



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Hearing Date: March 18, 2021

To: Humboldt County Planning Commission

From: John H. Ford, Director of Planning and Building Department

Subject: **Keith Forbes**
Extension & Modification of Coastal Development Permit & Conditional Use Permit
Special Permit for Exception to Off-Street Parking Requirements
Case Number PLN-5725-CDP
Assessor Parcel Number 305-101-053
5749 South Broadway, Spruce Point area

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Please contact Steven Lazar at (707) 268-3741, or by email at slazar@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Meeting Date	Subject	Contact
March 18, 2021	Extension & Modification of Coastal Development Permit and Conditional Use Permit; Special Permit	Steven Lazar

Project Description: Extension and modification of a Coastal Development Permit and Conditional Use Permit (CDP-06-27/CUP-06-08) which authorized development of a vacant parcel with two (2) commercial buildings totaling approximately 12,700 square feet and operation of a cabinet manufacturing business from the site. The property is approximately 0.7 acres in size and was created through subdivision in 2007 (PMS-03-19 Noga). In recent years several wetlands have been discovered on parcels from the subdivision, including the project parcel. The applicant has revised the project design and reduced the development footprint and is seeking to modify the previously approved permits to instead authorize construction of an approximately 6,480 square foot 3-unit commercial building. The development footprint of the project is proposed to be located approximately 33 feet from an on-site wetland. The proposed building will be approximately 31 feet tall and will be partitioned into three (3) similarly sized separately leasable units (each approximately 2,160 ft.² in size). A 1,000 ft.² Caretaker's unit is proposed to occupy the second story of the building. Development will be served by public water and sewer. Extension of the Use Permit is being requested to enable future operation of a cabinet manufacturing business from the site. A total of 16 on-site parking spaces are proposed to be provided and the modification includes a request for an exception to the off-street parking requirements to pre-authorize future commercial uses exceeding available on-site parking capacity by crediting use on-street parking spaces within the project vicinity. The project includes a number of measures designed to address stormwater management and water quality, including: directing parking and roof runoff to underground perforated storage chambers for detention during storm events, use of pervious paving for driveway and parking areas, and enhancement of the on-site wetland and wetland buffer.

Project Location: The project is located in Humboldt County, in the Humboldt Hill area, on the east side of South Broadway, just north from the intersection of Eich Road and South Broadway.

Present Plan Land Use Designation: Commercial General (CG), Humboldt Bay Area Plan (HBAP). Density: N/A Slope: Low Instability (1)

Present Zoning: Commercial General/Coastal Wetlands (CG/W).

Application Number: PLN-5725-CDP

Case Number: CDP-06-27MX/CUP-06-08MX

Assessor Parcel Number: 305-101-053

Applicant

Keith Forbes / Forbes Cabinets
2042 Eich Rd.
Eureka, CA 95503

Owner

Same as Applicant

Agent

Sarah Atkins / Atkins Drafting
P.O. Box 6572
Eureka, CA 95502

Environmental Review: A Mitigated Negative Declaration has been prepared (SCH# 2021020178)

Major Issues: None.

State Appeal Status: Project is appealable to the California Coastal Commission.

FORBES EXTENSION & MODIFICATION OF COASTAL DEVELOPMENT PERMIT & USE PERMIT

Case Number PLN-5725-CDP
Assessor Parcel Number 305-101-053

Recommended Planning Commission Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Mitigated Negative Declaration and make all of the required findings for approval of the Special Permit and Extension and Modification of the previously approved Coastal Development Permit and Conditional Use Permit, based on evidence in the staff report and public testimony, and adopt the Resolution approving the Forbes project subject to the recommended conditions.

Executive Summary:

The applicant is seeking to modify and extend a previously approved Coastal Development Permit and Conditional Use Permit (CDP-06-27/CUP-06-08). The original permit authorized development of a vacant parcel with two (2) commercial buildings totaling approximately 12,700 square feet. The Use Permit is included to enable inclusion of a Caretaker's Unit and future operation of a cabinet manufacturing business from the site. The permits were initially approved by the Planning Commission on February 1, 2007 and were set to expire on March 12, 2009. A timely extension request was submitted by the applicant on February 27, 2009.

Discovery of Wetlands / Project Revisions

The property is approximately 0.7 acres in size and was created through subdivision in 2007 (PMS-03-19 Noga). In recent years several wetlands have been discovered on parcels from the subdivision, including the project parcel. Due to their small size, isolation, and location within the urban limit line, they meet criteria for classification and treatment as "pocket marshes" under the Humboldt Bay Area Plan (HBAP).

Wetlands in the Coastal Zone are broadly defined and meet the criteria for recognition as Environmentally Sensitive Habitat Areas (ESHA) which are described under the act as "area(s) in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments." While the Humboldt Bay Area Plan includes provisions for filling of pocket marshes in concert with off-site mitigation, a ruling by a state appellate court in 1999 determined that "the Coastal Act does not permit destruction of ESHA simply because the destruction is mitigated offsite." Known as the "Bolsa Chica decision", it has rendered the off-site mitigation provisions of the HBAP no longer useful.

To accommodate the on-site wetland, the applicant has revised the project design and reduced the development footprint and is seeking to modify the previously approved permits to instead authorize construction of an approximately 6,480 square foot 3-unit commercial building. The development footprint of the project is now proposed to be located approximately 33 feet from the wetland. New development would ordinarily be subject to larger wetland setbacks. However, the project is eligible to use a reduced wetland buffer under the "string line method" provisions of the HBAP because the average setback of existing development on neighboring properties is considerably closer to the wetland.

The proposed building will be approximately 31 feet tall and will be partitioned into three (3) similarly sized separately leasable units (each approximately 2,160 ft.² in size). A 1,000 ft.²

Caretaker's unit is proposed to occupy the second story of the building. Development will be served by public water and sewer, provided by the Humboldt Community Services District.

Parking Exception

The modification includes a request for an exception to the off-street parking requirements to pre-authorize future commercial uses exceeding available on-site parking capacity by crediting use on-street parking spaces within the project vicinity. A total of 16 on-site parking spaces are proposed to be provided. Evidence exists that authorization of an exception is appropriate given the current availability of on-street parking in the vicinity and low demand for parking by neighboring commercial uses. It is recommended that the project be credited with 6 additional spaces in recognition of the on-street parking available along the property frontage. A parking exhibit detailing on-street parking is included with Attachment 3.

Stormwater

The property is located within an area where discharges of surface water runoff collected in storm sewer systems is regulated by the State Water Resources Control Board. The project includes a number of measures designed to address stormwater management and water quality, including: directing parking and roof runoff to underground perforated storage chambers for detention during storm events, use of pervious paving for driveway and parking areas, and enhancement of the on-site wetland and wetland buffer.

CEQA

A Mitigated Negative Declaration has been prepared for the project and is provided in Attachment 4. In addition to the stormwater mitigation measures, the project includes a number of measures designed to protect the wetland from impacts and enhance the quality of the wetland. A Wetland delineation and Wetland Buffer Assessment were prepared by Foster Consulting. Recommendations for removal of invasive species and planting of native species within the one-parameter wetland area have been incorporated as biological mitigation measures and recommended conditions of project approval.

Staff Recommendation

Based upon the on-site inspection, a review of Planning Division reference sources, and comments from all involved referral agencies, Planning staff has found that the project will not result in a significant impact on the environment as proposed, and that the applicant has submitted evidence in support of making all of the required findings for approving the proposed modification and extension of the Coastal Development Permit and Conditional Use Permit for commercial development and Special Permit for an exception to the off-street parking requirements, as reflected in the Recommended Commission Action.

Alternative 1: The Planning Commission could elect not to approve the project. This alternative should be implemented if your Commission is unable to make all of the required findings. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

Alternative 2: The Planning Commission could elect to approve the project the Coastal Development Permit and Conditional Use Permit Extension and Modification but not approve the Special Permit associated with the parking exception request. This alternative should be implemented if your Commission is unable to make all of the required findings for approval of the parking exception. Planning Division staff has found that the required findings can be made. Consequently, planning staff does not recommend further consideration of this alternative.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-**

**Project Number PLN-5725-CDP
Assessor Parcel Number 305-101-053**

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves the Special Permit and Extension and Modification of the Forbes Coastal Development Permit and Conditional Use Permit.

WHEREAS, on October 10, 2006 Keith Forbes submitted an application with evidence in support of approving a Coastal Development / Conditional Use Permit for the development of a commercial/light industrial complex on Parcel 1 of a previously approved minor subdivision (PMS-03-19 Noga) filed with the County Recorder on September 25, 2007, and appearing in Book 33 of Parcel Maps, Page 73; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning Division prepared a staff report with evidence in support of making all of the required findings for approving the proposed Coastal Development and Conditional Use Permits (Case Nos.: CUP-06-08/CDP-06-37); and

WHEREAS, the project was presented to the Planning Commission on February 1, 2007 during their regularly scheduled public hearing; and

WHEREAS, after considering evidence in the staff report and any public testimony received, the Commission voted in favor of approving the project subject to the recommended conditions; and

WHEREAS, the Coastal Development Permit and Conditional Use Permit were approved for a period of two years from the effective date of the Commissions decision and were set to expire on March 12, 2009; and

WHEREAS, a timely extension request was submitted by the applicant on February 27, 2009; and

WHEREAS, in recent years several wetlands have been discovered on parcels from the Noga subdivision, including the project parcel; and

WHEREAS, due to their small size, isolation, and location within the urban limit line, these wetlands meet criteria for classification and treatment as "pocket marshes" under the Humboldt Bay Area Plan; and

WHEREAS, the applicant has revised the project design and reduced the development footprint and is seeking to modify the previously approved permits to instead authorize construction of an approximately 6,480 square foot 3-unit commercial building; and

WHEREAS, the applicant is also seeking a Special Permit to authorize an exception to the off-street parking regulations and there is sufficient evidence to support granting of the exception, including the availability of excessive on-street parking in the vicinity and low demand for parking by neighboring commercial uses; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Planning Division, the lead agency, has prepared a draft Mitigated Negative Declaration for the subject proposal in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed subdivision (Project Number: PLN-5725-CDP); and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on March 18, 2021.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The Planning Commission adopts the proposed Mitigated Negative Declaration in Attachment 4 as required by Section 15074(b) of the CEQA Guidelines, and finds that there is no substantial evidence that the proposed project will have a significant effect on the environment; and
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Project Number PLN-5725-CDP based on the submitted evidence; and
3. The Planning Commission approves the proposed project applied for as recommended and conditioned in Attachment 1 for Application PLN-5725-CDP.

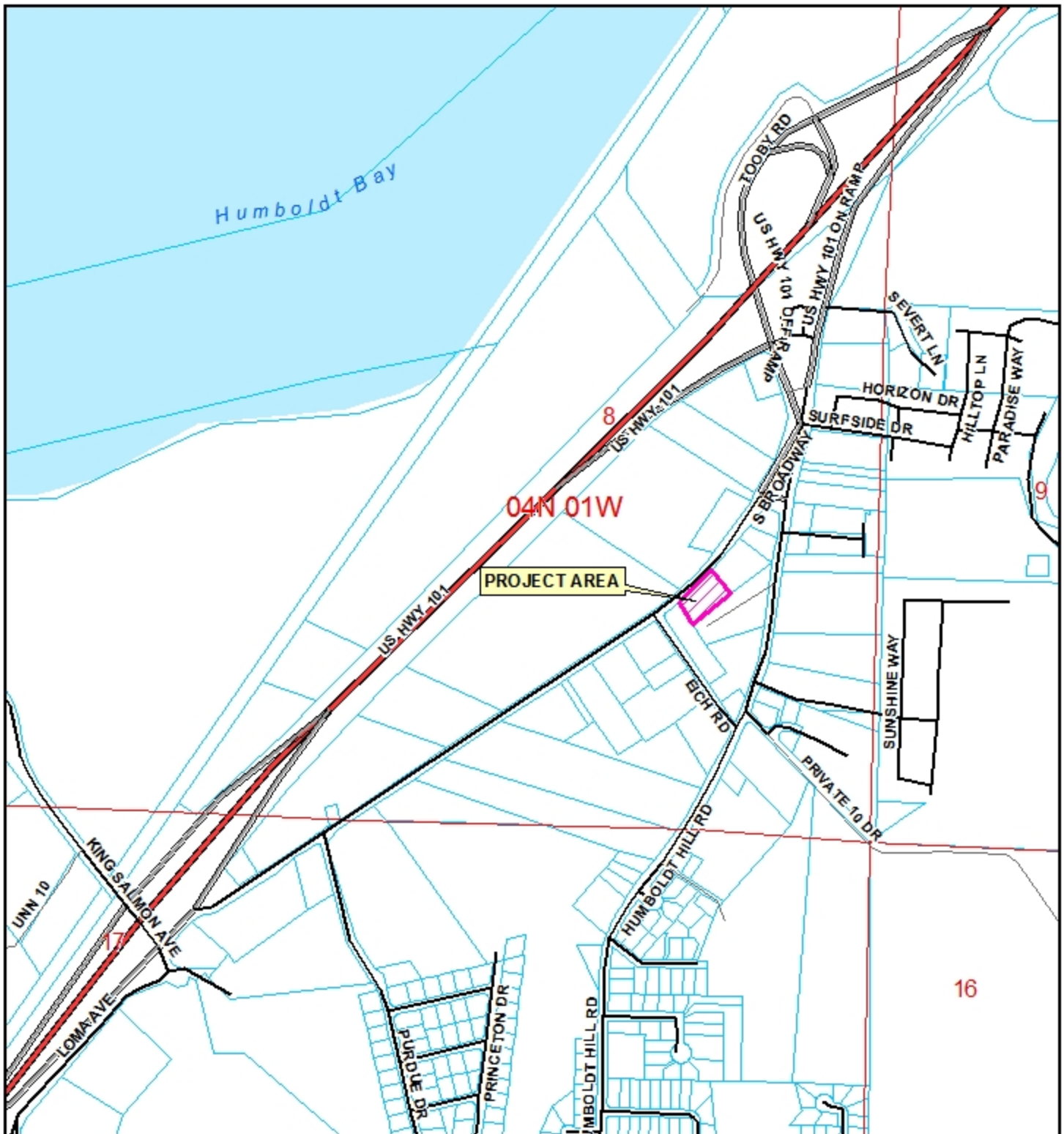
Adopted after review and consideration of all the evidence on March 18, 2021.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford
Director, Planning and Building Department



LOCATION MAP

PROPOSED FORBES COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT EUREKA AREA

CDP-06-27MX/CUP-06-08MX

APN: 305-101-053

T04N R01W S08 HB&M (Fields Landing)

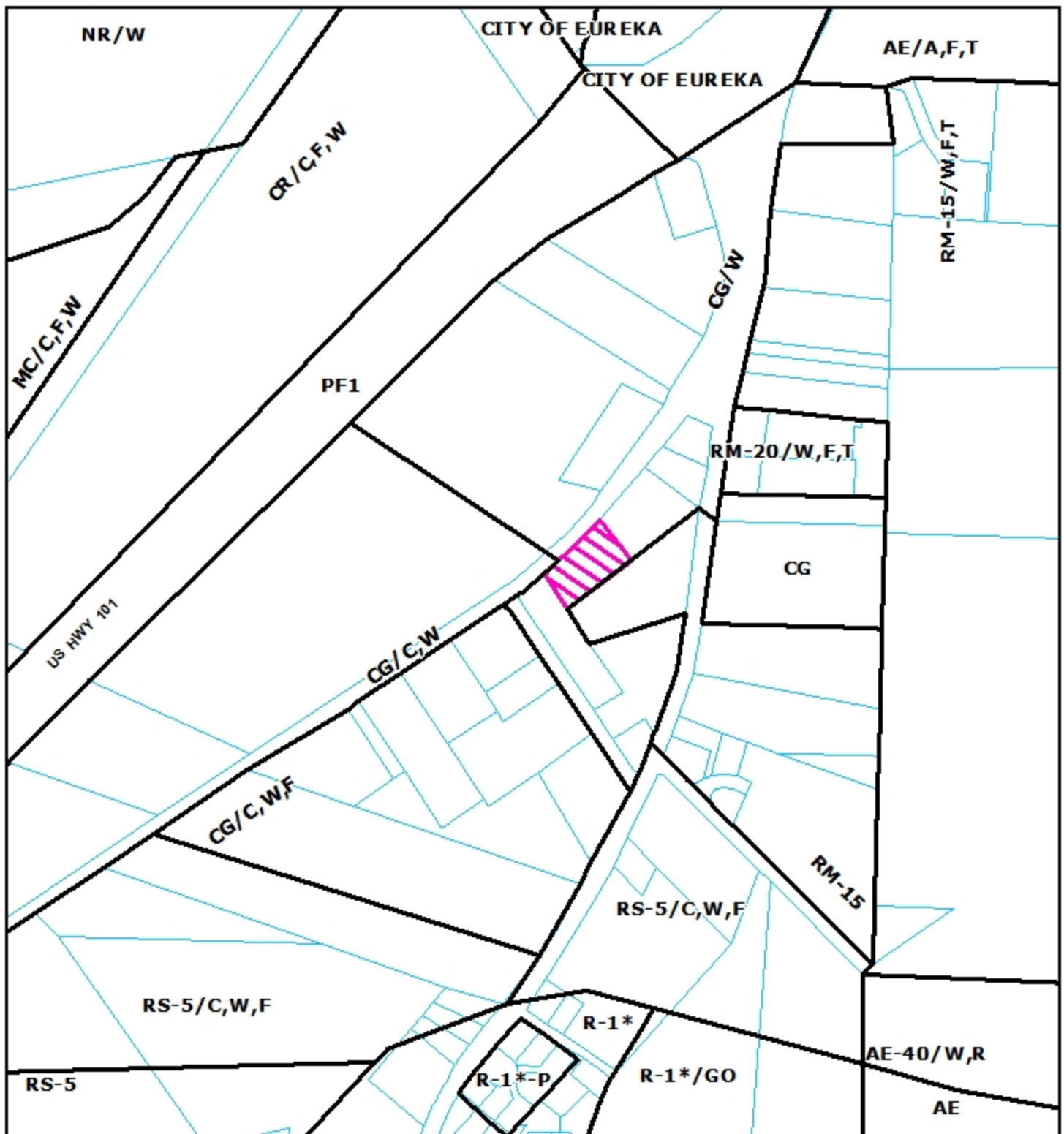
Project Area =



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 750
Feet




ZONING MAP

PROPOSED FORBES COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT EUREKA AREA

CDP-06-27MX/CUP-06-08MX

APN: 305-101-053

T04N R01W S08 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 500 Feet

DR'S PARCEL MAP
 WAS PREPARED FOR
 ENT PURPOSES ONLY
 IS ASSUMED TO
 OF THE DATA OF
 PARCELS MAY NOT
 WITH LOCAL LOT-SPLIT
 ORDINANCES

PTN S1/2 OF SE1/4 SEC 8 T4N R1W H.B.& M.

305-10

PM442 of PM Bk 4, Pg 55
 PM460 of PM Bk 4, Pg 73
 RS, Bk 11 of surveys, Pg 38
 RS, Bk 13 of surveys, Pg 155
 RS, Bk 22 of surveys, Pg 48
 RS, Bk 29 of surveys, Pgs 140-142
 RS, Bk 30 of surveys, Pg 112
 RS, Bk 31 of surveys, Pg 29
 RS, Bk 31 of surveys, Pg 34
 PM2634 of PM Bk 23, Pgs 138-139
 RS, Bk 61 of surveys, Pg 16
 PM3439 of PM Bk 33, Pgs 73-74

ENGINEER'S STATION 849440.29 E.C.
 1169.04 & 782.72N FROM
 57' COR. SEC 8 T4N R1W
 & 1162.12'W - 618.54' &
 50' PM SHIRLEY 2.21' TO THE
 MONUMENT OFFERS II
 ENGINEER'S STATION 849440.29 E.C.

SEE 130-12-270 PART
 PACIFIC GAS & ELECTRIC
 308-390
 9-23-54

No. = Assessor's Book Numbers Shown in Tables
 Assessor's Parcel Numbers Shown in Circles.
 Assessor's Map Bk 305, Pg. 10
 County of Humboldt, CA.

PROJECT SITE =



ASSESSOR PARCEL MAP

**PROPOSED FORBES
 COASTAL DEVELOPMENT PERMIT &
 CONDITIONAL USE PERMIT
 EUREKA AREA
 CDP-06-27MX/CUP-06-08MX
 APN: 305-101-053
 T04N R01W S08 HB&M (Fields Landing)**

MAP NOT TO SCALE



AERIAL MAP

PROPOSED FORBES COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT EUREKA AREA

CDP-06-27MX/CUP-06-08MX

APN: 305-101-053

T04N R01W S08 HB&M (Fields Landing)

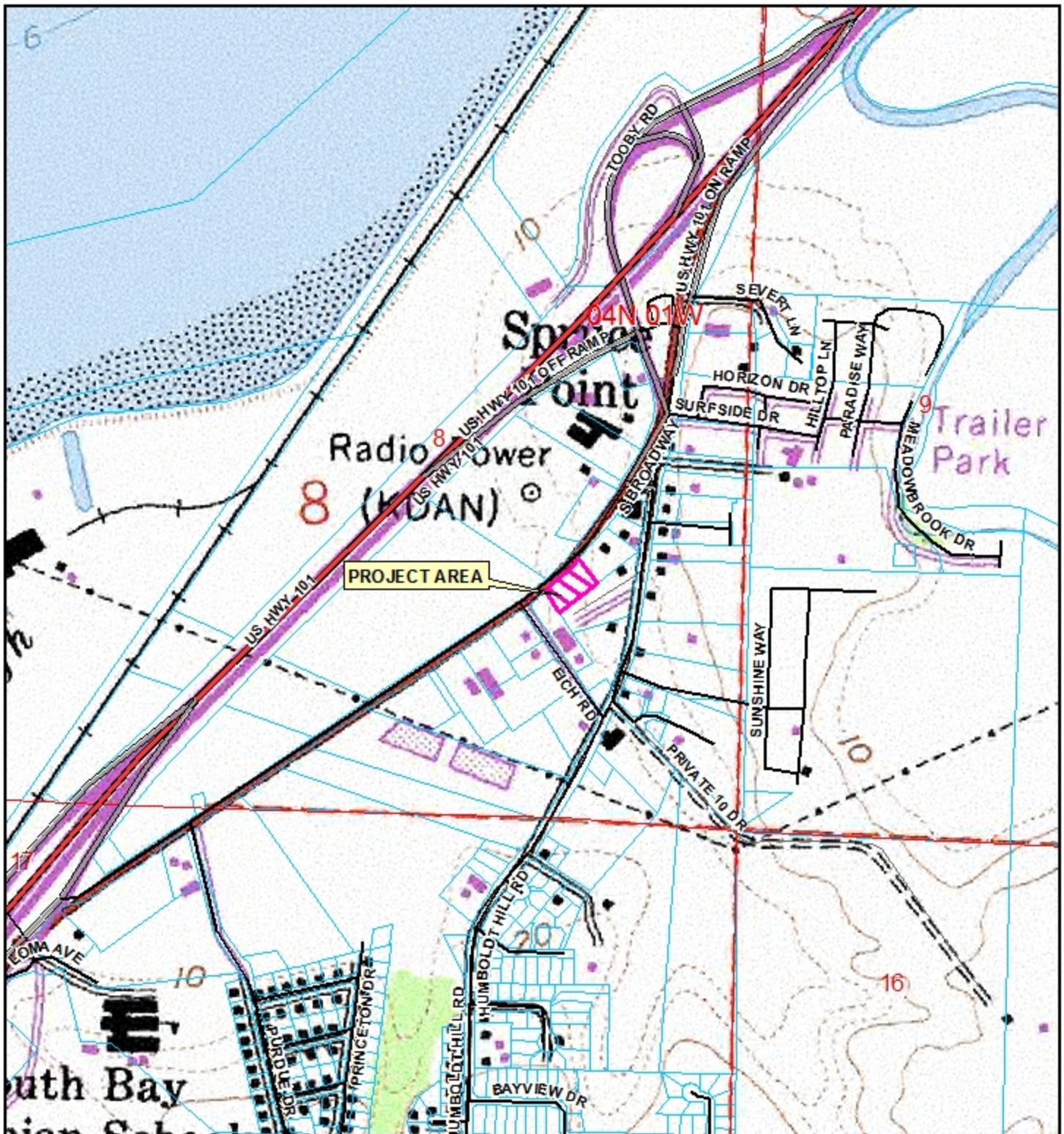
Project Area =



This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.



0 250 Feet




TOPO MAP

PROPOSED FORBES COASTAL DEVELOPMENT PERMIT & CONDITIONAL USE PERMIT EUREKA AREA

CDP-06-27MX/CUP-06-08MX

APN: 305-101-053

T04N R01W S08 HB&M (Fields Landing)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.

0 250 500 750
Feet

EROSION LEGEND:

- ONSITE OVERLAND RELEASE PATH
- OFFSITE OVERLAND RELEASE PATH
- STRAW/FIBER ROLLS
- SILT FENCE
- SEED AND STRAW
- ROOF DOWNSPOUT
- LANDSCAPE
- CONCRETE
- PERMEABLE PAVEMENT
- DETENTION BASIN
- FRENCH DRAIN
- EROSION AND SED. CONTROL:
- EC-1 SCHEDULING
- EC-2 PRESERVATION OF PROPERTY AND VEGETATION
- EC-6 STRAW MULCH
- EC-7 GEOTEXTILE AND MATS
- SC-6 GRAVEL BAG BERM
- SE-1 TEMPORARY SILT FENCE
- SE-5 TEMPORARY FIBER ROLLS
- SE-6 TEMPORARY GRAVEL BAG BERM
- SE-7 STREET SWEEPING
- SE-10 INLET PROTECTION
- WE-1 WIND EROSION CONTROL
- TO-1 TEMPORARY CONSTRUCTION ENTRANCE
- WM-8 TEMPORARY CONCRETE WASHOUT FACILITY

- CONSTRUCTION MANAGEMENT:
- NS-1 WATER CONTROL AND CONSERVATION OPERATIONS
- NS-3 PAVING, SEALING, SAMCUTTING, AND GRINDING
- NS-6 ILLLEGAL CONNECTION AND ILLLEGAL DISCHARGE
- NS-7 DETECTION REPORTING
- NS-7 POTABLE WATER/ IRRIGATION
- NS-8 VEHICLE AND EQUIPMENT CLEANING
- NS-9 VEHICLE AND EQUIPMENT FUELING
- NS-10 CONCRETE CURING
- WM-1 MATERIAL DELIVERY AND STORAGE
- WM-2 MATERIAL USE
- WM-3 STOCKPILE MANAGEMENT
- WM-4 SPILL PREVENTION AND CONTROL
- WM-6 HAZARDOUS WASTE MANAGEMENT
- WM-8 CONCRETE WASTE MANAGEMENT
- WM-9 SANITARY/ SEPTIC WASTE MANAGEMENT
- WM-10 LIQUID WASTE MANAGEMENT

PLOT PLAN VIEW

1"=10'

0 10 20
SCALE IN FEET

LOW IMPACT DEVELOPMENT AREA TABLE

POST CONSTRUCTION PERVIOUS		POST CONSTRUCTION IMPERVIOUS	
ITEM	AREA (S.F.) / QUANTITY (EACH)	ITEM	AREA (S.F.) / QUANTITY (EACH)
LANDSCAPE (SEE PLAN)	1,163-SEE LANDSCAPE PLAN	ROOFTOP	6,480
ROOF TOP DISCONNECT	9,725	CONCRETE SIDEWALK/PARKING	8,485
PERMEABLE PAVING	8,220		
RETENTION BASIN	2,920		
FRENCH DRAIN	246		
INFILTRATION FRENCH	0		
TREE PLANTING	2-SEE LANDSCAPE PLAN		
SELF RETAINING AREAS (SRA)	0	TOTAL:	7328.5

EROSION AND SEDIMENT CONTROL NOTES:

- EROSION CONTROL, BEST MANAGEMENT PRACTICES (BMP'S) SHALL BE INSTALLED AND MAINTAINED DURING THE WET SEASON (OCTOBER 1 THROUGH APRIL 30). SEDIMENT CONTROL BMP'S SHALL BE INSTALLED AND MAINTAINED ALL YEAR.
- ALL DRAINAGE INLETS IMMEDIATELY DOWNSTREAM OF THE WORK AREA AND WITHIN THE WORK AREA SHALL BE PROTECTED WITH SEDIMENT CONTROL AND INLET FILTER BAGS, YEAR ROUND. INLETS SHALL BE MARKED "NO DUMPING".
- ALL STABILIZED CONSTRUCTION ACCESS, LOCATIONS SHALL BE CONSTRUCTED PER STANDARD DRAWING TC-1 WHERE CONSTRUCTION TRAFFIC ENTERS OR LEAVES PAVED AREAS. THE STABILIZED ACCESS SHALL BE MAINTAINED ON A YEAR-ROUND BASIS UNTIL THE COMPLETION OF CONSTRUCTION.
- ALL AREAS DISTURBED DURING CONSTRUCTION, BY GRADING, FENCING, OR OTHER ACTIVITIES, SHALL BE PROTECTED FROM EROSION DURING THE WET SEASON (OCTOBER 1 THROUGH APRIL 30). HYDROSEED, IF UTILIZED, MUST BE PLACED BY SEPTEMBER 15. HYDROSEED PLACED DURING THE WET SEASON SHALL USE A SECONDARY EROSION PROTECTION METHOD.
- SENSITIVE AREAS AND AREAS WHERE EXISTING VEGETATION IS BEING PRESERVED SHALL BE PROTECTED WITH CONSTRUCTION FENCING. SEDIMENT CONTROL BMP'S SHALL BE INSTALLED WHERE ACTIVE CONSTRUCTION AREAS DRAIN INTO SENSITIVE OR PRESERVED VEGETATION AREAS. BMP'S SHALL BE MAINTAINED YEAR-ROUND UNTIL THE CONSTRUCTION IS COMPLETE OR THE DRAINAGE PATTERN HAS BEEN CHANGED AND NO LONGER LEAVES THE SITE.
- ALL SLOPES GREATER THAN 1:1 SHALL RECEIVE SEED AND STRAW OR OTHER EROSION CONTROL.
- ALL FENCING AND EROSION CONTROL METHODS SHALL BE MAINTAINED THROUGHOUT ALL ON-SITE CONSTRUCTION ACTIVITIES.
- ALL BMP'S SHALL BE INSTALLED AND FUNCTIONING PRIOR TO ANY ANTICIPATED STORM EVENT.

CONTRACTOR NOTE:

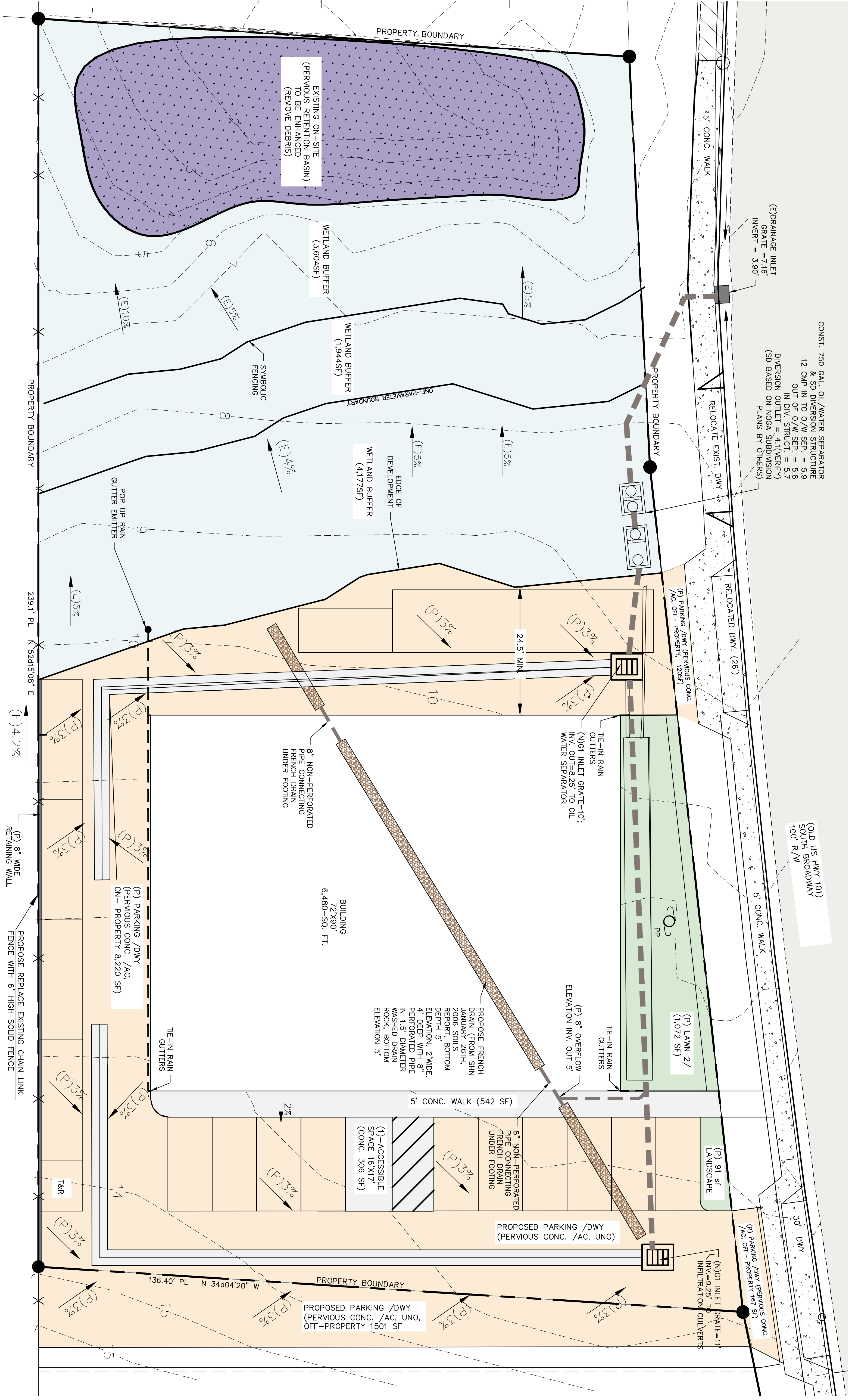
- CONTRACTOR MAY SUBSTITUTE TEMPORARY SILT FENCES FOR STRAW FIBER ROLLS AND VICE VERSA.

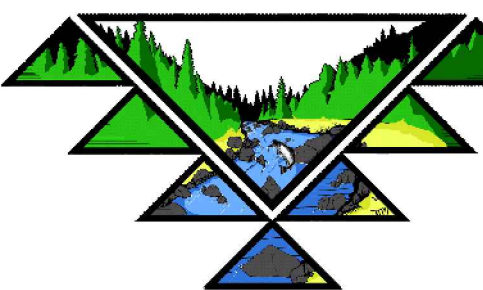
BMP MAINTENANCE NOTES:

- ALL OF THE IMPLEMENTED BMP'S SHALL BE INSPECTED AND CORRECTED AS NEEDED PRIOR TO, DURING, AND DIRECTLY FOLLOWING ANY STORM EVENT, OR WHENEVER PRACTICAL.

DOWNSPOUTS:

- DIRECT DOWNSPOUT RAINWATER AWAY FROM BUILDING TO PREVENT SATURATION OF FOUNDATION.
- PROVIDE SPLASH BLOCKS OR OTHER MEANS TO PREVENT SOIL EROSION.
- DOWNSPOUT RAINWATER SHALL NOT DISCHARGE ONTO A SIDEWALK. CONTRACTOR TO PROVIDE UNDER-WALK DRAINS IN THESE AREAS.





TVCE
67 WALNUT WAY
PO BOX 1567
WILLOW CREEK, CA 95573
PHONE (530) 629-3000
FAX (530) 629-3011

REV	DATE	DESCRIPTION	DWN BY	DES BY	CHK BY	APP BY

KEITH FORBES

TITLE

5749 S BROADWAY EUREKA, CA 95503
APN: 305-101-053

DRAWN BY:
S. ATKINS

DESIGNED BY:
T. LYNN

CHECKED BY:
J. MCKNIGHT

APPROVED BY:
TVCE

DATE OF ISSUE:
APRIL, 2020

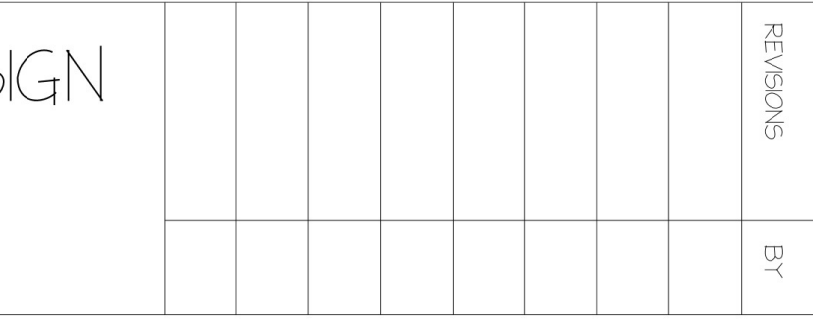
SCALE:
AS SHOWN

PROJECT NO:
374

DRAWING NO:
CO1

REVISIONS	BY

REVEALS	BY

[illegible]

PE DES
NING.COM



(707) 822-2075 GEN@NORTHCOASTGARDENING.COM

ATTACHMENT 1

CONDITIONS OF APPROVAL

APPROVAL OF THE SPECIAL PERMIT AND MODIFICATION TO THE COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT IS CONDITIONED UPON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE A BUILDING PERMIT MAY BE ISSUED OR USE IS INITIATED:

Development Requirements:

1. Applicant shall obtain Building Permits for construction of the proposed buildings.
2. The applicant/owner shall provide the Planning Division with verification that the subdivision (PMS-03-19) improvements have been completed to the satisfaction of the Public Works Department.
3. Prior to final inspection or occupancy of the building(s), whichever comes first, the applicant/owner shall provide the Planning Division with verification that the landscaping as depicted on the plot plan approved by the Planning Commission has been installed and the maintenance system in place. Any alterations to the approved landscaping plan must be reviewed and approved by the Planning Division.
4. In accordance with the Humboldt County Grading Ordinance (2002), the applicant shall:
 - a) maintain erosion control as specified in §331-12 of the Grading Ordinance;
 - b) implement "Best Management Practices" for erosion and sediment control during the construction phase of the project
 - c) use dust control techniques when excavating to minimize dust problems on adjacent dwelling(s)
 - d) reseed/gravel disturbed areas prior to winter rain
 - e) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties.
5. The applicant shall submit two (2) copies of a Development Plan to the Planning Division for review and approval. The map shall be drawn to scale and give detailed specifications as to the development and improvement of the site and the following site development details:
 - A. Mapping
 - (1) Topography of the land in 1-foot contours.
 - (2) Development standards: building "envelopes" (building site locations with applicable yard setbacks, maximum lot coverage, maximum building height).
 - (3) Proposed/completed improvements including streets, sidewalks, driveways, drainage facilities, community services corridors, and access and utility easements.
 - (4) Location of utility, waterline, and drainage easements in favor of Pacific Gas and Electric, the City of Eureka, or the County of Humboldt.
 - (5) Location of the on-site stormwater detention facility and drainage easements for the benefit of the subdivision parcels.
 - (6) Landscaping as approved by the Planning Division.

- (7) Six (6) foot high solid wood fencing installed along the eastern property line.
- (8) the location of the wetland area and wetland buffer, with these areas identified as "unbuildable".
- (9) The location of the post and cable fence along the eastern edge of the wetland buffer.
- (10) The location of all drainage and stormwater facilities.

B. Notes to be Placed on the Development Plan:

- (1) The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources might be encountered during construction activities, the following mitigation measures are required under state and federal law:

If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and County officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5: 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

- (2) "Road access, setbacks, building numbering and emergency water supply shall be developed and maintained consistent with the Uniform Fire Code."
- (3) "Hours of construction activity shall be limited to Monday through Friday from 8:00 am to 6:00 pm, Saturday from 9:00 am to 5:00 pm with no construction activity on Sunday."
- (4) "The placement of security lights shall be shown on the Development Plan and shall consist of the lowest possible wattage motion sensor lights placed low on the buildings so as to minimize nighttime impacts to the residents on the adjacent parcel."
- (5) "All occupants and operations shall adhere to the Industrial Performance Standards per §313-103 of the Humboldt County Code pertaining to noise, vibrations, odor, traffic, lighting, electronic interference and dust control."
- (6) "The six (6) foot high solid wood fence installed between residential and commercial use shall be maintained for the life of the development."

- (7) "This permit does not allow any outside storage of vehicles, construction materials, scrap metals, wood, trash or recyclables (other than those contained in the receptacle identified on the approved plot plan), etc."
 - (8) "Hours of Operation for all uses shall be 7:00 AM – 6:00 PM, seven (7) days a week." Alteration to these Hours of Operation may require a modification to this CUP/CDP and public notice."
 - (9) "The Caretaker's residence shall remain incidental to and under the same ownership as the principal use. Occupancy shall be by the business owner/operator or an employee or the business owner/operator."
 - (10) "This Conditional Use Permit authorizes a cabinet manufacturing operation and Caretaker's Residence in addition to other principally permitted uses. No other conditionally permitted uses are authorized by this permit."
 - (11) A post and cable fence shall be constructed and maintained along the eastern edge of the wetland buffer. Routine litter removal and maintenance of the protective fencing shall occur for the life of the project.
6. The applicant shall cause to be recorded a "Notice of Development Plan" on forms provided by the Humboldt County Planning Division. Document review fees as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors (currently \$151.00 plus applicable recordation fees) will be required.
7. A Notice of Restriction for Caretaker's Residence shall be recorded with the Humboldt County Recorder on forms provided by the Planning Division. Legal document review and recording fees shall apply.
8. The applicant shall provide the Planning Division with a Landscaping Plan for the area between the property line and the back of sidewalk. Accompanying the Landscaping Plan shall be an agreement with the County's Public Works Department which verifies that Department's approval for the location of landscaping within the public road right of way.
9. All non-native Himalayan blackberry (*Rubus armeniacus*) shall be removed by the root from the wetlands and wetland buffer area. Yearly checks and removal of all invasive species and refuse/debris will occur for five years.
10. Native species shall be planted within the one-parameter wetland as shown on the biological site plan included within the wetland buffer assessment prepared by Foster Consulting (dated December 6, 2019).
11. A post and cable fence shall be constructed and maintained along the eastern edge of the wetland buffer. Routine litter removal and maintenance of the protective fencing shall occur for the life of the project.
12. An LID plan shall be submitted to the Planning Dept for final review and approval.
13. The applicant shall implement all mitigation measures and Best Management Practices included in the Wetland Buffer Inventory prepared by Foster Consulting, as described and amended in the documents dated July 19, 2019 and December 6, 2019.

14. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.
15. **Within five (5) days of the effective date of the approval of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,480.25. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Game Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.wildlife.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,480.25 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.

Note: If a required filing fee is not paid for the project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the State Fish and Game Code).

On-going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life of the Project:

1. Hours of Operation for all uses shall be 7:00 AM – 6:00 PM, seven (7) days a week. Any alteration to these Hours of Operation may require a modification to this CUP/CDP and a public notice.
2. All occupants and operations shall adhere to the Industrial Performance Standards per §313-103 of the Humboldt County Code pertaining to noise, vibrations, odor, traffic, lighting, electronic interference and dust control.
3. The Caretaker's residence shall remain incidental to and under the same ownership as the principal use. Occupancy shall be by the business owner/operator or an employee or the business owner/operator.
4. This Conditional Use Permit authorizes a cabinet manufacturing operation and Caretaker's Residence in addition to other principally permitted uses. No other conditionally permitted uses are authorized by this permit.

Informational Notes:

1. To minimize costs the applicant is encouraged to bring in written evidence of compliance with all of the items listed as conditions of approval in this Exhibit that are administered by the Planning Department. The applicant should submit the listed item(s) for review as a package as early as possible before the desired date for final map checking and recordation. Post application assistance by the Assigned Planner, with prior appointment, will be subject to a Special Services Fee for planning services billed at the County's current burdened hourly rate. Copies of all required forms and written instructions are included in the final approval packet.

Each item evidencing compliance except legal documents to be recorded should note in the upper right hand corner:

Assessor's Parcel No. _____,
(Specify)

Condition _____.
(Specify)

2. The project site is not located within an area where known cultural resources have been located. However, as there exists the possibility that undiscovered cultural resources might be encountered during construction activities, the following mitigation measures are required under state and federal law:

If suspected archaeological resources are encountered during the project: 1. Stop work within 100 feet of the find; 2. Call a professional archaeologist, the representatives from the Bear River Band of the Rohnerville Rancheria and the Wiyot Tribe, and the County Planning and Building Department; 3. The professional historic resource consultant, Tribes and County officials will coordinate and provide an assessment of the find and determine the significance and recommend next steps.

If human remains are encountered: 1. All work shall stop and per CA Health and Safety Code Section 7050.5; 2. Call the Humboldt County Coroner at (707) 445-7242; 3. The Coroner will determine if the remains are of prehistoric/historic Native American origin. If the remains are Native American Heritage Commission within 24 hours. 4. The NAHC is responsible under CA PRC 5097.98. (a) for identifying the most likely descendent (MLD) immediately and providing contact information. The MLD may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

The applicant is ultimately responsible for ensuring compliance with this condition.

3. The applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies.
4. This permit shall expire and become null and void at the expiration of two (2) years after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which the phased construction or use must be commenced per this requirement may be extended as provided by Section 312-11.3 of the Humboldt County Code.
5. NEW DEVELOPMENT TO REQUIRE PERMIT. Any new development as defined by Section 313-139 of the Humboldt County Code (H.C.C.), shall require a coastal development permit or permit modification, except for Minor Deviations from the Plot Plan as provided under Section 312-11.1 of the Zoning Regulations.

ATTACHMENT 1 – EXHIBIT A
PUBLIC WORKS REQUIREMENTS



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T


MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
AREA CODE 707

ON-LINE WEB: CO.HUMBOLDT.CA.US	PUBLIC WORKS BUILDING SECOND & L ST., EUREKA FAX 445-7409				CLARK COMPLEX HARRIS & H ST., EUREKA FAX 445-7388	
	ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741	LAND USE	445-7205
	BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540		
	ENGINEERING	445-7377	PARKS	445-7651		
	FACILITY MANAGEMENT	445-7493	ROADS	445-7421		

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Steve Lazar, Senior Planner, Planning & Building Department

VIA: Robert W. Bronkall, Deputy Director

FROM: Kenneth Freed, Assistant Engineering 

DATE: 12/02/2020

RE: **KEITH FORBES; APN 305-101-053, APPS# PLN-5725-CDP**

This project is for the commercial development of APN 305-101-053. The Department will be requiring frontage improvements to be constructed under an encroachment permit. The subject property has deferred pedestrian and storm water improvements that were conditioned as part of Subdivision PMS 03-19. The deferred subdivision improvements need to be completed at the time that the parcel is developed.

The project description states that the applicant has applied for a parking exception to the off-street parking requirements to pre-authorize future commercial uses exceeding available on-site parking capacity by crediting use of fourteen (14) on-street parking spaces within the project vicinity.

ROAD: South Broadway (F3K300) is a paved county maintained road with two travel lanes, a parking lane on the east side, curb gutter and sidewalk (on portions of the road) within a 100 foot wide right of way.

PARKING LOT: The parking lot has been evaluated and appears to provide good circulation. [reference: County Code sections 313-109.1.6.1 & 313-109.1.3.2.5]. An oil water filtration system is required for the drainage leaving the parking area and into any County drainage facility.

Currently County Code only allows a crediting of on-street parking for residential uses (See *County Code section* 313-109.1.4.1.1.3, 313-109.1.4.1.2.3, and 313-109.1.3.4). The Department does not support crediting on-street parking in lieu of on-site parking for commercial use.

At this time, on-street parking is permitted on portions of South Broadway. Typically, with commercial projects, the Department works towards creating no parking zones along the road frontages as commercial projects are required to provide all necessary parking on site. See *County Code 313-109 Off Street Parking*, particularly Section 313-109.1.1.1 and 313-109.1.1.2 shown below.

109.1.1.1 The intent of these off-street parking requirements is to provide for the on-site, off-street parking of motor vehicles associated with any use or uses on the premises. More off-street parking will allow on-street parking to be limited or prohibited to permit greater utilization of streets for

moving traffic. The facilities required by these requirements represent the minimum that will be required by the various land use types. (Former Section CZ#A314-26)

109.1.1.2 It shall be the responsibility of the developer, owner or operator of any specific use to provide adequate off-street parking even if the amount of such parking is in excess of the minimum requirements set forth in these requirements. "Adequate Off-Street Parking" means an amount of parking sufficient to meet the level of anticipated parking demand generated by the use for which the parking is required. (Former Section CZ#A314-26)

Eliminating on-street parking helps open up the line of sight on the road making it easier for traffic exiting the parking lot to see oncoming traffic.

If the project is to be approved with a reduction of on-site parking, the reduction should not give a credit for any on-street parking not consistent with County Code. Therefore, in the future if on-street parking needs to be restricted it will not be eliminating any parking identified in the Coastal Development permit. If the project will be including a credit for on-street parking, a parking lane with curb, gutter, and sidewalk shall be constructed along those portions of South Broadway where credit for on-street parking is proposed.

No accessible parking shall be constructed in the public road right of way. All accessible (ADA) parking shall be on site.

MS4 AREA: The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission.

The following conditions of approval are recommended: Our review of this project is limited to what is shown on the submitted plot plan. If other facilities not shown on the plot plan will be constructed, contact this Department immediately for approval before construction. This Department has regulations regarding facilities such as retaining walls, fence site visibility, drainage culverts, and parking lanes within the County right of way. This Department has included general statements for facilities that may not be included on the plot plan.

- (1) Applicant shall comply with the Subdivision's conditions of approval and requirements of the Development Plan for PMS 03-19, on file with the Planning and Building Department, which include but is not limited to construction of a storm water detention system. This system is to be reviewed and inspected by Planning and Building staff. Planning and Building must verify that the detention system complies with PMS 03-19. A copy of the detention construction plan and maintenance plan must be attached and made a part of the issuance of any development permit for the lot.
- (2) Applicant shall apply for and obtain an encroachment permit for the construction of frontage improvements within the County road right of way. [reference: County Code section 411-11 (a)(b)]
- (3) Applicant shall construct two commercial ADA driveway aprons; remove the unused driveway drop curb (constructed at the time of the subdivision) and replace with CalTrans Type A2-6 curb and gutter, and construct a 5' wide Portland cement concrete sidewalk along the frontage of the lot. [reference: County Code 411-51(b)(3)]
- (4) The commercial driveway shall be surfaced with asphalt concrete or as approved by the Department of Public Works. The paved area shall extend a minimum of 50 feet back from the face of curb. The entrance shall intersect the County road at a 90° angle. The driveway grade shall not exceed 2% in the first 20 feet. [reference: County Code sections 313-109.1.3.2.5 and 411-51 (b)(3)].

- (5) The required parking area shall be surfaced. An oil-water filtration system is required prior to discharge into any County drainage system. [reference: County Code section 313-109.1.3.2.5]
- (6) All parking required by Code must be constructed prior to occupancy of building or “final” issued for building permit. [reference: County Code section 313-109.1 et seq.]
- (7) No accessible parking shall be constructed in the public road right of way. All accessible (ADA) parking shall be on site.
- (8) If the project will be including a credit for on-street parking, a parking lane with curb, gutter, and sidewalk shall be constructed along those portions of South Broadway where credit for on-street parking is proposed.
- (9) Applicant shall pave, sign, and stripe the parking lot. [reference: County Code section 313-109.1.3.2.5]
- (10) Site visibility shall be maintained at all driveway aprons in conformance with County Code. [reference: County Code section 341-1 et seq.]
- (11) Applicant shall be responsible to correct any involved drainage problems within the County road right of way to the satisfaction of this Department.

Informational Notes (not a requirement):

1. The subject property is located within the municipal separate storm sewer system (MS4) boundary area. Development of the property is required to comply with MS4 permit requirements. The Applicant is advised to ensure that MS4 requirements for the proposed project can be achieved prior to the project being heard by the Planning Commission (or Zoning Administrator). [Reference: National Pollutant Discharge Elimination System (NPDES) General Permit For Waste Discharge Requirements (WDRS) for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems (MS4S), Order No. 2013-0001-DWQ, NPDES No. CAS000004 adopted 02/05/2013, Section E.12.b; Humboldt Low Impact Development Stormwater Manual v2.0 (06/30/2016), Part A (Table 1)]

2. **FENCES/GATES:** Pursuant to County Code Section 411-11 (j) and California Streets & Highways Code Sections 1481 & 1482, fences are not allowed within the public right of way of County maintained roads. Prior to constructing any fences along (or near) the right of way line, the applicant is advised to consult with the Department of Public Works Encroachment Permit Office at 707.445.7205.

It is important to note that fences constructed outside of the public right of way are still subject to the County's visibility Ordinance (County Code Section 341-1). Fences and gates on private property may need to be setback further to comply with the County Visibility Ordinance.

Fences and gates taller than 6 feet may require a building permit. The applicant is advised to consult with the Planning and Building Department – Building Division at 707.445.7245 prior to constructing any fences or gates.

// END //

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

Required Findings: To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

The Coastal Zoning Ordinance, Section 312-17.1 of the Humboldt County Code (Required Findings for All Discretionary Permits) specifies the findings that are required to grant a Coastal Development Permit, Conditional Use Permit, and Special Permit:

1. The proposed development is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.
5. The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.
6. In addition, the California Environmental Quality Act (CEQA) states that one of the following findings must be made prior to approval of any development which is subject to the regulations of CEQA. The project either:
 - a) is categorically or statutorily exempt; or
 - b) there is no substantial evidence that the project will have a significant effect on the environment or any potential impacts have been mitigated to a level of insignificance and a negative declaration has been prepared pursuant to Section 15070 of the CEQA Guidelines; or
 - c) an environmental impact report (EIR) has been prepared and all significant environmental effects have been eliminated or mitigated to a level of insignificance, or the required findings in Section 15091 of the CEQA Guidelines are made.

1. GENERAL PLAN CONSISTENCY: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt Bay Area Plan (HBAP).

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Land Use: §4.10 (HBAP) Commercial General	Principal Uses: retail sales and services, office and professional uses. Conditional Uses: research/light industrial; caretaker's residence	The development consists of three separately leasable units to be inhabited by businesses principally permitted in the CG zone. A Use Permit has been requested to allow inclusion of a caretaker's unit and future operation of a cabinet manufacturing operation.
Urban Limits: §3.11 (HBAP)	New development shall be located within existing developed areas or in areas with adequate public services.	The parcel is within the HBAPs Urban Expansion Area. It will utilize community water and sewer and be accessed via South Broadway, a public road right of way formerly occupied by a nearby state highway.
Housing: §3.16 (HBAP)	Housing shall be developed in conformity with the goals and policies of the Humboldt County Housing Element.	While the project is not residential in nature nor located on lands planned and zoned for industrial uses, and therefore is not required to conform to the goals and policies of the Housing Element. Housing, other than for caretaking purposes, is not permitted in the CG land use designation.

Plan Section & Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Hazards: §3.17 (HBAP) New development shall minimize risk to life and property in areas of high geologic, flood and fire hazards.</p>	<p>The project site is located in an area of low slope instability. The County Building Inspections Division (BID) did not identify any concerns relating to site suitability for future commercial development.</p> <p>The project site is located in an area of minimal flooding (Flood Zone "C" per FIRM Map Panel 060060 0950C). BID did not identify any site concerns relating to site suitability for commercial/industrial development.</p> <p>The parcel is < 90' north of Eich Road. The south side of Eich Road between Humboldt Hill Road and South Broadway has notorious flooding issues. The subject parcel is not in the flood zone and will not require Flood Elevation Certificates for the proposed development. A drainage plan was submitted to the LUD as part of the previous subdivision requirements and subsequent drainage improvements have been made. Additionally, the applicant is in the process of installing a detention facility to comply with MS4 permitting requirements, which will help ensure that additional stormwater created by the current application does not exacerbate impact existing flooding issues south of Eich Road. These facilities must be constructed to the satisfaction of the Land Use Division of Public Works and Regional Water Quality Control Board.</p> <p>The property is located in an area of low fire hazard rating. Fire jurisdiction belongs to Humboldt #1 Fire Protection District. Access for the subject property is off South Broadway, a paved County road which exceeds 40' width. Hum #1 FPD had recommended approval of the previous subdivision with the condition that the applicant place a fire hydrant in front of proposed Parcel 2 along South Broadway. This has been completed.</p>

Plan Section & Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Natural Resource Protection: §3.30 (HBAP)</p> <p>To protect designated sensitive and critical resource habitats.</p>	<p>The property is approximately 0.7 acres in size and was created through subdivision in 2007 (PMS-03-19 Noga). In recent years several wetlands have been discovered on parcels from the subdivision, including the project parcel. Due to their small size, isolation, and location within the urban limit line, they meet criteria for classification and treatment as "pocket marshes" under the Humboldt Bay Area Plan (HBAP).</p> <p>To accommodate the on-site wetland, the applicant has revised the project design and reduced the development footprint and is seeking to modify the previously approved permits to instead authorize construction of an approximately 6,480 square foot 3-unit commercial building. The development footprint of the project is now proposed to be located approximately 33 feet from the wetland. New development would ordinarily be subject to larger wetland setbacks. However, the project is eligible to use a reduced wetland buffer under the "string line method" provisions of the HBAP because the average setback of existing development on neighboring properties is considerably closer to the wetland. The project includes a number of measures designed to address stormwater management and water quality, including: directing parking and roof runoff to underground perforated storage chambers for detention during storm events, use of pervious paving for driveway and parking areas. The project also includes a number of measures designed to protect the wetland from impacts and enhance the quality of the wetland. A Wetland delineation and Wetland Buffer Assessment were prepared by Foster Consulting. Recommendations for removal of invasive species and planting of native species within the one-parameter wetland area have been incorporated as biological mitigation measures and recommended conditions of project approval.</p>

Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Cultural Resource Protection: §3.29.1 (HBAP)	New development shall protect cultural, archeological and paleontological resources.	In accordance with CEQA AB 52 protocols, the Native American Heritage Commission was contacted and the project has been referred to the Tribal Historic Preservation Officers for both the Wiyot Tribe and the Bear River Band of the Rohnerville rancheria, as well as the Northwest Information Center (NWIC). The response from NWIC indicated that a study of the area may have been performed in 1977. An informational note is included with the Conditions of Approval which describes the standard protocol for inadvertent discovery in the unlikely event that cultural resources are unearthed during ground disturbing activities.
Visual Resource Protection: §3.40 (HBAP)	New development shall conserve and protect scenic and visual qualities of coastal areas.	This site is not within a mapped scenic or coastal view area. It is on the east side of South Broadway and views will be toward the west. It is unlikely that the proposed development (building height is limited to 45' in the CG zone) will impact views in the vicinity. A requirement of the CDP/CUP is that a landscape plan be submitted and approved by the Planning Division that shows basic plantings around the perimeter that can be altered as Building Permits come in for development in the future.

2. ZONING COMPLIANCE and 3. DEVELOPMENT STANDARDS: The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Coastal Zoning Regulations.

Zoning Section - Summary of Applicable Requirement	Evidence That Supports the Zoning Finding
§313-2.2 Commercial General (CG)	The CG zone allows a variety of retail sales and service, professional and office and light industrial uses, both principally and conditionally permitted. A cabinet manufacturing operation and caretaker's unit are Conditionally Permitted Uses.

Development Standards		
Minimum Parcel Size and Lot Width	5,000 square feet 50 feet	This portion of the larger parent parcel is just over ½ an acre in size.
Maximum Density	None specified	There are no residences proposed (other than the Caretaker's unit).
Maximum Lot Depth	3 x lot width = 150'	Average depth = ± 125'
Minimum Yard Setbacks per Zoning (most restrictive):	Front: none Rear: 15' Side: none	This parcel is not in a block which is partially in a Residential zone. Front: ranges from 11 ft. – 19 ft. Sides: South = 139 ft. North = 31 ft. Rear: ranges from 21 ft.
Max. Ground Coverage	None specified	orig. ± 43% proposed ± 22%
Max. Structure Height	45 feet	Highest point on proposed Building B will be 31'.
Off-Street Parking Req's	Manufacturing (109.1.4.4.2) one (1) parking space for each 1500 square feet of gross floor space or for each employee at the peak shift Residential Uses (109.1.4.1) one (1) parking space for each dwelling unit containing not more than one (1) bedroom; two (2) parking spaces for each dwelling unit containing more than one (1) bedroom. The required parking shall be sited outside the front yard setback.	commercial space totals 6,480-sq. ft., including three individual commercial spaces (roughly 2,160-sq. ft. ea.) all of which are anticipated to be of a manufacturing use. A total of 16 spaces are proposed to be provided on-site. This could accommodate (1) space for the caretaker's unit (if not already an employee of an onsite business) and (5) spaces for each commercial unit. This should adequately cover employee and customer parking for a standard manufacturing business of this size.

Plan Section & Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Exceptions (109.1.3.12)</p> <p>Exceptions to the requirements for the number of off-street parking spaces may be allowed based upon the following factors: geographic location of site, site-specific topographic constraints, historically designated structures, proximity to urban built-up areas, and levels of anticipated use.</p>	<p>The project is a good candidate for a parking exception because the property being developed is located within an industrially zoned area primarily developed with warehousing and light industrial uses (cabinetmaking, sheet metal fabrication) not generating large demand for parking. The parcel abuts South Broadway. Formerly a portion of the state highway right-of-way prior to realignment, it is unusually wide (50+ ft.) for a county road. Evidence supports approving an exception given the current availability of on-street parking in the vicinity and low demand for parking by neighboring commercial uses. Crediting 6 additional spaces is appropriate, in recognition of the number of on-street parking available along the property frontage. A parking exhibit detailing on-street parking is included with Attachment 3.</p>

4. PUBLIC HEALTH SAFETY & WELFARE:

The project will not be detrimental to the public health, safety and welfare because:	Evidence supporting the finding:
All reviewing referral agencies have approved or conditionally approved the proposed project design.	See Attachment 4.
The proposed project is consistent with the general plan.	See Section 1, above.
The proposed project is consistent with the zoning.	See Section 2, above.
The proposed project will not cause environmental damage.	See Section 6, below

5. IMPACT ON RESIDENTIAL DENSITY TARGET:

<p>322-3.1 Housing Element Densities</p> <p>The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law, except where: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.</p>	<p>The proposal results in one additional residential unit in the form of a Caretaker's residence. Because the property is planned and zoned for commercial & industrial uses, it was not identified as providing any additional dwelling units in the most recent Housing Inventory, therefore, the residence created by this project will provide an additional unit above and beyond those identified in the Housing Element.</p>
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6. Environmental Impact. Please see the attached draft Mitigated Negative Declaration.

As required by the California Environmental Quality Act, the initial study conducted by the Planning and Building Department (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.

Because the project was found subject to CEQA and a Mitigated Negative Declaration was prepared, the provisions of Section 711.4 of the California Fish and Game Code apply to this project. The applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,480.25. [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus the \$50 document handling fee. This fee is effective through December 31, 2019 at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,354.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required. This requirement appears as Condition #11 of Attachment 1.

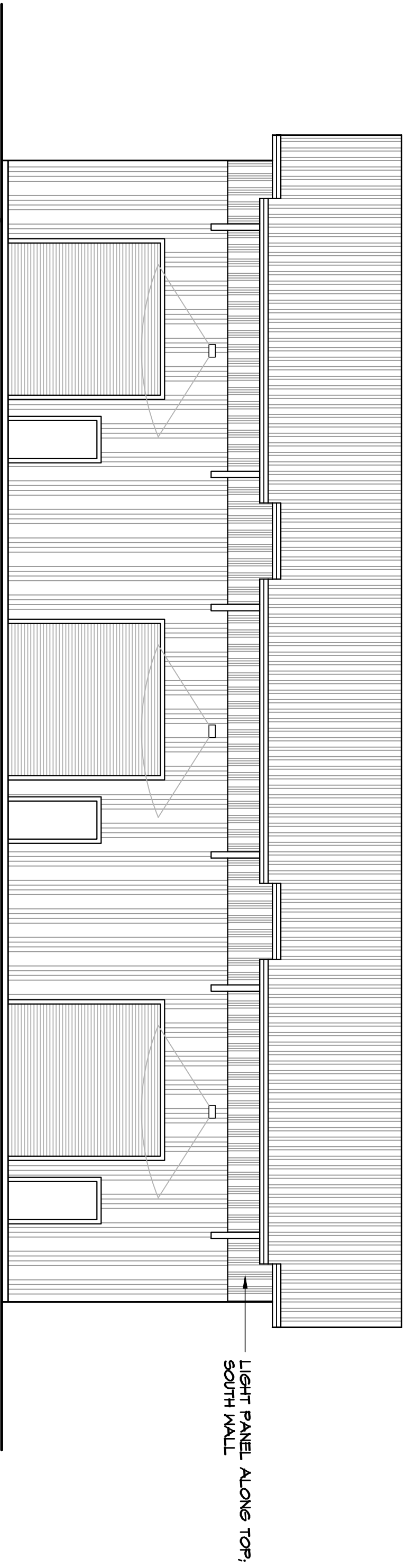
ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

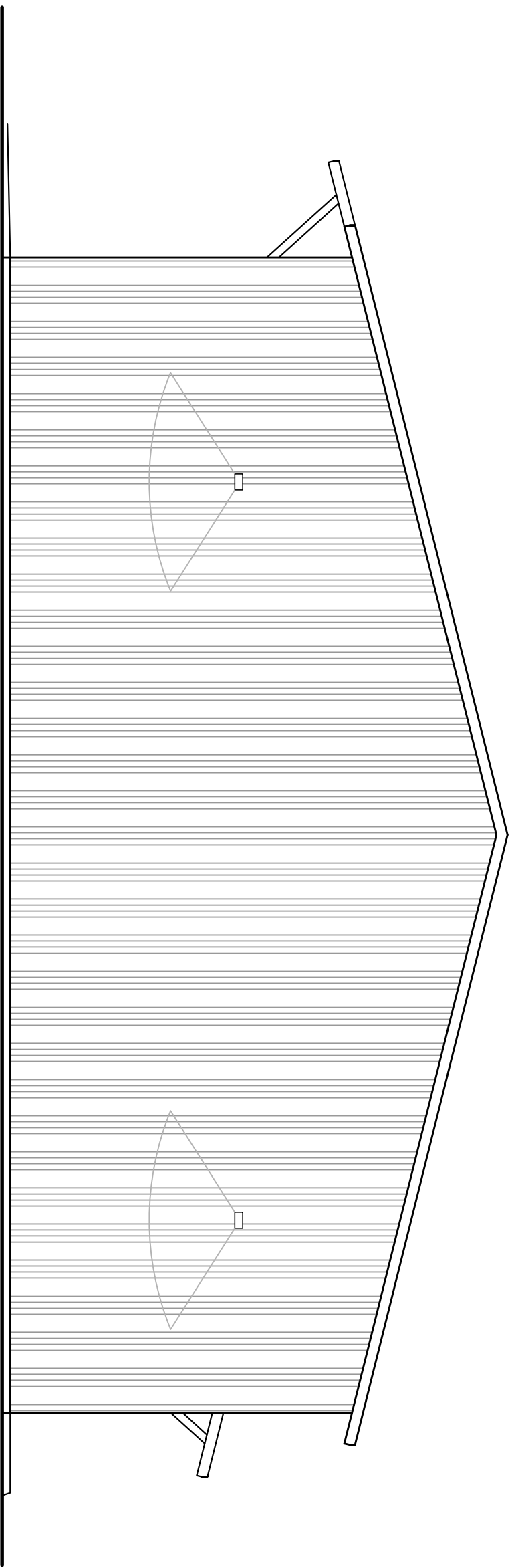
Document	Location
Plot Plan	Attached in Maps Section, Attachment 4
LID Plan	Included in Attachment 4
Application Form	On file with Planning
Forbes Property Development Assessment – Wetland and Buffer Inventory	Included in Attachment 4
Forbes Property Development Assessment – <i>Amended</i> Wetland and Buffer Inventory	Included in Attachment 4
Parking Exception Exhibit	Attached
Elevations	Attached
Floor Plans	Attached
Summary of Parking Demand & Calculations	On file with Planning

Eich Rd

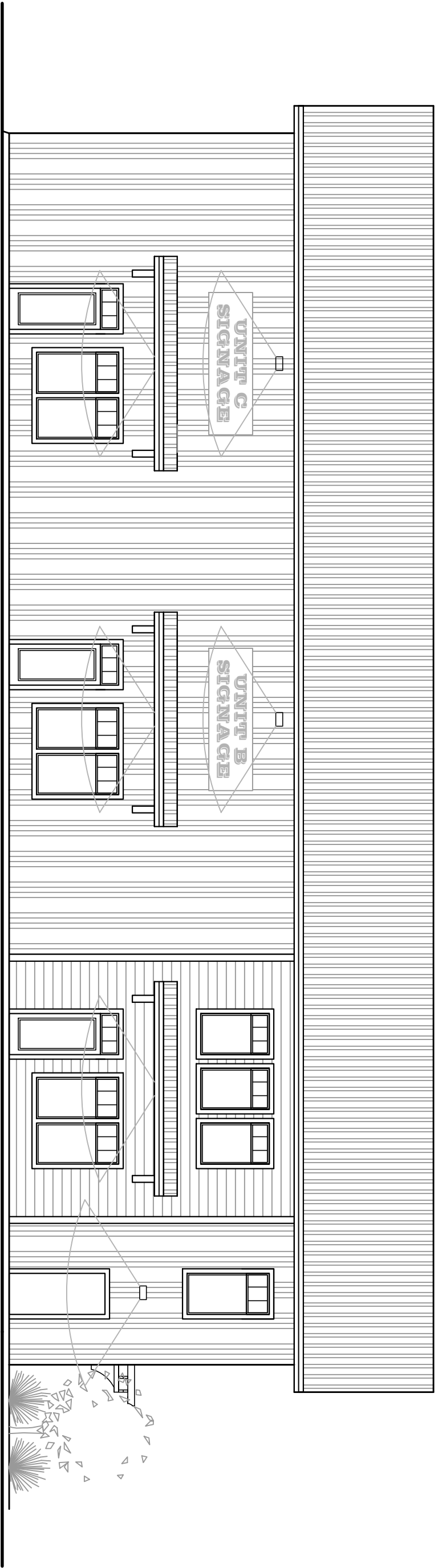




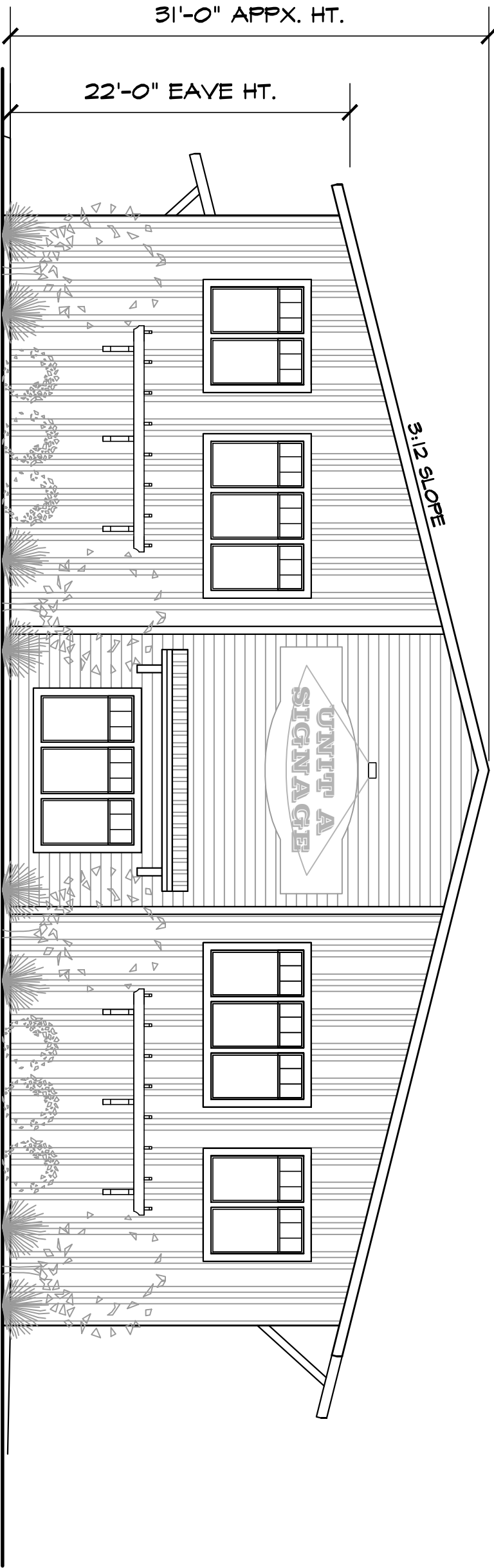
SOUTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

REVISIONS	BY

FORBES DEVELOPMENT

So BROADWAY EUREKA, CA

APN 305-101-053

PH. (707) 445-1329

2

Sheet

Atkins Drafting ~ Sarah J. Atkins

PO BOX 6572 EUREKA, CA 95502

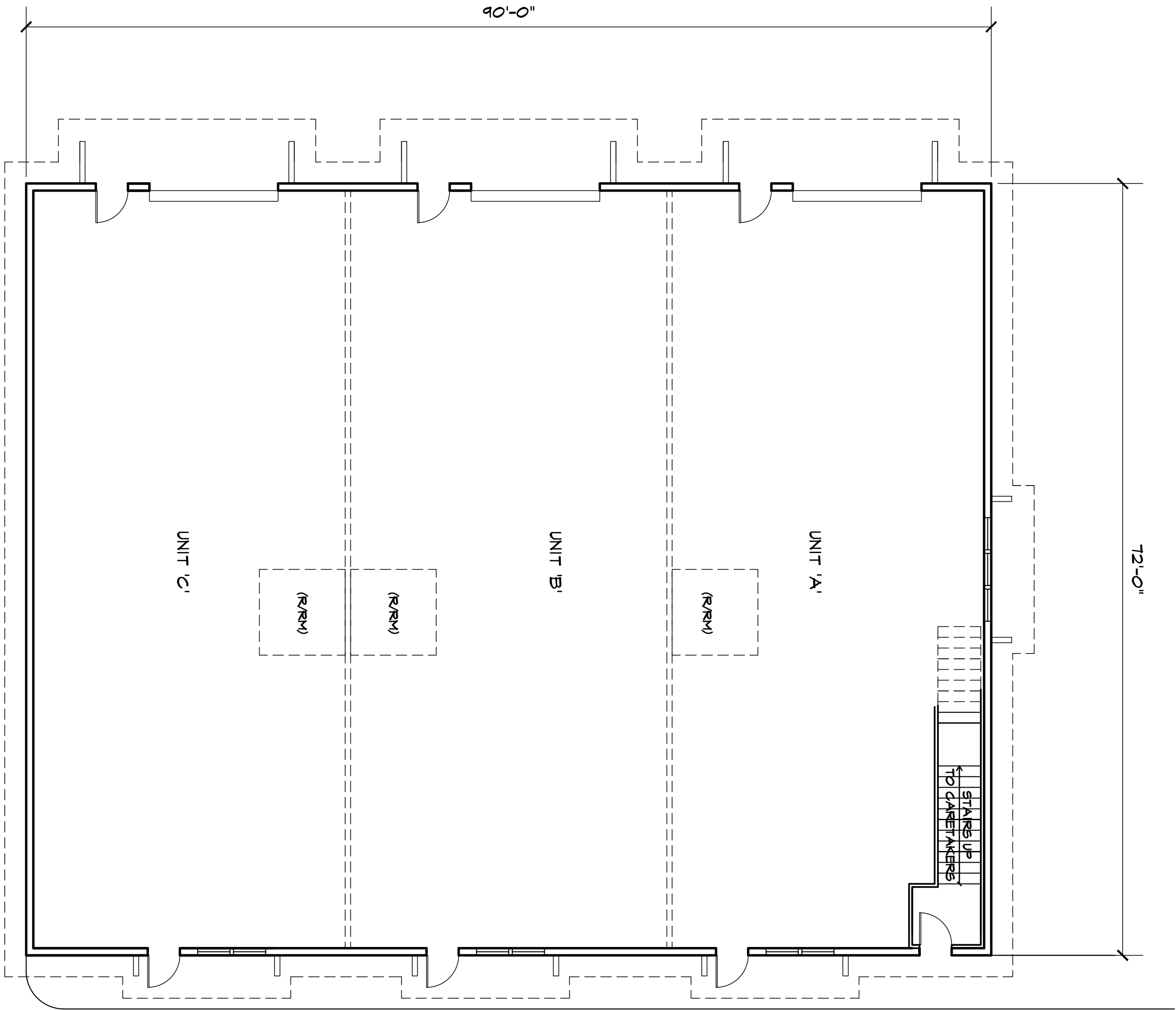
PH. (707) 633-8372 RnS@atkins@sbcglobal.net

STA

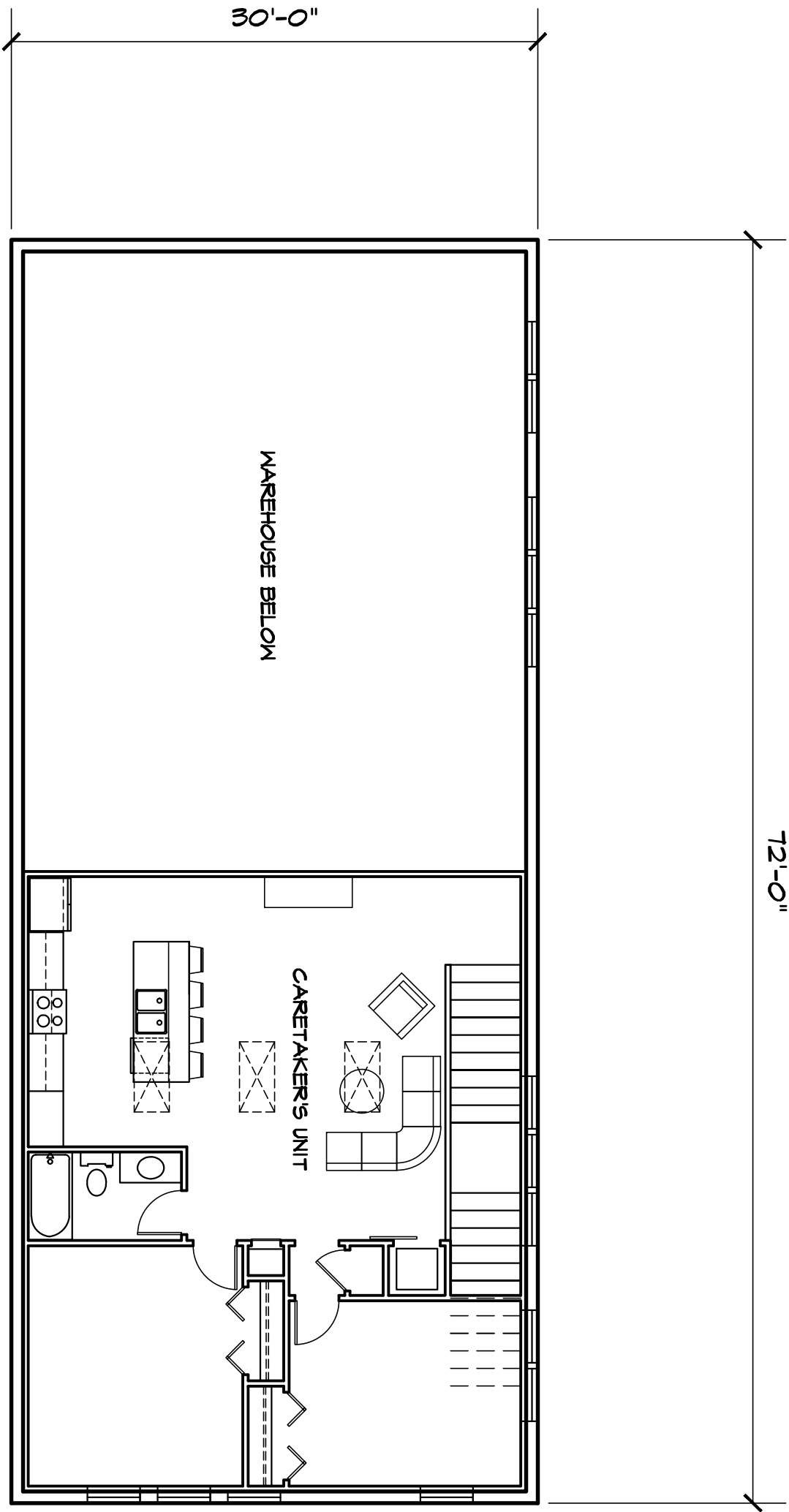
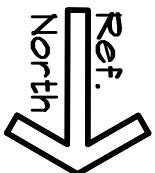
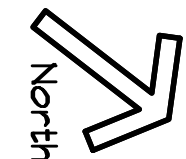
FORBES DEVELOPMENT

ELEVATIONS

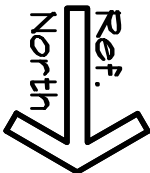
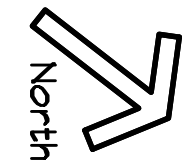
FOR: KEITH FORBES



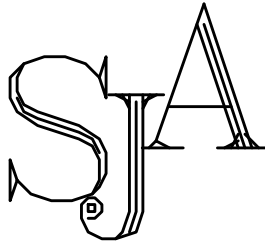
FIRST FLOOR PLAN



SECOND FLOOR



FORBES DEVELOPMENT		APN 305-101-053
50 BROADWAY	EUREKA, CA	
FLOOR PLANS		PH. (707) 445-1329
FOR: KEITH FORBES		



Atkins Drafting ~ Sarah J. Atkins
PO BOX 6572 EUREKA, CA 95502
PH. (707) 633-8372 RnS@atkins@sbcglobal.net

REVISIONS	BY

Date	AUG. 12, '19
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	

ATTACHMENT 4

**INITIAL STUDY AND DRAFT MITIGATED NEGATIVE DECLARATION
(SCH # 2021020178)**

Initial Study and Draft Mitigated Negative Declaration

1. Project title: Forbes Extension & Modification of Coastal Development Permit and Conditional Use Permit
2. Lead agency name and address: Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501; Phone: (707) 445-7541; Fax (707) 268-3792
3. Contact person and phone number: Steven Lazar, Senior Planner, Phone: 707-268-3741; email: slazar@co.humboldt.ca.us
4. Project location: The project is located in Humboldt County, in the Humboldt Hill area, on the east side of South Broadway, just north from the intersection of Eich Road and South Broadway, on the property known to be in the Southeast quarter of Section 08 Township 04 North Range 01 West. APN: 305-101-053
5. Project sponsor's name and address: Keith Forbes, 2042 Eich Road, Eureka, CA 95503
6. General plan designation: Commercial General (CG) Humboldt Bay Area Plan (HBAP)
7. Zoning: Commercial General (CG) with a Coastal Wetlands (W) combining zone
8. Description of project: Extension and modification of a Coastal Development Permit and Conditional Use Permit (CDP-06-27/CUP-06-08) which authorized development of a vacant parcel with two (2) commercial buildings totaling approximately 12,700 square feet and operation of a cabinet manufacturing business from the site. The property is approximately 0.7 acres in size and was created through subdivision in 2007 (PMS-03-19 Noga). In recent years several wetlands have been discovered on parcels from the subdivision, including the project parcel. Due to their small size, isolation, and location within the urban limit line, they meet criteria for classification and treatment as "pocket marshes" under the Humboldt Bay Area Plan. The applicant has revised the project design and reduced the development footprint and is seeking to modify the previously approved permits to instead authorize construction of an approximately 6,480 square foot 3-unit commercial building. The development footprint of the project is proposed to be located approximately 33 feet from an on-site wetland. The project is eligible to use a reduced wetland buffer under the "string line method" because the average setback of existing development on neighboring properties is considerably closer to this wetland. The proposed building will be approximately 31 feet tall and will be partitioned into three (3) similarly sized separately leasable units (each approximately 2,160 ft.² in size). A 1,000 ft.² Caretaker's unit is proposed to occupy the second story of the building. Development will be served by public water and sewer. Extension of the Use Permit is being requested to enable future operation of a cabinet manufacturing business from the site. A total of 16 on-site parking spaces are proposed to be provided and the modification includes a request for an exception to the off-street parking requirements to pre-authorize future commercial uses exceeding available on-site parking capacity by crediting use on-street parking spaces within the project vicinity. The project includes a number of measures designed to address stormwater management and water quality, including: directing parking and roof runoff to underground perforated storage chambers for detention during storm events, use of pervious paving for driveway and parking areas, and enhancement of the on-site wetland and wetland buffer.
9. Surrounding land uses and setting: The project is located within an area planned and zoned for industrial uses. Nearby properties are host to commercial and light manufacturing uses, including a cabinet making shop, sheet metal fabrication facility, mini-storage, and a mobile home park.
10. Other public agencies whose approval may be required (e.g., permits, financing approval, or participation agreement): Department of Fish and Wildlife, Army Corps of Engineers, Department of Public Works, Department of Environmental Health., Regional Water Quality Control Board.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No tribes have requested consultation

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, but none of the effects are considered to be Potentially Significant Impacts as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards & Hazardous Materials
<input checked="" type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use / Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population / Housing	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities / Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a potentially significant impact or potentially significant unless mitigated impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

2/8/2021
Date

Steven Lazar, Senior Planner
Printed Name

Humboldt County Planning and Building Dept.
For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except No Impact answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A No Impact answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A No Impact answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. Potentially Significant Impact is appropriate if there is substantial evidence that an effect may be significant. If there are one or more Potentially Significant Impact entries when the determination is made, an EIR is required.
- 4) Negative Declaration: Less Than Significant With Mitigation Incorporated applies where the incorporation of mitigation measures has reduced an effect from Potentially Significant Impact to a Less Than Significant Impact. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, Earlier Analyses may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are Less Than Significant with Mitigation Measures describe the mitigation measures which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identify:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>1. AESTHETICS</p> <p><u>Finding:</u> The project will not have a substantial adverse effect on a scenic vista; nor will it substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway; nor will it substantially degrade the existing visual character or quality of the site and its surroundings; or create a significant new source of substantial light or glare which would adversely affect day or nighttime views in the area.</p> <p><u>Discussion:</u> The project site is not located within or along an area designated by the County or other governmental agency as a scenic vista. The parcel is in the Coastal Zone; however it is not in a Coastal Scenic or View area. The site is located on South Broadway, the old state highway, in an area characterized by existing commercial and industrial uses. The property is fairly level and the proposed commercial building will be located on the northern side of the parcel. The property is characterized by grasses and contains no trees or significant areas of woody vegetation. The proposed parking lot lighting would be shielded downward, and of low intensity and non-intrusive. There is no indication that the project would impact the aesthetic qualities of the area.</p>				

<p>2. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURE AND FORESTRY RESOURCES

Finding: The project will not significantly impact or convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; nor will it significantly conflict with existing zoning for agricultural use, or a Williamson Act contract; nor will it conflict with existing zoning for, or cause rezoning of, forest and timberland, or timberland zoned Timberland Production; nor will it significantly involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use.

Discussion: The property targeted for development is not subject to a Williamson Act contract. The site is not designated as unique farmland or farmland of statewide significance. The parcel is relatively flat and does not host any trees or agricultural uses. The parcel is bordered on the north by a vacant commercial lot created by the same subdivision that established the project parcel. An approximately 1.5-acre parcel with an existing mobile home park abuts the rear of the property and a sheet metal fabricator operates on a parcel to the south. The Department finds no evidence that the proposed project is inconsistent with the planned build-out of the area or that it will have a significant impact on agricultural or forestry resources.

3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. AIR QUALITY.

Finding: The project will not significantly conflict with or obstruct implementation of the applicable air quality plan; significantly result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors); expose sensitive receptors to substantial pollutant concentrations; nor will it create objectionable odors affecting a substantial number of people.

Discussion: According to the North Coast Unified Air Quality Management District (NCUAQMD), all of Humboldt County is in non-attainment of the State's PM-10 (particulate matter of 10 microns in size) standard, but complies with all other State and Federal air quality standards. The most significant contributors to PM-10 are residential wood burning stoves. The parking aisle and ingress/egress will be paved thereby preventing the generating of dust from vehicles traffic. The parking and driving areas will be constructed using pervious concrete to allow water infiltration but will not produce dust. The proposed commercial building will not generate an increase in vehicle trips as the principal occupants will likely be moving into the building from another business locations. The project is consistent with the planned build-out of the area and the Department finds no evidence that it will have a significant adverse impact on air quality.

4. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4: a), d) BIOLOGICAL RESOURCES: NO IMPACT

Finding: The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service or interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The parcel is located in an area planned for and developed with light industrial uses. California Natural Diversity Database data shows the property to be situated within the outer limits of an area where Siskiyou checkerbloom may be found. A wetland delineation was performed on July 20, 2016 by James Regan, a local biological consultant. No special status species were identified during the seasonally appropriate survey of the property. While the property is host to a small wetland, it is hydrologically isolated and therefore possesses little potential benefit to native resident or migratory fish species in nearby coastal waters and estuarine areas.

4: b), c), e), f) BIOLOGICAL RESOURCES: POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED

Finding: Without mitigation there is a possibility that the project as proposed could have a significant adverse impact on: federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state

habitat conservation plan.

Discussion: Biological investigations have been performed by various consultants and have it has been determined that the project parcel is host to a one-parameter and three-parameter wetland. The 3-parameter wetland or retention basin is located at the western edge of the property and is a water filled and human created wetland of approximately 2,920 square feet that established itself in the old basement of the former building on site. The 1-parameter wetland occupies an area approximately 40 feet in width, extending immediately east of the 3-parameter wetland. The construction of the 6,480 square foot commercial building and associated parking areas will occur outside the delineation of these wetland boundaries but within the standard buffer as described in the Humboldt Bay Area Plan Section 3.30.6(c). The standard wetland buffer for urban areas is 100 feet. However, where the existing development pattern does not conform to this standard, the average setback of existing development can be used by new development proposals. This policy is known as the "string line method". To enable development of the site for principally and conditionally permitted commercial uses, setbacks of 33 feet from the one parameter wetland feature and 70 feet from the 3-parameter wetland are proposed. Both setbacks are considerably larger than those observed by existing development on the two neighboring properties –some of which lies immediately adjacent to the onsite wetlands. The buffer has been maximized to the greatest extent feasible to ensure new development does not adversely affect the wetland habitat values. The project has been designed to incorporate the standard mitigation measures applicable to proposals involving development within the standard wetland buffer. Measures include limiting impervious surfaces to 25% of the lot area, dissipation and on-site detention of stormwater runoff during a 50-year storm, and implementation of measures to prevent erosion and transport of sediment during development and construction of the site. Approximately 4,177 square feet of area are included within the 33-foot wetland buffer. The project proposes to restore and enhance the on-site wetlands through removal of non-native species and replanting with native vegetation. After construction a post and cable fence shall be constructed along the eastern edge of the one-parameter wetland to preclude inadvertent foot and vehicle traffic. In addition to use of pervious concrete within all parking and driveway areas, the project includes installation of subsurface detention facilities. Based on the above, County Staff finds that with mitigation, the project as proposed will have a less than significant impact on the Biological Resources of the neighborhood.

Mitigation Measure #1:

BIO-1: Prior to construction the wetland and buffer shall be identified and protected with a high visibility rope and post fencing. The grading plans and construction plans shall identify this area as "Sensitive Habitat". The land surface elevation of the wetland and its upland boundary shall remain undisturbed. Small topographic changes in the buffer area necessary for internal drainage may be made using hand tools only.

Mitigation Measure #2:

BIO-2: After construction a post and cable fence shall be constructed along the eastern edge of the one-parameter wetland preclude inadvertent foot and vehicle traffic.

Mitigation Measure #3:

BIO-3: All non-native Himalayan blackberry (*Rubus armeniacus*) shall be removed by the root from the wetlands and wetland buffer area. Yearly checks and removal of all invasive species and refuse/debris will occur for five years.

Mitigation Measure #4:

BIO-4: Native species shall be planted within the one-parameter wetland as shown on the biological site plan included within the wetland buffer assessment prepared by Foster Consulting (dated December 6, 2019). Plantings shall include two or more of the following species (including but not limited to) thimbleberry (*Rubus parviflorus*), California blackberry (*Rubus ursinus*), bigleaf maple (*Acer macrophyllum*), native willows (*Salix* spp.), native roses (*Rosa* spp.), varied lupine (*Lupinus varicolor*), and red elder (*Sambucus racemosa*). To ensure that the native plantings are successfully established, monitoring shall be performed for least five (5) years.

Mitigation Measure #5:

BIO-5: The applicant shall perform routine litter removal and maintenance of the protective fencing for the

life of the project.

Mitigation Measure #6:

BIO-6: A Notice of Development Plan shall be recorded noting the location of the wetland area and wetland buffer, with these areas will be identified as "unbuildable".

5. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES.

Finding: The project will not cause a substantial adverse change in the significance of a historical resource as defined in Sec. 15064.5; will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Sec. 15064.5; will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; and with mitigation will less than significantly disturb any human remains, including those interred outside of formal cemeteries.

Discussion: The previous project and original subdivision were referred to the local Native American tribes and North Coast Information Center with no issues identified. The adjacent parcel, that was part of the same subdivision, was more recently referred to the Northwest Information Center who recommended that local tribes be contacted. The Bear River Band of the Rohnerville Rancheria indicated their database does not include any previously recorded sites within the project parcel or in the immediate vicinity. They recommended that inadvertent discovery protocol language be added to the conditions of approval in case archaeological resources are uncovered during construction activities. The informational note requires that work is stopped and a qualified archeologist is contacted. The County's standard condition regarding the applicant's responsibility should remains or artifacts be unearthed during any development has been added as an on-going Requirement.

6. ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorpor.	Less Than Significant Impact	No Impact
Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>6. ENERGY.</p> <p><u>Finding:</u> The project will <u>not</u> result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resource, during project construction or operation or conflict with/obstruct a state or local plan for renewable energy or energy efficiency,</p> <p><u>Discussion:</u></p> <p>The project involves development of a vacant parcel planned and zoned for commercial use. All development will be subject to securing a building permit in conformance with Title 24 of the California Building Standards Code. This will require demonstrating conformance with the Building Energy Efficiency standards currently applicable at the time of permit issuance.</p>				

7. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorpor.	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. GEOLOGY AND SOILS: No Impact

Finding: The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction and landslides; will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; and will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Discussion: According to the Alquist-Priolo Earthquake Fault Zoning Map and Framework Plan Geologic Hazards map, the project site is not located on or near a known fault. The nearest Alquist-Priolo zone is located approximately 2 miles to the south. According to the Framework Plan Geologic Hazards map, the parcel has a rating of low instability soils. The Building Inspection Division will require a soil report per California Building Code and erosion and sediment control designed by a licensed person per county grading ordinance due to the commercial nature of the project. The Uniform Building Code requires all structures in Humboldt County to be built in accordance with Zone 4, the most restrictive zone. The area is characterized with a mix of commercial and residential uses. The Building Inspection Division did not identify any concerns with regards to site suitability for commercial development. The Department finds no evidence that the project will have a significant adverse impact with regards to geology and soils.

8. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. GREENHOUSE GAS EMISSIONS: NO IMPACT

Finding: The project will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Discussion: At this time there is currently no adopted plan or policy for the County of Humboldt specifically related to greenhouse gas emissions. The local Climate Action Plan for Humboldt County is currently being drafted. The proposed project will authorize infill development through construction of a commercial building in an area planned and zoned for development of this sort, and is not anticipated to generate a significant amount of greenhouse gases, nor conflict with any plan or policy regulating emissions of greenhouse gases (GHG). Construction-related GHG emissions will not be sufficient to cause a significant impact on the environment.

9. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly, or indirectly to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

9. HAZARDS AND HAZARDOUS MATERIALS: NO IMPACT

Finding: The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment; will not result in a safety hazard for people residing or working in the project area; and, for a project within the vicinity of a private airstrip, will not result in a safety hazard for people residing or working in the project area; or impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project will not significantly result in a safety hazard for people residing or working in the project area. The project will not create a significant exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Discussion: The project site is not included on a list of hazardous material sites, nor does the proposed project involve routine transport, use or disposal of hazardous materials. The project site is over two miles away from the nearest airport, Samoa Field. There are no private airstrips within the vicinity of the project site. The site is not within an area governed by an Airport/Land Use Compatibility matrix. Development consistent with the County's adopted Airport land use plan will not result in unanticipated risk to the occupants of the site. The Department finds no evidence that the construction of a commercial building will create, or expose people or property to, hazardous materials, or impair implementation of, or physically interfere with, an adopted emergency response plan. The site is within the Humboldt #1 Fire Protection District for fire protection. Development of the site will require compliance with the Uniform Fire Code and Uniform Building Code. According to the Fire Hazard map, the parcel is located in a low fire hazard area. Humboldt #1 Fire Protection District approved the proposed development subject to building permit plan review. For these reasons, the Planning Division expects that the commercial development will not result in significant impacts in terms of hazardous materials.

10. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

10: HYDROLOGY AND WATER QUALITY: NO IMPACT, LESS THAN SIGNIFICANT IMPACT, POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED

Finding: The project will not violate any water quality standards or waste discharge requirements nor degrade water quality. The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it may impede sustainable groundwater management of the basin. It will not substantially alter the existing drainage pattern of the site or area through the alteration of a stream or river or through addition of impervious surfaces in a manner which would result in substantial erosion or siltation, substantially increase the rate or amount of surface water runoff creating flooding or exceeding the capacity of stormwater drainage systems or providing substantial sources of polluted runoff, or impede or redirect flood flows, exposure to inundation as a result of flood, tsunami, or seiche, or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Discussion: There is no evidence in the record that the project will create or contribute to any violations of waste discharge requirements. The parcel is well outside any dam or levee inundation area, and mostly outside of the areas subject to tsunami run-up. According to the Flood Insurance Rate Maps (Panel 785 B), the parcel is within Flood Zone C, which is defined as areas of minimal flooding, and is outside the 100- and 500-year floodplains. The County Division of Environmental Health has already reviewed and approved the proposed project. As mentioned above, the Department finds no evidence indicating that the commercial development will violate any water quality or waste discharge standards. The project includes the construction of a 6,480 square foot commercial building and parking area, which will result in an increase in stormwater runoff. County policy dictates that parking lots and parking spaces for commercial uses shall be paved. To help reduce and detain stormwater runoff, the project proposes to utilize porous concrete and install underground detention facilities. The roof area of the commercial building will generate runoff as well. The project is located in the MS4 area and will be required to implement Low Impact Development (LID) techniques. An oil/water separator to handle parking lot runoff will be required. Mitigation Measure #7 is linked to a Condition of Approval giving Public Works ultimate control over the design of the drainage improvements proposed.

Mitigation Measure #7

WQ-1: The applicant shall submit a drainage and LID plan to the Planning Department for final review and approval prior to issuance of the building permit. The Planning Department and the Land Use Division of Public Works will review the plan and may require modifications or alteration.

11. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

11: LAND USE AND PLANNING: NO IMPACT

Finding: The project will not divide an existing established community; nor will it conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; nor will it conflict with any applicable habitat conservation plan or natural community conservation plan.

Discussion: The project would authorize a commercial building on a parcel zoned for General Commercial uses. Operation of a cabinetmaking use requires approval of a Conditional Use Permit. The other units will be leased to commercial uses that qualify as principally permitted or secure separate use permits as needed. The parcel meets the minimum parcel size requirement. The proposed project is consistent with a comprehensive view of the Humboldt Bay Area Plan and Framework General Plan, as concerns land use, circulation, hazards and resources, biological resources, hydrology and water quality, public facilities and development timing. The Department finds there is no evidence that the project will result in significant adverse impact with regard to land use and planning.

12. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

12: MINERAL RESOURCES

Finding: The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Discussion: The project does not involve extraction of mineral resources. The project site is not, nor is it adjacent to, a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. The Department finds there is no evidence that the project will result in a significant adverse impact on mineral resources.

13. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

13: NOISE: LESS THAN IMPACT, NO IMPACT

Finding: The project will not result in generation of a substantial or temporary increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; nor will it significantly result in the generation of excessive groundborne vibration or groundborne noise levels; nor will the project expose people residing or working in the project area to excessive noise levels in the vicinity of a private airstrip or airport land use plan.

Discussion: The General Plan Noise Matrix cites exterior noise levels of 80 LdN or less as "normally acceptable in areas planned and zoned for commercial development". Given that the project involves the construction of the principally permitted use, and that the project is located on South Broadway which is the old state highway, and that US Highway 101 is only 775 feet from the project site, no change in the noise baseline is expected. The Conditional Use Permit for the cabinetmaking use will require the project to adhere to the provisions of the Industrial Performance Standards found in §313-103, HCC, to control potential impacts of dust, noise and light on adjacent residential uses.

The majority of development on neighboring parcels is fairly noise tolerant and includes a mini-storage, cabinet shop and convenience store. While there is a manufactured home park to the rear of the parcel, the project is conditioned to protect the area from additional noise contributors. There are no indications that the project will result in permanent increases in noise and ground vibrations that would exceed levels allowed by the LCP or the Framework General Plan. Based on the above, the Department finds no evidence that the project will result in a significant adverse noise impact.

14. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

14: POPULATION AND HOUSING

Finding: The project will less than significantly induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure); will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Discussion: The project will allow for the construction of a 6,480 square foot commercial building. The property is commercially zoned yet has remained vacant. The construction of the building will offer a total of three units of commercial space as well as an upstairs caretaker's unit. The proposed project will not contribute to or take away from the residential population. The Department finds no evidence that the project will result in a significant adverse impact on population and housing.

15. PUBLIC SERVICES.	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

15: PUBLIC SERVICES

Finding: The project will not result in a substantial adverse physical impact with regards to the provision of new or physically altered governmental facilities; and will not result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, other public facilities.

Discussion: The parcel will be accessed via South Broadway which historically was the old state highway. Minimal improvements will be required along the road frontage. The Humboldt #1 Fire Protection District did not identify any fire protection issues. The Department finds no evidence that the project will result in a significant adverse impact on public services.

16. RECREATION.	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

16: RECREATION

Finding: The project will not significantly increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial adverse physical deterioration of the facility would occur or be accelerated; nor does it include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion: The project does not include recreational facilities. The Department finds no evidence that the project will require construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

17. TRANSPORTATION/TRAFFIC. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17.: TRANSPORTATION/TRAFFIC: NO IMPACT, LESS THAN SIGNIFICANT IMPACT

Finding: The project will **not** cause a significant increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); nor will it exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways; nor will a change in air traffic patterns result including either an increase in traffic levels or a change in location that results in substantial safety risks. The project will not result in inadequate emergency access; nor conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Discussion: The property is accessed by South Broadway which was the old state highway. The Land Use Division of Public Works has recommended standard conditions of approval including the improvement of the encroachments. All work to be done within the road right of way requires an encroachment permit from Public Works. The parking plan has been reviewed by the Department and allows for emergency access. Section 15064.3(b) of the CEQA Guidelines includes criteria for analyzing transportation impacts. At this time local guidance for evaluating impacts from Vehicle Miles Traveled (VMT) is still in draft form and no localized thresholds of significance exist. The proposal involves commercial infill in an area developed, planned and zoned for this type of use. The Department finds there is no evidence that the project will generate significant increases in VMT, increase road-related hazards, or result in inadequate emergency access, inadequate access to nearby uses or inadequate parking capacity; or will conflict with adopted policies supporting transportation.

18. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register or historical resources as defined in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

18.: TRIBAL CULTURAL RESOURCES: LESS THAN SIGNIFICANT IMPACT

Finding: The project will not cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

Discussion: The previous project and original subdivision were referred to the local Native American tribes and North Coast Information Center with no issues identified. The project was more recently referred to the Northwest Information Center, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria. The Bear River Band of the Rohnerville Rancheria previously indicated their database does not include any previously recorded sites within the project parcel or in the immediate vicinity and recommended that standard inadvertent discovery protocol language be added to the conditions of approval in case archaeological resources are uncovered during construction activities. The informational note requires that work is stopped and a qualified archeologist is contacted. The County's standard condition regarding the applicant's responsibility should remains or artifacts be unearthed during any development has been added as an on-going Requirement.

19. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19: UTILITIES AND SERVICE SYSTEMS: NO IMPACT, LESS THAN SIGNIFICANT IMPACT

Finding:

The project will not require or result in the relocation or construction of new or expanded water or wastewater treatment or storm water drainage, electrical power, natural gas, or telecommunications facilities causing environmental effects; nor would exceed available water or wastewater capacity; or generate solid waste in excess of state or local standards, or fail to comply with federal, state, and local statutes and regulations related to reduction of solid waste.

Discussion: The Department finds there is no evidence that the project will be inconsistent with the planned build-out of the area or will result in a significant adverse to utilities and service systems.

The project will be served by Humboldt Community Services District and they will be able to serve the new commercial building upon the payment of the appropriate fees. The Department of Environmental Health has recommended approval of the project. There is no evidence that the project in its entirety will exceed wastewater treatment facilities or require additional water or wastewater facilities other than what is proposed. The project is not expected to generate unusually high solid waste needs other than those commonly found accompanying most commercial uses. The area is served with electricity and natural gas from PG&E. The parcel currently drains towards Humboldt Bay. The applicant will be required to provide a complete drainage plan. The Department finds the project's impact to be insignificant.

20. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. WILDFIRE: NO IMPACT <u>Finding:</u> The project would have no impact on Wildfire risk. <u>Discussion:</u> The property is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. While the closest state responsibility area is approximately 500 feet east of the property, Humboldt Fire Protection District #1 provides structural fire protection to the area where the project is located as well as SRA areas in the project vicinity.				

21. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorp.	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

21: a) MANDATORY FINDINGS OF SIGNIFICANCE: LESS THAN SIGNIFICANT

Finding: The project has a less than significant potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Discussion: The proposed project is a commercial development on a parcel planned and zoned for commercial development, within an area largely developed with similar uses. Staff finds no evidence that the proposed project will significantly degrade the quality of the environment.

21: b), c) MANDATORY FINDINGS OF SIGNIFICANCE: NO IMPACT

Finding: The project does not have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects), nor will it result in the potential to have significant environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Discussion: Based on the project as described in the administrative record, comments from reviewing agencies, a review of the applicable regulations, and discussed herein, the Department finds there is no significant evidence to indicate the proposed project as mitigated.

22. EARLIER ANALYSES.

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

a) Earlier analyses used. Identify earlier analyses and state where they are available for review.

No earlier analysis used.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measure based on the earlier analysis.

No earlier analysis used.

c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

No mitigation measures from earlier analyses are used.

23. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

See attached Mitigation Measures, Monitoring and Report Program.

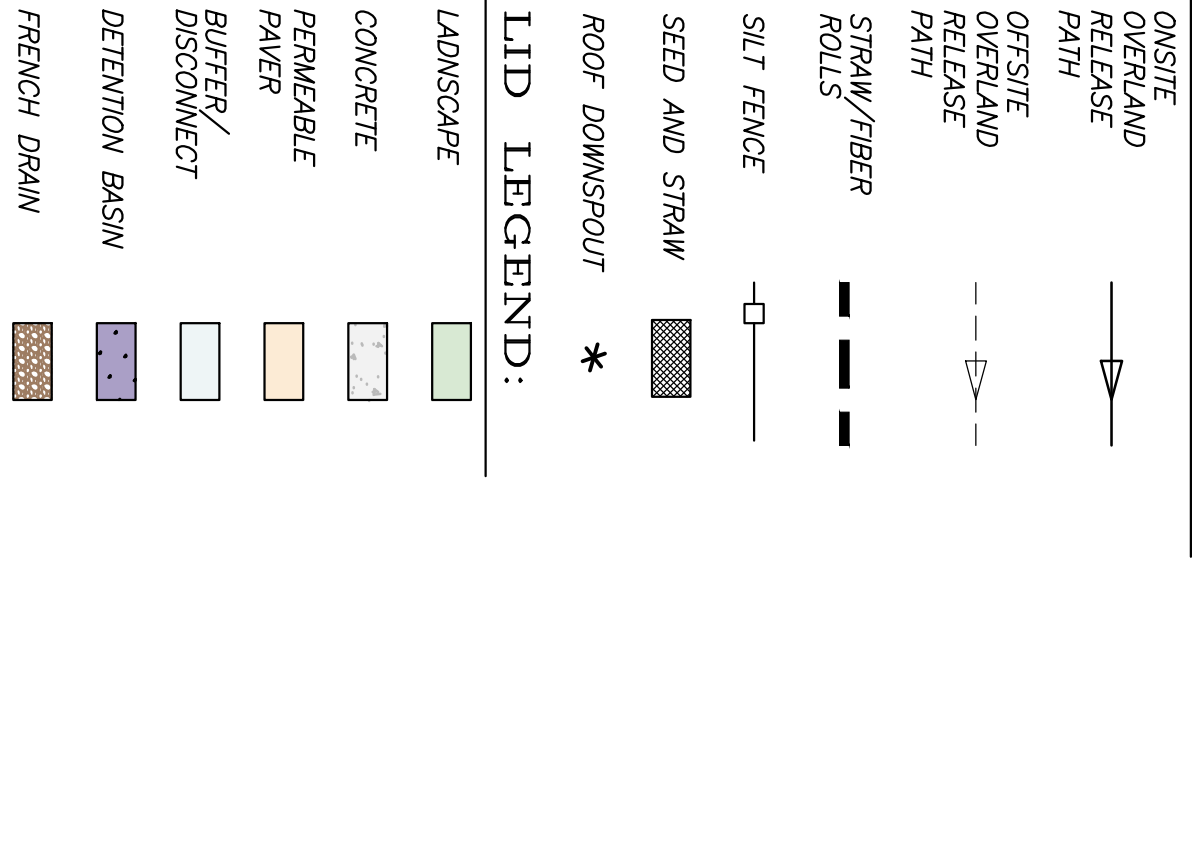
The following table lists the required mitigation measures, including the method of verification, monitoring schedule, and the responsible party.

#	Resource(s)	Summary of Mitigation Measure	Method of Verification	Monitoring Schedule	Responsible Party
1	Biological B1O-1	Prior to construction the wetland and buffer shall be identified and protected with a high visibility rope and post fencing. The grading plans and construction plans shall identify this area as "Sensitive Habitat". The land surface elevation of the wetland and its upland boundary shall remain undisturbed. Small topographic changes in the buffer area necessary for internal drainage may be made using hand tools only.	reviewed prior to building permit issuance	prior to building permit issuance	Applicant
2	Biological B1O-2	After construction a post and cable fence shall be constructed along the eastern edge of the one-parameter wetland preclude inadvertent foot and vehicle traffic.	during building permit inspections	prior to building permit final	Applicant, Staff from Planning & Building
3	Biological B1O-3	All non-native Himalayan blackberry (<i>Rubus armeniacus</i>) shall be removed by the root from the wetlands and wetland buffer area. Yearly checks and removal of all invasive species and refuse/debris will occur for five years.	reviewed prior to building permit issuance	annual for five years	Applicant
4	Biological B1O-4	Native species shall be planted within the one-parameter wetland as shown on the biological site plan included within the wetland buffer assessment prepared by Foster Consulting (dated December 6, 2019). Plantings shall include two or more of the following species (including but not limited to) thimbleberry (<i>Rubus parviflorus</i>), California blackberry (<i>Rubus ursinus</i>), bigleaf maple (<i>Acer macrophyllum</i>), native willows (<i>Salix</i> spp.), native roses (<i>Rosa</i> spp.), varied lupine (<i>Lupinus varicolor</i>), and red elder (<i>Sambucus racemosa</i>). To ensure that the native plantings are successfully established, monitoring shall be performed for least five (5) years.	reviewed prior to building permit issuance	prior to building permit issuance	Applicant
5	Biological B1O-5	The applicant shall perform routine litter removal and maintenance of the protective fencing for the life of the project.	reviewed prior to building permit issuance	ongoing	Applicant
6	Biological B1O-6	A Notice of Development Plan shall be recorded noting the location of the wetland area and wetland buffer, with these areas will be identified as "unbuildable".	reviewed prior to building permit issuance	prior to building permit issuance	Applicant
7	Hydrology and Water Quality WQ-1	The applicant shall submit a drainage and LID plan to the Planning Department for final review and approval prior to issuance of the building permit. The Planning Department and the Land Use Division of Public Works will review the plan and may require modifications or alteration.	reviewed prior to building permit issuance	prior to building permit issuance	Applicant
8	Best Mgmt Practices & Mitigation Measures BMP's	The applicant shall implement all mitigation measures and Best Management Practices included in the Wetland Buffer Inventory prepared by Foster Consulting, as described and amended in the documents dated July 19, 2019 and December 6, 2019, included as Appendices C and D of this document.	during building permit inspections	prior to building permit final	Applicant, Staff from Planning & Building

24. APPENDICES

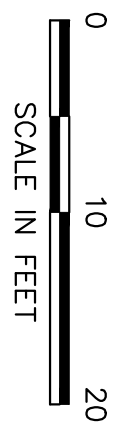
- A. Site Plan – prepared by Atkins Drafting – dated August 12, 2019
- B. LID Plan – prepared by Trinity Valley Consulting Engineers - August, 2019
- C. Foster Consulting – Forbes Property Development Assessment – Wetland and Buffer Inventory
July 19, 2019
- D. Foster Consulting – Forbes Property Development – Amended Wetland Buffer Inventory
December 6, 2019

EROSION LEGEND:

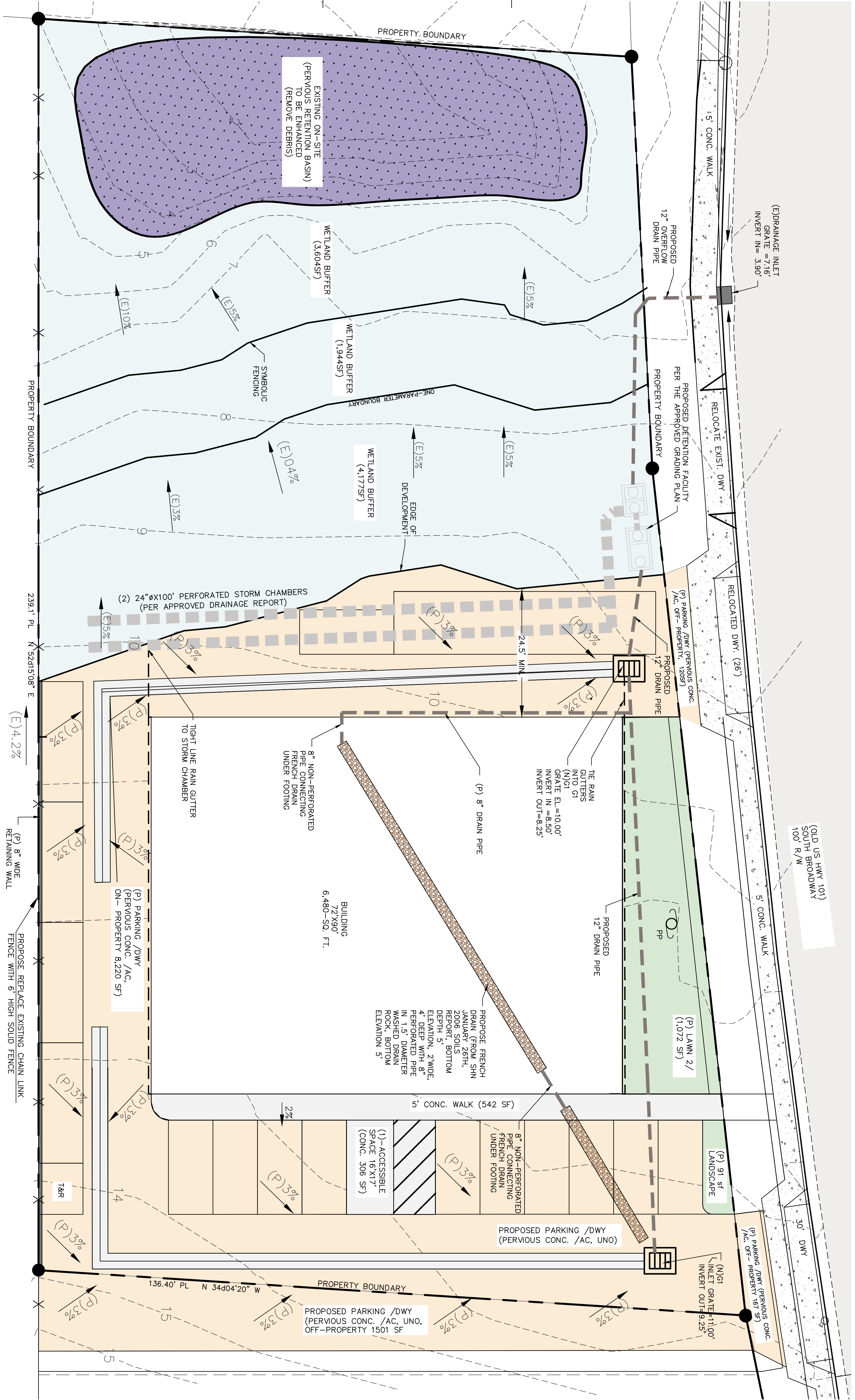


EROSION AND SED. CONTROL:

- | | | |
|--------|---|--|
| WM-10 | LIQUID WASTE MANAGEMENT | |
| WM-9 | SANITARY/ SEPTIC WASTE MANAGEMENT | |
| WM-8 | CONCRETE WASTE MANAGEMENT | |
| WM-6 | HAZARD WASTE MANAGEMENT | |
| WM-4 | SPILL PREVENTION AND CONTROL | |
| WM-3 | STOCKPILE MANAGEMENT | |
| WM-2 | MATERIAL USE | |
| WM-1 | MATERIAL DELIVERY AND STORAGE | |
| NS-12 | CONCRETE CURING | |
| NS-10 | VEHICLE AND EQUIPMENT MAINTENANCE | |
| NS-9 | VEHICLE AND EQUIPMENT FUELING | |
| NS-8 | VEHICLE AND EQUIPMENT CLEANING | |
| NS-7 | POTABLE WATER/ IRRIGATION | |
| NS-6 | DETECTION REPORTING | |
| NS-3 | ILLEGAL CONNECTION AND ILLEGAL DISCHARGE OPERATIONS | |
| NS-1 | WATER CONTROL AND CONSERVATION | |
| TC-1 | PAVING, SEALING, SAWCUTTING, AND GRINDING | |
| WM-8 | TEMPORARY CONCRETE WASHOUT FACILITY | |
| TC-1 | TEMPORARY CONSTRUCTION ENTRANCE | |
| SEF-10 | INLET PROTECTION | |
| SEF-7 | STREET SWEEPING | |
| SEF-6 | TEMPORARY GRAVEL BAR BERM | |
| SEF-5 | TEMPORARY FIBER ROLLS | |
| SEF-1 | TEMPORARY SILT FENCE | |
| SC-6 | GRAVEL BAG BERM | |
| EC-2 | PRESERVATION OF PROPERTY AND VEGETATION | |
| EC-6 | STRAW MULCH | |
| EC-7 | GEOTECH-7 | |
| EC-2 | SCHEDULING | |

$$1''=10$$


LOW IMPACT DEVELOPMENT AREA TABLE			
POST CONSTRUCTION PERVIOUS		POST CONSTRUCTION IMPERVIOUS	
ITEM	AREA (S.F.) / QUANTITY (EACH)	ITEM	AREA (S.F.) / QUANTITY (EACH)
LANDSCAPE (SEE PLAN)	1,163-SEE LANDSCAPE PLAN	ROOFTOP	6,480
ROOF TOP DISCONNECT	9,725	CONCRETE SIDEWALK/PARKING	848.5
PERMEABLE PAVING	8,220		
RETENTION BASIN	2,920		
FRENCH DRAIN	246		
INFILTRATION TRENCH	330		
TREE PLANTING	2-SEE LANDSCAPE PLAN		
SELF REMAINING AREAS (SPR)	0	TOTAL:	7328.5



EROSION AND SEDIMENT CONTROL NOTES:

1. EROSION CONTROL. BEST MANAGEMENT PRACTICES (BMP'S) SHALL BE INSTALLED AND MAINTAINED DURING THE WET SEASON (OCTOBER 1 THROUGH APRIL 30). SEDIMENT CONTROL BMP'S SHALL BE INSTALLED AND MAINTAINED ALL YEAR.
2. ALL DRAINAGE INLETS IMMEDIATELY DOWNSTREAM OF THE WORK AREA AND WITHIN THE WORK AREA SHALL BE PROTECTED WITH SEDIMENT CONTROL AND INLET FILTER BAGS. YEAR ROUND, INLETS SHALL BE MARKED NO DUMPING.
3. ALL STABILIZED CONSTRUCTION ACCESS LOCATIONS SHALL BE CONSTRUCTED PER STANDARD DRAWING TC-1 WHERE CONSTRUCTION TRAFFIC ENTERS OR LEAVES PAVED AREAS. THE STABILIZED ACCESS SHALL BE MAINTAINED ON A YEAR-ROUND BASIS UNTIL THE COMPLETION OF CONSTRUCTION.
4. ALL AREAS DISTURBED DURING CONSTRUCTION, BY GRADING, TRENCHING, OR OTHER ACTIVITIES, SHALL BE PROTECTED FROM EROSION DURING THE WET SEASON (OCTOBER 1 THROUGH APRIL 30). HYDROSEED, IF UTILIZED, MUST BE PLACED BY SEPTEMBER 15. HYDROSEED PLACED DURING THE WET SEASON SHALL USE A SECONDARY EROSION PROTECTION METHOD.
5. SENSITIVE AREAS AND AREAS WHERE EXISTING VEGETATION IS BEING PRESERVED SHALL BE PROTECTED WITH CONSTRUCTION FENCING. SEDIMENT CONTROL BMP'S SHALL BE INSTALLED WHERE ACTIVE CONSTRUCTION AREAS DRAIN INTO SENSITIVE OR PRESERVED VEGETATION AREAS.
6. SEDIMENT CONTROL BMP'S SHALL BE PLACED ALONG THE PROJECT PERIMETER WHERE DRAINAGE LEAVES THE PROJECT. SEDIMENT CONTROL BMP'S SHALL BE MAINTAINED YEAR-ROUND UNTIL THE CONSTRUCTION IS COMPLETE OR THE DRAINAGE PATTERN HAS BEEN CHANGED AND NO LONGER LEAVES THE SITE.
7. ALL SLOPES GREATER THAN 1:1 SHALL RECEIVE SEED AND STRAW OR OTHER EROSION CONTROL.
8. ALL FENCING AND EROSION CONTROL METHODS SHALL BE MAINTAINED THROUGHOUT ALL ON-SITE CONSTRUCTION ACTIVITIES.
9. ALL BMP'S SHALL BE INSTALLED AND FUNCTIONING PRIOR TO ANY ANTICIPATED STORM EVENT.

CONTRACTOR NOTE:

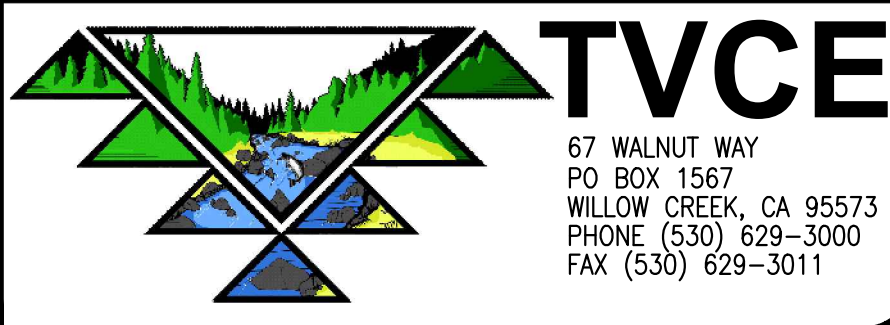
1. CONTRACTOR MAY SUBSTITUTE TEMPORARY SILT FENCES FOR STRAW FIBER ROLL AND VICE VERSA.

BMP MAINTENANCE NOTES:

1. ALL OF THE IMPLEMENTED BMPs SHALL BE INSPECTED AND CORRECTED AS NEEDED PRIOR TO, DURING, AND DIRECTLY FOLLOWING ANY STORM EVENT, OR WHENEVER PRACTICAL.

DOWNSPOTS:

1. DIRECT DOWNSPOUT RAINWATER AWAY FROM BUILDING TO PREVENT SATURATION OF FOUNDATION.
2. PROVIDE SPLASH BLOCKS OR OTHER MEANS TO PREVENT SOIL EROSION.
3. DOWNSPOUT RAINWATER SHALL NOT DISCHARGE ONTO A SIDEWALK. CONTRACTOR TO PROVIDE UNDER-WALK DRAINS IN THESE AREAS.



KEITH FORBES

LID PLAN

5749 S BROADWAY EUREKA, CA 95503
APN: 305-101-053

DATE OF ISSUE: AUGUST, 2019	DRAWN BY: S. ATKINS
	DESIGNED BY: T. LYNN
	CHECKED BY: J. McKNIG
	APPROVED BY: TVCE

AS SHOWN

374

DRAWING NO:

CO1

July 19, 2019

Keith Forbes
2042 Eich Road
Eureka, CA 95503



SUBJECT: Forbes Property Development Assessment – Wetland and Buffer Inventory

Dear Mr. Forbes:

I am writing to provide you with a final wetland and buffer assessment for your proposed development located on South Broadway Street (APN #305-101-053) in the City of Eureka, Humboldt County, California.

Based on my site visit and conversations with you and Steven Lazar (Humboldt County Planning), it is our understanding that the proposed project may have the potential to indirectly affect waters of the U.S. and/or State including wetlands within the California Coastal Zone on your project and therefore requires further evaluation of biological resources and buffer areas to avoid any construction or post-construction impacts.

In this report we outline the site conditions, best management practices, and wetland buffer mitigation practices using the recommendations from the Humboldt Bay Area Plan and the Seven Criteria for Estimating Buffer Areas from the California Coastal Commission.

Site Visit Summary

I conducted a review of the wetland inventory that was conducted by Tributary Biological Consultants and their October 2018 drawing (attached) and found this assessment to be accurate during my site evaluation on July 3, 2019. Of note, two soil series occur within the project area. The wetland at the south end of the property is within a hydric soil (116 – Swainslough), the remainder (99% of the property and the entire adjacent property) is within a non-hydric soil series (230 – Hookton-Tablebluff complex). Soils observed in the study area confirmed this type of soil on a natural upland berm that is across the road from the lowlands of the Humboldt Bay. The listed water table is approximately 20-39 inches below the surface. Additionally, none of the minor components of this soil series complex are hydric soils on this site.

I also reviewed the adjacent property to the northeast during this visit and there was not evidence of any aquatic resource features on this property (one to three parameter). These observations were visual from the property boundary and from the sidewalk/street as access was not granted by the landowner. This property is slightly higher in elevation and contained a mix of mostly non-native ruderal plants ranging from facultative to upland species including wild radish (*Raphanus* spp. – UPL), yellow owl's clover (*Triphysaria versicolor* - UPL), English plantain (*Plantago lanceolata* – FACU), Himalayan blackberry (*Rubus armeniacus* - FAC), curly dock (*Rumex crispus* - FAC), wild rose (*Rosa rubiginosa* – UPL), and yarrow (*Achillea millefolium* –

FACU). There was no evidence of ponding or specific aquatic depressions that could be viewed. An additional review of aerial photography on Google Earth shows a change in vegetation community in the center of the property, but viewing it from the street it is likely the result of soil borrow or non-native fills that have created these type of vegetative breaks and not ponded water.

Proposed BMPs and Mitigation measures:

To ensure that no indirect impacts occur to the onsite wetland during and/or after construction of the proposed project the following four criterion are proposed:

1. Create a fenced, natural stormwater filtration buffer between the development and the wetland. The attached site plan contains the proposed secondary wetland buffer area that will be fenced and maintained to support native plants and to act as a natural stormwater filtration area before water leaves the site and enters the wetland or street culvert based on the current proposed reduced buffer distances of 33'6".
2. Removal of non-native Himalayan blackberry (*Rubus armeniacus*). Efforts to eliminate the non-native invasive species by root removal will occur as a part of the buffer creation and native species plantings below. Yearly checks and removal of all invasive species and refuse/debris will occur.
3. Plant native species inside and adjacent to the buffer. Plantings in the proposed project area and buffer should consist of two or more of the following (at least two) species including but not limited to thimbleberry (*Rubus parviflorus*), California blackberry (*Rubus ursinus*), bigleaf maple (*Acer macrophyllum*), native willows (*Salix* spp.), native roses (*Rosa* spp.), varied lupine (*Lupinus varicolor*), and red elder (*Sambucus racemosa*).
4. Implement Best Management Practices during construction (See attached table).

Based on current conditions, the proposed development plans, and our experience with wetland buffers for other projects, it is our recommendation and understanding that implementing the aforementioned criterion will enhance and improve the functions and services of the wetland feature at the south of the parcel with a reduced buffer width of 33'6". We believe these conditions would put your project in compliance with the planning and construction requirements for approval of this reduced buffer area and should be presented as a part of your development proposal. Please do not hesitate to contact me if you have any questions by phone at 530/710-4059. Thank you for the opportunity to assist you with your project.

Sincerely,



Jonathan Foster - Wetland Ecologist

Attachments:

1. October 2018 Wetland Drawing
2. Site Plan with ESA fencing location
3. Site visit photos
4. BMP Table



LEGEND

- WETLAND
- APN: 305-101-053
- PARCELS

TOPOGRAPHIC CONTOURS IN FEET
MEASUREMENTS TAKEN WITH GEO7 X GPS

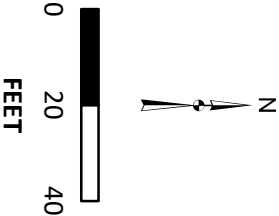


IMAGE SOURCE: GOOGLE EARTH, DATED 5/26/2016; PARCEL DATA
SOURCE: COUNTY OF HUMBOLDT GIS, 2018; ELEVATION DATA SOURCE:
CALIFORNIA COASTAL CONSERVANCY, 2009-2011
SERVICE LAYER CREDITS: SOURCES: ESRI, HERE, GARMIN, INTERMAP,
INGENIENT P CORP, GEBCO, USGS, FAO, NPS, NRCAN, GEBCO,
IGN, KADASTER NL, ORDNANCE SURVEY, ESRI JAPAN, METI, ESRI
CHINA (HONG KONG), SWISSTOPO, © OPENSTREETMAP

Tributary
Biological
Consultants

FORBES
APN: 305-101-053
WETLAND DELINEATION REPORT
SOUTH BROADWAY
EUREKA, CA

Wetland Delineation
Map

October 2018

Photo 1. Forbes property facing the wetland and the approximate ESA fence locatoin.



Photo 2. View of the adjacent property.



General Best Management Practices (BMPs)

No.	Name	Measure
BMP -1	Erosion Control	<ul style="list-style-type: none">▪ Traffic speeds on unpaved roads will be limited to 10 mph.▪ Erosion control measures, such as installation of silt fences downstream of construction areas, will be implemented as necessary to ensure that sediment or other contaminants do not reach surface water bodies.▪ No erosion control materials that have natural or plastic monofilament type netting will be used during construction. All materials will be approved by a qualified biologist prior to use.
BMP -2	Staging and Stockpiling of Materials	<ul style="list-style-type: none">▪ All construction equipment that may leak petroleum products fuels, lubricants, or other hazardous materials will be staged in upland areas, away from sensitive natural communities or habitats.▪ All construction-related items, including equipment, stockpiled material, temporary erosion control treatments, and trash will be removed within 72 hours of project completion. All residual soils and/or materials will be cleared from the project site or placed in designated locations that have been cleared by biologists.▪ Building materials and other construction-related materials, including chemicals, will not be stockpiled or stored where they could spill into water bodies or storm drains, or where they could cover aquatic or riparian vegetation.

No.	Name	Measure
BMP - 3	Equipment and Vehicle Maintenance and Cleaning	<ul style="list-style-type: none"> ▪ Vehicle and equipment maintenance activities will be conducted in a designated area to prevent inadvertent fluid spills. This area will be clearly designated with berms, sandbags, or other barriers. ▪ Secondary containment, such as a drain pan or drop cloth, to catch spills or leaks will be used when removing or changing fluids. Fluids will be stored in appropriate containers with covers, and properly recycled or disposed of off-site. ▪ Cracked batteries will be stored in a non-leaking secondary container and removed from the site. ▪ Spill cleanup materials will be stockpiled where they are readily accessible. ▪ Vehicles and equipment will not be washed on-site.

No.	Name	Measure
BMP -4	On-Site Hazardous Materials Management	<ul style="list-style-type: none"> ▪ The products used and/or expected to be used and the end products that are produced and/or expected to be produced after their use will be inventoried. ▪ As appropriate, containers will be properly labeled with a “Hazardous Waste” label and hazardous waste will be properly recycled or disposed of off-site. ▪ Contact of chemicals with precipitation will be minimized by storing chemicals in watertight containers or in a storage shed (completely enclosed), with appropriate secondary containment to prevent any spillage or leakage. ▪ Petroleum products, chemicals, cement, fuels, lubricants, and non-storm drainage water or water contaminated with the aforementioned materials shall not be allowed to enter receiving waters or the storm drainage system. ▪ Sanitation facilities (e.g., portable toilets) will be surrounded by a berm, and a direct connection to the storm drainage system or receiving water will be avoided. ▪ Sanitation facilities will be regularly cleaned and/or replaced, and inspected regularly for leaks and spills. ▪ Waste disposal containers will be covered when they are not in use, and a direct connection to the storm drainage system or receiving water will be avoided. ▪ All trash that is brought to a project site during construction activities (e.g., plastic water bottles, plastic lunch bags, food waste) will be removed from the site daily.

No.	Name	Measure
BMP - 5	Fire Prevention	<ul style="list-style-type: none"> ▪ All earthmoving and portable equipment with internal combustion engines will be equipped with spark arrestors. ▪ During the high fire danger period (April 1–December 1), work crews will have appropriate fire suppression equipment available at the work site. ▪ On days when the fire danger is high, flammable materials will be kept at least 10 feet away from any equipment that could produce a spark, fire, or flame. ▪ On days when the fire danger is high, portable tools powered by gasoline-fueled internal combustion engines will not be used within 25 feet of any flammable materials unless at least one round-point shovel or fire extinguisher is within immediate reach of the work crew (no more 25 feet away from the work area).
BMP-6	Reduce Spread of Invasive Species	<p>To prevent the spread of invasive species, all equipment should be washed prior to entering the project site, with special attention on cleaning the undercarriage and wheels of the vehicles. In the event that high- or medium-priority noxious weeds are disturbed or removed during construction or construction-related activities, the contractor should contain the plant material associated with these noxious weeds and dispose of it in a manner that will not promote the spread of the species. Areas where noxious weeds are disturbed or removed should be immediately replanted with fast-growing native grasses or a native erosion control seed mixture. If seeding is not possible the area should be covered with heavy black plastic solarization material until the end of the project.</p>

December 6, 2019

Keith Forbes
2042 Eich Road
Eureka, CA 95503



SUBJECT: Forbes Property Development – Amended Wetland Buffer Inventory

Dear Mr. Forbes:

I am writing to provide you with an amended wetland buffer assessment for your proposed development located on South Broadway Street (APN #305-101-053) in the City of Eureka, Humboldt County, California.

This letter report is an amended version of my July 19, 2019 letter, based on the comments from Steve Werner of Humboldt County's November 6, 2019 email to you.

This amended report clarifies the proposed on-site avoidance and minimization measures to avoid any impacts to aquatic resources and specifically addresses the wetland buffer criteria using the recommendations from the California Coastal Commission's *Seven Criteria for Estimating Buffer Areas* (attached).

Proposed Avoidance and Minimization measures:

To ensure that no direct or indirect impacts occur to the onsite wetlands during, and, or after construction of the proposed project the following four criterion are proposed:

1. Create a natural upland buffer (wetland buffer setback) between the development and the two wetland habitats. The attached site plan contains the proposed buffer area that will contain a fence protecting the on-site wetlands. It will be maintained in its current condition and act as a natural stormwater filtration area before water leaves the site and enters the wetland or street culvert. The wetland buffer setback is currently proposed at an average width of 33'6". Please see the attached criteria regarding the proposed wetland buffer setback area.
2. Removal of non-native Himalayan blackberry (*Rubus armeniacus*). Efforts to eliminate the non-native invasive species by root removal will occur as a part of establishing the aquatic resources avoidance area. Yearly checks and removal of all invasive species and refuse/debris will occur for five years. The blackberry exists mostly in the 3-parameter wetland but encroaches into the 1-parameter wetland area as well.
3. Plant native species within the one-parameter wetland. Plantings in the proposed aquatic resources protection area will consist of two or more of the following (at least two) species including but not limited to thimbleberry (*Rubus parviflorus*), California blackberry (*Rubus ursinus*), bigleaf maple (*Acer macrophyllum*), native willows (*Salix*

spp.), native roses (*Rosa* spp.), varied lupine (*Lupinus varicolor*), and red elder (*Sambucus racemosa*). Proposed locations are delineated on the attached site plan.

4. Implement Best Management Practices during construction (See attached table in the July 19, 2019 letter report).

Please do not hesitate to contact me if you have any questions by phone at 530/710-4059. Thank you for the opportunity to assist you with your project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan Foster', with a stylized flourish at the end.

Jonathan Foster - Wetland Ecologist

Attachments:

1. Reduced Wetland Buffer Setback Criteria
2. Site Plan with fencing and preliminary planting locations

Forbes Property - California Coastal Commission's Criteria for Establishing Buffer Areas – Reduction in Buffer Size Justification

Establishing an upland buffer or wetland buffer setback area is important to protect the onsite wetland habitats from existing, proposed and future developments. The project is proposing that this buffer area be maintained in its current condition as open space grassland with continued mowing. In addition, a post and cable fence will be placed in this buffer, just outside the one-parameter wetland to ensure no unforeseen or incidental impacts occur during or after construction to any of the wetland habitats. No additional project features or impacts are proposed in the buffer area.

For small projects, the California Coastal Commission recommends a minimum 100-foot wetland buffer setback between development and sensitive resources unless the applicant can demonstrate that 100-feet is unnecessary to protect the resources in the habitat area. The proposed project is located on an approximate 0.75 acre parcel that can only provide an approximate 33-foot average buffer between the proposed development and the wetlands, otherwise the project's purpose and need cannot be met and the site would be considered undevelopable. Additionally, a draft drawing containing a one-parameter wetland was submitted to the County for a previously proposed development on the adjacent parcel to the northeast that was located approximately 55-feet from the this proposed development. This wetland does not appear to currently exist but some additional analysis will be provided below.

The following seven criteria for establishing a wetland buffer area are addressed from a wildlife and wetland ecology functional assessment perspective to justify an approval for the proposed reduced upland buffer that is delineated on the proposed site plan.

1. Biological significance of adjacent lands. *Lands adjacent to a wetland, stream, or riparian habitat area vary in the degree to which they are functionally related to these habitat areas. That is, functional relationships may exist if species associated with such areas spend a significant portion of their life cycle on adjacent lands. The degree of significance would depend upon the habitat requirements of the species in the habitat area (e.g., nesting, feeding, breeding or resting). This determination requires the expertise of an ecologist, wildlife biologist, ornithologist, or botanist who is familiar with the particular type of habitat involved. Where a significant functional relationship exists, the land supporting this relationship should also be considered to be part of the environmentally sensitive habitat area, and the buffer area should be measured from the edge of these lands and be sufficiently wide to protect these functional relationships. Where no significant functional relationships exist, the buffer should be extended from the edge of the wetland, stream or riparian habitat (for example) which is adjacent to the proposed development (as opposed to the adjacent area which is significantly related ecologically).*

The biological significance of direct adjacent lands in relation to the wetland buffer setback is extremely limited and marginal. The project site is surrounded by streets to the northwest and southwest and housing to the southeast. Only the northeast side of the proposed development is currently and would remain undeveloped and is a mix of ruderal, non-native grasses and forbs that contain limited habitat

value for insects, foraging birds and small mammals. One past development proposal to the country had shown a one-parameter wetland on the adjacent parcel to the northeast that was approximately 55-feet from the proposed project. During the previous site visit this feature could not be located and has never been verified by state or federal agencies, may have been miscategorized, or has since been filled. In any case, for conceptual purposes, a reduced wetland buffer setback of 55-feet from this area would adequately meet protection standards since this site does not drain towards this parcel, no sensitive species or habitats were observed or are expected to exist here, and for a feature of this size (estimated < 0.01 acre), this buffer distance is double what would be expected to protect this feature that has or had very limited aquatic function and services to the overall ecological community.

The existing one-parameter seasonal wetland (approximately 0.15 acre) that abuts the existing three-parameter riparian wetland (approximately 0.1 acre) on the proposed project's site has a very limited functional relationship with their adjacent lands due to urbanization. The existing upland buffer to these habitats do provide a natural grassland buffer to both the one-parameter seasonal wetland and the manmade 3-parameter riparian wetland. There are assumed ecological relationships with insect populations, foraging songbirds and small mammals that may move through the site. However, the lack of established plant populations from past and ongoing disturbances, the constant presence of human activity, feral cats, pets, and regular mowing have made both the adjacent lands and seasonal wetland very limited in terms of habitat function and value related to water storage, water quality, and overall wildlife habitat.

The proposed project and buffer would not have any anticipated qualitative change from the currently conditions in terms of functional relationships of adjacent lands and may improve the aquatic resources functions with the management of invasive species, adding exclusionary fencing, and planting native woody plant species.

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

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

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

No sensitive species were observed or are expected to occur in the project area. The one-parameter wetland contains very limited habitat and is mowed regularly. Migratory birds are expected to use this wetland to forage periodically throughout the year. The man-made riparian wetland is the most sensitive habitat in the project area and may contain nesting songbirds during the spring and summer months. Currently, these areas are adjacent to active urban uses and experience daily disturbances not limited to traffic, mowing, pedestrians, and pets. These disturbances will continue to be the most significant to these habitats. No additional impacts from construction or a reduced upland buffer are anticipated from the development of the proposed project and long-term adaptability has already occurred in the riparian wetland. During construction, minimum short-term adaptability of foraging species may occur, but would not be significant to the one-parameter wetland. The proposed wetland

buffer setback also exceeds the standard 30-foot buffer that is recommended by the State for migratory nesting bird surveys during construction.

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

The site is relatively flat, fully vegetated and generally slopes gradually to the southwest. Soils are well drained and stable in the uplands and can be soft and saturated in the wetland areas, especially after rain events. While no major erosion exists or is anticipated on this site, it should be noted that past tire tracks were observed from unauthorized access from a presumed four-wheel drive vehicle. The very small proposed development would not create any additional erosion concerns and the reduced buffer would be more than adequate to capture any incidental erosion from heavy storms or failures of the proposed best management practices. Additionally, the placement of exclusionary fencing should eliminate any further unauthorized access to the aquatic habitats.

4. Use of natural topographic features to locate development. *Hills and bluffs adjacent to environmentally sensitive habitat areas should be used, where feasible, to buffer habitat areas. Where otherwise permitted, development should be located on the sides of hills away from environmentally sensitive habitat areas. Similarly, bluff faces should not be developed, but should be included in the buffer area.*

The size of the landowner's proposed development's site plan is the minimum necessary to meet the project's purpose and need. It is proposed to be built fully in uplands, on only approximately 60% of the site, while avoiding direct impacts to all aquatic resources. Additionally, there would be an upland buffer of approximately 33 feet, which is nearly equal to the size of the one-parameter wetland and encompasses approximately 30% of the proposed project's open space post construction. The development and buffer areas were both delineated based on the location of the natural resources to ensure compliance with all state and federal laws. Additionally, there is an approximately 70-foot average upland buffer width to the three-parameter riparian wetland, which exceeds the recommended minimum 50-foot width for Clean Water Act projects approved by the U.S. Army Corps of Engineers.

5. Use of existing cultural features to locate buffer zones. *Cultural features, (e.g., roads and dikes) should be used, where feasible, to buffer habitat areas. Where feasible, development should be located on the side of roads, dikes, irrigation canals, flood control channels, etc., away from the environmentally sensitive habitat area.*

The wetland habitats are currently buffered by roads on two sides and housing on another. The proposed wetland buffer setback is on the only side the proposed development is possible to be built and the site is a properly zoned area with existing city infrastructure surrounded by urban development.

6. Lot configuration and location of existing development. *Where an existing subdivision or other development is largely built-out and the buildings are a uniform distance from a habitat area, at least that same distance will be required as a buffer area for any new development permitted. However, if*

that distance is less than 100 feet, additional mitigation measures (e.g., planting of native vegetation which grows locally) should be provided to ensure additional protection. Where development is proposed in an area which is largely undeveloped, the widest and most protective buffer area feasible should be required.

The proposed project is surrounded by other developments that have less than a 100-foot buffer on existing aquatic resources from housing and two roads. Since a reduced buffer is being proposed for this project, the removal of invasive species in the riparian area and the planting of native woody plant species in the one-parameter wetland is proposed to enhance the marginalized aquatic resources to give the habitats a functional lift. A preliminary planting plan is located on the attached site plan with species listed in the cover letter.

7. Type and scale of development proposed. *The type and scale of the proposed development will, to a large degree, determine the size of the buffer area necessary to protect the environmentally sensitive habitat area. For example, due to domestic pets, human use and vandalism, residential developments may not be as compatible as light industrial developments adjacent to wetlands, and may therefore require wider buffer areas. However, such evaluations should be made on a case-by-case basis depending upon the resources involved, and the type and density of development on adjacent lands.*

The proposed small scale (0.75 acre site) and light industrial type development lends itself favorably to allow for a reduced wetland buffer setback and will reduce the existing unauthorized use of human impacts to the natural environment. Based on the site characteristics, current conditions and limited proposed impacts, the reduced 33-foot buffer is ecologically sound based on its size ratio to the development, the gentle aspect of the site, and the aquatic features in its current functioning condition. This design will adequately protect and enhance both the one and three-parameter wetlands within the project site. The buffer area encompasses approximately 15% of the proposed project site and is nearly equal in size to the one-parameter wetland and will be approximately 30% of the entire open space area. It is designed to function as an important buffer for natural stormwater filtration and open space protection from the proposed development. Additionally, this site is adjacent to other existing light industrial, housing and an active store.



FORBES DEVELOPMENT		APN 305-101-53	
SITE PLAN		PH. (707) 445-1329	
FOR: KEITH FORBES		FOR: KEITH FORBES	

Date	JAN. 02, '19
Scale	AS NOTED
Design	SJA
Drawn	SJA
Job	
Sheet	1

REVISIONS	BY

STA

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ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	X	Approval		X
County Environmental Health Dept.	X	Approval		X
County P/W, Land Use Division	X	Conditional Approval	X	
Northwest Information Center	X	Comments		X
California Coastal Commission		No response		
Department of Fish and Game - Eureka	X	Conditional Approval		X
Humboldt Fire #1		No response		
Humboldt CSD	X	Conditional approval		X
City of Eureka		No comment		
THPO - Wiyot Tribe		No response		
THPO - Bear River Band of the Rohnerville Rancheria		No response		
RWQCB	X	Comments		X
Army Corps of Engineers		No Comment		
Ca. Dept of Toxic Substances Control		No Comment		