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Staff Report:	2/24/17
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STAFF REPORT: MATERIAL AMENDMENT

Amendment Application No.:	**1-88-123-A3**
Applicant:	**Eureka Pentecostal Church**
Location:	1060 Hoover Street, Myrtletown area northeast of Eureka, Humboldt County (APN 014-182-08).
Description of Previously Approved Project:	(1) Construct an approximately 17,000-square-foot two-story church (max. 35-foot-high, except for cross structure, 600-person capacity), an approximately 1,400-square-foot one-story office building, and associated parking lot to accommodate 150 vehicles, and (2) lot reconsolidation.
Proposed Amendment:	(1) Install a 4,320-square-foot pre-manufactured modular office building with associated exterior stairs, handicap ramp, and sidewalk, (2) retrofit existing exterior lighting authorized under the original permit; (3) remove nonnative vegetation in the riparian zone and replace with native vegetation; and (4) install fencing along the property line where it borders Hoover Street.
Staff Recommendation:	Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

In July of 1988, the Executive Director granted Administrative Permit No. 1-88-123 to the Church of the Highlands to construct a 17,000 square feet, 600 person capacity, two-story church not to exceed 35 feet in height, a 1,400-square-foot one-story office building, and a paved parking lot sized to accommodate 150 vehicles. Under this permit amendment request, the applicant proposes to install a new 4,320-square-foot pre-manufactured modular office building over 100 feet from tidal wetlands and approximately 30 feet from riparian habitat at an elevation of approximately 25 feet above mean sea level. The primary Coastal Act issue raised by the application is development within and adjacent to environmentally sensitive habitat areas.

Riparian habitat within and adjacent to the project location supports habitat for a variety of common mammals as well as provides potential nesting habitat for a diversity of migratory birds and raptors. The riparian habitat borders Third Slough, a small tidal tributary that drains into Eureka Slough, which drains into Humboldt Bay. The one-story modular building would be surrounded by a proposed new bioswale on three sides designed to capture rainwater runoff from the rooftop and from the adjacent parking lot for biofiltration. The swale would be planted with a mix of regionally appropriate native wetland and riparian plants as detailed in the Stormwater Management and Revegetation Plan.

Staff believes that with various recommended conditions, the proposed amended development (1) is designed to prevent impacts that would significantly degrade adjacent environmentally sensitive habitat areas and is compatible with the continuance of those areas, consistent with Section 30240(b) of the Coastal Act, and (2) will protect marine resources and the biological productivity and quality of coastal waters and wetlands, minimize adverse effects of wastewater discharges and entrainment, and control runoff, consistent with Sections 30230 and 30231 of the Coastal Act. **Special Condition 3** would require the applicant to submit a plan for the Executive Director's review and approval prior to permit issuance with measures to protect riparian ESHA and migratory bird and raptor nesting ESHA from significant disruption of habitat values during proposed invasive species removal and enhancement planting activities within the riparian ESHA. **Special Condition 4** would require the applicant to submit a plan prior to permit issuance for the protection of bird nesting habitat. **Special Condition 5** would require the applicant to submit a debris disposal plan for the Executive Director's review and approval prior to permit issuance to ensure that no construction materials will be stockpiled within riparian ESHA and that vegetative and soil spoils will be disposed of lawfully. **Special Condition 6** would ensure that the project implements appropriate ESHA and runoff control protection measures during construction. Finally, **Special Condition 11** would require the applicant to submit a revised final stormwater management and revegetation plan prior to permit issuance that includes, among other things, provisions for monitoring restoration and enhancement areas for a minimum of five years to ensure restoration and enhancement success.

The motion to adopt the staff recommendation of approval of CDP amendment request 1-88-123 with special conditions is found on page 4.

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APPENDICES

EXHIBITS

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit No. 1-88-123 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval 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:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment.

II. STANDARD AND SPECIAL CONDITIONS

NOTE: Standard Conditions 1-7 of CDP 1-88-123 and Special Conditions 1-2 of CDP Amendment 1-88-123-A2 remain in full force and effect. (Special Condition 1 of the original CDP is being deleted since that condition has already been satisfied.) Special Conditions 3 through 15 are new conditions added to CDP Amendment 1-88-123-A3. New conditions and modifications to existing conditions imposed in this action on Amendment No. 1-88-123-A3 are shown in the following section (deleted conditions are shown in ~~strikethrough~~ text; added conditions are underlined). **Appendix B**, attached, includes all standard and special conditions that apply to the amended development, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment no.1-88-123-A3.

~~1. Prior to authorization to proceed, applicant shall submit to the Executive Director for his review and approval, a revised revegetation and landscaping plan, which has been approved by the California Department of Fish and Game.~~

3. Measures to Protect Environmentally Sensitive Habitat Areas (ESHA) for Development Authorized Under CDP Amendment No. 1-88-123-A3

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit an ESHA protection plan for the review and written approval of the Executive Director that (1) ensures that within riparian areas,

protective measures are undertaken during invasive species removal activities and enhancement planting activities to protect sensitive riparian habitat and sensitive nesting bird habitat from disruption of habitat values, and (2) protects areas of sensitive riparian habitat and sensitive nesting bird habitat located adjacent to construction areas and invasive species removal areas:

i. The plan shall demonstrate that:

a. The limits of disturbance areas will be delineated with conspicuous flagging or fencing in cooperation with a qualified biologist limiting the potential area affected by construction and other authorized work and ensuring that adjacent environmentally sensitive habitat areas are avoided and protected with temporary flagging/exclusion fencing prior to commencement of construction/development;

b. Invasive plant removal activities will be undertaken in a manner that minimizes ground disturbance and protects sensitive nesting bird habitat consistent with **Special Condition 4**;

c. Vegetative and soil spoils will be disposed of consistent with the approved final debris disposal plan required by **Special Condition 5**;

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

a. Provisions for submittal of the bird nesting habitat survey results required by **Special Condition 4** to the Executive Director for review prior to commencement of development authorized under this permit amendment; and

b. A schedule for survey, construction, vegetation removal, and vegetation planting activities.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

4. Bird Nesting Habitat Protection Plan.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and written approval of the Executive Director, a Sensitive Bird Nesting Habitat Protection Plan, prepared by a qualified biologist, that demonstrates it will conduct seasonally appropriate surveys for sensitive bird nesting habitat prior to commencement of construction and prior to commencement of vegetation removal activities in the project area and protect such identified sensitive habitat from impacts. The plan shall include, at a minimum, the following:

i. Provisions for surveying the riparian habitat to the west and north of the approved modular office building for the presence of active nesting habitat during the bird nesting season (March 15-August 15) by a qualified biologist according to current California Department of Fish and Wildlife protocols no more than one week prior to commencement of construction and vegetation removal activities;

ii. Provisions for avoiding construction activities during the nesting season(s) within 300 feet of an occupied nest of any special-status bird species and within 500 feet of an occupied nest of any raptor species. No-disturbance buffers around active nests shall be maintained until completion of nesting; and

iii. Provisions for submittal of the surveys required above for the review and approval of the Executive Director prior to the commencement of authorized work during the bird nesting season that includes a map that locates any sensitive nesting habitat identified by the surveys and a narrative that describes proposed sensitive habitat avoidance measures.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

5. Final Debris Disposal Plan for Development Authorized Under CDP Amendment No. 1-88-123-A3.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and approval of the Executive Director, final plans for the disposal of all construction debris, including, but not limited to, soil and vegetative spoils that is expected to be generated by the authorized work.

i. The plans shall demonstrate that:

a. All temporary stockpiles of construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material associated with the authorized work will be restricted to areas outside of riparian habitat and where they can feasibly be contained with appropriate BMPs to prevent any discharge of pollutants to coastal waters and wetlands;

b. Upon completion of construction, all construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material generated by the authorized work will be lawfully disposed of outside of the coastal zone at an authorized disposal site(s) capable of receiving such materials; and

c. Side casting or placing any construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material generated by the authorized work within any wetland or environmentally sensitive habitat area is prohibited.

ii. The plans shall include, at a minimum, the following:

a. A site plan showing all proposed locations for the temporary stockpiling of construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material associated with the authorized work during construction operations;

b. A description of the manner by which the stockpiled and excess materials will be removed from the construction site and identification of all disposal sites that will be used;

c. A schedule for the removal of all construction materials, excess sediments, vegetative spoils, and any other debris and waste associated with the authorized work; and

d. Identification of the authorized disposal sites and evidence that each disposal location is authorized and capable of accepting the material.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

6. Construction Responsibilities & BMPs for Development Authorized Under CDP Amendment No. 1-88-123-A3. The permittee shall adhere to various construction-related responsibilities and best management practices (BMPs) during construction and restoration activities:

A. PRIOR TO COMMENCEMENT OF DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the permittee shall provide evidence to the Executive Director demonstrating that the applicant has retained a biological monitor to (i) be present on the project site during construction of the bioswale adjacent to environmentally sensitive riparian habitat areas; (ii) delineate, using conspicuous flagging or fencing, the limits of disturbance areas affected by construction to ensure that all existing riparian habitat shall be avoided and protected from impacts associated with construction of the new building and associated bioswale; and (iii) educate all on-site workers and contractors on the standards for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions.

B. Woody vegetation removal activities shall avoid the bird nesting season (March 15 through August 15) unless (i) a qualified biologist has surveyed the area according to the approved Sensitive Bird Nesting Habitat Protection Plan required by **Special Condition 4**, and (ii) the survey results indicate that no sensitive bird nests are present in the area. Authorized vegetation removal may occur without these restrictions between August 15 and March 15.

C. Construction of the authorized development shall be undertaken in a manner that protects archaeological resources consistent with **Special Condition 12**.

D. All construction debris, vegetative spoils, soil spoils, waste, and other excess material generated by the project shall be removed from project sites and disposed of in an upland location outside of the coastal zone or at an approved disposal facility pursuant to the final debris disposal plans approved pursuant to **Special Condition 5**.

E. During construction, erosion and the discharge of sediment off-site or to coastal waters and other sensitive habitat areas shall be minimized through the use of appropriate Best Management Practices (BMPs), including, but not limited to, the following:

i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized;

ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters;

iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters;

iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area;

v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) shall be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff;

vi. Only certified weed-free straw mulch shall be used for erosion, sediment, and runoff control purposes to avoid the inadvertent introduction of nonnative plant species to surrounding environmentally sensitive areas; and

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

7. Revegetation Requirements for Development Authorized Under CDP Amendment No. 1-88-123-A3.

A. Revegetation of restoration sites shall be implemented according to the approved final revegetation plans required by **Special Condition 11**. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a further Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

B. Only native plant species shall be planted in the proposed restoration areas. All proposed plantings shall be obtained from local genetic stocks within the North Coast region (Mendocino to southern Oregon coast, within approximately 30 miles of the coastline). If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the project area.

C. All proposed planting shall be completed as soon as possible and by no later than the end of the first full optimal planting season that occurs after completion of construction.

D. The use of rodenticides containing any anticoagulant compounds including, but not limited to, Bromadiolone, Brodifacoum or Diphacinone is prohibited.

8. Deed Restriction. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (i) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (ii) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of

the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. Future Permit Requirement.

A. Amendment No. 1-88-123-A3 only authorizes the additional development described in the application for Coastal Development Permit (CDP) Amendment No. 1-88-123-A3. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by the CDP Amendment No. 1-88-123-A3. Accordingly, any future improvements to the modular office structure or fencing authorized by this permit amendment shall require a further amendment to CDP Amendment No. 1-88-123-A3 from the Commission.

B. An amendment to CDP Amendment No. 1-88-123-A3 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).

10. Exterior Lighting Restrictions for Development Authorized Under CDP Amendment No. 1-88-123-A3. The structure authorized under CDP Amendment No. 1-88-123-A3 shall be designed to minimize light spillage and maximize light shielding to the maximum feasible extent per the following standards:

A. Nighttime lighting shall be minimized to levels necessary to provide pedestrian security.
B. Building lighting shall be shielded and directed downward.
C. Up-lighting and use of event "searchlights" or spotlights is prohibited.
D. Landscape lighting shall be limited to low-intensity and low-wattage lights.
E. Red lights shall be limited to only that necessary for security and safety warning purposes
F. Artificial night light from interior lighting shall be minimized through the utilization of screening of the windows on the western side of the building to minimize transmission of indoor lighting to adjacent riparian ESHA, automated on/off systems, and motion detectors.
G. No lighting around the perimeter of the building site and no lighting for aesthetic purposes is allowed.

11. Submittal of Revised Final Stormwater Management and Revegetation Plan for Development Authorized Under CDP Amendment No. 1-88-123-A3.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and written approval of the Executive Director, a revised stormwater management and revegetation plan prepared by a qualified biologist or restoration ecologist based on current information and professional standards that conforms with the plan submitted to the Commission titled "Stormwater Management and Revegetation Plan" dated October 1, 2015, except that the plan shall be modified as follows:

i. The plan shall add interim performance standards and final success criteria for minimum survival rate of restoration and enhancement plantings with the goal of achieving the target native plant coverage in restoration and enhancement areas specified in the plan;

ii. The plan shall include provisions for monitoring restoration and enhancement areas for a minimum of five years rather than four years to allow sufficient monitoring duration to ensure restoration and enhancement success;

iii. The plan shall include a reporting schedule and provisions for submittal of the following reports to the Executive Director:

a. A final planting plan report listing the type, numbers, and locations of plantings installed in the restoration and enhancement areas, the date(s) of planting, and the source for the plant material;

b. An "as-built" report within 30-days of completion of construction demonstrating no encroachment of the construction activities into the adjacent riparian habitat and documentation that all areas of temporary impact have been stabilized with appropriate erosion, sediment, and runoff control measures;

c. Annual monitoring reports submitted by December 31st each calendar year for the duration of the required monitoring period, beginning the first year after submittal of the "as-built" report. Monitoring reports shall include a description of maintenance activities (e.g., weeding, irrigation) performed in the area during the previous year, dates of monitoring and names of monitors, and an evaluation of the status of the restoration and enhancement project in relation to the interim performance standards and final success criteria; and

d. A final monitoring report at the end of the five-year reporting period prepared in conjunction with a qualified biologist that evaluates whether the restoration and enhancement site(s) conform to the goals, objectives, and performance standards set forth in the approved final plan.

iv. The plan shall include a remediation component specifying that if the 5th-year monitoring report indicates that the project has been unsuccessful, in part, or in whole, based on the approved final success standards, the permittee shall submit an application for an amendment to CDP 1-88-123-A3 proposing a revised or supplemental restoration and monitoring program to compensate for those portions of the original program which did not meet the approved goals and objectives within six months of submittal of the 5th-year biological monitoring report.

v. The plan shall comply with the requirements of Special Conditions 3 through 7 and all other terms and conditions of the amended permit.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

12. Area of Archaeological Significance

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall provide to the Executive Director evidence that the applicant has coordinated with the Tribal Historic Preservation Officers (THPOs) from the

Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria to arrange for a tribal monitor to be present on the site during ground-disturbing activities.

B. A tribal monitor approved by the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria shall be present to oversee all ground disturbing activities authorized by this permit amendment, unless evidence has been submitted for the review and approval of the Executive Director that the THPOs of these three entities have agreed that a tribal monitor need not be present.

C. If an area of cultural deposits or human remains is discovered during the course of the project, all demolition shall cease and shall not re-commence until a qualified cultural resources specialist, in consultation with the THPOs of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (i) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, or (ii) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not de minimis, and the permittee has thereafter obtained an amendment to coastal development permit 1-88-123.

13. Minimization of Geologic Hazards

A. All recommendations of the soils report titled "Soils Study for a Modular Office Building Near the Pentecostal Church in Myrtletowne" [sic], prepared by S.E.E. Engineering and dated February 4, 2017 shall be adhered to including recommendations for compaction standards, seismic design parameters, foundation design, subgrade preparation, and other recommendations. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and written approval of the Executive Director, evidence that an appropriate licensed professional (e.g., engineering geologist or geotechnical engineer) has reviewed and approved all final foundation design, grading, and drainage plans.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

14. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of CDP Amendment No. 1-88-123-A3, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to erosion, earth movement, liquefaction, and other seismic hazards; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

15. No Future Bluff or Shoreline Protection.

A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 1-88-123-A3, including, but not limited to, the pre-manufactured modular office building or its associated stairs, sidewalk, and landscaping, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.

B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the pre-manufactured modular office building and its associated stairs, sidewalk, and landscaping, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above, or if any public agency requires the structure to be removed. The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy and on private property. If any portion of the development at any time encroaches onto public property, the permittee shall remove the encroaching portion of the development. The permittee shall obtain a coastal development permit for removal of approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.

C. Prior to removal/relocation, the permittee shall submit two copies of a Removal/ Relocation Plan to the Executive Director for the review and written approval. The Removal/ Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including Humboldt Bay and its associated tidal sloughs. In the event that portions of the development fall to estuarine waters before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the coastal waters and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

III. FINDINGS AND DECLARATIONS

A. PERMITTING HISTORY

In July of 1988, the Executive Director granted Administrative Permit No. 1-88-123 to the Church of the Highlands to construct a 17,000 square feet, 600 person capacity, two-story church not to exceed 35 feet in height (except for cross structure), a 1,400-square-foot one-story office building, and a paved parking lot sized to accommodate 150 vehicles. The subject site is approximately 12 acres in size and is located at the foot of Hoover Street, on the northeast side of Eureka, just outside of the city limits, in Humboldt County.

Coastal Act issues raised by the original project included proximity of new development to wetlands and riparian habitat. The site is bounded on three sides by riparian vegetation and tidal

and freshwater wetlands. Under the original approval, the California Department of Fish and Game (now Wildlife, CDFW) provided comments on the application stating the siting and design of the proposed development was appropriate to protect biological resources and habitat values provided that the applicant (a) undertook riparian enhancement planting on the eastern development limit and on the northern development line to increase the width of the buffer between the church and the saltmarsh; and (b) implemented appropriate stormwater runoff control measures. The recommended measures were intended in part to mitigate the construction impacts of the project and provide a buffer between the development and the riparian and other wetland habitat areas.

The Executive Director granted its approval of the original permit subject to one special condition (see **Appendix B**). Special Condition No. 1 reads: "Prior to authorization to proceed, applicant shall submit to the Executive Director for his review and approval, a revised revegetation and landscaping plan which has been approved by the California Department of Fish and Game." The applicant submitted a plan in compliance with this condition on July 11, 1988.

In 1990 the Commission approved two separate amendments to the original permit. On February 27, 1990 the Commission issued an immaterial amendment authorizing the placement of a 2-inch to 3-inch layer of gravel, to support additional parking, on the western side of the parcel, west of Hoover Street. On November 15, 1990 the Commission approved a material amendment to the permit to (a) relocate a utility enclosure, (b) extend a 16-foot-wide paved driveway along the west side of the church, (c) construct a delivery area off of the driveway extension, (d) pave a 5-foot-wide pathway on the north and east side of the sanctuary, and (e) re-landscape portions of the site to provide a riparian buffer between the church and the adjacent wetlands.

The Commission granted its approval of CDP 1-88-123-A2 subject to two new special conditions (see **Appendix B**): (1) a requirement that the applicant provide written confirmation that the pathway extending around the north end of the church will be used only for emergency access to and from the church; and (2) a requirement that the applicant provide written confirmation of its intent to carry out the mitigation plan entitled "Church of the Highlands Revised Wetland Buffer Mitigation Plan," dated September 20, 1990, including the five-year monitoring program managed into perpetuity by qualified technical consultants. The applicant satisfied the requirements of both special conditions, and the permit amendment was issued on February 15, 1991.

The mitigation plan required by special condition 2, which was developed in consultation with CDFW, had a two-fold purpose: (a) to direct the removal of unpermitted fill material placed in the wetland and/or buffer areas during construction of the original project and restoration of those areas; and (b) to propose additional mitigation measures to enhance the riparian buffer immediately around the church building to mitigate the impacts associated with the church's proximity to the sensitive slough habitat. The applicant successfully implemented the approved mitigation plan.

B. CURRENT AMENDMENT REQUEST

The applicant proposes the following development under the current permit amendment request: (1) install a 4,320-square-foot pre-manufactured modular office building with associated exterior stairs, handicap ramp, and sidewalk, (2) retrofit existing exterior lighting authorized under the original permit; (3) remove nonnative vegetation in the riparian zone and replace with native vegetation; and (4) install fencing along the property line where it borders Hoover Street. Each is described further below.

Building: The purpose of the proposed new building is to provide additional office space and a conference room to support ongoing church operations. Installation of the building would involve the removal of approximately 25 cubic yards of soil, including a portion of an earthen berm adjacent to the proposed building site. The one-story modular building would be surrounded by a proposed new bioswale (described below) on three sides designed to capture rainwater runoff from the rooftop and from the adjacent parking lot for biofiltration (**Exhibits 3-4**). The proposed building would be sited over 100 feet from tidal slough habitat to the west, up slope from the slough habitat at an elevation of approximately 25 feet above mean sea level. The building site would be located approximately 30 feet from the riparian ESHA that surrounds the slough and extends up the bluff and across the blufftop to an area adjacent to an earthen berm (to be largely removed). The existing berm currently is infested with invasive Himalayan blackberry, which is proposed for removal and replanting as described below.

The proposed bioswale would surround the building to the north, west, and south. The bioswale would be 200 feet long, up to 10 feet wide, and would be excavated to a maximum depth of up to 15 inches with 4:1 side slopes. The bottom of the swale would be planted with a mix of native wetland grasses, sedges, and rushes. The outer edges of the swale would be planted with native trees and shrubs such as red alder and twinberry as detailed in the Stormwater Management and Revegetation Plan (**Exhibit 5**).

Lighting: The original permit authorized the installation of lighting associated with the 150-vehicle parking lot. The existing parking lot contains 14 light poles up to 25 feet in height (**Exhibit 4**). According to the applicant, the parking lot currently is illuminated as needed until as late as 10:00 p.m. To address neighborhood complaints regarding excessive lighting, and to comply with conditions imposed by the County on the conditional use permit issued for the proposed project, the applicant proposes to lower (via cutting) the existing light poles to a height not-to-exceed 15 feet.

Vegetation: The applicant proposes to remove invasive nonnative vegetation, including mature Acacia trees and stands of English holly, English ivy, and Himalayan blackberry, from the riparian area north of the proposed new building site (an approximate 2,880-square-foot area) and from an approximate 2,170-square-foot area west of the proposed building site at the outer edge of the riparian zone. Areas would be revegetated using hundreds of regionally appropriate native trees, shrubs, and herbaceous plants as detailed in the Stormwater Management and Revegetation Plan (**Exhibit 5**). Proposed vegetation removal methods would involve the use of hand tools, chain saws, and small mechanized equipment.

Fencing: The applicant proposes to install a 6-foot-tall see-through picket-style black metal fence along the church property line adjacent to Hoover Street (**Exhibit 4**). Two similar-style gates also would be installed at the two driveway entrances off of Hoover Street. The two existing driveway entrances currently have cable gates, which would be removed.

C. ENVIRONMENTAL SETTING

The subject site is located in an urban residential neighborhood at the foot of Hoover Street just outside the city limits of Eureka (**Exhibits 1-2**). The approximately 12-acre subject property is developed with an existing 17,000-square-foot two-story, 600-person capacity church built in 1988, an approximately 1,400-square-foot one-story office building, a 1,400-square-foot single family residence constructed in approximately 1933 (currently used as a church meeting space), a 900-square-foot "annex" (used for meeting space), and a parking lot that can accommodate up to 150 vehicles. All of the facilities except for the construction of the residence were authorized under CDP 1-88-123 as previously amended. Third Slough borders the property to the north and west. Third Slough is a small tidal tributary that flows into to Eureka Slough, a tidal slough that drains into Humboldt Bay. Sensitive habitats along the tributary include tidal and freshwater wetlands and associated riparian habitat.

According to a botanical survey completed for the project by the applicant's consulting biologist, Streamline Planning Consultants, the riparian habitat is dominated by well-developed trees including red alder, Pacific willow, wax myrtle, cascara, big-leaf maple, coast redwood, Sitka spruce and other native conifers. The riparian area includes a diverse understory of native and nonnative herbs and shrubs, with no rare or sensitive species present. The presence of several invasive species (English holly, English ivy, and Himalayan blackberry) was noted in the botanical report as a threat to the riparian habitat values. In addition to the noted habitat areas to the west and north of the property, the eastern property boundary borders a small freshwater creek that flows into the tidal marsh and is surrounded by a mix of natural and landscaped vegetation.

D. STANDARD OF REVIEW

The proposed project is located in the Commission's retained jurisdiction. Humboldt County has a certified local coastal program (LCP), but the site is within an area shown on State Lands Commission maps over which the state retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

E. OTHER AGENCY APPROVALS AND STAFF CONSULTATIONS

Humboldt County

The proposed project requires a modification to the existing use permit granted by the County for the original church development project. The County originally authorized the construction of the church under CUP 02-87M in 1987. On November 3, 2016, the County approved the modification to the original use permit.

Staff Consultations

In the preparation of these Findings, the Commission staff consulted with the Tribal Historic Preservation Offices for the Blue Lake Rancheria, the Bear River Band of the Rohnerville Rancheria, and the Wiyot Tribe/Table Bluff Rancheria. Commission staff also referred the project to the California Department of Fish and Wildlife staff for comment, but received no comments from CDFW.

F. PROTECTION OF WATER QUALITY AND ADJACENT ESHA

Section 30230 of the Coastal Act states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 of the Coastal Act states:

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

Section 30240 of the Coastal Act states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

As described in Finding IV-C above, Third Slough borders the property to the north and west. Third Slough is a small tidal tributary that flows into to Eureka Slough, a tidal slough that drains into Humboldt Bay. Sensitive habitats along the tributary include tidal and freshwater wetlands and associated riparian habitat. The riparian habitat supports habitat for a variety of common mammals (such as deer, raccoons, skunks, etc.) as well as provides potential nesting habitat for a diversity of migratory birds and raptors. As proposed, the new building will be located over 100 feet from tidal wetlands and approximately 30 feet from riparian habitat. The site of the proposed

building is an upland lawn area in between a portion of the paved parking lot and the riparian habitat that extends over the blufftop down to the adjacent tidal slough. As described in the findings below, the Commission finds that (1) the proposed amended development within ESHA is a resource-dependent use, which, as conditioned will be undertaken in a manner that protects against significant disruption of ESHA habitat values, consistent with Section 30240(a) of the Coastal Act; and (2) the proposed development, including siting the new structure 30 feet from riparian ESHA, is designed to prevent impacts that would significantly degrade adjacent ESHA and will be compatible with the continuance of the riparian ESHA, consistent with Section 30240(b) of the Coastal Act.

Proposed development within ESHA [section 30240(a)]

Section 30240(a) of the Coastal Act limits development within ESHA to only resource-dependent uses. The applicant is proposing certain activities within riparian ESHA, including nonnative invasive species removal (black acacia, English ivy, English holly, Himalayan blackberry, cotoneaster, etc.) and planting of native vegetation, as detailed in the proposed stormwater management and revegetation plan. The applicant proposes to remove vegetation using hand and mechanical tools (e.g., chainsaws) and small mechanized equipment. All areas where invasive species removal occurs will be revegetated with regionally appropriate native species as detailed in the proposed plan. The applicant proposes to monitor the restoration and enhancement areas twice annually for a period of four years or until the success criteria are met. Proposed success criteria include a minimum of 70 percent coverage of native plants.

The applicant's proposed planting plan will help enhance and protect natural ecosystem function within the riparian ESHA. Thus, as the project is inherently designed to achieve the enhancement of the ESHA, the Commission finds that the proposed planting and invasive removal activities within the ESHA are designed exclusively for the benefit of the ESHA. The Commission further finds that because the proposed enhancement activities are inherently dependent upon the presence of ESHA, the proposed planting plan constitutes a use dependent on the resources of the ESHA consistent with the use requirements of Section 30240(a) of the Coastal Act. The proposed invasive species removal and enhancement planting activities are resource-dependent uses because they exclusively comprise habitat enhancement activities that by definition must be undertaken within the habitat that is targeted for enhancement.

To ensure that the proposed invasive species removal and enhancement planting activities are undertaken in a manner that protects against significant disruption of ESHA habitat values, the Commission attaches **Special Condition 3**. This condition requires that the applicant submit a plan for the Executive Director's review and approval prior to permit issuance, which contains measures to ensure that various protective measures will be undertaken during proposed invasive species removal and enhancement planting activities to protect riparian ESHA and migratory bird and raptor nesting ESHA from significant disruption of habitat values. The plan must demonstrate in part that invasive species removal methods will be restricted to methods that minimize ground disturbance, any sensitive bird nesting habitat in the area will be avoided and protected from disruption of habitat values as required by Special Condition 4, and vegetative spoils will be properly disposed of consistent with he approved final debris disposal plan required by Special Condition 5. **Special Condition 4** requires that the applicant submit a plan for the Executive Director's review and approval prior to permit issuance for the protection of

bird nesting habitat. The plan must be prepared by a qualified biologist and must include provisions for conducting seasonally appropriate bird nesting habitat surveys prior to commencement of construction and prior to commencement of vegetation removal activities in the project area. If any occupied nests are located in the area, they must be protected from disturbance by 300-foot (for any special-status bird species) or 500-foot (for any raptor species) buffers, which shall be maintained and protected from construction-related disturbance until completion of nesting. **Special Condition 5** requires that the applicant submit a plan for the Executive Director's review and approval prior to permit issuance for the disposal of all construction debris, including soil and vegetative spoils, expected to be generated by the authorized work. The required plan must demonstrate (in part) that no construction materials will be stockpiled within riparian ESHA, and that vegetative and soil spoils will be disposed of lawfully outside of ESHA.

Therefore, the Commission finds that the proposed amended development within ESHA is a resource-dependent use, which, as conditioned will be undertaken in a manner that protects against significant disruption of ESHA habitat values, consistent with Section 30240(a) of the Coastal Act.

Proposed development adjacent to ESHA [section 30240(b)]

Section 30240(b) of the Coastal Act requires that development in areas adjacent to ESHA shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. In addition, as cited above, Sections 30230 and 30231 of the Coastal Act require the protection of marine resources and the biological productivity and quality of coastal waters and wetlands appropriate to maintain optimum populations of marine organisms and for the protection of human health. Development in areas adjacent to coastal wetlands and waters shall minimize adverse effects of wastewater discharges and entrainment, control runoff, and prevent both depletion of ground water supplies and substantial interference with surface water flow.

The applicant has included various mitigation measures as part of the proposed project to protect water quality, to prevent impacts that would significantly degrade the adjacent riparian ESHA, and to provide for the continuance of the adjacent riparian ESHA. These measures include, but are not limited to, implementing a stormwater management and revegetation plan designed both to enhance the riparian ESHA and to treat and control stormwater runoff from the rooftop of the new structure. The proposed new bioswale will surround the new building on its south, west, and north sides and will retain for infiltration stormwater that runs off the roof of the proposed new building and prevents it from discharging directly to the adjacent riparian habitat. The bioswale will be over 200 feet long and up to 10 feet wide and will be planted with a mix of regionally appropriate riparian vegetation such as red alder, wax myrtle, twinberry, and various grasses and sedges. The swale will be constructed adjacent to, but outside of, the existing riparian ESHA in an area that currently is infested with nonnative invasive Himalayan blackberry. Additional nonnative invasive species removal is proposed for portions of the riparian area north of the proposed new building, where the removal of English holly, English ivy, and black acacia is proposed. All areas where invasive species removal occurs will be revegetated with regionally appropriate native species as detailed in the proposed plan. The applicant proposes to monitor the restoration and enhancement areas twice annually for a period of four years or until the success

criteria are met. Proposed success criteria include a minimum of 70 percent coverage of native plants.

While the various measures proposed to protect adjacent ESHA are appropriate, conditions are needed to ensure that the applicant follows through on its commitment to implement the various measures. In addition, certain additional measures are needed to ensure that the project as implemented prevents impacts that would significantly degrade surrounding ESHA and is compatible with the continuance of surrounding habitat areas.

First, the Commission attaches **Special Condition 11** requiring the applicant to submit a revised final stormwater management and revegetation plan for the Executive Director's review and approval prior to permit issuance. The revised plan must substantially conform with the submitted plan prepared by Streamline Planning dated October 1, 2015, except the plan must be revised to (a) add interim performance standards and final success criteria for minimum survival rate of restoration and enhancement plantings with the goal of achieving the target native plant coverage in restoration and enhancement areas specified in the plan; (b) include provisions for monitoring restoration and enhancement areas for a minimum of five years rather than four years to allow sufficient monitoring duration to ensure restoration and enhancement success; and (c) include provisions for reporting monitoring results to the Executive Director and provisions for remediation if the project is unsuccessful, in part or in whole, based on the approved final success standards.

In addition, the Commission attaches **Special Condition 6** to ensure that the project implements necessary ESHA and runoff control protection measures during construction, including, but not limited to, the following: (a) retaining a biological monitor to be on-site during construction of the bioswale to ensure that all on-site workers and contractors observe the standards for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions of approval; (b) avoiding woody vegetation removal activities during the bird nesting season unless a qualified biologist has surveyed the area according to the approved Sensitive Bird Nesting Habitat Protection Plan required by **Special Condition 4** and the survey results indicate that no sensitive bird nests are present in the area; (c) properly containing trash and debris associated with construction; and (d) using appropriate BMPs to control erosion and sediment and to prevent the entry of polluted stormwater runoff into coastal waters and wetlands during construction and post-construction.

As proposed, the project proposes to use manufactured straw wattles as "temporary" erosion and sediment control measures during construction. Plastic netting used in these and similar products (e.g., mulch control netting, erosion control blankets, fiber rolls, and reinforced silt fences) has been found to entangle wildlife, including reptiles, amphibians, birds, and small mammals. Although erosion and sediment control products classified as temporary are designed to degrade after a period of time, several temporary erosion and sediment control products with netting – such as mulch control netting, erosion control blankets, and fiber rolls – are commonly left in place permanently, particularly when used with seeding. The length of time it takes for netting to begin to degrade depends on the netting composition and the environmental conditions but can remain intact many years after installation. When plastic netting does eventually fall apart, plastic fragments may be blown or washed into waterways and the ocean, creating an

entanglement and ingestion hazard for marine life, potentially for many years. Due to its durability, buoyancy, and ability to concentrate toxins present in the ocean, plastic can be very harmful to marine life. The Commission therefore attaches **Special Condition 6-E-vii**, which, among other requirements, prohibits the use of temporary rolled erosion and sediment control products with plastic netting to minimize the potential for wildlife entanglement and plastic debris pollution. The condition also requires that any erosion-control associated netting shall be made of natural fibers and constructed in a loose-weave design to reduce the potential for small animal entrapment and avoid leaving a residue of plastic in the environment upon degradation of the material.

As previously discussed, **Special Condition 5** requires that the applicant submit a plan for the Executive Director's review and approval prior to permit issuance for the disposal of all construction debris, including soil and vegetative spoils, expected to be generated by the authorized work. The required plan shall demonstrate (in part) that no construction materials will be stockpiled within riparian ESHA and that vegetative and soil spoils will be disposed of lawfully outside of ESHA. In combination, Special Conditions 4, 5, and 6 will ensure that adjacent riparian habitats and bird nesting habitats are protected against significant disruption of habitat values during proposed construction activities, consistent with Section 30240(b) of the Coastal Act.

The Commission further finds that the ESHA located adjacent to the site could be adversely affected if non-native, invasive plant species were introduced in general landscaping at the site. Introduced invasive exotic plant species could physically spread into the ESHA and displace native wetland vegetation, thereby disrupting the values and functions of the adjacent ESHAs. The seeds of exotic invasive plants could also be spread to nearby ESHA by wind dispersal or by birds and other wildlife. The applicant is not proposing any nonnative landscaping as part of the proposed project but rather is proposing to plant regionally appropriate native species around the new building and in areas where invasive species removal is proposed. To ensure that the ESHA adjacent to the site is not significantly degraded by any future landscaping that would contain invasive exotic species, the Commission attaches **Special Condition 7** that requires that (a) revegetation be implemented according to the approved final revegetation plans required by Special Condition 11; (b) only native plant species be planted in the proposed restoration areas; and (c) all proposed planting be completed as soon as possible and by no later than the end of the first full optimal planting season that occurs after completion of construction. The condition further requires that English ivy be controlled on the property by girdling ivy plants that encroach into the canopy layer at the base of trees that are infested with the plant. In addition, **Special Condition 6-E-vi** requires that only certified weed-free straw mulch be used for erosion, sediment, and runoff control purposes to avoid the inadvertent introduction of nonnative plant species to surrounding environmentally sensitive areas. Furthermore, **Special Condition 8** requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property. The intent of this condition is to ensure that all future owners of the property are aware of the landscaping restrictions.

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

brodifacoum, bromadiolone and diphacinone, have been found to pose significant primary and secondary risks to non-target wildlife present in urban and urban/wildland areas. As the target species are preyed upon by raptors or other environmentally sensitive predators and scavengers, these compounds can bio-accumulate in the animals that have consumed the rodents to concentrations toxic to the ingesting non-target species. Therefore, to minimize this potential significant adverse cumulative impact to environmentally sensitive wildlife species, the Commission attaches **Special Condition 7-D** prohibiting the use of specified rodenticides on the property governed by CDP No. 1-88-123-A3. As discussed above, the required recordation of a deed restriction (Special Condition 8) identifying all applicable special conditions attached to the permit will provide notice to future owners of the terms and limitations placed on the use of the property.

The Commission notes that future minor incidental development normally associated with permitted structures, such as additions, outbuildings, decks, or additional landscaping, could be sited and designed in a manner that could compromise the value of the riparian buffer and have potentially adverse impacts on the adjacent riparian ESHA. Many of these kinds of development are normally exempt from the need to obtain a coastal development permit under Section 30610(b) of the Coastal Act. Thus, the Commission would not normally be able to review such development to ensure that impacts to sensitive habitat are avoided. To avoid such impacts to coastal resources from the development of otherwise exempt additions to existing structures, Section 30610(b) requires the Commission to specify by regulation those classes of development which involve a risk of adverse environmental effects and require that a permit be obtained for such improvements. Pursuant to Section 30610(b), the Commission adopted Section 13253 of Title 14 of the California Code of Regulations (CCR), which specifically authorizes the Commission to require a permit for additions to existing structures that could involve a risk of adverse environmental effect by indicating in the development permit issued for the original structure that any future improvements would require a CDP. As noted above, certain additions or improvements to the approved residence could involve a risk of adverse impacts to the ESHA on the site. Therefore, in accordance with provisions of Section 13253(b)(6) of Title 14 of the CCR, the Commission attaches **Special Condition 9**, which requires a CDP or a permit amendment for all additions and improvements to the structure on the subject parcel that might otherwise be exempt from coastal permit requirements. This condition will allow future development to be reviewed by the Commission to ensure that future improvements will not be sited or designed in a manner that would result in adverse impacts to the ESHA on the site.

Finally, if not restricted, exterior lighting associated with the proposed development could adversely affect nocturnal wildlife using the adjacent wetland and riparian habitats. For example, many species avoid areas with excessive lighting, and some species simply stop reproducing if habitat destruction from overly bright lights becomes too severe. Moreover, exterior lighting associated with the proposed development also could adversely affect visual resources in the area if the lighting were allowed to shine skyward and beyond the boundaries of the parcel. The glow of lighting emanating above the subject property would be visible from public vantage points. To reduce the impacts of exterior lighting associated with the proposed new building on coastal resources, the Commission attaches **Special Condition 10**, which imposes various exterior lighting restrictions such as requirements to minimize night lighting to levels necessary to provide pedestrian security and to shield and direct downward building lighting. These

limitations on the lighting will ensure that the project, as conditioned, will not cast a skyward glow that would be harmful to wildlife using the nearby sensitive habitats.

As conditioned in the manner discussed above, the Commission finds that the proposed amended development (1) is designed to prevent impacts that would significantly degrade adjacent environmentally sensitive habitat areas and is compatible with the continuance of those areas, consistent with Section 30240(b) of the Coastal Act, and (2) will protect marine resources and the biological productivity and quality of coastal waters and wetlands, minimize adverse effects of wastewater discharges and entrainment, and control runoff, consistent with Sections 30230 and 30231 of the Coastal Act.

G. VISUAL RESOURCES

Section 30251 of the Coastal Act states, in applicable part, as follows:

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

Although the property is located in an urban area, it lies on a cul-de-sac at the end of Hoover Street and is surrounded by wetland and tidal marsh habitats on three sides. The surrounding area consists of a residential neighborhood with older homes constructed primarily in the 1950s and earlier. There is no distinctive architectural style to the neighborhood.

The proposed new building will not affect views to and along the ocean or scenic coastal areas as views toward Third Slough and Eureka Slough from the end of Hoover Street, the closest public vantage point to the subject development, are blocked by vegetation and existing buildings. The building will be sited in an existing lawn area in between a parking lot and existing vegetated berm that abuts stand of riparian vegetation. Because the site is relatively flat and level without the need for significant grading, the project as proposed minimizes the alteration of natural landforms.

Two of the proposed project elements involve the installation of a 4,320-square-foot pre-manufactured modular office building and construction of a 6-foot-tall see-through picket-style black metal fence along the church property line adjacent to Hoover Street. The property already is developed with a 17,000-square-foot church, a 1,400-square-foot single family residence (currently used for church meeting space), a 900-square-foot “annex” (used for meeting space), and a paved parking lot that can accommodate up to 150 vehicles. The development of the additional building and fencing on the property, which is located on a cul-de-sac at the end of an urban residential street, will be compatible with the character of the surrounding area because such development is far smaller than the large church building on the property, will be similar in size to other accessory buildings in the area, and its height will not exceed that of the existing buildings on the site.

The original permit authorized the installation of lighting associated with the 150-vehicle parking lot. The existing parking lot contains 14 light poles up to 25 feet in height. According to the applicant, the parking lot currently is illuminated as needed (several nights per week) until as late as 10:00 p.m. To address neighborhood complaints regarding excessive lighting on the property, and to comply with conditions imposed by the use permit issued by the County for the proposed project, the applicant proposes to lower the existing metal light poles to a height not-to-exceed 15 feet. The project as proposed will therefore enhance visual quality in the area. Moreover, as previously discussed, **Special Condition 10** imposes various exterior lighting restrictions such as requirements to minimize night lighting to levels necessary to provide pedestrian security and to shield and direct downward building lighting.

Therefore, the Commission finds that the proposed amended development, as conditioned, will protect public views, minimize the alteration of natural land forms, and be visually compatible with the character of surrounding area consistent with Section 30251 of the Coastal Act.

H. PUBLIC ACCESS

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Coastal Act Section 30210 requires in applicable part that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired through use (i.e., potential prescriptive rights or rights of implied dedication). Section 30212 requires in applicable part that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on these sections or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential public access.

The applicant proposes to install a 6-foot-tall see-through picket-style black metal fence along the church property line adjacent to Hoover Street. Two similar-style gates also would be installed at the two driveway entrances off of Hoover Street. The fence and gates are proposed to discourage unauthorized camping within the riparian and other forested areas on the property by homeless people, which has been a problem at the site. The two existing driveway entrances currently have cable gates, which would be removed.

Although the property includes and is adjacent to tidal marsh and slough habitats along its low-lying areas, there is no evidence of public use of the property to gain public access to the shoreline of the sloughs, no indication from the public that the site has been used for public access purposes in the past, and no evidence of informal trails on the property. While a driveway extends from the end of Hoover Street to the Humboldt Community Services District's sewer facility (lift station) near the shoreline, and the HCSD maintains an easement along the driveway for access to its facility (which is located on a separate property), there is no evidence that the driveway and adjacent shoreline areas have been used by the public for access to the shoreline.

In addition, the proposed amended development will not significantly and adversely increase the demand for public access to the shoreline as the project will not add capacity to the church for members and guests. For all of these reasons, the Commission finds that the proposed amended development, which does not include provision of public access, is consistent with the public access policies of the Coastal Act.

I. ARCHAEOLOGICAL RESOURCES

Section 30244 of the Coastal Act states as follows:

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

The project area lies within the traditional territory of the Wiki division of the Wiyot tribe. At the time that Euro-Americans first made contact in this region, the Wiyot lived almost exclusively in villages along the protected shores of Humboldt Bay and near the mouths of the Eel and Mad Rivers. Today, representatives of the Wiyot Tribe are the Table Bluff Reservation Wiyot Tribe, the Blue Lake Rancheria, and the Bear River Band of the Rohnerville Rancheria.

The site was thoroughly surveyed for archaeological resources in 1986 in preparation for a property transfer and sewer replacement project at that time. Commission staff referred the current amendment application, along with a copy of the prior archaeological survey report, to the three Wiyot area Tribal Historic Preservation Officers (THPOs) for comment. The three THPOs all recommended that ground disturbing activities associated with the proposed project be monitored by a tribal monitor. Accordingly, to ensure protection of any archaeological resources that may be discovered at the site during excavation for the proposed project consistent with Section 30244, the Commission is requiring in **Special Condition 12** that the applicant shall provide to the Executive Director evidence that the applicant has coordinated with the THPOs from the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria to arrange for a tribal monitor to be present on the site during all ground-disturbing activities. The condition further requires that if an area of cultural deposits is discovered during the course of the project, all construction must cease and a qualified cultural resources specialist, in conjunction with the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria THPOs, must analyze the significance of the find. To recommence construction following discovery of cultural deposits, the permittee is required to submit a supplementary archaeological plan for the review and approval of the Executive Director, who determines whether the changes are de minimis in nature and scope, or whether an amendment to this permit is required.

Thus, the Commission finds that the proposed amended development, as conditioned, will include mitigation measures consistent with the requirements of Coastal Act Section 30244.

J. HAZARDS

Section 30253 of the Coastal Act states, in applicable part, as follows:

New development shall do all of the following:

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

(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

…

Section 30253 requires in part that new development minimize risk to life and property in areas of high geologic, flood, and/or fire hazards, assure structural integrity and stability, and neither create nor contribute significantly to erosion or engender the need for protective devices that would alter natural landforms. The subject 12-acre property is adjacent to Third Slough, a tidal slough that drains into Eureka Slough, which flows into Humboldt Bay. The site also in located in an active seismic area.

Earthquake Shaking, Soil Settlement, and Liquefaction

Humboldt County is a very active tectonic region subject to frequent, and sometimes large, earthquakes due in part to the presence of numerous fault lines and its location near the intersection of multiple tectonic plates. The County lies at the southern end of the Cascadia Subduction Zone "megathrust" fault, a 1,000-kilometer-long dipping fault with the potential to produce earthquakes of magnitude 9.0 or greater. Seismic hazards include strong ground shaking, seismic settlement, soil liquefaction, and tsunamis.

According to data available on the County's public GIS portal,[1] the majority of the subject property is within an area of potential liquefaction (**Exhibit 7**). Under conditions of strong ground shaking, unconsolidated sandy deposits that are saturated with water can liquefy, and the soil loses its capacity to bear the weight of buildings or to resist flowing downslope, even on nearly flat ground. Liquefaction may result in sinking, tilt, distortion, or destruction of buildings and bridges, rupture of underground utility lines, and cracking and spreading of the ground surface. Mapped liquefaction hazard zones identify where the stability of foundation soils must be investigated, and countermeasures undertaken in the design and construction of buildings for human occupancy. Risks associated with liquefaction can be reduced through appropriate foundation design. The County Building Department, through its review of building permits and building inspections, enforces California building codes related to seismic safety, including liquefaction.

The applicant contracted with an engineering firm to investigate the appropriate foundation design and prepare the soils report required by the building department. The applicant has submitted a preliminary typical foundation design for the proposed pre-manufactured modular building, which consists of a series of metal piers, pads, and anchors to support the interlocking modular structure. The soils report includes recommendations for compaction standards, seismic

[1] Accessible at http://webgis.co.humboldt.ca.us/HCEGIS2.0/

design parameters, foundation design, and subgrade preparation to ensure that liquefaction risks are minimized. The Commission attaches **Special Condition 13** requiring the applicant to submit, prior to permit issuance, evidence that an appropriate licensed professional has reviewed and approved all final foundation design, construction, grading, and drainage plans to minimize risks associated with liquefaction and other seismic hazard risks at the site.

Because the proposed project will comply with California Building Code and local building codes which have been designed to allow structures to withstand strong seismic ground shaking, and because the project will comply with the site-specific geologic recommendations for foundation design and for minimizing risks associated with earthquakes, the development is designed to assure stability and structural integrity consistent with the requirements of Section 30253(b).

Tsunami Inundation

Due to the known seismic activity in the Pacific Rim, there is the potential for both nearshore and distant tsunamis to impact development in the Humboldt Bay region. If (when) a major earthquake occurs along the Cascadia Subduction Zone, it could trigger a local tsunami that would hit the Humboldt Bay shoreline within minutes. A portion of the subject property, including the low-lying wetland and riparian areas to the west and north of the proposed building site as well as the northern portion of the existing church building, is within the County's mapped Tsunami Evacuation Area. The proposed building site is sited outside of the mapped Tsunami Evacuation Area (**Exhibit 7**).

Tsunami Evacuation Areas, developed by the Redwood Coast Tsunami Working Group organized by Humboldt State University,[2] are those areas where, in case of a major earthquake, people are instructed to evacuate to higher ground (safe areas) to avoid tsunami-related inundation. A series of tsunami hazard warning signs are posted throughout the County along public roads and trails to alert the public to the hazardous areas. In addition, the County maintains a tsunami early warning system, including the use of sirens, to minimize risk inside the tsunami vulnerability and evacuation areas.

As proposed, the project minimizes risks to life and property associated with tsunami wave run-up, because the proposed structure will be located outside of the tsunami evacuation area, above the area of projected tsunami inundation, and is not proposed for habitation. Furthermore, since purchasing and moving to the property two years ago, the applicant has prepared a tsunami education and evacuation plan for its members that includes distributing the California Emergency Management Agency tsunami educational brochure to church members, posting the tsunami evacuation route in all of the buildings on the property, training ushers, Sunday School teachers, and other church leaders on appropriate safety procedures in the event of an earthquake, tsunami, or tsunami warning, and conducting an annual evacuation drill.

Floodplain, Tidal Inundation, and Sea Level Rise

Although the low-lying portions of the property are within the 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA), the higher portions of the property,

[2] See http://www2.humboldt.edu/rctwg/

including where the proposed new building will be sited, are outside of the FEMA-mapped floodplain.

Extreme high tide events in conjunction with future sea-level rise will increase the vulnerability of the lower portions of the subject site to flooding. According to relative sea level rise estimations produced for the Humboldt Bay region,[3] which take into account estimates of vertical land movement resulting from tectonic activity and land subsidence, sea level is projected to rise 0.4 to 0.9 feet by 2030, 0.7 to 1.9 feet by 2050, and 2.0 to 5.3 feet by 2100. The ranges in the projections of sea level rise are based on a range of modeling results. For dates after 2050, the ranges of sea level rise also are based on low, medium, and high future greenhouse gas emission scenarios. Throughout the first half of the 21st-century, sea-level rise alone is not expected to cause significant flooding, inundation, or erosion, but rather the highest probability and most damaging events likely will take place when increasingly elevated sea-level occurs simultaneously with high tides and large waves (e.g., during El Niños). Between 2050 and 2100, the effects of sea level rise alone (flooding and inundation) and the combined effects of sea-level rise and large waves (e.g., damage to coastal structures, cliff erosion, beach loss) are projected to have much greater impacts.

The proposed new building will be sited above flooding and inundation levels projected for the adjacent tidal sloughs under conditions of 2 meters of sea level rise combined with a 100-year flood event. However, waves, erosion, bluff retreat, landslides, and other coastal hazards as may be exacerbated by sea level rise, may affect the vegetated slope adjacent to the subject site. Section 30253 of the Coastal Act requires new development to be sited such that it does not represent a hazard to its owner or occupants, Section 30253(b) further requires that new development neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

The Commission finds that the proposed new structure will be safe from bluff retreat as may be exacerbated by sea level rise during the life of the project for various reasons. First, the site is outside of any landslide hazard area mapped by the County. Second, the site is not subject to significant wave attack as it is located along a tributary slough rather than along the open bay or open ocean. Third, the new modular office building has a relatively limited life span, as it is a manufactured building that has already been in use for some period of time at another site and will be relocated to the subject property for the church use. Finally, the proposed manufactured structure can be moved relatively easily from the site in the future if needed, just as it is being moved to the site for the proposed project.

While the applicant does not propose the construction of any shoreline protective or cliff retaining walls to protect the proposed development, and, as discussed above, the proposed office building is not likely to be affected by bluff retreat during the life of the development, it is not possible to completely predict what conditions the structure may be subject to in the future. There is inherent uncertainty in the rate and amount of sea level rise for this region, especially with the uncertainty surrounding the amount of subsidence (or uplift) that may occur in the event of a major Cascadia earthquake. Given this uncertainty, it is possible that the proposed structure

[3] Northern Hydrology and Engineering 2015.

may be subject to bluff retreat exacerbated by sea level rise and/or tectonic-related subsidence at some point in the future.

If, in the future, the structure were to become threatened from erosion or geologic instability necessitating the construction of a protective device, the construction of such protection would necessarily be sited within environmentally sensitive riparian habitat, inconsistent with Section 30240(a) of the Coastal Act (i.e., the construction of the shoreline protection would not be for a resource-dependent use). Furthermore, the construction of such shoreline protection along the tidal slough likely would require significant landform alternation and would be visually incompatible with the character of the surrounding natural unarmored areas, inconsistent with Section 30251 of the Coastal Act. Therefore, the Commission finds it necessary to include a condition prohibiting the construction in the future of shoreline protection.

Special Condition 15 prohibits the construction in the future of a shoreline protective device on the parcel to protect the new office building, requires that the landowners remove the authorized structure and its foundation if bluff retreat reaches the point where the structure is threatened, and requires that the landowner accept responsibility for the removal of any structural debris resulting from landslides, slope failures, or erosion of the site.

In light of the aforementioned hazards, the Commission also attaches **Special Condition 14**, which requires the applicant to assume the risks of geologic hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite geologic risks, the applicant must assume the risks. Special Condition 13 notifies the applicant that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards.

As discussed above, the project as conditioned will not eliminate all risk to life and property from geologic and flood hazards. However, all feasible mitigation measures necessary to minimize the flood and geologic risks have been incorporated into the project as conditioned. Therefore, the Commission finds that the proposed project, as conditioned, will (a) minimize risk to life and property from hazards, consistent with Section 30253(a) of the Coastal Act, and (b) in no way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs, consistent with Section 30253(b) of the Coastal Act.

K. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Humboldt County served as the lead agency for the project for CEQA purposes. The County originally adopted a Negative Determination for the development in 1987.

Section 13096 of the Commission's administrative regulations requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirement of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are any feasible

alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on conformity with Coastal Act policies at this point as if set forth in full. As discussed above, the project as proposed to be amended has been conditioned to be consistent with the policies of the Coastal Act. No public comments regarding potential significant adverse environmental effects of the project amendment were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed amended development, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A
Substantive File Documents

File for Coastal Development Permit No. 1-88-123-A3

File for Coastal Development Permit No. 1-88-123-A2

File for Coastal Development Permit No. 1-88-123-A1

File for Coastal Development Permit No. 1-88-123

Northern Hydrology and Engineering. April 2015. Humboldt Bay: Sea Level Rise, Hydrodynamic Modeling, and Inundation Vulnerability Mapping. Prepared for State Coastal Conservancy, and Coastal Ecosystems Institute of Northern California. McKinleyville, CA.

Humboldt County certified Local Coastal Program

APPENDIX B

All standard and special conditions that apply to CDP 1-88-123-A3 (CDP No. 1-88-123 as amended by 1-88-123-A1, 1-88-123-A2, and 1-88-123-A3).

STANDARD CONDITIONS attached to CDP 1-88-123 issued July 14, 1988 to construct a 17,000 square feet, 600 person capacity, two-story church not to exceed 35 feet in height (except for cross structure), a 1,400-square-foot one-story office building, and a paved parking lot sized to accommodate 150 vehicles. **These conditions remain in full force and effect under CDP Amendment No. 1-88-123-A3.**

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

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

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

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

5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting a 11 terms and conditions of the permit.

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

SPECIAL CONDITIONS attached to CDP 1-88-123-A2 approved November 15, 1990 to (a) relocate a utility enclosure, (b) extend a 16-foot-wide paved driveway along the west side of the church, (c) construct a delivery area off of the driveway extension, (d) pave a 5-foot-wide pathway on the north and east side of the sanctuary, and (e) re-landscape portions of the site to provide a riparian buffer between the church and the adjacent wetlands appropriate to the other changes to the development. **These conditions remain in full force and effect under CDP Amendment No. 1-88-123-A3.**

1. **Use of Emergency Pathway**. PRIOR TO ISSUANCE of the amended permit, the permittee shall confirm in writing to the Executive Director that (a) it will use the pathway extending around the north end of the church only for emergency access to and from the church and (b) has posted appropriate "Emergency Exit Only" signs on the inside and outside of the doors of the church that connect to the pathway.

2. **Implementation of Mitigation Plan**. PRIOR TO ISSUANCE of the amended permit, the permittee shall confirm in writing to the Executive Director for his review and approval, its intent to carry out the mitigation plan entitled, "Church of the Highlands Revised Buffer Mitigation Plan," dated September 20, 1990, including the five-year monitoring program managed into perpetuity by qualified technical consultants. If the annual monitoring report or fifth year evaluation report recommend alterations to the mitigation plan, the permittee shall submit to the Commission for their review and approval as an amendment to this permit a revised mitigation plan which has been approved by the California Department of Fish and Game.

NEW SPECIAL CONDITIONS attached to CDP 1-88-123-A3:

3. **Measures to Protect Environmentally Sensitive Habitat Areas (ESHA) for Development Authorized Under CDP Amendment No. 1-88-123-A3.**
   A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit an ESHA protection plan for the review and written approval of the Executive Director that (1) ensures that within riparian areas, protective measures are undertaken during invasive species removal activities and enhancement planting activities to protect sensitive riparian habitat and sensitive nesting bird habitat from disruption of habitat values, and (2) protects areas of sensitive riparian habitat and sensitive nesting bird habitat located adjacent to construction areas and invasive species removal areas:
      i. The plan shall demonstrate that:
         a. The limits of disturbance areas will be delineated with conspicuous flagging or fencing in cooperation with a qualified biologist limiting the potential area affected by construction and other authorized work and ensuring that adjacent environmentally sensitive habitat areas are avoided and protected with temporary flagging/exclusion fencing prior to commencement of construction/development;
         b. Invasive plant removal activities will be undertaken in a manner that minimizes ground disturbance and protects sensitive nesting bird habitat consistent with **Special Condition 4**;
         c. Vegetative and soil spoils will be disposed of consistent with the approved final debris disposal plan required by **Special Condition 5**;
      ii. The plan shall include at a minimum the following components:
         a. Provisions for submittal of the bird nesting habitat survey results required by **Special Condition 4** to the Executive Director for review prior to commencement of development authorized under this permit amendment; and

b. A schedule for survey, construction, vegetation removal, and vegetation planting activities.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

4. Bird Nesting Habitat Protection Plan.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and written approval of the Executive Director, a Sensitive Bird Nesting Habitat Protection Plan, prepared by a qualified biologist, that demonstrates it will conduct seasonally appropriate surveys for sensitive bird nesting habitat prior to commencement of construction and prior to commencement of vegetation removal activities in the project area and protect such identified sensitive habitat from impacts. The plan shall include, at a minimum, the following:

i. Provisions for surveying the riparian habitat to the west and north of the approved modular office building for the presence of active nesting habitat during the bird nesting season (March 15-August 15) by a qualified biologist according to current California Department of Fish and Wildlife protocols no more than one week prior to commencement of construction and vegetation removal activities;

ii. Provisions for avoiding construction activities during the nesting season(s) within 300 feet of an occupied nest of any special-status bird species and within 500 feet of an occupied nest of any raptor species. No-disturbance buffers around active nests shall be maintained until completion of nesting; and

iii. Provisions for submittal of the surveys required above for the review and approval of the Executive Director prior to the commencement of authorized work during the bird nesting season that includes a map that locates any sensitive nesting habitat identified by the surveys and a narrative that describes proposed sensitive habitat avoidance measures.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

5. Final Debris Disposal Plan for Development Authorized Under CDP Amendment No. 1-88-123-A3.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and approval of the Executive Director, final plans for the disposal of all construction debris, including, but not limited to, soil and vegetative spoils that is expected to be generated by the authorized work.

i. The plans shall demonstrate that:

a. All temporary stockpiles of construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material associated with the authorized work will be restricted to areas outside of riparian habitat and where they can feasibly be contained with appropriate BMPs to prevent any discharge of pollutants to coastal waters and wetlands;

b. Upon completion of construction, all construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material generated by the authorized work will be lawfully disposed of outside of the coastal zone at an authorized disposal site(s) capable of receiving such materials; and

c. Side casting or placing any construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material generated by the authorized work within any wetland or environmentally sensitive habitat area is prohibited.

ii. The plans shall include, at a minimum, the following:

a. A site plan showing all proposed locations for the temporary stockpiling of construction materials, excess soils, excess vegetative spoils, and any other debris, waste, and other excess material associated with the authorized work during construction operations;

b. A description of the manner by which the stockpiled and excess materials will be removed from the construction site and identification of all disposal sites that will be used;

c. A schedule for the removal of all construction materials, excess sediments, vegetative spoils, and any other debris and waste associated with the authorized work; and

d. Identification of the authorized disposal sites and evidence that each disposal location is authorized and capable of accepting the material.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

6. Construction Responsibilities & BMPs for Development Authorized Under CDP Amendment No. 1-88-123-A3. The permittee shall adhere to various construction-related responsibilities and best management practices (BMPs) during construction and restoration activities:

A. PRIOR TO COMMENCEMENT OF DEVELOPMENT AUTHORIZED BY COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the permittee shall provide evidence to the Executive Director demonstrating that the applicant has retained a biological monitor to (i) be present on the project site during construction of the bioswale adjacent to environmentally sensitive riparian habitat areas; (ii) delineate, using conspicuous flagging or fencing, the limits of disturbance areas affected by construction to ensure that all existing riparian habitat shall be avoided and protected from impacts associated with construction of the new building and associated bioswale; and (iii) educate all on-site workers and contractors on the standards for work outlined in this permit and in the detailed project description included as part of the application submittal and as revised by these conditions.

B. Woody vegetation removal activities shall avoid the bird nesting season (March 15 through August 15) unless (i) a qualified biologist has surveyed the area according to the approved Sensitive Bird Nesting Habitat Protection Plan required by **Special Condition 4**, and (ii) the survey results indicate that no sensitive bird nests are present in the area. Authorized vegetation removal may occur without these restrictions between August 15 and March 15.

C. Construction of the authorized development shall be undertaken in a manner that protects archaeological resources consistent with **Special Condition 12**.

D. All construction debris, vegetative spoils, soil spoils, waste, and other excess material generated by the project shall be removed from project sites and disposed of in an upland location outside of the coastal zone or at an approved disposal facility pursuant to the final debris disposal plans approved pursuant to **Special Condition 5**.

E. During construction, erosion and the discharge of sediment off-site or to coastal waters and other sensitive habitat areas shall be minimized through the use of appropriate Best Management Practices (BMPs), including, but not limited to, the following:

i. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized;

ii. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters;

iii. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand bag barriers, or straw bale barriers) shall be installed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters;

iv. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area;

v. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) shall be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff;

vi. Only certified weed-free straw mulch shall be used for erosion, sediment, and runoff control purposes to avoid the inadvertent introduction of nonnative plant species to surrounding environmentally sensitive areas; and

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

7. Revegetation Requirements for Development Authorized Under CDP Amendment No. 1-88-123-A3.

A. Revegetation of restoration sites shall be implemented according to the approved final revegetation plans required by **Special Condition 11**. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a further Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

B. Only native plant species shall be planted in the proposed restoration areas. All proposed plantings shall be obtained from local genetic stocks within the North Coast region

(Mendocino to southern Oregon coast, within approximately 30 miles of the coastline). If documentation is provided to the Executive Director that demonstrates that native vegetation from local genetic stock is not available, native vegetation obtained from genetic stock outside of the local area may be used. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the governments of the State of California or the United States shall be utilized within the project area.

C. All proposed planting shall be completed as soon as possible and by no later than the end of the first full optimal planting season that occurs after completion of construction.

D. The use of rodenticides containing any anticoagulant compounds including, but not limited to, Bromadiolone, Brodifacoum or Diphacinone is prohibited.

8. Deed Restriction. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit to the Executive Director, for review and approval, documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (i) indicating that, pursuant to this permit amendment, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (ii) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit amendment. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit amendment shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

9. Future Permit Requirement.

A. Amendment No. 1-88-123-A3 only authorizes the additional development described in the application for Coastal Development Permit (CDP) Amendment No. 1-88-123-A3. Pursuant to Title 14 California Code of Regulations (CCR) Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code (PRC) Section 30610(b) shall not apply to the development governed by the CDP Amendment No. 1-88-123-A3. Accordingly, any future improvements to the modular office structure or fencing authorized by this permit amendment shall require a further amendment to CDP Amendment No. 1-88-123-A3 from the Commission.

B. An amendment to CDP Amendment No. 1-88-123-A3 from the Commission or an additional CDP from the Commission or from the applicable certified local government shall be required for any repair or maintenance identified as requiring a permit in PRC Section 30610(d) and Title 14 CCR Sections 13252(a)-(b).

10. Exterior Lighting Restrictions for Development Authorized Under CDP Amendment No. 1-88-123-A3. The structure authorized under CDP Amendment No. 1-88-123-A3 shall be

designed to minimize light spillage and maximize light shielding to the maximum feasible extent per the following standards:

A. Nighttime lighting shall be minimized to levels necessary to provide pedestrian security.
B. Building lighting shall be shielded and directed downward.
C. Up-lighting and use of event "searchlights" or spotlights is prohibited.
D. Landscape lighting shall be limited to low-intensity and low-wattage lights.
E. Red lights shall be limited to only that necessary for security and safety warning purposes
F. Artificial night light from interior lighting shall be minimized through the utilization of screening of the windows on the western side of the building to minimize transmission of indoor lighting to adjacent riparian ESHA, automated on/off systems, and motion detectors.
G. No lighting around the perimeter of the building site and no lighting for aesthetic purposes is allowed.

11. Submittal of Revised Final Stormwater Management and Revegetation Plan for Development Authorized Under CDP Amendment No. 1-88-123-A3.

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and written approval of the Executive Director, a revised stormwater management and revegetation plan prepared by a qualified biologist or restoration ecologist based on current information and professional standards that conforms with the plan submitted to the Commission titled "Stormwater Management and Revegetation Plan" dated October 1, 2015, except that the plan shall be modified as follows:
   i. The plan shall add interim performance standards and final success criteria for minimum survival rate of restoration and enhancement plantings with the goal of achieving the target native plant coverage in restoration and enhancement areas specified in the plan;
   ii. The plan shall include provisions for monitoring restoration and enhancement areas for a minimum of five years rather than four years to allow sufficient monitoring duration to ensure restoration and enhancement success;
   iii. The plan shall include a reporting schedule and provisions for submittal of the following reports to the Executive Director:
      a. A final planting plan report listing the type, numbers, and locations of plantings installed in the restoration and enhancement areas, the date(s) of planting, and the source for the plant material;
      b. An "as-built" report within 30-days of completion of construction demonstrating no encroachment of the construction activities into the adjacent riparian habitat and documentation that all areas of temporary impact have been stabilized with appropriate erosion, sediment, and runoff control measures;
      c. Annual monitoring reports submitted by December 31st each calendar year for the duration of the required monitoring period, beginning the first year after submittal of the "as-built" report. Monitoring reports shall include a description of maintenance activities (e.g., weeding, irrigation) performed in the area during the previous year, dates of monitoring and names of monitors, and an evaluation of the

status of the restoration and enhancement project in relation to the interim performance standards and final success criteria; and

d. A final monitoring report at the end of the five-year reporting period prepared in conjunction with a qualified biologist that evaluates whether the restoration and enhancement site(s) conform to the goals, objectives, and performance standards set forth in the approved final plan.

iv. The plan shall include a remediation component specifying that if the 5th-year monitoring report indicates that the project has been unsuccessful, in part, or in whole, based on the approved final success standards, the permittee shall submit an application for an amendment to CDP 1-88-123-A3 proposing a revised or supplemental restoration and monitoring program to compensate for those portions of the original program which did not meet the approved goals and objectives within six months of submittal of the 5th-year biological monitoring report.

v. The plan shall comply with the requirements of Special Conditions 3 through 7 and all other terms and conditions of the amended permit.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

12. Area of Archaeological Significance

A. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall provide to the Executive Director evidence that the applicant has coordinated with the Tribal Historic Preservation Officers (THPOs) from the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria to arrange for a tribal monitor to be present on the site during ground-disturbing activities.

B. A tribal monitor approved by the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria shall be present to oversee all ground disturbing activities authorized by this permit amendment, unless evidence has been submitted for the review and approval of the Executive Director that the THPOs of these three entities have agreed that a tribal monitor need not be present.

C. If an area of cultural deposits or human remains is discovered during the course of the project, all demolition shall cease and shall not re-commence until a qualified cultural resources specialist, in consultation with the THPOs of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria, analyzes the significance of the find and prepares a supplementary archaeological plan for the review and approval of the Executive Director, and either: (i) the Executive Director approves the Supplementary Archaeological Plan and determines that the Supplementary Archaeological Plan's recommended changes to the proposed development or mitigation measures are de minimis in nature and scope, or (ii) the Executive Director reviews the Supplementary Archaeological Plan, determines that the changes proposed therein are not de minimis, and the permittee has thereafter obtained an amendment to coastal development permit 1-88-123.

13. Minimization of Geologic Hazards

A. All recommendations of the soils report titled "Soils Study for a Modular Office Building Near the Pentecostal Church in Myrtletowne" [sic], prepared by S.E.E. Engineering and dated February 4, 2017 shall be adhered to including recommendations for compaction standards, seismic design parameters, foundation design, subgrade preparation, and other recommendations. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-88-123-A3, the applicant shall submit, for the review and written approval of the Executive Director, evidence that an appropriate licensed professional (e.g., engineering geologist or geotechnical engineer) has reviewed and approved all final foundation design, grading, and drainage plans.

B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

14. Assumption of Risk, Waiver of Liability and Indemnity. By acceptance of CDP Amendment No. 1-88-123-A3, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to erosion, earth movement, liquefaction, and other seismic hazards; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

15. No Future Bluff or Shoreline Protection.

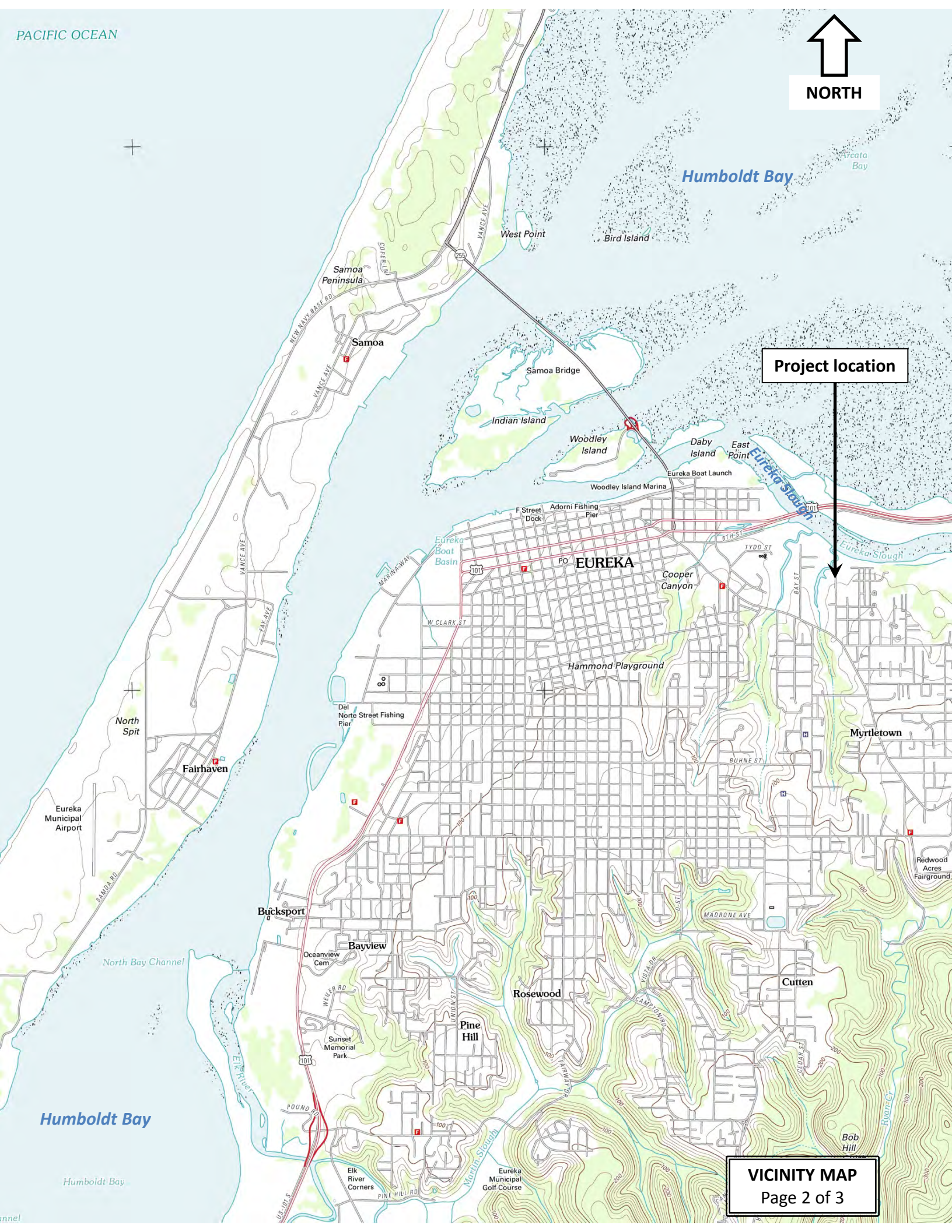
A. By acceptance of this Permit, the applicant agrees, on behalf of itself and all successors and assigns, that no bluff or shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 1-88-123-A3, including, but not limited to, the pre-manufactured modular office building or its associated stairs, sidewalk, and landscaping, including in the event that the development is threatened with damage or destruction from waves, erosion, storm conditions, liquefaction, bluff retreat, landslides, or other coastal hazards in the future, and as may be exacerbated by sea level rise. By acceptance of this Permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law.

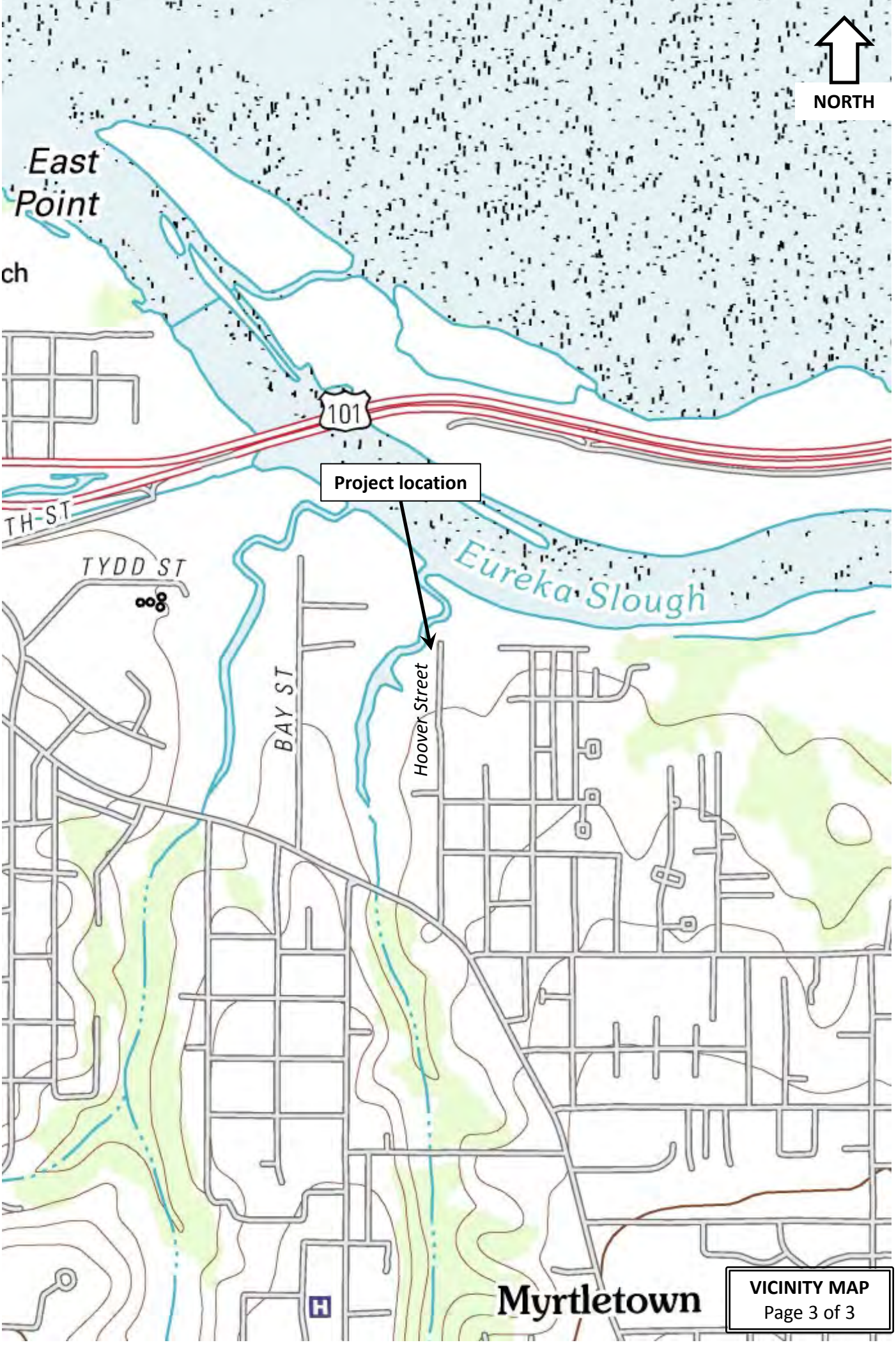
B. By acceptance of this Permit, the applicant further agrees, on behalf of itself and all successors and assigns, that the landowner shall remove the development authorized by this Permit, including the pre-manufactured modular office building and its associated stairs, sidewalk, and landscaping, if any government agency has ordered that the structure is not to be occupied due to any of the hazards identified above, or if any public agency requires the structure to be removed. The approved project may be constructed and used consistent with the terms and conditions of this permit for only as long as it remains safe for occupancy and on private property. If any portion of the development at any time encroaches onto public property, the permittee shall remove the encroaching portion of the development. The permittee shall obtain a coastal development permit for removal of

approved development unless the Executive Director provides a written determination that no coastal development permit is legally required.

C. Prior to removal/relocation, the permittee shall submit two copies of a Removal/ Relocation Plan to the Executive Director for the review and written approval. The Removal/ Relocation Plan shall clearly describe the manner in which such development is to be removed/relocated and the affected area restored so as to best protect coastal resources, including Humboldt Bay and its associated tidal sloughs. In the event that portions of the development fall to estuarine waters before they are removed/relocated, the landowner shall remove all recoverable debris associated with the development from the coastal waters and lawfully dispose of the material in an approved disposal site. Such removal shall require a coastal development permit.

EXHIBIT N0. 1
CDP Amendment Application No. 1-88-123-A3 (Eureka Pentecostal Church)
VICINITY MAPS (Page 1 of 3)


PACIFIC OCEAN
NORTH
Humboldt Bay
Arcata Bay
West Point
Bird Island
Samoa Peninsula
NEW NAVY BASE RD
VANCE AVE
Samoa
Samoa Bridge
Project location
Indian Island
Woodley Island
Daby Island
East Point
Eureka Slough
Eureka Boat Launch
Woodley Island Marina
F Street Dock
Adorni Fishing Pier
Eureka Boat Basin
MARINA WAY
PO
EUREKA
Cooper Canyon
6TH ST
TYDD ST
BAY ST
W CLARK ST
Hammond Playground
Del Norte Street Fishing Pier
North Spit
Fairhaven
Eureka Municipal Airport
SAMOA RD
Myrtletown
BUHNE ST
Redwood Acres Fairground
Bucksport
Bayview
Oceanview Cem
North Bay Channel
WEILER RD
UNION ST
Pine Hill
Rosewood
MADRONE AVE
VISTA DR
CAMPTON RD
Cutten
Sunset Memorial Park
ELK River
POUND RD
FAIRWAY DR
CEDAR ST
Ryan Cr
Bob Hill
Humboldt Bay
Elk River Corners
PINE HILL RD
US-101 S
Martin Slough
Eureka Municipal Golf Course
VICINITY MAP
Page 2 of 3



VICINITY MAP
Page 3 of 3

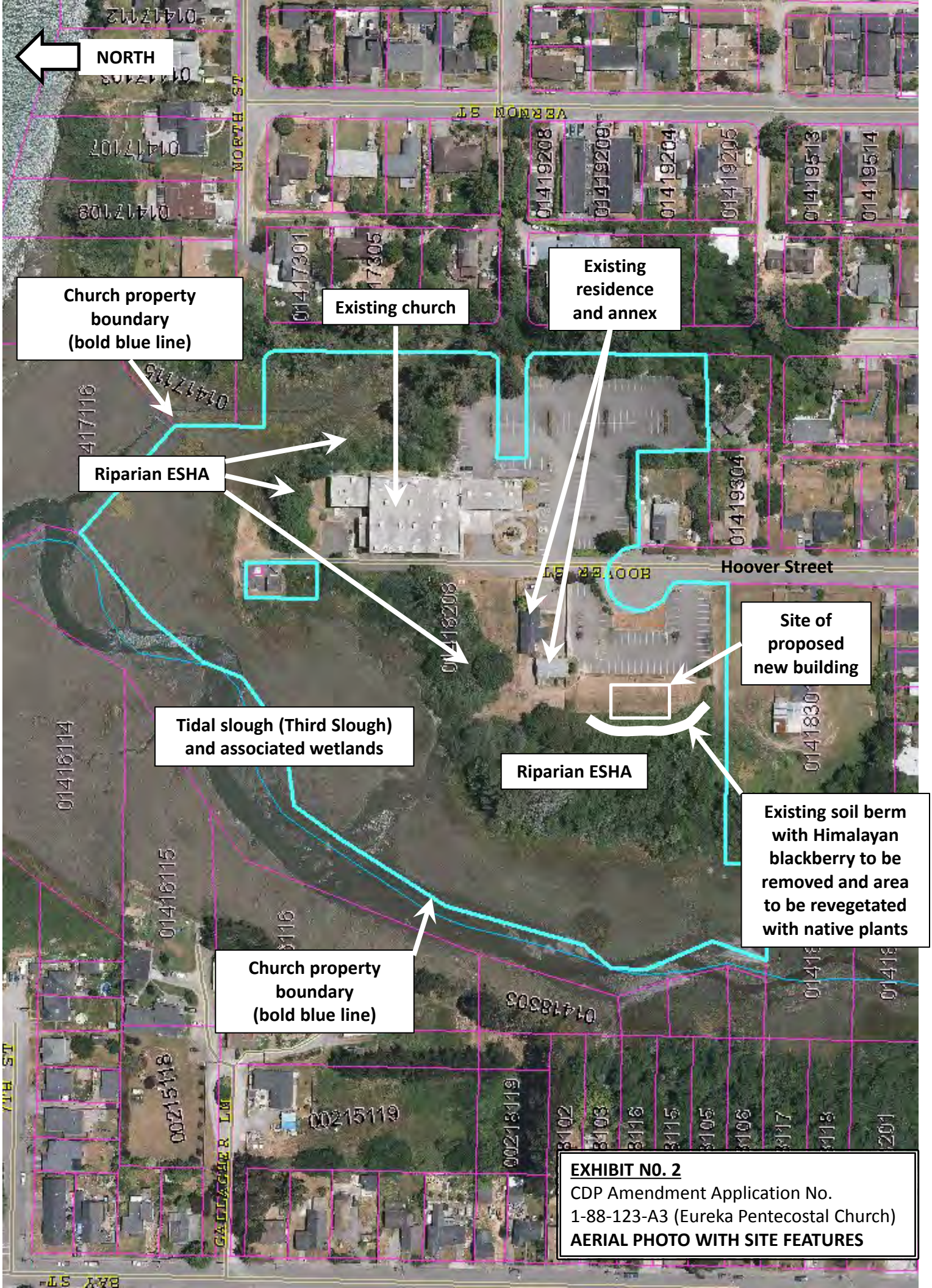


EXHIBIT N0. 2
CDP Amendment Application No. 1-88-123-A3 (Eureka Pentecostal Church)
AERIAL PHOTO WITH SITE FEATURES

EXHIBIT N0. 3
CDP Amendment Application No. 1-88-123-A3 (Eureka Pentecostal Church)
PHOTO OF SITE

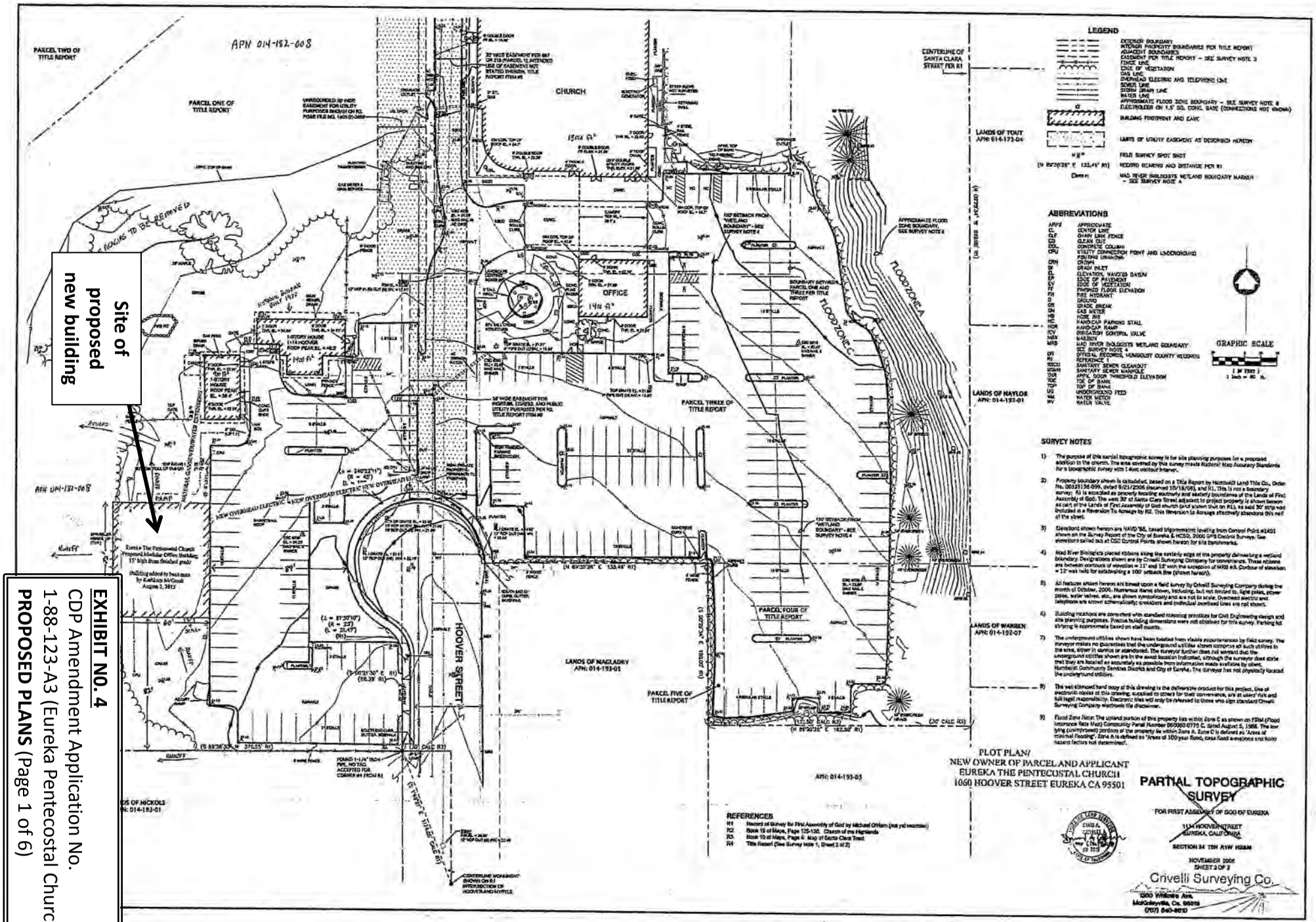
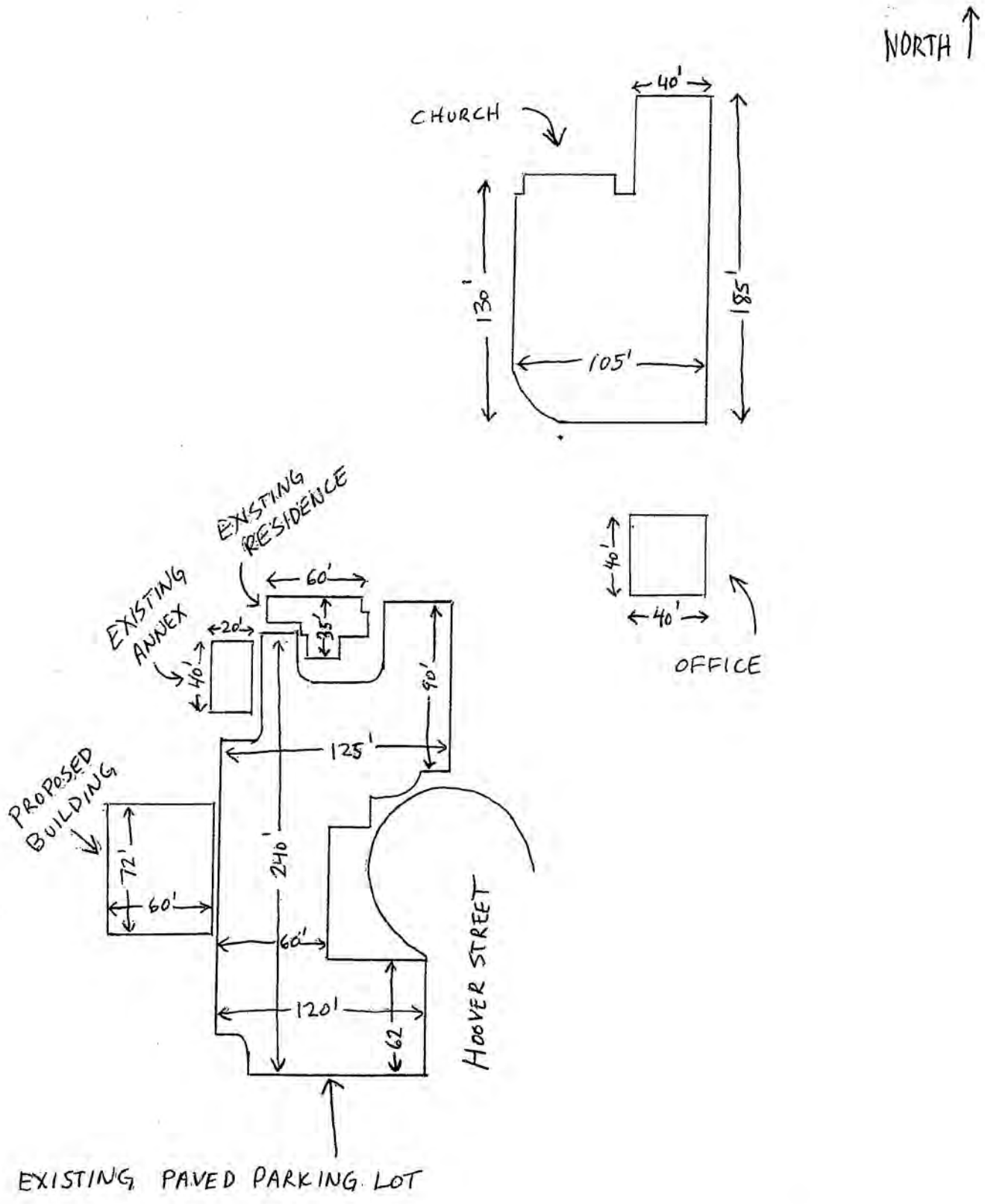


EXHIBIT NO. 4

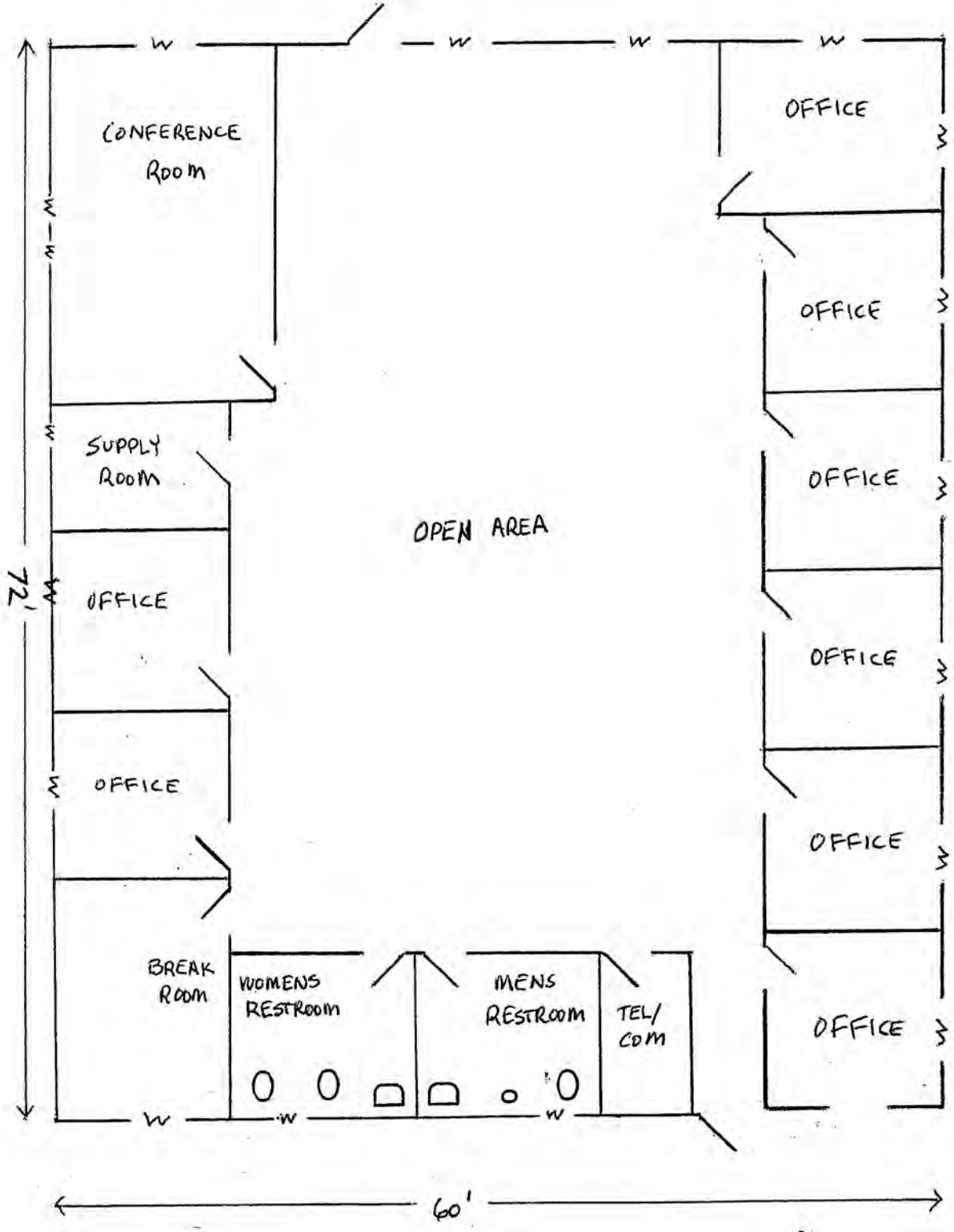
CDP Amendment Application No. 1-88-123-A3 (Eureka Pentecostal Church)

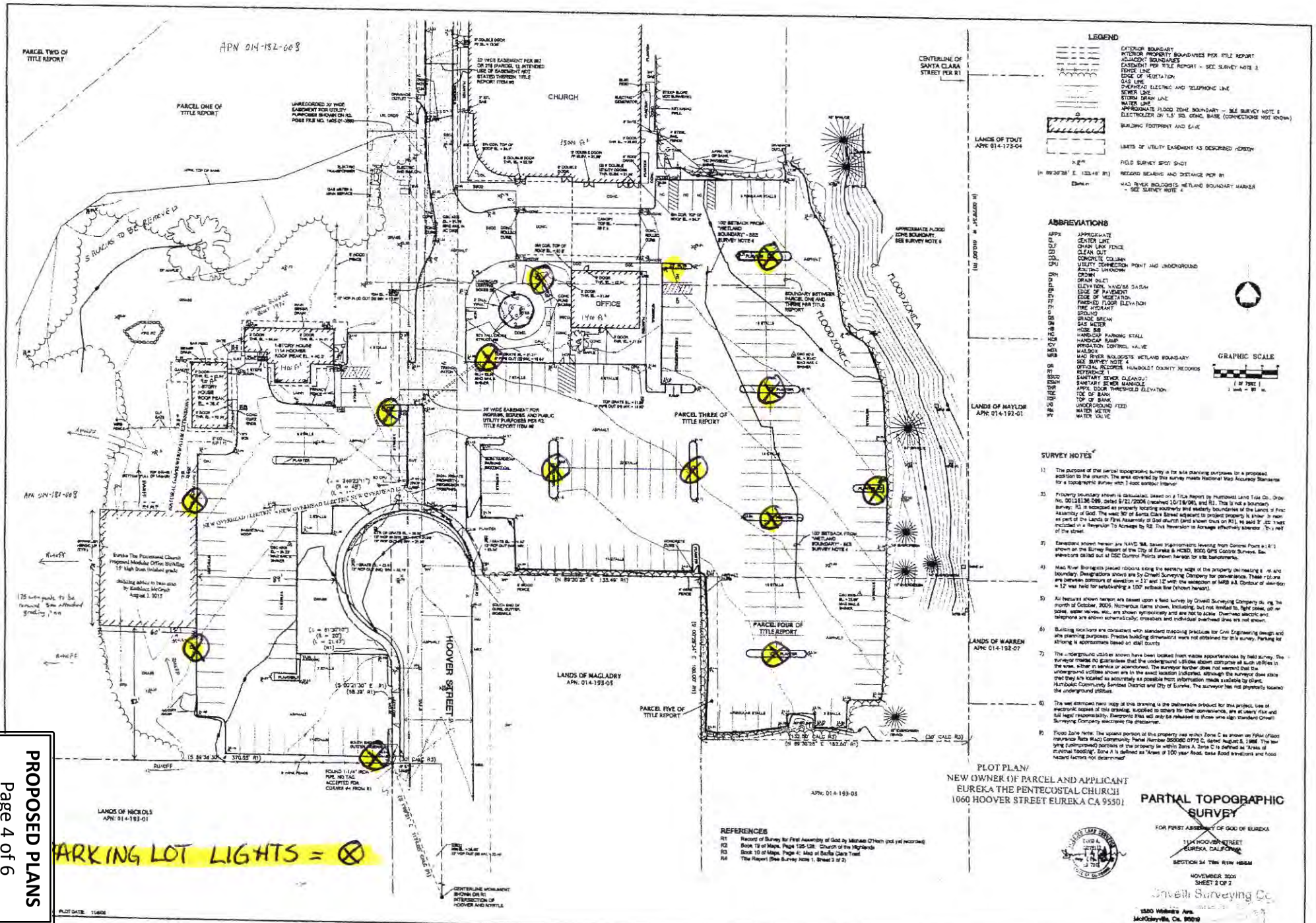
PROPOSED PLANS (Page 1 of 6)


NORTH
CHURCH
40'
130'
185'
105'
EXISTING RESIDENCE
60'
EXISTING ANNEX
20'
35'
40'
90'
125'
PROPOSED BUILDING
72'
60'
240'
60'
120'
62
HOOVER STREET
EXISTING PAVED PARKING LOT
40'
40'
OFFICE
1" ≈ 80'

FLOOR PLAN

N ↑


CONFERENCE ROOM
OFFICE
OFFICE
SUPPLY ROOM
OPEN AREA
OFFICE
OFFICE
OFFICE
OFFICE
OFFICE
OFFICE
OFFICE
BREAK ROOM
WOMENS RESTROOM
MENS RESTROOM
TEL/ COM
72'
60'

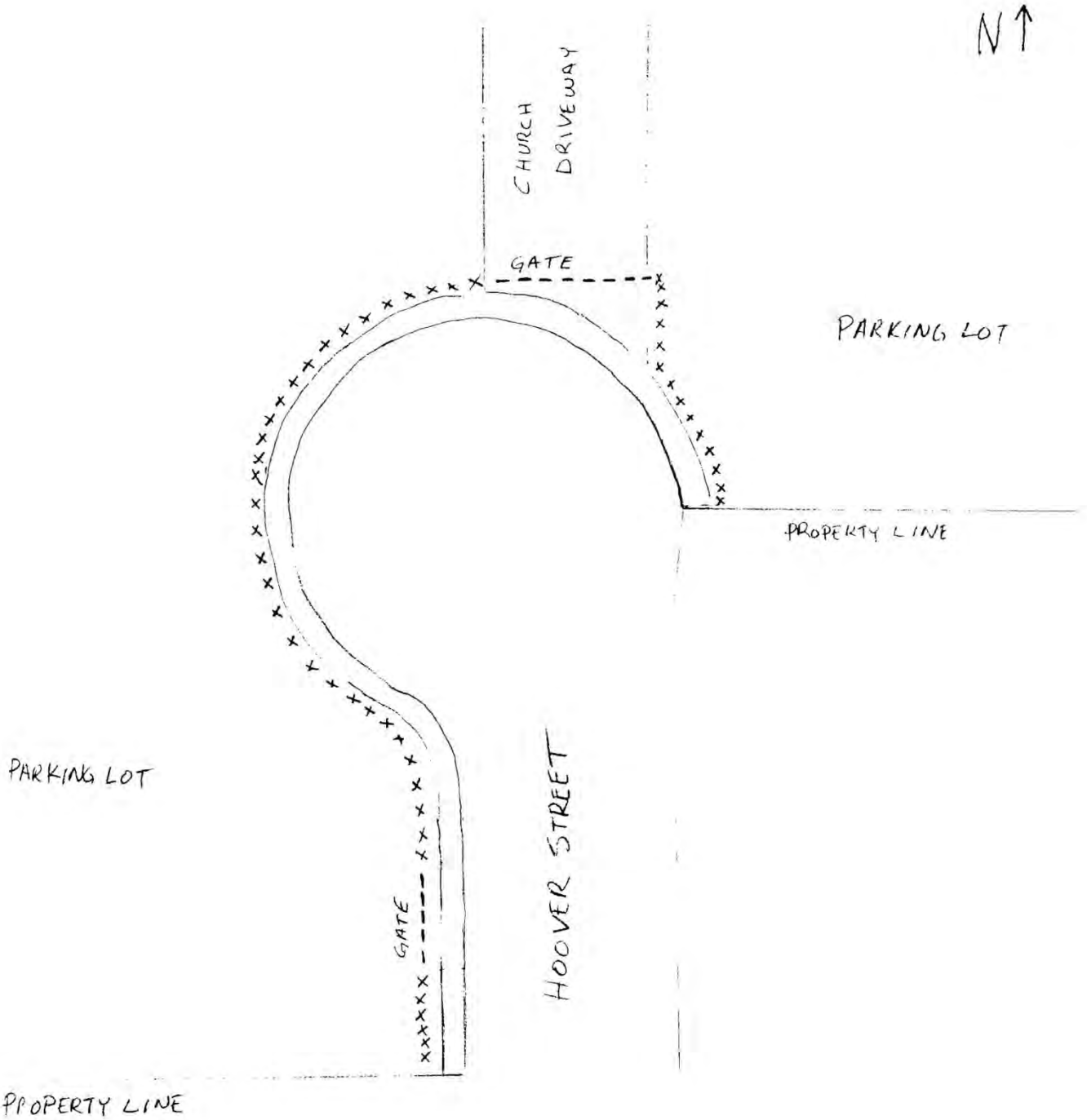


PROPOSED PLANS
Page 4 of 6


There are 14 existing 20-25-foot-tall light poles in the existing parking lot that will be shortened (cut) to a height not to exceed 15 feet.

EUREKA THE PENTECOSTAL CHURCH

PROPOSED 6' tall METAL FENCE



PROPOSED FENCE = xxxx

GATE = ----

1. INTRODUCTION

The property found at 1060 Hoover Street west of the City of Eureka in Humboldt County, CA proposes to erect a 4,320 ft^2 modular building for office and meeting space east of the wetland and adjacent riparian habitat on the west side of the parcel owned by Eureka the Pentecostal Church (Attachment 1). This site lies within County of Humboldt jurisdiction, within the Coastal Zone. The site-specific assessment for this document was performed by Streamline Planning Consultants on September 29, 2015, as a follow up to the assessment done during the Spring of 2015. This Fall assessment consisted of a brief appraisal of the vegetation and soils, broken into four zones as described in the field sheets of the Fall Assessment (Attachment 2 of Riparian Habitat Assessment dated April 21, 2015). This recent assessment was performed to determine if any conditions had changed due to seasonal fluctuations or anthropogenic impacts. An additional Vegetation Determination Form was filled out for the proposed building site, consisting of lawn, deemed Zone 5, to demonstrate the positive change this project will bring about in both soils and native plant community (Attachment 2).

This document includes a combined Stormwater Management Plan and Revegetation plan, which were combined since they are intricately related. The Plan was created per the California Coastal Commission's request numbers 2 and 3 on their letter dated September 4, 2015.

2. RESULTS AND DISCUSSION

Plant Community

Little change aside from blooming and dormancy were noted since the previous site visit. While the lawn area proposed to be built upon is dominated by non-native grasses and forbs characteristic of similar lawn or pasture areas in the county, the surrounding riparian and marsh habitat areas contain outstanding native plant communities. However, the riparian habitat shows a significant infestation of non-native, invasive plants such as English ivy, Himalayan blackberry, cotoneaster, acacia and holly. Furthermore, the area just west of the existing lawn is covered with a large patch of Himalayan blackberries. Deer and numerous bird species were observed within the riparian vegetation during site visits, showing the potential wildlife habitat of the site.

Soils

While the soils within the blackberry patch and adjacent riparian vegetation corridor are healthy, the lawn consists of compacted loam. The light soil color indicates the topsoil was scraped away long ago. The stunted nature of the plants indicates the soil is nutrient, gas and moisture poor, which retards the development of topsoil and organic matter accumulation, further decreasing the plant production and stormwater infiltration and treatment potential of the site.

Mitigation

This project provides an excellent opportunity to increase the habitat value of the riparian corridor and to provide additional protection for both this corridor and the marsh habitat to the west by:

1) Increasing the percentage of native plant cover on the site
2) Decreasing the invasive/non-native plant seed bank and

3) Increasing soil health and productivity
4) Increasing stormwater retention, treatment and infiltration
5) Preservation of existing native plant species
6) Screening the existing riparian habitat with additional native vegetation by converting the open lawn and Himalayan blackberry patch to taller, denser native vegetation:
   a. North and south of the building: an approximate 85-foot-wide native tree/shrub buffer between existing parking lot and existing native vegetation (growing west of Himalaya patch)
   b. West of the building: a 25-foot-wide native planting including a 15-foot-wide bioswale/riparian planting, and 10-foot wide low growing native planting

These measures will be described in the Stormwater Management and Revegetation Plan sections below. The management of invasive species, along with the replacement of the Himalayan blackberry patch, as part of this project will be a significant improvement to the native character of the ESHA. Low Impact Development techniques will be used to ensure stormwater resulting from the increased impermeable surface (rooftop) is retained and treated onsite. Since the lawn soil currently provides little infiltration, the soil amending and planting as outlined in this document will provide a great improvement over current conditions.

3. STORMWATER MANAGEMENT

Several measures will be employed to retain and treat stormwater onsite, including:

1) Bioswale Infiltration
2) Downspout Disconnection
3) Soil Amending
4) Tree Planting

The first measure, a bioswale (in conjunction with downspout disconnection as the second measure) will extend around the building and catch all the stormwater generated from the rooftop (Attachments 3 & 4). This swale will be used to route water from the rooftop around the building to the north, rather than to the parking lot where it could pick up pollutants or add to the volume and velocity of stormwater leaving the parking lot. The swale will greatly lengthen the flow path of roof runoff compared to simply allowing downspouts to run to the parking lot on the east or straight into the riparian vegetation to the west, which is relatively close to the marsh area. This winding path will increase the time for water to filter, infiltrate and evaporate, as well as prevent the potential to pick up pollutants in the parking lot (see Attachment 3 for bioswale layout).

The third and fourth measures, outlined in the Revegetation Plan below, include soil amending to increase stormwater infiltration and treatment, along with tree planting. Soil amending will transform the compacted, subsoil lawn area into a viable growing medium for the native planting. The installation of trees will not only increase the surface area for precipitation to contact and evaporate from, but will also draw soil moisture from the ground through evapotranspiration. This moisture draw is an effective way to decrease the soil moisture load from infiltrated stormwater. The volume of soil amended,

combined with the size of the bioswale and planting areas, will allow this site to easily retain the 85th percentile design storm volume.

The only temporary erosion control measures required for this project will be two straw wattles installed per specifications at the outflow of the bioswale to catch potential sediment before it drains off the site. The shape of the site is concave and flows to one point, so sediment is not expected to leave the site. As outlined in the revegetation plan, the planting/revegetation area is to remain bare for one month to induce weed germination, after which the soil will be tilled to reduce the seed bank and eliminate the first flush of weeds. After this period, the site will be planted and then mulched to attain 100% cover for site stabilization.

Stormwater Calculations

The additional impermeable surface from this project will be roof top. The total rooftop area is 2,370 ft^2. With Eureka's 24-hour, 85th percentile design storm of 0.65 inches (0.054 ft), the total runoff from this building will be 0.054 ft x 4,320 ft^2 = 234 ft^3. The bioswale has been designed at 237 feet long by 10 feet wide. A 1:4 safety slope results in a 15-inch-deep swale. With this design, the total capture volume with 33% (5-inch) freeboard is 1,007 ft^3 or 4.3 times the required volume for the additional runoff (see Attachment 4a for design cross-section). This swale creates an effective treatment barrier between the riparian habitat and both existing and proposed development. If an alternative design is used with a six-inch-deep swale, using the same 33% freeboard, a 573 volume is achieved, which is still 2.4 times that which is required (see Attachment 4b for design cross-section).

4. REVEGETATION PLAN

A. *Invasive Species Management*

The first mitigation measure to improve the plant community for this project is the removal of key invasive species surrounding the building site. This measure includes the following:

1) Cutting down all Acacias and treating the stumps
2) Cutting down all Holly trees and treating the stumps
3) Cutting the ivy off of the large trees in the riparian corridor
4) Digging up/pulling out the cotoneaster plants in the riparian corridor
5) Mowing the Himalayan blackberry patch west of the lawn and removing the root clumps

B. *Revegetation*

The second mitigation measure will be revegetation. The lawn and Himalayan blackberry patch areas around the proposed building will be re-landscaped to not only eliminate the existing non-native species, but also to increase the percentage of native plants onsite and create additional screening for the existing habitat (Attachment 1). The following revegetation components will be employed:

Both bare-root and containerized plants will be used. A nursery collection has already been established and will continue to grow as economical native plants are procured. The revegetation goal of this project is to establish plants native to the county, particularly the coastal environment. The planting table in Attachment 5 will be used as the primary goal of species to be procured. However, when a good

source of other species native to the area is found, these plants will be used in addition to those already collected and those on the list. Examples would include *Juncus lescurii*, which is not usually available in nurseries, or *Artemisia pycnocephala*, which was not seen on this site but grows in similar habitats around the area. If native plants like these are unexpectedly found for a reasonable price, they will be procured. Native plant availability at planting time has been a great challenge on many similar projects throughout the North Coast, so the primary goal is to procure native plants, using the target species if available. Attachment 5 provides the target list of the native species currently observed onsite or in similar habitats around the county, which are most likely to be available from native plant nurseries.

Mulch will be used extensively to help reduce weeds and maintain soil moisture. The preferred mulch for upland areas is wood chips, but other similar somewhat weed-free mulches may be used if available. Native planting experience throughout the region has shown that weeds quickly overtake slower-growing natives. This makes the use of mulch between plants extremely important. As such, the mulch cover goal for this site will be 34%, with no bare soil. Over time, leaf drop from the installed trees and shrubs will accumulate and replace the decomposing mulch. This leaf drop will help build topsoil and decompose to help infiltrate and hold soil moisture, which in turn will help sustain the native ecosystem.

The following seven components of the Revegetation Plan correspond with the seven questions posed in the Coastal Commission Letter dated September 4, 2015:

1&2) Quantity and Spacing of Each Species to be Planted

This question must be answered in general terms, corresponding with component #7, below and Attachments 5 & 6. Streamline staff has found that by the time plans are drawn, permits are procured and contractors hired, the plants specified are never available in the sizes and quantities originally planned for, even when inventory lists are checked during planning. Some species will be completely out of stock at all the well-known native plant nurseries. Therefore, the spacing and plant numbers will be outlined below by Zone, but the species will be taken from the lists included below and in Attachment 5 to allow for flexibility at the time of installation. As outlined in Component 7, below, there will be four planting zones on this project.

Tree Zone

For the tree planting zone, rather than specifying 60 red alder, 10 big-leafed maple, 29 wax myrtle and 5 cascara, this plan calls for 104 native trees spaced at eight-foot intervals. The tree species will be taken from the Tree Column in Attachment 5, with emphasis placed on plants in bold. This will allow flexibility for plant availability at the time of installation. The same procedure will be followed for the plants from the shrub and grass zones. Tree priority will fall in the following order: *Alnus rubra, Morella californica, Frangula purshiana, Sambucus racemosa, Acer macrophyllum, Salix lasiandra*. These trees grow from ten to 130-feet tall.

Shrub Zone

The shrub zone will have 241 shrubs, tall forbs and tall grasses spaced at three-foot intervals. These plants, growing from three to 12-feet in height, will be taken from the Shrub Column in Attachment 5. Priority will be placed in the following order: *Lonicera involuctra, Ribes sanguineum, Rubus spectabilis, Rubus parviflorus and Vaccinium ovatum.*

Grass & Forb Zone

This zone will be covered with lower-growing plants under three feet tall. Spacing will be at two-foot intervals for a total of 658 plants. Priority will be placed in the following order: *Festuca rubra, Distichlis spicata, Deschampsia caespitosa, Grindelia stricta, Symphotrichum chilense, Solidago ssp., Juncus effuses, Potentilla anserine, Gaultheria shallon*, after which will follow the other native plants listed in Attachement 5.

Spruce Zone

The area north of the proposed building, where the riparian vegetation meets the marsh, has five large Acacia trees growing in a row from east to west. These trees will be removed and replaced with 15 spruce trees. Spruce is the premier large conifer that grows in the coastal zone, and will provide a windbreak for the newly-planted riparian habitat.

Wildcard Plants

These plants include those native to this habitat and, if available, will be good fill-in plants throughout the planting zones: *Baccharis pilularis, Calamagrostis nutkaensis, Carex obnupta, Festuca californica, Juncus patens, and Spirea douglasii*. Other unforeseen native plant availabilities will be acceptable, as well.

3) Size of Plants to be Installed

When one gallons are specified, often only small AB35 tree pots are available. Therefore, the general goal will be for a rough equivalent of 1-gallon sized plants for trees, and plug to four-inch size for grasses and forbs and one-gallon size for shrubs, depending on availability. When available, bare root plants will be procured because they are often less expensive and less root-bound. Experience on the North Coast has shown that AB35 to four-inch pots provide the best success for grasses and forbs. These plants typically catch up with the one-gallon-sized plants within the first season and produce healthier plants.

4) Irrigation Plan

It is the opinion of Streamline Planning Consultants that landscapes should not require water. Water should be used only for annual food crops and human needs such as drinking or wash water. Streamline has developed a track record of projects where a variety of sustainable planting practices have been used to create a vibrant native or perennial edible landscape that requires no irrigation. Several of the key components include installation timing (winter), heavy mulching, native plants and mycorrhizal fungi application during planting. This system not only saves the landowner money initially, but helps the environment by requiring that much less metal and plastic materials to be manufactured or introduced into the environment. Additionally, drought-tolerant landscaping reduces the amount of water wasted by society, which is particularly important during these times of drought. With the past two seasons of hot dry spells during winter, the plants and weather will be monitored to ensure appropriate moisture during the first month. If a dry spell occurs during and immediately after planting, temporary, mobile irrigation will be employed to ensure plant survival.

5) Proposed Success Criteria

The goal of this revegetation plan is to establish an ecosystem dominated by plants native to the coastal environment of Humboldt County. As such, the revegetation goal for this site will be a 66% plant cover combined with a 34% mulch cover for a total ground covering of 100% (no bare soil) within four years.

As the trees and shrubs grow, they will soon provide 100% cover over the tree and shrub zones. Only the grass and forb zone around the building will remain at an approximate 66% plant cover to provide clearance, light and accessibility around the building. Of the 66% plant cover, the composition goal will be 70% native plants, since even the best maintenance is a continual struggle with invasive weeds. Even with persistent management, the local seed bank of plants such as Himalayan blackberry, English ivy, field bindweed and curly dock is continually popping up where exclusively native plants were installed.

6) Proposed Monitoring Plan

Monitoring will be performed by the project manager or her agent twice per year for a period of four years or until the above Success Criteria is met. Staff from Streamline Planning Consultants will oversee monitoring to ensure the proper methodology and technical expertise is employed. Accumulated trash and debris will be removed during visits. Native plant cover should continue to increase over the four years and should remain as healthy as the surrounding vegetation according to climatic and seasonal conditions. If the project does not advance toward the goals set forth in this Restoration Plan, Streamline Staff will advise on how to achieve successful restoration of reasonable native plant cover for this site. Examples of action triggers would be greater than 30% mortality or off season chlorosis or plant decline. Such conditions will be assessed and remedied. It is foreseen that vegetation management will need to occur as trees and shrubs mature. If spacing becomes too dense over time, plants may be removed to allow healthy spacing, particularly with larger trees such as spruce, alder and maple. If some trees or shrubs die off, this may be acceptable as adjacent plants fill in.

7) Exact Location and Size of Area to be Replanted

Attachment 6 shows the planting areas where the soil will be amended and plants will be installed. Attachment 5 contains the recommended plant list, with columns corresponding to these zones, from which plants will be chosen according to availability during installation. The Green Zone is the broad-leaved tree zone, followed by the Pink shrub zone and the Blue grass/forb zone. Additionally, an area at the riparian vegetation interface with the marsh, north of the proposed building, has been designated the Spruce Zone, where the existing non-native acacias will be replaced. The following table lists the zones and corresponding areas and plant numbers:

Table 1. Planting Zone Data

Zone	Size (ft^2)	Spacing (ft)	# of Plants
Green	6,646	6	104
Pink	2,170	3	241
Blue	2,630	2	658
Spruce	2,880	14	15

C. Soil Preparation

Prior to planting, the soils will be amended to increase soil structure, infiltration, gas exchange, moisture-holding capacity, nutrient-holding capacity and root growth. These amendments will include:

- Dolomite lime applied at a rate of 80 pounds per 1,000 ft^2;
- Gypsum applied at a rate of 20 pounds per 1,000 ft^2;

- Greensand (glauconite) applied at a rate of 21 pounds per 1,000 ft^2 (bioswale only):
- Compost applied at a rate of 1 yd^3 per 324 ft^2 (3 yd^3 per 1,000 ft^2) to form a one-inch surface layer before incorporation (existing lawn area, including proposed bioswale, only).

All amendments will be applied evenly over the surface and tilled into the soil to a minimum depth of six inches. After incorporation the site will be irrigated for two weeks, at a rate sufficient to soak the soil, but with a fine enough droplet size and low enough volume or frequency to prevent erosion. Upon adequate drying (approximately two weeks, or longer if rain occurs), the site will then be re-tilled to knock down the germinated weeds.

5. CONCLUSION

The site of the proposed building lies on a compacted lawn soil where the topsoil was apparently scraped away long ago. Additionally, the lawn contains mostly non-native weed species that are stunted and sparse from the poor soil conditions. The stormwater management and revegetation components of this plan will not only retain and treat the stormwater generated from the proposed building, but will be a great environmental improvement for this site, increasing groundwater recharge and the character of the native plant community. The replacement of the invasive, non-native Himalayan blackberry patch, along with the addition of native riparian vegetation to the north and south of the building, will further buffer the existing riparian and marsh habitats from the existing development on the parcel.

ATTACHMENTS

ATTACHMENT 1: Overall Site Plan
ATTACHMENT 2: Additional Field Data Sheet (Sheet #5)
ATTACHMENT 3: Bioswale Layout
ATTACHMENT 4: Biowsale Designs (4a & 4b)
ATTACHMENT 5: Planting Table
ATTACHMENT 6: Planting Zone Drawing

ATTACHMENT 1: Overall Site Plan

Google earth feet 200 meters 80

Proposed Building

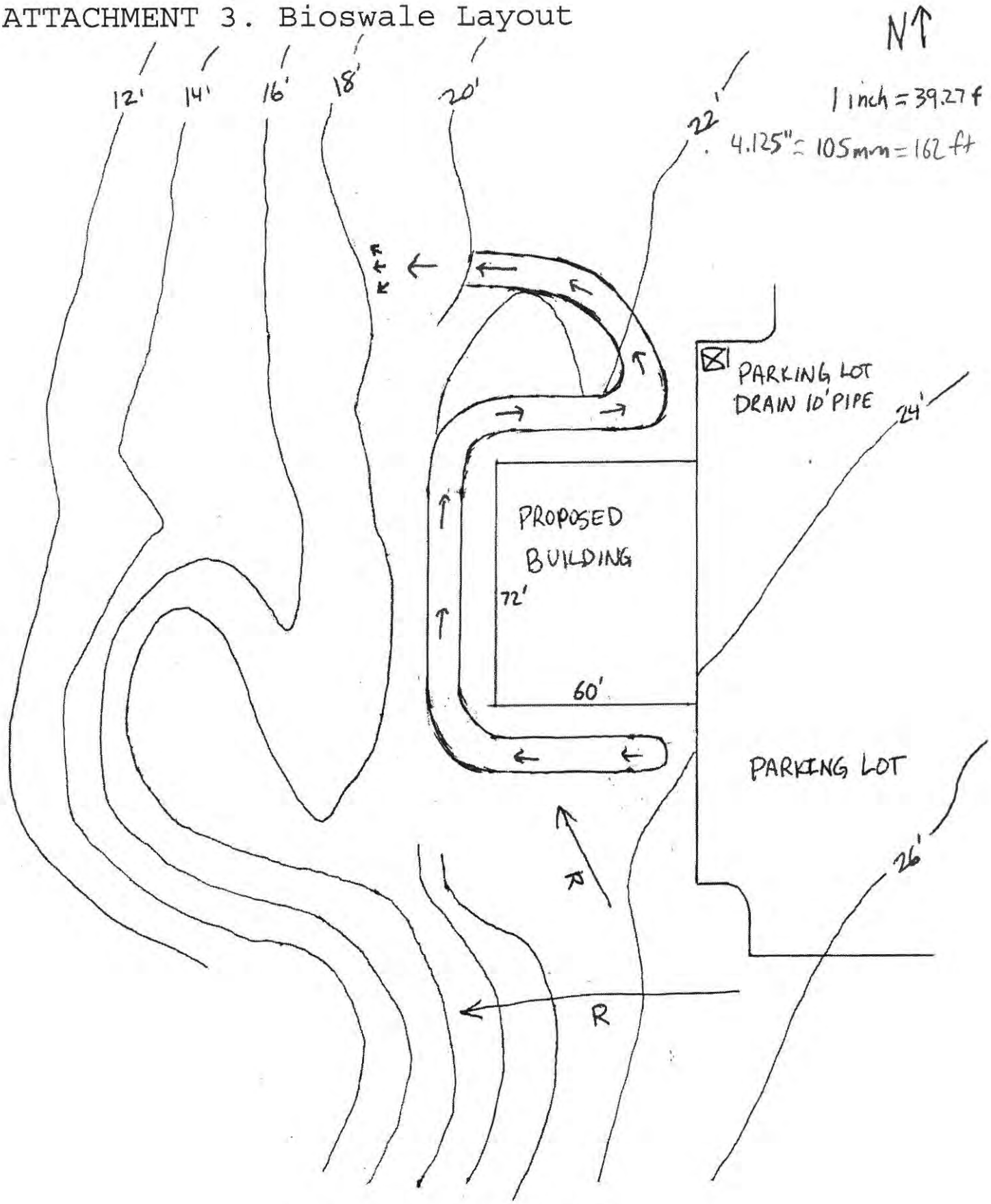
Spruce Planting, Acacia Removal Zone

Project Area

Soil Amending & Planting Area

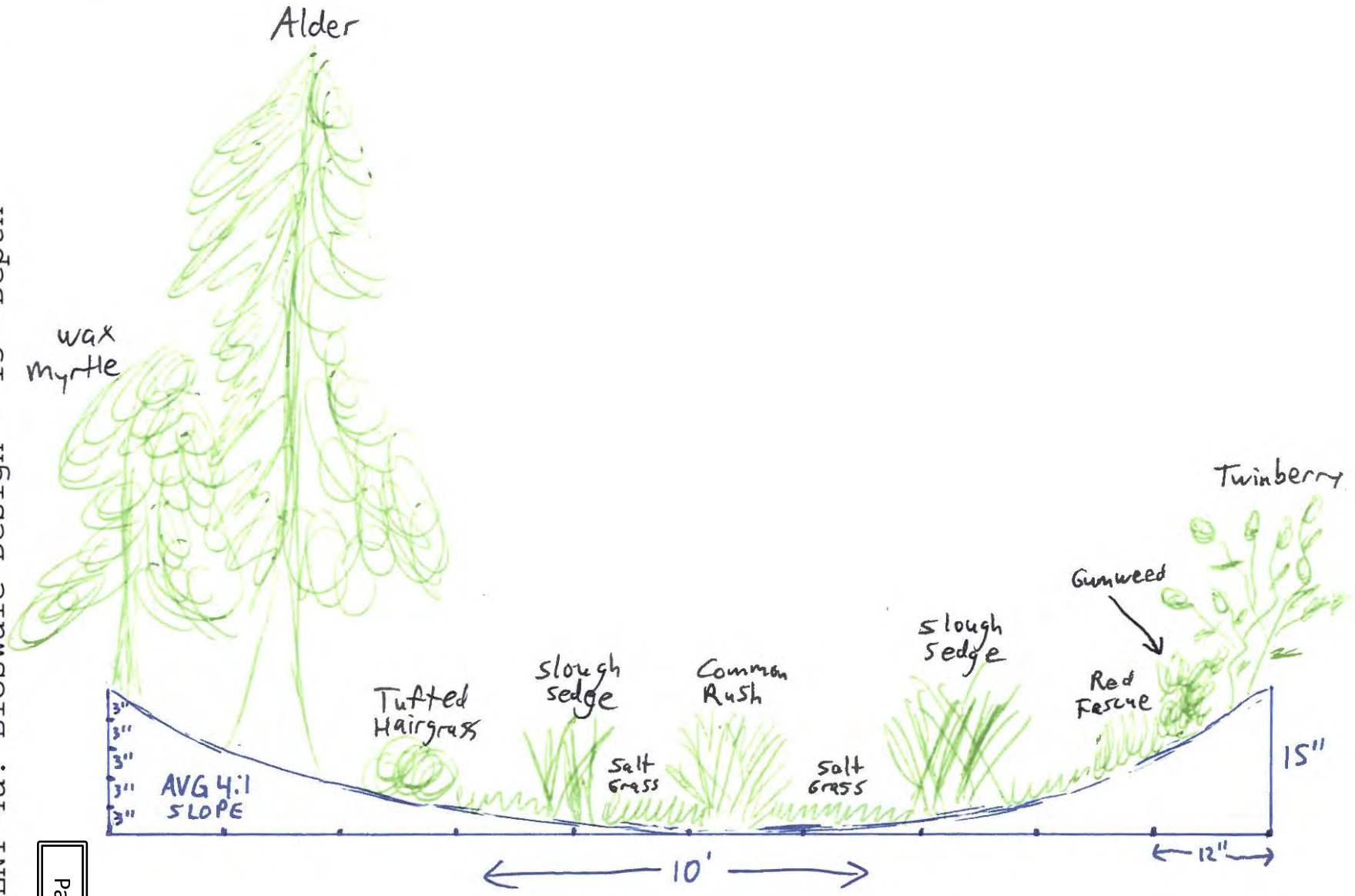
Himalayan Blackberry Patch

ATTACHMENT 3. Bioswale Layout

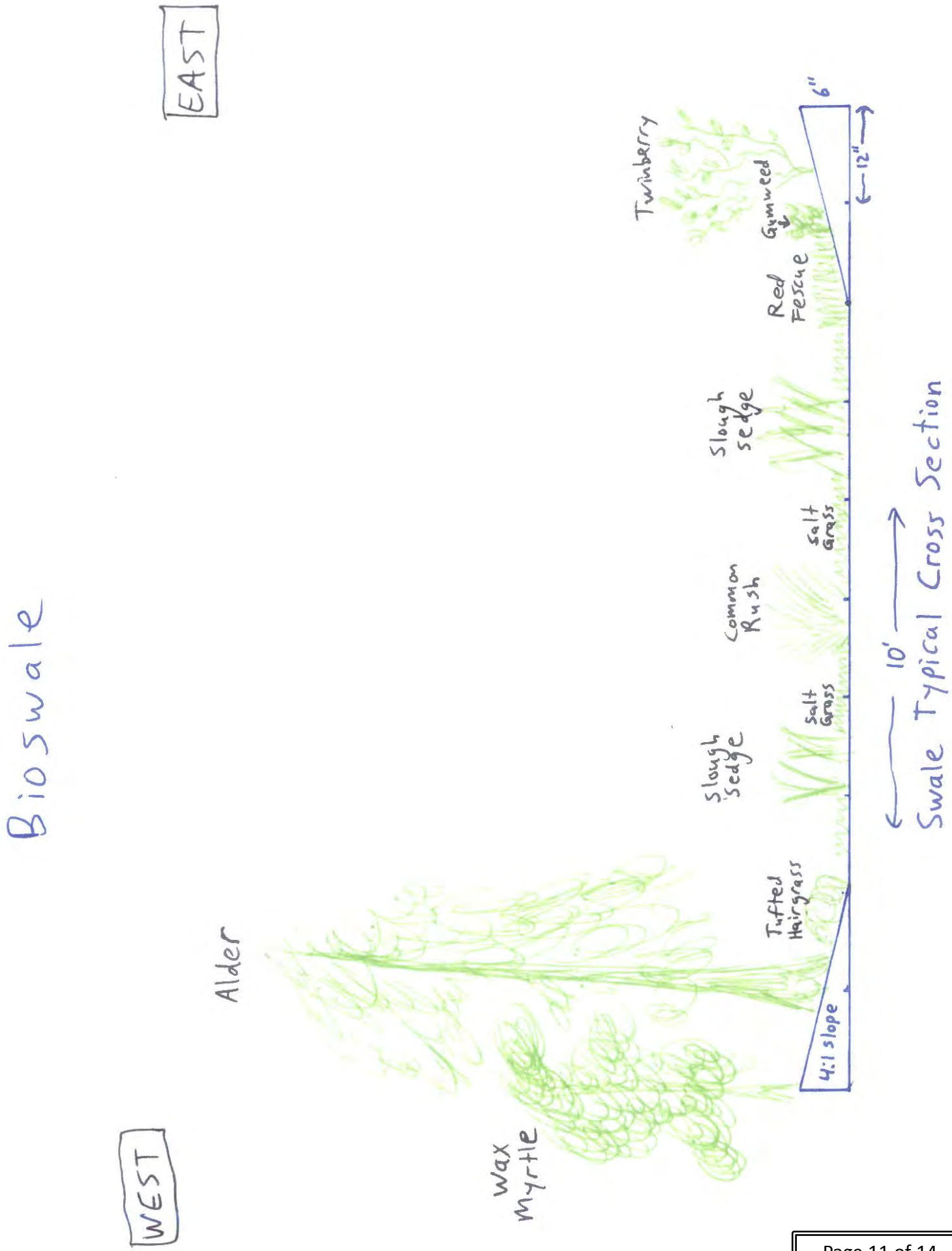


GRADING / DRAINAGE

Bioswale 15"-Deep

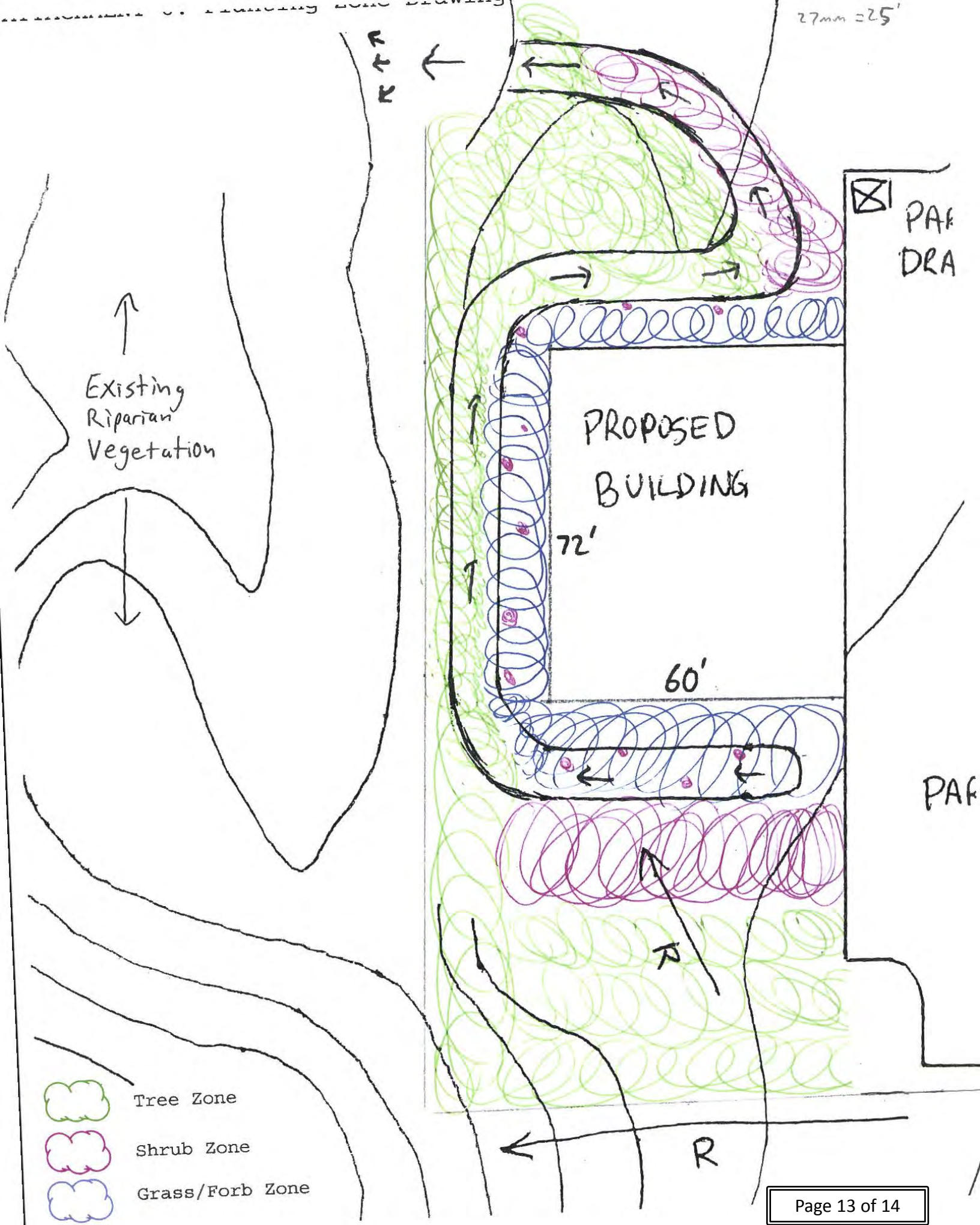


Swale Typical Cross Section


Bioswale
EAST
WEST
Alder
Wax Myrtle
Tufted Hairgrass
Slough Sedge
Salt Grass
Common Rush
Salt Grass
Slough Sedge
Red Fescue
Gumweed
Twinberry
4:1 slope
10'
12"
6"
Swale Typical Cross Section

ATTACHMENT 5. Planting Table

Latin Name	"Variety"/species	Ground Cover	Short Grass	Tall Grass	Short Shrub/ Forb	Med Shrub/ Forb	Tall Shrub/ Tree	Notes
Abies grandis	Grand Fir						√	
Acer macrophyllum	**Big-Leaf Maple**						√	
Achillea millefolium	**Yarrow**					√		
Alnus rubra	**Red Alder**						√	
Aster chilensis	**Coastal Aster**					√		
Baccharis pilularis	Coyote Bush					√		
Calamagrostis nutkaensis	Pacific Reedgrass			√				
Carex densa	Dense Sedge		√					
Carex obnupta	**Slough Sedge**			√				
Cyperus eragrostis	Yellow Nutsedge			√				
Deschampsia caespitosa	**Tufted Hairgrass**		√	√				
Distichlis spicata	**Salt Grass**	√	√					
Erigeron glaucus	Beach Aster	√			√			
Escholzia californica var. maritimus	Coastal Poppy				√			
Festuca idahoensis	ID Fescue		√					
Festuca rubra	**Red Fescue**		√					
Frangula purshiana	**Casacara**						√	
Garrya elliptica	Silk Tassel					√	√	
Gaultheria shallon	**Salal**	√			√			
Grindelia stricta	**Coastal Gumweed**				√			
Iris douglasiana	Douglas Iris				√			
Juncus effusus	**Common Rush**			√				
Juncus patens	Gray Rush			√				
Lonicera involuctra	**Twinberry**					√		
Myrica californica	**Wax Myrtle**					√	√	
Picea sitchensis	**Sitka Spruce**						√	
Polystichum munitum	**Sword Fern**					√		
Potentilla anserina	Silverweed				√			
Pseudotsuga menziesii	Douglas Fir						√	
Rubus parviflorus	**Thimbleberry**					√	√	
Rubus spectabilis	Salmon Berry					√	√	
Salix hookeriana	**Coast Willow**						√	
Salix lasiandra	**Pacific Willow**						√	
Sambucus racemosa	Red Elderberry						√	
Sequoia sempervirens	Coastal Redwood						√	
Sisyrinchium bellum	Blue-Eyed Grass		√					
Solidago ssp.	Goldenrod					√		
Spirea douglasii	Douglas' Spirea					√		
Vaccinium ovatum	Black Huckleberry					√		
Plants in bold represent the best choices for this project.								


Existing Riparian Vegetation
PROPOSED BUILDING
72'
60'
PAR
DRA
PAR
R
Tree Zone
Shrub Zone
Grass/Forb Zone

Stormwater & Revegetation Plan Preparer's Certification

Project Name: Eureka the Pentecostal Church

Project Phase: Modular Office & Meeting Building

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete."

Preparer's Signature: Sam Polly Date: October 15, 2015

Preparer's Name: Sam Polly Telephone Number: (707) 822-5785
Preparer's Title: Stormwater Specialist, CPESC #5926, QSD/P #00316, IGP QISP & ToR #92
Preparer's Training: 38 Hour Army Corps of Engineers Wetland Delineation Training Program
Soil Science 363, Wetland Soils, Humboldt State University, Spring 2012
B.S. Soil Science, Cal Poly San Luis Obispo, 1996
M.S. Agricultural Education, Cal Poly San Luis Obispo, 2006

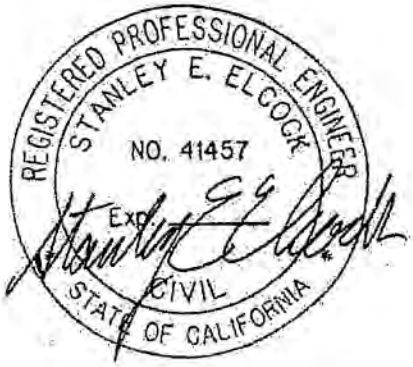
Preparer's Organization: Streamline Planning Consultants

SOILS STUDY FOR A MODULAR OFFICE BUILDING NEAR THE PENTECOSTAL CHURCH IN MYRTLETOWNE

LOCATED:

1060 Hoover Street
EUREKA, CALIFORNIA
APN 014-182-08

PREPARED FOR:
The Pentecostal Church



PREPARED BY:

S.E.E. ENGINEERING

February 4, 2017

EXHIBIT N0. 6
CDP Amendment Application No.
1-88-123-A3 (Eureka Pentecostal Church)
SOILS STUDY RECOMMENDATIONS (Excerpt) (Page 1 of 3)

SOIL STUDY FOR A MODULAR OFFICE BUILDING NEAR THE PENTECOSTAL CHURCH IN MYRTLETOWNE

A soils investigation was conducted on February 2, 2017 on the site of a proposed modular office building. The site is located at 1060 Hoover Street in Eureka, California.

The purpose of the investigation was to evaluate the sub-surface conditions at the site and to develop geo-technical criteria for installation of the modular building.

SCOPE OF THE STUDY

1. Hand auger two borings to a depth of four feet below the existing ground surface to observe the soil, bedrock and ground water conditions. SEE Engineering personnel performed the borings, logged the materials encountered and obtained representative samples for visual classification and laboratory testing.

2. Laboratory observation and testing of representative samples obtained during the field investigation to evaluate the engineering characteristics of the surface conditions underlying the site.

3. Review seismological and geologic literature on the site area and evaluate potential geologic hazards and earthquake effects.

4. Perform engineering analysis to develop geo-technical recommendations for site preparation and earth work, foundation type(s) and design criteria for pier and post support.

FIELD INVESTIGATION

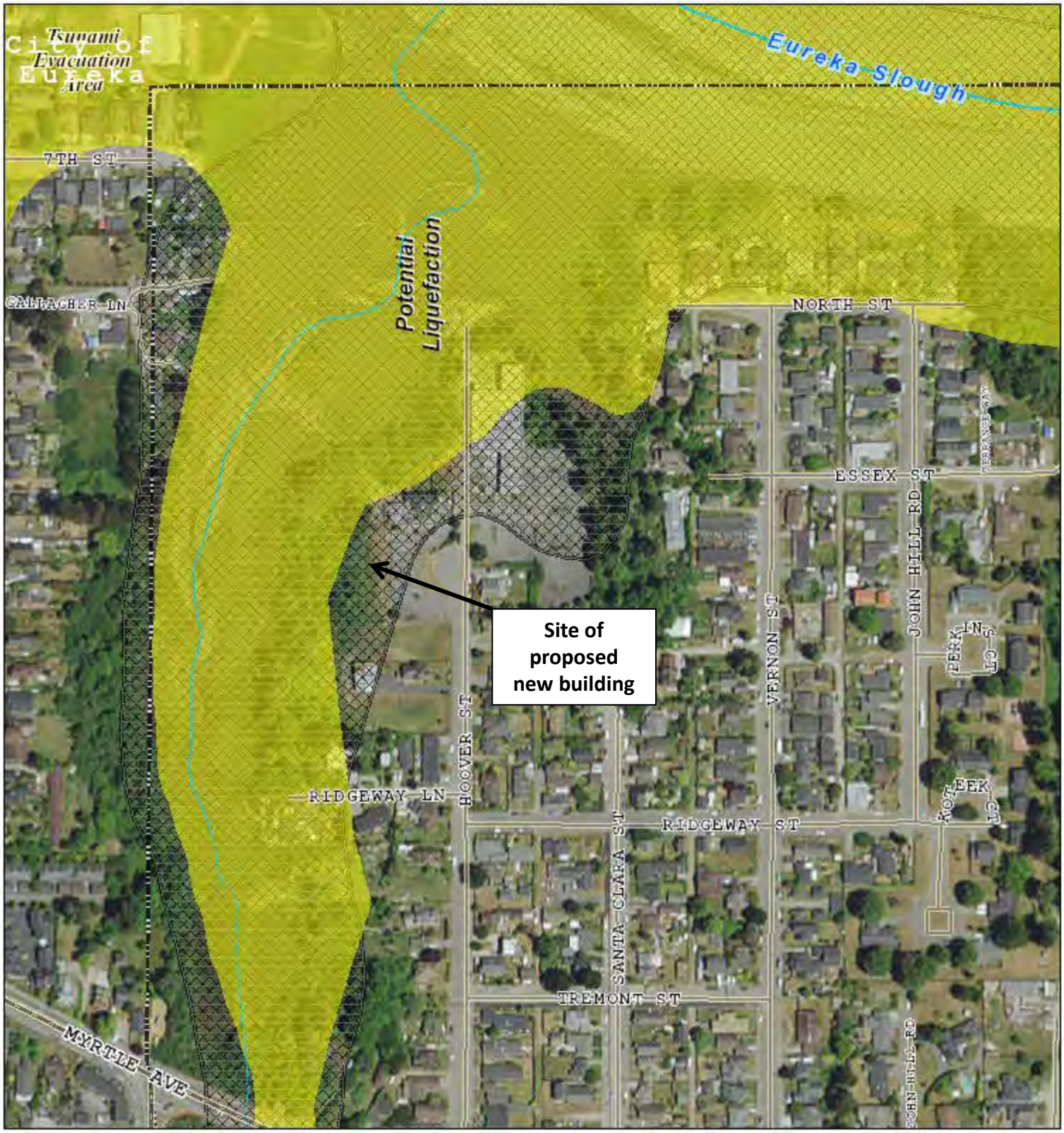
In addition to the scope of the study SEE Engineering field investigations were limited to reconnaissance of the project site and the boring of two hand augered holes. The borings were augered to a maximum depth of 4 feet below ground surface. Ground water was not encountered. Samples were logged in accordance with the Unified Soil Classification System and were rated ML.

CONCLUSIONS AND RECOMMENDATIONS

Based upon the results of the study it is our opinion that the modular building can be installed as proposed. The potential for compressible soil is limited; liquefaction is possible and tsunami risk is minimal. No high plasticity soils strata were encountered or are generally anticipated under the geologic formation comprising the site and risk of adverse consequences to the structure from expansive soil is considered low.

It is recommended that the bottom of the pad be at least 6" below the existing grade. Post and pad size proposed is adequate for a recommended soil bearing strength of 2000 PSF. The proposed pad size of 24"x24" is adequate for the 6,000 lb modular pad capacity furnished by the manufacturer. Actual pad loads will be about 1,100 lbs.

The subgrade under the area to be graded for the modular building should be compacted prior to installing the modular building. Compaction should be sufficient to support a loaded dump truck or other heavy equipment, such as a loader. Relative compaction testing is not required.



ArcGIS Web Map

Humboldt County Planning and Building Department

Highways and Roads
Principal Arterials
Minor Arterials
Major Collectors
Minor Collectors
Local Roads
Private or Unclassified
Major River or Stream
Blue Line Streams
Perennial 1-3
Perennial >4
Intermittent
Subsurface
City Boundary
Counties
Tsunami Evacuation Area
Area of Potential Liquefaction

0 180 360 720 Feet
0 0.0325 0.065 0.13 Miles
RF= 1:4,514 1 in = 376 ft

Printed: February 22, 2017 Web AppBuilder 2.0 for ArcGIS

Map Disclaimer:
While every effort has been made to assure the accuracy of this information, it should be understood that it does not have the force & effect of law, rule, or regula

Source: DeLo... comm... CNES/... Comm...

EXHIBIT N0. 7
CDP Amendment Application No. 1-88-123-A3 (Eureka Pentecostal Church)
HAZARD MAP

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 8th STREET • SUITE 130
ARCATA, CA 95521
(707) 826-8950 FAX (707) 826-8960

www.coastal.ca.gov

Th11a

MEMORANDUM

Date: March 7, 2017

To: Commissioners and Interested Parties

From: Robert S. Merrill, District Manager – North Coast District

Subject: **Correspondence to Commission Meeting for Thursday, March 9, 2017 North Coast District**

AGENDA #	APPLICANT	DESCRIPTION	PAGE
PERMIT AMENDMENTS			
Th11a	**1-88-123-A3** Eureka Pentecostal Church	Correspondence from Nancy & Mike Tout	Th11a-1

Item: Th11a
Permit: 1-88-123-A3
~~Agenda: H(?)~~
Position: OPPOSE

California Coastal Commission
Public Hearing Notice
Permit Number 1-88-123-A3

March 1, 2017

My husband and I are very much against any modifications of the current conditional use permit, specifically the addition of another very large building. With the addition of another building, the church will have the capacity for more classes, more meetings, and more activities which will have a major cumulative effect. As it is, since Eureka the Pentecostal Church moved into our neighborhood 2 years ago, we have been subjected to parking lot noise which includes a minimum of 100 cars & trucks coming and going at least 5 days per week. Auto emissions, people shouting, loud speakers, car doors slamming, are now the norm where we used to experience the sounds of nature, such as frogs, birds, and the wind in the trees.

If the church is wanting larger rooms for their Sunday school, then they can remodel the existing space that is available to them. This solution is gentler on the environment and there would be no need for "site enhancement". As it is, the church is on sensitive wetlands and that should deter any further building and landscape development.

After meeting with the Planning Department twice with concerns for our quality of life as neighbors of Eureka the Pentecostal Church, we were told that the building should never have been permitted in that location back in 1987; it's too large for being at the end of a street with only one way in and one way out. If the Planning Dept. agrees that the size of the church is not compatible with a neighborhood, then why allow the addition of another 4,000 square feet?

We were told that the Planning Commission is all about PROPERTY RIGHTS and that they will more than likely authorize the addition of another building at the end of Hoover. What about the PROPERTY RIGHTS of the Myrtletown neighbors? An operation that is the size of Eureka the Pentecostal church does not belong at a dead-end road with one way in and one way out. To encourage the growth of the church by allowing another building on their property violates the neighbors' Property Rights.

Our solution is to adhere to the conditional use permit as it was originally intended. Don't compound the neighborhood problems by allowing another building on the Hoover site.

Nancy and Mike Tout
2845 Essex Street
Eureka, CA 95501
707 445-0756

Nancy Tout Michael Tout

Th11a-1