CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
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F14a

A-1-EUR-21-0055
(CITY OF EUREKA)

OCTOBER 15, 2021

EXHIBITS

Exhibit 1 – Regional Location Map

Exhibit 2 – Vicinity Map

Exhibit 3 – Aerial Photo

Exhibit 4 – Approved Project Description

Exhibit 5 – Approved Project Plans

Exhibit 6 – Wetland Delineation (SHN 2017, excerpts)

Exhibit 7 – Reduced Buffer Analysis

Exhibit 8 – Appeal by Ann White

Exhibit 9 – Appeal by Jack Kinnear

Exhibit 10 – Appeal by Janelle Egger

Exhibit 11 – Notice of Final Local Action

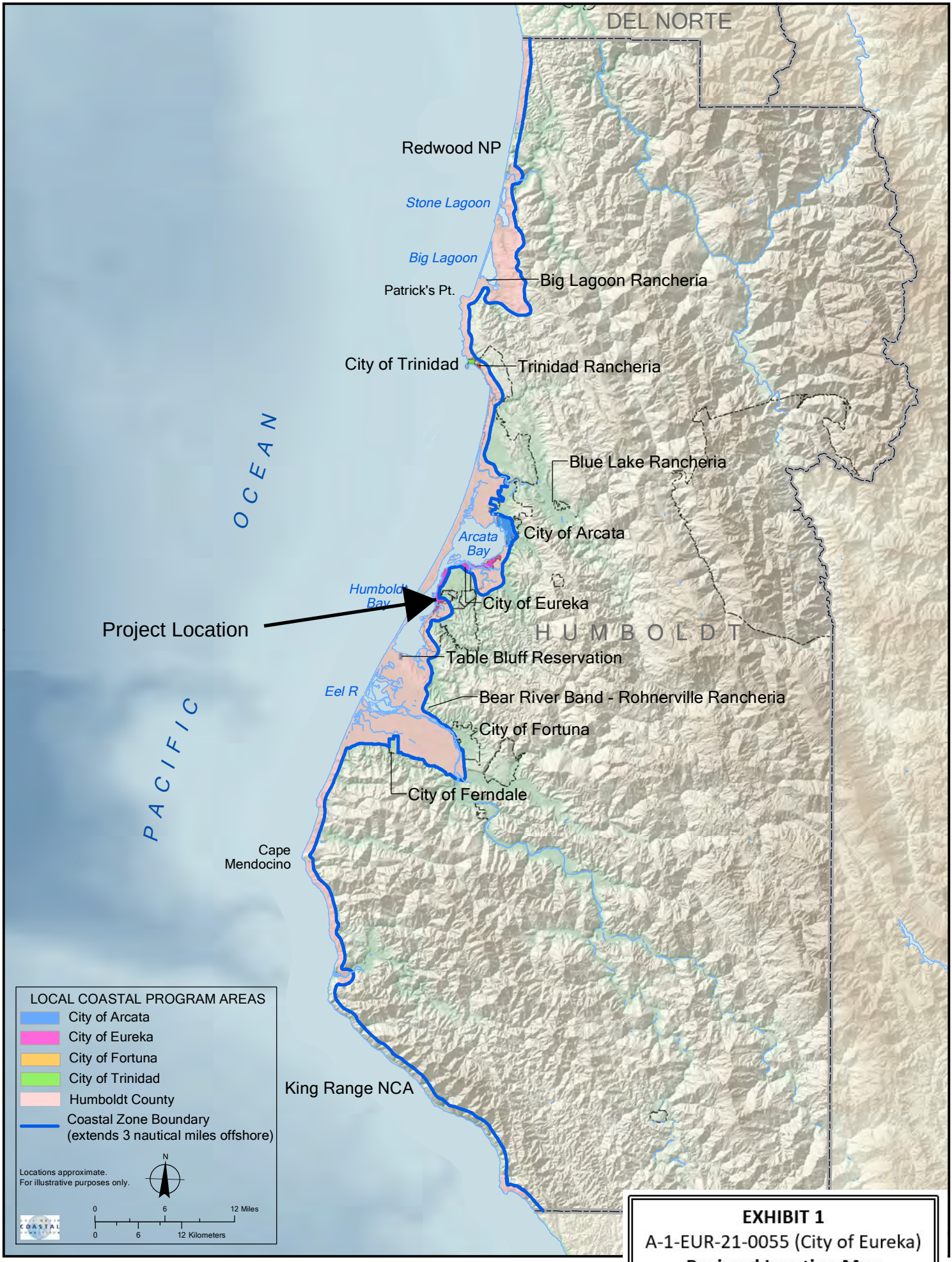


EXHIBIT 1
A-1-EUR-21-0055 (City of Eureka)
Regional Location Map

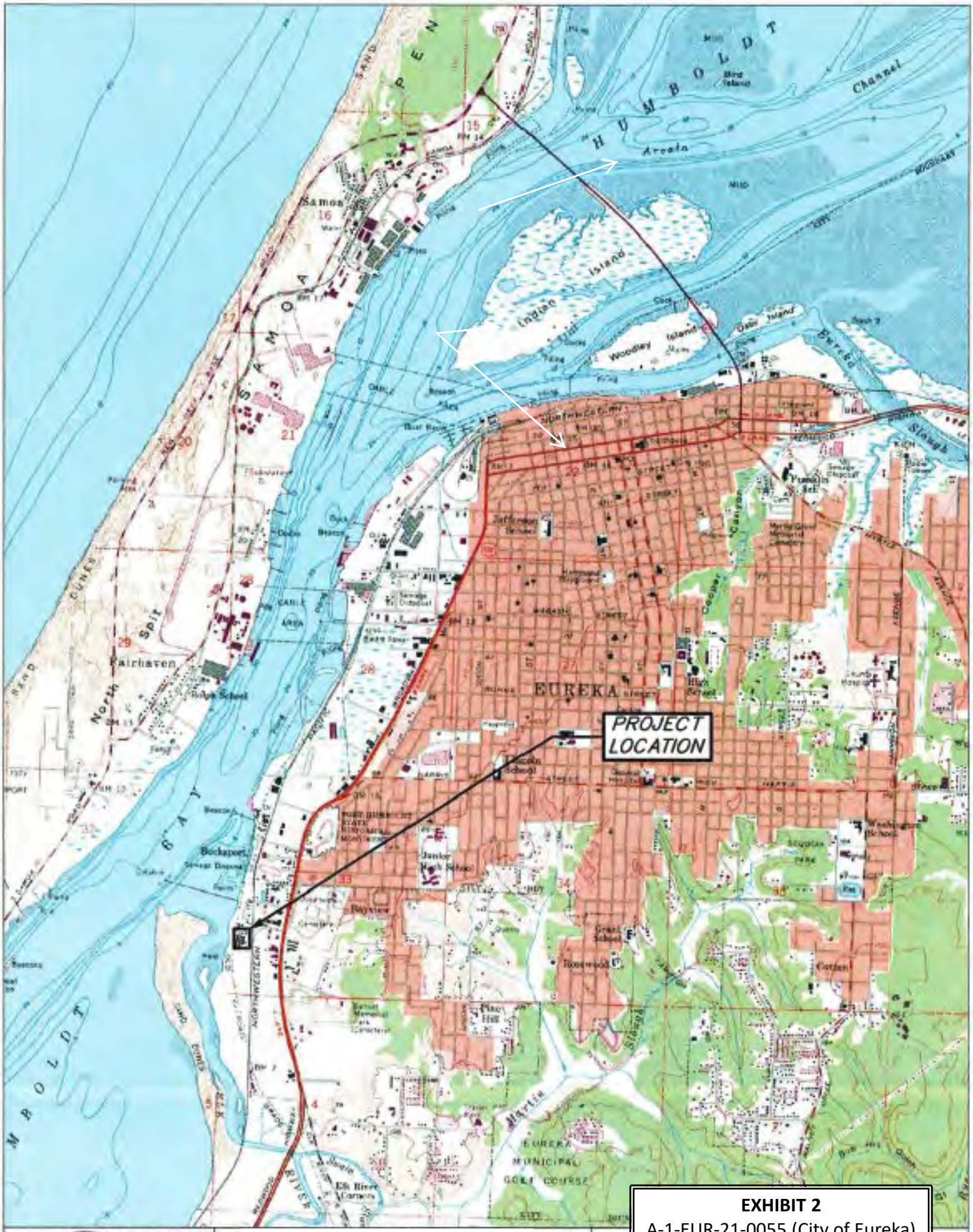


EXHIBIT 2
A-1-EUR-21-0055 (City of Eureka)
Vicinity Map

Aerial Photo

1:3,185

0 0.04 0.07 0.14 mi

EXHIBIT 3
A-1-EUR-21-0055 (City of Eureka)
Aerial Photo

Parcel Boundaries

Street Centerlines

Project Description

In 2017, PG&E gifted 12 standard residential trailers that had been previously used as construction management offices to the Betty Kwan Chinn Foundation (BKC). BKC proposes to use the trailers to house up to 40 people including an on-site manager in a "Housing First" model in an effort to help alleviate the shelter crisis. The rental housing will help individuals struggling to secure permanent housing to establish rental history.

The community housing project is proposed on a vacant, City-owned property on Hilfiker Lane in southern Eureka just north of the Elk River Wastewater Treatment Plant (APN 019-271-004). Proposed development will be consolidated on approximately 1.8 acres in the northwestern corner of the 6.1-acre parcel and will include installation of underground utilities, paving, fencing, six individual trailer structures, and one large structure (60' X 72') constructed out of six connected trailers.

Primary site access will be provided by a new gated driveway onto Hilfiker Lane, and secondary emergency access will be provided via a gravel access drive to the City-owned property to the north. Directional drilling will be required to install a new approximately 690-foot-long sewer force main between a new onsite lift station and the adjacent wastewater treatment plant. The project will be connected to an existing City water main that runs under Hilfiker Lane, and the project will receive electricity through a new underground electric service drop to an existing utility pole on the west side of Hilfiker Lane. Trenching will be required to connect utilities to the individual housing units.

All proposed development will avoid wetlands with a minimum thirty-foot buffer width from the nearest wetlands. The paved project footprint will be surrounded by six-foot-high fencing (some existing and some new). A drainage swale will be constructed between the fencing and the wetland buffers to capture runoff from the paved development area (for a total area of 40-45 feet between the impervious developed area and the pocket wetlands).

Pursuant to the site's Q Combining District requirements, the housing units will be elevated and secured consistent with the Flood Hazard Area Regulations contained in the Eureka Municipal Code, and a Tsunami Evacuation Plan and Soil and Groundwater Management Plan will be prepared for the project. A reduced buffer analysis has already been prepared by a qualified biologist.

Description of Project Site and Surrounding Area as It Exists Now

The site is located on the east side of Hilfiker Lane, immediately south of the Humboldt Bay Fire Department training facility and immediately north of the Elk River Wastewater Treatment Plant. The Hikshari' Trail is located across Hilfiker Lane to the west of the parcel, along with a trailhead parking lot. The mouth of the Elk River is located to the west of the trail, with Humboldt Bay further west across the Elk River spit. The former Northwestern Pacific Railroad corridor is located directly to the east of the parcel, separating the parcel from a row of commercial properties that front Highway 101 to the east of the parcel. The parcel itself is currently vacant with no public or private utilities and no improved driveways.

The parcel is low-lying and relatively flat. The northwestern portion of the parcel where the residential project is proposed was the site of a bulk fuel tank farm from the 1950s until 1990. The tank farm and associated appurtenances were removed from the parcel in 1999. Multiple layers of fill dirt and gravel

EXHIBIT 4
A-1-EUR-21-0055 (City of Eureka)
Approved Project Description

were added over time in the former tank farm area and were compacted to maintain a flat surface. A 2017 wetland delineation indicates that a number of pocket one-to-two-parameter wetlands have formed in the tank farm area, but the proposed project will maintain a minimum 30-foot-wide buffer from these wetlands. The unfilled eastern and southern portions of the parcel (outside of the former tank farm area) include extensive wetlands including large ponded areas that were constructed to hold stormwater runoff from the tank farm. The project maintains a minimum 100-foot-wide buffer from these three-parameter wetlands.

Project Worksheet #3 Written Explanation

The proposed six individual trailers will be separated into two living units with a shared kitchen and bathroom. Either a couple or a small family can occupy each unit. The proposed large structure constructed of six combined trailers can accommodate up to 28 living units with one communal kitchen and two bathrooms. The 24-hour on-site supervisor(s) will occupy one of the units. There will also be office space in the large structure for case workers to meet their clients and community kitchen facilities.

The new housing use on a currently vacant parcel will result in the generation of additional noise and waste, demand for municipal services, and fossil fuel consumption. However, given that the site's Q Combining District requirements limit the site to housing not more than 40 people total, the increases will be nominal. In addition, the project will target people who are already living in the area.

The housing is being sited within the footprint of a former tank farm in an area that was previously filled. The project has been engineered to ensure structural stability given the site characteristics.

New sewer and water lines will be installed on the site. Water and other utilities will come from Hilfiker Lane (APN 019-331-002). A sewer lift station will be installed on the site, and a directional drill will connect the lift station to the Wastewater Treatment Plant (APN 019-271-005) to the south.

Project Worksheet #4 Written Explanation

The project site is located between the first public road, which is considered Broadway (Highway 101), and Humboldt Bay. The site is visible from the Hikshari Trail which is located across Hilfiker Lane to the west. Because the project site is located inland of the trail, the proposed development will not block views of Humboldt Bay from the trail.

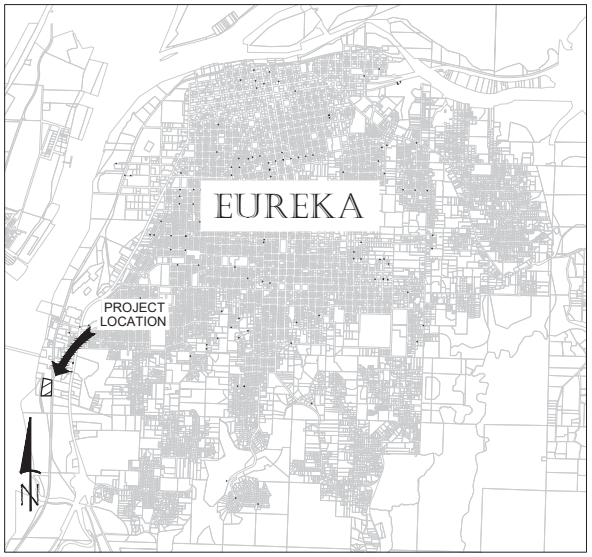
The proposed development avoids wetlands with a minimum 30-foot buffer. A reduced buffer analysis has been prepared by a qualified biologist.

The proposed development is within the FEMA mapped floodplain within the AE zone (with a base flood elevation of 10 feet). The floors of the proposed structures will be raised 1.5 to 2.5 feet above the base flood elevation.

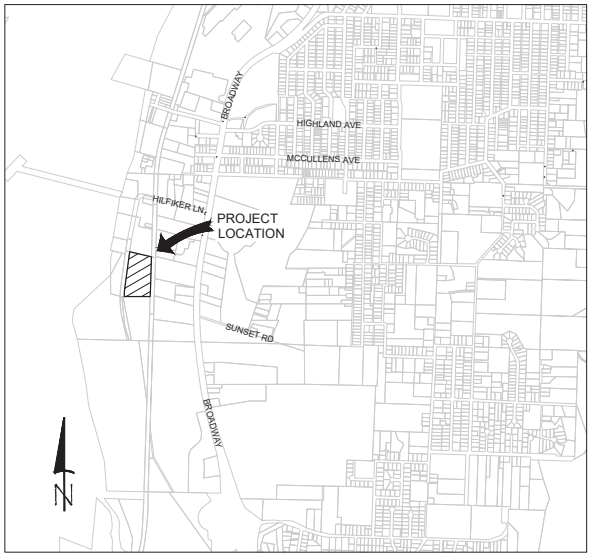
EXHIBIT 4
A-1-EUR-21-0055 (City of Eureka)
Approved Project Description

CITY OF EUREKA
ENGINEERING DEPARTMENT

CROWLEY PROPERTY HOUSING



AREA MAP
No Scale



VICINITY MAP
No Scale

DRAWING INDEX

SHT	DWG	DESCRIPTION
1	G-001	TITLE AND INDEX
2	G-002	PROJECT NOTES
3	C-101	CIVIL SITE PLAN & SECTION
4	C-501	PROFILE AND DETAILS
5	C-502	DETAILS
6	E-101	EROSION & SEDIMENT CONTROL PLAN

ENGINEER/DESIGNER:

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RCE No. 80962

3/5/21
Date

APPROVED:

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CITY ENGINEER, CITY OF EUREKA
RCE No. 81744

3/5/21
Date

CITY OF EUREKA CALIFORNIA

No.	Date	Revisions	By	App.

Designed By: DC
Drawn By: DC
Checked By: JW
Graphic Scale
Measures one inch on Full Size Drawings

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CITY OF EUREKA CALIFORNIA
Public Works Dept., Engineering Division
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TITLE AND INDEX

CROWLEY PROPERTY

Scale: No Scale
Drawing: G-001
Sheet 1 of 6

EXHIBIT 5
A-1-EUR-21-0055 (City of Eureka)
Approved Project Plans

PROJECT INFORMATION:

THIS PROJECT CONSISTS OF CONSTRUCTING A NEW HOUSING UNIT ALONG HILFIKER LANE NEAR THE ELK RIVER WASTEWATER TREATMENT PLANT. THE PROJECT INCLUDES THE INSTALLATION OF UNDERGROUND WATER AND WASTEWATER UTILITIES, DRIVEWAY AND AREA PAVING, FENCING, RELOCATION AND SETUP OF HOUSING UNITS AND AND OTHER ASSOCIATED ITEMS OF WORK ; AS SHOWN ON THESE PLANS AND CALLED:

CROWLEY PROPERTY HOUSING

THE CONTRACTOR IS HEREBY NOTIFIED THAT HISTORICAL INFORMATION REGARDING THE PROJECT SITE EXISTS AND IS AVAILABLE FOR PUBLIC INSPECTION IN THE CITY OF EUREKA'S ENGINEERING DIVISION OFFICES. THIS HISTORICAL INFORMATION MAY INCLUDE THE FOLLOWING:

- SURVEY FIELD NOTES
- SANBORN MAPS
- MISCELLANEOUS UTILITY MAPS AND PLANS
- CITY OF EUREKA SEWER BLOCK MAPS
- CITY OF EUREKA WATER MAPS
- CITY OF EUREKA DRAINAGE MAPS
- AS-BUILT PLANS

THE FOLLOWING INFORMATION LISTED BELOW WAS SPECIFICALLY CONSULTED DURING THE DESIGN PHASE OF THIS PROJECT:

- CITY OF EUREKA GEOGRAPHIC INFORMATION SYSTEM

THE ANTICIPATED ORDER OF CONSTRUCTION FOR THIS PROJECT IS AS FOLLOWS

a. INSTALL AND CONNECT UNDERGROUND UTILITIES

b. STRIP TOPSOIL, ADD BASE AND GRADE THE SITE

c. INSTALL ASPHALT PAVEMENT

d. RELOCATE, INSTALL AND CONNECT HOUSING UNITS TO UTILITIES

e. INSTALL FENCING

f. STABILIZE THE SITE

EROSION CONTROL NOTES:

1. CONTRACTOR IS RESPONSIBLE FOR EROSION AND SEDIMENT CONTROL. CONTRACTOR SHALL USE CALTRANS STORMWATER QUALITY HANDBOOKS, CONSTRUCTION CONTRACTOR'S GUIDE AND SPECIFICATIONS.
2. DURING WET WEATHER PERIODS, CONTRACTOR IS RESPONSIBLE FOR SEQUENCING CONSTRUCTION IN A MANNER TO MINIMIZE IMPACT ON OPEN EARTHWORK AND COMPACTION OPERATIONS.
3. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO FIX ANY DEFICIENCIES INDICATED BY THE OWNER OR THE OWNERS REPRESENTATIVE TO PREVENT EROSION AND CONTROL SEDIMENT.
4. PRIOR TO FINAL ACCEPTANCE TEMPORARY SEDIMENT CONTROL MEASURES SHALL BE REMOVED AND ALL AREAS OF SOIL DISTURBANCE, INCLUDING BUT NOT LIMITED TO CUT AND FILL SLOPES, SWALES AND DITCHES SHALL BE STABILIZED.

GENERAL NOTES:

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO THOROUGHLY EXAMINE THE JOB SITE, THE CONTRACT SPECIFICATIONS, AND THESE PLANS PRIOR TO SUBMITTING THEIR BID. NO ADDITIONAL PAYMENT SHALL BE MADE BY THE CITY FOR ANY EXPENSE THE CONTRACTOR MAY INCUR AS A RESULT OF THEIR FAILURE TO ADEQUATELY ACQUAINT THEMSELVES WITH THE EXTENT OF THE WORK TO BE DONE, THE GENERAL SITE CONDITIONS, OR THE REQUIREMENTS OF THE PLANS, CONTRACT DOCUMENTS, GENERAL PROVISIONS, SPECIAL PROVISIONS, AND REFERENCED SPECIFICATIONS.
2. THE CONTRACTOR AND ANY SUBCONTRACTORS SHALL POSSESS A CITY OF EUREKA BUSINESS LICENSE. THE CONTRACTOR SHALL POSSESS A CLASS 'A' (GENERAL ENGINEERING) CONTRACTOR'S LICENSE. ANY SUBCONTRACTOR SHALL HAVE THE APPROPRIATE LICENSE FOR THE WORK BEING PERFORMED. ALL LICENSES SHALL BE OBTAINED PRIOR TO AWARD.
3. IF THE CONTRACTOR WISHES TO USE WATER FROM THE CITY OF EUREKA WATER DISTRIBUTION SYSTEM DURING THE COURSE OF THIS PROJECT, HE SHALL OBTAIN AND ATTACH A DOUBLE CHECK VALVE AT THE POINT WHERE HE CONNECTS TO THE CITY WATER SYSTEM (I.E. AT A HYDRANT, WATER SERVICE, BLOW-OFF, ETC.). THE DOUBLE CHECK VALVE SHALL BE TESTED AND CERTIFIED BY EITHER A CERTIFIED TESTER OR THE CITY OF EUREKA PUBLIC WORKS DEPARTMENT AND APPROVED BY THE ENGINEER PRIOR TO USE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF THE DOUBLE CHECK VALVE.
4. THE CONTRACTOR SHALL NOT USE THE PUBLIC RIGHT-OF-WAY FOR LONG TERM STAGING OR MATERIAL STORAGE. DURING THE WORK DAY, THE CONTRACTOR MAY USE THE WORK AREA FOR STORAGE OF PROJECT MATERIALS AND EQUIPMENT THAT WILL BE USED THAT DAY; HOWEVER, AT THE END OF THE DAY, THE WORK SITE SHALL BE CLEANED TO THE SATISFACTION OF THE ENGINEER.
5. THIS IS A PREVAILING WAGE PROJECT.
6. THE CONTRACTOR SHALL SECURE THE CONSTRUCTION SITE DURING NON-WORKING HOURS AS APPROVED BY THE ENGINEER.
7. THE CONTRACTOR SHALL SUBMIT TO THE ENGINEER FOR REVIEW A MINIMUM OF FOUR (4) COPIES OF THE MANUFACTURERS' PRODUCT INFORMATION CUT SHEETS INDICATING DIMENSIONS FOR ALL MANUFACTURED AND PRECAST ITEMS PROPOSED FOR USE. THE CITY WILL KEEP THREE (3) COPIES AND RETURN THE REMAINING COPIES TO THE CONTRACTOR AFTER APPROVAL.
8. ALL MATERIALS AND EQUIPMENT SHALL BE INSTALLED PER MANUFACTURERS' RECOMMENDATIONS.
9. ALL GRADES SHOWN ON THE PLANS SHALL BE SUBJECT TO ADJUSTMENT IN THE FIELD BY THE ENGINEER.
10. THE CONTRACTOR SHALL SUBMIT A PROPOSED CONSTRUCTION SCHEDULE TO THE ENGINEER AT OR PRIOR TO THE PRECONSTRUCTION MEETING SHOWING THE ORDER IN WHICH HE/SHE INTENDS TO CONSTRUCT ALL PORTIONS OF THIS PROJECT. THE ENGINEER SHALL PROVIDE EITHER APPROVAL OF THE CONTRACTOR'S SCHEDULE OR A LIST OF PROPOSED CHANGES TO THE SCHEDULE PRIOR TO CONSTRUCTION, AND THE CONTRACTOR SHALL ABIDE BY THAT APPROVED SCHEDULE THROUGHOUT THE COURSE OF THE PROJECT UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
11. SEVERAL ITEMS OF WORK SHOWN ON THESE PLANS MUST BE COMPLETED IN A SINGLE DAY. THE CONTRACTOR SHALL TAKE THIS REQUIREMENT INTO ACCOUNT WHEN PREPARING HIS BID AND HIS WORK PLAN TO ENSURE THAT A SUFFICIENT AMOUNT OF PERSONNEL AND EQUIPMENT ARE ONSITE AND AVAILABLE TO ALLOW THE WORK TO BE COMPLETED AS REQUIRED.
12. ALL WORKMANSHIP AND MATERIALS SHALL CONFORM TO STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) STANDARD PLANS & SPECIFICATIONS, AND THE CONTRACT SPECIAL PROVISIONS FOR THIS PROJECT, UNLESS SHOWN OTHERWISE.
13. QUANTITIES OF ITEMS, LENGTH OF PROJECT, AND SITE CONDITIONS SHOWN IN THE PLANS ARE APPROXIMATE. ALL MATERIALS SHALL BE FURNISHED AND INSTALLED BY THE CONTRACTOR UNLESS OTHERWISE NOTED.
14. CONTRACTOR AGREES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY AND THEIR REPRESENTATIVES HARMLESS FROM ANY AND ALL LIABILITY, REAL AND/OR ALLEGED, IN CONJUNCTION WITH THE PERFORMANCE OF THIS PROJECT.
15. CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGES TO EXISTING STRUCTURES, ROADS, RAILROAD TRACK AND TRACK BED, AND UTILITIES DURING CONSTRUCTION. ALL DAMAGE SHALL BE RESTORED TO EQUAL OR BETTER CONDITION AT THE CONTRACTOR'S EXPENSE.
16. A SET OF SIGNED WORKING DRAWINGS AND A SET OF SPECIFICATIONS WILL BE KEPT AT ALL TIMES AT THE JOB SITE ON WHICH ALL CHANGES OR VARIATIONS IN THE WORK, INCLUDING ALL EXISTING UTILITIES, ARE TO BE RECORDED AND/OR CORRECTED DAILY AND SUBMITTED TO THE ENGINEER WHEN THE WORK TO BE DONE IS COMPLETED.
17. CONTRACTOR SHALL NOTIFY THE ENGINEER AT LEAST 72 HOURS IN ADVANCE OF COMMENCEMENT OF ANY PART OF THE WORK AND SHALL COORDINATE CONSTRUCTION SCHEDULE WITH CITY ENGINEER TO MINIMIZE IMPACT TO RESIDENTS.
18. THE DESIGN FEATURES INCLUDING HORIZONTAL AND VERTICAL ALIGNMENTS, TYPICAL SECTIONS, APPROACHES, AND OTHER DESIGN DETAILS SHOWN ON THESE DESIGN PLANS SHALL NOT BE ALTERED OR MODIFIED IN ANY WAY DURING CONSTRUCTION WITHOUT THE EXPRESSED, WRITTEN DIRECTION AND APPROVAL OF THE ENGINEER AND/OR CONTRACTING OFFICER. DRAINAGE STRUCTURES SHALL BE INSTALLED AS SHOWN THE PLANS WITH ONLY MINOR CORRECTIONS IN LOCATION SKEW AND/OR ELEVATIONS AS NEEDED TO FIT FIELD CONDITIONS AS DETERMINED BY THE ENGINEER OR OWNER'S REPRESENTATIVE.
19. NO WORK SHALL BE PERFORMED OUTSIDE OF THE DESIGNATED CONSTRUCTION LIMITS WITHOUT THE APPROVAL OF THE CITY OR THEIR REPRESENTATIVE.
20. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING STAGING AREAS WITH THE CITY OF EUREKA. ALL STAGING AREAS WITHIN THE RIGHT-OF-WAY SHALL BE PRE-APPROVED BY THE CITY. ANY PROPOSED STAGING AREA WITHIN RAILROAD RIGHT-OF-WAY SHALL BE APPROVED BY RAILROAD REPRESENTATIVE.
21. UPON COMPLETION OF THE CONSTRUCTION PROJECT, THE CONTRACTOR SHALL LEAVE THE PROJECT AREA FREE OF DEBRIS AND UNUSED MATERIAL. ALL DAMAGE CAUSED BY THE CONTRACTOR SHALL BE RESTORED TO AN "AS GOOD OR BETTER" CONDITION.
22. EXISTING FENCING SHALL REMAIN IN PLACE AND UNDISTURBED BY CONSTRUCTION OPERATIONS UNLESS OTHERWISE SHOWN ON THE PLANS. CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGES TO FENCES DURING CONSTRUCTION. ALL DAMAGE SHALL SHALL BE RESTORED TO EQUAL OR BETTER CONDITION AT THE CONTRACTOR'S EXPENSE.
23. EXISTING SIGN SYSTEMS SHALL BE PROTECTED THROUGHOUT CONSTRUCTION ACTIVITY UNLESS NOTED OTHERWISE ON PLANS. CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGES TO SIGNS DURING CONSTRUCTION. ALL DAMAGE SHALL BE RESTORED TO EQUAL OR BETTER CONDITION AT THE CONTRACTOR'S EXPENSE.
24. CONTRACTOR IS RESPONSIBLE FOR ADDRESSING STORM WATER DRAINAGE AND DEWATERING OF WORK AREAS DURING CONSTRUCTION.

TRAFFIC CONTROL NOTES:

1. THE CONTRACTOR SHALL PROVIDE TEMPORARY TRAFFIC CONTROL IN ACCORDANCE WITH THE CALIFORNIA MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). A TRAFFIC CONTROL PLAN WILL NEED TO BE SUBMITTED AND APPROVED BY THE CITY PRIOR TO ANY WORK TAKING PLACE. THE PLAN SHALL PROVIDE ACCESS AT ALL TIMES FOR RESIDENTS AND EMERGENCY VEHICLES AND COMPLY WITH ALL REQUIRED PERMITS AND OTHER GUIDELINES LISTED ON THESE PLANS AND IN THE SPECIFICATIONS.
2. THE CONTRACTOR SHALL NOT DAMAGE OR DISTURB ANY PART OF THE TRAFFIC SIGNAL SYSTEM AT ANY SIGNALIZED INTERSECTION. IF ANY PART OF THE SYSTEM IS DAMAGED OR DISTURBED, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE COSTS OF HAVING THE SYSTEM REPAIRED BY A QUALIFIED ELECTRICAL/SIGNAL CONTRACTOR TO THE SATISFACTION OF THE ENGINEER.
3. CONTRACTOR SHALL PROVIDE AND MAINTAIN SUFFICIENT TEMPORARY BARRIERS TO PROVIDE FOR THE SAFETY OF THE STAFF AND PUBLIC TO THE SATISFACTION OF THE ENGINEER.

UTILITY NOTES:

1. THE CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT (800) 227-2600 AT LEAST FORTY-EIGHT (48) HOURS, BUT NOT LESS THAN TWO (2) WORKING DAYS, PRIOR TO ANY DEMOLITION OR EXCAVATION AND REQUEST FIELD MARKINGS OF ALL UNDERGROUND UTILITIES.
2. THE CITY OF EUREKA DOES NOT GUARANTEE THE COMPLETENESS OR ACCURACY OF THE EXISTING UNDERGROUND/ABOVE GROUND UTILITIES SHOWN ON THESE PLANS. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR FIELD VERIFYING ANY POTENTIAL UTILITY CONFLICTS BETWEEN EXISTING UNDERGROUND/ABOVE GROUND UTILITIES AND THE WORK SHOWN ON THESE PLANS, INCLUDING BOTH POTENTIAL UTILITY CONFLICTS SHOWN ON THESE PLANS AND POTENTIAL UTILITY CONFLICTS NOT SHOWN ON THESE PLANS BUT EITHER LOCATED, FOUND, OR MARKED IN THE FIELD. WHERE POTENTIAL CONFLICTS ARE FOUND, THE CONTRACTOR SHALL TAKE WHATEVER MEASURES ARE NEEDED (INCLUDING PRELIMINARY POTHOLING OF THE UTILITIES AT THE POTENTIAL CONFLICT LOCATION) PRIOR TO PERFORMING WORK IN THE AREA TO ALLOW TIME FOR THE RESPONSIBLE AGENCY TO CORRECT THE CONFLICT. NO ADDITIONAL PAYMENT SHALL BE MADE BY THE CITY FOR ANY EXPENSE THE CONTRACTOR MAY INCUR AS A RESULT OF HIS FAILURE TO ADEQUATELY EXPLORE, IN THE OPINION OF THE ENGINEER, POTENTIAL UTILITY CONFLICTS.
3. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING AND/OR REPLACING, TO THE SATISFACTION OF THE ENGINEER, ANY UTILITIES THAT ARE DAMAGED BY THEIR ACTIVITIES.
4. AT ANY LOCATION WHERE THE CONTRACTOR'S ACTIVITIES MAY EXPOSE AN ADJACENT WATER MAIN, THE CONTRACTOR SHALL EITHER RESTRAIN THE WATER MAIN OR REQUEST THAT THE CITY SHUT OFF WATER SERVICE IN THE AREA AND DEPRESSURIZE THE WATER MAIN. ANY WATER SHUTDOWN WILL REQUIRE THAT THE CONTRACTOR NOTIFY ALL AFFECTED RESIDENTS AND BUSINESSES WITHIN BOTH THE PRIMARY SHUTDOWN AREA AND THE BACKUP SHUTDOWN AREA AT LEAST FOURTY-EIGHT (48) HOURS IN ADVANCE OF THE ANTICIPATED SERVICE INTERRUPTION. THE CITY WILL PROVIDE THE SHUTDOWN NOTIFICATION FLIERS (ONE FOR PRIMARY AREAS, ONE FOR BACKUP AREAS); HOWEVER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTLY FILLING OUT, DUPLICATING, AND DISTRIBUTING THE FLIERS AS LISTED ABOVE. THE CONTRACTOR SHALL MAKE AN ALLOWANCE IN BOTH THEIR BID AND THEIR PROJECT SCHEDULE TO ALLOW FOR NOTIFICATION OF RESIDENTS AND BUSINESSES, AND NO ADDITIONAL PAYMENT WILL BE MADE BY THE CITY FOR ANY EXPENSES INCURRED BY THE CONTRACTOR TO COMPLETE THE REQUIRED NOTIFICATIONS
5. ALL EXISTING UTILITIES AND TIE-IN POINTS SHOULD BE CONSIDERED ACTIVE UTILITIES UNLESS OTHERWISE INDICATED.
6. CONSTRUCTION ACTIVITY WILL TAKE PLACE IN THE VICINITY OF OVERHEAD ELECTRIC TRANSMISSION LINES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO BE AWARE OF, AND OBSERVE, THE MINIMUM CLEARANCES FOR WORKERS AND EQUIPMENT OPERATING NEAR HIGH VOLTAGE ELECTRIC LINES AS SET OUT IN THE HIGH VOLTAGE SAFETY ORDERS OF THE CALIFORNIA DIVISION OF INDUSTRIAL SAFETY AS WELL AS OTHER APPLICABLE SAFETY REGULATIONS.

MISCELLANEOUS NOTES:

1. THE CITY AND ITS CONTRACTORS ARE SUBJECT TO STATE LAWS RELATIVE TO THE DISCOVERY OF ARCHAEOLOGICAL SITES CONTAINING CULTURAL RESOURCES AND/OR HUMAN REMAINS (SECTION 7050.5 OF THE HEALTH AND SAFETY CODE AND SECTIONS 5097.94 AND 5097.98 OF THE PUBLIC RESOURCES CODE). THE CONTRACTOR SHALL MONITOR ALL CONSTRUCTION FOR THE APPEARANCE OF ARCHAEOLOGICALLY SIGNIFICANT MATERIALS.
2. IF, DURING CONSTRUCTION, SUBSURFACE ARCHAEOLOGICAL RESOURCES (OR MATERIALS THAT MAY BE CONSIDERED TO BE ARCHAEOLOGICAL RESOURCES) ARE ENCOUNTERED, CITY STAFF SHALL BE NOTIFIED IMMEDIATELY AND ALL GROUND-DISTURBING WORK IN THE IMMEDIATE AREA SHALL CEASE AND NOT RESUME UNTIL A QUALIFIED ARCHAEOLOGIST OR CULTURAL RESOURCES SPECIALIST HAS BEEN CONTACTED TO EVALUATE THE MATERIALS AND RECOMMEND APPROPRIATE ACTION.
3. IF BURIED HUMAN REMAINS ARE DISCOVERED, THEY SHALL BE TREATED IN A MANNER CONSISTENT WITH SECTION 7050.5 OF THE CALIFORNIA HEALTH AND SAFETY CODE AND SECTION 5097.98 OF THE CALIFORNIA PUBLIC RESOURCES CODE. THE COUNTY CORONER SHALL BE CONTACTED TO DETERMINE WHETHER FURTHER INVESTIGATIONS ARE WARRANTED, AND THE REMAINS SHALL BE TURNED OVER TO THE CORONER, WHO MAY CONTACT THE NATIVE AMERICAN HERITAGE COUNCIL AND NATIVE AMERICAN REPRESENTATIVES AS REQUIRED OR APPROPRIATE.
4. SHOULD GRADING OPERATIONS ENCOUNTER HAZARDOUS MATERIALS, OR WHAT APPEAR TO BE HAZARDOUS MATERIALS, STOP WORK IN THE AFFECTED AREA IMMEDIATELY AND CONTACT 911 OR THE APPROPRIATE AGENCY FOR FURTHER INSTRUCTION. IF SAID FINDING ARE DISCOVERED ON RAILROAD RIGHT-OF-WAY THE RAILROAD SHALL BE NOTIFIED.

EARTHWORK NOTES:

1. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS AND MEASURES TO PREVENT THE FLOW OF WATER, INCLUDING GROUNDWATER, FROM ENTERING ALL EXCAVATIONS WITHIN THE WORK AREA. IF WATER DOES ENTER AN EXCAVATION, SUCH WATER, WHEN REMOVAL IS NECESSARY TO PROCEED WITH THE WORK, SHALL BE PUMPED TO A CONTRACTOR SUPPLIED HOLDING TANK FOR DISPOSAL.
2. THE CONTRACTOR SHALL MAKE ARRANGEMENTS FOR DISPOSAL SITES AND SHALL PAY ANY AND ALL COSTS INVOLVED. WHEN ANY MATERIAL IS TO BE DISPOSED OF OUTSIDE THE PROJECT WORK AREA, THE CONTRACTOR SHALL OBTAIN BOTH A WRITTEN AGREEMENT BETWEEN THE PROPERTY OWNER AND THE CONTRACTOR AND A COPY OF THE PERMIT THAT ALLOWS MATERIAL DISPOSAL AT THE SUBJECT SITE. THE AGREEMENT SHALL GRANT THE CONTRACTOR PERMISSION TO USE THE PRIVATE PROPERTY AS A DISPOSAL SITE AND SHALL ABSOLVE THE CITY OF ALL RESPONSIBILITY FOR CONSEQUENCES OF SUCH USAGE. THE PERMIT COPY SHALL BE OBTAINED FROM THE PROPERTY OWNER, THE HUMBOLDT COUNTY BUILDING DEPARTMENT, THE CITY OF EUREKA BUILDING DEPARTMENT, OR OTHER REGULATORY AGENCY AS APPROPRIATE. BOTH THE AGREEMENT AND PERMIT SHALL BE FILED WITH THE ENGINEER PRIOR TO THE USE OF THE PROPERTY, AND THE CONTRACTOR SHALL OBTAIN PERMISSION FROM THE ENGINEER TO DISPOSE OF THE MATERIAL AT THE PROPOSED LOCATION DESIGNATED IN THE AGREEMENT AND ON THE PERMIT BEFORE ANY MATERIAL IS DISPOSED OF ON SAID PROPERTY. REFER TO THE CONTRACT SPECIAL PROVISIONS FOR ADDITIONAL REQUIREMENTS.
3. DISPOSAL OF MATERIALS IS NOT PERMITTED WITHIN THE PUBLIC RIGHT-OF-WAY UNLESS OTHERWISE SPECIFIED ON THE PLANS.
4. ALL EXISTING LANDSCAPED AND UNPAVED AREAS WHICH ARE DISTURBED BY CONSTRUCTION OR EARTHWORK OPERATIONS SHALL BE HAND RAKED SMOOTH AND RETURNED TO ORIGINAL EXISTING CONDITIONS.
5. ALL DITCHES, SWALES, GUTTERS, ETC. SHOULD BE CONSIDERED ACTIVE STORM CONVEYANCES UNLESS OTHERWISE INDICATED. CONTRACTOR IS RESPONSIBLE FOR ADDRESSING STORM WATER DRAINAGE AND DEWATERING OF WORK AREAS DURING CONSTRUCTION.
6. UNSUITABLE EXCAVATED MATERIAL SHALL BE REMOVED FROM SITE AND DISPOSED OF IN A MANNER CONSISTENT WITH APPLICABLE REGULATIONS SUCH AS CITY OR COUNTY GRADING ORDINANCES. EXPENSE FOR PROPER DISPOSAL OF UNSUITABLE MATERIALS TAKEN FROM SITE AND PROVIDE SUITABLE DOCUMENTATION OF PERMISSION AND ENVIRONMENTAL DOCUMENTATION FOR USE OF ANY DISPOSAL SITE AS REQUESTED BY THE ENGINEER.

No.	Date	Revisions	By	App.

Designed By: DC
Drawn By: DC
Checked By: JW

Graphic Scale
Measures one inch on Full Size Drawings

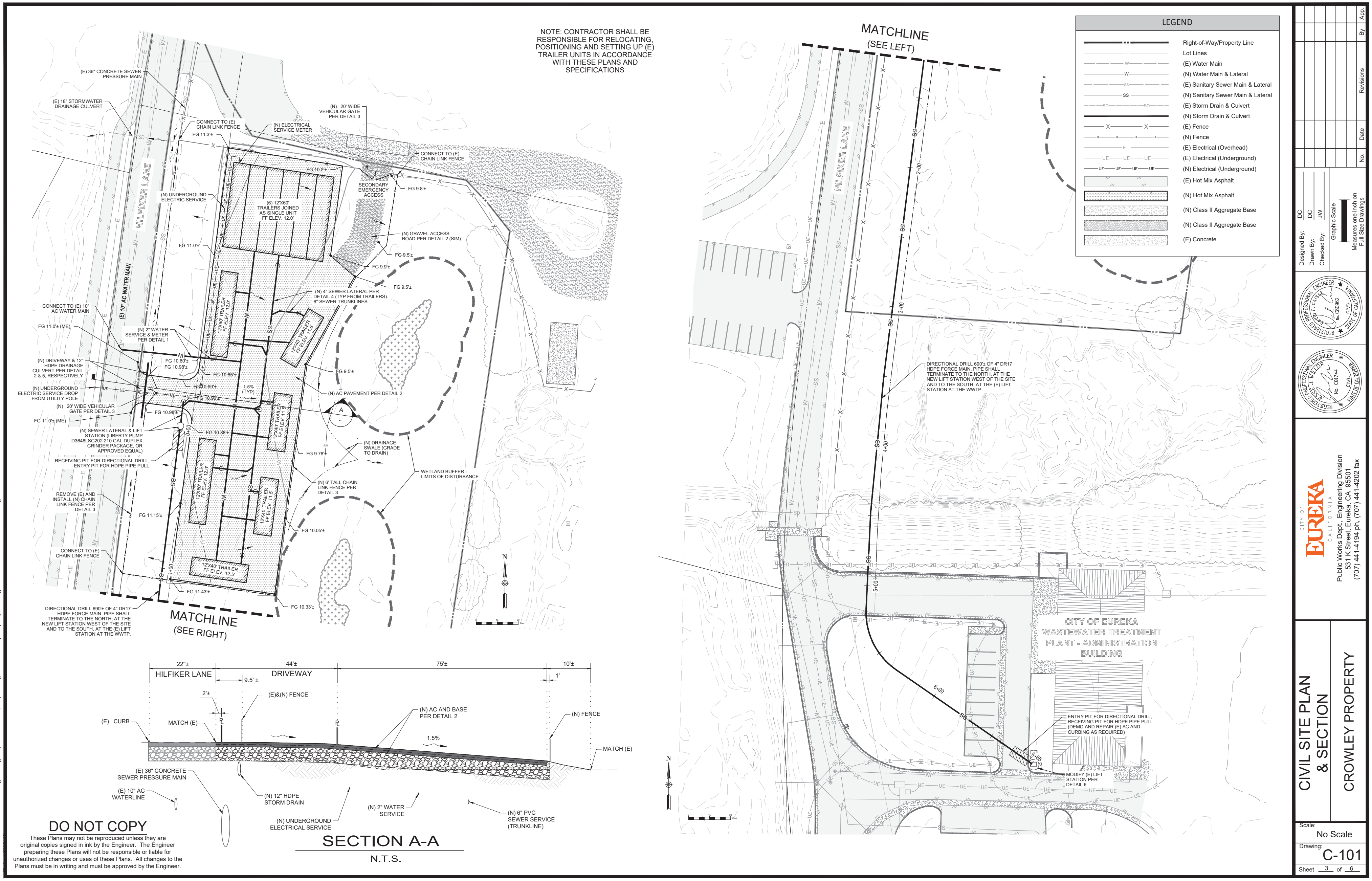
CITY OF EUREKA CALIFORNIA
Public Works Dept., Engineering Division
531 K Street, Eureka, CA 95501
(707) 441-4194 ph, (707) 441-4202 fax

PROJECT NOTES

CROWLEY PROPERTY

Scale: No Scale

Drawing: G-002


NOTE: CONTRACTOR SHALL BE RESPONSIBLE FOR RELOCATING, POSITIONING AND SETTING UP (E) TRAILER UNITS IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS
HILFIKER LANE
(E) 10" AC WATER MAIN
(E) 36" CONCRETE SEWER PRESSURE MAIN
(E) 18" STORMWATER DRAINAGE CULVERT
CONNECT TO (E) CHAIN LINK FENCE
FG 11.3'±
(N) ELECTRICAL SERVICE METER
(N) 20' WIDE VEHICULAR GATE PER DETAIL 3
CONNECT TO (E) CHAIN LINK FENCE
FG 10.2'±
FG 9.8'±
SECONDARY EMERGENCY ACCESS
(N) UNDERGROUND ELECTRIC SERVICE
(6) 12'X60' TRAILERS JOINED AS SINGLE UNIT FF ELEV. 12.0'
(N) GRAVEL ACCESS ROAD PER DETAIL 2 (SIM)
FG 11.0'±
FG 9.5'±
FG 9.9'±
FG 9.5'±
(N) 4" SEWER LATERAL PER DETAIL 4 (TYP FROM TRAILERS). 6" SEWER TRUNKLINES
CONNECT TO (E) 10" AC WATER MAIN
FG 11.0'± (ME)
(N) 2" WATER SERVICE & METER PER DETAIL 1
(N) DRIVEWAY & 12" HDPE DRAINAGE CULVERT PER DETAIL 2 & 5, RESPECTIVELY
(N) UNDERGROUND ELECTRIC SERVICE DROP FROM UTILITY POLE
(N) 20' WIDE VEHICULAR GATE PER DETAIL 3
FG 11.0'± (ME)
(N) SEWER LATERAL & LIFT STATION (LIBERTY PUMP D3648LSG202 210 GAL DUPLEX GRINDER PACKAGE, OR APPROVED EQUAL)
RECEIVING PIT FOR DIRECTIONAL DRILL. ENTRY PIT FOR HDPE PIPE PULL
REMOVE (E) AND INSTALL (N) CHAIN LINK FENCE PER DETAIL 3
CONNECT TO (E) CHAIN LINK FENCE
FG 10.80'±
FG 10.98'±
FG 10.85'±
FG 10.90'±
FG 10.90'±
FG 10.98'±
FG 10.88'±
FG 11.15'±
FG 11.43'±
FG 10.33'±
FG 10.05'±
FG 9.78'±
FG 9.5'±
1.5% (TYP)
12'X60' TRAILER FF ELEV. 12.0'
12'X40' TRAILER FF ELEV. 11.5'
12'X40' TRAILER FF ELEV. 12.5'
(N) AC PAVEMENT PER DETAIL 2
(N) DRAINAGE SWALE (GRADE TO DRAIN)
WETLAND BUFFER - LIMITS OF DISTURBANCE
(N) 6' TALL CHAIN LINK FENCE PER DETAIL 3
DIRECTIONAL DRILL 690'± OF 4" DR17 HDPE FORCE MAIN. PIPE SHALL TERMINATE TO THE NORTH, AT THE NEW LIFT STATION WEST OF THE SITE AND TO THE SOUTH, AT THE (E) LIFT STATION AT THE WWTP.
MATCHLINE (SEE RIGHT)
MATCHLINE (SEE LEFT)
LEGEND
Right-of-Way/Property Line
Lot Lines
(E) Water Main
(N) Water Main & Lateral
(E) Sanitary Sewer Main & Lateral
(N) Sanitary Sewer Main & Lateral
(E) Storm Drain & Culvert
(N) Storm Drain & Culvert
(E) Fence
(N) Fence
(E) Electrical (Overhead)
(E) Electrical (Underground)
(N) Electrical (Underground)
(E) Hot Mix Asphalt
(N) Hot Mix Asphalt
(N) Class II Aggregate Base
(N) Class II Aggregate Base
(E) Concrete
CITY OF EUREKA WASTEWATER TREATMENT PLANT - ADMINISTRATION BUILDING
ENTRY PIT FOR DIRECTIONAL DRILL. RECEIVING PIT FOR HDPE PIPE PULL (DEMO AND REPAIR (E) AC AND CURBING AS REQUIRED)
MODIFY (E) LIFT STATION PER DETAIL 6
22'± HILFIKER LANE
44'± DRIVEWAY
75'±
10'±
9.5' ±
2'±
1'
(E)&(N) FENCE
(N) AC AND BASE PER DETAIL 2
(N) FENCE
(E) CURB
MATCH (E)
1.5%
MATCH (E)
(E) 36" CONCRETE SEWER PRESSURE MAIN
(E) 10" AC WATERLINE
(N) 12" HDPE STORM DRAIN
(N) UNDERGROUND ELECTRICAL SERVICE
(N) 2" WATER SERVICE
(N) 6" PVC SEWER SERVICE (TRUNKLINE)
SECTION A-A
N.T.S.
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531 K Street, Eureka, CA 95501
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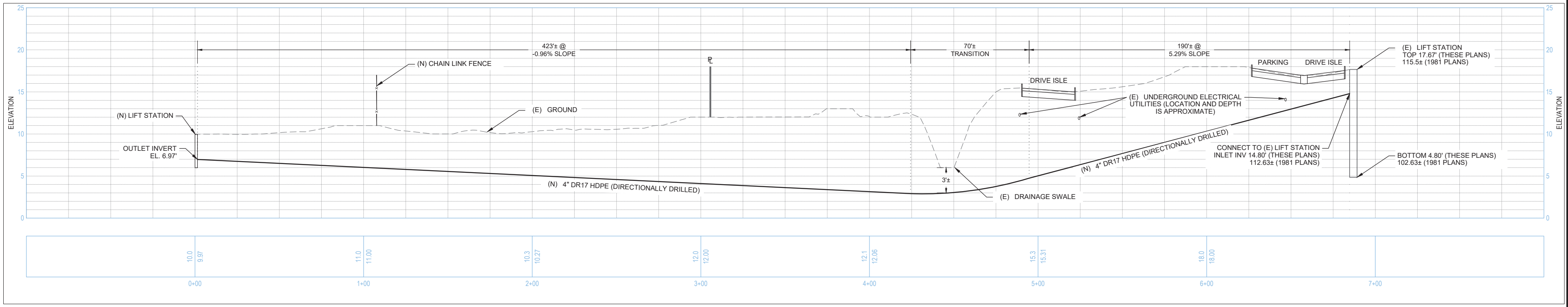
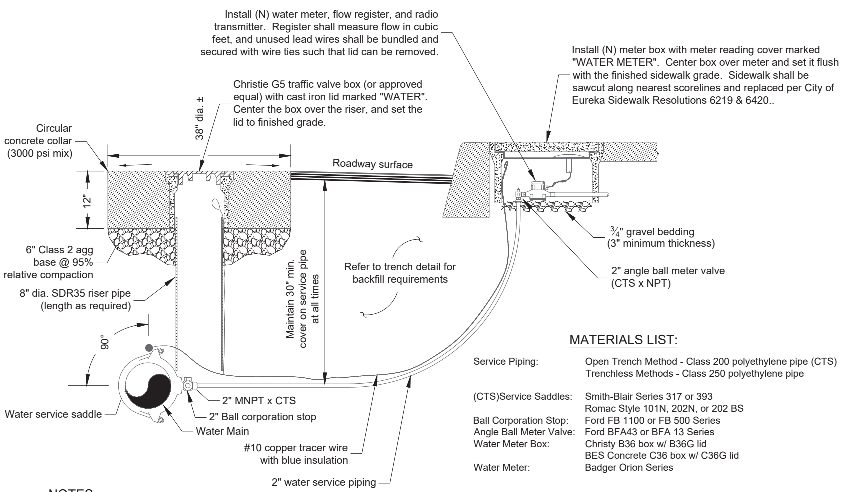
CIVIL SITE PLAN & SECTION
CROWLEY PROPERTY
Scale: No Scale
Drawing: C-101
Sheet 3 of 6
\\data-svr\Private\Public Works\Engineering\Projects\!Land-Property Management\Crowley Property Housing\DWG\Sheets\03-05 C Sheets.dwg



PROFILE - TRENCHLESS SANITARY SEWER

N.T.S.

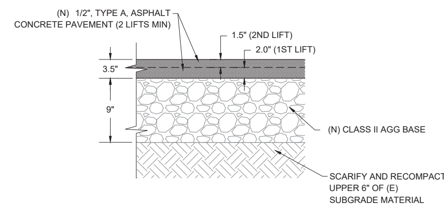


MATERIALS LIST:

Service Piping:	Open Trench Method - Class 200 polyethylene pipe (CTS) Trenchless Methods - Class 250 polyethylene pipe
(CTS)Service Saddles:	Smith-Blair Series 317 or 393 Romac Style 101N, 202N, or 202 BS
Ball Corporation Stop:	Ford FB 1100 or FB 500 Series
Angle Ball Meter Valve:	Ford BFA43 or BFA 13 Series
Water Meter Box:	Christy B36 box w/ B36G lid BES Concrete C36 box w/ C36G lid
Water Meter:	Badger Orion Series

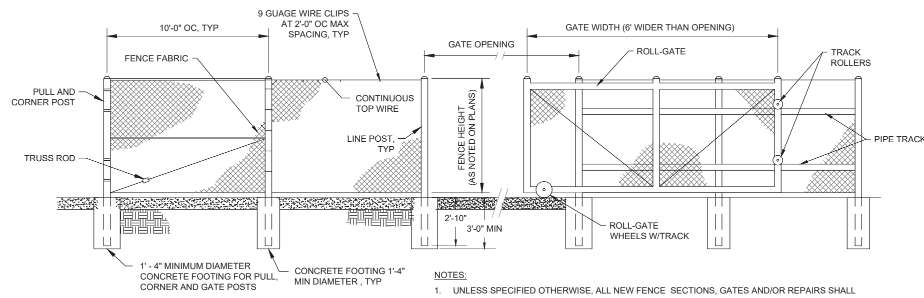
NOTES:

1. All water service materials shall be as listed on the City of Eureka Approved Materials List (or approved equal).
2. Factory manufactured fittings shall be used exclusively.
3. #10 copper tracer wire with blue insulation shall be taped to all water mains, services, and fittings. Tracer wire shall be securely connected to the water main tracer wire at one end, and shall terminate in a loop just below the lid in the meter box at the other end.
4. 2" corporation stop shall have a traffic box and riser pipe installed directly above the stop. The traffic box shall not come into contact with the riser pipe.
5. All water service saddles shall have all exposed nuts and bolts completely covered with spray-on rubberized undercoating.
6. Connections between fittings and water service piping shall be made with pack joints, and stainless steel insert stiffeners shall be used as needed when connecting water service piping to pack joints.



2 PAVEMENT SECTION DETAIL

No Scale



NOTES:

1. UNLESS SPECIFIED OTHERWISE, ALL NEW FENCE SECTIONS, GATES AND/OR REPAIRS SHALL MATCH EXISTING TYPE (HEIGHT, MATERIAL, COLOR, ETC.) TO THE EXTENT POSSIBLE.
2. FENCE FABRIC SHALL HAVE 2" X 2" OPENINGS.
3. PROVIDE PROTECTION FOR DISSIMILAR METALS AND CONCRETE.
4. SIDEWALK SHALL BE 6" WIDER IN AREAS WITH FENCING.
5. CENTERLINE OF POSTS SHALL BE PLACED 4" FROM THE OUTER EDGE OF THE SIDEWALK.
6. SEE PROJECT SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.

1 2" WATER SERVICE DETAIL

No Scale

3 CHAIN LINK FENCE DETAIL

No.	Date	Revisions	By	App.

Designed By: DC
Drawn By: DC
Checked By: JW

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Public Works Dept., Engineering Division
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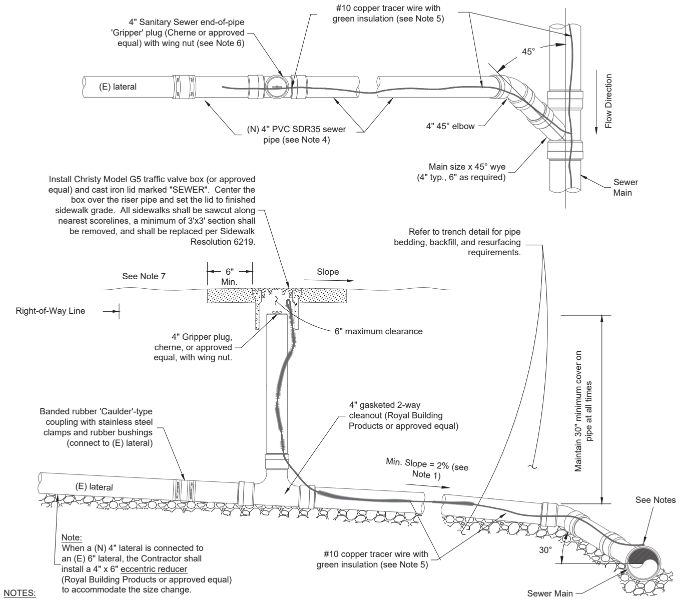
PROFILE & DETAILS

CROWLEY PROPERTY

Scale: No Scale

Drawing: C-501

Sheet 4 of 6

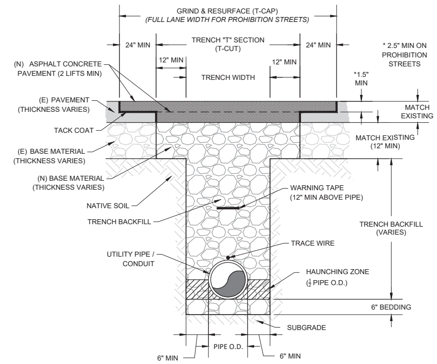


NOTES:

1. Minimum pipe slope shall be 2% (1/4" per foot) unless otherwise approved by the Engineer.
2. Factory manufactured fittings shall be used exclusively.
3. Sewer saddles shall only be used after approval by the Engineer.
4. All fittings and lateral piping shall be 4" (min) PVC SDR35 sewer pipe.
5. All laterals shall be installed with a #10 copper tracer wire with green insulation taped to the sanitary sewer pipe. Lateral tracer wire shall be securely connected to and electrically continuous with the sewer main tracer wire at one end with waterproof, corrosion resistant connector, and shall terminate in a loop just below the lid in the cleanout box at the other end.
6. PVC riser shall NOT end in a bell flange or 'Caulder'-type coupling. Riser shall terminate at the required clearance with a level cut.
7. All areas behind the sidewalk that are disturbed by the installation of sewer laterals shall be restored to a condition that is as good, in the opinion of the Engineer, as when the Contractor began construction, which may include the installation of topsoil, grass seed, AC pavement, or other materials.

4 GRAVITY SANITARY SEWER SERVICE LATERAL DETAIL

No Scale



*TRENCH BEDDING AND BACKFILL FOR PIPES GREATER THAN 24" SHALL BE PER THE MANUFACTURERS INSTALLATION INSTRUCTIONS AND/OR AS DIRECTED BY THE CITY ENGINEER

**UNSUITABLE MATERIAL (AS DETERMINED BY THE ENGINEER) SHALL BE OVEREXCAVATED TO A DEPTH OF 12". STABILIZATION FABRIC (MIRIFI 500X OR EQUIVALENT) SHALL BE PLACED AT THE BOTTOM OF THE EXCAVATION, FOLLOWED BY A 6" LAYER OF POROUS BACKFILL, FOLLOWED BY A 2ND LAYER OF STABILIZATION FABRIC, FOLLOWED BY A 2ND 6" LAYER OF POROUS BACKFILL, AND THEN FOLLOWED BY A FINAL LAYER OF GEOTEXTILE FILTER FABRIC (MIRIFI 140N OR EQUIVALENT).

GENERAL NOTES:

1. ALL WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST CITY AND CALTRANS STANDARDS.
2. COMPACTION TESTS SHALL BE ORDERED AND PAID BY THE CONTRACTOR IN EACH LAYER (LIFT), TYPE OR CLASS OF BACKFILL THAT REQUIRES COMPACTION, AT 50 FOOT INTERVALS. COPIES OF THE FIELD TEST RESULTS SHALL BE SUBMITTED TO THE CITY PRIOR TO PAVING. TESTS SHALL BE PERFORMED BY AND INDEPENDENT GEOTECHNICAL ENGINEERING FIRM ACCEPTABLE TO THE CITY ENGINEER.
3. THE CONTRACTOR SHALL ADEQUATELY SHORE THE EXCAVATION TO PREVENT THE TRENCH WALLS FROM SLOUGHING INTO THE TRENCH. NO ADDITIONAL PAYMENT WILL BE MADE BY THE CITY TO THE CONTRACTOR FOR ADDITIONAL BACKFILL THAT MAY BE REQUIRED DUE TO SLOUGHING TRENCH WALLS.
4. #10 INSULATED COPPER TRACE WIRE (TAPED IN PLACE AT 5' INTERVALS) SHALL BE COLORED AS FOLLOWS:
   - WATER MAINS & SERVICES - BLUE INSULATION
   - SEWER MAINS & LATERALS - GREEN INSULATION
   - STORM DRAIN MAINS - GREEN INSULATION
5. ALL WATER MAIN FITTINGS SHALL HAVE ALL EXPOSED NUTS AND BOLTS COMPLETELY COVERED WITH SPRAY-ON RUBBERIZED UNDERCOATING, AND ALL FITTINGS SHALL BE WRAPPED WITH 6 MIL POLYETHYLENE PLASTIC PRIOR TO TRENCH BACKFILL.

T-CUT PAVEMENT REMOVAL:

6. FULL DEPTH PAVEMENT REMOVAL SHALL BE BY SAW CUTTING OR GRINDING AND SHALL BE NEAT, STRAIGHT, VERTICAL CUTS WITH NO BROKEN EDGES.
7. ALL LONGITUDINAL PAVEMENT CUTS SHALL BE UNINTERRUPTED AND APPROXIMATELY PARALLEL TO THE TRENCH. CHANGES IN DIRECTION SHALL RESULT IN 90 DEGREE ANGLES, OR LARGER.

T-CAP PAVEMENT REMOVAL:

8. EXISTING ASPHALT CONCRETE SHALL BE GROUND DOWN 1-1/2 INCHES WITHIN THE LIMITS OF THE T-CAP AND SHALL BE NEAT, STRAIGHT, VERTICAL CUTS WITH NO BROKEN EDGES..
9. T-CAP LIMITS SHALL BE IN ACCORDANCE WITH FIGURE 1 (SHEET 3 OF THIS DETAIL), UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.
10. T-CAP LIMITS SHALL EXTEND AT LEAST 2 FEET BEYOND THE TRENCH T-CUT LIMITS. MINIMUM T-CAP DIMENSIONS SHALL BE 6 FEET X 6 FEET.
11. FULL MULTIPLE EXCAVATIONS WITHIN 5 FEET OF EACH OTHER, THE T-CAP LIMITS SHALL ENCOMPASS ALL THE EXCAVATIONS WITHIN ONE RECTANGULAR AREA.
12. T-CAP LIMITS SHALL FULLY ENCOMPASS ANY BIKE OR PEDESTRIAN FACILITY (BIKE LANE, CROSSWALK, ETC.) IMPACTED BY THE TRENCH, AND SHALL HAVE A LENGTH THAT EXTENDS AT LEAST 2 FEET BEYOND THE T-CUT ASPHALT REMOVAL LIMITS IN THE DIRECTION OF THE BIKE OR PEDESTRIAN TRAFFIC.
13. IF PAVEMENT REMOVAL FALLS WITHIN 2 FEET OF AN EXISTING CURB, GUTTER OR EDGE OF PAVEMENT, THE ADDITIONAL PAVEMENT SHALL BE REMOVED AND RECONSTRUCTED.
14. T-CAP LIMITS FOR POT HOLES / CORE HOLES SHALL EXTEND 1 FOOT BEYOND THE POT HOLES/CORE HOLES.

ASPHALT CONCRETE PAVEMENT:

15. ASPHALT CONCRETE SHALL BE TYPE A.
16. THICKNESS WITHIN THE T-CUT SECTION SHALL MATCH (E) PAVEMENT THICKNESS (UP TO 6" MAX) AND BE PLACED IN UNIFORM LIFTS NO GREATER THAN 3".
17. THICKNESS WITHIN THE T-CAP SECTION SHALL BE 1-1/2" MIN (2 ½" IN PROHIBITION STREETS).
18. IF (E) STREET IS SHOWING CONCRETE, NEW PAVEMENT SHALL BE 6" THICK AND CONSIST OF 3,000 PSI, 6-SACK CONCRETE, DOWELED AND EPOSIED INTO THE (E) CONCRETE PAVEMENT, BRUSHED (AND COLORED IF BLACK) TO MATCH. DOWELS SHALL BE #4 REBAR AT 24" O.C. WITH 6"-12"EMBEDMENT INTO THE (E) AND (N) CONCRETE.

BASE MATERIAL:

19. BASE MATERIAL SHALL BE ¾" MAX CLASS 2 AGGREGATE BASE COMPACTED TO 95% RELATIVE COMPACTION.
20. FINISHED SURFACE SHALL BE FREE OF RUTS, BUMPS, DEPRESSIONS OR IRREGULARITIES AND ALLOW FOR A UNIFORM THICKNESS OF ASPHALT CONCRETE ACROSS THE FULL WIDTH OF THE TRENCH.

TRENCH BACKFILL:

21. TRENCH BACKFILL SHALL BE ¾" MAX CLASS 2 AGGREGATE BASE PLACED IN LIFTS NO GREATER THAN 12" THICK. NATIVE SOIL OR SLURRY MIX MAY ONLY BE USED WITH CITY ENGINEER'S APPROVAL.
22. THE UPPER 18" OF MATERIAL SHALL BE COMPACTED TO 95% RELATIVE COMPACTION. SUBSEQUENT LAYERS SHALL MEET 90% RELATIVE COMPACTION. COMPACTION WITHIN THE HAUNCHING ZONE SHALL BE WITH 'J' BAR OR PNEUMATIC 'POGO' STICK.
23. TRENCH BACKFILL FOR SERVICE LATERALS AND PIPES 2" AND SMALLER IN DIAMETER MAY CONSIST OF SAND WITHIN THE PIPE ZONE AND UP TO 6" ABOVE THE PIPE, FOLLOWED WITH COMPACTED CLASS 2 AGGREGATE BASE AS SHOWN.

BEDDING:

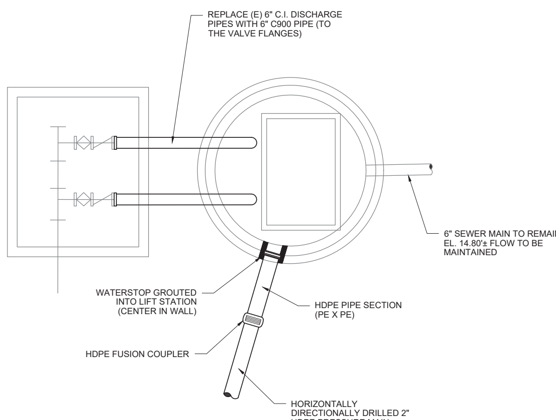
24. BEDDING MATERIAL SHALL BE PLACED ON FIRM AND UNYIELDING SUBGRADE (NO SOFT, SPONGY, UNSTABLE OR UNSUITABLE MATERIAL).
25. TRENCH BEDDING SHALL BE ¾" MAX CLASS 2 AGGREGATE BASE COMPACTED TO 95% RELATIVE COMPACTION.
26. DURING THE PIPE INSTALLATION, THE BEDDING MATERIAL BENEATH FITTINGS/COUPLINGS SHALL BE REMOVED AS NECESSARY TO UNIFORMLY SUPPORT THE FULL LENGTH OF THE PIPE.

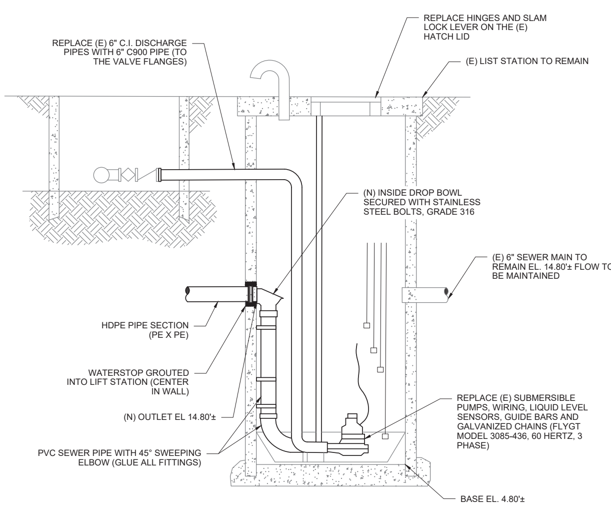
TEMPORARY TRENCH COVERS AND RESURFACING:

27. EVERY TRENCH MUST BE BACKFILLED OR COVERED BY TRENCH PLATES THE SAME DAY. WHEN USED, PLATES SHALL BE SECURED FROM MOVEMENT AND SHALL INCLUDE TEMPORARY ASPHALT RAMPS SLOPED AT 1:20 (OR FLATTER).
28. PAVEMENT SHALL BE RESTORED WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE TIME THE TRENCH IS BACKFILLED, UNLESS DELAY IS EXCUSED DUE TO CIRCUMSTANCES BEYOND THE CONTRACTOR'S CONTROL, SUCH AS INCLEMENT WEATHER.
29. STEEL PLATES THAT WILL REMAIN IN PLACE FOR MORE THAN 14 CALENDAR DAYS SHALL BE INSET INTO THE (E) PAVED SURFACE (WHEN LOCATED WITHIN THE TRAVEL LANE, BICYCLE LANE OR PEDESTRIAN FACILITY).

5 SEWER, WATER & STORM DRAIN TRENCH DETAIL

No Scale





6 LIFT STATION MODIFICATIONS

No Scale

NOTE: THE INTENT OF THIS DRAWING IS TO SHOW THE DETAILS FOR THE NEW PIPE CONNECTION BUT TO ALSO DEMONSTRATE THE INTENT TO REPLACE THE ENTIRE CONTENTS OF THIS LIFT STATION (EXCEPT FOR THE CONCRETE VAULT ITSELF). SEE ORIGINAL SUBMITTAL/SPECIFICATIONS FOR MORE INFORMATION REGARDING THE PUMPS AND OTHER COMPONENTS THAT WILL NEED TO BE REPLACED.

No.	Date	Revisions	By	App.

Designed By: DC
Drawn By: DC
Checked By: DC

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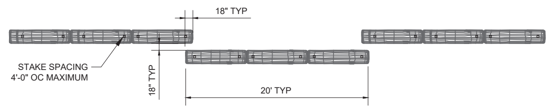
(707) 441-4194 ph, (707) 441-4202 fax

DETAILS

CROWLEY PROPERTY

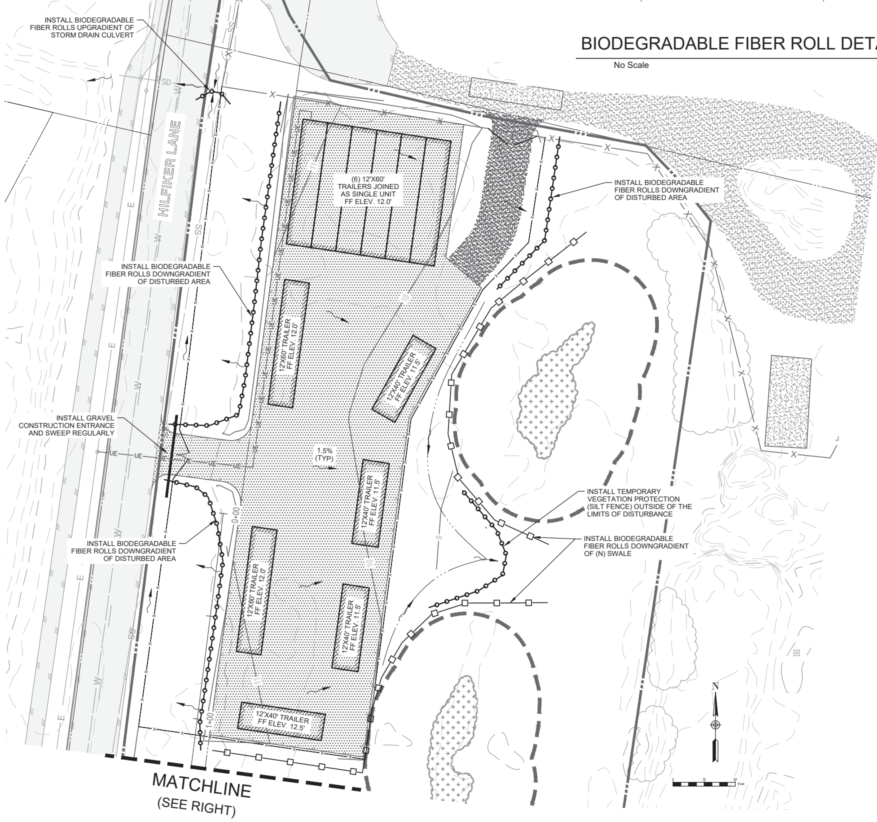
Scale: No Scale

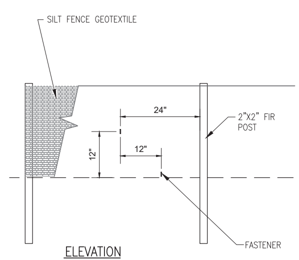
Drawing: C-502

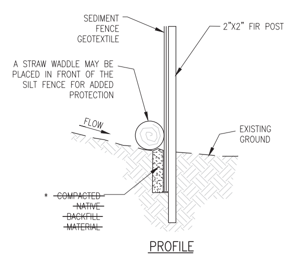


BIODEGRADABLE FIBER ROLL DETAIL

No Scale





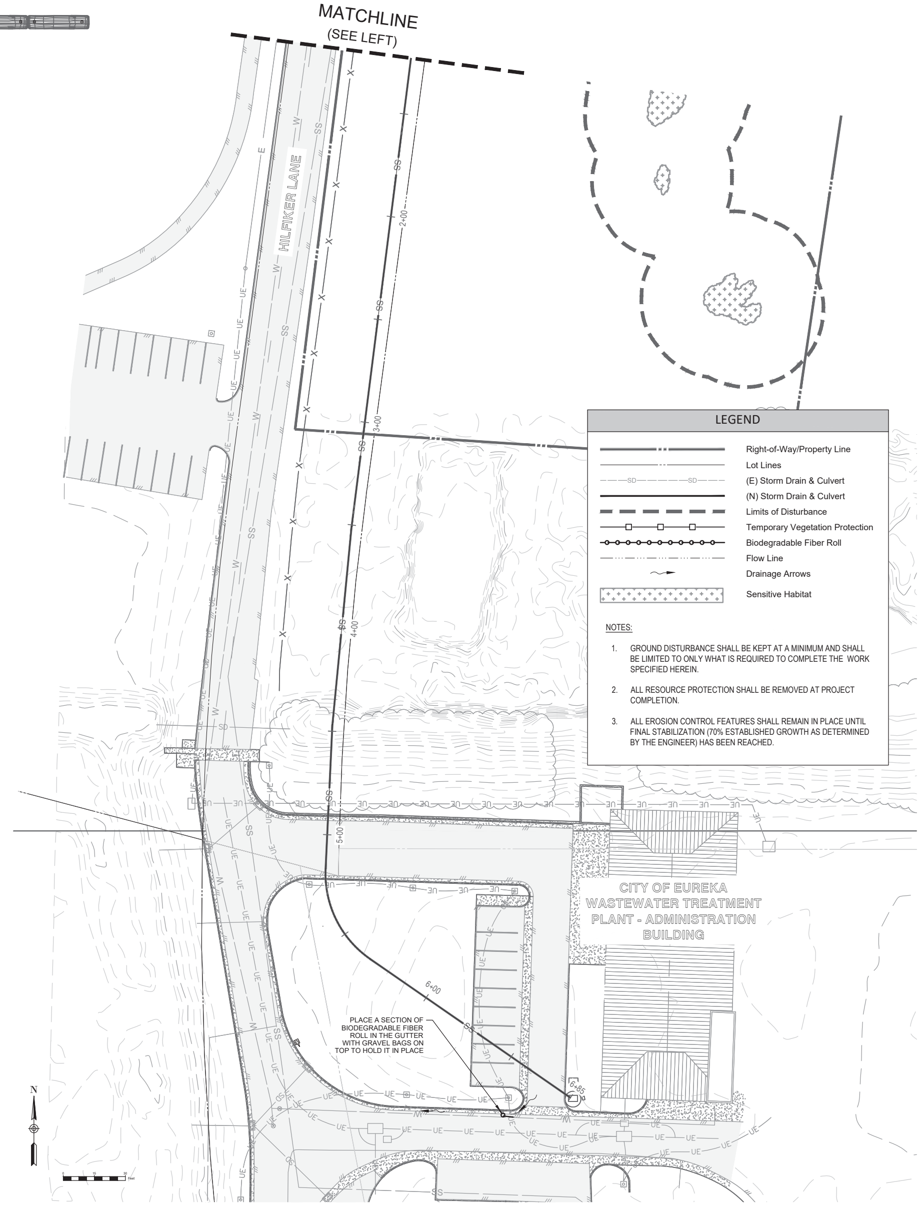


* NOTE: WHEN SILT FENCE IS BEING USED AS TEMPORARY VEGETATION PROTECTION FENCING, PLACE ON THE SURFACE ONLY (DO NOT TRENCH IN).

TEMPORARY SILT FENCE DETAIL

No Scale

DO NOT COPY



LEGEND

- Right-of-Way/Property Line
- Lot Lines
- (E) Storm Drain & Culvert
- (N) Storm Drain & Culvert
- Limits of Disturbance
- Temporary Vegetation Protection
- Biodegradable Fiber Roll
- Flow Line
- Drainage Arrows
- Sensitive Habitat

NOTES:

1. GROUND DISTURBANCE SHALL BE KEPT AT A MINIMUM AND SHALL BE LIMITED TO ONLY WHAT IS REQUIRED TO COMPLETE THE WORK SPECIFIED HEREIN.
2. ALL RESOURCE PROTECTION SHALL BE REMOVED AT PROJECT COMPLETION.
3. ALL EROSION CONTROL FEATURES SHALL REMAIN IN PLACE UNTIL FINAL STABILIZATION (70% ESTABLISHED GROWTH AS DETERMINED BY THE ENGINEER) HAS BEEN REACHED.

No.	Date	Revisions	By	App.

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EROSION & SEDIMENT CONTROL PLAN

CROWLEY PROPERTY

Scale: No Scale
Drawing: EC-101
Sheet 6 of 6

Reference: 016008.500

Wetland and Other Waters Delineation Report

Hilfiker Lane Site
APN 019-271-004
Eureka, California

Prepared for:
City of Eureka

Prepared by:

Engineers & Geologists
1062 G Street, Suite I
Arcata, CA 95521
707-822-5785

November 2017

QA/QC: SJP ___

EXHIBIT 6
A-1-EUR-21-0055 (City of Eureka)
Wetland Delineation
(SHN 2017, excerpts)

1.0 Introduction

SHN Engineers & Geologists has prepared this preliminary jurisdictional wetland delineation for the City of Eureka. Fieldwork was performed by SHN staff.

1.1 Purpose

The purpose of this report is to identify potential jurisdictional wetlands and other waters of the United States and State at the project site, as defined by the United States Army Corps of Engineers (USACE) methodology. The site is located in the coastal zone, and therefore will also be required to conform to the California Coastal Commission's (CCC) wetland criteria. The delineation of these features will help guide the design and construction of future development within the study area and avoid impacts to potential jurisdictional wetlands. Two previous wetland delineations were conducted by Mad River Biologists (MRB, 2010) and by SHN (SHN, 2007).

1.2 Project Location

The project is located in Eureka, California, south of the main downtown area, between the City of Eureka's wastewater treatment plant and the firefighter training facility, off of Hilfiker Road (Figure 1; United States Geological Survey [USGS] Eureka 7.5-minute Quadrangle, Township 5 north, Range 1 west, SW quarter of Section 33, Humboldt Meridian), with a longitude/latitude of 40.7688 /-124.1951. The project is located on Assessor's parcel number (APN) 019-271-004, for a total of 2.9 acres.

2.0 Project Description

Environmental management constraints are being assessed for the study area. This report will assist in considering site management and development options.

3.0 Environmental Setting

The study area is situated at an approximate 6-foot elevation above mean sea level. The site has been used as a fuel tank farm until the 1990s (Appendix 2, Photos 1 and 2). Multiple layers of fill dirt and gravel have been added over time and have been compacted to maintain a flat surface. Gravel roads were created to maintain the tanks. The tanks were removed, and the site has been periodically mowed and used for temporary storage. It is now empty except for sporadic illegal campsites. Outside the eastern border of the study boundary, within the APN, a stormwater swale with a concrete berm holds enough surface and ground water to create a year-round ponded area. Another bermed pond area exists south between the wastewater treatment plant and the study boundary. These ponded areas have been delineated as three-parameter wetlands in the MRB wetland report (MRB, 2010).

An initial field investigation was performed on September 28, 2017 and a wetland and ordinary high water delineation was conducted on October 13 and November 2, 2017. The average annual 30-year precipitation (1981 to 2010) for this area is 40.33 inches (NOAA, 2017). Rainfall total for October 1, 2016 through September 30, 2017 was 63.75 inches (CDEC, 2017), indicating that the 2016-2017 rain season was above normal. Using the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) Climate Analysis for Wetlands Table (WETS) method, that reviews the previous three months before the investigation (or the same month and two prior if after the 15th), indicates that these most current months for the October 13, 2017 field work (Table 1) and the November 2, 2017 field work (Table 2) are considered to have a normal rainfall period immediately prior to the wetland d
NRCS, 2017a).

EXHIBIT 6
A-1-EUR-21-0055 (City of Eureka)
Wetland Delineation
(SHN 2017, excerpts)

Table 1. WETS Rainfall Data For October 13, 2017 Field Work
City of Eureka, Hilfiker Site, Eureka, CA

Month	WETS data	Rank	Weight	Value
September 2017	Above Normal	3	3	9
August 2017	Below Normal	1	2	2
July 2017	Normal	2	1	2
			Total[1]	**13**

1. A sum of 6-9 prior to site investigation is considered a drier than normal rainfall.
   10-14 prior to site investigation is considered a normal rainfall.
   15-18 prior to site investigation is considered a wetter than normal rainfall.

Sources: CDEC, 2017; USDA-NRCS, 2017a

Table 2. WETS Rainfall Data For November 2, 2017 Field Work
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Month	WETS data	Rank	Weight	Value
October 2017	Normal	2	3	6
September 2017	Above Normal	3	2	6
August 2017	Below Normal	1	1	1
			Total[1]	**13**

1. A sum of 6-9 prior to site investigation is considered a drier than normal rainfall.
   10-14 prior to site investigation is considered a normal rainfall.
   15-18 prior to site investigation is considered a wetter than normal rainfall.

Sources: CDEC, 2017; USDA-NRCS, 2017a

4.0 Vegetation

The study area consists of a generally fluvial flood plain terrace, which has been modified by dirt and gravel fill to create a flat surface. The natural vegetation has been highly altered and there is considerable coverage of non-native species. The upland species along the western perimeter consist of Himalayan blackberry (*Rubus armeniacus* [FAC]), California blackberry (*Rubus ursinus* [FACU]), coyote brush (*Baccharis pilularis* [UPL/NL]), sweet vernal grass (*Anthoxanthum odoratum* [FACU]), rattlesnake grass (*Briza maxima* [UPL]), ribwort plantain (*Plantago lanceolata* [FACU]), and pampas grass (*Cortaderia jubata* [FACU]). The gravel road which bisects the study area north to south has developed low depressional pockets that consist of silver moss (*Bryum argenteum* [NL]), penny royal (*Mentha pulegium* [OBL]), creeping bent grass (*Agrostis stolonifera* [FAC]), tall flat sedge (*Cyperus eragrostis* [FACW]), bird's-foot trefoil (*Lotus corniculatus* [FAC]), and occasional algal mats. The eastern area bordering the wetland pond consists of Sitka willow (*Salix sitchensis* [FACW]), pennyroyal, hairy cat's ear (*Hypochaeris radicata* [FACU]), creeping bentgrass, and tall flat sedge. A complete list of plants observed within the study area is compiled in Table 1 in Appendix 3.

The western fenced portion of the site, which parallels Hilfiker Road, is dominated by Himalayan blackberry [FAC]. Although this facultative-classified vegetation could be perceived as a 1-parameter CCC jurisdictional zone, it is our best professional judgment that this zone should be discounted as a 1-parameter wetland because of the convex upland geomorphic position and lack of hydric soil or wetland hydrology indicators. Ongoing research is being conducted to determine whether Himalayan blackberries should be listed as a facultative upland plant in wet coastal areas, instead of the current facultative designation.

5.0 Geologic and Soil Composition

The project site is east of the confluence of Elk River and Humboldt Bay, and is set on the Elk River fluvial 100-year flood plain on top of Humboldt Bay mud flats. The Elk River is 70 feet west of the project, on the west side of Hilfiker Road (Figures 1 and 2). Soil colors and textures found during test pit (TP) analysis indicated fine sandy fluvial deposits underlying dirt and gravel fill.

The underlying soils in the project site have a USDA-NRCS classification of Urban land-Anthraltic Xerorthents association, 0 to 2 percent slopes (map unit 1014). The actual soil description at each exploratory soil TP is described in the Wetland Determination Data Forms found in Appendix 4.

1014--Urban land-Anthraltic Xerorthents association, 0 to 2 percent slopes

Map Unit Setting

Landscape: Coastal plains
Elevation: 0 to 10 feet
Mean annual precipitation: 41 to 43 inches
Mean annual air temperature: 50 to 55 degrees F
Frost-free period: 275 to 330 days

Map Unit Composition
Urban land, industrial: 80 percent
Anthraltic xerorthents and similar soils: 20 percent

Description of Urban land, industrial

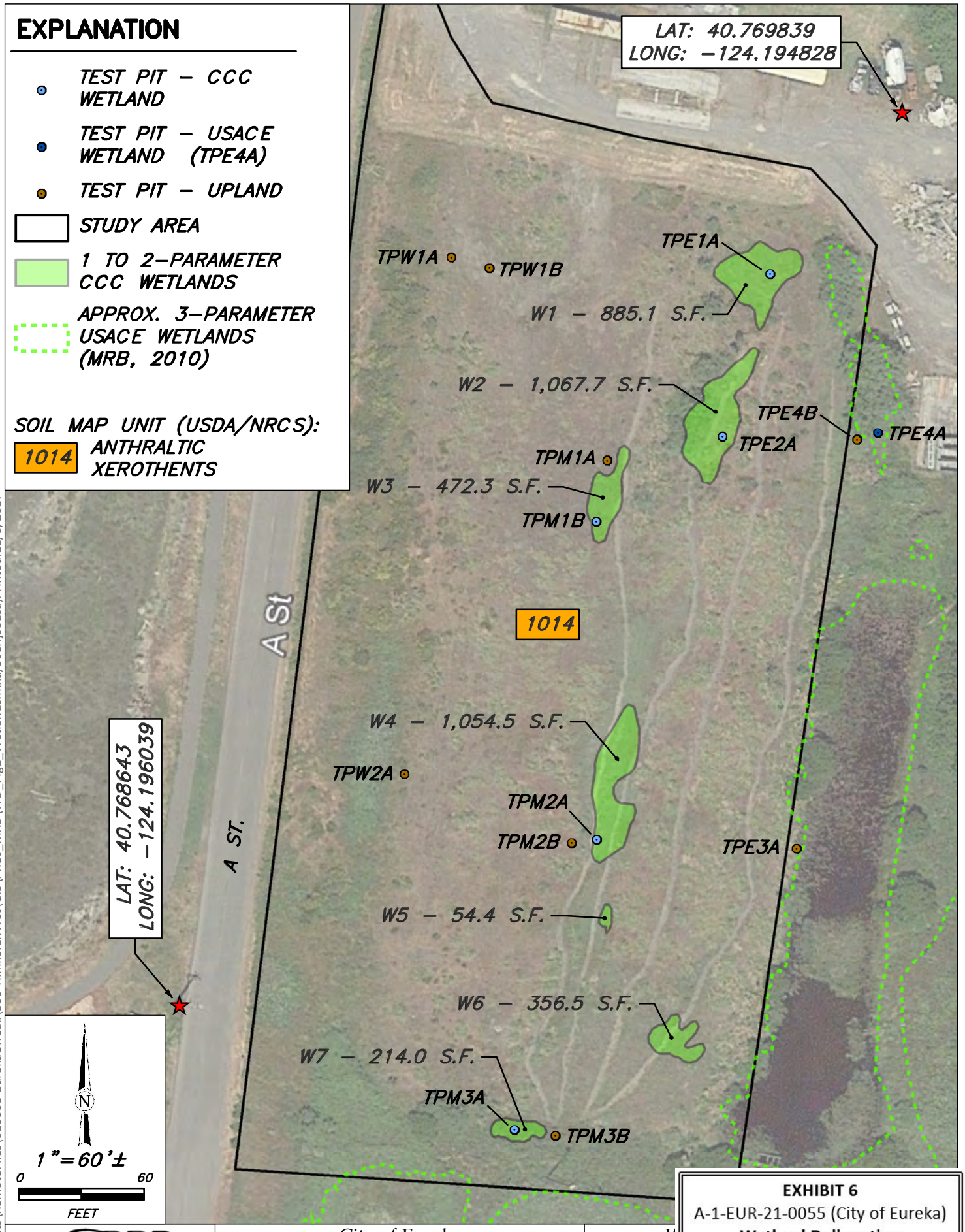
Setting
Landform: Fluviomarine terraces
Anthropogenic features: Urban land

Properties and qualities
Slope: 0 to 2 percent
Depth to water table: About 24 to 24 inches
Frequency of flooding: None
Frequency of ponding: Frequent

Interpretive Groups
Land capability (non-irrigated): 8

Description of Anthraltic Xerorthents

Setting
Landform: Fluviomarine terraces
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Tread
Anthropogenic features: Fills
Down-slope shape: Linear
Across-slope shape: Linear
Parent material: Coarse-loamy fluviomarine deposits and/or coa



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Consulting Engineers & Geologists, Inc.

City of Eureka
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November 2017 | WD_Fig2_Wetlands | Figure 2

Properties and qualities
Slope: 0 to 2 percent
Depth to restrictive feature: None within 60 inches
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): High (1.999 to 6.000 in/hr)
Depth to water table: About 0 to 6 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water capacity: Moderate (about 6.1 inches)

Interpretive Groups
Land capability classification (irrigated): 3s
Land capability (non-irrigated): 3s

Typical Profile
A : 0 to 6 inches: gravelly loamy fine sand
C1 : 6 to 13 inches: sandy loam
C2 : 13 to 19 inches: sandy loam
C3 : 19 to 24 inches: sandy loam
C4 : 24 to 31 inches: sandy loam
C5 : 31 to 43 inches: gravelly sand
C6 : 43 to 65 inches: sand
(USDA-NRCS, 2017b)

6.0 Regulatory Setting

6.1 Federal Laws

6.1.1 Section 401 and 404 of the Clean Water Act

Under Section 404 (33 U.S. Code [USC] 1344) of the Clean Water Act (CWA), as amended, the USACE and the Environmental Protection Agency (EPA) retain primary responsibility for permits to discharge dredged or fill material into "navigable waters of the United States." All discharges of dredged or fill material into jurisdictional waters of the United States (WoUS) that result in permanent or temporary losses of WoUS are regulated by the USACE. A permit from the USACE must be obtained before placing fill or grading in wetlands or other WoUS, unless the activity is exempt from CWA Section 404 regulation (for example, certain farming and forestry activities).

In summary, the definition of WoUS as defined by 33 Code of Federal Regulations (CFR) Section 328.3 (U.S. Code of Federal Regulations) includes:

1. waters used for commerce,
2. interstate wetlands,
3. all other waters (including lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, and natural ponds),
4. impoundments of water,
5. tributaries to aforementioned waters,
6. territorial seas, and
7. wetlands adjacent to waters.

Under 33 CFR 328.3, WoUS do not include prior converted cropland or waste treatment systems.
In 2008, the EPA and USACE released a guidance memorandum implementing the Supreme Court's decision in the cases of the Rapanos v. U.S. and Carabell v. U.S. Because of these cases, the agencies will apply a significant nexus standard to the following categories to determine if it meets the definition of a WoUS:

- Non-navigable tributaries that are not relatively permanent
- Wetland adjacent to non-navigable tributaries that are not relatively permanent
- Wetland adjacent to but that does not directly abut a relatively permanent tributary

Section 401 of the CWA (33 USC 1341) requires applicants for a federal license or permit to obtain a certification from the state in which the discharge originates or would originate, or if appropriate, from the interstate water pollution control agency having jurisdiction over the affected waters at the point where the discharge originates or would originate, that the discharge will comply with the applicable effluent limitations and water quality standards. The responsibility for the protection of water quality in California rests with the State Water Resources Control Board (SWRCB) and its nine Regional Water Quality Control Boards (RWQCBs).

6.1.2 Rivers and Harbors Appropriation Act of 1899

The River and Harbors Appropriation Act of 1899 addresses activities that involve the construction of dams, bridges, dikes, and other structures across any navigable water. Placing obstructions to navigation outside established federal lines and excavating from or depositing material in such waters require permits from the USACE Section 10 (33 USC 403) of the Rivers and Harbors Appropriation Act and prohibits the unauthorized obstruction or alteration of any navigable WoUS.

6.2 State Laws – Porter-Cologne Water Quality Control Act

The state maintains independent regulatory authority over the placement of waste, including fill, into waters of the State (WoS) under the Porter-Cologne Water Quality Control Act. WoS are defined by the Porter-Cologne Water Quality Control Act as "any surface water or groundwater, including saline waters, within the boundaries of the state." The SWRCB protects all waters in its regulatory scope, but has special responsibility for isolated wetlands and headwaters. WoS are regulated by the RWQCBs under the State Water Quality Certification Program, which regulates discharges of dredged and fill material under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act.

Projects that require an USACE permit, or fall under other federal jurisdiction, and have the potential to impact WoS are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, but does involve activities that may result in a discharge to WoS, then the local RWQCB has the option to regulate such activities under its state authority in the form of waste discharge requirements (WDRs) or certification of WDRs. Water Quality Order No. 2004-0004-DWQ specifies general WDRs for dredge or fill discharges to waters deemed by the USACE to be outside of federal jurisdiction under Section 404 of the CWA.

6.3 The California Coastal Act

The California Coastal Commission ("Commission") was established by voter initiative in 1972 and made permanent by the Legislature through adoption of the California Coastal Act of 1976: California Public Resources Code, § 30000 et. seq. ("Coastal Act") (effective January 1, 1977). In partnership with coastal cities and counties, the Commission regulates the use of land and water in the c
specific provisions of the Coastal Act. Under the Coastal Act, development acti

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defined, generally require a coastal development permit from either the Commission or a local government. However, pursuant to California Public Resources Code section 30608, "[n]o person who has obtained a vested right in a development prior to [January 1, 1977]…shall be required to secure approval for the development [by obtaining a coastal development permit] pursuant to this division." *See also Avco Community Developers, Inc. v. South Coast Regional Com. (1976) 17 Cal.3d 785*.

According to the California Code of Regulations (CCR) 14 CCR § 13577 "Criteria for [CCC] Permit and Appeal Jurisdiction Boundary Determinations", the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:

> *(a) Streams. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. For purposes of this section, channelized streams not having significant habitat value should not be considered.*
> *(b) Wetlands.*
> *(1) Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:*
> *(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;*
> *(B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or*
> *(C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.*
> *(2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and with agricultural ponds and reservoirs where:*

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(A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and
(B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.
(Barclays, 2017)

7.0 Methodology

Wetland delineation methods used are described in *U.S. Army Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory, 1987) and *The Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)* (USACE, 2010). The Ordinary High Water Mark (OHWM) delineation methods used are described in the USACE's *A Guide to Ordinary High Water Mark (OHWM) Delineation for Non-Perennial Streams in the Western Mountains, Valleys, and Coast Region of the United States*, (2014). The routine method for wetland delineation described in the USACE 1987 manual was used to identify potential wetlands within the study area. The USACE method relies on a three-parameter approach, in which criteria for hydrophytic vegetation, hydric soils, and wetland hydrology must each be met (present at the point of field investigation) to conclude that an area qualifies as a wetland. The CCC only requires one USACE criterion of the three to be met to enable a wetland qualification.

Hydrophytic vegetation refers to plant species known to be adapted to wetland sites. To classify the hydrophytic plants onsite, the most recent *Western Mountains, Valleys, and Coast 2016 Regional Wetland Plant List* was used (USACE, 2016). Hydric soils are soils that are formed under saturated conditions, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile (USDA, 2010). Wetland hydrology is demonstrated through direct evidence (primary indicators) or indirect evidence (secondary indicators) of flooding, ponding, or saturation for a significant portion of the growing season (USACE, 2010).

Prior to conducting the field investigation, SHN staff reviewed Google Earth aerial images (Google Earth, 2016); USDA-NRCS Web Soil Survey website (USDA, 2010); NWI map (USFWS, 2017) (Appendix 1); and the existing wetlands demarked by MRB wetland study (MRB, 2010). During the field investigation, TPs were characterized at the site for the aforementioned botanical, hydrological, and soil parameters.

TP locations were selected to:

- achieve appropriate coverage and characterization of wetland and upland habitats,
- document potential changes in the vegetative community (such as a shift in the dominant species), and
- determine the approximate boundary line between wetlands and uplands by establishing the extent of key wetland criteria (hydrology, hydric soils, and hydrophytic vegetation).

At each investigation point determined to lie within a one, two, or three parameter wetland, the perimeter of the wetland was established based on hydrology, topography, and changes in vegetation composition. If a suspected wetland test pit was not determined to be a wetland, no additional analysis was done in the immediate area.

7.1 Vegetation Methodology

Prior to the field investigation, a review of plant species reported to be within the project area was performed by querying the "Consortium of California Herbaria" (Consortium of California Herbaria, 2017) database records and "Calflora" (Calflora, 2017) observations. It was determined that the site investigation was performed during a normal rainfall period by reviewing rainfall data (see Section 3.0 and Table 1). Absolute percent cover of each plant species was visually estimated within the TP and within each vegetation stratum. The tree stratum was inspected at a 30-foot radius centered on the TP, the herbaceous and sapling/shrub strata at a 5-foot radius. Botanical nomenclature follows *The Jepson Manual, Vascular Plants of California* (Baldwin et al., 2012) in addition to the online Jepson Interchange (U. C. Berkeley, 2017) for verification of species whose taxonomy may have changed since its publication.

The wetland indicator status of plant species for this investigation was based on the *Western Mountains, Valleys, and Coast 2016 Regional Wetland Plant List* (USACE, 2016). Synonyms were checked for species that did not appear on the USACE wetland plant list. Plant species were classified as:

- Obligate (OBL)–almost always occurs in wetlands
- ***Facultative-wet (FACW)–usually occurs in wetlands, but may occur in non-wetlands***
- ***Facultative (FAC)–occurs in wetlands and non-wetlands***
- ***Facultative-upland (FACU)–usually occurs in non-wetlands, but may occur in wetlands***
- ***Upland (UPL)–almost never occurs in wetlands***
- ***Not listed (NL)-scored as an upland plant and calculated as such on wetland determination forms***

The 50/20 method[1] was applied to each stratum to determine the dominant plant species and to satisfy the hydrophytic vegetation criteria. When hydric soils and wetland hydrology are present, the prevalence index[2] is applied. The occurrence and type of plant cover determine whether jurisdictional areas are identified as satisfying the vegetation criteria of a wetland or other waters. Those sites with little or no hydrophytic plant cover, or other sites not capable of supporting hydrophytic plant communities in normal circumstances, are identified as other waters, provided they have an OHWM.

7.2 Soils Methodology

Soils were field-verified for the presence or absence of hydric conditions. All TPs were excavated to a minimum depth of 24 inches, and the thickness of each soil horizon was measured. The Munsell Soil Color Chart (Kollmorgen Instruments Corporation, 1998) was referenced to determine the colors of the moist soil matrix and redoximorphic (redox) features (if present). Soils were closely inspected for hydric soil indicators, as defined by the NRCS "Field Indicators of Hydric Soils in the United States" (Version 8.1; USDA, 2010).

1. The 50/20 rule: for each stratum of the plant community, dominant species are the most abundant species that (when ranked in descending order of abundance and cumulatively totaled) immediately exceed 50% of total dominance measure for the stratum, plus any additional species that individually comprise 20% or more of the total dominance measure for the stratum (USACE, 2010).
2. The prevalence index is a weighted-average wetland indicator status of all plant species in sampling unit, where each indicator status category is given a numeric code (OBL = 1, FAC\ = 5) and weighting is by abundance (absolute percent cover).

7.3 Hydrology Methodology

The presence (or lack) of wetland hydrology indicators was determined by direct observation of surface water, groundwater, or shallow soil saturation during the field investigation. In some cases, hydrology determinations were sought based on hydrology indicators (for example, drainage patterns, geomorphic placement, and water-stained leaves) rather than actual direct evidence from saturation or inundation itself. Additionally, observations were sought to indicate if the site is subject to flooding or standing water. Potential indicators would include water marks, drift deposits, sediment deposits, alpha, alpha-dipyridyl, and similar features. Indicators of extended period saturation would include oxidized rhizospheres surrounding living roots or the presence of reduced iron or sulfur in the soil profile. A site location must contain at least one primary indicator or two secondary indicators to have the hydrology parameter.

7.4 Ordinary High Water Mark Methodology

No OHWM was sought in this study, because streams and drainages were absent within the project area, as assessed during the preliminary site visit.

8.0 Discussion and Results

A preliminary field investigation was performed on September 28, 2017, with follow-up wetland assessment work on October 13, and November 2, 2017. Fourteen (14) individual TPs were excavated to characterize the area and record information for soils, vegetation, and hydrology on USACE Wetland Determination Data Forms (Appendix 4). Locations of TPs are shown on Figure 2. Photos of the study area are included in Appendix 2. TPs were excavated along three north-south transects: west transect (TPW), middle transect (TPM), and east transect (TPE).

In the following sections, the TPs are individually discussed, describing the physical features and considerations of the site, followed by a Data section that summarizes information from the completed "Wetland Determination Data Forms" located in Appendix 4.

8.1 Western Transect (TPW)

The western transect parallels a chain-link fence built along Hilfilker Road, and is 70 feet east of Elk River. Himalayan blackberries [FAC] dominate the area between the fence line and this transect. Pockets of potential wetlands were investigated. Upon entering the Himalayan blackberry [FAC] patch, it was discovered that this habitat lies on a convex rise composed of well-drained, sandy soils not capable of supporting wetland conditions (see TPW2A, below). It is our best professional judgment that this zone should be discounted as a 1-parameter wetland because of the convex upland geomorphic position and lack of hydric soil or wetland hydrology indicators, along with well drained, sandy soils. Ongoing research is being conducted to determine whether Himalayan blackberries should be listed as a facultative upland plant in wet coastal areas, instead of the current facultative designation.

8.1.1 TPW1A

Discussion

TPW1A is located near the northern boundary adjacent to Hilfiker Road (See Figure 2 and Appendix 2, Photo 4). It was initially investigated because of the presence of slough sedge (*Carex obnupta* [OBL]). Due to the well-drained soils and mix of vegetation, there were no wetland parameters present

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Data
TPW1A vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 5-percent California blackberry [FACU] and 3-percent Scotch broom [NL]. The dominant herbaceous stratum was 60-percent slough sedge [OBL]. The vegetation parameter was not met due to only a 33-percent dominance test.

There were no hydric soil indicators present and only one secondary hydrology indicator (D2-Geomorphic Position, which was not pronounced). At least two secondary or one primary hydrology indicator must be present for the hydrology parameter to be met.

8.1.2 TPW1B

Discussion
TPW1B is located 20 feet east of TPW1A in the gravel road entrance (Figure 2 and Appendix 2, Photo 5). It was chosen for its geomorphic position- a depression from uneven grading and continuous access road usage. Many rusty pieces of iron debris were found in the surface horizon. There were no wetland parameters present.

Data
TPW1B vegetation contained only an herbaceous stratum. The dominant species were 11-percent ribwort plantain [FACU], 11-percent bird's foot trefoil [FAC], 10-percent creeping bent grass [FAC], and 10-percent hairy cat's ear [FACU]. The vegetation parameter was not met due to only a 50-percent dominance test.

There were no hydric soil indicators present and only one secondary hydrology indicator (D2-Geomorphic Position). At least two secondary or one hydrology indicator must be present for the hydrology parameter to be met.

8.1.3 TPW2A

Discussion
TPW2A is located approximately 255 feet south of TPW1A in a Himalayan blackberry patch, which lies approximately 30 feet east of the fence line paralleling Hilfiker Road (Figure 2 and Appendix 2, Photo 6). Fiberglass fill was found in the TP. This location was investigated due to the presence of the facultative Himalayan blackberry. However, upon entry into the bramble patch, the pit was found to lie on convex topography composed of well-drained sand. While redox colors were found below six inches, indicating a seasonally high water table, the color depth was not shallow enough to meet sandy hydric soil indicators, and was too dark to meet indicator A11 or A12. There were no wetland parameters present.

Data
TPW2A vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 98-percent Himalayan blackberry [FAC]. The dominant herbaceous stratum was 15-percent sweet vernal grass [FACU]. The vegetation parameter was not met due to only a 50-percent dominance test.

No hydric soil or hydrology indicators were present.

8.2 Middle Transect (TPM)

The middle transect runs along a gravel road which was used to access the fuel tanks. These pits had a large amount of compacted dirt and gravel fill placed over native soils. Areas where allowed to settle have acquired low depressional areas that collect water.

8.2.1 TPM1A

Discussion

TPM1A is located near the northern border at the gravel turn-around. The site was chosen for its geomorphic position and is on the northern edge of a depression (See Figure 2 and Appendix 2, Photo 7). There was silver moss [NL] present in the northern portion of this depression, but it is not considered a wetland plant, and therefore does not qualify for the hydrology indicator B4 (Algal mat or Crust). There were no wetland parameters present.

Data

TPM1A vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 1-percent coyote brush [NL]. The dominant herbaceous stratum was 28-percent creeping bent grass [FAC] and 25-percent silver moss [NL]. The vegetation parameter was not met due to only a 33-percent dominance test.

There were no hydric soil indicators present and only one secondary hydrology indicator (D2-Geomorphic Position). At least two secondary or one hydrology indicator must be present for the hydrology parameter to be met.

8.2.2 TPM1B

Discussion

TPM1B is located at the southern edge of the TPM1A road way depression, within 32 feet of TPM1A (See Figure 2 and Appendix 2, Photo 7). There is a vegetation change in the depression moving southward from the silver moss [NL] to a true algal mat. There was one wetland parameter present: hydrology.

Data

TPM1B vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 1-percent Himalayan blackberry [FAC]. The dominant herbaceous stratum was 18-percent silver moss [NL] and 10-percent hairy cat's ear [FACU]. The vegetation parameter was not met due to only a 33-percent dominance test.

There were no hydric soil indicators present. Hydrology indicators present were the primary B1 (Water Marks), B4 (Algal Mat or Crust), and the secondary indicator D2 (Geomorphic Position). Therefore, the hydrology parameter was met at this site.

8.2.3 TPM2A

Discussion

TPM2A is located in the central section of the middle transect following the gravel road (See Figure 2 and Appendix 2, Photo 8). This site was chosen for the hydrology indicators seen at the depression formed by settling of the previously graded and graveled road. Redox "halos" were observed within the upper soil horizon, but were found to originate from buried iron fragments, including numerous nails and iron pipe fittings (Appendix 2, Photo 9). This redox was discounted as it was not from ferrous iron naturally migrating through the soil or oxidizing to ferric iron in an in-situ setting. The upper 2 inches of the TP also showed "redox" colored sandy material, but was fill placed or spilled in pockets at several areas along the roadbed (Appendix 2, Photo 10). This colored fill was also discounted as not portraying actual redox formed naturally in-situ. There were two parameters met at this site: hydrophytic vegetation and hydrology.

Data
TPM2A vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 5-percent Sitka willow [FACW]. The dominant herbaceous stratum was 20-percent penny royal [OBL]. The vegetation parameter was met due to the 100-percent dominance test.

There were no hydric soil indicators present. Hydrology indicators present were the primary B1 (Water Marks), B4 (Algal Mat or Crust), and the secondary indicators D2 (Geomorphic Position) and D5 (FAC-Neutral Test). Therefore, the hydrology parameter was met at this site.

8.2.4 TPM2B

Discussion
TPM2B is located 12 feet west of TPM2A off of the roadbed (See Figure 2 and Appendix 2, Photo 11). There were no wetland parameters present.

Data
TPM2B vegetation contained a tree, sapling/shrub, and an herbaceous stratum. The dominant tree stratum was composed of 2-percent Sitka willow [FACW], the sapling/shrub vegetation was composed of 2-percent coyote brush [NL], and the dominant herbaceous stratum was 70-percent rattlesnake grass [UPL] and 26-percent pampas grass [FACU]. The vegetation parameter was not met due to only a 25-percent dominance test.

There were no hydric soil or wetland hydrology indicators present.

8.2.5 TPM3A

Discussion
TPM3A is located in the southern end of the gravel road and study boundary, ending at a berm separating the site from the wastewater treatment plant (see Figure 2 and Appendix 2, Photo 12). It was chosen for its vegetation and potential hydrology. Only one wetland parameter was met: hydrophytic vegetation.

Data
TPM3A vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 10-percent Himalayan blackberry [FAC]. The dominant herbaceous stratum was 90-percent slough sedge [OBL]. The vegetation parameter was met due to the 100-percent dominance test.

There were no hydric soil or wetland hydrology indicators present.

8.2.6 TPM3B

Discussion
TPM3B is located 20 feet east of TPM3A, also at the southern edge of the gravel road and berm (See Figure 2 and Appendix 2, Photo 12). It was chosen as the most probable location for hydric soils in that vicinity. No wetland parameters were met for this site.

Data
TPM3B vegetation contained a sapling/shrub and an herbaceous stratum. The dominant sapling/shrub vegetation was composed of 5-percent California blackberry [FACU] and 4-percent Himalayan blackberry [FAC]. The dominant herbaceous stratum was 35-percent creeping bent grass [
vernal grass [FACU]. The vegetation parameter was not met due to only a 50-p

There were no hydric soil indicators present and only one secondary hydrology indicator (D2-Geomorphic Position). At least two secondary or one hydrology indicator must be present for the hydrology parameter to be met.

8.3 Eastern Transect (TPE)

This transect borders the eastern boundary of the project site and parallels 3-parameter wetland sites already designated in the MRB and SHN wetland delineation reports (MRB, 2010; SHN, 2007). These TPs were chosen to confirm the boundaries between the already mapped 3-parameter wetlands and corresponding upland areas, and to investigate other potential wetland areas that may have been created since the 2010 investigation.

8.3.1 TPE1A

Discussion

TPE1A is located in the northeastern portion of the study area (See Figure 2 and Appendix 2, Photo 13). This site was chosen because of the prevalence of penny royal and an algal mat. There was only one wetland parameter met at this site: hydrology.

Data

TPE1A vegetation contained an herbaceous stratum. The dominant herbaceous stratum was 25-percent hairy cat's ear [FACU] and 20-percent penny royal [OBL]. The vegetation parameter was not met due to a 50-percent dominance test.

There were no hydric soil indicators present. Two primary wetland hydrology indicators B1 (Water Marks) and B4 (Algal Mat or Crust) and one secondary hydrology indicator D5 (FAC-Neutral Test) were met. At least two secondary or one hydrology indicator must be present for the hydrology parameter to be met; therefore, this site passed the hydrology criteria.

8.3.2 TPE2A

Discussion

TPE2A is located 81 feet south of TPE1A (See Figure 2 and Appendix 2, Photo 14). This site was chosen for its vegetation and geomorphic position, particularly the prevalence of penny royal and a shallow channel, approximately six inches deep. There were two wetland parameters met at this site: hydrophytic vegetation and wetland hydrology.

Data

TPE2A vegetation contained a tree and an herbaceous stratum. The dominant tree stratum was 16-percent Sitka willow [FACW]. The dominant herbaceous stratum was 28-percent penny royal [OBL] and 15-percent rattlesnake grass [FACU]. The vegetation parameter was met due to a 66-percent dominance test.

There were no hydric soil indicators present. Two secondary hydrology indicators were met: D2 (Geomorphic Position) and D5 (FAC-Neutral Test). At least two secondary indicators must be present for the hydrology parameter to be met; therefore, this site passed the hydrology criteria.

8.3.3 TPE3A

Discussion

TPE3A was chosen to confirm the 3-parameter wetland boundary already mapped in previous delineations (MRB, 2010; SHN, 2007). The boundary is along a cemented wall and does not blend into 1 or 2 parameter wetland (Appendix 2, Photo 15). Occasional redox features were observed in the upper sandy fill horizon, but were attributed to discarded iron items included in the fill placement. See discussion under TPM2A and an example in Appendix 2, Photo 9. There were no wetland parameters observed at this site.

Data

TPE3A vegetation contained a tree and an herbaceous stratum. The dominant tree stratum was 2-percent Hooker's willow (*Salix hookeriana* [FACW]). The dominant herbaceous stratum was 50-percent pampas grass [FACU] and 18-percent silver moss [NL]. The vegetation parameter was not met due to a 33-percent dominance test.

There were no hydric soil or hydrology indicators met at this site.

8.3.4 TPE4A

Discussion

TPE4A was chosen to confirm a pre-existing 3-parameter wetland delineated from previous delineations (MRB, 2010; SHN, 2007). It is located within a ditched area that flows into the main confined waterbody that is delineated as the north-south 3-parmaeter wetland installed along the eastern project boundary line. There were three wetland parameters met at this site: hydrophytic vegetation, hydric soils, and wetland hydrology.

Data

TPE4A vegetation contained a tree, sapling/shrub, and an herbaceous stratum. The dominant tree species was 70-percent Sitka willow [FACW]. The dominant sapling/shrub species was 4-percent California Blackberry [FACU]. The dominant herbaceous species were 30-percent common rush (*Juncus effuses* [FACW]) and 18-percent tall fescue (*Festuca arundinacea* [FAC]). The vegetation parameter was met due to a 75-percent dominance test.

The hydric soil parameter was met with the S5 (Sandy Redox) indicator. This indicator requires 4 inches of redox in sandy texture starting within 6 inches of the ground surface. There was 5 inches of redox starting within 4 inches of the ground surface. The redox features were not attributed to iron debris as found in TPM2A and TPE3A, but to natural movement of iron through the soil profile. Therefore, the hydric soil parameter was met for this site.

There were two secondary hydrology indicators met at this site: C2 (Dry-Season Water Table) and D2 (Geomorphic Position). The dry-season water table must be above 24 inches during the dry season of the year or during a dry year. The 2016-2017 is not considered a dry year but the November 2 test exploration date had not yet experienced the return of the wet season rainfall, and would still be within the dry season. At least two secondary indicators must be present for the hydrology parameter to be met; therefore, this site passed the hydrology criteria.

8.3.4 TPE4B

Discussion

TPE4B was used as the paired plot for TPE4A to confirm the boundary of the pr
wetland by MRB and SHN (MRB, 2010; SHN, 2007). There were no wetland par

Data

TPE4B vegetation contained a tree, sapling/shrub and an herbaceous stratum. The dominant tree species was 25-percent Sitka willow [FACW]. The dominant sapling/shrub species was 3-percent California blackberry [FACU]. The dominant herbaceous species were 48-percent tall fescue [FAC] and 17 percent sweet vernal grass [FACU]. The vegetation parameter was not met due to a 50-percent dominance test.

There were no hydric soil indicators met. Only one secondary hydrology indicators was met: C2 (Dry-Season Water Table). At least two secondary indicators must be present for the hydrology parameter to be met; therefore, this site did not pass the hydrology criteria.

8.4 Ordinary High Water Mark (OHWM)

OHWM features were not found within the project boundaries.

8.5 National Wetlands Inventory (NWI)

The U.S. Fish and Wildlife Service (USFWS) NWI website (Appendix 1) shows no wetland designations within the project boundaries (USFWS, 2017).

9.0 Conclusions, USACE Delineation

The site investigations occurred during a normal rainfall period at the end of the 2017 dry season, although the annual rainfall was above average. Following the USACE 3-parameter guidelines, no new USACE 3-parameter wetlands (hydrophytic vegetation, hydric soils, and wetland hydrology) were found within the project boundaries. TPE4A confirmed the presence of a 3-parameter wetland already mapped by MRB (MRB, 2010) in the northeast portion of the site (Figure 2). A portion of this wetland falls within this 2017 project boundary, and can be used to confirm buffer setbacks. The presence of penny royal or sedge at several locations hinted at potential wetland conditions. Test pit analysis revealed that hydric soils were lacking on the site. Review of aerial imagery suggests that the site's tank farm usage into the nineties has not allowed enough time to develop hydric soils. A temporary lapse in use, however, has allowed hydrophytic vegetation to emerge in the lower portions of the site.

TPs M1B, M2A, E1A, E2A, and E3A all had wetland hydrology due to the depressed nature of these locations. TPs M1B and M2A lie along the access path that ran between the two rows of tanks, so wear and tear of the road surface, along with compaction, likely produced the depression. TPE2A and TPE4A are in a shallow channel that appears to have been excavated over time to prevent flooding. TPs M2A, M3A, and E2A all had hydrophytic vegetation, with M3A likely the result of the southern berm catching runoff during heavy rainfall, which is then directed east toward the southern inflow to the adjacent pond.

Essentially the entire site was covered with compacted fill composed of rock, gravel, chunks of fiberglass, and in some cases rusted iron. Vegetation was composed of a mix of native and non-native species typical of disturbed industrial yards. The compacted fill, which made surface penetration difficult, is likely reducing infiltration. Additionally, the lack of smooth grading when the site was under-used resulted in areas where water ponds long enough to allow algal growth during wet, warm spells. OHWM was not observed within the study area. Table 2 describes the wetland conditions found at each TP within this project area.

10.0 Conclusions, CA Coastal Zone Delineation

According to California Coastal Act standards, five pits met the one-wetland parameter minimum definition of a wetland, including TPs M1B, M2A, M3A, E1A, and E2A (Figure 2; Table 3). While the western transect was initially suspected to display at least one wetland parameter, close evaluation revealed that this set of three pits (TPW1A, TPW2A, TPW2B) were slightly elevated, with well-drained soils, and does not support wetland conditions. While TPM3A does not reveal wetland hydrology or hydric soils, it likely receives enough flow and subsequent infiltration to provide adequate groundwater for slough sedge [OBL]. The remaining four TPs that met one or two parameters lie in areas depressed enough, and with typical compacted, industrial fill, to hold water long enough to meet the wetland hydrology parameter.

Table 3. Wetland Delineation Results
City of Eureka, Hilfiker Site, Eureka, CA

Test Pit	No. of Parameters[1] met	Type of Parameters[1] met	Cowardin Type	Coastal Zone Wetland	USACE Jurisdictional Wetland
TPW1A	0	None	None	None	None
TPW1B	0	None	None	None	None
TPW2A	0	None	None	None	None
TPM1A	0	None	None	None	None
TPM1B	1	Hydrology	None	1-Parameter	None
TPM2A	2	Vegetation, Hydrology	None	2-Parameter	None
TPM2B	0	None	None	None	None
TPM3A	1	Vegetation	None	1-Parameter	None
TPM3B	0	None	None	None	None
TPE1A	1	Hydrology	None	1-Parameter	None
TPE2A	2	Vegetation, Hydrology	None	2-Parameter	None
TPE3A	0	None	None	None	None
TPE4A	3	Vegetation, Soils, & Hydrology	PSS1C[2]	3-Parameter	Yes
TPE4B	0	None	None	None	None

1. USACE Wetland parameters of Hydrophytic Vegetation, Hydric Soils and Hydrology.
2. Palustrine Freshwater Emergent Wetland

Table 4 describes the area of CCC 1- or 2-parameter wetlands from the current SHN 2017 report.

Table 4. CCC 1-2 Parameter Wetland Area[1]
City of Eureka, Hilfiker Site, Eureka, CA

1-2 Parameter Wetland	Area (ft^3)	Longitude/Latitude
Wetland 1	885.1	40.769627° / -124.195094°
Wetland 2	1067.7	40.769431° / -124.195158°
Wetland 3	472.3	40.769327 °/ -124.195339°
Wetland 4	1054.5	40.768979° / -124.195319°
Wetland 5	54.4	40.768784 °/ -124.195322°
Wetland 6	356.5	40.768626 °/ -124.195214°
Wetland 7	214.0	40.7(

See Figure 2

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11.0 Regulatory Framework

Because this site was historically used as a tank storage facility, the intensity of use was established as a high-coverage operation, with both foot traffic and stormwater flow concentrated in the area examined as the Middle Transect. While the Coastal Commission considers degraded or anthropogenic conditions with one- or two-wetland parameters to be Coastal Act Wetlands, the historical use and zoning of this site must be considered in the plan of potential development.

12.0 Limitations

The conclusions in this report represent a "snapshot in time" and it is possible that some species were not present at the time of the fieldwork. This report documents the investigation by using the best professional judgment of SHN's botanist and soil scientists. The conclusions should be verified by the USACE through receipt of a jurisdictional determination letter.

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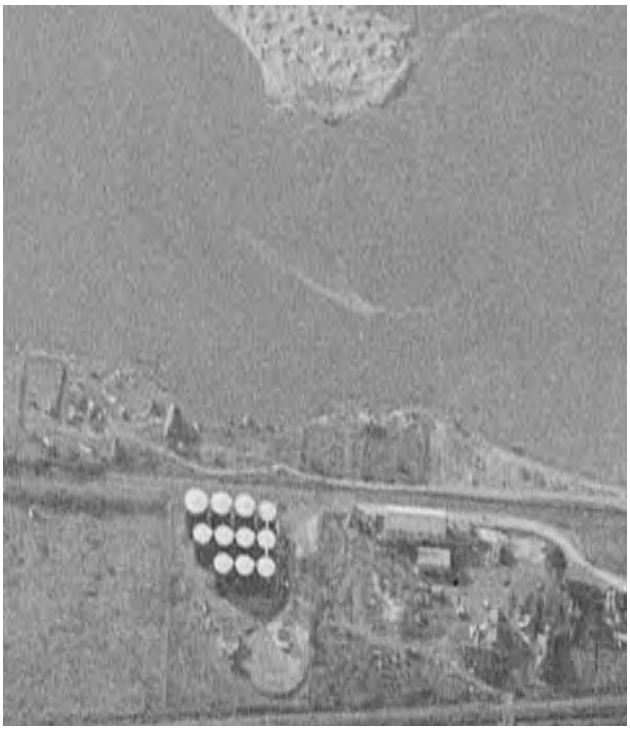

Photo 1: 1958 Shuster aerial photo-looking west.

Photo 2: 1990 Google Earth photo of project site-looking north.

Photo 3: Looking south towards HWMA's treatment plant.

Photo 4: TPW1A in pocket of slough sedge.

Photo 5: TPW1B in gravel road entrance.

Photo 6: Himalayan Blackberry at TPW2A site.

Photo 7: TPM1A depression in gravel road entrance looking south towards TPM1B.

Photo 8: TPM2A on low spot in gravel roadbed looking south towards HWMA treatment plant.

Photo 9: Iron debris contributing false "redox" colors at TPM2A.

Photo 10: "Redox" colored fill on roadway near TPM2A.

Photo 11: TPM2B looking east towards TPM2A.

Photo 12: TPM3A and TPM3B at edge of road and berm.

Photo 13: TPE1A site.

Photo 14: TPE2A site.

Photo 15: Boundary of 3-Parameter wetland near TPE3A. Concrete wall below vegetation is boundary.

Table 1 Botanical Species Observed 10/13/2017 Hilfiker Lane Assessment			
Scientific Name	**Common Name**	**Family**	**Native?**
Trees			
Pyrus communis	flowering pear	Rosaceae	N
Salix hookeriana	Hooker's willow	Salicaceae	Y
Salix sitchensis	Sitka willow	Salicaceae	Y
Shrubs			
Baccharis pilularis ssp. *consanguinea*	coyote brush	Asteraceae	Y
Cordyline australis	cabbage tree	Laxmanniaceae	N
Cotoneaster lacteus	milkflower cotoneaster	Rosaceae	N
Cytisus scoparius	Scotch broom	Fabaceae	N
Ilex aquifolium	English holly	Aquifoliaceae	N
Morella californica	California wax-myrtle	Myricaceae	Y
Rubus armeniacus	Himalayan blackberry	Rosaceae	N
Rubus ursinus	California blackberry	Rosaceae	Y
Ferns and Allies			
Polystichum munitum	sword fern		Y
Sedges and Rushes			
Carex obnupta	slough sedge	Cyperaceae	Y
Carex pansa	sand-dune sedge	Cyperaceae	Y
Cyperus eragrostis	three cornered sedge	Cyperaceae	Y
Juncus balticus	Baltic rush	Juncaceae	Y
Juncus breweri	Brewer's rush	Juncaceae	Y
Juncus effuses	common rush	Juncaceae	Y
Schoenoplectus pungens	common threesquare	Cyperaceae	Y
Grasses			
Agrostis stolonifera	creeping bentgrass	Poaceae	N
Aira caryophyllea	silver hairgrass	Poaceae	N
Anthoxanthum odoratum	sweet vernal grass	Poaceae	N
Avena barbata	slender oat	Poaceae	N
Briza maxima	rattlesnake grass	Poaceae	N
Briza minor	small quaking grass	Poaceae	N
Cortaderia jubata	jubata grass	Poaceae	N
Cynosurus echinatus	annual dogtail grass	Poaceae	N
Distichlis spicata	saltgrass	Poaceae	Y
Festuca arundinacea	tall fescue	Poaceae	N
Festuca bromoides	brome fescue	Poaceae	N
Festuca perennis	wildrye	Poaceae	N
Holcus lanatus	velvet grass	Poaceae	N
Phalaris arundinacea	Canary reed grass	Poaceae	N
Polypogon monspeliensis	rabbit's-foot grass	Poaceae	N
Herbs			
Acmispon parviflorus	hill lotus	Fabaceae	Y
Atriplex prostrata	fat-hen	Chenopodiaceae	N
Chamerion angustifolia	fireweed	Onagraceae	Y
Cotula coronopifolia	brass buttons	Asteraceae	N
Daucus carota	Queen Anne's lace	Apiaceae	
Equisetum arvense	horsetail	Equisetacea	

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Table 1 Botanical Species Observed 10/13/2017 Hilfiker Lane Assessment			
Scientific Name	**Common Name**	**Family**	**Native?**
Foeniculum vulgare	fennel	Apiaceae	N
Fragaria chiloensis	beach strawberry	Rosaceae	Y
Galium triflorum	sweet bedstraw	Rubiaceae	Y
Hypericum perforatum	St. John's wort	Hypericaceae	N
Hypochaeris radicata	hairy cat's ear	Asteraceae	N
Linum bienne	flax	Linaceae	N
Lotus corniculatus	bird's foot trefoil	Fabaceae	N
Lupinus rivularis	riverbank lupine	Fabaceae	Y
Melilotus albus	white sweet clover	Fabaceae	N
Mentha pulegium	pennyroyal	Lamiaceae	N
Oenanthe sarmentosa	water parsley	Apiaceae	Y
Parentucellia viscosa	yellow glandweed	Orobanchaceae	N
Plantago coronopus	buckhorn plantain	Plantaginaceae	N
Plantago lanceolata	English plantain	Plantaginaceae	N
Polygonum aviculare ssp. *depressum*	prostrate knotweed	Polygonaceae	N
Potentilla anserina	silverweed	Rosaceae	Y
Raphanus sativus	wild radish	Onagraceae	N
Rumex acetosella	sheep sorrel	Polygonaceae	N
Rumex crispus	curly dock	Polygonaceae	N
Silene gallica	common catchfly	Caryophyllaceae	N
Sonchus asper	bristly sow thistle	Asteraceae	N
Spiranthes romanzoffia	hooded ladies tresses	Orchidaceae	Y
Symphyotrichum chilense	pacific aster	Asteraceae	Y
Taraxacum officinale	dandelion	Asteraceae	N
Trifolium pratense	red clover	Fabaceae	N
Typha latifolia	cattail	Typhaceae	Y
Vicia sativa	spring vetch	Fabaceae	N
Zeltnera muehlenbergii	Muehlenberg's centaury	Gentianaceae	Y
Moss			
Anacolia menziesii	moss	Bartramiaceae	Y
Bryum argenteum	silvery moss	Bryaceae	Y
Grimmia sp.	grimmia moss	Grimmiaceae	Y
71 Species			**41% Native**

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(SHN 2017, excerpts)

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1062 G Street, Suite I, Arcata, CA 95521-5800

Reference: 016008.501

April 24, 2020

Kristen Goetz
City of Eureka
Development Services Dept.
531 K Street
Eureka, CA 95501

Email to: kgoetz@ci.eureka.ca.gov

Subject: Final Coastal Development Permit Supplemental Application Form Request for Reduced Buffer

Dear Kristen:

On behalf of The City of Eureka, SHN has prepared the following request for a reduced buffer for proposed transitional housing development. The project proposes a setback of 30 feet from one- to two-parameter wetlands on the eastern side and 60 to 80 feet from three-parameter estuarine wetlands across the street on the western side. Three-parameter wetlands delineated within the parcel are currently outside of the 100-foot buffer on the eastern side.

In consistency with the City of Eureka's adopted Local Coastal Program (LCP) policy 6.A.19, the attached Supplemental Application Form—Request for Reduced Buffer (Appendix 2) is supported by the following explanations:

1. Biological Significance of Adjacent Lands

The proposed project would be entirely located within an existing developed footprint on the parcel. The one- to two-parameter wetlands onsite are approximately 30 feet from the proposed development. The project area is adjacent to an existing three-parameter stormwater feature within the parcel. The existing three-parameter stormwater feature is approximately 125 feet from the proposed development. A municipal firefighter training facility and a public trail system are located along the roadway. The surrounding area to the east includes a vegetated strip and commercial development. The western area includes a paved public trail system and salt marsh habitat with the estuary of Elk River approximately 60 to 80 feet from the proposed development. The northern area consists of a municipal firefighting training facility. The southern area includes a vegetated section and a municipal wastewater treatment facility. According to the Humboldt Bay Area Plan of the Local Coastal Program Section 3.30, Humboldt Bay is considered an Environmentally Sensitive Habitat.

The adjacent wetland areas do not have a functional relationship with the one-parameter wetlands within the parcel. However, proposed development preserves the existing spatial connection with three-

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Reduced Buffer Analysis

parameter wetlands and proposes the creation of a 10- to 15-foot wide vegetated stormwater swale outside of the proposed 30-foot buffer, between the buffer and the proposed transitional housing units.

There is no functional relationship with the three-parameter estuarine wetlands since they are separated from the project area by the paved public trail (Hikshari' Trail) and a public roadway (A street) with raised elevation.

The vegetation within areas delineated as upland includes tall fescue (*Festuca arundinacea*), creeping bent grass (*Agrostis stolonifera*), sweet vernal grass (*Anthoxanthum odoratum*), pampus grass (*Cortaderia jubata*), hairy cat's ear (*Hypochaeris radicata*), and Himalayan blackberry (*Rubus armeniacus*). Vegetation within one- to two-parameter wetlands include pennyroyal (*Mentha pulegium*), creeping bent grass, and large quaking grass (*Briza maxima*). These areas with one- to two-parameter wetlands had 38 to 78 percent bare ground (gravel), reflecting the former tank use onsite.

With the incorporation of these Best Management Practices and Avoidance and Minimization Measures, in addition to any Conditions of Approval from the City of Eureka, such as no work being conducted during rain events, a 30-foot buffer is expected to be adequate to protect natural resources within the parcel.

The following construction best management practices (BMPs) and avoidance and minimization measures will be implemented during construction:

- Limit ground disturbance to the minimal extent necessary to accomplish project goals.
- Collect and dispose of spoils from excavations at an appropriately permitted upland disposal facility. If spoils are to be temporarily stockpiled onsite, they must be covered and secured before the onset of precipitation.
- All trash shall be removed from the work site and disposed of on a regular basis.
- All equipment used during construction shall be free of oil and fuel leaks at all times.
- Hazardous materials management equipment, including oil containment booms and absorbent pads shall be available and immediately on hand at the project site. A registered first-response, professional, hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be contained rapidly and cleaned up. In the event of a spill, the contractor and The City of Eureka shall notify the appropriate regulatory agencies immediately.
- Fully implement all conditions of approval required by permit terms.

2. Sensitivity of Species to Disturbance

The proposed project area is largely surrounded by existing human disturbance. The vegetation within the parcel reflects regimes of disturbance as it consists of non-native invasive species such as pampas grass and Himalayan blackberry. No sensitive species are expected to utilize this area due to lack of suitable habitat and existing human disturbance. A nesting bird survey should be conducted if work is conducted within nesting season.

The project will preserve habitat more suitable to sensitive species and wildlife on the eastern section of the property that is outside the standard 100-foot buffer and will accommodate wildlife in the short-term and long-term adaptability of various species to human disturbance. Wetlands associated with the 30-foot buffer are not considered suitable habitat, as they consist of graveled bare ground, and limited in terms of hydrological retention. The one- to two-parameter wetlands consisted of either secondary hydrology indicators (geomorphic position and FAC-neutral test) or algal mats and water marks. Water table and surface water indicators were only observed on the three-parameter wetlands outside the standard 100-foot buffer.

3. Susceptibility of Parcel to Erosion

All proposed project components are to occur in areas of previous ground disturbance with anthraltic soils. Anthraltic soils are defined by the Natural Resources Conservation Service (NRCS) as, "Soils formed in parent material that was altered in place by humans." Test pit examination during the wetland delineation conducted by SHN revealed excessively well-drained gravelly sands incapable of developing hydric soils. Slopes in the area consist of 0 to 2 percent, which preclude erosion and sedimentation. The western project boundary grade rises steeply at the road, completely protecting Humboldt Bay and associated wetlands. With incorporation of best management practices relating to construction and stormwater, it is not expected to be susceptible to erosion.

4. Use of Natural Topographic Features to Locate Development

The project area is along the Eureka waterfront adjacent to existing coastal development and within the footprint of previous development. All proposed project components are located on existing fill prisms. Areas of raised elevation exists within the 60- to 80-foot setback on the western side, as well as the northern and southern sides, to buffer habitat areas.

5. Use of existing Cultural Features to Locate Buffer Zones

The project area is along the Eureka waterfront within previous coastal development and within an area comprised of an existing fill prism. All proposed project components are within the existing footprint on the parcel. A roadway cultural feature exists within the 60- to 80-foot setback on the western side. The development is located along the eastern side of a paved road.

6. Lot Configuration and Location of Existing Development

Proposed project components within the existing footprint will not encroach any closer than where development already exists. Existing development to the south utilizes a setback of approximately 60 feet from high quality wetland habitat. Existing development north of the proposed project includes a setback of 70 feet from high quality wetland habitat. The project also proposes a 10- to 15-foot wide swale outside of the 30-foot setback and will consist of native vegetation.

7. Type and Scale of Development Proposal

The proposed project consists of approximately .25 acres of usable transitional housing space. The project will utilize approximately .60 acres of the parcel to retain a 30-foot setback from one- to two-parameter wetlands and a 60- to 80-foot setback from three-parameter estuarine wetland.

Conclusion

The buffer reduction from 100 to 30 feet for one- and two-parameter wetlands, and the buffer reduction from 100 to 60-80 feet for three-parameter wetlands will be adequate to protect this area and create compatible and sustainable development. The use of an existing footprint on a fill prism and the short-term nature of the construction will limit impacts to the surrounding natural landscape. Additionally, the installation of a protective vegetated swale will enhance habitat quality adjacent to the project area.

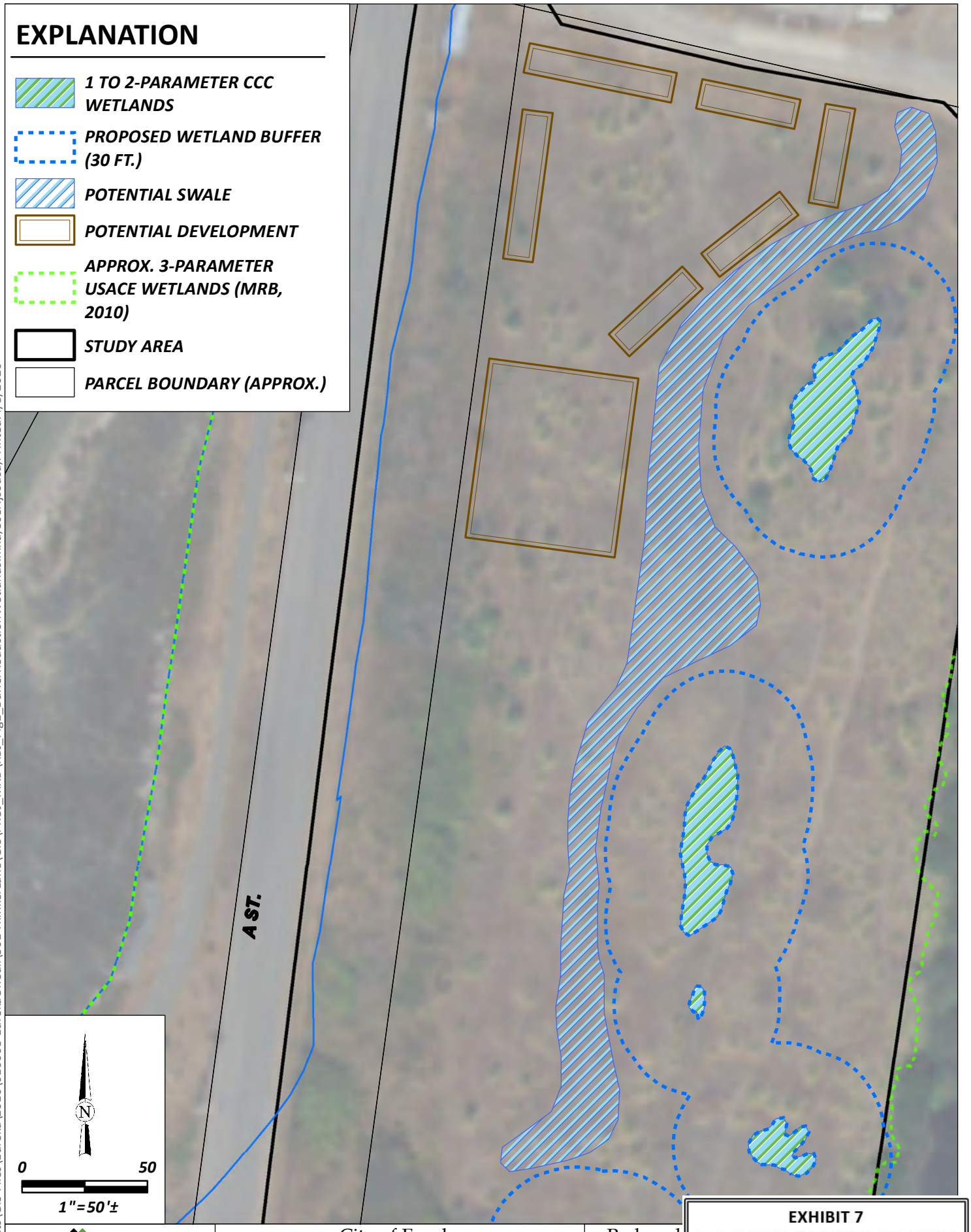
Sincerely,

SHN

Sean Rowe
Botanist

SRR:ceg

Appendices:
1. Supplemental Application Form
2. Figure



\\Arcata\Projects\GIS-Files\Eureka\2016\016008-EurekaOnCall\501-HilfikerLane\GIS\PROJ_MXD\RBJ_Fig1_BufferReductionWetlands.mxd;User:jsousa;Printed:4/8/2020

City of Eureka
Crowley Property
Eureka, California

Reduced

EXHIBIT 7
A-1-EUR-21-0055 (City of Eureka)
Reduced Buffer Analysis

April 2020 | RBJ_Fig1_BufferReductionWetlands | Figure 1

From: Ann White
To: NorthCoast@Coastal
Subject: CDP_21-0006 Betty Kwan Chinn Homeless Foundation Transitional Housing Project
Date: Tuesday, August 3, 2021 2:48:32 PM
Attachments: APPEAL ATTACHMENT Re Crowley Project[19175].pdf
APPEAL of Crowley Project[19176] final.pdf
signature sheet crowley.pdf

I have attached a THIRD PDF SIGNATURE page. I am unable to electronically sign in your provided PDF. I hope this will be satisfactory, if not pleas let me know immediately/

Sent from Mail for Windows 10

EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: North Coast

Appeal Number: _____

Date Filed: _____

Appellant Name(s): _____

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is NorthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at https://coastal.ca.gov/contact/#/).

EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

1. Appellant information[1]

Name: Ann White

Mailing address: P.O. Box 5207, Eureka, CA 95502-5207

Phone number: 707-616-4974

Email address: steppy999@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☑ Submitted comment ☑ Testified at hearing ☐ Other

Describe: I submitted written comments to the City of Eureka for their July 20, 2021 meeting, and my public comments were read out loud by a friend/public member since I was unable to attend the meeting. I also submitted written comments and spoke publicly about my opposition to rezoning of the site and plans for this project.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: _____

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: I exhausted all LCP CDP appeal processes at the local level (i.e. with the City of Eureka). I submitted timely written comments in opposition to the proposed project, and my comments were also read out loud at the Eureka City Council meeting on July 20, 2021 by a friend/lpublic member.

[1] If there are multiple appellants, each appellant must provide their own contact information. Please attach additional sheets as necessary.

EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

2. Local CDP decision being appealed[2]

Local government name: City of Eureka

Local government approval body: City of Eureka

Local government CDP application number: CDP-21-0006

Local government CDP decision: ☑ CDP approval ☐ CDP denial[3]

Date of local government CDP decision: July 20, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Hilfiker Lane, between the Elk River Wastewater Treatment Plant (WWTP) and the Humboldt Bay Fire Training Facility, with utility work extending into parcels to the west and south (onto Hilfiker Lane and WWTP). APN(s): 019-271-04, 019-271-05, and 019-331-02. The applicant is The Betty Kwan Chinn Homelelss Foundation. The project involves construction of a transitional housing facility using donated trailers on a currently vacant, City-owned property. Construction will include installation of underground utilities, driveway and area paving, fencing, setup of the trailers and associated improvements. A new 690-foot-long sewer force main will be installed. Water will be supplied via a connection to an existing City water main. The finished floor elevations will be raised 1.5 to 2.5 feet above the site's base elevation. All proposed development will avoid wetlands with a minimum 30-foot buffer width. A drainage swale will be constructed between the wetland buffers and paved development area. Maximum depth of ground disturbance will be 4 feet below existing grade for utility trenches.

[2] Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and

[3] Very few local CDP denials are appealable, and those that are also require su
Please see the appeal information sheet for more information.

EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

3. Applicant information

Applicant name(s): The Betty Kwan Chinn Homeless Foundation

Applicant Address: 133 7th Street
Eureka, CA. 95501

4. Grounds for this appeal[4]

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See Attachment (8 total pages).

[4] Attach additional sheets as necessary to fully describe the grounds for appeal

EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☑ Interested persons identified and provided on a separate attached sheet

6. Appellant certification[5]

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Ann White

Signature

Date of Signature August 3, 2021

7. Representative authorization[6]

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

[5] If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

[6] If there are multiple appellants, each appellant must provide their own represe to identify others who represent them. Please attach additional sheets as nece

EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☑ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications[5]

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Ann White

Ann White

Signature

Date of Signature August 3, 2021

7. Representative authorization[6]

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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EXHIBIT 8
A-1-EUR-21-0055 (City of Eureka)
Appeal by Ann White

Attachment to California Coastal Commission Appeal of the City of Eureka's 7-20-21 Approval of CDP-21–0006 for the Betty Kwan Chinn Homeless Foundation Transitional Housing Project

4. Grounds for this Appeal:

The approval of the above project by the City of Eureka conflicts with the following sections of the Coastal Act. The Coastal Commission should find that the proposed trailer project raises substantial issue, deny the project, and ask that it be moved to a safer, less environmentally damaging location.

Section 30230 Marine resources; maintenance

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas of special biological 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.

Argument against the project: Thirty years ago the property was a fuel storage facility with numerous bulk storage tanks on site. Since removal of the tanks, the property has recovered substantially and is now a beautiful property with wildlife habitat and many native plants that have returned after these decades of being undisturbed. There are three wetlands on the property, and this wildlife habitat is a link to the other pieces of open space that connect to the restored Elk River Estuary. The parcel is part of a wildlife corridor that is now home to many bird species, mammals, snakes, moles, voles, salamanders, newts, etc. The wetlands have also been identified as habitat suited for pond turtles. This trailer development will disturb and displace native wildlife and cause runoff into the wetlands, bay and estuary with impervious surfaces. The construction, paving, installation of water and sewer hookups will disturb the wetland-dependent wildlife and may release toxins associated with the site's former use. The pollution from lighting will disrupt nesting birds, wildlife, and insects, especially nocturnal species. The comings and goings of 40 residents will have significant impacts on wildlife and the productivity of these coastal wetlands, especially with the inadequacy of 30-foot buffers. The wetlands in this area are of particular importance, because they are located along the American Flyway and provide migrating birds a place to rest and forage as they make their way up and down the coast. This site is also a year-round home to birds and o

need a quiet, undisturbed place to live, eat, nest and raise their babies. This vital link of land on Humboldt Bay is worthy of preservation and restoration. Denying this project will provide an opportunity to save and enhance this last remaining piece of coastal wetlands in California before it is lost forever to development.

Section 30231 Biological productivity; water quality

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 discharge 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.

Argument against the project: In researching the importance of wetland buffers, I found the following statement from a publication produced by the Washington State Department of Ecology: *Wetlands are the most valuable and complex ecosystems on Earth. They provide many functions and values to society, including flood control, ground water recharge and discharge, water quality improvement, shoreline stabilization, fish and wildlife habitat, recreational and educational opportunities and aesthetic values.* (Wetland Buffers: Use and Effectiveness, Washington Sate Department of Ecology, February 1992, p.2.)

The Crowley site trailer development, which proposed to house up to 40 people, provides for 30-foot buffers, which are wholly inadequate for protection of the surrounding wetlands. Such ineffective buffers will lead to the significant degradation of nearby wetlands, coastal waters and harm wildlife. For an intrusive development such as this, the wetland buffers should be at least 50 to 100 feet. Without sufficient buffers, the nearby wetlands will cease to function in a healthy and productive manner. Maintaining a natural vegetative buffer is essential for wildlife to escape from the noise, lights, pollution and ongoing disturbances from humans and pets. Developing this environmentally sensitive site is poor planning and insensitive to the needs of a variety of wetland-dependent species. The further fragmentation and destruction of wetlands around Humboldt Bay will make it more difficult for birds, aquatic species and mammals to survive, thrive and move about. California has lost over 90% of its wetlands, making it that much more important to save what is left of our wetland ecosystems.

Another relevant statement from the Washington State Department of Ecology emphasizes the importance of saving our last remaining wetlands from inappropriate and insensitive developments: *Uses and development adjacent to wetlands can negatively affect wetland systems through increased runoff; sedimentation; introduction of chemical and thermal pollutants; diversion of water supply; introduction of invasive and exotic species; and reduced populations of wetland-dependent species. The area immediately upland of the wetland boundary is important as a seed reservoir, as habitat for aquatic and wetland-dependent wildlife species, and a refuge to wildlife during periods of high water.* (Wetland Buffers: Use and Effectiveness, Washington State Department of Ecology, February 1992, p.3.)

The addition of impervious surfaces (rooftops, paved parking lots, sidewalks) from this trailer project will create more runoff into the wetlands, and pollutants—such as oil and fluid leaks from vehicles and trash from human activities—will compromise the water quality of the wetlands and adjacent coastal waters. The 30-foot buffers proposed for this project are completely inadequate for the protection of nearby wetlands.

Section 30240 Environmentally sensitive habitat areas; adjacent developments

(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 as to prevent impacts which would degrade those areas be compatible continuance of habitat and recreation

Argument against the project: There are three identified wetlands on the Crowley site that provide habitat for numerous species of wildlife, including birds, aquatic animals, and mammals. For example: Blue herons need the wetlands so they can forage for frogs and fish, and songbirds depend on the wetlands for the insects they provide as an important food source. It has been 30 years since the Crowley site housed fuel storage tanks. Since that time, the area has been allowed to heal. That is why it is crucial for site to be protected; so this wetland environment can return to its natural state and provide a healthy and vibrant home for native wildlife and plants. The site is also very impo

provides vital habitat and is a wildlife corridor on the Pacific Flyway. Currently, the property is aesthetically pleasing, tranquil and a quiet place where people can walk, ride bikes or bird watch along Humboldt Bay and the Hikshari Trail. Introducing such a large-scale development and human disturbances to this site will significantly impact the quality of the wetland ecosystem and the wildlife that depends on this habitat to survive and thrive. Instead of inflicting new wounds on these wetlands, the Crowley site should be fully restored and protected for the intrinsic habitat values it provides in an undisturbed state. Due to the tremendous loss of coastal wetlands in California over the generations, it is essential that this fragile ecosystem be protected from further human developments and disturbances.

Section 30251 Scenic and visual qualities

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 alterations of land forms, to be visually compatible with the character of the surrounding areas and, where feasible, to restore and enhance visual quality in visually degraded areas. […]

Argument against the project: There is no way to camouflage this trailer development, which will significantly degrade the visual qualities and character of the Humboldt Bay and its natural surroundings. A lot of money has been spent on the construction and maintenance of the Hikshari Trail, which runs along Humboldt Bay. This bayside trail is a jewel and provides walkers, joggers, bicyclists and birdwatchers a safe and scenic place to recreate and enjoy this beautiful coastal environment and the wildlife that abounds there. These trailers, which are dilapidated eyesores, would be a terrible blight on the landscape and are incompatible and inharmonious with the beauty of the bay surroundings. This proposed development does not belong in such a beautiful coastal location. The Crowley site is special because it is not paved over and developed with buildings and other man-made intrusions. That is why it would be such a tremendous loss to place 11 trailers on this undeveloped parcel that is surrounded by wetlands. This trailer project should be constructed in an alternative site where it will not harm the wetlands, wildlife and the visual and scenic qualities of Humboldt Bay and the Hikshari Trail. The state of California should seize this amazing opportunity to restore and enhance the Crowley site and give it the fully opportunity it deserves to nurture birds, aquatic species and

other wetland critters and protect, for future generations, this valuable piece of open space along Humboldt Bay.

Section 30253 Minimization of adverse impacts

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

[…]

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Argument against the project: As pointed out in the Coastal Commission's staff report (see pages 14 - 22) for the October 9, 2020 hearing regarding the City of Eureka's LCP Amendment LCP-1-EUR-20-0009-1 (Crowley Site Re-designation), a number of serious hazards are associated with this parcel, which are listed below:

- *The parcel is located within a 100-year flood zone, and its high flood risk is expected to worsen in the coming decades with projected seal level rise.*

- *The parcel also has potential soil and groundwater contamination that requires capping the pervious ground surface.*

- *Soft soil conditions identified in the bay-margin sediments at depths ranging from approximately 7-19 feet below ground surface present a settlement hazard.*

- *Strong ground shaking is anticipated at the parcel during the anticipated life of any typical residential, commercial, or industrial structure. Northwestern California is one of the most seismically active regions in the continental United States. An active segment of the Little Salmon fault zone is located approximately 1.5 miles to the southwest of the subject parcel, and there are several other local sources capable of producing strong seismic shaking at the parcel, including the Gorda plate, the Mendocino fault, the Mendocino triple junctio*

end of the San Andreas fault, other faults within the North American plate, and the Cascadia Subduction Zone (CSZ).

- *The site has a low to moderate potential for liquefaction and other seismically-induced ground failures, except during long-duration strong ground shaking associated with a rare, great earthquake (a CSZ event, for example), when the potential for liquefaction would be moderate to high.*

- *The subject parcel is located within the mapped tsunami inundation area on the Tsunami Inundation Map for Emergency Planning (California Geological Survey, August 13, 2020) and is at risk of tsunami inundation from waves generated from a variety of local and distant sources.*

- *In the Humboldt Bay area, the time window between tsunami generation and local inundation could be on the order of only minutes due to proximity to the CSZ, a local source for tsunami waves. In the case of a locally-generated tsunami, the only warning residents or employees of the site would receive would be a natural warning (e.g., strong or long-lasting shaking from an earthquake) approximately 10-15 minutes before inundation by the tsunami, originating from the CSZ source.*

- *The parcel's location adjacent to the City's WWTP (which holds chemicals for water treatment as well as large volumes of human waste) and proximity to a number of heavy commercial and industrial uses (with heavy equipment, motor vehicles, lumber, above-ground liquid and solid storage containers, various forms of solid waste, etc.) adds to the parcel's risk of impacts from debris and hazardous materials as a result of a tsunami.*

- *Because this stretch of Eureka Bay shoreline is not fortified by hard armoring [...], it has been ranked as highly vulnerable in the "Humboldt Bay Shoreline Inventory, Mapping, and Sea Level Rise Vulnerability Assessment" […].*

- *Without the protection of the intervening trail and road, the filled northwestern portion of the parcel would be vulnerable to yearly tidal*

inundation (MAMW) from the west with just 0.2 feet of sea level rise, and monthly inundation (MMMW) with just 1.26 feet of sea level rise

- *With approximately 2.4 feet of sea level rise, the intervening roadway between the parcel and the shoreline would be overtopped, and the parcel would be flooded on a yearly basis during large storms and king tides (MAMW).*

- *Today, runoff from the former tank farm area continues to flow west to east across the site towards these wetlands and eventually discharges to the Elk River and Humboldt Bay. Because of this drainage connection to the bay, higher tides associated with sea level rise will impair the drainage of the parcel, increasing the risk of backwater flooding of the developable portion of the parcel over time.*

- *Extensive wetlands cover a significant portion of the parcel and are part of a larger wetland complex adjoining the parcel that drains to Elk River and Humboldt Bay.*

This long list of hazards should be reason enough to find substantial issue exists with this project. The City of Eureka even admitted that *hazards may impact this parcel to a greater degree than other parcels in the CS Zone.* If this is the case, the Coastal Commission should request this project be moved to a safer, less environmentally damaging location and protect these coastal resources from such a destructive, intrusive and unsightly development.

My final statement: I believe the Coastal Act was written to protect our coastal resources from exactly this type of inappropriate development. The above Coastal Act sections clearly spell out protections for wetlands, wildlife, biological productivity, visual and scenic resources, etc. I am asking the Coastal Commission to please take a pause and take a hard look at the irreparable harm this trailer development would do to this sensitive environment and allow Coastal Commissioners an opportunity to visit the Crowley site to see the possibilities of restoration for this important wetland ecosystem and environment.

5. Identification of interested persons

I am assuming that the Coastal Commission will notify the City of Eureka about my appeal and that the City of Eureka will convey this information to Betty Chinn and any others in the media that are concerned about this issue. I do not have the contact information of others who may have participated in the CDP application process.

From:	Jack Kinnear
To:	NorthCoast@Coastal
Cc:	Kraemer, Melissa@Coastal
Subject:	RE: Appeal to CA Coastal Commission / Betty Chinn Trailer Village on Hik-Shari Trail
Date:	Thursday, August 5, 2021 2:37:24 PM
Attachments:	CDP-AppealForm-Betty Chinn Village.pdf Attachment A1 Description of Project CA Coastal North Coast Appeal Betty Chinn.docx Attachment B2 Grounds for Appeal Betty Chinn Homeless Village.docx

Attached Please Find Documents Appealing a CDP Decision in Eureka CA/ Jack Kinnear

Jack Kinnear
707-888-5107

From: Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>
Sent: Thursday, August 5, 2021 1:57 PM
To: Jack Kinnear <jack@jdkinnear.com>; NorthCoast@Coastal <NorthCoast@coastal.ca.gov>
Subject: RE: Appeal to CA Coastal Commission / Betty Chinn Trailer Village on Hik-Shari Trail

Please fill out and submit this appeal form:
https://documents.coastal.ca.gov/assets/cdp/CDP-AppealForm-nc.pdf

Email of the form is acceptable.

For more information, here is an information sheet about submitting an appeal:
https://documents.coastal.ca.gov/assets/cdp/Appeal-Information-Sheet.pdf

If you have other questions please let me know.

Melissa

From: Jack Kinnear <jack@jdkinnear.com>
Sent: Thursday, August 05, 2021 1:31 PM
To: NorthCoast@Coastal <NorthCoast@coastal.ca.gov>
Cc: Kraemer, Melissa@Coastal <Melissa.Kraemer@coastal.ca.gov>
Subject: Appeal to CA Coastal Commission / Betty Chinn Trailer Village on Hik-Shari Trail

Dear CA Coastal Commission North Coast Authority,

This letter is an appeal (under Coastal Act Section 30603) to the recent decision by the Eureka City Council to approve a development project in Eureka, the Betty Chinn Homeless Village along the important Hik-Shari Coastal Trail.

Appealable Decision
This project can be appealed on the basis of items 1, 2, 3, and 4 listed as appealable conditions on the CACC Appeal Information Sheet. I am an aggrieved party who has publi

EXHIBIT 9
A-1-EUR-21-0055 (City of Eureka)
Appeal by Jack Kinnear

contacted one by one, every city, county, state, and federal politician, and local media outlet, on multiple occasions over the past three years, expressing clearly not only my opposition to the project but why. Only three people of the many contacted have ever responded. None of the City Of Eureka Council or Mayor ever responded, refusing to acknowledge that there are opposing views. The City Manager, the State Senator, and County Supervisor all have responded once. There was a public notice sign up at the location for about a month suggesting there would be public hearings. When it fell down (July 2020, a year ago), it was not rehung. There were no serious pre-announced public hearings.

Public View Blighted/ Critical Shorebird Habitat

The project itself is an idea to put these ugly, rusted, ancient single wide trailers directly across the two lane road that parallels the Hik-Shari Coastal Trail at the Crowley lot location. The gap between the road and trail in this entire section is from 6 inches (a raised curb) to 2.5 feet (small grass divider). The gap between and the trail and Humboldt Bay in this same section is roughly three feet, and reduced to about an inch during our most recent King Tide. This trailer park is to be occupied by transitioning homeless people who will then live within 50 to 200 feet from the Bay waters. This same location on the water side of the two lane road has a small parking lot, 12 spaces, providing access to the Hik-shari Coastal trail. This parking lot is heavily used by people who live in their cars, typically occupying half the spaces during daylight hours every day. There is no restroom at this location. This location will be the de-facto front yard for the Betty Chinn Village. This is part of our park area. The Coastal Trail was hard-won, taking 10 years to conceptualize and then complete the small section that we have, roughly 7 miles. That particuliar location is the actual mouth of the Elk River, one of Humboldt Bay's most significant migrating shorebird habitats. This is a location of critical importance to our wild birds. The impact to this small area will be to exacerbate an already constricted and bottle necked part of our trail. It is not possible for walkers and bikers to pass on this thin part of the trail. Bikers need to go out into the road to pass by even one solitary hiker. The trail is thin here. Yet this location is the prettiest part of our trail and already a log jam of people, dogs, cars, and bikes. The addition of the trailer village population and their guests will have an impact on a sensitive coastal resource area. Plus the visual blight will be major. These are not pretty trailers. This village design impacts all of us for years to come. Look at the Trailers now. Rusted junk. They have been parked along the trail nearby (next to Fire Training station) for three years. These trailers are broken into every day and I see people going in and out consistently. We cleared out the Devils Playground (a former homeless camp of 2000 people that existed for a decade near this location) and then the City put this junk to rot there.

Restricts Access/ Limits Access

The location for the junk trailer village is a backdrop to the trail, now covered in grasses with pretty trees that block out the nearby industrial yards and waste treatment plant. Again, the location should be preserved for future Coastal Trail Park development. This is prime park land real estate. Also, the plans for the Betty Chinn Trailer park are to fill in what could arguably be called unreclaimed wetlands. I walked around the property during our last King Tide and the ground was wet. The road to the Treatment Plant blocks the tide but the area is former salt marsh. It's no location for any serious physical development. There is not enough room for the recreational uses already established. It's a location for field and park land. This Trailer Village is not truly a PPU for this location. That's why the City has worked so hard to bury public notice and deter protest. They know

this is a bad decision. This project will limit and restrict public access to our trail and coastal park lands. There will be no parking available, there is one picnic table, one trash receptacle. Add that the trail is less than three feet wide through here.
The trail is different than it was three years ago. The trail is used by local people, any day, any weather. It is a coastal resource that deserves protection. Personally, I ride my bike by this location 5 to 6 days a week. I know how important this coastal trail is for recreation, because I see it with my own eyes. I have ridden this trail from end to end over 1000 times since it was built. I respectfully ask the CA Coastal Commision to consider this appeal. I'm not a professional appeals writer. I ask you to protect our public access and help us create new and better access to our beautiful Coastal waters, rather than restrict and limit access such as this proposed project would certainly do.

Thank you sincerely for your time and consideration.

Jack Kinnear
Eureka, CA
707-888-5107

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: North Coast

Appeal Number: Local Application No. PLN-13

Date Filed: 8/5/2021

Appellant Name(s): Jack Kinnear

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

Note regarding emailed appeals. Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is NorthCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at https://coastal.ca.gov/contact/#/).

EXHIBIT 9
A-1-EUR-21-0055 (City of Eureka)
Appeal by Jack Kinnear

1. Appellant information[1]

Name: Jack Kinnear

Mailing address: 108 Harris St Eureka CA 95503

Phone number: 828-484-8268

Email address: jack@jdkinnear.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☑ Submitted comment ☐ Testified at hearing ☑ Other

Describe: frequent/repeated letter writing and some phone calls since November 2017 with local officials

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: T project can be appealed on the basis of items 1, 2, 3, and 4 listed as appealable conditions on the CACC Appeal Information Sheet. I am an aggrieved party who has publicly commented, and contacted one by one, every city, c

This project can be appealed on the basis of tems 1, 2, 3, and 4 listed as appealable conditions on the CACC Appeal Information Sheet. I am an aggrieved party who has publicly commented, and contacted one by one, every city,

[1] If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

EXHIBIT 9
A-1-EUR-21-0055 (City of Eureka)
Appeal by Jack Kinnear

2. Local CDP decision being appealed[2]

Local government name: Eureka City Council

Local government approval body: Eureka City Council

Local government CDP application number: Local Application No. PLN-13908-CDP, CDP17-062, SP17-156

Local government CDP decision: ☑ CDP approval ☐ CDP denial[3]

Date of local government CDP decision: 7/21/2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: See Attached Sheet A1

Project Location Parcel Located On Hilfiker Lane, Between The Elk River Wastewater Treatment Plant (Wwtp) And The Humboldt Bay Fire Training Fac lity, With Associated Utility Work Extending Onto Adjacent Parcels To The V

[2] Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

[3] Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.

EXHIBIT 9
A-1-EUR-21-0055 (City of Eureka)
Appeal by Jack Kinnear

3. Applicant information

Applicant name(s): Jack Kinnear

Applicant Address: 108 Harris St Eurewka CA 95503

4. Grounds for this appeal[4]

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See Attachment B1 Grounds for Appeal

This letter is an appeal (under Coastal Act Section 30603) to the recent decision by the Eureka City Council to approve a development project in Eureka, the Betty Chinn Homeless V llage along the important Hik-Shari Coastal Tr

[4] Attach additional sheets as necessary to fully describe the grounds for appeal.

EXHIBIT 9
A-1-EUR-21-0055 (City of Eureka)
Appeal by Jack Kinnear

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certification[5]

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Jack Kinnear

John Kinnear

Signature

Date of Signature 8/5/2021

7. Representative authorization[6]

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

[5] If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

[6] If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as nec

A1: Attachment to Appeal Form Betty Chinn Village Local Application No. PLN-13908-CDP, CDP17-062, SP17-156

Description of Project

Project Location Parcel Located On Hilfiker Lane, Between The Elk River Wastewater Treatment Plant (Wwtp) And The
Humboldt Bay Fire Training Facility, With Associated Utility Work Extending Onto Adjacent Parcels To The
West And South (Onto Hilfiker Lane And Wwtp Property)., Humboldt County Apn:06023-01927104
The applicant proposes to utilize donated trailers to create community housing on a currently vacant,
City-owned property to help people who are struggling to secure housing develop rental history. Construction
will include installation of underground utilities, driveway and area paving, fencing, setup of the trailers, and
associated improvements. Directional drilling will be required to install a new approximately 690-foot-long
sewer force main between a new onsite lift station and the adjacent WWTP. Water will be supplied via a
connection to an existing City water main that runs under Hilfiker Lane, and electricity will be received through
a new underground electric service drop to a nearby utility pole. The finished floor elevations of the proposed
housing units will be raised 1.5-2.5 feet above the site¿s base flood elevation. All proposed development will
avoid wetlands with a minimum 30-foot buffer width. A drainage swale will be constructed between the wetland
buffers and the paved development area. The directional drilling depths for the sewer main installation are
shown on the project plans. Otherwise, the maximum depth of ground disturbance will be four feet below
existing grade for utility trenches.

B2; Grounds for Appeal of Betty Chinn Village August 5th 2021 Local Application No. PLN-13908-CDP, CDP17-062, SP17-156

This letter is an appeal (under Coastal Act Section 30603) to the recent decision by the Eureka City Council to approve a development project in Eureka, the Betty Chinn Homeless Village along the important Hik-Shari Coastal Trail.

Appealable Decision

This project can be appealed on the basis of items 1, 2, 3, and 4 listed as appealable conditions on the CACC Appeal Information Sheet. I am an aggrieved party who has publicly commented, and contacted one by one, every city, county, state, and federal politician, and local media outlet, on multiple occasions over the past three years, expressing clearly not only my opposition to the project but why. Only three people of the many contacted have ever responded. None of the City Of Eureka Council or Mayor ever responded, refusing to acknowledge that there are opposing views. The City Manager, the State Senator, and County Supervisor all have responded once. There was a public notice sign up at the location for about a month suggesting there would be public hearings. When it fell down (July 2020, a year ago), it was not rehung. There were no serious pre-announced public hearings.

Public View Blighted/ Critical Shorebird Habitat

The project itself is an idea to put these ugly, rusted, ancient single wide trailers directly across the two lane road that parallels the Hik-Shari Coastal Trail at the Crowley lot location. The gap between the road and trail in this entire section is from 6 inches (a raised curb) to 2.5 feet (small grass divider). The gap between and the trail and Humboldt Bay in this same section is roughly three feet, and reduced to about an inch during our most recent King Tide. This trailer park is to be occupied by transitioning homeless people who will then live within 50 to 200 feet from the Bay waters. This same location on the water side of the two lane road has a small parking lot, 12 spaces, providing access to the Hik-shari Coastal trail. This parking lot is heavily used by people who live in their cars, typically occupying half the spaces during daylight hours every day. There is no restroom at this location. This location will be the de-facto front yard for the Betty Chinn Village. This is part of our park area. The Coastal Trail was hard-won, taking 10 years to conceptualize and then complete the small section that we have, roughly 7 miles. That particuliar location is the actual mouth of the Elk River, one of Humboldt Bay's most significant migrating shorebird habitats. This is a location of critical importance to our wild birds. The impact to this small area will be to exacerbate an already constricted and bottle necked part of our trail. It is not possible for walkers and bikers to pass on this thin part of the trail. Bikers need to go out into the road to pass by even one solitary hiker. The trail is thin here. Yet this location is the prettiest part of our trail and already a log jam of people, dogs, cars, and bikes. The addition of the trailer village population and their guests will have an impact on a sensitive coastal resource area. Plus the visual blight will be major. These are not pretty trailers. This village design impacts all of us for years to come. Look at the Trailers now. Rusted junk. They have been parked along the trail nearby (next to Fire Training station) for three years. These trailers are broken into every day and I see people going in and out consistently. We cleared out the Devils Playground (a former homeless camp of 2000 people that existed for a decade near this location) and then the City put this junk to rot there.

Restricts Access/ Limits Access

The location for the junk trailer village is a backdrop to the trail, now covered in grasses with pretty trees that block out the nearby industrial yards and waste treatment plant. Again, the location should be preserved for future Coastal Trail Park development. This is prime park lan

EXHIBIT 9
A-1-EUR-21-0055 (City of Eureka)
Appeal by Jack Kinnear

for the Betty Chinn Trailer park are to fill in what could arguably be called unreclaimed wetlands. I walked around the property during our last King Tide and the ground was wet. The road to the Treatment Plant blocks the tide but the area is former salt marsh. It's no location for any serious physical development. There is not enough room for the recreational uses already established. It's a location for field and park land. This Trailer Village is not truly a PPU for this location. That's why the City has worked so hard to bury public notice and deter protest. They know this is a bad decision. This project will limit and restrict public access to our trail and coastal park lands. There will be no parking available, there is one picnic table, one trash receptacle. Add that the trail is less than three feet wide through here.
The trail is different than it was three years ago. The trail is used by local people, any day, any weather. It is a coastal resource that deserves protection. Personally, I ride my bike by this location 5 to 6 days a week. I know how important this coastal trail is for recreation, because I see it with my own eyes. I have ridden this trail from end to end over 1000 times since it was built. I respectfully ask the CA Coastal Commision to consider this appeal. I'm not a professional appeals writer. I ask you to protect our public access and help us create new and better access to our beautiful Coastal waters, rather than restrict and limit access such as this proposed project would certainly do.

Thank you sincerely for your time and consideration.

Jack Kinnear
Eureka, CA
707-888-5107

From: janelle
To: NorthCoast@Coastal
Subject: Egger Appeal of CDP-21-0006, Crowley Site, Eureka CA
Date: Thursday, August 05, 2021 4:27:06 PM
Attachments: J Egger CDP Appeal re CDP-21-0006.pdf
LOCATION and DESCRIPTION.pdf
July 20, 2021 JAE Comments re Coastal Development Permit CDP-21-0006.pdf

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Hello, First of two emails

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

From:	janelle
To:	NorthCoast@Coastal
Subject:	Re: Egger Appeal of CDP-21-0006, Crowley Site, Eureka CA
Date:	Thursday, August 05, 2021 4:32:12 PM
Attachments:	GROUNDS for Appeal.pdf 2020-10-09 CCC presentation.pdf

Second of two emails

On Thursday, August 5, 2021, 4:26:54 PM PDT, janelle <njjr@sbcglobal.net> wrote:

Hello, First of two emails

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

CALIFORNIA COASTAL COMMISSION
NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
(707) 826-8950
NORTHCOAST@COASTAL.CA.GOV

APPEAL FORM

Appeal of Local Government Coastal Development Permit

Filing Information (STAFF ONLY)

District Office: North Coast

Appeal Number: A-1-EUR-21-0055

Date Filed: 08/05/2021

Appellant Name(s): Janelle Egger

APPELLANTS

IMPORTANT. Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at https://coastal.ca.gov/contact/#/).

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EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

1. Appellant information[1]

Name: Janelle Egger

Mailing address: 1020 Angel Hts Fortuna

Phone number: 616-3837

Email address: njjr@sbcglobal.net

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☑ Submitted comment ☑ Testified at hearing ☑ Other

Describe: I've provided written comments and public comments at City Council meetings, communicated with Eureka and Commission district staff, requested/reviewed public documents and provided verbal comment at the Oct 9, 2020 Commission meeting when the site was rezoned.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: This is a locally-approved development project between the first public road and the sea, it is within 300 feet of a beach or the mean high tide, and within 100 feet of a wetland.

[1] If there are multiple appellants, each appellant must provide their own conta information. Please attach additional sheets as necessary.

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

2. Local CDP decision being appealed[2]

Local government name: City of Eureka

Local government approval body: Eureka City Council

Local government CDP application number: CDP-21-0006

Local government CDP decision: ☑ CDP approval ☐ CDP denial[3]

Date of local government CDP decision: July 20, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: The parcel contains wetlands, is on a dead-end street with a beach boat launch to the north, the California Coastal Trail across the street & parking for the Eureka Wildlife Area to the south. The development requires a sewer lift station and connection to the wastewater plant at the end of the road. From the July 20 Staff report: "Homelessness... causes ongoing degradation of coastal resources. ...people...camp overnight on vacant lots and open spaces along the Eureka waterfront, often directly in sensitive habitats resulting in wetland fill, loss of rare plants and other vegetation important for fish and wildlife, and pollution of coastal waters, among other coastal resource impacts." This rationale is heard often and seen in staff reports, funding applications, news reports and facebook posts. Homelessness is the 2016 evction to construct part of the Coastal Trail of people who went as directed and followed arbitrary changing rules. It's the lack of other designated places to live that causes degradation of human lives. These trailers need a home, but using homelessness to permanently degrade this place? Please also see LOCATION & DESCRIPTION.pdf

[2] Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

[3] Very few local CDP denials are appealable, and those that are also require Please see the appeal information sheet for more information.

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

3. Applicant information

Applicant name(s): Janelle Egger

Applicant Address: 1020 Angel Hts. Fortuna 95540

4. Grounds for this appeal[4]

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: Please see attached:

July 20, 2021 JAE Comments re Coastal Development Permit CDP-21-0006.pdf

GROUNDS for appeal.pdf

[4] Attach additional sheets as necessary to fully describe the grounds for appe

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

5. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certification[5]

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Janelle Egger

Signature

Date of Signature 8/5/2021

7. Representative authorization[6]

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

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☐ Interested persons identified and provided on a separate attached sheet

6. Appellant certifications[5]

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Janelle Egger

Signature Janelle Egger

Date of Signature 8/5/2021

7. Representative authorization[6]

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

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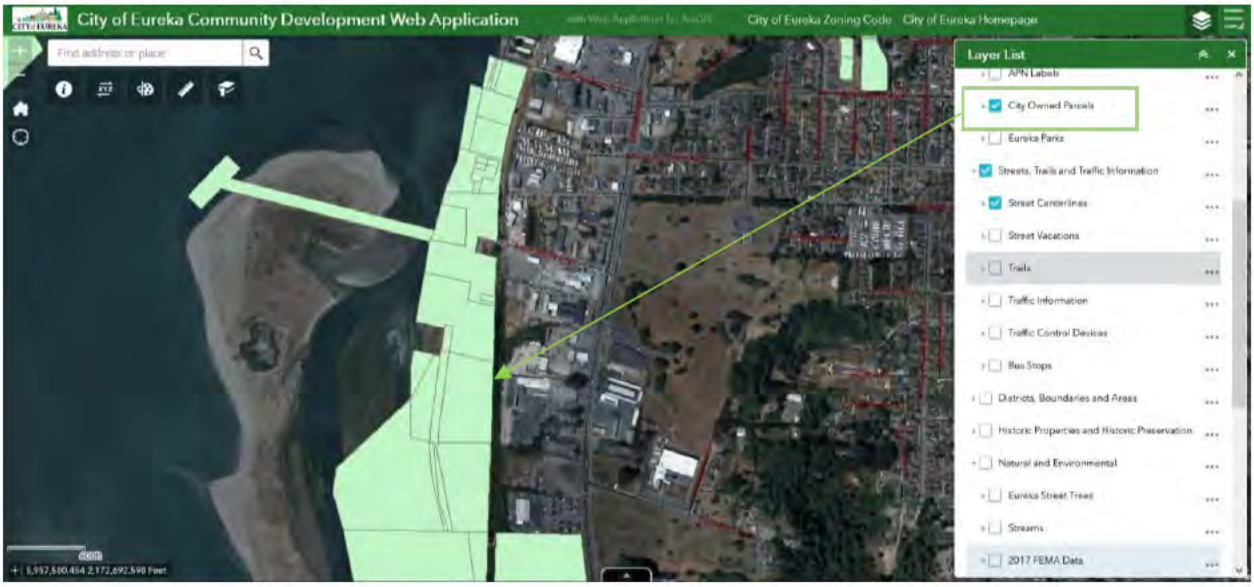
to identify others who represent them. Please attach additional sheets as necessary.

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

LOCATION

From NOTICE OF PUBLIC HEARING:
"... approximately 0.81 acres in the northwestern corner of a 6.1-acre parcel and will include installation of underground utilities, paving, fencing, six individual trailer structures, and one large (60' X 72') structure ... Utility work will extend onto adjacent parcels to the west and south (onto Hilfiker Lane and Elk River Wastewater Treatment Plant property)."
http://www.ci.eureka.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23553

Site is City owned property



Subject to flooding (parcel outline added)

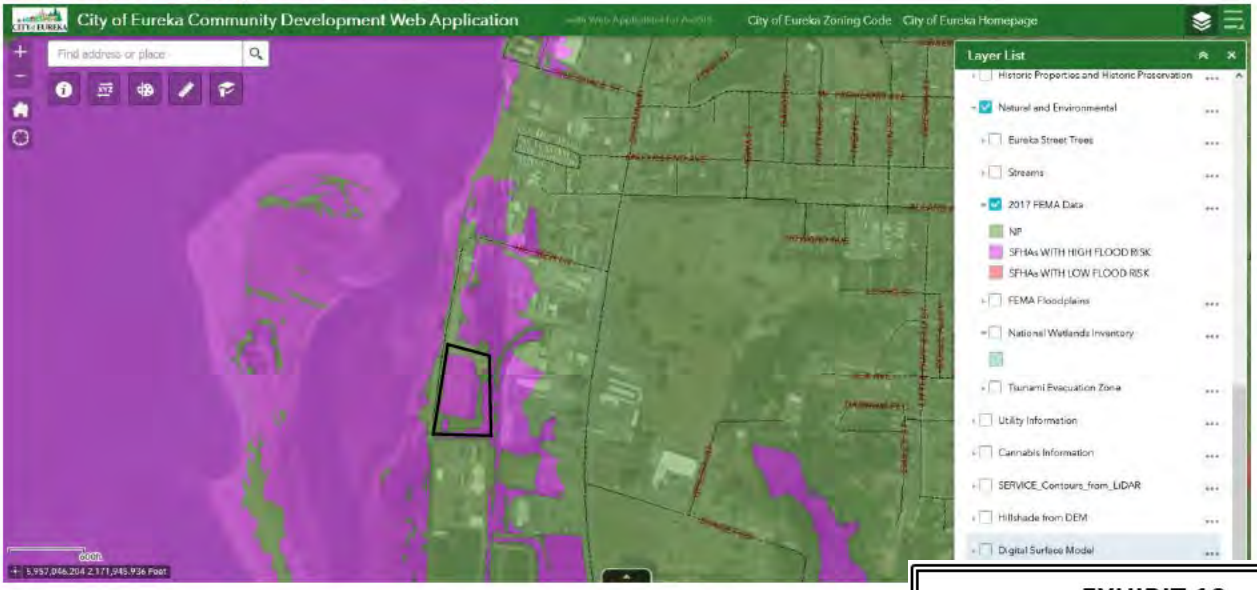


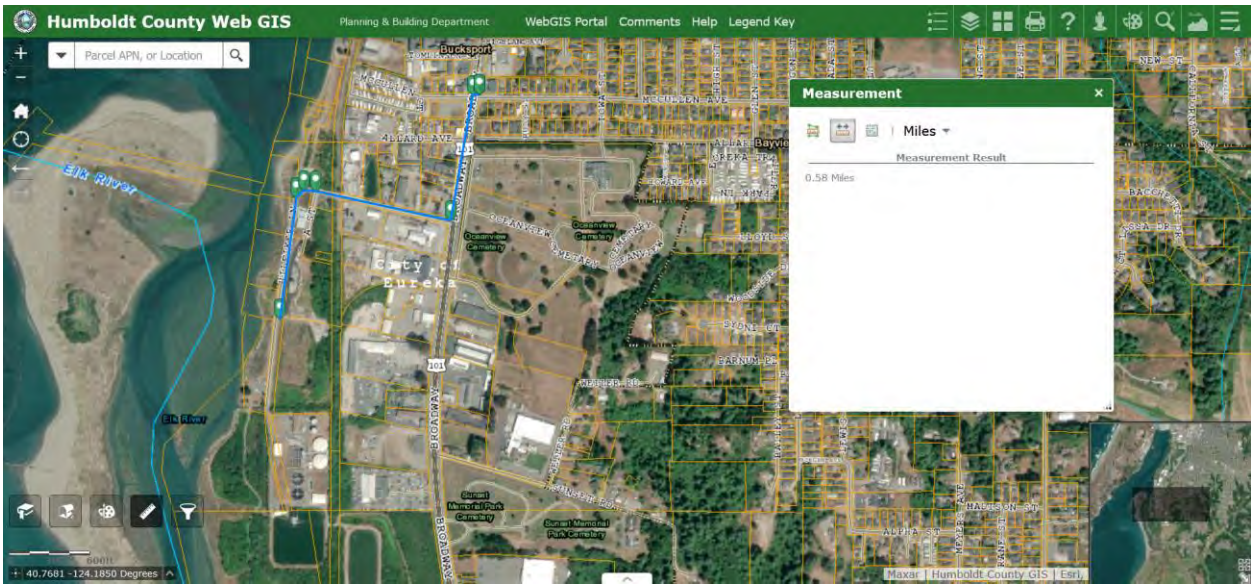
EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

Hikshari' section of CA Coastal Trail (in purple) and current absence of development along it.

Current location of trailers

Parcel outline in Fig. 2
July 20, 2021 Agenda Summary.
Approximate area of
project added.

The Site is *not* within half a mile of public transportation.



Geologic Hazard Evaluation and Geotechnical Engineering Report July 2012

[Attachment 3. Geo Reports.pdf, 5/29/ 2020 City of Eureka letter to the CCC North Coast Office]

PDF Page 8: "The subject property occupies low-elevation, relatively flat ground along the shore of Humboldt Bay. Elevation of the site averages about 9 feet, but a berm in the eastern part of the property has a crest elevation of about 15 feet, and a closed basin in the southern part of the site has a floor elevation of about 5 feet.

PDF page 12: "Other than the Little Salmon fault, there are 6 other potential sources for strong seismic shaking"

PDF Page 14: "Groundwater was encountered in test pits throughout the low-elevation site at between 2.25 and 6.75 feet. As our field investigation was completed in March, it appears we observed typically shallow groundwater conditions, as would be expected on a low-lying site near the bay margin. Groundwater levels can be expected to fluctuate seasonally, based on the degree of recent precipitation, and is likely to be tidally-influenced as well."

PDF Page 15 "Strong ground shaking associated with earthquakes on the many seismic sources within the area (see Section 2.2 above) should be anticipated within the design life of the structure. The structure should be designed to withstand strong ground shaking."

PDF Page 17: "The primary geotechnical site considerations are the soft/loose soil conditions relative to the bay margin sediments underlying the site, the potential for liquefaction of isolated soil intervals, and the presence of unsuitable fill underlying portions of the site. Consequently recommendations presented below include provisions for locating specific structures over former fuel tank footprints, using relatively strong, well-connected foundation systems for building elements and in places, the removal and replacement of poor fill materials."

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

PDF page 18 “We recommend that the proposed structures (building and tanks) be designed and built to withstand strong seismic shaking. The minimum standard for construction of the structures should be in accordance with the latest edition of the California Building Code (CBC) for the most seismically active areas.”

PDF page 18 “The fill materials in the northern part of the site are of poor quality, and are not suitable as bearing material for structures in their existing condition. Assuming that major structural elements of the facility are located in the southern part of the site, it is feasible to remove/replace the upper part of the material; install a reinforced gravel blanket and cover with structural fill; and use this area for light structures, parking, or other non-critical functions.”

Oct 9, 2020 California Coastal Commission Meeting

I provided verbal comments to the Commission using part of a power-point presentation. I included information on the location, Please see, attached as “2020-10-09 CCC presentation.PDF”.

PROJECT DISCRIPTION

In June or July 2019 the possible donation of these office trailers was mentioned to me in a meeting with then City Mg. Sparks about a possible campground. I responded that although one might be useful at a campground, I would recommend Betty for a trailer village.

Press quote from PG& E representative: “‘They’re worth about $35,000, not counting the costs of transporting them to a new location, an expense PG&E will cover if the deal does indeed go through.’” (“County and Betty Chinn Looking to Use PG&E Trailers as Modular Housing Units for Local Homeless”, *Lost Coast Outpost,* RYAN BURNS / TUESDAY, SEPT. 5, 2017)

The project is to use donated office trailers from a PG&E construction project to house formerly homeless individuals for a period to allow them to create a rental record. In my Oct 9, 2020 presentation I describing it as “A good project, in the wrong place.”

In the attached “2020-10-09 CCC presentation.PDF” the trailers can be seen in the right-hand side of the Google screenshot showing “The old railroad grade as it crosses Hilfiker Lane”. It is not the project site, it is where they have been waiting for place to be.

When the City Council voted at the June 11, 2021 hearing to approve the project the costs of using this site where mentioned, the City Manager indicated there were possible, but unconfirmed, private donors. Betty Chin is rightfully respected for her work and the Foundation has been successful in the past “making something out of nothing”.

As for the site, there are other options. One is the site of a 2015-16 weekly lunch program when people were living near the Palco (now Eureka) Marsh, prior to being evicted to build the Eureka Waterfront Trail, a section of the CA Coastal Trail.

PROJECT LOCATION and DESCRIPTION – Page 5 of

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

July 20, 2021

Dear Eureka City Council,

With all due respect, you should vote no on Betty's Community Housing Coastal Development Permit CDP-21-0006. This is not about Betty. It is about the site and the costs to develop it. It is about the environment and appropriate coastal development.

Please see attached.

Sincerely,

janelle egger
Janelle Egger
Fortuna resident, Eureka land owner and payer of Eureka sales tax

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

"The proposed development is infill development that will result in reuse of vacant, long-underutilized urban land..." Agenda Summary, p. 4

The parcel is bordered by the Fire Training Grounds, the WWTP, old railroad right of way and the Hikshari portion of the Waterfront Trail, both are segments of the California Coastal Trail. All commercial and residental development is on the other side of the railroad track right of way.

Fig. 2, Agenda Summary

Map: http://new.ci.eureka.ca.gov/civicax/filebank/blobdload.aspx?BlobID=13765

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

The Waterfront trail is an important part of Eureka's urban environment. It is the result of years of work and financial investment from many sources, one of them the State Coastal Conservancy. There is a wonderful interactive map that provides funding information. In 1980 there was $1,184,000 for the trail from the Adorni along the waterfront. Twenty years later $2,000,000 helped fund the Eureka Boardwalk. The Hikshari' Trail received over half a million.

In May 2016 those who went as instructed and followed the various and ever-changing rules were evicted to begin construction of Phase A of the next three sections of Eureka's Waterfront trail. There was $2 ½ million Conservancy funding for these. The connection between the Boardwalk at F Street and the Adorni Center was more recently improved using Caltrans alternative freeway funding.

Additional, over a million for the Martin Slough and Elk River Estuary and Tidal Wetlands enhancements

Excerpt of the State Coastal Conservancy interactive map and the Agenda Summary's Fig. 2, with project site added:

Source: https://scc.ca.gov/projects/california-coastal-trail/

Millions have been spent on Eureka's sections of the California Coastal Trail. The staff report does not accurately describe the project site location by the Elk River, between the Hikshari portion of the California Coastal Trail to the west and the wetlands on the Crowley parcel to the south and east of the project site.

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

Agenda Summary, p. 4: "The proposed development is infill development that will result in reuse of vacant, long-underutilized urban land **where there has otherwise been no recent development interest**."

This is incorrect, please see:

July 2012, Geologic Hazard Evaluation and Geotechnical Engineering Report Proposed Food Waste Digester Project On a Portion of the "Crowley Property" Hilfiker Lane Eureka, California.

Prepared for: Humboldt Waste Management Authority; SHN Consulting Engineers & Geologists, Inc.

Attachment 3, from that report, on page 9:

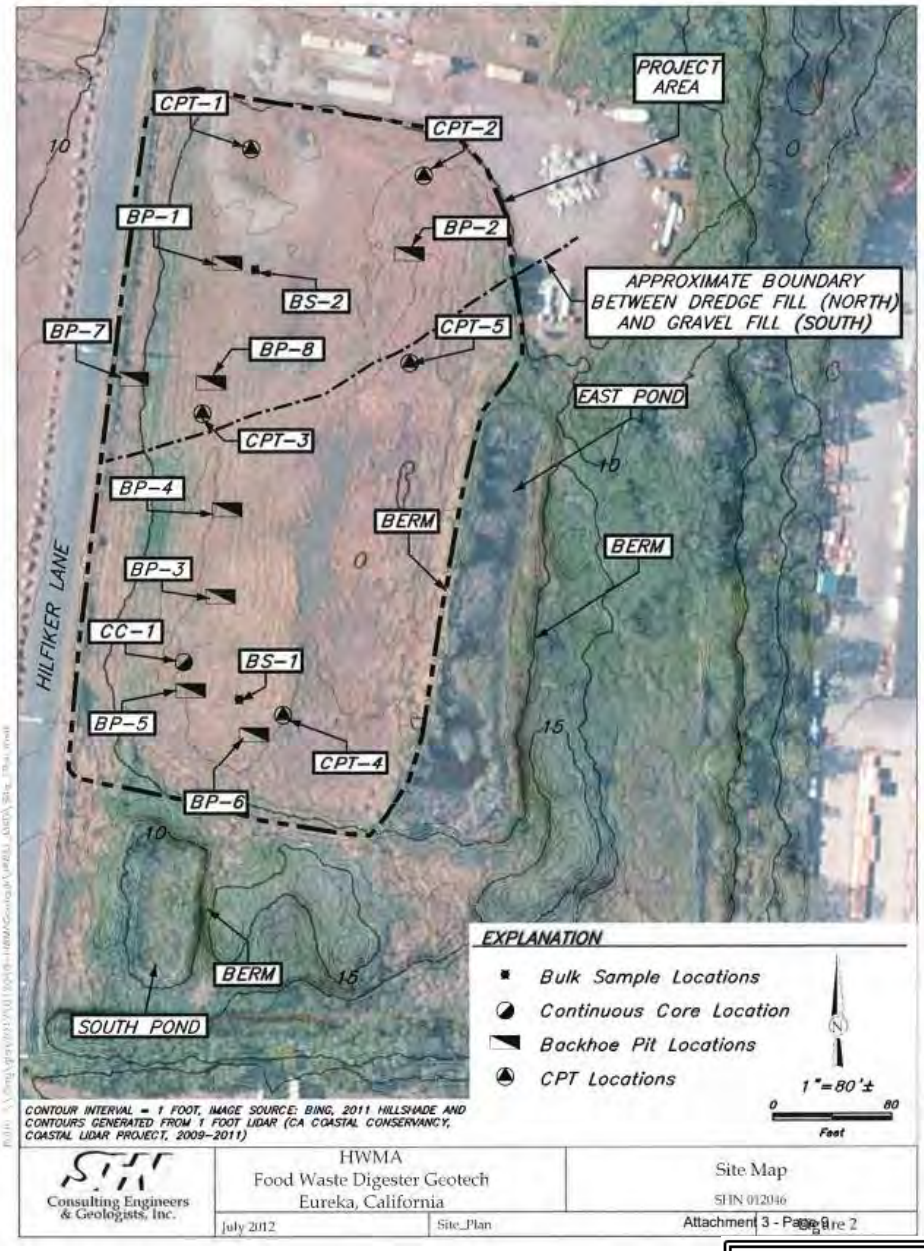


EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

Agenda Summary, p. 4: The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to section 15332, Infill-Development Projects, Class 32 of the CEQA Guidelines, **which exempts infill development within urban areas that meet certain criteria**. The project meets this exemption because the project is consistent with applicable general plan policies and zoning standards and will not result in significant effects on the environment; and because the project footprint is within City limits, is less than five acres in size, is substantially surrounded by urban uses (a road, fire training facility, wastewater treatment plant, and commercial corridor), does not contain wetlands/ESHA, and can be adequately served by all required utilities and public

This project does not fulfill these goals of section 15332. From Governor's Office of Planning and Research:

"The term "infill development" refers to building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. Infill development is critical to accommodating growth and redesigning our cities to be environmentally- and socially-sustainable.

OPR is committed to promoting compact development in order to:

Reduce conversion of agricultural land, sensitive habitat, and open space for new development

Reduce costs to build and maintain expensive infrastructure

Bring vibrancy, community and social connection to neighborhoods"
https://opr.ca.gov/planning/land-use/infill-development/

Agenda Summary, page 34: The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to section 15332, Infill-Development Projects, Class 32 of the CEQA Guidelines, which exempts infill development within urban areas that meet certain criteria. The project meets this exemption because the project is consistent with applicable general plan policies and zoning standards and will not result in significant effects on the environment; and because the project footprint is within City limits, is less than five acres in size, is substantially surrounded by urban uses (a road, fire training facility, wastewater treatment plant, and commercial corridor), does not contain wetlands/ESHA, and can be adequately served by all required utilities and public

15332. IN-FILL DEVELOPMENT PROJECTS Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

(c) The project site has no value as habitat for endangered, rare or threatened species.

This Project does not meet the conditions in (b) and (c). Although the site is less than five acres, it is not substantially surrounded by urban uses and the potential value as habitat for endangered or threatened species should be considered.

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

GROUNDS for appeal

Article 12.5 - EXEMPTIONS FOR AGRICULTURAL HOUSING, AFFORDABLE HOUSING, AND RESIDENTIAL INFILL PROJECTS, 14 CCR §15191:

For purposes of this Article 12.5 only, the following words shall have the following meanings:

*(**c**) "Community-level environmental review" means either of the following:*

*(**1**) An EIR certified on any of the following:*

*(**B**) A revision or update to the general plan that includes at least the land use and circulation elements.*

*(**C**) An applicable community plan.*

*(**D**) An applicable specific plan.*

*(**E**) A housing element of the general plan, if the environmental impact report analyzed the environmental effects of the density of the proposed project. (2) A negative declaration or mitigated negative declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan, or an applicable specific plan, provided that the subsequent environmental review document is allowed by CEQA following a master EIR or a program EIR, or is required pursuant to Section 21166.*

*(**2**) A negative declaration or mitigated negative declaration adopted as a subsequent environmental review document, following and based upon an EIR on a general plan, an applicable community plan, or an applicable specific plan, provided that the subsequent environmental review document is allowed by CEQA following a master EIR or a program EIR, or is required pursuant to Section 21166.*

I do not believe either review has happened for this project.

*(**d**) "Developed open space" means land that meets all of the following criteria:*

*(**1**) land that is publicly owned, or financed in whole or in part by public funds,*

*(**2**) is generally open to, and available for use by, the public, and*

*(**3**) is predominantly lacking in structural development other than structures associated with open spaces, including, but not limited to, playgrounds, swimming pools, ball fields, enclosed child play areas, and picnic facilities.*

The project site itself is currently fenced and not open and available for physical use. However, on this vacant, city-owned, 6.1 acre parcel there are 5.25 acres of open space with wetlands south and east of the project site. The project site is adjacent to Hilfiker Lane. North and south of the project are public areas with parking, boating access, trail access, tables, waste cans, informational signs, wildlife viewing; and across the street is the CA Coastal Trail and Elk River.

*(**k**) "Qualified urban use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.*

EXHIBIT 10
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The Urban uses are infrequently used fire training grounds, previously referred to as "temporary", and the waste water treatment facility partly visible at the end of the road, southeast of one of the parking areas.

*(**l**) "Residential" means a use consisting of either of the following:*

*(**1**) Residential units only.*

*(**2**) Residential units and primarily neighborhood-serving goods, services, or retail uses that do not exceed 15 percent of the total floor area of the project.*

This project and one small house will be the only such use west of the old railroad track.

*(**m**) "Urbanized area" means either of the following:*

*(**1**) An incorporated city that either by itself or in combination with two contiguous incorporated cities has a population of at least 100,000 persons; or*

14 CCR section 15332. In-Fill Development Projects

"Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.(c) The project site has no value, as habitat for endangered, rare or threatened species.(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.(e) The site can be adequately served by all required utilities and public services." (Underline added.)

In my July 20, 2021 written comments to Council I wrote regarding this section:
"This Project does not meet the conditions in (b) and (c). Although the site is less than five acres, it is not substantially surrounded by urban uses and the potential value as habitat for endangered or threatened species should be considered"

On Oct 9, 2020 the parcel's Land Use Designation changed and it was rezoned in the Local Coastal Plan. I provided verbal comments to the CCC using a power-point presentation, "F8a LCP-1-EUE-20-0009-1, Egger". I attempted to address concerns relating to the need for an up-date of the Eureka Coastal LUP and LCP. I refer again to these sections of *Eureka's Coastal Land Use Policies:*

*1.A.4. …,City shall **protect the ecological balance of the coastal zone and prevent its deterioration** and destruction. (LCP Policy 1.1)*

1.A.6 The City shall continue to work… to implement the projects described in the City's Eureka Waterfront Revitalization Program and listed below[1]:

[1] Most were implemented, these were not

a. ***Establishment of a comprehensive wetland management program*** *that includes all of Eureka's restored and natural wetlands.*

b. ***Implementation of the PALCO Marsh Enhancement Plan.***

Note: Most of the Program has been implemented, I believe these were not. I believe Phase Two of the PALCO Marsh Plan involved the development of wetlands in the "pole shed" area south of the Palco Marsh.

1.D.5. The City shall ***expand and enhance opportunities for recreational and visitor-serving uses and activities*** *along the waterfront…*

5.B.1. The City shall ***provide public open space and shoreline access throughout the Coastal Zone*** *through* ***all*** *of the following: …*

d. Consider and ***protect the scenic and visual qualities of coastal areas*** *that are* ***visible from scenic public vista points and waterfront walkways.***

6.A.3. The City ***shall maintain and, where feasible, restore biological productivity and the quality of coastal*** *waters, streams,* ***wetlands and estuaries****…*

6.A.6 The City declares the following to be ***environmentally sensitive habitat areas*** *within the Coastal Zone.*

a. Rivers… including, but not limited to…, and ***Elk River****.*

b. Wetlands and ***estuaries****…*

6.A.7. Within the Coastal Zone the City shall ***ensure that environmentally sensitive habitat areas are protected*** *against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas.*

6.A.14. … the City shall limit development or uses within wetlands… to the following: …

f. Restoration projects.

g. Nature study, …, or similar resource-dependent activities.

6.A.19 The City ***shall require establishment of a buffer*** *for permitted development adjacent to all environmentally sensitive areas.*

EXHIBIT 10
A-1-EUR-21-0055 (City of Eureka)
Appeal by Janelle Egger

July 21, 2021

Robert Merrill
District Manager, North Coast District
California Coastal Commission
1385 Eighth Street, Suite 130
Arcata, CA 95521

Certified mail article number: 7016 1970 0000 8233 3376

Subject: NOTICE OF FINAL CITY OF EUREKA ACTION ON COASTAL PERMIT, COASTAL PERMIT AMENDMENT, OR COASTAL PERMIT EXTENSION APPLICATION

Dear Mr. Merrill:

Please note the following Final City of Eureka Action on a coastal permit, coastal permit amendment, or coastal permit extension application (all local appeals have been exhausted for this matter):

PROJECT INFORMATION

Project Title: Betty's Community Housing

Project Applicant: City of Eureka Case No: CDP-21-0006

Project Location: Parcel located on Hilfiker Lane, between the Elk River Wastewater Treatment Plant (WWTP) and the Humboldt Bay Fire Training Facility, with associated utility work extending onto adjacent parcels to the west and south (onto Hilfiker Lane and WWTP property).

Zoning and General Plan Designations: CS-Q (Service Commercial with a Qualifying Combining District) and MUL (Mixed-Use Limited)

Project Description: The applicant proposes to utilize donated trailers to create community housing on a currently vacant, City-owned property to help people who are struggling to secure housing develop rental history. Construction will include installation of underground utilities, driveway and area paving, fencing, setup of the trailers, and associated improvements. Directional drilling will be required to install a new approximately 690-foot-long sewer force main between a new onsite lift station and the adjacent WWTP. Water will be supplied via a connection to an existing City water main that runs under Hilfiker Lane, and electricity will be received through a new underground electric service drop to a nearby utility pole. The finished floor elevations of the proposed housing units will be raised 1.5-2.5 feet above the site's base flood elevation. All proposed development will avoid wetlands with a minimum 30-foot buffer width. A drainage swale will be constructed between the wetland buffers and the paved development area. The directional drilling depths for the sewer main installation are shown on the project plans. Otherwise, the maximum depth of ground disturbance will be four feet below existing grade for utility trenches.

Date of Project Application: January 26, 2021

PLANNING 531 K Street, Eureka, CA 95501 (707) 441-4160 planning@ci.eureka.ca.gov www.ci.eureka.ca.gov

THE CITY OF EUREKA
DEVELOPMENT SERVICES

EXHIBIT 11
A-1-EUR-21-0055 (City of Eureka)
Notice of Final Local Action

Staff Contact Person: Kristen M. Goetz, Principal Planner; City of Eureka, Development Services - Planning; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4160, email: planning@ci.eureka.ca.gov

California Environmental Quality Act: The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to section 15332, Infill-Development Projects, Class 32 of the CEQA Guidelines, which exempts infill development within urban areas that meet certain criteria. The project meets this exemption because the project is consistent with applicable general plan policies and zoning standards and will not result in significant effects on the environment; and because the project footprint is within City limits, is less than five acres in size, is substantially surrounded by urban uses (a road, fire training facility, wastewater treatment plant, and commercial corridor), does not contain wetlands/ESHA, and can be adequately served by all required utilities and public services.

Applicant/Agent Contact Information: Kristen M. Goetz, Principal Planner; City of Eureka, Development Services - Planning; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4160, email: planning@ci.eureka.ca.gov

FINAL ACTION INFORMATION

Final Action was taken on: July 21, 2021

Final Action Body: ☐ Director ☐ Planning Commission ☒ City Council

Final Action Taken: ☐ Approved ☒ Approved with Conditions ☐ Denied

Final Appeal Status: ☒ The action was not appealed at the local level.

☐ The action of the City of Eureka is *not appealable* to the Coastal Commission; the City of Eureka's Final Action is now effective.

☒ The action of the City of Eureka is *appealable* to the Coastal Commission pursuant to Public Resources Code, Section 30603. The Coastal Commission's 10-working day appeal period begins the first working day after the Coastal Commission receives adequate notice of this Final Action. The Final Action is not effective until after the Coastal Commission's appeal period has expired and no appeal has been filed. Any such appeal must be made directly to the California Coastal Commission North Coast District Office, 1385 Eighth Street, Suite 130, Arcata, CA; there is no fee for the appeal. Should you have any questions regarding the Coastal Commission appeal period or process, please contact the North Coast Office at (707) 826-8950.

EXHIBIT 11
A-1-EUR-21-0055 (City of Eureka)
Notice of Final Local Action

Kristen M. Goetz, Principal Planner

Attachments: Staff Report including Findings of Fact and Conditions of Approval

cc w/o attachments:

All other persons requesting such notice

EXHIBIT 11
A-1-EUR-21-0055 (City of Eureka)
Notice of Final Local Action

NOTICE OF PUBLIC HEARING
EUREKA CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Eureka City Council will hold a public hearing on **Tuesday, July 20, 2021, at 6:00 p.m.**, or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 "K" Street, Eureka, California, to consider the following application:

Subject:	Betty's Community Housing Coastal Development Permit (CDP-21-0006)
Location:	Hilfiker Lane (south Crowley site) in the coastal zone
APN:	019-271-004, 019-271-005, and 019-331-002
Applicant:	Betty K. Chin
Property Owner:	City of Eureka
Purpose/Use:	The applicant proposes to utilize donated trailers to house up to 40 people including an on-site manager on a currently vacant, City-owned property to help individuals and families struggling to secure permanent housing establish rental history. Proposed development will be consolidated on approximately 0.81 acres in the northwestern corner of a 6.1-acre parcel and will include installation of underground utilities, paving, fencing, six individual trailer structures, and one large (60' X 72') structure constructed out of six connected trailers. Each trailer unit will include a shared kitchen and bathroom. Utility work will extend onto adjacent parcels to the west and south (onto Hilfiker Lane and Elk River Wastewater Treatment Plant property).
Application Date:	June 11, 2021
General Plan:	Mixed-Use Limited (MUL)
Zoning:	Service Commercial with a Qualifying combining district (CS-Q)
CEQA:	Categorical Exemption (Infill - §15332)
Staff Contact:	Kristen M. Goetz, Principal Planner
Recommendation:	Approval with conditions

All interested persons are invited to comment either in person at the scheduled public hearing, or in writing. Written comments may be submitted either in person at the public hearing, or prior to the hearing by mailing, emailing, or delivering them to the City Clerk (cityclerk@ci.eureka.ca.gov), with a copy to Development Services - Planning. The City's final action is appealable to the California Coastal Commission.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. If you have questions regarding the project or this notice, or would like to make an appointment to review the project file, please contact Development Services - Planning at planning@ci.eureka.ca.gov or (707) 441-4160.

THE CITY OF EUREKA
DEVELOPMENT SERVICES

PLANNING 531 K Street, Eureka, CA 95501 (707) 441-4160 planning@ci.eureka.ca.gov www.ci.eureka.ca.gov

EXHIBIT 11
A-1-EUR-21-0055 (City of Eureka)
Notice of Final Local Action

AGENDA SUMMARY
EUREKA CITY COUNCIL

TITLE: Betty's Community Housing Coastal Development Permit CDP-21-0006

DEPARTMENT: Development Services - Planning

PREPARED BY: Kristen M. Goetz, Principal Planner

PRESENTED FOR: ☒Action ☐Information only ☐Discussion

RECOMMENDATION

1. Hold a public hearing; and
2. Adopt a resolution approving with conditions the coastal development permit for the development of Betty's Community Housing on the Crowley Site.

FISCAL IMPACT

☒No Fiscal Impact ☐Included in Budget ☐Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

Maximize all levels of housing stock within City limits.

DISCUSSION

Project Summary

In 2017, PG&E gifted 12 standard residential trailers that had been previously used as construction management offices to the Betty Kwan Chinn Foundation (BKC). BKC proposes to use the trailers to house up to 40 people including an on-site manager in a "Housing First" model in an effort to help alleviate the shelter crisis. The rental housing will help individuals struggling to secure permanent housing establish rental history.

The community housing project is proposed on a vacant, City-owned property on the inland side of Hilfiker Lane, between the Humboldt Bay Fire Training Facility to the north and the Elk River Wastewater Treatment Plant (WWTP) to the south (APN 019-271-004). Hilfker Lane, a portion of the Hikshari' Trail, and the mouth of the Elk River on Humboldt Bay are located to the west, and the Northwestern Pacific Railroad corridor, Pierson Building Center, and Broadway are located to the east. Proposed development will be consolidated on approximately 0.81 acres in the northwestern corner of the 6.1-acre parcel and will include installation of underground utilities, paving, fencing, six individual trailer structures, and one large (60' X 72') structure constructed out of six connected trailers.

Figure 1: Location Map

Figure 2: Site Map

EXHIBIT 11
A-1-EUR-21-0055 (City of Eureka)
Notice of Final Local Action

The proposed six individual trailers will be separated into two living units each with a shared kitchen and bathroom. The proposed large structure constructed out of six combined trailers will have the potential to accommodate up to 28 living units with one communal kitchen and two bathrooms. The 24-hour on-site supervisor(s) will occupy one of the units. There will also be office space in the large structure for case workers to meet their clients.

New sewer and water lines will be installed on the site. Water and other utilities will come from Hilfiker Lane (APN 019-331-002). A sewer lift station will be installed on the site, and directional drilling will be performed to install a new sewer force main between the lift station and the adjacent WWTP (APN 019-271-005). All proposed development will avoid wetlands with a minimum 30-foot buffer width. A drainage swale will be constructed between the wetland buffers and the paved development area.

Coastal Development Permit Analysis
The proposed project requires a coastal development permit and is within the City of Eureka's coastal permitting jurisdiction and within the Coastal Commission's appeal jurisdiction. To approve a coastal development permit, the City Council must make the following finding:

(a) The proposed development conforms to the policies of the Certified Local Coastal Program.

The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The Local Coastal Program is divided into two components: the first component is the Land Use Plan (LUP), which is the General Plan specific to land in the coastal zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the Implementation Plan (IP), which includes zoning regulations and the zoning map for land in the coastal zone, as well as specific coastal zone ordinances necessary to implement the policies of the LUP.

Land Use Plan (LUP) Analysis
The site has a land use designation of Mixed-Use Limited (MUL). The MUL land use designation is intended for parcels with coastal resource and/or coastal hazard constraints and allows for limited-intensity, temporary residential, commercial, and public facilities as principally permitted uses. The proposed residential development fits this characterization as it involves development of only a small portion of the parcel with easily removable/relocatable trailer units housing not more than 40 individuals under a temporary lease with the City and temporary permit authorization.

Staff reviewed the adopted and certified LUP to determine whether the project conforms, and found the following relevant LUP goals and policies (in applicable part):

Goal 1.A. To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.
The City-owned project site is not located within an existing residential neighborhood, but is located contiguous with existing developed areas including the WWTP directly to the south, the commercial strip adjacent to Highway 101 to the east, Hilfiker Lane and the Hikshari' Trail to the west, and the fire training facility directly to the north. The proposed development is infill development that will result in reuse of vacant, long-underutilized urban land where there has otherwise been no recent development interest. Given the City's critical housing shortage and the effects of homelessness on the City's economy, the proposed project (housing for people struggling to secure permanent housing) promotes the City's economic expansion.

The project requires new service extensions, but given the site's location adjacent to (and inland from) existing utility lines and just north of the City's WWTP, the cost of extensions will not be burdensome.

As discussed further under Goal 6.A and associated policies below, all proposed development, including service extensions, avoids encroachment into and will not adversely affect sensitive habitats including nearby wetlands and other coastal waters. For all the aforementioned reasons, the proposed development fulfills Goal 1.A.

Policy 1.A.4 To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the coastal zone and prevent its deterioration and destruction.
The proposed project promotes the public safety, health, and welfare, and protects private and public property by increasing the supply of affordable housing in the City. People who were previously homeless and are now in supportive/transitional housing will be able to utilize the new Betty's Community Housing, which will leave space in supportive/transitional housing for currently homeless individuals. The project site will be made suitable for residential development (and thus protective of residents' health and welfare) by extending utilities, adding access driveways, capping the development area with pavement, and anchoring and elevating the residential units on foundations with floors elevations 1.5 to 2.5 feet above base flood elevation.

Homelessness not only is an imminent threat to the life and health of those who are homeless but also causes ongoing degradation of coastal resources. The lack of housing causes people to camp overnight on vacant lots and open spaces along the Eureka waterfront, often directly in sensitive habitats resulting in wetland fill, loss of rare plants and other vegetation important for fish and wildlife, and pollution of coastal waters, among other coastal resource impacts. The ultimate purpose of the project is to expand access to stable housing opportunities, reducing the homelessness that is

resulting in ongoing degradation of coastal resources. The proposed project will site new housing in an upland area outside of sensitive habitats in a manner that avoids impacts to surrounding coastal resources, including through the installation of a vegetated drainage swale and fencing and maintenance of undeveloped buffers between the housing and nearby wetlands. Thus, the proposed project protects the ecological balance of the coastal zone and prevents its deterioration and destruction consistent with Policy 1.A.4.

Policy 1.A.5 Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.

Consistent with the Coastal Act, the City's Local Coastal Program prioritizes various land uses over general residential use on and near the shoreline, including but not limited to coastal-dependent (including commercial fishing and recreational boating), visitor-serving, and public recreational uses. The certified LUP implements this prioritization in part through restrictive land use designations that reserve lands for priority uses, including the Waterfront Commercial, Coastal Dependent Industrial, and Public Facility/Marina designations. The LUP also includes a number of policies that call for the reservation of particular sites and areas of the City's waterfront for commercial fishing facilities, docks, berthing facilities, and other coastal-dependent development. The subject parcel does not have a priority use designation and is not located in an area identified by an LUP policy as requiring reservation for a particular coastal-dependent development. Therefore, residential use of the site does not affect the continued prioritization of coastal-dependent developments and is thus consistent with Policy 1.A.5.

Policy 1.M.7 The City shall encourage coastal-dependent industrial facilities to locate or expand within existing sites. Non-coastal-dependent uses located along the waterfront shall, if feasible, be relocated to other more appropriate areas within the city.

In its recent certification of a Local Coastal Program amendment to change the parcel's land use designation and zoning district to its current designation and district, the California Coastal Commission made findings as to why the parcel does not need to be reserved for priority uses under the Local Coastal Program (LCP-1-EUR-20-0009-1, Part C). Regarding coastal-dependent industrial (CDI) development, among other arguments, the findings pointed to the overabundance of largely vacant coastal-dependent industrial land around Humboldt Bay and discussed the subject site's relatively low suitability for CDI uses given that: 1) the parcel is landlocked, 2) is separated from the water by Natural Resource (NR) land and the California Coastal Trail (Hikshari' Trail), 3) is far from a deep-water channel, 4) has no existing industrial facilities/infrastructure, and 5) is not in close proximity to an existing dock or other lands in current CDI use. Because the site is not directly on the waterfront and the site and

surrounding land is not currently in CDI use, residential use of the site is consistent with Policy 1.M.7.

Goal 4.A To ensure the effective and efficient provision of public facilities and services for existing and new development.
The proposed project will be connected to an existing City water main that runs under Hilfiker Lane, and will receive electricity through a new underground electric service drop to an existing utility pole on the west side of Hilfiker Lane. A new sewer force main will be installed between a new onsite lift station and the existing administration building sump at the WWTP, approximately 130 feet to the south of the parcel.

Primary site access will be provided by a new gated driveway onto Hilfiker Lane, and secondary emergency access will be provided via a gravel access drive to the City-owned property to the north (APN 019-331-005). Both of these accessways avoid wetlands and wetland buffer areas.

The new housing use on a currently vacant parcel will result in the generation of additional demand for public facilities and services. However, given that the site's Q combining district requirements limit the site to housing for not more than 40 people total and the project will target people who are already living in the area, the increases will be nominal.

Policy 4.A.6 The City shall ensure that new or expanded public works facilities within the Coastal Zone will be designed and limited to accommodate needs generated by permitted uses and development consistent with the provisions of this General Plan.
Policy 4.A.6 requires that the City's public works capacity match the development potential allowed under the LUP. Based on recent capacity analysis performed for the City of Eureka 2040 General Plan Update Environmental Impact Report (EIR; 2018), the City has adequate water and sewer capacity to serve the City's housing need, including the proposed residential development. Because of the location of the project site directly adjacent to the WWTP, the new sewer main from the project site to the WWTP does not cross any undeveloped parcels and has no potential to induce growth inconsistent with the LUP. Thus the proposed public utility extension is designed and limited to accommodate needs generated by a permitted use, consistent with Policy 4.A.6.

Policy 4.A.7 Within the coastal Zone, the City shall prohibit the extension of urban services (sewer and water) beyond the urban limit line as designated in the Local Coastal Program or into areas with Open Space designations (i.e., Agricultural, Timberland, Natural Resources, Water—Development, and Water—Conservation)…
The proposed project is consistent with Policy 4.A.7, as all proposed development including service extensions will occur 1) within the City's urban boundary and 2) outside of areas with Open Space designations.

Goal 4.B To ensure the availability of an adequate and safe water supply and the maintenance of high quality water for residents of and visitors

See discussion under Policy 4.B.1 below.

Policy 4.B.1 To the extent feasible, within the Coastal Zone, the City shall preserve water system capacity needed for priority uses. These uses and their order of priority are as follows:

a. Coastal-dependent uses;
b. Essential public services;
c. Basic industries vital to the economic health of the region, state or nation;
d. Public recreation;
e. Commercial recreation; and
f. Visitor-serving uses.

Goal 4.B requires the availability of adequate water supply and Policy 4.B.1 requires reservation of adequate water system capacity for priority uses. Based on the recent capacity analysis performed for the City's General Plan Update EIR,[1] the City has adequate water capacity to serve the proposed residential development with abundant additional capacity reserved for future potential priority uses.

Policy 5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:

...d. Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways...

The project site is visible from the Hikshari' Trail which is located across Hilfiker Lane to the west. Because the project site is located inland of the trail, the proposed development will not block scenic views of the mouth of the Elk River and Humboldt Bay from the trail.

The proposed project will be visible from the trail, but will not impact the visual qualities of the area. The area is at an urban/rural interface between urban Eureka and the Elk River Wildlife Area and has a mixed urban/rural character with extensive wetlands and associated vegetation interspersed with public facilities and fill pads of former industrial developments. The subject parcel is immediately surrounded by a road, a fire training facility, the City's WWTP, and commercial strip development along Broadway. Only a small portion (13%) of the parcel is proposed to be developed, with the remaining land retained in extensive vegetated open space. The portion of the parcel to be developed differs from the remainder of the parcel in that it was previously filled and accommodated a bulk fuel tank farm for over four decades (from the 1950s until 1999), and, as a result, is covered in ruderal vegetation typical of disturbed industrial yards. Given the mixed urban/rural character of the area, the limited potential development footprint, and the location of that development footprint in a filled and disturbed area, the proposed development will not degrade the visual quality of the area and is consistent with Policy 5.B.1.

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[1] The City's General Plan Update EIR indicates that the City's average annual daily system demand and average peak month daily demand for the year 2015 to 2016 were 2.75 MGD and 3.2 MGD, respectively. The City maintains an 8.0-MGD water right on the Mad River and thus has sig

Goal 5.B To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.
See discussion under Policy 5.B.10.

Policy 5.B.4 The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline, consistent with protecting environmentally sensitive habitats, by:...Allowing only such development as will not interfere with the public's right of access to the sea, where such right was acquired through use or legislative authorization.
See discussion under Policy 5.B.10.

Policy 5.B.7 The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as described in Table 5-2 and shown in Figure 5-1.
See discussion under Policy 5.B.10.

Policy 5.B.9 The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.
See discussion under 5.B.10.

Policy 5.B.10 To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.
Goal 5.B and Policies 5.B.4, 5.B.7, 5.B.9, and 5.B.10 require maximization of public access through the establishment of a coordinated continuous public access system throughout the City's coastal zone and the provision of public access support facilities including facilities providing universal public access to the waterfront. The City has achieved these policy directives in the project vicinity. The ADA-compliant, paved Hikshari' Trail (a portion of the California Coastal Trail) is located directly bayward of the subject site and is part of a continuous 6.3-mile-long (and growing) waterfront trail route spanning the extent of City limits. A trailhead parking lot that can accommodate 19 vehicles (and includes ADA parking spaces) is also located across the street, and another public parking lot that can accommodate eight vehicles is located approximately 1,000 feet north along the trail. The Elk River Wildlife Area is located directly to the southwest, and the waterfront extending south to Herrick Avenue and north to Del Norte Street (except the Chevron Terminal) is open space, accessible to the public via public trails.

Policy 5.B.4 prevents interference with existing public access. The proposed development will not directly interfere with existing public access as no public access exists at the project site and proposed development will be located inland of the nearby ample public access described above.

Given the proposed use is limited to housing for 40 individuals and is targeted at people who already live in the area, any increase in demand for public access will be minimal and will be readily accommodated by the existing facilities. Currently the only developed uses along the waterfront in the vicinity of the subject parcel are the trail and trailhead, the WWTP, and the temporary fire training facility. As the fire training facility only gets occasional use and the WWTP is largely enclosed, the trail and trailhead feel somewhat isolated, which can deter access by the broader public. Adding a sanctioned use with employees and residents onsite 24-hours could increase the sense of security in the area, encouraging greater use of the existing ample public access facilities and open space in the area not only by people living at the project site, but by the greater population.

Finally, the proposed project improves universal access by providing individuals with lower-incomes the opportunity to live at a site with immediate access to public trails, recreational open space, and beautiful waterfront views. By improving coastal access for an underserved community, the project truly fulfills the Coastal Act section 30210 mandate to provide maximum public access and recreational opportunities for all people.

Policy 5.B.5 For new development between the first public road and the sea, the City shall require the dedication of a vertical access easement to the mean high tide line unless: Another more suitable public access corridor is available within 500 feet of the site; or Access at the site would be inconsistent with other General Plan coastal policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access at the site is inconsistent with public safety, environmental protection, or military security needs.
The project site is located between the first public road, which is considered Broadway, and the bay. Although vertical public access does not exist between Broadway and the bay within 500 feet of the site, vertical access at the site would be inconsistent with LUP policies protecting environmentally sensitive habitat areas (ESHA), as an accessway would fill a portion of and bisect the extensive freshwater wetlands that cover the unfilled southern and eastern thirds of the parcel. Although wetlands can be filled for nature study purposes (like an education public trail), any fill must be the least environmentally damaging feasible alternative and there is not a feasible vertical access route through the site to the highway, given the intervening privately owned commercial properties. Furthermore, as the subject parcel and many other parcels in the vicinity are owned by the City, the proposed temporary use of the northwestern portion of the parcel does not preclude the potential for future vertical access. Thus, the proposed project is consistent with Policy 5.B.5 without dedication of a vertical access easement across the City parcel.

Policy 5.B.6 For new development between the first public road and the sea, the City shall require a lateral access easement along the shoreline unless: Lateral access at the site would be inconsistent with other General Plan coastal policies,

including existing expanded, or new coastal dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access is inconsistent with public safety or military security needs.
The project site is separated from the bay shoreline by Hilfiker Lane and the existing Hikshari' Trail, which provide lateral public access parallel to and directly west of the subject parcel. In addition, lateral access across the site would necessarily fill and bisect wetland ESHA and would dead-end at the WWTP immediately to the south. Because of these conditions, access across the site would not be the least environmentally damaging feasible alternative of wetland fill and would thus be inconsistent with the LUP wetland ESHA policies. As the subject parcel is owned by the City and the proposed use is temporary, the future potential for lateral access across the site (such as when sea level rise necessitates retreat of the road and trail) is not precluded. Thus, the proposed project is consistent with Policy 5.B.6 without dedication of a lateral access easement across the City parcel.

Goal 6.A To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.
The project is proposed on 0.81 acres in the northwestern corner of the City's 6.1-acre parcel, in an upland area within the previously filled footprint of a former tank farm. The project site is located across the street from the mouth of the Elk River on Humboldt Bay and adjacent to extensive freshwater wetlands located on the eastern and southern portions of the subject parcel. As discussed in detail below, all proposed development avoids wetlands with a minimum thirty-foot buffer width from the nearest wetlands. A qualified biologist has prepared a reduced buffer analysis indicating that all proposed buffers are sufficient to protect the resources of the habitat areas.

*Potential project impacts on nearby wetlands/ESHA can be divided into construction-phase and post-construction impacts. Regarding potential construction-phase impacts, the construction period will be relatively short given the small scale of the proposed development and the use of existing trailers. In addition, the project plans include an erosion and sediment control plan to prevent water quality and hydrologic impacts, including a map delineating the location of all proposed temporary construction-phase best-management practices (BMPs); and **Condition 1** requires adherence to these and other BMPs (see discussion under Policy 6.A.3 for additional detail). Project construction also includes directional drilling in order to avoid wetlands during the installation of a new buried sewer force main between the project site and adjacent WWTP, and **Condition 2** requires the submittal of a final directional drilling plan that 1) ensures used drilling fluid and any spoils are properly contained and disposed of, and 2) includes adequate frac-out (inadvertent release of drilling fluid) prevention, detection, and response measures.*

*Nesting birds are the only sensitive wildlife species that have been identified as having the potential to use the former tank farm area, and **Condition 3** ensures that no nesting birds will be impacted by vegetation and ground disturbance during project construction. In addition, as further discussed under Policy 6.A.3 below, there is a potential risk that*

previously unidentified soil and groundwater contamination may be encountered during construction-phase ground disturbance, and thus ***Condition 4*** *requires development and implementation of a soil and groundwater management plan to avoid the mobilization and spread of potential soil and/or groundwater contamination if encountered.*

Potential post-construction impacts of the proposed project on nearby wetlands and other coastal waters include noise, lighting, spread of invasive plant species, human and/or pet encroachment, and stormwater runoff. The proposed housing for a maximum of 40 people is not expected to have a significant impact on ambient noise levels in nearby wetlands and coastal waters which are already subject to noise from surrounding public facility, commercial, and industrial uses. ***Conditions 5 and 6*** *include restrictions on the project's landscaping and exterior lighting to ensure neither negatively impact nearby sensitive habitat. The project also proposes fencing between the paved development footprint and onsite wetlands to avoid human and pet encroachment into the wetlands. The development footprint will be paved to prevent the mobilization and spread of any potential subsurface soil and/or groundwater contamination, and the paved development footprint has been designed to drain to a proposed new vegetated stormwater swale that will retain, infiltrate, and/or treat runoff.* ***Condition 7*** *requires a final post-construction stormwater management plan to ensure this swale is adequately sized, designed, and managed to avoid any negative water quality or hydrologic impacts of the new impervious area on nearby wetlands and other coastal waters.*

For all the reasons discussed above, the proposed project will protect and preserve the area's valuable marine, wetland, and riparian habitat consistent with Goal 6A.

Policy 6.A.1 The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance. The City shall require that uses of the marine environment are carried out in the manner that will sustain the biological productivity of coastal waters and that will maintain health populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.
The proposed project avoids wetlands and coastal waters and does not involve the use of the marine environment. The proposed project as conditioned is protective of nearby valuable aquatic resources as further discussed under Goal 6.A. above and under Policy 6.A.3 below.

Policy 6.A.3 The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater

reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.
In terms of controlling the quantity and quality of runoff, the proposed development footprint will be paved to prevent the mobilization and spread of any potential subsurface soil and/or groundwater contamination, and runoff from the development footprint will be directed into a proposed new vegetated stormwater swale. The swale will be located between the development footprint and undeveloped 30-foot-wide wetland buffer. ***Condition 7*** *requires a final post-construction stormwater management plan to ensure this swale is adequately sized, designed, and managed to avoid any negative water quality or hydrologic impacts of the new impervious area on nearby wetlands and other coastal waters. Among other requirements,* ***Condition 7*** *specifies sizing criteria for the stormwater retention and treatment facility consistent with the City's MS4 requirements (State Water Board Order No. 2013-0001 DWQ; section E.12.e.ii.c, pg. 53).*

A construction-phase erosion and sediment control plan has been prepared for the project to control runoff and avoid erosion and the discharge of pollutants resulting from construction activities. The proposed plan includes a number of construction-phase BMPs, including minimization of ground disturbance, installation and regular sweeping of a construction entrance, temporary installation of biodegradable fiber rolls downgradient of disturbed areas, and temporary installation of vegetation protection (silt fences) between the limits of disturbance and adjacent wetland buffers. The plan also includes a map delineating the location of all temporary construction-phase BMPs. ***Condition 1*** *requires adherence to this erosion and sediment control plan as well as the following additional BMPs:*

a) *All ground-disturbing activities and asphaltic-concrete paving operations shall occur during dry weather only;*
b) *No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands. Any temporary on-site stockpiles of excavated spoils or other materials shall be contained at all times and shall be covered and secured before the onset of precipitation;*
c) *During construction, all trash shall be removed from the work site and disposed of on a regular basis. All construction debris and excavated spoils shall be properly contained, removed from the work site, and disposed of at an appropriately permitted upland disposal facility;*
d) *Temporary sediment and erosion control BMPs shall be monitored and maintained in good working condition until disturbed areas have been revegetated and then shall be promptly removed;*
e) *To minimize wildlife entanglement and plastic debris pollution, temporary rolled erosion and sediment control products (such as fiber rolls and silt fencing) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) will not be used. Acceptable alternatives include erosion and sediment control products without netting, products made with loose-weave natural fiber netting, and unreinforced silt fences;*

f) *To ensure construction occurs in designated areas and does not impact sensitive habitats, the boundaries of the work area adjacent to wetlands and other sensitive habitat shall be physically demarcated such as with fencing or flagging;*
g) *All equipment used during construction shall be free of leaks at all times. 1) Equipment and hazardous material storage; 2) vehicle and equipment maintenance, washing, lubrication, and fueling; and 3) concrete washout shall be conducted on paved surfaces in a contained area at least 50 feet away from any drainage courses and storm drain inlets, if feasible (unless blocked to protect against applicable pollutants), and shall not result in a discharge or threatened discharge to any coastal waters or wetlands; and*
h) *Hazardous materials management equipment including oil containment booms and absorbent pads will be available immediately on-hand. A registered first-response, professional, hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be contained rapidly and cleaned up. In the event of a spill, the contractor shall notify the City of Eureka and other appropriate regulatory agencies immediately.*

Directional drilling is proposed during project construction in order to install a sewer force main between a new onsite lift station and the adjacent WWTP in a manner that avoids intervening wetlands (all other utilities can be installed through trenching without encroaching into wetlands). Directional drilling produces a risk of hydraulic fractures, or "frac-outs," where drilling fluids from the drilling mud are released into the environment through fractures and other planes of weakness within the overlying rock bodies. Directional drilling plans have been prepared by the project engineer (utilizing information from a number of subsurface investigations that have taken place on the project and WWTP parcels) to ensure the soil conditions and drill depths are adequate to avoid frac-out. In addition, ***Condition 2*** *requires the submittal of a final directional drilling plan that 1) ensures used drilling fluid and any spoils are properly contained and disposed of, and 2) includes adequate frac-out prevention, detection, and response (containment, cleanup, and disposal) measures to avoid any release of pollution into nearby wetlands and coastal waters.*

As with much of Eureka's waterfront, historic fill and industrial use of the project site means there is the potential presence of buried contaminants. A Phase I[2] and a limited Phase II[3] Environmental Site Assessment (ESA) prepared for the project by SHN in 2019 did not identify the presence or likely presence of any hazardous substances or petroleum products in, on, or at the property (i.e., no "recognized environmental condition").[4] However, the ESA did identify a number of soil and groundwater

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[2] SHN. (2019, July). Phase I Environmental Site Assessment, South Hilfiker Lane, Eureka, California; APNs 019-271-004 and 019-331-002.

[3] SHN. (2019, July). Limited Phase II Environmental Site Assessment, South Hilfiker Lane, Eureka, California; APNs 019-271-004 and 019-331-002.

[4] The limited Phase II ESA included the installation of one test pit and 14 shallow soil borings at the site and testing of soil and groundwater samples.

contamination risks that affect the parcel,[5] including the presence of a former railroad corridor, the presence of uncharacterized fill, the historic use of the site as a bulk fuel terminal, and the presence of upgradient petroleum hydrocarbon and fuel oxygenate plumes.[6]

The proposed project includes paving the development footprint to prevent future residents from coming into contact with potential subsurface contamination. The City has referred the proposed project to the North Coast Regional Water Quality Control Board (RWQCB), and RWQCB staff has indicated that the proposal to install an asphaltic cap and above-grade housing units is compatible with the site given potential contamination concerns (Engineering Geologist C. Walker, personal communication, May 21, 2020). Regional Board staff has also concurred with the ESA recommendation that a Soil and Groundwater Management Plan be prepared for project construction.

***Condition 4** requires a Soil and Groundwater Management Plan be prepared prior to commencement of construction for review and approval by Development Services - Planning to ensure that any soil or groundwater contamination encountered during project construction is properly identified, contained, handled, characterized, and disposed of at a permitted facility. The plan is required to include field screening of any excavation of soil or extraction of groundwater and profiling of any potentially contaminated material prior to disposal, and protocol for waste characterization, handling, and disposal in the event that contaminated soil and/ or groundwater is encountered during site development activities. The plan is also required to address worker safety through a site-specific health and safety plan that includes worker education regarding potential hazards and required protocol if hazards are encountered. **Condition 4** thus ensures that project construction will not mobilize and spread potential soil and/or groundwater contamination into wetlands and other coastal waters.*

Thus, the proposed project as conditioned avoids any adverse impacts to the biological productivity and quality of nearby wetlands and other coastal waters including through

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[5] Since ceasing operation as a fuel storage facility, the Crowley Site has been the subject of several environmental studies commencing with a 1992 Phase I ESA, followed by numerous subsurface investigations which ultimately identified the need for remediation. Corrective actions and monitoring activities were completed culminating with a 2005 Regional Water Quality Control Board determination of "No Further Action" required. The identified contamination was remediated to the satisfaction of the Regional Board without subjecting the parcel to any required controls, such as property-use restrictions, activity and use limitations, institutional controls, and/or engineering controls. However, the recent Phase I and a limited Phase II ESA attest that a number of soil and groundwater contamination risks continue to affect the parcel.

[6] Regarding upgradient contamination plumes, the ESA states: "several agency-listed sites have experienced unauthorized hazardous materials releases; these sites are situated within a ¼ mile of the subject property in presumed upgradient and crossgradient locations. To date, none of these agency-listed sites is known to have impacted the subject property from a hazardous materials perspective. However, there is the potential for groundwater at the subject site to be impacted by the metals and petroleum hydrocarbon groundwater plumes associated with these upgradient and cross-gradient sites due to the proximity of these properties to the subject site, the documented COCs in groundwater, and the associated groundwater plumes."

controlling the quantity and quality of runoff, as further discussed under Goal 6.A. above and under the other 6.A policies below.

Policy 6.A.5 The City shall permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes only when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.
*Policy 6.A.5 only allows the City to permit armoring when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger of erosion. Therefore, the proposed development should not be developed with any assumption of future reliance on shoreline protective devices. The shoreline to the west of the subject site is currently not protected by a revetment, seawall, or other shoreline protective device, but the project site is currently protected from any shoreline erosion by the intervening road, trail, and trailhead parking lot, as well as by saltmarsh habitat along the shoreline. As described in detail below (see discussion under Goals 7.B and 7.D and associated policies), the project site is not currently in danger from shoreline erosion, nor will it be in danger from shoreline erosion for its permitted life. Nevertheless, **Condition 8** has been added to make clear that the proposed project has no right to shoreline armoring.*

Policy 6.A.6 The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:

a) **Rivers, creeks, sloughs, gulches and associated riparian habitats, including but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Slough, Third Slough, Martin Slough, Ryan Slough, Swain Slough, and Elk River.**
b) **Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.**
c) **Indian Island, Daby Island, and the Woodley Island wildlife area.**
d) **Other unique habitat areas, such as waterbird rookeries, and habitat for all rare or endangered species on state or federal lists.**
e) **Grazed or farmed wetlands (i.e., diked former tidelands).**

Pursuant to Policy 6.A.6, the wetlands and coastal waters in the project vicinity constitute ESHA, including wetlands on the subject parcel and the waters of Elk River/Humboldt Bay across the street to the west. These ESHAs are described in detail under Policy 6.A.19.

Policy 6.A.7 Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.
No development is proposed in any wetlands/ESHA. The proposed project is entirely located within a previously filled and disturbed former tank farm area that delineates as

uplands, and all proposed site accessways and utility connections avoid wetlands/ESHA (in part through directional drilling under wetlands).

Development is proposed in close vicinity to wetlands/ESHA. Siting and design measures to avoid degradation of surrounding wetlands/ESHA and disruption of habitat value consistent with Policy 6.A.7 include:

a. *Open space buffers: The proposed project will maintain a minimum 30-foot-wide buffer from five low-functioning pocket wetlands in the former tank farm area, and will be located over 100 feet from higher-quality wetlands on the unfilled eastern and southern portions of the subject parcel. The project site will also maintain a 60-80-foot-wide buffer from the Elk River salt marsh habitat across Hilfiker Lane to the west of the parcel, with site runoff directed to the east away from these coastal waters. The adequacy of these proposed buffers to protect the habitat areas has been analyzed by a qualified biologist and thoroughly discussed under Policy 6.A.19 below.*

b. *Construction-phase erosion and sediment control and pollution prevention: As described in detail under Policy 6.A.3 above, project construction will avoid water quality and hydrologic impacts to nearby ESHA in part through implementation of 1) a proposed erosion and sediment control plan; 2) other construction responsibilities required by* ***Condition 1****; 3) a Directional Drilling Plan (required by* ***Condition 2****); and 4) a Soil and Groundwater Management Plan (required by* ***Condition 4****).*

c. *Construction-phase wildlife protection: Biological surveys conducted in 2007 and 2010 (by SHN and Mad River Biologists, respectively) did not identify any special-status plant or wildlife species in the former tank farm area, but the accompanying SHN and MRB reports do indicate that ground-nesting birds could use the gravel fill base for nesting. To ensure protection of nesting birds,* ***Condition 3*** *has been added requiring 1) all work to be completed outside of the nesting season; or 2) if it is not feasible to avoid project construction during the bird nesting season (i.e. between March 1 and August 15), implementation of pre-construction surveys by a qualified biologist and avoidance/relocation measures if any active nests are detected.*

d. *Post-construction landscaping and lighting limitations: To ensure the landscaping in the drainage swale and any other proposed landscaping does not adversely impact surrounding habitat,* ***Condition 5*** *has been added prohibiting planting of invasive and problematic plant species, and prohibiting use of rodenticides containing any anticoagulant compounds. In addition, to ensure any exterior lighting associated with the project avoids degradation of nearby habitats,* ***Condition 6*** *has been added requiring that lighting plans be submitted to Development Services - Planning for review and approval prior to installation of any exterior lighting, and limiting all exterior lights to lights that are low-wattage, shielded, and have a directional cast downward such that no light will shine into surrounding wetlands/ESHAs.*

e. *Post-construction shielding measures: To shield onsite wetlands from human encroachment, six-foot-high fencing is proposed between the development footprint and wetland buffers. To avoid hydrologic and water quality impacts from site runoff, runoff from the paved project footprint will be directed to a new drainage swale proposed between the fencing and the wetland buffers (for a total area of 40-45 feet between the impervious developed area and the pocket wetlands). This drainage swale will be planted and maintained with native vegetation (see discussion under LUP Policy 6.A.3 and* ***Condition 7****).*

The proposed project will pave a disturbed area with uncharacterized fill that currently harbors invasive species such as pampas grass and Himalayan blackberry, and will install housing for no more than 40 individuals. The proposed development is limited in intensity compared to other public facility and commercial development in the vicinity, and will only cover 0.81 acres of a 6.1-acre parcel with the remainder of the parcel retained in open space. Given the current condition of the project site, the limited scale of the development, and the proposed buffers and mitigation measures to further limit and shield potential disturbances, the proposed development will prevent impacts which would significantly degrade nearby ESHA, and will be compatible with the continuance of such habitat areas consistent with Policy 6.A.7.

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

Eureka Policy 6.A.6 declares that among other habitats, wetlands and estuaries constitute ESHA. The precise location of surrounding wetlands and coastal waters have been delineated and wetlands and wetland buffers have been mapped on all development plans. A wetland delineation was performed for the proposed project in 2017 that focused on the footprint of the former tank farm area (where the project site is located).[7] This delineation was informed by previous biological surveys and wetland delineations performed across the subject 6.1-acre parcel in 2007[8] and again in 2010[9]. Construction-phase erosion and sediment control plans have been submitted that propose and map temporary construction-phase BMPs that will be utilized to prevent

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[7] SHN Engineers & Geologists. (2017, November). Wetland and Other Waters Delineation Report for the Hilfiker Lane Site, APN 019-271-004, Eureka, California. Prepared for the City of Eureka.

[8] SHN Engineers & Geologists. (2007, January 30). Wetland Delineation for the Proposed Elk River Trail Improvement Project, Eureka, California. Prepared for the City of Eureka.

[9] Mad River Biologists. (2010, August 27). Biological Resources Evaluation and Wetlands Verification/Delineation for the Humboldt Waste Management Authority Waste Digester Project. Prepared for Planwest Partners, Inc.

any impacts to wetland and wetland buffer areas; and post-construction drainage plans have been submitted that indicate stormwater runoff from the project site will be directed to a new vegetated drainage swale outside of wetlands and wetland buffers. The precise location of wetlands and proposed wetland buffers are delineated on all maps. As detailed in this agenda summary, consistent with Policy 6.A.8, the proposed project has been found in conformity with the applicable habitat protection policies of the LUP.

Policy 6.A.19 The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.
A buffer area provides essential open space between the proposed development and adjacent ESHA. A buffer area is not itself a part of the ESHA, but a "buffer" or "screen" that protects the habitat area from potentially disruptive activity typically associated with development, such as noise, dust, light, runoff, and human (and pet) encroachment, which can disrupt feeding, nesting, and behavior patterns of wildlife inhabiting the wetlands.

The project is proposed with a minimum 30-foot-wide buffer from pocket wetlands within the former tank farm footprint, a 60-80-foot-wide buffer from the Elk River salt marsh habitat across Hilfiker Lane to the west of the parcel, and a minimum 100-foot buffer from the extensive freshwater wetlands on the unfilled eastern and southern portions of the subject parcel. Consistent with Policy 6.A.19, the boundaries of these wetlands and their proposed buffers have been delineated and mapped,[10] and a reduced buffer analysis has been prepared by a qualified biologist for the proposed buffers under 100 feet in width that demonstrates the proposed buffers are adequate to protect the resources of the habitats.[11]

The closest wetlands (minimum 30-foot buffer width) are pocket wetlands that have formed in depressions in the former tank farm area, largely within the footprint of a former gravel road that was used to access the fuel tanks. According to the 2017

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[10] CDFW staff (M. van Hattam) and a California Coastal Commission staff ecologist (J. Dixon) both separately visited the site in early 2020, reviewed the wetland delineation reports, and concurred with the final wetland delineation.

[11] SHN Engineers & Geologists. (2020, April 24). Final Coastal Development Permit Supplemental Application Form Request for Reduced Buffer. Prepared for the City of Eureka.

wetland delineation and 2020 reduced buffer analysis, these one-to-two parameter[12] wetlands are located on an existing fill prism,[13] include ruderal vegetation and significant bare (gravel) ground,[14] are limited in terms of hydrological retention,[15] do not have a functional relationship with the surrounding wetlands, and are unlikely to be utilized by sensitive species due to their disturbed nature. Biological surveys conducted in 2007 and 2010 (by SHN and MRB, respectively) did not identify any special-status plant or wildlife species in these pocket wetlands. Given 1) the limited resources of the habitat area and their limited susceptibility to further disturbance, and 2) the proposed mitigation measures discussed above (adherence to lighting and landscaping restrictions; installation of fencing and a vegetated drainage swale; and implementation of construction-phase measures to avoid nesting birds and avoid impacts from potential buried contamination, directional drilling frac-out, and erosion and polluted runoff), the minimum 30-foot-wide buffer from pocket wetlands is adequate to protect the resources of the habitat area.

The proposed project would also have a limited 60 to 80-foot-wide buffer from the three-parameter estuarine wetlands along Elk River across Hilfiker Lane to the west. The salt marsh habitat on the Elk River directly west of the parcel was recently restored as mitigation for wetland fill resulting from the development of the Hikshari' Trail. Based on recent monitoring reports (from 2013-2016), this salt marsh remains high-quality habitat with relatively high native plant cover and diversity. According to the monitoring reports, both the salt marsh mitigation site and additional salt marsh habitat directly to the north support a number of native plant species, including Point Reyes bird's beak (Chloropyron maritinum ssp. palustre), a rare plant (California Rare Plant Rank 1B). Several listed fish species are also known to occur in the adjacent Elk River/Humboldt Bay estuary.

The future development footprint on the parcel is separated from these wetlands and coastal waters by a paved trail and roadway. Given that the project area is flat (0-2 percent slopes) and the western project boundary grade rises steeply at the road,

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[12] The parameters used to identify a wetland are characteristics of the soil, hydrology, and vegetation. To define a wetland, the U.S. Army Corps of Engineers (USACE) requires that all three parameters show wetland attributes. The Coastal Commission defines a wetland based on the presence of any one parameter. Thus, the one-to-two-parameter features identified in the former tank farm area are not considered wetlands by the USACE but are considered wetlands under the City's Local Coastal Program.

[13] According to the 2017 wetland delineation, the former tank farm area is covered with vegetation consisting of a mix of native and non-native species typical of disturbed industrial yards and is underlain by compacted fill composed of rock, gravel, chunks of fiberglass, and rusted iron. Based on subsurface investigations of the parcel, this fill is six to seven feet deep.

[14] According to the 2017 wetland delineation, these wetlands have 38 to 78 percent bare ground (gravel), reflecting the former tank farm use. Vegetation in these wetlands includes pennyroyal (*Mentha pulegium*), creeping bent grass, and large quaking grass (*Briza maxima*).

[15] According to the 2017 wetland delineation, these wetlands consist of either secondary hydrology indicators (geomorphic position and FAC-neutral test) or algal mats and water marks. Water table and surface water indicators were only observed on the three-parameter wetlands outside the standard 100-foot buffer.

erosion and sedimentation from the project site into this sensitive habitat is precluded. Under the proposed project, runoff from the project site will flow to the east, away from the Elk River/Humboldt Bay, and could only reach the Elk River after passing through a proposed vegetated drainage swale and existing wetlands on the eastern and southern portions of the parcel. Given the intervening topographic and development barriers and lack of a functional connection to the wetlands and coastal waters to the west, and given the type and scale of development proposed and the proposed mitigation measures (including lighting and landscaping restrictions), the limited 60 to 80-foot-wide buffer from estuarine wetlands along Elk River is adequate to protect the resources of the habitat area.

The remaining wetlands of concern are the extensive freshwater wetlands located on the unfilled eastern and southern portions of the subject parcel, over 100 feet from the project site. Stormwater runoff from the former tank farm area (the project site) historically drained (through a series of small surface ditches and a French drain system)[16] east to a large rectangular pond with a concrete berm on the eastern side of the parcel, where the water was then pumped to another pond on the southern end of the parcel (between the former tank farm and current WWTP) and eventually released to a surface ditch that discharged to the Elk River. These eastern and southern ponded areas continue to exist and delineate as three-parameter wetlands.[17] These ponds are contained by upland berms and remain flooded throughout the year, supported mainly by groundwater. Given the large buffer (over 100-foot width), the berms around the ponds, and other significant existing and proposed intervening barriers (fencing, drainage swale, pocket wetlands, vegetation, etc.), the proposed project will not degrade this habitat.

There are also drainage ditches along the southern and eastern parcel boundaries and significant freshwater wetlands on the southern and eastern portions of the parcel (in addition to the ponds) comprising a mix of emergent, scrub-shrub, and forested communities that range from seasonally to permanently flooded.[18] These freshwater wetlands are part of a larger wetland complex extending to the north, south, and east of the parcel. The 2007, 2010, and 2017 wetland delineations and 2020 buffer analysis all

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[16] The tank farm was surrounded by a three- to four-foot-high berm, which directed stormwater runoff to the system of drainage ditches and holding ponds located on the remainder of the parcel to the east and south.

[17] MRB observed waterfowl foraging in the ponds during their 2010 surveys and indicated that these ponds provide marginal habitat for northwestern pond turtle (*Emys marmorata*).

[18] According to the 2007 delineation, the forested wetland area is represented by a small stand of red alder (*Alnus rubra*) that transitions into scrub-shrub wetlands dominated by a mix of native willow (*Salix sitchensis, S. lucida, S. lasiolepis*), wax myrtle (*Myrica californica*) and cascara (*Rhamnus purshianus*) with scattered red alder. The understory of the forested and scrub-shrub wetlands and the adjacent freshwater emergent wetlands are characterized by a predominance of herbaceous hydrophytes such as slough sedge (*Carex obnupta*), common rush (*Juncus effuses*), pacific silverweed (*Potentilla anserina ssp. pacifica*), Himalaya berry (*Rubus discolor*), creeping bentgrass (*Agrostis stolonifera*), and buttercup (*Ranunculus repens*).

attest to the high-quality habitat provided by these wetlands.[19] *Given 1) the proposed low-intensity residential development (minimal noise, dust, exterior lighting, etc.); 2) the minimum 100-foot buffer; 3) the intervening topographic barriers, vegetation and drainage features; and 4) the proposed mitigation measures described above, the proposed project will not degrade this habitat. In fact, according to the reduced buffer analysis, the installation of a vegetated drainage swale with native vegetation is expected to strengthen the existing buffer at this urban/open space interface.*

For all the reasons described above, the proposed buffers are adequate to protect the resources of nearby habitats, consistent with Policy 6.A.19.

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

The project proposes the installation of a 6-foot tall fence surrounding the paved development footprint that will prevent encroachment into onsite wetlands. The proposed fencing along the eastern side of the development footprint will follow the edge of the pavement and completely avoid the proposed drainage swale and undeveloped wetland buffers. As a result, the proposed development as conditioned is consistent with Policy 6.A.20.

Goal 6.B To protect agricultural lands for their resource, aesthetic, and economic values.

The subject parcel is located within the urban boundary, does not contain prime agricultural soils, has never been used for agriculture, and is not located adjacent to any lands designated for agriculture or in current agricultural use. In addition, the 6.1-acre parcel would not be large enough to accommodate an agricultural use given the need to avoid onsite wetlands (bringing the developable footprint below two acres). Thus, the proposed project is consistent with Goal 6.B and associated agricultural policies.

Goal 7.B To minimize loss of life, injury, and property damage due to geological hazards.

Strong ground shaking is anticipated at the parcel during the projected life of any typical residential structure. Northwestern California is one of the most seismically active regions in the continental United States. An active segment of the Little Salmon fault zone is located approximately 1.5 miles to the southwest of the subject parcel, and there are several other local sources capable of producing strong seismic shaking at the parcel, including the Gorda plate, the Mendocino fault, the Mendocino triple junction, the northern end of the San Andreas fault, other faults within the North American plate, and

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[19] SHN documented a variety of songbirds and waterfowl, red-shouldered hawk and great blue heron utilizing these habitats on the Crowley Site during their 2007 biological assessment, and MRB observed several species of songbirds utilizing the forested and scrub-shrub communities at the site during their 2010 surveys. According to the 2010 MRB biological assessment, the scrub-shrub and forested wetlands along the eastern side of the site may offer suitable nesting habitat for songbirds and possibly raptors and herons. The freshwater wetlands on the subject parcel also provide breeding habitat for northern red-legged frog (*Rana aurora*).

the Cascadia Subduction Zone (CSZ). The project has been engineered to minimize risk to life and property and ensure structural stability given the geologic hazards, as further described in the discussion under Policy 7.B.4 below.

The subject parcel is located within the mapped tsunami inundation area on the Tsunami Inundation Map for Emergency Planning[20] (California Geological Survey, August 13, 2020) and is at risk of tsunami inundation from waves generated from a variety of local and distant sources (tsunamis are both a geologic and flood hazard). Based on available inundation modeling, the subject parcel would not be inundated by smaller, more frequent tsunamis (such as a 475-year average return period event or smaller event), but would be inundated by more infrequent and extreme events, such as a CSZ event.[21] It is generally not feasible to design smaller-scale, removable/relocatable structures to be resilient to such tsunami forces, and the proposed development has not been designed for tsunami forces. However, in the event of a tsunami, life safety is dependent on successful evacuation, not on structural stability (unless individuals are using a tall structure in the tsunami zone for "vertical" evacuation).

Pursuant to the Q combining district standards for the subject parcel, a site-specific tsunami evacuation plan is required for any new use and must be implemented and enforced for the life of the development. The Q combining district standards require that the plan be approved by the City of Eureka, and a copy of the approved plan, and any new or updated evacuation plans, be provided to any and all tenants and employees on the site of the use, and to Development Services - Planning. ***Condition 9*** *has been added to ensure compliance with this Q combining district standard, and to provide detail on the necessary content of the tsunami evacuation plan including procedures for 1) evacuating, assembling, and accounting for all occupants (including occupants with mobility limitations and other special needs) during a tsunami event; 2) notifying occupants of the tsunami risk and the evacuation plan; and 3) regularly training for tsunami response and updating the plan consistent with community-wide emergency response plans. Thus, the proposed project as conditioned minimizes risk of life and injury resulting from tsunami hazard, consistent with Goal 7.B.*

By reusing small-scale, removable/relocatable structures, the proposed project minimizes structural investment and thus minimizes potential loss resulting from property damage due to a tsunami event. Given the small scale of the proposed development and the residential use, any debris and hazardous materials released by failure of the structures during a large-event tsunami would be minimal compared to

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[20] The inundation area on this map represents the maximum considered tsunami runup from several extreme, infrequent, and realistic tsunami sources. A 975-year average return period tsunami model (with a 5% probability of exceedance in 50 years) was used as a basis for the maximum inundation extent for inundation mapping in conjunction with data from an earlier 2009 mapping effort. The 2009 maps used a suite of tsunami source events for modeling, representing realistic local and distant earthquakes and hypothetical extreme undersea, near-shore landslides.

[21] A CSZ event has an approximately-515-year average return period. Evidence suggests the last major subduction zone quake occurred on January 27, 1700.

risks posed by a proximity of nearby public facility and heavy commercial and industrial uses. Thus, the proposed project also minimizes risk of property damage due to tsunamis consistent with Goal 7.B.

Policy 7.B.2 The City shall ensure that development on or near the shoreline of Elk River, Humboldt Bay, and Eureka Slough neither contributes significantly to, nor is subject to, high risk of damage from shoreline erosion over the life span of the development.
See discussion under Policy 7.B.5.

7.B.3 Within the Coastal Zone the City shall prohibit alteration of cliffs, bluff tops, and gulch faces or bases by excavation or other means except to protect existing structures. Permitted development shall not require the construction of protective devices that would substantially alter natural landforms.
The project site is not located on a cliff, bluff top, or gulch face. The shoreline adjacent to the site is low-lying and flat and this landform is not likely to be substantially altered by any protective device. Furthermore, as discussed elsewhere in these findings, the project site is not currently in danger from shoreline erosion, nor will it be in danger of shoreline erosion for its permitted life and thus will not require construction of protective devices. Nevertheless, ***Condition 8*** *has been added to make clear that the proposed project has no right to shoreline protective devices.*

Policy 7.B.4 For all high density residential and other high occupancy development located in areas of significant liquefaction potential, the City shall, at the time project application, require a geology and soils report prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering geologist, and shall consider, describe, and analyze the following:

a. **Geological conditions, including soil, sediment, and rock types and characteristics in addition to structural features, such as bedding, joint and faults;**
b. **Evidence of past or potential liquefaction conditions, and the implications of such conditions for the proposed development;**
c. **Potential effects of seismic forces resulting from a maximum credible earthquake;**
d. **Any other factors that might affect the development.**

The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the life-span of the project.
High-density residential development is defined by LUP Policy 7.D.1 and IP section 10-5.2943.2 as a gross density of eight units or more per acre. As described in more detail under Policy 7.D.1 below, the proposed development does not meet this threshold and thus Policy 7.B.4 is not applicable.

However, Goal 7.B indicates that the intent of the LUP policies is to minimize loss of life, injury, and property damage due to geological hazards regardless of development type, and a geology and soils report was prepared in 2012 (for a food waste digester project that was never constructed) that covered the northwestern portion of the parcel where the project is proposed.[22] The report was informed by subsurface investigations conducted in 2012 that indicated that the project site is underlain by six to seven feet of uncontrolled fill material overlying five to thirteen feet of native bay-margin sediment. The bay-margin deposits, in turn, overlie denser Hookton Formation sediments that occur at depths ranging from 12 to 20 feet below ground surface. According to the 2012 report, the project site has a low to moderate potential for liquefaction and other seismically-induced ground failures, except during long-duration strong ground shaking associated with a rare, great earthquake (a CSZ event, for example), when the potential for liquefaction would be moderate to high. The report indicates that the risks associated with liquefaction can be reduced through appropriate foundation design.

The report also indicates that the soft soil conditions identified in the bay-margin sediments at depths ranging from approximately 7-19 feet below ground surface present a settlement hazard where new structures span ground previously loaded by tank farm structures and areas where no load existed in the past. In addition, the report indicates that fill materials on the northern end of the parcel consist of loose, poorly graded sands, likely dredged from the bay, that may not be suitable as bearing material in their current condition. A registered professional engineer has used this geotechnical information in drafting the 90% plans for the proposed project including in siting the structures, planning the preparation of the ground surface, and designing the foundations that will anchor the trailers to the ground. Among other site preparation, the upper six inches of the existing subgrade material will be scarified and recompacted, and a nine-inch-deep Class II aggregate base will be added and covered with asphalt concrete pavement. ***Condition 10*** *has been added to ensure that the final construction plans substantially conform with the 90% plans and associated specifications prepared by the project engineer.*

Policy 7.B.5 For all development proposed within areas subject to significant shoreline erosion, and which is otherwise consistent with the policies of this General Plan, the City shall, prior to project approval, require a geology and soils report prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering, or by a certified engineering geologist, and shall consider, describe, and analyze the following:

- **a. Site topography, extending the surveying work beyond the site as needed to depict unusual conditions that might affect the site;**
- **b. Historic, current and foreseeable shoreline erosion, including investigation of recorded land surveys and tax assessment records in addition to the use**

[22] SHN Consulting Engineers & Geologists, Inc. (2012, June). Geologic Hazard Evaluation and Geotechnical Engineering Report for Proposed Food Waste Digester Project on a Portion of the "Crowley Property," Hilfiker Lane, Eureka, California (APNs 019-271-004 and 019-331-002). Prepared for Humboldt Waste Management Authority.

of historic maps and photographs where available and possible changes in shore configuration and sand transport;

c. **Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joint and faults;**
d. **Impact of construction activity on the stability of the site adjacent area;**
e. **Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction;**
f. **Effects of marine erosion an shoreline areas;**
g. **Potential effects of seismic forces resulting from a maximum credible earthquake;**
h. **Any other factors that might affect slope stability.**

The report shall evaluate the off-site impacts of development and the additional impacts that might occur due to the proposed development. The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant onsite or offsite geologic instability throughout the life-span of the project.

*The project site is near the shoreline of the Elk River and Humboldt Bay but is separated from the shoreline by Hilfiker Lane and the Hikshari' Trail and the area is flat and low-lying without bluffs or cliffs that could potentially have slope stability issues. The shoreline across from the project site is a salt marsh mitigation site that is designed and managed to prevent erosion. The shoreline here is sheltered from the bay by Elk River Spit which was created by the construction of the jetties at the bay entrance. Although sea level rise may result in retreat of the shoreline over time, the proposed development is only receiving a temporary authorization (as detailed in the flood hazard findings under Policy 7.D.1 below and **Condition 11**). Thus, the project site is not expected to be exposed to significant shoreline erosion during this temporary project timeframe. Therefore, Policy 7.B.5 is not applicable (as the project site will not be subject to significant shoreline erosion over the life of the development), and the proposed development as conditioned is consistent with Policy 7.B.2 (which prohibits development from significantly contributing to or being subject to high risk of damage from shoreline erosion over its lifespan).*

Goal 7.D To minimize the risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.

See discussion under LUP Policy 7.D.1.

Policy 7.D.1 The City shall prohibit high density residential and other high occupancy development, including new hospitals, schools, residential development with a gross density of 8 units per acre or more, office buildings 10,000 square feet in size or larger, or visitor-serving structural developments 5,000 square feet in size or larger, from locating in flood hazard areas, as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM), dated June 1, 1982, unless they are constructed with a finished

foundation that extends above the 100-year flood level and meet all applicable drainage policies of this General Plan. Other development in flood hazard areas shall incorporate mitigation measures that minimize the potential for flood damage, including development siting and use of flood proofing techniques and materials, consistent with other land use plan policies.
The proposed development is within the FEMA mapped floodplain within the AE zone with a base flood elevation (BFE) of ten feet.[23] The proposed development includes seven separate residential units: each of the six smaller residential units will include two living spaces relying on a shared bathroom and kitchen; and the one large residential unit will be able to accommodate up to 28 living spaces with two shared bathrooms and one kitchen. While the number of dwelling units is based on the number of kitchens, even if each potential living space is counted as a unit for the purposes of Policy 7.D.1., the proposed project will have a gross density below eight units per acre and therefore will not qualify as high-density residential development (eight units per acre on this 6.1-acre site translates to 48 units). As a result, the first provision of Policy 7.D.1 is inapplicable. Nevertheless, Goal 7.D and Policy 7.D.1 require all development to minimize risk to life and property resulting from flood hazards.

The proposed project has been engineered to be fully consistent with the City's flood hazard regulations (Chapter 153 of the Eureka Municipal Code) which, among other provisions, require residential development in the mapped floodplain, including manufactured homes, to be securely fastened to an adequately anchored foundation system and elevated to a height equal to or exceeding the 10-foot BFE specified on the flood insurance rate map. The proposed residential units will be securely fastened to and elevated on anchored foundations with a minimum floor elevation of 1.5-2.5 feet above the BFE. ***Condition 10*** *has been added to ensure final plans are reviewed and certified by a registered civil engineer as being consistent with the City's floodplain regulations. In addition, pursuant to the City's floodplain regulations, upon completion of the proposed project, the project will be reviewed in the field and certified by a registered civil engineer or licensed land surveyor (with verification by the building inspector) for proper elevation.*

Although the proposed project is safe given current flood levels, flooding is expected to increase in frequency and severity in the future with sea level rise. The lowest proposed floor elevation is 1.5 feet above the current BFE, and 1.5 feet of sea level rise is expected to occur by 2040 under a medium-high risk aversion scenario and by 2050 under a low risk aversion scenario (See Table 1 below). This means that the 100-year flood level could reach the base floor elevation of the lowest residential units within the next 30 years.

[23] All elevations in this report are referenced to NAVD88.

Table 1. Sea Level Rise Projections (in feet) for Humboldt Bay[24]		
	Low Risk Aversion (ft.)	**Medium-High** Risk Aversion (ft.)
2040	1.1	1.6
2050	1.5	2.3
2060	1.7-1.9	2.8-3.1
2070	2-2.4	3.5-4
2080	2.4-2.9	4.4-5.1
2100	3.1-4.1	6.3-7.6

The current mean monthly maximum water (MMMW) elevation on Humboldt Bay is 7.74 feet (as measured at NOAA's North Spit Tide Gage), and the average annual king tide elevation is 8.8 feet. If no protective action is taken to protect the intervening public road, utilities, and trail, average annual king tides will reach the base floor elevation of the lowest residential units (11.5 feet elevation) with 2.7 feet of sea level rise (i.e., this would occur on average a few times per year). With 3.8 feet of sea level rise, monthly high tides (MMMW) could reach the base floor elevation of the lowest residential units with interior flooding during extreme tides and storm events. According to current best-available science, 2.7 feet of sea level rise could occur between 2050 and 2060 (within 40 years) under a medium-high risk aversion scenario, and after 2070 (after at least 50 years) under a low-risk aversion scenario.

The appropriate time horizon to use to evaluate sea level rise depends on the anticipated duration of development, after which such development is expected to be removed, replaced, or redeveloped. Typical residential buildings constructed today are likely to remain in place over the next 75 to 100 years, but the proposed project is being constructed out of donated PG&E trailers and as a result will require significantly less investment in the subject property and will have a shorter lifespan. In addition, the proposed foundations for the residential units can be relatively easily elevated and the structures can be relatively easily removed in the future as needed to adapt to sea level rise, resulting in lower risk.[25] Nevertheless, ***Condition 11*** *limits the term of authorization of CDP-21-0006 so that the permit will expire in 2050 (or when the lease of City property and any lease renewals expire, whichever is earlier). Pursuant to* ***Condition 11****, the residential structures will be removed prior to 2050 unless a permit amendment or new permit is applied for that reevaluates the flood hazard risk at the site based on the best available science and most recent sea level rise information at the time of application. This temporary authorization avoids any potential shoreline flooding under a*

[24] Projections in this table are from the Ocean Protection Council (OPC)'s State of California Sea-Level Rise Guidance 2018 Update for the Humboldt Bay North Spit tide gage (considered by the California Coastal Commission as the current best available science). The projections for relative sea level rise on Humboldt Bay consider the combined effects of regional eustatic sea level rise and vertical land motion (tectonic uplift and subsidence). The low-risk aversion scenario has an approximately 17% chance of being exceeded, and the medium-high risk aversion scenario has a 1 in 200 chance, or a 0.5%, chance of being exceeded.

[25] In addition, as water, sewer, and electrical utilities already exist bayward of the proposed development, utility hookups for the proposed development will not result in extending servic[illegible]

medium-high risk aversion sea level rise scenario, and any flooding from 100-year flood events under a low-risk aversion scenario. This conservative measure is necessary especially given uncertainty surrounding the effects of sea level rise on shallow groundwater at the site. The City also has the ability to require removal at an earlier date as needed by not renewing the property lease agreement. Thus the proposed development as conditioned minimizes flood hazard risk consistent with Goal 7.D and Policy 7.D.1.

For all the reasons described above, the proposed project is consistent with the LUP.

Implementation Plan (IP) Analysis

The coastal development permit must be found to conform with the entire Local Coastal Program, including the IP. The IP includes zoning regulations and the zoning map for land in the coastal zone, as well as specific coastal zone ordinances necessary to implement the policies of the LUP.

The project site is zoned Service Commercial with a Qualifying combining district (CS-Q). The purposes of the CS zone district and a discussion of the project's consistency with the district's purpose and standards is provided below:

(a) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;

(b) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in a mutually beneficial relationship to each other;

(c) To provide space for community facilities and institutions that appropriately may be located in commercial areas;

(d) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(e) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

(f) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;

(g) To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;

(h) To permit additional development in mixed commercial areas containing both retail stores and commercial services; and

(i) To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.

Although the CS zone district is primarily intended for commercial retail and wholesale uses, it allows for residential uses principally permitted in the Multi-Family Residential (RM) zone district, including combinations of attached or detached dwelling units such as the proposed project. The area where the project is proposed already includes a mix of zone districts and uses, including a number of public facilities. Community housing to help people who are struggling to secure permanent housing is a similar public-serving use that is appropriate for the area.

Because the proposed project is a residential project, it will not include large volumes of toxic or flammable chemicals or generate significant noise, odor, dust, smoke, vibrations, etc. that could adversely impact surrounding properties. The use will be shielded from surrounding uses by the proposed perimeter fencing, vegetated drainage swale, and the 5.3-acres of the subject parcel that will remain undeveloped, vegetated open space.

The new housing use on a currently vacant parcel will result in the generation of additional traffic and demand for municipal utilities. However, given that the site's Q combining district limits the site to housing for not more than 40 people total, the increases will be nominal. In addition, the project will target people who are already living in the area and few residents are expected to own cars.

The project also proposes adequate space for off-street parking to serve the proposed use. In commercial zone districts, one space is required for each dwelling unit, and pursuant to IP section 10-5.2906.3(c), dwelling unit is defined in part to mean one or more rooms and a single kitchen. As each of the seven proposed residential structures includes one kitchen, the proposed project is required to provides seven off-street parking spaces. The project proposes ten spaces, with the three additional spaces provided for two caseworkers and Betty Chin to visit the site with their vehicles. As most residents are not expected to own cars, the proposed off-street parking is more than adequate to meet anticipated demand, and the project will not result in overflow parking on the street or in the nearby public access parking lot. Given that many residents will not own cars, the proposed project is appropriately sited across the street from the ADA-accessible, multi-use Hikshari' Trail, which provides a bicycle/pedestrian connection to services throughout the City.

The proposed seven single-story units total 7,680 square feet in floor area which is small in size in relation to the amount of land around the structures (the subject parcel is 265,888 square feet in size). The proposed project is an infill project reusing the long-vacant disturbed footprint of a former tank farm in a way that is protective of surrounding habitat. The proposed project adds a sanctioned use with employees and residents onsite 24-hours to an underutilized area of the City, improving the vibrancy, safety, and stewardship of the area. Given the City's severe housing shortage and shelter crisis, the provision of affordable housing will also greatly benefit the City as a whole, including other property owners and businesses in the CS zone district. Thus, the proposed project is appropriate for the site and consistent with the CS zone district purpose and standards.

The Q combining district limits the subject parcel to five uses principally permitted in the CS zone district and imposes a number of life safety and natural hazard limitations on future development of the parcel. The Q limitations and a discussion of the project's conformance with these limitations is provided below:

Principally Permitted Uses:

- **Multi-family/multi-unit single-story residential uses permitted under permitted uses in the RM Districts, for not more than 40 individual persons.**
- **Public utility and public service infrastructure.**
- **Temporary/seasonal uses, such as Christmas Tree lots.**
- **Towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility subject to the provisions of Article 31 (Wireless Telecommunication Facilities).**
- **Wireless telecommunication facilities located more than 150 feet from an R District, subject to wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).**

The proposed project is a multi-unit, single-story residential use for not more than 40 individual persons and is therefore principally permitted on the subject parcel.

Life safety and natural hazard limitations on the permitted uses include, but are not limited to, the following:

- **All structures will comply with the Flood Hazard Area Regulations contained in the Eureka Municipal Code and shall be designed to minimize flood risk over the anticipated life of the development taking into account current best available science (at the time of application for development) on projected sea level rise, including minimizing impacts to the development itself and impacts of the development on the surrounding area.**

The proposed residential units will be securely fastened to and elevated on anchored foundations with a minimum floor elevation of 1.5-2.5 feet above the BFE consistent with the City's Flood Hazard Area Regulations (which require anchoring and elevating to or above the BFE). In addition, ***Condition 10*** *has been added to ensure final plans are reviewed and certified by a registered civil engineer as being consistent with the City's Flood Hazard Area Regulations.*

Potential flooding risk over the anticipated life of the development given projected sea level rise is analyzed in detail under LUP Policy 7.D.1 above. The current average annual king tide elevation on Humboldt Bay is 8.8 feet; the trail and road that separate the subject parcel from the Elk River are at 10.82 and 11.23 feet in elevation, respectively; and the proposed minimum floor elevation of the residential structures is 11.5 feet. If no protective action is taken to protect the intervening public road, utilities, and trail, average annual king tides will reach the base floor elevation of the lowest residential units (11.5 feet elevation) with 0.7 feet of sea

level rise. According to current best-available science, 2.7 feet of sea level rise could occur between 2050 and 2060 (within 40 years) under a medium-high risk aversion scenario, and after 2070 (after at least 50 years) under a low-risk aversion scenario. ***Condition 11*** *avoids risk of future sea level rise flooding by placing a thirty-year limit on the coastal development permit authorization (the permit expires January 1, 2050). The City also has the ability to require removal at an earlier date as needed by not renewing the property lease agreement. Thus, the proposed development as conditioned minimizes flood hazard risk consistent with this Q combining district limitation.*

- **Structures will be designed and constructed to allow relocation or removal and permitted for a limited term taking into account increasing flood hazard risk with predicted sea level rise.**

The proposed project is being constructed out of donated PG&E trailers on foundations that can be relatively easily elevated or removed in the future. As discussed above, ***Condition 11*** *limits the term of the coastal development permit accounting for increasing flood risk with predicted sea level rise.*

- **Prior to commencement of any use, including future uses, the owner/manager of each use will develop a Tsunami Evacuation Plan, and implement and enforce the Tsunami Evacuation Plan for the life of the use. The Tsunami Evacuation Plan must be approved by the City of Eureka, and a copy of the approved Tsunami Evacuation Plan, and any new or updated Evacuation Plans must be provided to any and all tenants and employees on the site of the use, and to the Development Services Department.**

Consistent with this Q combining district requirement, ***Condition 9*** *has been added requiring a Tsunami Evacuation Plan to be submitted to Development Services - Planning for review and approval prior to issuance of any building permits.*

- **The site shall be limited to one principally permitted use at a time except that buried public utilities and buried public service infrastructure may be allowed in combination with other principally permitted uses.**

The proposed project only includes one principally permitted use (multi-unit, single-story residential use) with buried utility connections.

- **Prior to commencement of construction of any use that involves ground disturbance, a soil and groundwater management plan shall be prepared for construction activities to manage soil and groundwater handling and disposal and evaluate worker protection. Any future residential use of the site shall be designed to prevent future residents from coming into contact with and experiencing any adverse impacts caused by potential subsurface contamination such as by capping of the development footprint.**

Consistent with this Q combining district requirement, ***Condition 4*** *requires that a Soil and Groundwater Management Plan addressing soil and groundwater handling and disposal and worker safety be submitted to Development Services -*

Planning for review and approval prior to commencement of construction. In addition, future residential use of the site is designed to prevent future residents from coming into contact with and experiencing any adverse impacts caused by potential subsurface contamination by capping the site with pavement. RWQCB staff has indicated that the proposal to install an asphaltic cap and above-grade housing units is compatible with the site given potential contamination concerns (Engineering Geologist C. Walker, personal communication, May 21, 2020).

- ***Coastal development permit applications shall include a project-specific reduced-buffer analysis consistent with LUP Policy 6.A.19 and Coastal Zoning Code §10-5.2942.15.***

  The coastal development permit application for the proposed project included a site-specific reduced-buffer analysis that meets the requirements of LUP Policy 6.A.19 and Coastal Zoning Code §10-5.2942.15.[26] This analysis is discussed in detail under LUP Policy 6.A.19 above.

In addition to specifying the regulations pertaining to specific zoning districts, the Coastal Zoning Code, section 10-5.2940 et. seq., specifies development standards that apply to all development in the coastal zone, including standards for public access, environmental resources, natural hazards, visual resources, public works, and new development. These standards largely reiterate certified LUP policies discussed in the LUP analysis above, and the applicable findings are incorporated as if set forth in full herein. There is one additional standard not covered under the LUP policy analysis above, section 10-5.2946.9:

10-5.2946.9 Archaeological areas.

a) **When development is proposed within a known archaeological area, project design shall avoid or minimize impacts to the resource.**
b) **When development in archaeological sites cannot be avoided, adequate mitigation measures shall be required. Mitigation shall be designed in accord with guidelines of State Office of Historic Preservation and the State of California Native American Heritage Commission. When, in the course of grading, excavation, or any other development activity, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and the City Planning Director shall be notified immediately of the discovery.**
c) **The City Planning Director shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological survey can be made and appropriate and feasible mitigation measures are developed.**

In August 2019, the Humboldt State University Cultural Resources Facility (CRF) produced an archeological survey report on behalf of the City of Eureka for the subject

[26] SHN Engineers & Geologists. (2020, April 24). Final Coastal Development Permit Supplemental Application Form Request for Reduced Buffer. Prepared for the City of Eureka.

parcel for the proposed housing project.[27] *In order to complete this investigation, the CRF conducted a review of regional archaeological and ethno-geographic literature and historical maps, performed a records search at the California Historical Resources Information System's Northwest Information Center, corresponded with the local Tribal Historical Preservation Officers (THPOs), and conducted a pedestrian field survey and subsurface investigation that included four trench sites on the subject parcel.*

The THPOs of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria were contacted by CRF in January 2019. The THPOs responded with a request that subsurface investigations be conducted given the proximity of known archaeological deposits. Field investigations conducted in 2019 included a Wiyot tribal monitor and identified no cultural or historic resources on the subject parcel. As a result, inadvertent archaeological discovery protocol was recommended. Consistent with IP section 10-5.2946.9, ***Condition 12*** *has been added subjecting ground disturbing activities to the City's standard protocol for inadvertent archaeological discovery.*

The proposed project was referred to the THPOs again in 2021 after the 90% plans were developed (the initial referral for this coastal development permit was emailed on June 16, 2021), and the THPOs of the Wiyot Tribe and the Blue Lake Rancheria requested that a professional archaeologist be retained to monitor deeper project excavations, such as the proposed utility trenches and directional drilling. They also requested that the consulting archaeologist coordinate in advance with the Wiyot area THPOs. ***Condition 13*** *has been added requiring a professional archaeologist to be present to oversee all ground disturbing activities greater than 12 inches in depth.* ***Condition 13*** *also requires the Permittee to contact the THPOs at least two weeks prior to commencement of said ground-disturbing activities to notify the THPOs of the construction schedule, provide the credentials and contact information of the monitor, and invite the THPOs to be present and to monitor the ground-disturbing activities. With the imposition of Conditions 12 and 13, the proposed project will avoid and minimize impacts to archaeological resources consistent with IP section 10-5.2946.9.*

Thus, the proposed project as conditioned is consistent with the CS-Q zoning district and the coastal zone development standards of the IP.

CONCLUSION

Based on the analysis above, the proposed housing development as conditioned is consistent with the certified and adopted Local Coastal Program. The project is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The use is not detrimental to the public health, safety, and welfare, and will be adequately served by utilities and infrastructure.

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[27] Cortes-Rincon, M., Angeloff, N., Barrios-Gonzalez, A., King, B., Heuer, S., Hughes, K, McDermott, M. (2019, August). Archaeological Survey Report for the L047000 City of Eureka Hilfiker Lane Community Housing Project, Humboldt County, California. Prepared for the City of Eureka

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to section 15332, Infill-Development Projects, Class 32 of the CEQA Guidelines, which exempts infill development within urban areas that meet certain criteria. The project meets this exemption because the project is consistent with applicable general plan policies and zoning standards and will not result in significant effects on the environment; and because the project footprint is within City limits, is less than five acres in size, is substantially surrounded by urban uses (a road, fire training facility, wastewater treatment plant, and commercial corridor), does not contain wetlands/ESHA, and can be adequately served by all required utilities and public services.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on July 9, 2021. In addition, the notice was posted on the City's website and bulletin boards, and a public hearing notice sign was posted on the project site on July 9, 2021.

ATTACHMENTS

1. Resolution of Approval for CDP-21-0006
2. Project Plans

SUGGESTED MOTION

"I move the City Council adopt a Resolution to approve with conditions Coastal Development Permit CDP-21-0006 for the development of Betty's Community Housing at the Crowley Site."

REVIEWED AND APPROVED BY:

☒City Attorney

☒City Clerk/Information Technology
☐Community Services
☒Development Services
☐Finance
☐Fire
☐Human Resources
☐Police
☐Public Works

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RESOLUTION NO. 2021-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-21-0006) FOR BETTY'S COMMUNITY HOUSING ON CITY-OWNED PROPERTY ON HILFIKER LANE; 019-271-004, 019-271-005, AND 019-331-002

WHEREAS, the applicant is proposing to utilize donated trailers to house up to 40 people including an on-site manager on a currently vacant, City-owned property to help individuals and families struggling to secure permanent housing establish rental history; and

WHEREAS, the proposed project is located within the coastal zone and constitutes development requiring a coastal development permit; and

WHEREAS, the coastal development permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to Eureka Municipal Code Title §10-5.29310.1, a coastal development permit shall be approved only upon making the finding that the proposed development conforms to the policies of the certified Local Coastal Program; and

WHEREAS, the City Council of the City of Eureka held a duly noticed public hearing at City Hall in Eureka City Council Chambers on July 20, 2021 at 6:00 p.m. to consider the coastal development permit; and

WHEREAS, the City Council has reviewed the proposed project in accordance with Eureka Municipal Code Title 10, Chapter 5, Article 29, Part 22 (Coastal Development Permit Procedures), and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The project is consistent with the purpose of the project site's Mixed-Use Limited land use designation and Service Commercial zoning district, and complies with the use, life safety, and hazard limitations imposed by the site's Qualified combining district.
2. The project will be served by adequate services, avoids impacts to coastal resources and coastal priority uses, and minimizes risks to hazards.
3. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).
4. The project conforms to the policies of the Local Coastal Program.
5. The project qualifies for a Class 32 exemption from CEQA as an infill-development project (§15332 of the CEQA Guidelines).

WHEREAS, in the opinion of the City Council of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. **Construction Responsibilities.** The Permittee shall undertake development in substantial conformance with the erosion and sediment control plan included in the project plans prepared by City of Eureka Public Works - Engineering and dated 3/5/21. The Permittee shall also comply with the following additional construction-related requirements:
   a. All ground-disturbing activities and asphaltic-concrete paving operations shall occur during dry weather only;
   b. No construction materials, equipment, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands. Any temporary on-site stockpiles of excavated spoils or other materials shall be contained at all times and shall be covered and secured before the onset of precipitation;
   c. During construction, all trash shall be removed from the work site and disposed of on a regular basis. All construction debris and excavated spoils shall be properly contained, removed from the work site, and disposed of at an appropriately permitted upland disposal facility;
   d. Temporary sediment and erosion control BMPs shall be monitored and maintained in good working condition until disturbed areas have been revegetated and then shall be promptly removed;
   e. To minimize wildlife entanglement and plastic debris pollution, temporary rolled erosion and sediment control products (such as fiber rolls and silt fencing) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) will not be used. Acceptable alternatives include erosion and sediment control products without netting, products made with loose-weave natural fiber netting, and unreinforced silt fences;
   f. To ensure construction occurs in designated areas and does not impact sensitive habitats, the boundaries of the work area adjacent to wetlands and other sensitive habitat shall be physically demarcated such as with fencing or flagging;
   g. All equipment used during construction shall be free of leaks at all times. 1) Equipment and hazardous material storage; 2) vehicle and equipment maintenance, washing, lubrication, and fueling; and 3) concrete washout shall be conducted on paved surfaces in a contained area at least 50 feet away from any drainage courses and storm drain inlets, if feasible (unless blocked to protect against applicable pollutants), and shall not result in a discharge or threatened discharge to any coastal waters or wetlands; and
   h. Hazardous materials management equipment including oil containment booms and absorbent pads will be available immediately on-hand. A registered first-response, professional, hazardous n

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up/remediation service shall be locally available on call. Any accidental spill shall be contained rapidly and cleaned up. In the event of a spill, the contractor shall notify the City of Eureka and other appropriate regulatory agencies immediately.

2. **Directional Drilling Plan.** Prior to commencement of construction, the Permittee shall submit, for the review and approval of the Eureka Public Works Department, a Directional Drilling Plan that demonstrates that 1) risk of frac-out (inadvertent release of drilling fluid) during directional drilling will be minimized; 2) any accidental release of drilling fluid will be quickly detected, contained, and cleaned up; and 3) used drilling fluid and any spoils generated during directional drilling will be properly contained, characterized, and disposed of consistent with the final Soil and Groundwater Management Plan. The plan shall include drilling procedures and frac-out prevention, detection, and response (containment, cleanup, and disposal) measures adequate to prevent pollution of surrounding wetlands and coastal waters. The Permittee shall undertake horizontal directional drilling activities in accordance with the approved final plan.

3. **Nesting Bird Avoidance.** All work will be completed prior to the beginning of nesting season (March). If wayward nesting migratory birds are found in the project construction area, the contractor and crew will avoid the area until a biologist can survey and make recommendations. If it is not feasible to avoid project construction during the bird nesting season (i.e. between March 1 and August 15), a survey for nesting birds in and adjacent to the project construction area shall be conducted by a qualified biologist according to current California Department of Fish and Wildlife (CDFW) protocols no more than 14 days prior to the commencement of construction activities. If any active nest is detected during preconstruction surveys, the biologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone to be established around the nest, and construction in the buffer zone shall be delayed until after the young have fledged, as determined by additional surveys conducted by a qualified biologist.

4. **Soil and Groundwater Management Plan.** Prior to commencement of construction, the Permittee shall submit a Soil and Groundwater Management Plan to Development Services - Planning for review and approval to manage soil and groundwater handling and evaluate worker protection during project construction. The plan shall demonstrate that: 1) any soil or groundwater contamination encountered during construction activities will be safely and properly identified, contained, handled, characterized, and disposed of at a permitted facility; and 2) that the findings of any testing that identifies the presence of contaminants will be submitted, as applicable, to the Regional Water Quality Control Board, Department of Toxic Substances Control, and any other appropriate regulatory agencies. The plan shall inc

of any excavation of soil or extraction of groundwater and profiling of any potentially contaminated material prior to disposal at an approved upland facility; 2) protocol for waste characterization, handling, and disposal in the event that contaminated soil and/ or groundwater is encountered during site development activities; and 3) a site-specific health and safety plan that includes worker education regarding potential hazards and required protocol if hazards are encountered. The Permittee shall undertake development in accordance with the approved final Soil and Groundwater Management Plan.

5. **Landscaping Restrictions.** No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted on the project site. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used in landscaping.

6. **Exterior Lighting Restrictions.** To avoid any impacts to ESHA/wetlands, all exterior lighting shall be low-wattage, shielded, and have a directional cast downward such that no light or glare extends into surrounding wetlands/ESHAs. Prior to installation of any exterior lighting, lighting specifications shall be submitted to Development Services - Planning for review and approval consistent with this standard.

7. **Post-Construction Stormwater Management Plan.** Prior to the issuance of any building permits, the Permittee shall submit a Post-Construction Stormwater Management Plan to the Eureka Public Works Department for review and approval. The plan shall be prepared by a qualified licensed professional and shall demonstrate that runoff from the developed project site will be directed to the proposed new vegetated drainage swale for onsite retention, infiltration, and/or treatment. The plan shall include: 1) a site plan, drawn to scale, showing the building and pavement footprints, runoff flow directions, and proposed drainage swale; 2) specifications and schedule for installation and planting/seeding (with native vegetation) of the proposed vegetated drainage swale; 3) a description and calculations demonstrating that the proposed vegetated drainage swale will be adequately sized to infiltrate, evapotranspire, and/or biotreat anticipated project runoff consistent with the City's MS4 requirements (State Water Board Order No. 2013-0001 DWQ; section E.12.e.ii.c; pg. 53); and 4) plans for the continual operation, inspection, and maintenance of the vegetated swale to ensure proper functioning for the life of the development. The Permittee shall undertake development in accordance with the approved final Post-Construction Stormwater Management Plan. Any proposed changes shall be reported to the Public Works Department who will determine whether an amendment is legally required.

8. **Waiver of Rights to Shoreline Protection.** By acceptar
Permittee acknowledges that the site may be subject to h

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movement, liquefaction, erosion, waves, storm surge, tidal inundation, and other geologic and flood hazards, many of which will worsen with future sea level rise, and the development authorized by this permit constitutes new development, and is therefore not entitled to a shoreline protective device under the City's Local Coastal Program. Thus, by acceptance of this permit, the Permittee hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under applicable law. The Permittee further agrees, on behalf of itself and all successors and assigns, that the development authorized by this Permit shall be removed if any government agency has ordered that the authorized development is not to be used due to any of the hazards identified above. In the event that portions of the development fall to the bay or tidal wetlands before it is removed, the Permittee shall remove all recoverable debris associated with the development from the beach and bay and lawfully dispose of the material in an approved disposal site.

9. **Tsunami Evacuation Plan.** Prior to the issuance of any building permits, the Permittee shall submit a Tsunami Evacuation Plan to Development Services – Planning for review and approval. The Tsunami Evacuation Plan shall be implemented and enforced for the life of the development. The plan shall demonstrate that procedures are in place for the safe evacuation of all occupants in the event of a tsunami, and to ensure future occupants of the project site are aware of the tsunami threat, warning signals, and evacuation plan. The plan shall include:
   a) A Tsunami Evacuation Route Map for the project site informed by community-wide emergency response plans, showing egress direction(s) and expected assembly area(s) for safe evacuation given estimated tsunami travel times and pedestrian evacuation times.
   b) Evacuation procedures, including how designated personnel/occupant(s) will receive and distribute emergency notifications and evacuation instructions, and how all occupants will be safely evacuated, assembled, and accounted for, including any necessary assistance to occupants with mobility limitations or other special needs.
   c) Hazard risk notification procedures, detailing the provision of informational materials to occupants and the posting of materials at conspicuous locations at the project site, explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes;
   d) Training and maintenance procedures, including a plan for practicing evacuation drills for the life of the project, and periodically reviewing community-wide emergency response plans and replacing outdated information materials as necessary; and
   e) Designation of personnel/occupant(s) responsible for evacuation plan implementation, including but not limited to distribut

materials to occupants, practicing evacuation drills, replacing outdated information as necessary, receiving and distributing emergency notifications for tsunamis, and leading evacuation in the event of a tsunami, including any necessary occupant assistance.

10. **Final Plans.** Prior to commencement of construction, the Permittee shall submit to Development Services - Building, for the review and approval of the City of Eureka, a set of final construction plans that are consistent with all conditions of this coastal development permit and substantially conform with the 90% plans and associated specifications prepared by the City of Eureka Public Works - Engineering and dated 3/5/21. The Permittee shall submit evidence that the final plans have been reviewed and certified by a registered civil engineer as being consistent with the City's floodplain regulations, including standards of construction (section 153.017), standards for utilities (section 153.018), standards for subdivisions and other proposed development (section 153.019), and standards for manufactured homes (section 153.020).

11. **Limited Development Authorization.** The development is authorized as a temporary use. Development authorized by this permit is authorized only until the earlier of January 1, 2050 (which is the time period projected to avoid flood risk under the medium-high risk aversion sea level rise scenario and risk from 100-year flood events under a low-risk aversion scenario) or the Permittee's lease and any subsequent lease renewals have expired. At least six months prior to the expiration of the authorization period, the Permittee or its successors shall submit to Development Services - Planning an application for a coastal development permit amendment (or new coastal development permit) to either 1) remove the development authorized under CDP-21-0006 in its entirety; or 2) extend the length of time the development is authorized and modify its siting and design as needed to ensure consistency with the certified LCP. If a complete application is filed before the end of the authorization period, the authorization period shall be automatically extended until the time the City acts on the application. Any amendment application shall conform to the City's permit filing regulations at the time and shall include an updated flood hazard analysis based on the best available science and most recent sea level rise information at the time of application.

12. **Inadvertent Discovery Protocol.** Ground disturbing activities are subject to the City's standard protocol for inadvertent archeological discovery (cultural or historical artifacts) as follows:
    a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with na

(prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

b. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.

c. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code (PRC) section 5097.98. In part, PRC section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of PRC section 5097.98 shall be complied with as may be required.

13. **Archaeological Monitor.** A professional archaeologist (Archaeological Monitor) shall be present to oversee all ground disturbing activities greater than 12 inches in depth authorized by CDP-21-0006. The Archaeological Monitor shall have experience monitoring for archaeological resources of the local area during excavation projects, be able to identify significant

aware of the protocol for inadvertent archaeological discovery required by Condition 12. At least two weeks prior to commencement of ground-disturbing activities requiring an Archaeological Monitor, the Permittee shall 1) notify the Tribal Historic Preservation Officers (THPO) appointed by the Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, and the Wiyot Tribe at Table Bluff Reservation of the construction schedule; 2) provide the credentials and contact information of the Archaeological Monitor; and 3) invite Tribal representatives to be present and to monitor ground-disturbing activities.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, that the Coastal Development Permit (CDP-21-0006) is approved subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 20th day of July, 2021 by the following vote:

AYES: COUNCILMEMBERS CASTELLANO, MOULTON, ARROYO, BERGEL
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS BAUER

Susan Seaman, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Miles Slattery, City Manager

Approved as to form:

Robert N. Black, City Attorney

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