from water surface to soil surface
	X	Water table encountered w/in 12"? If yes, depth to water table from soil surface
	X	Can water be squeezed or shaken from the surface soil within 12"?
	X	Algal mats present?
	X	Sediment deposits?
	X	Drift lines?
	X	Watermarks?
	X	Drainage patterns?

Secondary Indiators (2 or more required)

Yes	No	
	X	Oxidized root channels in upper 12 inches?
	X	Water-stained leaves?
	X	Local soil survey data?
	X	FAC-Neutral Test?
	X	Alkali scalds?
	X	Deep hoof divets?
	X	Other?
	X	Summary: Wetland hydrologic regime?

Notes:

B105

DATA FORM 1
WETLAND DETERMINATION
(Modified by Winzler and Kelly Consulting Engineers)

Date: 4/15/04
Plot #: T-2 u

Appl. Name: _____ Appl.#: _____ Proj. Name: Vigo/Broadway
State: CA County: Humboldt Legal Descr.: T: ___ R: ___ Section: ___

Vegetation List the three dominant species in each vegetation layer (5 if only 1 or 2 layers). Indicate species with observed morphological or known physiological adaptations with an asterisk.

Species	Ind. Status	Species	Ind. Status
Trees		**Herbs**	
1.		1. Bromus diandrus	NI
2.		2. Vulpia bromoides	NI
3.		3. Geranium molle	NI
4.		4. Anthoxanthum odoratum	FACU
5.		5. Rubus discolor	FACW
Saplings/Shrubs		**Woody Vines**	
1.		1.	
2.		2.	
3.		3.	
4.		4.	
5.		5.	

% of species that are OBL, FACW, and/or FAC: 25
Other indicators: Morphological: _____
Physiological: _____
Reproductive: _____
Hydrophytic vegetation: Yes ___ No ✓
Basis: % < 50

Atypical Situation: Yes ___ No ✓
Normal Circumstances: Yes ✓ No ___
Wetland Determination: Wetland ___ Nonwetland ✓
Comments:

B106
Determined by: Schwarz / Lester

B107

Appendix B

Plant Species List of Riparian Woodland

Plant Species List of Riparian Woodland

Scientific Name	Family	Common Name
Agrostis stolonifera	*Poaceae*	creeping bent
Aira caryophyllea	*Poaceae*	hairgrass
Alnus rubra	*Betulaceae*	red alder
Anthoxanthum oderatum	*Poaceae*	sweet vernal grass
Athyrium filix-femina	*Aspidiaceae*	lady fern
Avena barbata	*Poaceae*	wild oat
Baccharis pilularis	*Asteraceae*	coyote bush
Bellis perennis	*Asteraceae*	English daisy
Brassica rapa	*Brassicaceae*	mustard
Bromus mollis	*Poaceae*	brome grass
Bromus rigidus	*Poaceae*	ripgut grass
Calystegia sp.	*Convolvulaceae*	morning glory
Cirsium vulgare	*Asteraceae*	bull thistle
Cotoneaster sp.	*Rosaceae*	(ornamental)
Dactylis glomerata	*Poaceae*	orchard grass
Epilobium ciliatum	*Onagraceae*	willow herb
Equistem arvense	*Equisetaceae*	horse tail
Festuca arundinacea	*Poaceae*	reed fescue
Foeniculum vulgare	Apiaceae	anise
Hedera helix	*Araliaceae*	English ivy
Holcus lanatus	*Poaceae*	velvet grass
Hypochoeris radicata	*Asteraceae*	cat's ear
Ilex sp.	*Ilicaceae*	holly
Linum angustifolium	*Linaceae*	flax
Lolium perenne	*Poaceae*	perennial ryegrass
Lotus corniculatus	*Fabaceae*	perennial trefoil
Lupinus sp.	*Fabaceae*	lupine
Malus sylvestris	*Rosaceae*	common apple
Parentucellia viscosa	*Scrophulariaceae*	none
Plantago lanceolata	*Plantaginaceae*	English plantain
Poa annua	*Poaceae*	annual bluegrass
Polygonum sp.	*Polygonaceae*	knotweed
Polystichum munitum	*Aspidiaceae*	sword fern
Populus sp.	*Salicaceae*	poplar (ornamental)
Raphanus sativus	*Brassicaceae*	wild radish
Rosa sp.	*Rosaceae*	(ornamental) rose
Rubus discolor	*Rosaceae*	Himalaya berry
Rubus ursinus	*Rosaceae*	California blackberry
Rumex acetosella	*Polygonaceae*	sheep sorrel
Rumex crispus	*Polygonaceae*	curly dock
Salix hookeriana	*Salicaceae*	hooker's willow
Salix lasiolepis	*Salicaceae*	arroyo willow
Trifolium repens	*Fabaceae*	white clover

B109

Appendix C
Bird Species List

Bird Species List

Scientific Name	Common Name
Calypte anna	Anna's Hummingbird
Cyanocitta stelleri	Steller's Jay
Regulus satrapa	Golden-crowned Kinglet
Regulus calendula	Ruby-crowned Kinglet
Catharus guttatus	Hermit Thrush
Turdus migratorius	American Robin
Bombycilla cedrorum	Cedar Waxwing
Vireo huttoni	Hutton's Vireo
Vireo gilvus	Warbling Vireo
Vermivora celata	Orange-crowned Warbler
Dendroica coronata	Yellow-rumped Warbler
Wilsonia pusilla	Wilson's Warbler
Melospiza melodia	Song Sparrow
Pipilo eryphrophthalmus	Spotted Towhee
Passerella iliaca	Fox Sparrow
Zonotrichia atricapilila	Golden-crowned Sparrow
Zonotrichia leucophrys	White-crowned Sparrow
Junco hyemalis	Dark-eyed Junco
Carduelis pinus	Pine Siskin
Carduelis tristis	American Goldfinch
Carpodacus mexicanus	House Finch
Passer domesticus	House Sparrow

B110

WINZLER & KELLY
CONSULTING ENGINEERS

Ref: 04102201-11039

July 19, 2006

EXHIBIT NO. 9
APPLICATION NO.
A-1-EUR-06-028
EUREKA PACIFIC LLC
WILDLIFE HABITAT UTILIZATION AND IMPACT ASSESSMENT (1 of 7)

Mr. James S. Baskin
Coastal Planner
North Coast District Office
710 E Street, Suite 200
Eureka, California 95501

Re: Response to California Coastal Commission (CCC) Request for Information of a Biological Assessment for Coastal Development Permit (CDP) No. A-1-EUR-06-028

Dear Mr. Baskin:

The purpose of this letter report is to document the activities, results, and findings of a biological assessment undertaken in response to the request for information in your letter of June 19, 2006. The response to Section 1 below will follow the list of information requested in the letter. The section 2 request for information regarding in-lieu mitigation alternatives is not being addressed since restoration will occur solely on-site.

1. Alternative Analysis and Assessment of Habitat Utilization for Establishing Adequate Wetland Setback

(1) Vegetation composition of on-site and adjoining wetland areas; particularly those zoned NR and lying within 250 feet of the project area.

According to the Eureka General Plan (Section 6.A.7.), within the coastal zone, prior to development on parcels designated NR or within 250 feet of such designation the precise location of the habitats potentially affected shall be identified and how they shall be protected. PALCO Marsh and portions of Maurer Marsh are within 250 feet of the proposed development. The properties to the north and east are commercial or U. S. Highway 101 and include no wetlands. The vegetation composition of the adjoining wetlands (Eureka City General Plan designated NR) are primarily coastal riparian and freshwater marsh. These habitats (wetlands and riparian areas including that portion of Humboldt Bay within the City's jurisdiction) are considered environmentally sensitive habitat areas within the coastal zone (Eureka General Plan, Section 6.A.6.b.). The riparian habitat immediately adjacent to the project site to the west and south, bordering Maurer Marsh, is dominated by red alder (*Alnus rubra*) and Pacific willow (*Salix lucida* ssp. *lasiandra*). Riparian understory, especially along the margins, is dominated by non-native Himalayan blackberry (*Rubus discolor*) and impacted by the invasive English ivy (*Hedra helix*). The farthest portion of Maurer Marsh within 250 feet of the project site includes freshwater marsh dominated by slough sedge (*Carex obnupta*), broad-leafed cat-tail (*Typha*

633 Third Street, Eureka California 95501-0417
tel 707.443.8326 fax 707.444.8330
eka@w-and-k.com
www.w-and-k.com

latifolia), small-headed bulrush (*Scirpus microcarpus*), water parsley (*Oenanthe sarmentosa*), tall manna-grass (*Glyceria elata*), silverweed (*Potentilla anserina*), lady fern (*Athyrium felix-femina*) and twin berry (*Lonicera involucrata*). The portion of PALCO Marsh within 250 feet of the project area (northwest across Vigo Street) includes a narrow portion of riparian scrub and a broader freshwater marsh. The riparian scrub includes a low cover of red alder, Pacific willow, and Hooker's willow (*Salix hookeriana*). The freshwater marsh of upper PALCO Marsh is dominated by broad-leafed cat-tail, Baltic rush (*Juncus balticus*), small-headed bulrush, water parsley, silverweed, wax myrtle (*Myrica californica*), lady fern, twin berry, California blackberry (*Rubus ursinus*), American speedwell (*Veronica americana*), and salmon berry (*Rubus spectabilis*).

The current site development plan is to provide a 31 to 67 foot buffer from the riparian habitat of Maurer Marsh with an average distance of 46 feet. The buffer will have a total square footage of 13,319 ft^2. In addition to increasing the buffer from the riparian area, a proposed 6 foot cinder block wall will be placed between the buffer and the proposed building construction. Within the buffer, an effort to reestablish native riparian tree species will be made. Due to the absence of suitable soils at the proposed buffer soil surface (6 to 12 inches of accumulated compacted river-run gravel, according to soil logs obtained by Busch Geotechnical Consultants) and the possible distance from available groundwater, the following site preparation is proposed to allow for tree and shrub planting.

The site preparation will include the removal of the existing surface gravel to 1 foot below existing ground surface (bgs) from the western edge of established riparian vegetation (drip line) to within 10 feet of the proposed retaining wall. The remaining surface soils shall be mechanically ripped another 1 foot bgs to loosen the compacted subsoil. The Busch geotechnical report indicates that topsoil from the eastern portion of the site was graded to the back (west) of the property. The mixture of sands and silt topsoil appears adequate for planting purposes. Planting shall occur in winter when sufficient rain has fallen. The initial series of plantings starting from the wall shall first be wax myrtle saplings, then red alder saplings, and finishing with willows from onsite cuttings. The plantings shall be placed 10 feet-on-center for wax myrtles and willows and 20 feet-on-center for red alder. Monitoring shall occur during the first and second summers following the initial plantings. Planting survival shall be 90% the first year and 80% the second year.

(2) Resident and migratory species that inhabit or utilize the various adjoining wetlands.

Table 1 (follows) presents a list of species of common resident and migratory bird species known to occur in the adjacent wetlands. Two California Department of Fish & Game (DFG) bird species of special concern, Yellow Warbler (*Dendroica petechia*) and Black-capped Chickadee (*Poecile atricapillus*), occur in the study area. The Yellow Warbler is a common spring and fall migrant (uncommon winter resident and not considered a breeder). A resident population of Black-capped Chickadees frequents the riparian area and would nest in available tree cavities.

Assumed breeders in the area are those species designated as year-long or summer residents (Table 1). Migrant species are designated as non-breeders. Other non-breeders are those species that are winter residents (indicated with an asterisk in Table 1). The coastal forests, primarily willow riparian found on Humboldt Bay, is considered one of the most important habitats for regional land bird migratory use (Dr. Stan Harris, Professor Emeritus, Humboldt State University, personal communication, July 17, 2006) and numerous uncommon migrant bird species have been discovered by bird watchers in Maurer Marsh riparian. No resident or migrant waterfowl or shorebirds (Table 1) are known or expected to occur in the adjacent wetland habitats.

TABLE 1: RESIDENT AND NON-RESIDENT BIRD SPECIES LIST

Scientific Name	Common Name
Calypte anna	Anna's Hummingbird
Tachycineta thalassina	Violet-green Swallow
Hirundo rustica	Barn Swallow
Cyanocitta stelleri	Steller's Jay
Poecile atricapillus	Black-capped Chickadee
Cistothorus palustris	Marsh Wren
Regulus satrapa	Golden-crowned Kinglet
*Regulus calendula**	Ruby-crowned Kinglet
Catharus ustulatus	Swainson's Thrush
*Catharus guttatus**	Hermit Thrush
Turdus migratorius	American Robin
Bombycilla cedrorum	Cedar Waxwing
Vireo huttoni	Hutton's Vireo
Vireo gilvus	Warbling Vireo
Vermivora celata	Orange-crowned Warbler
*Dendroica petechia**	Yellow Warbler
*Dendroica coronata**	Yellow-rumped Warbler
Wilsonia pusilla	Wilson's Warbler
Melospiza melodia	Song Sparrow
*Pipilo maculatus**	Spotted Towhee
*Passerella iliaca**	Fox Sparrow
*Zonotrichia atricapilila**	Golden-crowned Sparrow
Zonotrichia leucophrys	White-crowned Sparrow
*Junco hyemalis**	Dark-eyed Junco
Carduelis pinus	Pine Siskin
Carduelis psaltria	Lesser Goldfinch
Carduelis tristis	American Goldfinch
Carpodacus mexicanus	House Finch
Passer domesticus	House Sparrow

* indicates non-breeder/migrant

(3) Resting, feeding, breeding and nesting requirements of resident and migratory species

The adjacent riparian would be the primary resting, breeding, and feeding habitats used by the resident and migratory bird populations. The freshwater marsh habitat in Maurer Marsh and upper PALCO Marsh does not provide any significant bird nesting habitat with the possible exception of nesting habitat for the Marsh Wren and Song Sparrow. There appears to be little or no bird use on the subject property except where riparian tree cover exists. Open aerial feeding was observed from Violet-green Swallows and Barn Swallows.

(4) Susceptibility of documented species to site disturbance

The potential impacts due to site disturbance of the above mentioned DFG species of special concern and the remainder of those species documented to occur is considered to be extremely low. The project site has been occupied and used as a truck stop for 50 years and adjacent similar use has occurred beside Maurer and PALCO marshes and no indication that the resident or migrant bird species have experienced significant threats.

(5) Identify the species transitional habitat needs between the wetlands and development

There is little or no transitional habitat present on the subject parcel. Species use the adjacent riparian habitats, but are not found using the proposed development site. Bird species are seen readily foraging and moving in the adjacent habitats to Hwy 101 and Vigo Street and simply fly across the developed roads and proposed development site to move from one habitat to another. The proposed development site is simply used as intervening space as the road right-of-ways are used by birds. Adjacent habitats will continue to be used by migratory and breeding species subsequent to any project site development as habitat cover used by species will not be altered. Although not primarily evergreen, the riparian habitat develops leaf cover early in the year (February) and maintains substantial foliage cover through most of the migratory and breeding season, of which any species present will take full advantage. The adjacent freshwater marsh habitat is heavily screened from the proposed development by existing riparian cover. Any species use of the freshwater marsh would not be visibly impacted by development on the subject parcel.

(6) Qualitative and quantitative analysis of potential development disturbances

Possible developmental disturbance to the adjacent wetland habitats (from construction activities and commercial occupancy) could be construed from the expected temporary elevated construction and occupied commercial noise levels and lighting that may result from building and occupying new commercial structures on site. The existing noise levels and adjacent lighting features to the subject property were examined. An analysis of the existing ambient noise levels was obtained on the subject parcel and adjacent property to the north. Table 2 provides a summary of the results.

TABLE 2: NOISE MEASUREMENTS (DAYTIME) TAKEN FROM THE SUBJECT PROPERTY AND ADJACENT VICINITY[1]		
Location	**Average Noise Level (7:40-8:30 AM)**	**Comments**
Front sidewalk, next to Broadway	67.4 decibels (dBA)	Maximum levels-73.1 dBA Minimum levels-54.9 dBA
Adjacent to riparian behind existing building	47.1 dBA	Maximum levels-58.6 dBA Minimum levels-42.7 dBA
North of Vigo Street, behind linear building (3 distances)	42.5 dBA at 20 feet from building 45.2 dBA at 30 feet from building 48.1 dBA at 40 feet from building	Maximum levels-52.6 dBA) Minimum levels-40.9 dBA
[1] One minute average measurements taken with Bruel & Kjaer 2225A Sound Level Meter. Measurements obtained 1/21/05, 7:40-8:30 AM.		

The greatest noise impacts to the existing ambient conditions are the close proximity of the State Highway 101 (Broadway). Noise from Broadway will be reduced in the adjacent marsh habitats with the addition of the wall and construction of the new building. The previous noise measurements show that taking noise measurements closer to a noise obstruction, reduces the noise levels. Therefore, the three measurements taken behind the shop at the end of Vigo Street indicate that the noise measurements taken 20 feet from the building are less than those taken 30 feet from the building and those 30 feet are less than those 40 feet from the building.

There is a dearth of scientific information on the effects of noise on wildlife, and there is no means of quantitatively predicting any effect on wildlife as a function of noise level. It is known that some species are more affected by noise than others. For example, studies show that the abundance of some species decreases near roads while other species increase in abundance near roads, suggesting a variation in noise tolerance among species. However, such studies do not definitively isolate noise as a single causative factor in the decreased abundance of some species near roads, nor do they provide any predictive models for assessing the effects of noise on various species. Many species become habituated to noise and other human activities.

From a practical viewpoint, it is known that bird abundance and diversity are high in the wetland habitat adjacent to the project site and in similar habitats nearby that are much more exposed to noise, lighting, and nearby traffic than is the project site. The proposed building will lessen the intrusion of noise and light emanating from offsite, and noise resulting from the few delivery trucks will be very limited in magnitude and frequency of occurrence. Essentially, the wetland habitat behind the project will remain quiet and will be unaffected by the project.

Several quantitative light measurements were made, which included night lighting from primarily outside street lights and security lighting in the project vicinity (Table 3). An adjacent property to the north riparian edge at the end of Vigo Street (150 feet north) features a single unshielded exterior wall security light (estimated 175 watts) elevated approximately 13 feet above the ground. The afore-mentioned light is evident at the outer riparian cover but was not detectable on the light meter. Additional nearby lighting which illuminates the riparian cover includes up to 15 high intensity lights, including elevated street lights (on Broadway, Henderson, and Fairfield Streets), security lighting at the Williams Bakery (5 unshielded lights approximately 9 feet high), light at Evergreen Wireless (single large white, high intensity light approximately 10 feet high), and miscellaneous commercial signage at the Chevron station and Gold Rush Coffee.

TABLE 3: LIGHT MEASUREMENTS TAKEN FROM THE SUBJECT PROPERTY AND ADJACENT VICINITY[1]

Location	Light Level (10:20-10:40 PM)	Comments
Edge of riparian habitat	Not detectable	Outer leaves clearly illuminated by adjacent lighting. Interior of riparian becomes darkened within 20-25 feet.
North side of Vigo Street (150 feet from riparian edge)	12 Foot-Candles	Single greatest impact to riparian cover, a white, high intensity security light, elevated 13 feet above the ground at the outside of shop north of Vigo St.
North side of Vigo Street (security lighting at 300-350 feet from riparian edge)	12 Foot-Candles	A series of 5 high intensity amber security lights outside a bakery distribution center, unshielded and approximately 8 feet high.
Adjacent property (security lighting at 350-400 feet)	14 Foot-Candles	A single large, white, high intensity security light at Evergreen Cellular approximately 9 feet high.
Highway 101, Broadway street light (intersection of Vigo Street)	7 Foot-Candles	Elevated 20 feet, standard amber high intensity light with up to 10 seen at once from riparian edge.

[1] Reading taken with Weston Model 615 Illumination Meter. Measurements obtained 7/17/06.

To address the impacts of lighting to the riparian habitat an effort will be made to combat the local existing sources by constructing a 6 foot high cinder block wall behind the proposed new building. The wall and the 30 foot high building will shield a considerable amount of the existing security and street lighting now present. The new facility will have shielded lighting and no direct light from the back of the building will face the riparian area and no windows will face the riparian area.

6 of 7

CONCLUSION

The existing parcel has limited access and room to allow for required Coastal Commission setbacks of 100 feet from existing wetlands or riparian ESHA. Therefore, it is recommended that reduced setback be allowed to provide for adequate accommodation for the proposed commercial development. Existing conditions of enriched bird species use of stable wetland habitats, which are closely approached by roadway traffic, road noise, and existing commercial lighting suggests that a development of a commercial building and vehicle access would not be detrimental to those habitats or species that use them, especially if the buffer which is proposed is planted and is successfully reestablished in native riparian tree cover. In addition, the proposed development will provide a noise and light buffer with the construction of a 6 foot high cinder block wall.

If you have any questions regarding this response to your request for further information for CDP No. A-1-EUR-06-028, please call me at (707) 443-8326.

Sincerely,
WINZLER & KELLY

Misha Schwarz
Project Manager

c: Ms. Betsy Bigbee, Pacific Properties, P.O. Box 2176, Chico, CA 95927

State of California **The Resources Agency**

Memorandum

EXHIBIT NO. 10
APPLICATION NO.
A-1-EUR-06-028
EUREKA PACIFIC LLC
CALIFORNIA DEPARTMENT OF FISH & GAME COMMENT LETTER (1 of 3)

To: Mr. James S. Baskin, Coastal Planner
California Coastal Commission
North Coast District Office
710 East Street, Suite 200
Eureka, California 95501

Date: July 31, 2006

From: **DONALD B. KOCH,** Regional Manager
Department of Fish and Game
Northern California-North Coast Region
Department of Fish and Game
601 Locust Street
Redding, California 96001

RECEIVED
AUG 03 2006
CALIFORNIA
COASTAL COMMISSION

Subject: Coastal Development Permit (CDP) No. A-1-EUR-06-028

The Department of Fish and Game (DFG) was recently contacted by Ms. Betsy Bigbee of Pacific Properties Group regarding the subject CDP for the property located at 2616 Broadway in the City of Eureka. Ms. Bigbee requested DFG review the new project information contained in two letters dated May 18, 2006, and July 19, 2006, which were sent to you by Winzler & Kelly Consulting Engineers, and provide you with our comments.

DFG first reviewed this project in August 2004. I understand a copy of DFG's letter to the City of Eureka dated August 31, 2004, was included with the Winzler & Kelly letter dated May 18, 2006. As the west portion of this property borders the Maurer Marsh, the project proponent in August 2004 proposed to mitigate potential wetland and riparian vegetation impacts by creating a 10-foot setback between their development and the wetlands. In our August 2004 letter we informed the City that the 10-foot setback did not meet our standard recommendation for a minimum buffer. Our standard recommendation is for buffers of 50 feet for wetlands of 1.0 acre or less, 75-foot for wetlands greater than 1.0 acre up to 5.0 acres in size, and 100 feet for wetlands greater than 5.0 acres in size. In our letter we also stated buffer distances could be reduced by 50% if appropriate native trees and shrubs are planted as a vegetative screen within the buffer area. Also up to 50% of the buffer area may be averaged around the wetland as long as a minimum of 50% of the original buffer distance is maintained (see attached diagram). We also expressed concern for the project's potential to increase noise in the vicinity of the wetland; change the site's hydrology and drainage into the wetland; improve human access to the wetland which may result in dumping of materials or spilling of toxic substances and; allow fertilizers, pesticides, and petroleum products to drain into the wetland.

Based on the Winzler & Kelly letter dated July 19, 2006, the project proponent is currently proposing the following mitigation:

1. A 31 to 67-foot buffer from the riparian habitat of Maurer Marsh with the average being 46 feet. This buffer would measure at a minimum, 50 feet between the wetland and the area proposed for the loading dock.

2. No west facing windows and no lights would be placed on the west side of the building.

3. A 6-foot cinderblock wall along all exposed areas of the western project boundary (the area not protected by the 30-foot tall western wall of the building).

4. Removal of the existing top one foot of surface gravel between the existing riparian vegetation to within 10 feet of the retaining wall and mechanically ripping the next foot to loosen the compacted subsoil. This area then be planted in the winter with wax myrtles, red alders, willows, and monitored for 2 summers to insure a 90% survival rate at the end of the first summer after planting and an 80% survival rate at the end of the second summer.

Additional mitigation was included in an E-mail from Ms. Bigbee to Staff Environmental Scientist Bob Williams, in which Ms. Bigbee stated "all storm water runoff will be appropriately monitored". It was not known whether additional measures are included to prevent petroleum products and other hazardous materials from flowing toward and into the wetland area or required to be implemented should monitoring of storm water runoff disclose water quality issues. If additional measures are not included to protect water quality in the wetlands they must be made a condition of the project.

Based on our knowledge of the site, with proper implementation of the currently proposed mitigation measures and suggested water quality measures, the Department of Fish and Game has determined the development proposed for this location is not likely to result in adverse impacts to biological resources including wetlands, riparian vegetation, or wildlife.

If you have any questions or comments regarding this matter, please contact Mr. Williams at the letterhead address or telephone (530) 225-2365.

Attachment

cc: Ms. Betsy Bigbee
Pacific Properties Group
Post Office Box 2176
Chico, California 95927-2176

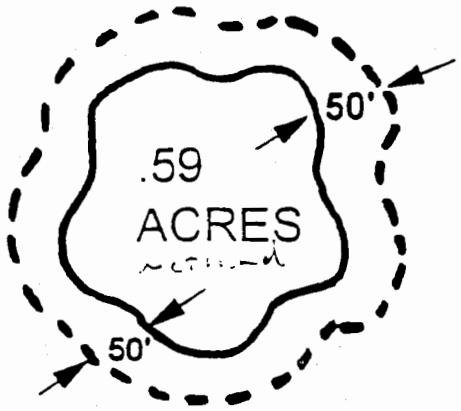
Messrs. Bruce Webb and Bob Williams
Department of Fish and Game
601 Locust Street
Redding, California 96001

ec: Mr. Eric Haney
Department of Fish and Game
EHaney@dfg.ca.gov

Ms. Vicky Frey
Department of Fish and Game
VFrey@dfg.ca.gov

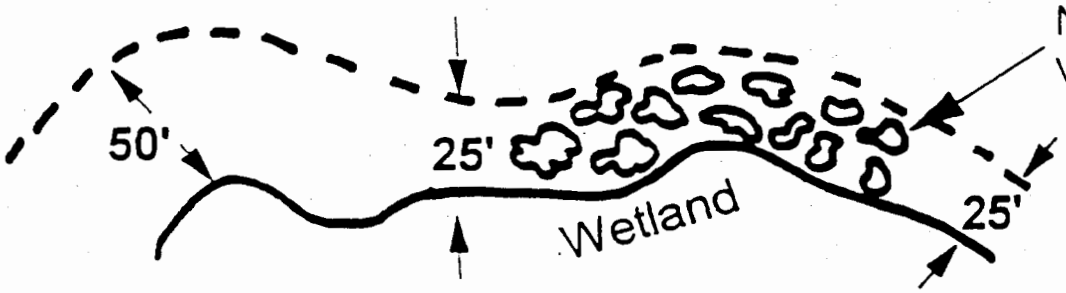
Mr. Jeff Dayton
Department of Fish and Game
JDayton@dfg.ca.gov

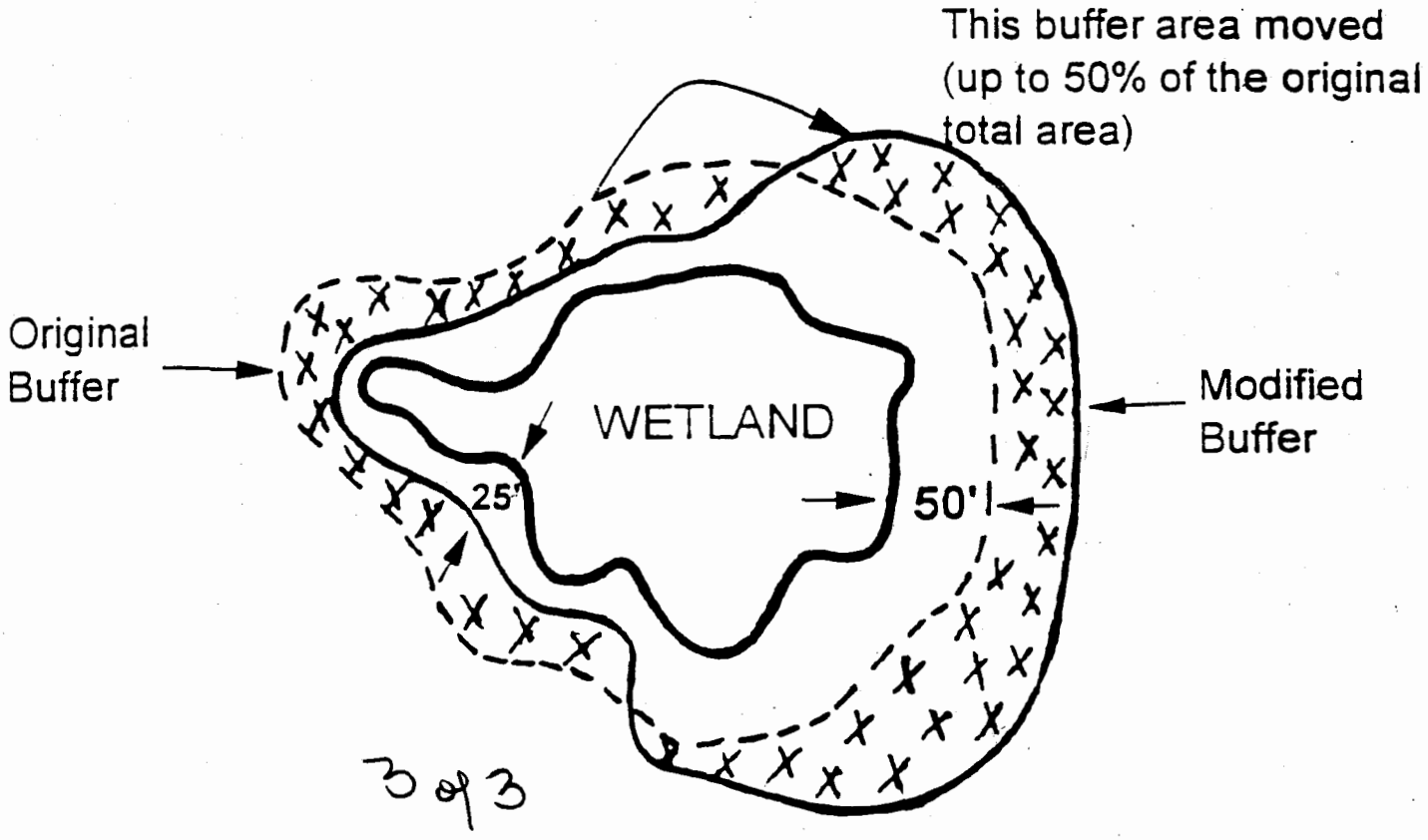
EXAMPLES OF WETLAND BUFFERS



STANDARD
BUFFER
DISTANCE

REDUCED BUFFER DISTANCES





PACIFIC
PROPERTIES

August 31, 2006

RECEIVED
SEP 11 2006
CALIFORNIA
COASTAL COMMISSION

Mr. James S. Baskin, Coastal Planner
California Coastal Commission
North Coast District Office
710 East Street, Suite 200
Eureka, CA 95501

Re: **Appeal No. A-1-EUR-06-026, Vigo Street Mixed Use Development**

Dear Mr. Baskin:

As you are aware Commissioner Bonnie Nealy had recently met with you and Bob Merrill regarding our latest site plan to inquire why the Coastal Commission would not recommend our project for approval at the Coastal Commission hearing. Following the meeting we were notified that the Coastal Commission still believed we were not in compliance with a 50' average setback.

Accordingly we have made additional concessions to our site plan to exceed the 50' average setback by the following revisions:

- Made building notch larger extending the setback dimension to 34' in this area, as well as removed 3 parking spaces along the south property line for a 90' setback, totaling 1,465 square feet of additional setback.

The site plan K-5 dated August 30, 2006 (attached) now has 15,775 square feet for the total setback area. The total square footage for a solid 50' setback area is 15,643 square feet. We now have a setback area of 132 square feet greater than a solid 50' setback area, resulting in 101% conformity with the solid 50' averaged setback requirement.

We are hopeful that, based on the above modifications, staff will conclude that our project is in accordance to the 50' average setback. If you need any additional information or have any questions in order to arrive at a verdict, please don't hesitate to contact us.

Best Regards,
EUREKA PACIFIC PROPERTIES

Kent Hallen

Encl: Revised Site Plan K-5 dated August 30, 2006

EXHIBIT NO. 11
APPLICATION NO.
A-1-EUR-06-028
EUREKA PACIFIC LLC
APPLICANT'S CORRESPONDENCE (1 of 4)

P.O. Box 2176 • Chico, CA 95927
(530) 898-0640 • Fax: (530) 898-8383

4:30 pm 8/25/06
Randy 845-1080 cell

RECEIVED
AUG 25 2006
CALIFORNIA
COASTAL COMMISSION

PACIFIC PROPERTIES

FAX TRANSMITTAL MEMO FROM ELISA RAYGOZA

DATE: 8/25/06 **# of Pages:** 2 including cover

TO: Randy Cook

COMPANY:

FAX NUMBER:

SUBJECT: Broadway & Vigo, Eureka

Randy:

Please see the following revisions we made to the site plan attached which has taken us over the 100% compliance with the 50' setback average. We have made the approximate revisions to the site plan which our architect will be modifying on Monday for the final version.

Increased the setback by the following revisions:

1. Notched Building	256	square feet
2. Removed 3 parking spaces along the south property line	1,170	square feet
Subtotal	1,426	square feet
Scheme K-5 Original setback area	14,310	square feet
TOTAL	**15,736**	**square feet**
Solid 50' setback area	15,643	square feet
TOTAL PERCENTAGE	**1.01%**	

If you need additional information or have any questions please feel free to contact our office.

Thanks,

Elisa Raygoza

Cc: Kent Hallen

P.O. Box 2176, Chico, CA 95927
(530) 898-0640 • (530) 898-8383
elisa@pacificpropertiesgroup.com

2 of 4

PROJECT SUMMARY

SITE AREA: 134,882 SF (+/- 3.0 AC)
SITE AREA NET: 106,080 SF (EXISTING SET-BACKS AND LANDSCAPE BUFFER)

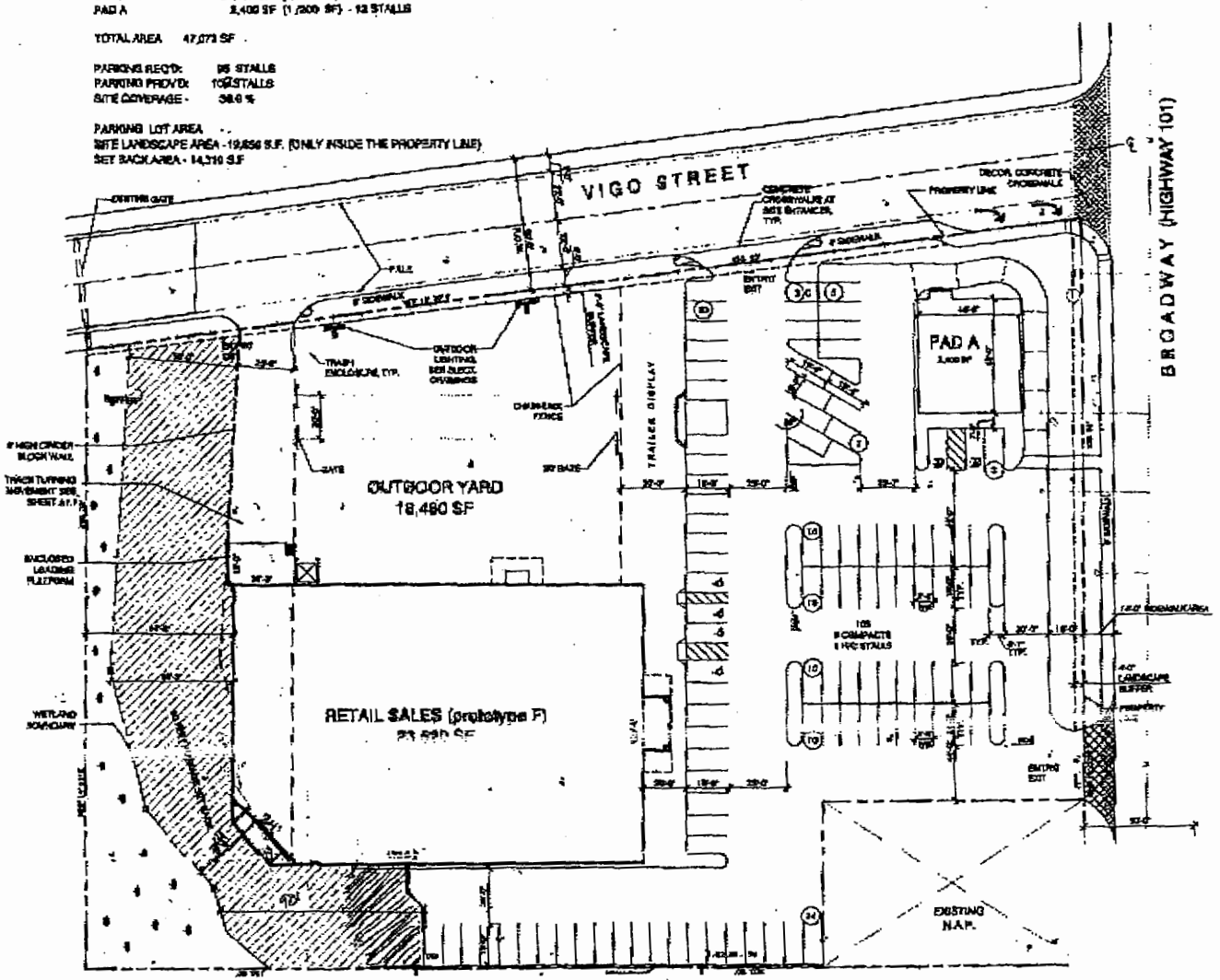
BLDG AREA PROPOSED: 35,938 S.F.

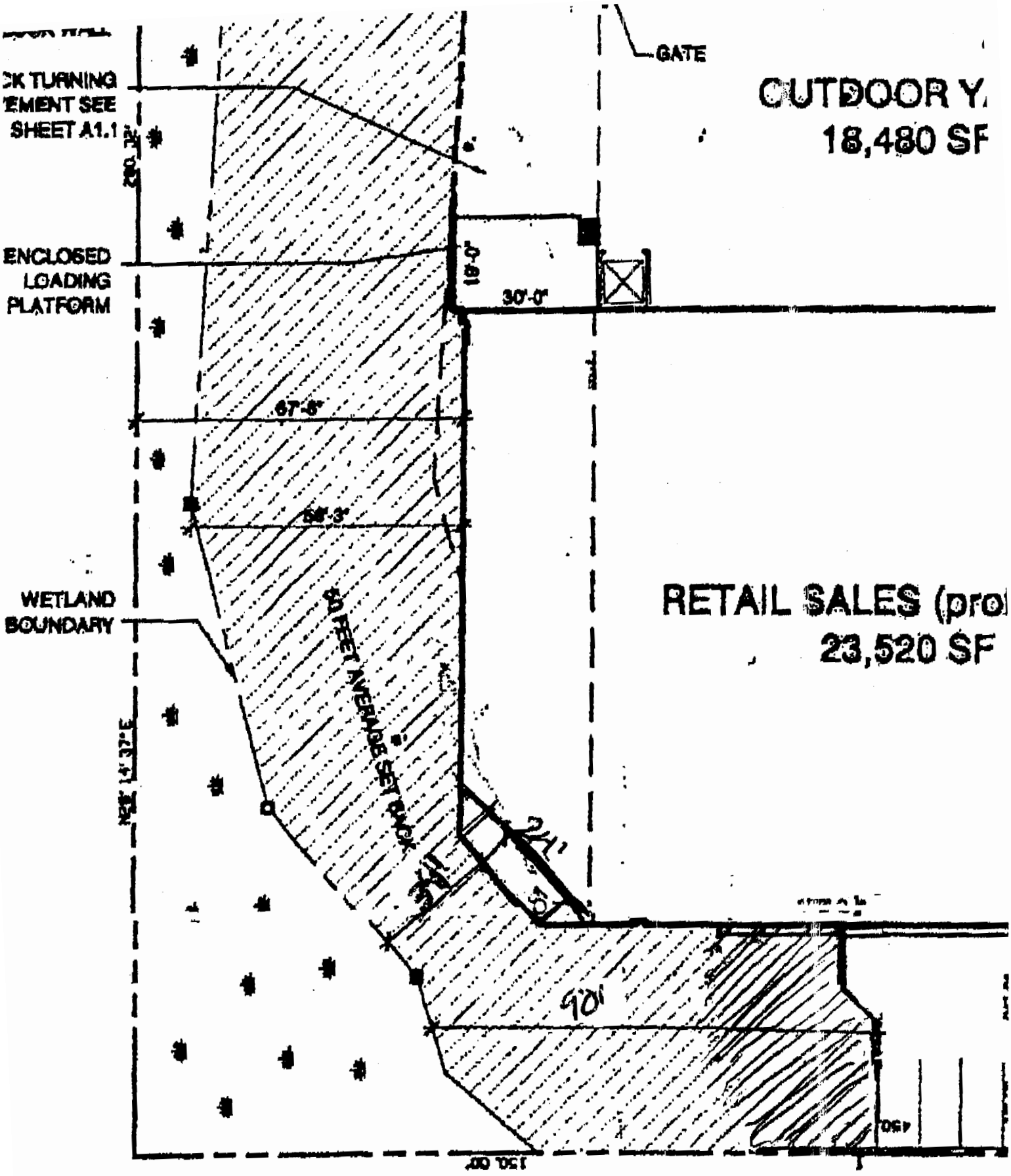
TRACTOR SUPPLY	19,442 SF	(1/500 SF) - 39 STALLS
WAREHOUSE	4,078 SF	(1/1000 SF) - 4 STALLS
OUTDOOR YARD	28,800 SF	(1/900 SF) - 40 STALLS
PAD A	3,400 SF	(1 /200 SF) - 18 STALLS

TOTAL AREA 47,073 SF

PARKING REQ'D: 95 STALLS
PARKING PROV'D: 105 STALLS
SITE COVERAGE - 36.6 %

PARKING LOT AREA - -
SITE LANDSCAPE AREA - 19,856 S.F. (ONLY INSIDE THE PROPERTY LINE)
SET BACK AREA - 14,310 S.F.




GATE
CK TURNING
EMENT SEE
SHEET A1.1
ENCLOSED
LOADING
PLATFORM
WETLAND
BOUNDARY
OUTDOOR Y
18,480 SF
RETAIL SALES (pro
23,520 SF
18'-0"
30'-0"
67'-6"
50 FEET AVERAGE SET BACK
90'