

STAFF REPORT ADDENDUM

DATE: 5/9/22

TO: Planning Commission

THRU: Kristen M. Goetz, Executive Secretary

FROM: Caitlin Castellano, Senior Planner

SUBJECT: Appeal of Norzei Commercial Remodel and Addition Coastal Development Permit CDP-21-0010 (AP-22-0001)

On April 11, 2022, the Planning Commission voted to continue the hearing on the subject appeal until their next regularly-scheduled meeting. The purpose of this Staff Report Addendum is to respond to requests made by the Planning Commission at the April meeting. See the Planning Commission Staff Report dated April 11, 2022, for a full discussion of the appeal contentions, and the Director Staff Report dated February 25, 2022, for the original findings of approval for Coastal Development Permit CDP-21-0010 (both are included in Attachment G).

The Planning Commission's requests were focused on the three topics of appeal: stormwater management, the sidewalk in front of the subject property, and the driveway to the north of the property. In researching the Commission's requests, Planning and Public Works staff met with Caltrans staff on May 4, 2022, to discuss the project, and a follow-up letter is anticipated from Caltrans prior to the Commission hearing, to clarify and supplement their previous comments.



Figure 1. Existing berm between Mr. Fish (on left) and Discount Cigarettes (on right).

STORMWATER MANAGEMENT

The Planning Commission requested Staff amend Condition 6 (Post-Construction Stormwater Control Plan) of the Director's Resolution No. 2022-05 to require the applicant's Stormwater Control Plan (SCP) to account for the stormwater runoff that drains from Broadway (Highway 101) to the adjoining property at 2740 Broadway (the Mr. Fish property).

This request is in response to the appeal filed by Mark and Mary Ann McCulloch (owners of the Mr. Fish property). According to the appellant, runoff from the highway (and upslope of the highway) drains onto the Mr. Fish property. The appellant contends some of the highway runoff coming onto their property is currently able to drain onto the project site, through small cutouts in a berm separating the

properties (See Figure 1). The appellant is concerned the proposed project will prevent runoff from flowing onto the project site in the future, resulting in increased runoff directed between the Mr. Fish building and the improved 2710 Broadway building.



Figure 2. New sidewalk in front of 2740 Broadway (Mr. Fish).

Both Public Works and Planning staff visited the site in late April in the rain and believe the recent installation of sidewalk and driveway improvements by Caltrans has altered the site conditions since the flooding reported by the appellant (Figure 2). The driveway in front of the Mr. Fish building now includes a small lip and slope up from Broadway, making it more difficult for highway runoff to enter the Mr. Fish property during a rain event. Highway runoff may only enter the Mr. Fish property during a very large rain event, and only a small amount of that runoff would be entering the project site through the small spaces on either side of the berm shown in Figure 1.

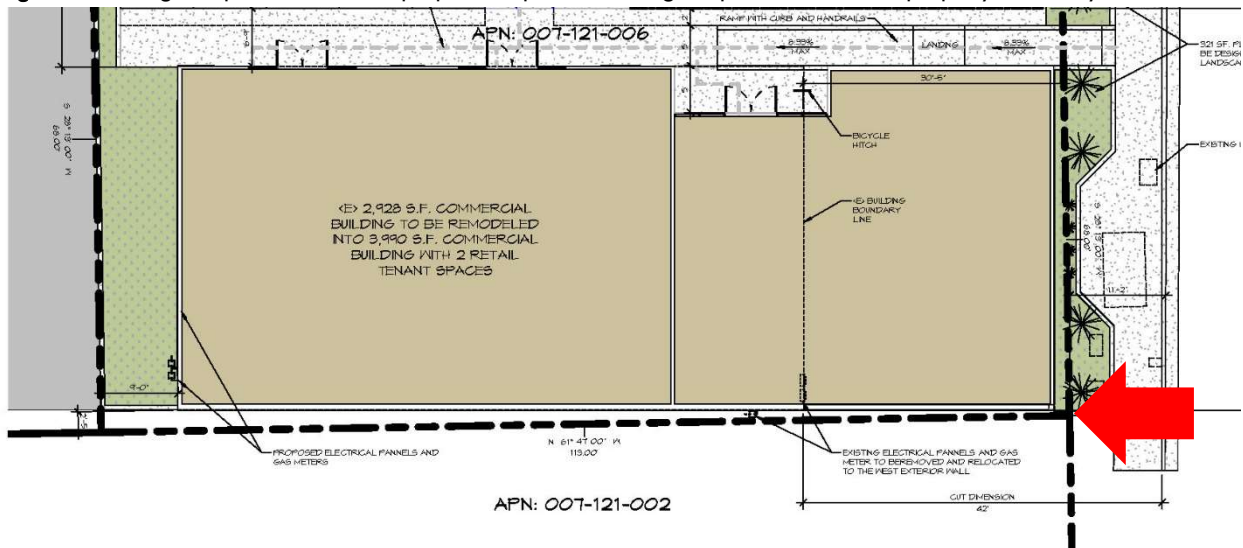
Under the City's Phase II Municipal Separate Stormwater Sewer System (MS4) Permit, the remodel/addition project is considered a "small project" because it will create and/or replace between 2,500 square feet and 5,000 square feet of impervious surface. The requirements for small projects under the MS4 Permit are less

than for regulated projects, and even regulated projects are not required to accommodate runoff from adjacent properties. Small projects are only required to show the majority of new or replaced impervious area on the project site drains to at least one site design feature. In this case, the roof of the expanded building will drain to the landscaped planter at the back (west side) of the building (see Appeal Staff Report for additional information on MS4 requirements and proposed stormwater management at the project site).

To allow stormwater run-on from the Mr. Fish property, across the front (east side) of the project site, would require redesign of the proposed project. If Caltrans is not amenable to allowing stormwater management facilities in their right-of-way, it would require conveying the Mr. Fish runoff through the approximately 1'10"-wide space between the proposed expanded building footprint and the Caltrans' right-of-way. Another option would be installing a drainage system between the subject property and the Mr. Fish property to the south to better convey the Mr. Fish runoff between the properties to the back of the project site, but such a drainage system would need to be installed predominately on the Mr. Fish property, since the corridor between the buildings is largely on the Mr. Fish property (See Figure 3). If the City required the project applicant to install/maintain this drainage system, there would need to be an agreement recorded for access over the Mr. Fish property. The Mr. Fish property could also reduce issues

of highway runoff by replacing one of their two driveways with curb and sidewalk; this would not involve the subject property owner.

Figure 3. Showing the space between the proposed expanded building footprint and southern property line is only 0 to 2'5" wide.



Ultimately, any issue appears to be a civil matter between neighbors rather than an issue the City should address.

SIDEWALK ADJACENT TO PROPERTY

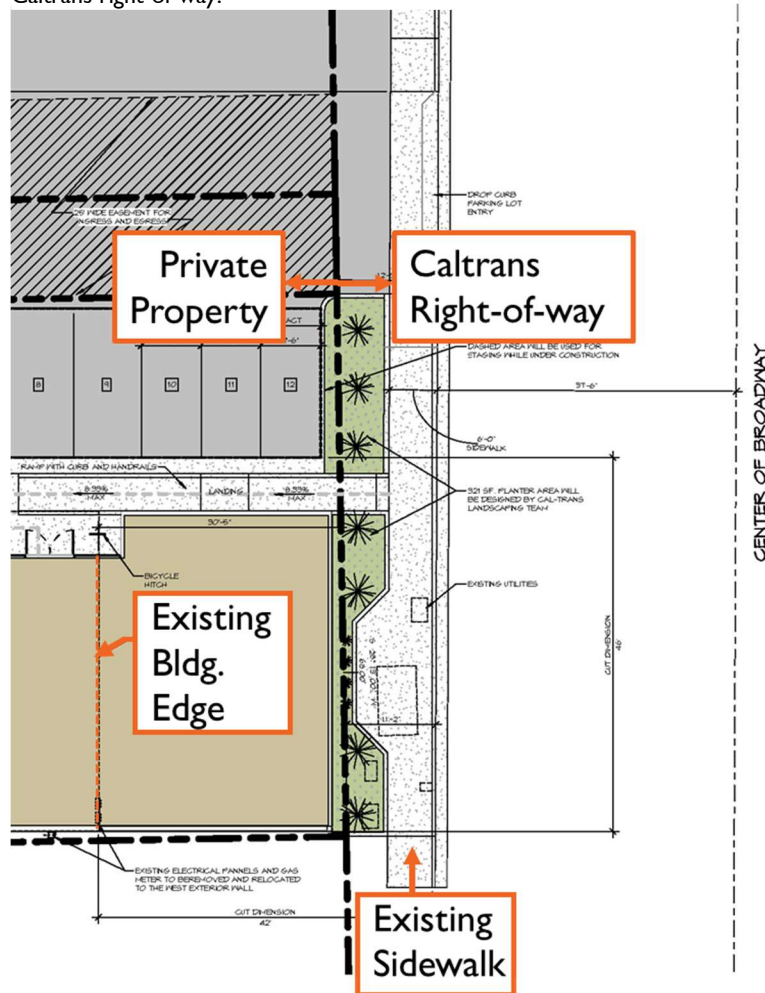
Caltrans recently constructed ADA-compliant, 6'-wide sidewalk within the Broadway right-of-way, along the eastern perimeter of the project site. The Planning Commission requested a cost estimate for removal of this existing sidewalk and replacement with a 10'-wide sidewalk as requested by Caltrans in their letter dated January 18, 2022, which was included as Attachment 4 of the Planning Commission's April 11, 2022, Appeal Staff Report.

Planning staff conveyed this request to the project applicant in a letter sent April 12, 2022. The applicant verbally responded they intend to forgo the project if required to reconstruct the sidewalk (Ratib Norzei, Personal Communication, May 3, 2022), and also submitted a written response indicating the sidewalk improvements are not financially feasible (Attachment B). If the project is not constructed, the proposed building façade, lighting, landscaping, and stormwater management improvements will not occur.

Also, Commissioner Lazar forwarded email correspondence with Caltrans staff about the project (Attachment C). In the email, Caltrans staff indicates any LIDs/drainage swales will need to be located on private property, and any work in State right-of-way will require an Encroachment Permit. The applicant proposes to landscape the area between the existing 6'-wide sidewalk and proposed expanded building footprint. The landscaping is a permeable area that will infiltrate rainfall, but it is not intended to receive stormwater runoff from other locations onsite (i.e., it is not designed as a drainage swale). The applicant is aware Caltrans will need to approve the portion of the landscaping proposed in Caltrans right-of-way through an Encroachment Permit

process, and the need for a Caltrans Encroachment Permit was included in the conditions of approval for the Coastal Development Permit.

Figure 4. Proposed site plan, zoomed in to east property line and Caltrans right-of-way.



Caltrans' January 18, 2022 referral response letter requested consideration of expanding the sidewalk width along Broadway to 10' and placing a landscaping strip between Broadway and the sidewalk. It is important to note the area between the back of the existing sidewalk and the subject property boundary ranges in width, but is approximately 11'2". There is an additional 1'10"-wide strip of land (again, this ranges slightly) on the subject property, between the Caltrans right-of-way and the proposed expanded building footprint. If a 10'-wide sidewalk is required, there is limited space for landscaping between the sidewalk and Broadway without encroachment of the sidewalk onto the subject property (outside of the Caltrans' right-of-way) or encroachment of the landscaping into the road shoulder. And there would not be available space for the landscaping strip adjacent to the building

proposed by the applicant.

Caltrans has not specified where the recommended 10'-wide sidewalk and landscaped buffer should be placed within the limited right-of-way. Caltrans is currently collaborating with the City and other stakeholders on the design of pedestrian and bicycle improvements on Broadway in the project vicinity. This Caltrans project is in the initial phase, during which alternatives are being explored and no one design has been selected for sidewalk alignment. As a result, requiring improvements could mean tearing up sidewalk installed by Caltrans and replacing newly constructed sidewalk now, just to have Caltrans potentially tear it up and replace it again in a few years. It also means additional pavement instead of landscaping in front of the expanded building footprint. City staff believes waiting until the corridor planning process is complete is a fairer and more effective way to address the issue.

The sidewalk area established by City ordinance for Broadway in the project vicinity is nine feet in width. However, a 6'-wide sidewalk in front of the project site is consistent with City Resolution No. 6219, which does not require sidewalk to be constructed to the full width of the sidewalk area at this location, and requires the width of new sidewalks match the width of existing sidewalks within the same block (Attachment D). The existing sidewalk width on either side of the subject property on the same block is 6'.

Eureka Municipal Code (EMC), Title IX, Chapter 98 includes standards for when public improvements are required for new buildings and for improvements to existing buildings. [EMC §98.32](#) specifies that building alterations and enlargements with an aggregate value in excess of \$11,000 trigger construction or reconstruction to City standards of “curbs, gutters, sidewalks and driveway approaches along all street and alley frontages adjoining the property upon which such building or structure is situated, unless such public improvements already exist to the then prevailing standards of the city, which are in good repair and which are in such condition that they will not endanger persons or property or interfere with the public convenience in their use.” Because the sidewalk at the project site was recently constructed by Caltrans to City standards, and is ADA-compliant and in excellent condition, improvements are not required by the Eureka Municipal Code.

DRIVEWAY TO THE NORTH OF THE PROPERTY

The project site itself does not have direct vehicular access to Broadway, but has a 25'-wide easement for ingress and egress over adjacent parcels to the north where a driveway onto southbound Broadway exists (APNs 007-121-008 and 007-121-010; Instrument No. 2013-21057-3). The Planning Commission has requested: (1) information on the original approval of the driveway during the permitting process for the In-N-Out redevelopment at 2616 Broadway, and (2) evidence the owners of the driveway would not allow the applicant to improve the driveway.

Planning staff has reviewed the project file for the 2616 Broadway redevelopment project (“Carrington Vigo Street Commercial Development”; Project Nos. C-18-0010; CDP-18-0012; AA-18-0019; ED-18-0006; and LLA-18-0004). The driveway is only briefly mentioned in the Traffic Impact Study and Mitigated Negative Declaration for the project. Both documents indicate the driveway would provide right-in/right-out unsignalized access to the redeveloped site from Broadway; neither document mentions the proposed driveway width. There is nothing about the driveway in the Caltrans November 16, 2018, comment letter on the Mitigated Negative Declaration, and the site plan included as an attachment to the staff report findings of approval only shows a 25'-wide driveway area and does not include details/specifications for driveway design (Attachment E). As a result, the driveway must have been designed during the City’s building permit process and Caltrans’ encroachment permit process in consultation with Public Works – Engineering and Caltrans. Caltrans staff has now recommended a narrower driveway at this location. Therefore, it does not appear narrowing the driveway will create traffic problems inconsistent with the prior 2616 Broadway redevelopment project approval.

On April 19, 2022, City staff wrote to the driveway property owners (Jim Lockington, Manager, New Store Development for In-N-Out; and Gabe Hagemann, Vice President/ Managing Director for the Carrington Company) outlining the recommended driveway improvements and

requesting a response in writing as to whether they are amenable to the project applicant making any of the improvements. The In-N-Out representative responded by email on April 26, 2022, indicating In-N-Out is in full support of the project, but does not support any changes to the driveway (Attachment F). The Carrington Company representative did not respond to the email, but he has previously told Planning staff (over the phone) the Carrington Company would not allow the applicant to construct the driveway improvements on their property, or otherwise use their property beyond ingress/egress allowed by the existing driveway easement.

Without property owner consent, the applicant cannot make improvements to the subject driveway. If the Coastal Development Permit approval is conditioned to require driveway improvements, the applicant will not be able to meet the condition, and thus will not be able to construct their commercial remodel/addition project.

CONCLUSION

The standard of review for Coastal Development Permits (CDPs) is consistency with the policies of the certified Local Coastal Program (EMC §10-5.29310.1). There was no error or abuse of discretion by the Director in his conditional approval of the subject CDP, because the proposed project, as conditioned by the Director's approval, is consistent with the City's certified Local Coastal Program. In addition, the project as conditioned is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976. As a result, the Director's decision should be sustained.

RECOMMENDATION

Reconvene the public hearing; and
Adopt a resolution to sustain the Director's conditional approval.

DOCUMENTS ATTACHED

Attachment A: Planning Commission Resolution.....	page 7-8
Attachment B: Email from applicant.....	page 9-10
Attachment C: Email from Caltrans staff to Commissioner Lazar.....	pages 11-12
Attachment D: Excerpt from Resolution No. 6219	page 13
Attachment E: Site Plan for the 2616 Broadway Redevelopment Project.....	page 14
Attachment F: Email Response from In-N-Out Representative.....	page 14-17
Attachment G: Planning Commission Staff Report with Attachments.....	pages 18-74

RESOLUTION NO. 2022-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA TO SUSTAIN ON APPEAL (AP-22-0001) THE DEVELOPMENT SERVICES DIRECTOR'S CONDITIONAL APPROVAL OF A COASTAL DEVELOPMENT PERMIT (CDP-21-0010) FOR NORZEI COMMERCIAL REMODEL AND ADDITION AT 2710 BROADWAY (APN 007-121-006)

WHEREAS, the agent, Devin Medrud of CleekCo, has submitted an application and requested approval to remodel and expand an existing commercial building on the west side of Broadway (Discount Cigarettes), and make associated façade, parking, landscaping, and site access improvements at 2710 Broadway (APN 007-121-006); and

WHEREAS, the proposed project is located within the Coastal Zone and constitutes development requiring a Coastal Development Permit pursuant to EMC §10-5.29302; and

WHEREAS, on February 25, 2022, the Director of Development Services held a duly noticed public hearing via Zoom and conditionally approved a Coastal Development Permit for the project; and

WHEREAS, action by the Director on a Coastal Development Permit may be appealed to the Planning Commission by any aggrieved person within 10 calendar days of the decision; and

WHEREAS, two appeals from aggrieved persons were received within the 10-day appeal period; and

WHEREAS, the Planning Commission of the City of Eureka did open a duly noticed public hearing for the appeal (AP-22-0001) at City Hall in the City of Eureka on April 11, 2022, at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka continued the hearing to their next regularly scheduled meeting on May 9, 2022, at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission has reviewed the action of the Director, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find there was no error or abuse of discretion by the Director, and the Director correctly determined the following facts:

- A. The project is consistent with the purpose of the project site's GSC land use designation and CS zoning district.
- B. The project as conditioned will avoid impacts to coastal resources and priority uses, will be served by adequate services, and will minimize risks to hazards.
- C. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources

Code).

- D. The project as conditioned conforms to the policies of the Local Coastal Program.
- E. The project qualifies for a Class 32 exemption from CEQA as an infill-development project (§15332 of the CEQA Guidelines) because: (1) the project is consistent with applicable General Plan policies and Zoning Code standards; (2) the project will not result in significant effects on the environment; and, (3) the project footprint is within City limits, is less than five acres in size, is surrounded by urban uses, does not contain wetlands/ESHA, and is adequately served by all required utilities and public services.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby sustain the Development Services Director's conditional approval of Coastal Development Permit CDP-21-0010 for the Norzei Commercial Remodel and Addition.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 9th day of May, 2022 by the following vote:

AYES: COMMISSIONERS MAIER, LAZAR, BENSON, KRAFT
NOES: NONE
ABSENT: NONE
ABSTAIN: COMMISSIONER FREITAS



Meredith Maier Chair, Planning Commission



Attest:



Kristen M. Goetz, Executive Secretary

Kristen Goetz

From: Ratib Norzei <rnorzei@yahoo.com>
Sent: Wednesday, May 4, 2022 2:37 PM
To: Kristen Goetz
Subject: 2710 Broadway

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Reference:

Letter dated; April 12, 2022

Attn:

Kristen M. Goetz
Executive Secretary/Principle Planner

Hello

Thank you very much for the emails and letter correspondence on review of my project plans, and I appreciate your intention for the approval of my project which you already did, as it is for the good of the city and neighborhood.

You are well aware of this project and how long it takes me since the initiation of the planning process with WhiteChurch Engineering design firm, on Jan 22, 2020. And I have already spent thousands of dollars on the engineering part. I hired a company named Mad River Properties, Inc. to do the wetland delineation of my project and cost me thousands of dollars. It's been more than two years I am dealing with planning phase which still hesitant about the outcome, alongside I am paying to the parties working on my project every hour they provide me inputs and clarifications.

This project already went over my budget and expectations, and i can't get more loans on this project because the interest rates are increased and all the materials price went up.

Herein I am referencing the requested items in the letter dated April 22, 2022;

1. Anything related to the Stormwater control within the boundary of my project, will be included in the design package, and **Devin** would have a response on this.
2. I am wondering why the Caltrans did not appeal this while In-N-Out was under planning process, and Caltrans recently finished with the development of this area, they must have modified this part.
3. The modification of the existing driveway is out of my budget as I have already spent a lot on the planning phase which is totally out of my expectation.

Overall my intention apart from the business perspective is the view of the city and its for the good of the neighborhood and overall look of the shopping center and since this project located along the highway 101 it will add value to the location. If this is gonna cause more cost on me I might stop further action on this.

I am happy that Carrington company and the City of Eureka are positive about the development of this project and have already confirmed. But I am expecting other engaged parties to be cooperative with me on the process too.

Thank you very much
Ratib Norzei

Caitlin Castellano

From: Steven Lazar <warnshuze@yahoo.com>
Sent: Tuesday, April 12, 2022 11:24 AM
To: jesse.robertson@dot.ca.gov
Cc: Kristen Goetz; Caitlin Castellano; Raeleen Gannon
Subject: Re: Discount Cigarettes

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Hi Jesse-

Thanks for answering my questions yesterday and providing this additional guidance.

I communicated this information to the commission and staff during our meeting last night. We elected to continue the public hearing on the item to our May meeting to provide both staff and the applicant an opportunity to evaluate the feasibility and cost of incorporating the sidewalk and driveway measures outlined in Caltrans initial recommendation.

I have cc'd the principal planner and assigned planner for this project on this message and invite you all to coordinate amongst yourselves should further discussion be needed.

-Steve

Raeleen-

Can you please forward Mr. Robertson's comments to the other commissioners? Thanks!

From: ROBERTSON, JESSE GRAHAM@DOT <jesse.robertson@dot.ca.gov>
Sent: Monday, April 11, 2022 4:05 PM
To: Lazar, Steve <SLazar@co.humboldt.ca.us>
Subject: Discount Cigarettes

Steve,

After further reflection following your call this morning, I offer the following points for your consideration:

- The driveway adjacent to Discount Cigarettes is limited to a 25-foot-wide easement. We request that the driveway be narrowed to match the width of the easement.
 - The perpendicular parking in front of Discount Cigarettes store and the curb on the In-and-Out Burgers property limit the opportunity to widen the driveway.
 - The egress movement should be right-turn only, eliminating the need for a second approach lane for left-turning traffic. Left turns outbound should use the signal at Vigo Street. This
 - A narrower driveway reduces the amount of exposure to cross traffic for pedestrians using the sidewalk on Broadway.
 - We are aware of no reason, nor can we think of any justification that warrants a deviation from this request.

- We request that the sidewalk be widened to the previously stated width or to the width feasible to provide more than the bare minimum sidewalk requirements. The City-prescribed sidewalk area for Broadway should provide ample justification for enhancing the pedestrian environments. Wider sidewalks
- Please note that should the City not approve our request for wider sidewalks, the area between the back of sidewalk and the Caltrans right of way limits cannot be used to accommodate private facilities or private improvements.
 - Any LIDs/drainage swales will need to be located on private property.
 - Any landscaping within State right-of-way will need to be included within the City's maintenance agreement and installed under encroachment permit.
 - Any objects placed in State right-of-way will require an encroachment permit and any unauthorized encroachments are subject to removal.
 - If additional space is needed to accommodate appurtenant facilities, including drainage facilities, the applicant may need to reduce the footprint of the proposed building.

Hope this helps.

Jesse Robertson

Transportation Planning

Caltrans District 1

(707) 684-6879 (mobile)

Excerpt from Resolution No. 6219

RESOLUTION NO. 6219 (rev. 6-24-2011)

A RESOLUTION ADOPTING STANDARDS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SIDEWALKS, CURBS, GUTTERS, AND DROP CURB ENTRANCES IN THE CITY OF EUREKA.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EUREKA, as follows:

....

SECTION 4: SIDEWALK WIDTHS

The width of the sidewalk area is defined as being the distance from the curb line to the property line, measured at right angles thereto.

The sidewalk widths within the following described portion of the City of Eureka shall be constructed the full width from curb line, as such is established by City ordinance, to the property line:

- Beginning at a point where the West line of 'A' Street, if extended, would intersect the waterfront of Humboldt Bay;
- thence South along the West line of 'A' Street to the South line of Sixth Street;
- thence East along the South line of Sixth Street to the East line of 'J' Street;
- thence North along the East line of 'J' Street to Humboldt Bay; and
- thence West along the shoreline of Humboldt Bay to the point of beginning.

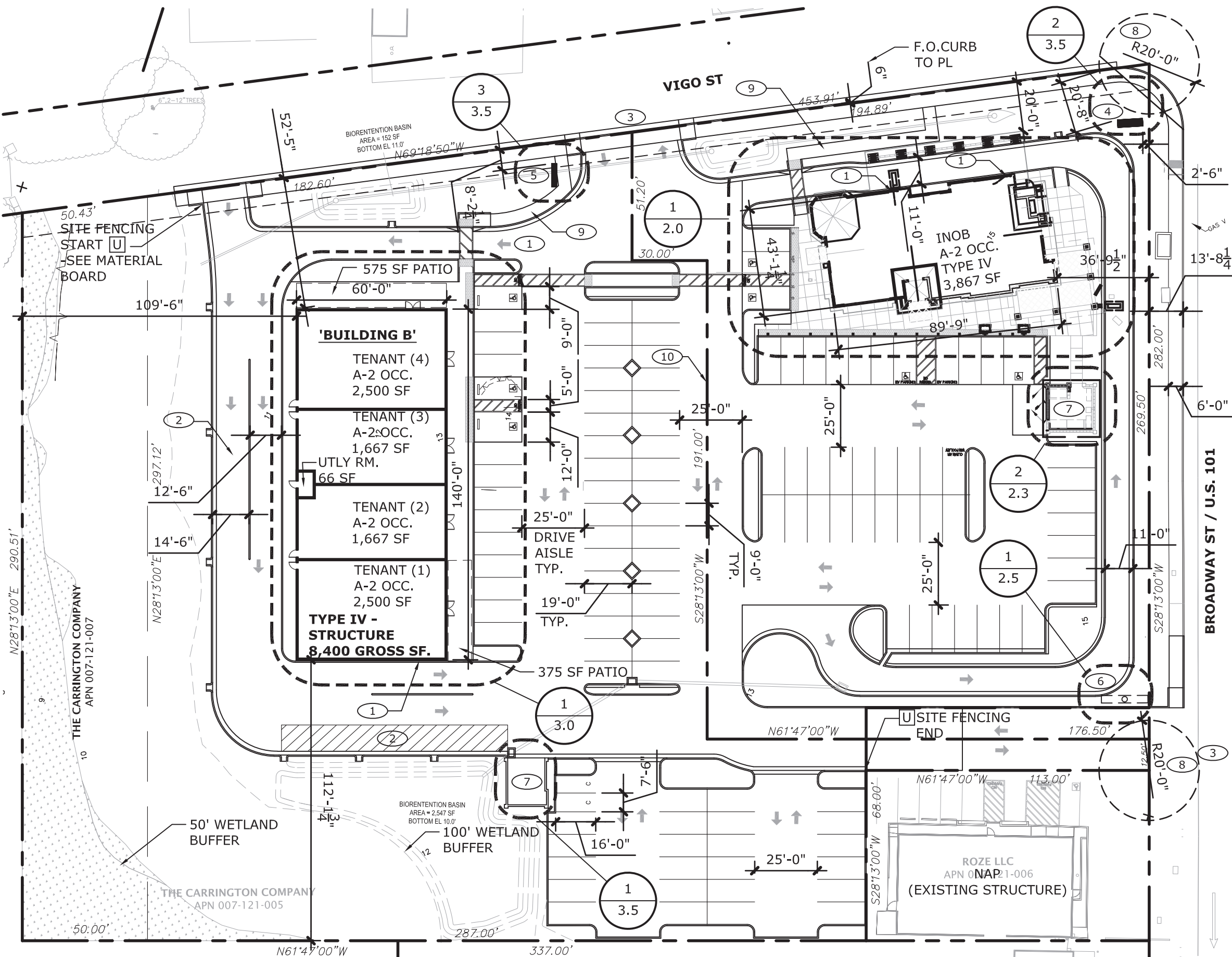
All sidewalks hereinafter constructed outside of the area described above shall be either six feet (6'), nine feet (9'), or twelve feet (12') in width, measured from the face of the curb and at right angles thereto, except within certain sections of streets where the sidewalk area as defined above is less than six feet (6') in width, where the sidewalk shall be constructed to the full width of the sidewalk area.

The width of new sidewalks shall match the width of existing sidewalks within the same block unless otherwise directed by the Director of Engineering.

....

- ① DRIVE-THRU WINDOW
- ② LOADING ZONE/ONE WAY ACCESS DRIVE
- ③ SITE ENTRY
- ④ MONUMENT SIGN 1 (MAJOR)
- ⑤ MONUMENT SIGN 2 (MINOR)
- ⑥ INOB PYLON SIGN
- ⑦ TRASH ENCLOSURE
- ⑧ INTERSECTION VIEW TRIANGLE
- ⑨ ADA PATH OF TRAVEL - OFF SITE
- ⑩ NEW PROPERTY LINE - SEE CIVIL DWG'S

SITE INFORMATION	
RESTAURANT COMBINED:	8,400 SF
RESTAURANT STAND ALONE:	3,867 SF
(1 SP : 200 SF) 12,267 SF/ 200	
PARKING REQUIRED: (§ 155.117 SCHEDULE OF OFF-STREET PARKING SPACE REQUIREMENTS)	62 TOTAL SPACES
TOTAL OFF-STREET PARKING PROVIDED: STANDARD (9'-0" x 19'-0")	120 TOTAL SPACES
ADA SPACES:	5
COMPACT SPACES: (7'-6" x 16'-0")	2
EV SPACES:	2
ON-STREET PARKING PROVIDED:	TBD
SITE SIGNAGE	
ALLOWABLE SIGNAGE: STREET FRONTAGE LENGTH X 3.	
BROADWAY FRONTAGE	282 FEET
VIGO FRONTAGE	454 FEET
AREA CALCULATION- STREET FRONTAGE COMBINED: (736') x 3	2208 SF
MONUMENT SIGN (MAJOR) - 6 PANELS @ 23sf EA. 2 SIDED	276 SF
MONUMENT SIGN (MINOR) - 5 PANELS @ 7.5sf EA. 1 SIDED	37.5 SF
MULTI-TENANT BUILDING SIGNAGE COMBINED:	884 SF
INOB BULDING SIGNAGE + PYLON SIGN	740 SF
SITE SIGNAGE ALLOWABLE:	2208 SF
PROPOSED SITE SIGNAGE COMBINED:	1937.5 SF





1 SITE PLAN
SCALE: 1"=40'
0" 10' 20' 40'-0" 80'-0" NORTH

DESIGN REVIEW PACKAGE
2616 BROADWAY REDEVELOPMENT
2616 BROADWAY EUREKA, CA



Cristin Kenyon

From: Jim Lockington <JLockington@innout.com>
Sent: Tuesday, April 26, 2022 3:30 PM
To: Cristin Kenyon
Cc: Caitlin Castellano; Planning; rnorzei@yahoo.com; Devin Medrud; John Sarinas; Gabe Hagemann; Brice Burtchett; Yvette Valencia Schneider
Subject: RE: Discount Cigarettes Proposed Remodel

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Hi Cristin

Thank you for reaching out.

In-N-Out is in full support of the Norzei Commercial Remodel and Addition project proposed by our neighbor and as approved by the City Manager.

We are not, however, in support of any changes to the adjacent driveway that provides access to In-N-Out and Carrington customers. As you may know, Carrington and In-N-Out worked closely with the City of Eureka and CalTrans to design, permit, and construct all of our frontage improvements on Broadway, including this driveway. It does not appear that the remodel proposed by Mr. Norzei warrants any changes to the subject driveway.

Thank you for the opportunity to comment on this matter.

Respectfully,

Jim E Lockington | Manager, New Store Development
o 626 813 8289 | m 626 483 6795

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From: Cristin Kenyon <ckenyon@ci.eureka.ca.gov>
Sent: Tuesday, April 19, 2022 10:28 AM
To: Jim Lockington <JLockington@innout.com>
Cc: Caitlin Castellano <ccastellano@ci.eureka.ca.gov>; Planning <planning@ci.eureka.ca.gov>; rnorzei@yahoo.com; Devin Medrud <devin@cleekco.com>
Subject: [QUARANTINE] RE: Discount Cigarettes Proposed Remodel
Importance: Low

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Hi Jim,

Quick update on the project that you commented on below – the coastal development permit for the Norzei Commercial Remodel and Addition project (Discount Cigarettes remodel/addition) in Eureka. The permit was approved by the City Manager, but the approval was appealed to the Planning Commission. The Planning Commission opened a hearing on the item at their April 11th meeting and then continued the hearing to their May 9th meeting (without making a decision).

I have a question for In-N-Out:

The Planning Commission did not make a decision in part because they want the property owner to better explore the feasibility of driveway improvements requested by Caltrans. During the project referral process, Caltrans staff requested that Mr. Norzei make the following improvements to the driveway onto Broadway north of his property:

1. Reduce the driveway width to no wider than 24 feet (it's currently ~34.5 ft wide)
2. Install a right-turn directional arrow painted on the egress lane
3. Install a MUTCD standard sign R3-2 (NO LEFT TURN) on a 24"X24" sign panel facing exiting traffic
4. Redesign the driveway as a "Case A" driveway per Caltrans Standard Plan A87A (i.e., do not depress the sidewalk if possible).

As you know, the driveway is owned by Carrington Company and In-N-Out, while the project applicant only holds an easement for ingress/egress. Would In-N-Out be amenable to Mr. Norzei making any of the aforementioned improvements to the driveway, and if so, which ones? An emailed response that can be presented to the Planning Commission ahead of their May 9th meeting would be greatly appreciated.

Thanks for your help,
Cristin

Cristin Kenyon | Principal Planner
Planning Department | City of Eureka
ckenyon@ci.eureka.ca.gov (707) 441-4165

From: Jim Lockington <JLockington@innout.com>
Sent: Wednesday, February 9, 2022 11:53 AM
To: Cristin Kenyon <ckenyon@ci.eureka.ca.gov>
Cc: Gabe Hagemann <gabe@thecarrco.com>; Brice Burtchett <brice@thecarrco.com>
Subject: Discount Cigarettes Proposed Remodel



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Hi Cristin:

Gabe at the Carrington Companies let In-N-Out know about the pending remodel of the Discount Cigarette store next to our Eureka restaurant.

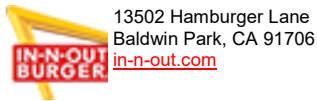
We do not oppose the upgrades they propose and believe they will be a nice improvement to the area.

We do share some concerns with Carrington and would ask that the City address these as appropriate within the authority and scope of City approvals and permitting conditions. These items include:

- Construction staging – the lot is very small so it will be a challenge for them to stay within their boundary during construction, yet they must do precisely that especially at the North and West edges to avoid impact to our and Carrington’s property access.
- Storm water discharge – to my knowledge there is no existing agreement for their stormwater to run onto adjacent Carrington or In-N-Out property so this cannot be permitted by the City.
- Waste Management – I didn’t see a trash enclosure on their plans. Waste management needs to be addressed to ensure that our and Carringtons facilities are not impacted.
- Parking – the proposal appears to meet city minimum code but please note that there is no agreement for reciprocal parking between the properties.

Thank you for your attention to the above concerns and please let me know if you have any questions.

Jim E Lockington | Manager, New Store Development
o 626 813 8289 | m 626 483 6795



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Subject:	Appeal of Norzei Commercial Remodel and Addition Coastal Development Permit CDP-21-0010 (AP-22-0001)
Location:	2710 Broadway (Hwy. 101)
APN:	007-121-006
Applicant:	Devin Medrud of CleekCo (Property Owner's agent)
Property Owner:	Ratib Norzei
Purpose/Use:	Remodel and expand an existing 2,928-sf commercial building into a 3,990-sf building with two retail tenant spaces, and make associated façade, parking, landscaping, and site access improvements.
Application Date:	September 28, 2021
General Plan:	GSC (General Service Commercial)
Zoning:	CS (Service Commercial)
CEQA:	Exempt under §15332, Class 32 Infill-Development Projects
Staff Contact:	Caitlin Castellano, Senior Planner
Recommendation:	Hold a public hearing; and Adopt a resolution to sustain the Director's conditional approval
Motion:	"I move the Planning Commission adopt a Resolution to sustain the Development Services Director's conditional approval of the Coastal Development Permit at 2710 Broadway."

Figure 1: Location Map



Figure 2: Site Maps



APPEAL SUMMARY

The proposed development is located in the Coastal Zone and requires a Coastal Development Permit (CDP). The Director of Development Services conditionally approved a CDP for the project on February 25, 2022 (Attachment 3). The Director-level approval received two appeals:

(1) An appeal filed by Colin Fiske on behalf of the Coalition of Responsible Transportation Priorities and Humboldt Baykeeper contesting the City's decision not to include Caltrans' recommendations for sidewalk and driveway improvements as conditions of CDP approval; and

(2) An appeal filed by Mark and Mary Ann McCulloch (owners of the property directly to the south of the project site) alleging stormwater drainage from Broadway and the adjoining property was not adequately addressed.

Actions by the Director may be appealed by any aggrieved person within 10 calendar days of the decision. The aforementioned appellants submitted appeals within the 10-day appeal period, and constitute "aggrieved persons" (and therefore have standing for appeal) because they spoke at the Director

hearing on the CDP, and/or otherwise informed the City of the nature of their concerns prior to the hearing. Pursuant to Eureka Municipal Code (EMC) §10-5.29310.2 (Appeals), the appeals must state why the decision of the Director is not in accord with the City's Local Coastal Program and/or why it is believed that there was an error or an abuse of discretion by the Director. The full text of the appeals is included as Attachment 2.

PROJECT SUMMARY

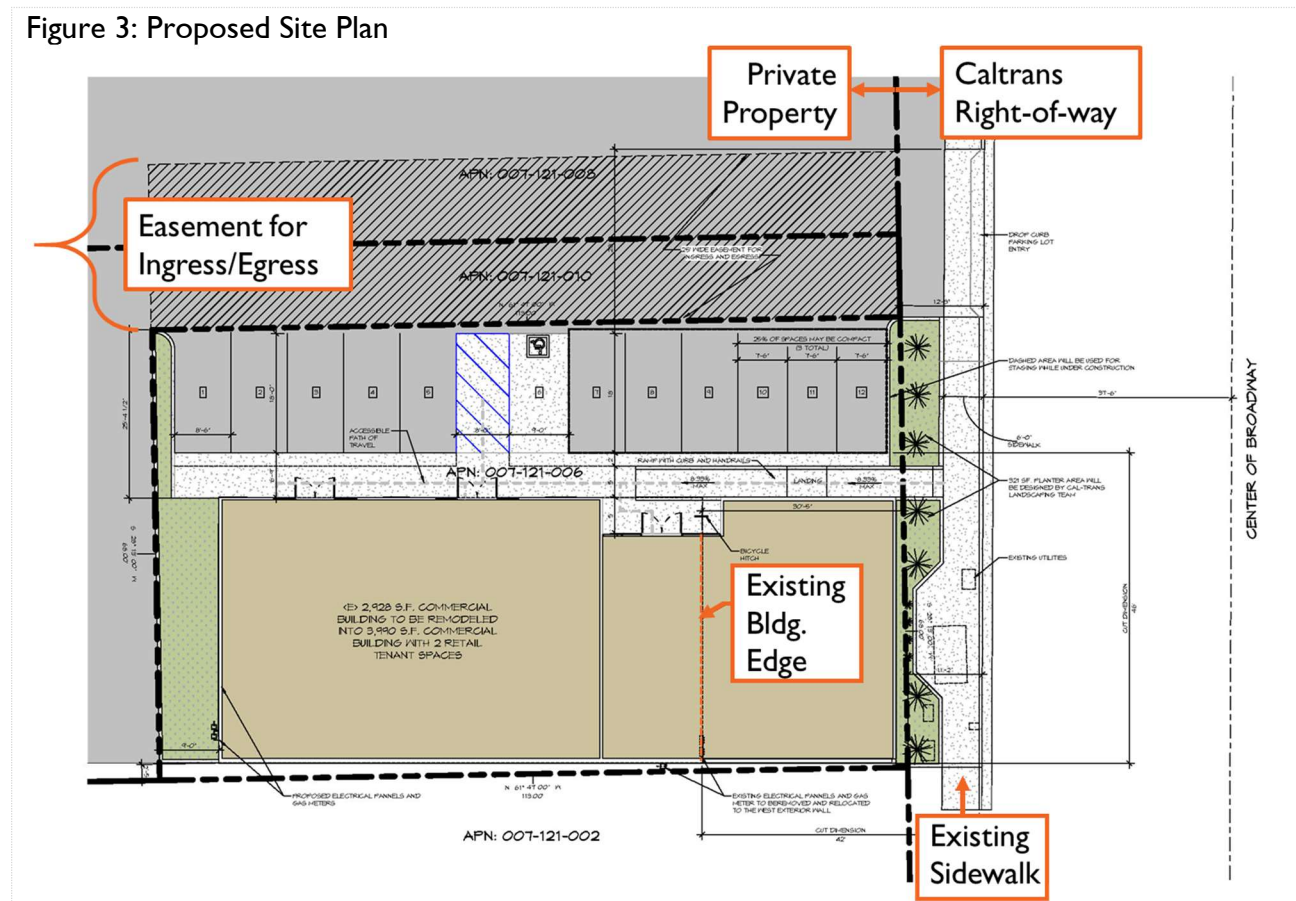
The applicant is proposing to remodel and expand an existing single-story commercial building on the west side of Broadway (Discount Cigarettes), and make associated façade, parking, landscaping, and access improvements. The proposed remodel/addition will increase the building size from 2,928 square feet to 3,990 square feet (a 1,062-square-foot addition), and will increase the number of commercial tenants from one to two.

SETTING & BACKGROUND

The subject parcel is approximately 7,684 square feet in size and located within a developed strip of commercial properties zoned Service Commercial (CS) that run along the western side of Broadway in southern Eureka. The site is directly surrounded by Broadway to the east, a drive-through restaurant to the north (In-N-Out), a parking lot to the west (associated with the multi-tenant commercial development behind In-N-Out owned by Carrington Company), and a vacant commercial structure to the south (previously Mr. Fish Seafood). A large wetland complex (zoned Natural Resources) is located further west towards Humboldt Bay, with the nearest wetlands and riparian habitat located approximately 100 feet to the southwest of the project site. The Bayview Motel (zoned Service Commercial) is located on a bluff across Broadway to the east.

The proposed additional building footprint will be accommodated on the east side of the project site, between the existing building and Broadway (Hwy. 101). A new façade is proposed for the exterior of the building to match the buildings in the adjacent newly developed Pacific Plaza shopping center (See Figure 5), and new landscaped planters are proposed west and east of the building (400 and 348 square feet, respectively). Twelve (12) parking spaces are proposed at the front (northern side) of the building, including eight standard spaces, three compact spaces, and one ADA-compliant space. The front of the building will also include an accessible path of travel for pedestrians with a ramp up to the sidewalk, and a bicycle hitch (for short-term bicycle parking).

Figure 3: Proposed Site Plan



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The parcel itself does not have direct vehicular access to Broadway, but has a 25-foot-wide easement for ingress and egress over adjacent parcels to the north where a driveway onto southbound Broadway exists (APNs 007-121-008 and 007-121-010; Instrument No. 2013-21057-3). A six-foot-wide sidewalk was recently constructed along Broadway adjacent to the parcel (See Figure 6).

Figure 4: Street View from Broadway Showing Existing Building



Figure 5: Proposed East (on the left, facing Broadway) and North (facing In-N-Out) Building Facades



SUMMARY OF DIRECTOR APPROVAL

Pursuant to EMC §10-5.29310.1, to approve a CDP, the Director (or Planning Commission on appeal) must find the proposed development conforms to the policies of the certified Local Coastal Program. The Local Coastal Program is divided into two components: the first component is the Land Use Plan (LUP), which is the General Plan specific to land in the Coastal Zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the Land Use Plan map. The second component of the Local

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Coastal Program is the Implementation Plan (IP), which includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific coastal zone ordinances necessary to implement the policies of the LUP.

The findings for the February 25, 2022 Director-level decision include findings of consistency with the General Service Commercial (GSC) land use designation, the purpose and standards of the Service Commercial (CS) zone district, the applicable goals and policies of the adopted and certified LUP, and the applicable coastal development standards of the IP (Attachment 3).

The Director approved the CDP subject to 10 Conditions of Approval. A number of the conditions are intended to prevent impacts to coastal resources including lighting and landscaping restrictions (Conditions 3 and 4), requirements for a construction-phase erosion and sediment control plan and post-construction stormwater control plan (Conditions 5 and 6), and required adherence to the City's inadvertent archeological discovery protocol (Condition 10). In addition, a number of the conditions alert the applicant to other necessary approvals, including the need for a City of Eureka Sign Permit for future signage (Condition 1), a Caltrans Encroachment Permit for work in the highway right-of-way (Condition 2), and Building and Fire permits from Development Services - Building and Humboldt Bay Fire (Condition 7). To address the risk of tsunami inundation at the project site, Condition 8 requires the applicant to develop and implement a Tsunami Safety Plan for safe evacuation of future occupants during a tsunami. Finally, Condition 9 indicates additional authorization will be required, including a modification to the CDP, if in the future a third tenant, a conditional use, or a use requiring additional off-street parking spaces (beyond the 12 parking spaces provided) is proposed. The full text of the Conditions of Approval can be found in the Director's Resolution in Attachment 3.

PLANNING COMMISSION REVIEW

The Planning Commission is charged with reviewing the action taken by the Development Services Director, which, in this instance, was to conditionally approve the CDP for the commercial remodel/addition project. Upon conclusion of the public meeting, the Planning Commission may sustain, modify, or overrule the Director-level decision by making findings that are consistent with the City's certified Local Coastal Program and the public access and recreation policies of Chapter 3 of the Coastal Act.

ANALYSIS OF APPELLANT'S CONTENTIONS

This section provides background on the subject of the two appeals and analysis of the appeal contentions.

I. Appeal I: Sidewalk and Driveway Improvements

An appeal was filed by Colin Fiske on behalf of the Coalition of Responsible Transportation Priorities and Humboldt Baykeeper contesting the City's decision not to include Caltrans' recommendations for sidewalk and driveway improvements as conditions of CDP approval.

Background

Caltrans has 100-feet of right-of-way across Broadway in the project vicinity, 50-feet on either side of the highway centerline. Under the proposed project, the existing building footprint on the project site would be expanded towards, but would remain outside of, the Broadway right-of-way (See Figure 3 above).

Figure 6: Recently-Constructed Sidewalk Adjacent to the Project Site



Caltrans recently constructed ADA-compliant sidewalk within the Broadway right-of-way, along the eastern perimeter of the project site. This sidewalk is six feet in width, except for a portion in front of the subject building that is wider (to address buried utilities), and connects to six-foot-wide sidewalks located north and south of the project site. The property line at the project site is not completely parallel with the sidewalk, with the distance from the face of the curb of the existing sidewalk to the eastern property boundary of the project site ranging from 11 feet, 2 inches in width, to 12 feet, 5 inches in width. This leaves between 5 feet, 2 inches to 6 feet, 5 inches of Caltrans right-of-way between the six-foot-wide sidewalk and the project site (See Figure 3 above). Under the proposed project, landscaping and a pedestrian access ramp would be added to this

area between the sidewalk and property boundary, replacing the existing pavement. The addition of this landscaping and pedestrian ramp to the Caltrans right-of-way will require approval by Caltrans through an encroachment permit process.

During the application review period for the subject CDP, referrals were sent to agencies and City departments with interest or jurisdiction over the proposed project, including Caltrans. In response to the project referral, Caltrans requested the recently constructed sidewalk in front of the project site be widened to 10 feet, and the proposed landscaping strip be located between Broadway and the sidewalk (rather than between the sidewalk and the building) to improve the pedestrian experience (See Attachment 4 for the full text of Caltrans' request).

The subject parcel itself does not have direct vehicular access to Broadway, but has a 25-foot-wide easement for ingress and egress over adjacent parcels to the north, where a driveway onto southbound Broadway exists (See Figure 3 above). Left turns into and out of the driveway are prohibited, so the driveway is not accessible from northbound Broadway. As part of the recent Caltrans sidewalk project mentioned above, Caltrans reconstructed the driveway apron to make it ADA-accessible (see Figure 7 below).

In response to the project referral, and in addition to requesting sidewalk improvements, Caltrans requested improvements to the driveway. Caltrans recommended reinforcing the existing left-turn prohibition and increasing safety by: (1) reducing the width of the driveway to no wider than 24 feet; (2) painting a right-turn directional arrow on the egress lane; (3) installing a no-left-turn

Figure 7: Recently Reconstructed Driveway Access for the Project Site



sign facing vehicles exiting the driveway; and, (4) designing the driveway as a “Case A” driveway per Caltrans Standard Plan A87A.

Eureka’s Public Works Department received a project referral as well as Caltrans’ comments on the referral. Based on all of the evidence in the record, Planning and Public Works together made the decision not to recommend conditioning the City’s CDP approval with a requirement to install the sidewalk or driveway improvements requested by Caltrans. Reasoning for that decision was included on pgs. 13-14 of the findings

of approval (Attachment 3). The Director approved the CDP per staff’s recommendation.

Contention I: Error and Abuse of Discretion by the Director

The appellants contend the Director erred and abused his discretion in approving the CDP without including Caltrans’ requested improvements as conditions of approval. To address this contention, the reasoning for the decision is discussed in detail below.

Eureka Municipal Code (EMC), Title IX, Chapter 98 includes standards for when public improvements are required for new buildings and for improvements to existing buildings. EMC §98.32 specifies that building alterations and enlargements with an aggregate value in excess of \$11,000 trigger construction or reconstruction to City standards of “curbs, gutters, sidewalks and driveway approaches along all street and alley frontages adjoining the property upon which such building or structure is situated, unless such public improvements already exist to the then prevailing standards of the city, which are in good repair and which are in such condition that they will not endanger persons or property or interfere with the public convenience in their use.”

The sidewalk and driveway approach at the project site were recently constructed by Caltrans to City standards, and are ADA-compliant and in excellent condition. As a result, improvements are not required by EMC §98.32. In addition, there are no other standards in the City’s municipal code, or in the City’s Local Coastal Program, that explicitly require the improvements recommended by Caltrans.

However, as the appellants contend, the City does have the discretion to require improvements beyond minimum standards. In wielding this discretion, City staff can and does consider feasibility. The subject driveway is located on two parcels north of the project site that are under separate ownership (APNs 007-121-008 and 007-121-010). The applicant has an easement over the driveway specifically for ingress/egress; the easement does not afford the applicant the ability to make improvements to the driveway without additional authorization from the driveway property owners. City staff had a conversation with a representative of one of the property owners (Carrington Company), in which the representative indicated they would not allow the applicant to construct the driveway improvements on their property, or otherwise use their

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property beyond ingress/egress allowed by the existing driveway easement. Given the existing driveway meets City standards and the improvements are not specifically mandated by City regulations, and with an understanding the improvements would not be possible given the lack of property owner consent, the requested driveway improvements were not required as a condition of approval.

As for the sidewalk improvements, the City has adopted a resolution (Resolution No. 6219; last revised in 2011) with standards and specifications for the construction of sidewalks in the City. This resolution defines the width of the sidewalk area as being the distance from the curb line to the property line, measured at right angles thereto, and specifies a geographic area (from A to J Street west to east, and from Humboldt Bay to 6th Street north to south) where sidewalk must be constructed the full width of the sidewalk area, as established by City ordinance. The resolution states that all sidewalks constructed outside of that geographic area are not required to be constructed to the full width of the sidewalk area, except where the sidewalk area is less than six feet in width. The resolution also states, “the width of new sidewalks shall match the width of existing sidewalks within the same block unless otherwise directed by the Director of Engineering.”

The sidewalk area established by City ordinance for Broadway in the project vicinity is nine feet in width. However, pursuant to Resolution No. 6219, because the project site is not in the geographic area where sidewalk must be constructed the full width of the sidewalk area, and because the existing sidewalk width on either side of the subject property is six feet, a six-foot-wide sidewalk meets City standards.

Again, as the appellants contend, the City has discretion to require improvements beyond minimum standards. In making the decision not to impose additional sidewalk improvements beyond minimum standards, City staff considered a number of variables. Not only are the sidewalks north and south of the subject parcel six feet in width, but the property to the north, with approximately 270 feet of Broadway frontage, was recently redeveloped with an In-N-Out, with a landscaped slope between the six-foot sidewalk and the drive-through lane. Caltrans did not request wider sidewalks when the In-N-Out project was referred in 2018.

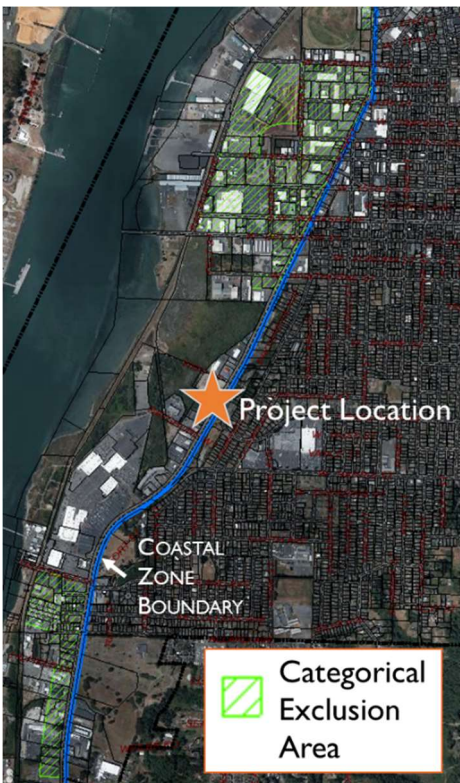
As the appellants mention, Caltrans is currently collaborating with the City and other stakeholders on the design of improvements that can be implemented on Broadway in the near-term to increase safety and mobility for all users, improve connectivity and transit access for pedestrians and cyclists, and decrease the level of traffic stress for pedestrians and cyclists. The project is in its initial kickoff phase which will culminate in a Project Initiation Report (PIR). At this stage, alternatives are being explored and no one design has been selected for sidewalk alignment, width, or landscape buffering. As a result, the current sidewalk improvements requested by Caltrans may not align with the design ultimately selected.

The proposed remodel/addition project will not preclude future widening of the sidewalk or the future addition of a landscaped buffer to the outer edge of the sidewalk. As mentioned above, the applicant is proposing landscaping in the Caltrans right-of-way between the existing six-foot-wide sidewalk and the property line. This landscaped area can be paved over in the future to widen the sidewalk when a plan is in place for the corridor. In the interim, the landscaping will improve the pedestrian experience along the adjacent sidewalk, improve the appearance of the property and the Broadway corridor, and infiltrate stormwater.

Given (1) the existing sidewalk is recently installed and in great condition, (2) the existing sidewalk is the same width as the recently constructed sidewalks to the north and south, (3) a broader sidewalk at the project site would displace proposed landscaping, (4) there is a project underway that will determine sidewalk design for the Broadway corridor in the near-future, and (5) the proposed remodel/addition will not preclude future sidewalk improvements, City staff determined that, given the context, it was not appropriate to require sidewalk improvements in front of the project site (along approximately 68 feet of frontage) at this time.

In addition, City staff considered the fact that neither the City nor Caltrans has required more than six-foot-wide sidewalks for other recent projects along Broadway in the project vicinity, including the approved and constructed In-N-Out and KFC developments, as well as for a hotel that is currently in the building permit process. Given these are larger projects with more street frontage and arguably a greater impact on pedestrian and vehicular traffic and safety, it did not seem appropriate to impose greater requirements on the project applicant, who has a relatively small frontage, in connection with a project that will not generate significant additional pedestrian or vehicular traffic. If the current six-foot-wide sidewalks without landscaped buffers do not afford enough safety and comfort for pedestrians, the City and Caltrans should adopt different standards and apply them uniformly.

Figure 8: Categorical Exclusion Area and Coastal Zone



Also, requiring a wider sidewalk with a landscaped buffer through conditions of CDP approval is not an effective way to impact coordinated and continuous change along Broadway. The inland side of the corridor is outside of the Coastal Zone (no CDP required), and development and redevelopment of permitted uses on a significant number of parcels within the Coastal Zone are exempt from CDP requirements through the City's certified categorical exclusion order (Categorical Exclusion Order E-88-2).

City staff agrees with the appellants that the current City and Caltrans standards should be reevaluated, and is actively participating in Caltrans' planning process to decide on how best to improve connectivity and decrease the level of traffic stress for pedestrians. However, City staff believes waiting until the planning process is complete, and adopting revised standards that are applied consistently and objectively, based on a coherent plan for this stretch of the Broadway corridor, is a fairer and more effective way to address the issue.

Caltrans is recommending the improvements because they are best practices for main streets and complete

streets, not because the project's impacts warrant improvements that were not previously warranted. Caltrans' comments do not reference any regulations that require the improvements, nor explain how the project impacts warrant the sidewalk improvements. These recommendations are most appropriately accepted legislatively by changing the City's standard

of review rather than through the quasi-judicial process of applying our current standards to an individual development. The City's job in reviewing a CDP application is to apply existing policy, not to write new policy.

As mentioned above, the sidewalk and driveway approach are in Caltrans right-of-way, and the applicant is proposing the addition of landscaping to the Caltrans right-of-way that will be reviewed and approved through the Caltrans' encroachment permit process. Because Caltrans is requesting the applicant make the aforementioned improvements rather than requiring them, and because Caltrans recently constructed the sidewalk and driveway, it is clear the existing sidewalk and driveway approach also meet Caltrans' minimum standards.

In applying discretion to impose conditions which would require improvements above minimum standards, City staff considered the effort that would be required to comply with the conditions, since conditions of approval must have rough proportionality with the impacts of the development the conditions would seek to mitigate. If a condition is easy and cheap to comply with, it is easier to find rough proportionality with the project impacts. Therefore, the discussion in the original staff report about the complications of sidewalk-widening at this location, due to the underground utilities and the hand railing and retaining wall on the existing sidewalk, is not irrelevant. Extending the sidewalk towards the property would be challenging given the aforementioned factors, and the impact of the project on existing sidewalk access is not great. The project will not result in any temporary closure of the sidewalk area or physically alter the existing sidewalk in any way, and will improve the pedestrian experience on the sidewalk by adding landscaping and additional store windows adjacent to the sidewalk. The project will also result in the construction of an accessible path of travel from the sidewalk to the storefronts of the remodeled and expanded building, and add a bicycle hitch in front of the building.

Conclusion

For all the reasons described above, the Director did not err and abuse his discretion in approving the CDP without including Caltrans' requested improvements as conditions of approval.

Contention 2: Decision Not in Accord with the City's Local Coastal Program

The appellant further contends that, without including a condition of approval requiring the improvements requested by Caltrans, the project is inconsistent with certified LUP Policies 5.B.7, 5.B.9, and 5.B.10. LUP Goal 5.B and associated Policies 5.B.7, 5.B.9, and 5.B.10 require maximization of public access throughout the City's coastal zone, consistent with the public access policies of the Coastal Act. The Director's findings of approval addressed Goal 5.B and associated policies together in one section on pg. 5 of the report. To address the appeal contention, the project's consistency with Policies 5.B.7, 5.B.9, and 5.B.10 is discussed in more detail below:

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

The access described in Table 5-2 and shown in Figure 5-1 of the LUP is limited; the closest existing/proposed access points/areas described are the foot of Truesdale Street (to the south), and the foot of W Del Norte Street (to the north). Since the LUP was adopted and certified, the City has developed a continuous 6.3-mile-long (and growing)

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waterfront trail route spanning the extent of the City limits. This trail (the Eureka Waterfront Trail/ California Coastal Trail) provides lateral access along the shoreline approximately 1,300 feet west of the project site. There is a publicly accessible vertical access trail located approximately 420 feet northwest of the project site on Vigo Street which connects the end of Vigo Street to the Eureka Waterfront Trail. Recently constructed, ADA-compliant sidewalk exists along both Broadway and Vigo Street, providing a continuous path of travel for pedestrians from the project site to the trail at the western end of Vigo Street.

No public access currently exists on the subject property. The project site is not located directly adjacent to the shoreline and is separated from the shoreline and the publicly-owned Maurer and Palco Marsh wetland complex by surrounding private property (a parcel owned by Carrington Company is located directly west and northwest of the project site, and the Mr. Fish property is located directly southwest). As a result, lateral and vertical public access to the shoreline is not feasible at the project site. In addition, there is no nexus between the project's impacts and a requirement to provide public access across the site.

The proposed project will not directly interfere with any of the accessways or access points described above, including the existing sidewalk along Broadway in front of the project site. No closure of the sidewalk is anticipated during project construction, and the project will not alter the existing sidewalk in any way, other than adding a landscaped strip between the sidewalk and the subject parcel, where there is currently pavement. This landscaping, which is not required by the CS zone district regulations, will improve the pedestrian experience along the existing sidewalk (as will the proposed additional windows facing Broadway). In addition, given the project will only result in the addition of 1,062-square-feet of floor area and an increase from one commercial tenant to two, any increase in demand for public access resulting from the project will be minimal and will be readily accommodated by the existing facilities. For all these reasons, the project can be found consistent with Policy 5.B.7.

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

The proposed project will not interfere with any existing public access support facilities including public off-street parking in the waterfront area. As described under Policy 5.B.7 above, any increase in demand for public access resulting from the project will be minimal and will be readily accommodated by the existing support facilities. Locating any new access support facility, such as a public access parking lot, at the project site is not practical given the site's isolation and distance (over a quarter mile) from the shoreline, and cannot be justified given the project will not have a significant impact on public access. The incremental amount of additional people that will come to Eureka as a result of the proposed remodel/addition and use the public access system is negligible.

The public sidewalk adjacent to the subject property can be considered a public access support facility, as it provides a pedestrian connection from Broadway to the network of coastal trails along the shoreline. The sidewalk is currently in good condition since it was

recently constructed, is ADA-compliant, and meets both the City and Caltrans' minimum requirements. As described under Policy 5.B.7 above, the project will not have a significant impact on this existing public access support facility. Under the proposed project, the sidewalk will remain, and a landscaping strip will be added adjacent to the sidewalk, between the sidewalk and the expanded building footprint. The sidewalk has adequate capacity for both existing users and any additional use generated by the remodel/addition project, and the project will make the sidewalk more comfortable for pedestrians by adding landscaping along its western perimeter, and by adding windows to the eastern building facade. For all the reasons described above, the project can be found consistent with Policy 5.B.9.

Policy 5.B.10. To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.

Both the Eureka Waterfront Trail (a segment of the California Coastal Trail) and the sidewalk along Broadway adjacent to the subject property are ADA-compliant. The project will not conflict with this existing access and there is adequate capacity along these accessways for any increase in demand generated by the proposed 1,062-square-foot addition to an existing building. The vertical access trail at the end of Vigo Street is a dirt path that is not ADA-compliant. Paved connections to the Waterfront Eureka Trail are located further north and south from the project site at some distance. However, adding a new vertical access route to the shoreline over the subject property is not feasible because the parcel is surrounded by private properties, and requiring the applicant to pay for paving the vertical access route to the shoreline at the end of Vigo Street would be a disproportionately large exaction given the project's nominal impact on demand for public access. For all these reasons, the project can be found consistent with Policy 5.B.10.

Conclusion

For all the reasons discussed above, City staff believes the project can be found consistent with the public access policies of the City's certified LCP and the Coastal Act without conditions of approval requiring the sidewalk and driveway improvements requested by Caltrans. Considering the negligible impact the project will have on public access to and along the coastline, City staff does not believe the aforementioned conditions would have an essential nexus or rough proportionality with the coastal access impacts of the development the conditions would seek to mitigate.

2. Appeal 2: Stormwater Drainage/Management

An appeal was filed by Mark and Mary Ann McCulloch (owner of the property directly to the south of the project site) alleging that stormwater drainage from Broadway and the adjoining property was not adequately addressed.

Background

The approximately 7,684-square-foot parcel is developed with an existing retail store and associated parking and is almost entirely covered with building and paved surfaces. Under the proposed project, 748 square feet of landscaped area will be added to the project site to the east and west of the expanded building (348 and 400 square feet, respectively), allowing for some onsite infiltration of stormwater, reducing the amount of runoff directed towards storm drains.

Under the City’s [Phase II Municipal Separate Storm Water Sewer System \(MS4\) Permit](#), the remodel/addition project is considered a “small project” because it will create and/or replace between 2,500 square feet and 5,000 square feet of impervious surface. Per the MS4 Permit, small projects are required to implement one or more designated Site Design Measures to reduce project site runoff, as described in the [LID Stormwater Manual for Humboldt County](#) (e.g., directing roof runoff to an onsite bioretention feature). The project applicant is required to submit a Stormwater Control Plan identifying Site Design Measure(s), delineating impervious areas and locations of runoff reduction measures, and calculating the project’s runoff reductions.

Prior to Director approval, the Stormwater Division of Public Works – Engineering reviewed the project and corresponded with the applicant to confirm (1) the proposed remodel/addition qualifies as a small project and (2) can feasibly meet the requirements for small projects.

Condition 6 of the Director’s approval requires the Permittee, prior to issuance of any building permits, to complete a Stormwater Control Plan review with Public Works – Engineering, consistent with the applicable standards of the MS4 permit and Humboldt LID Manual for small projects described above. The condition specifies that implementation of structural post-construction Site Design Measures shall be inspected by Public Works – Engineering.

Analysis of Appellant’s Concerns

The appellants are concerned the project will result in additional stormwater runoff issues on their adjacent property to the south (Mr. Fish; the appellant’s property). The project site slopes down to the northwest, away from the Mr. Fish property (See Figure 9). As a result, rainwater falling on the project site currently leaves to the northwest via overland flow. If the proposed project is constructed, rainwater that falls onto the project site will either be retained and infiltrated by the proposed new permeable landscaping areas, or will continue to flow to the northwest, away from the appellant’s property.

Figure 9: Site Elevation Contours



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Project No: AP-22-0001

Regarding roof runoff, under the proposed project, a parapet will completely enclose the roof, and all rainwater falling on the roof will be diverted to a drainpipe that will release the water into the proposed landscaping along the western perimeter of the property. The applicant has provided plans showing how the bioretention area will be designed with adequate depth/height to retain all roof runoff, and an elevated outlet will be installed to prevent flooding.

According to the appellant, runoff from the highway (and upslope of the highway) drains onto the Mr. Fish property. Unlike the project site, which has a continuous sidewalk with curb on Broadway, the Mr. Fish site includes two driveways that allow runoff to enter the property from the highway. The appellant contends that some of the highway runoff coming onto their property is currently able to drain onto the project site, across the paved area in front of the existing Discount Cigarettes building. The proposed expansion of the building towards the highway and installation of landscaping between the sidewalk and expanded building may prevent this runoff from flowing onto the project site in the future.

While this may be the case, the project is not responsible for the highway runoff and is not responsible for draining runoff from the neighbor's parcel. The project is adequately addressing stormwater management and drainage on the project site, and given site topography and the proposed diversion of roof runoff, runoff from the project site is not anticipated to affect the Mr. Fish property.

The standard of review for the subject CDP is consistency with the Local Coastal Program. Post-construction stormwater management is analyzed in the Director's report to ensure consistency with Goal 6.A and associated Policies 6.A.3 and 6.A.7 of the LUP, which are focused on protecting aquatic resources and the biological productivity and quality of coastal waters and wetlands. As discussed in the Director's findings of approval (pgs. 5-9), the proposed project as conditioned is protective of nearby wetlands and coastal waters consistent with Goal 6.A and associated policies.

For all the reasons discussed above, the project as conditioned adequately addresses stormwater management consistent with the policies of the Local Coastal Program.

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to §15332, Infill-Development Projects, Class 32 of the CEQA Guidelines, which exempts infill development within urban areas that meet certain criteria. The project meets this exemption because the project is consistent with applicable General Plan policies and Zoning Code standards and it will not result in significant effects on the environment; and because the project site is within City limits, is less than five acres in size, is substantially surrounded by urban uses, does not contain any wetlands or sensitive habitat, and can be adequately served by all required utilities and public services.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before March 25, 2022. In addition, the notice was posted on the City's website and bulletin boards. A public hearing notice sign was posted on the site on or before March 25, 2022.

CONCLUSION

The standard of review for Coastal Development Permits (CDPs) is consistency with the policies of the certified Local Coastal Program (EMC §10-5.29310.1). There was no error or abuse of discretion by the Director in his conditional approval of the subject CDP, because the proposed project, as conditioned by the Director’s approval, is consistent with the City’s certified Local Coastal Program. In addition, the project as conditioned is consistent with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976. As a result, the Director’s decision should be sustained.

STAFF CONTACT

Caitlin Castellano, Senior Planner, 531 K Street, Eureka, CA 95501; planning@ci.eureka.ca.gov;
(707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolutionpages 16-17
Attachment 2: Filed Appealspages 18-23
Attachment 3: Director Staff Report with Attachmentspages 24-54
Attachment 4: Letter from Caltrans in Response to the Initial Project Referral.....pages 55-57

RESOLUTION NO. 2022-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA TO SUSTAIN THE DEVELOPMENT SERVICES DIRECTOR'S CONDITIONAL APPROVAL OF A COASTAL DEVELOPMENT PERMIT (CDP-21-0010) FOR NORZEI COMMERCIAL REMODEL AND ADDITION AT 2710 BROADWAY (APN 007-121-006)

WHEREAS, the agent, Devin Medrud of CleekCo, has submitted an application and requested approval to remodel and expand an existing commercial building on the west side of Broadway (Discount Cigarettes), and make associated façade, parking, landscaping, and site access improvements at 2710 Broadway (APN 007-121-006); and

WHEREAS, the proposed project is located within the Coastal Zone and constitutes development requiring a Coastal Development Permit pursuant to EMC §10-5.29302; and

WHEREAS, on February 25, 2022, the Director of Development Services held a duly noticed public hearing via Zoom and conditionally approved a Coastal Development Permit for the project; and

WHEREAS, action by the Director on a Coastal Development Permit may be appealed to the Planning Commission by any aggrieved person within 10 calendar days of the decision; and

WHEREAS, two appeals from aggrieved persons were received within the 10-day appeal period; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on April 11, 2022, at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the action of the Director, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find there was no error or abuse of discretion by the Director, and the Director correctly determined the following facts:

- A. The project is consistent with the purpose of the project site's GSC land use designation and CS zoning district.
- B. The project as conditioned will avoid impacts to coastal resources and priority uses, will be served by adequate services, and will minimize risks to hazards.
- C. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).
- D. The project as conditioned conforms to the policies of the Local Coastal Program.
- E. The project qualifies for a Class 32 exemption from CEQA as an infill-development project (§15332 of the CEQA Guidelines) because: (1) the project is consistent with

applicable General Plan policies and Zoning Code standards; (2) the project will not result in significant effects on the environment; and, (3) the project footprint is within City limits, is less than five acres in size, is surrounded by urban uses, does not contain wetlands/ESHA, and is adequately served by all required utilities and public services.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby sustain the Development Services Director's conditional approval of Coastal Development Permit CDP-21-0010 for the Norzei Commercial Remodel and Addition.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 11th day of April, 2022 by the following vote:

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Craig Benson, Vice-Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary

ATTACHMENT 2
FILED APPEALS



Appeal Form

Contact Development Services – Planning with questions regarding this form, the appeal process, or general planning questions. Check the City’s website for open hours.

I want to appeal action by the:

- Director of Development Services – Planning
 Design Review Committee

This appeal is for action taken by the above body at a meeting held on the following date:

February 25, 2022 at 2:00 pm

The subject of the appeal is: CDP-21-0010

Applicant:	Devin Medrud of CleekCo (authorized agent)		
Project Number:	APN 007-121-006		
Location of Property:	2710 Broadway Street (Highway 101)		
The decision was an:	Approval	<input checked="" type="checkbox"/>	Denial

Indicate specifically wherein it is claimed there was an error or abuse of discretion by the above body (use additional sheets if necessary):

See attached.

For an appeal of a coastal development permit:

Explain why or how the decision is not in accord with the city’s Local Coastal Program (use additional sheets if necessary):

See attached.

Appellant:

If more than one, attach list, including addresses and contact information.			
I am the:	Applicant:	Interested person:	Date:
		<input checked="" type="checkbox"/>	March 4, 2022
Name:	See attached.	Signature:	<i>Colin Fiske</i>
Address:	See attached.	City:	See attached.
E-mail:	See attached.	Phone:	See attached.

Attached Supplemental Information for Appeal of Approval of Norzei CDP-21-0010

Appellants

Coalition for Responsible Transportation Priorities
145 G Street, Suite A
Arcata, CA 95521
colin@transportationpriorities.org
707-633-5603

Humboldt Baykeeper
600 F Street, Suite 3 #810
Arcata, CA 95521
jkalt@humboldtbaykeeper.org
707-499-3678

Error or abuse of discretion by Director of Development Services – Planning

As noted on p.13 of the staff report for the February 25, 2022 hearing, Caltrans requested the following improvements: “(1) reducing the width of the driveway to no wider than 24 feet; (2) painting a right-turn directional arrow on the egress lane; (3) installing a no-left-turn sign facing vehicles exiting the driveway; and, (4) designing the driveway as a “Case A” driveway per Caltrans Standard Plan A87A.” On p.14, the staff report went on to note that Caltrans also requested that the “sidewalk in front of the project site be widened from six feet to 10 feet, and the proposed landscaping strip be located between Broadway and the sidewalk (rather than between the sidewalk and the building).”

The staff report, however, went on to dismiss all of these requests, and the Director of Development Services (Director) also dismissed these requests when approving the Coastal Development Permit (CDP) at the February 25, 2022 hearing.

The staff report justified this dismissal by noting that Caltrans has recently made improvements to the sidewalk and driveway in this location. However, the improvements recently made to this location were required to bring the facilities up to the standards required by the Americans with Disabilities Act (ADA), not to more generally “make it safer for pedestrians,” as the staff report put it. Caltrans clearly recognizes that significant additional pedestrian safety improvements are needed in this location, as evidenced by: (a) the fact that they requested these additional improvements; (b) the fact that they are currently in the process of planning significant additional safety improvements to this segment of Broadway, a process of which the City of Eureka is well aware, as it is actively participating in the planning process.

The Director failed to address these points during the hearing, despite having received such comments beforehand, and apparently relied in error on the argument in the staff report in approving the project without the requested conditions. The Director made a more general argument during the hearing to the effect that Broadway is under Caltrans’ jurisdiction, and therefore it is neither the City’s nor the applicant’s responsibility to make improvements to the roadway. This is also an error. In fact, the City both can and must require modifications to

Broadway in order to ensure the safe and efficient functioning of the facility as determined by Caltrans and in order to meet the City's own adopted plans and codes.

For example, the Local Coastal Program requires developments in the CS zone to meet certain parking standards (Municipal Code §156.074(E)) contained within the City's since-updated zoning code (old Municipal Code §155.115 through §155.124). These standards require that "Each parking space shall have unobstructed access from a street or alley or from an aisle or drive connecting with a street or alley without moving another vehicle" (old Municipal Code §155.118(E)) and that "Entrances from and exits to streets and alleys shall be provided at locations approved by the Director of Public Works" (old Municipal Code §155.118(F)). There is no exception in the code for entrances, exits, aisles or drives which access streets under a different agency's jurisdiction. Indeed, the staff report for the February 25, 2022 hearing analyzes the application's compliance with these parking standards and does not argue that they do not apply simply because parking access is to a state highway. (Note that the staff report uses the old numbering scheme when referencing Municipal Code sections, while we use the new numbering.)

The City's adopted Coastal Land Use Plan (LUP) Policy 5.B.7 states as follows: "The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as described in Table 5-2 and shown in Figure 5-1." LUP Policy 5.B.9 further calls for the City to ensure that "public access support facilities are distributed throughout the Coastal Zone," and Policy 5.B.10 requires the City to "ensure universal public access to the waterfront, including support facilities."

The majority of the City's population resides east of Broadway, but within active transportation distance of the shoreline and the bicycle and pedestrian recreation system specified in LUP Policy 5.B.7. Therefore, meaningful coastal access and compliance with Policies 5.B.7, 5.B.9 and 5.B.10 requires provision of safe and effective infrastructure for people walking and biking on and across Broadway. Just as with the City's parking requirements, the fact that Broadway is under Caltrans jurisdiction has no bearing on the City's authority to require certain improvements affecting the right-of-way. The improvements requested by Caltrans are exactly intended to ensure that the subject project improves upon and does not interfere with the public access described in Policies 5.B.7, 5.B.9 and 5.B.10, and therefore must be required as conditions of approval.

Both the Director at the February 25, 2022 hearing and the staff report for that hearing additionally justified the dismissal of Caltrans' requested improvements by noting that (in the words of the staff report) "because the driveway is not located on the subject parcel, the applicant does not have the right to make improvements to the driveway without the authorization of the driveway property owners." This fact, however, is also irrelevant to considerations about circulation for this project. As noted above, there are no exceptions to City requirements for vehicular access due to a parcel's isolation from a public right-of-way. In other words, in the absence of the existing easement, the City would have required the applicant to provide vehicular access, *even if it meant negotiating that access with an adjacent property owner*. That requirement is permissible and in fact required under the city's adopted codes and

plans. Requiring the applicant to negotiate pedestrian safety improvements with an adjacent property owner is equally permissible and required under LUP Policies 5.B.7, 5.B.9 and 5.B.10.

Finally, the staff report for February 25, 2022 justified the dismissal of Caltrans' requested sidewalk improvements by noting several features which would "complicate" sidewalk widening, and further noting that landscaping is not required in the CZ zone and therefore "the City has no nexus to require landscaping at the front of the property." Both of these justifications are equally irrelevant. First, the existence of logistical complications has no bearing on the City's mandate under its own adopted codes and plans to ensure safe and efficient pedestrian circulation. Second, Caltrans' proposed landscaping modifications are clearly and explicitly intended to provide a safety buffer for pedestrians, not to require landscaping per se. If the City feels for some reason that it cannot require a *landscaped* safety buffer, that is no reason not to require a safety buffer of another kind. Despite being apprised of these facts beforehand, the Director apparently relied on these justifications among others in approving the CDP. This was an error.

In sum, the Director erred by relying on numerous flawed and/or inaccurate statements and arguments in approving the CDP without including Caltrans' requested improvements as conditions of approval.

Furthermore, we believe that the Director abused his discretion in failing to include Caltrans' requested improvements as conditions of approval. As described in detail above, the Director indisputably had the authority to include these conditions, even if he believed that he was not required to do so. The City of Eureka is consistently ranked among the most dangerous in the state for pedestrians by the California Office of Traffic Safety. The Mayor and City Council have publicly and repeatedly stated that improving traffic safety, and particularly pedestrian safety, is a top priority for the City. In this context, the Director's failure to include safety-enhancing conditions of approval qualifies as an abuse of discretion.

Decision not in accord with City's Local Coastal Program

Broadway is the first public road paralleling the sea in the vicinity of the project, and its seaward side is therefore in the "appealable area" for the Coastal Commission. The majority of the City's population resides east of Broadway, but within active transportation distance of the shoreline. Therefore, meaningful coastal access and compliance with LUP Policies 5.B.7, 5.B.9 and 5.B.10 requires provision of safe and effective infrastructure for people walking and biking on and across Broadway. This is exactly what Caltrans' requested improvements are intended to ensure. As described in detail above, the justifications made and relied on by the Director in approving the subject CDP without such conditions do not hold up under scrutiny. The project as approved is therefore in violation of the City's Local Coastal Program, specifically LUP Policies 5.B.7, 5.B.9 and 5.B.10. The Planning Commission must reverse the Director's approval and add Caltrans' requested improvements - including driveway narrowing and sidewalk widening and buffering - as new conditions of approval for the CDP.

Appeal Form

Contact Development Services – Planning with questions regarding this form, the appeal process, or general planning questions. Check the City's website for open hours.

I want to appeal action by the:

- Director of Development Services – Planning
 Design Review Committee

This appeal is for action taken by the above body at a meeting held on the following date:

Feb 25, 2022

The subject of the appeal is:

Applicant:	<i>Devin Medrud of CheckCo for Retrb Norzei</i>		
Project Number:	<i>CDP-21-0010</i>		
Location of Property:	<i>2710 Broadway</i>		
The decision was an:	Approval	<input checked="" type="checkbox"/>	Denial

Indicate specifically wherein it is claimed there was an error or abuse of discretion by the above body (use additional sheets if necessary):

Stormwater drainage from Broadway ? adjoining property was not adequately addressed in plan

For an appeal of a coastal development permit:

Explain why or how the decision is not in accord with the city's Local Coastal Program (use additional sheets if necessary):

See above

Appellant:

If more than one, attach list, including addresses and contact information.

I am the:	Applicant:	Interested person:	<input checked="" type="checkbox"/>	Date:	<i>3/7/22</i>
Name:	<i>Mark McCulloch / Mary Ann McCulloch</i>		Signature:	<i>[Signature]</i>	
Address:	<i>118 Old Forest Ln</i>		City:	<i>Eureka</i>	
E-mail:	<i>mcculloch.m@sbcglobal.net</i>		Phone:	<i>707-845-7786 Mary Ann</i>	

ATTACHMENT 3
DIRECTOR STAFF REPORT
WITH ATTACHMENTS



DIRECTOR OF DEVELOPMENT SERVICES

STAFF REPORT

February 25, 2022

Subject	Norzei Commercial Remodel and Addition Coastal Development Permit CDP-21-0010
Location:	2710 Broadway (Hwy. 101)
APN:	007-121-006
Applicant:	Devin Medrud of CleekCo (Property Owner's agent)
Property Owner:	Ratib Norzei
Purpose/Use:	Remodel and expand an existing 2,928-sf commercial building into a 3,990-sf building with two retail tenant spaces, and make associated façade, parking, landscaping, and site access improvements.
Application Date:	September 28, 2021
General Plan:	GSC (General Service Commercial)
Zoning:	CS (Service Commercial)
CEQA:	Exempt under §15332, Class 32 Infill-Development Projects
Staff Contact:	Caitlin Castellano, Senior Planner
Recommendation:	Hold a public hearing; and Adopt a resolution to approve with conditions
Motion:	<i>"I hereby adopt a resolution to conditionally approve Coastal Development Permit CDP-21-0010 for the commercial remodel and addition at 2710 Broadway (APN 007-121-006) in the CS Service Commercial zone district."</i>

Figure 1: Location Map



Figure 2: Site Maps



PROJECT SUMMARY

Devin Medrud of CleekCo has submitted an application on behalf of the property owner, requesting approval of a coastal development permit to remodel and expand an existing single-story commercial building on the west side of Broadway (Discount Cigarettes), and make associated façade, parking, landscaping, and access improvements. The proposed remodel/addition will increase the building size from 2,928 square feet to 3,990 square feet (a 1,062-square-foot addition), and will increase the number of commercial tenants from one to two. The larger of the two proposed tenant spaces has the potential to be divided into two retail spaces in the future (it has two entries and two bathrooms sited to allow for bifurcation of the space with an additional interior wall), which would bring the number of tenants to three.

The additional building footprint will be accommodated on the east side, between the existing building and Broadway (Hwy. 101). A new façade is proposed for the exterior of the building to match the buildings in the

adjacent newly developed Pacific Plaza shopping center, and new landscaped planters are proposed west and east of the building (400 and 321 square feet, respectively). Twelve (12) parking spaces are proposed at the front (northern side) of the building, including eight standard spaces, three compact spaces, and one ADA-compliant space. The front of the building will also include an accessible path of travel for pedestrians with a ramp up to the sidewalk, and a bicycle hitch (for short-term bicycle parking). A sign permit will be required for any future proposed tenant signage, as specified by **Condition I** of this permit.

Figure 3: Street View from Broadway





The subject parcel is approximately 7,684 square feet in size and located within a developed strip of commercial properties zoned Service Commercial (CS) that run along the western side of Broadway in southern Eureka. The site is directly surrounded by Broadway to the east, a drive-through restaurant to the north (In-N-Out), a parking lot to the west (associated with the multi-tenant commercial development behind In-N-Out), and a vacant commercial structure to the south (previously Mr. Fish Seafood). A large wetland complex (zoned Natural Resources) is located further west towards Humboldt Bay, with the nearest wetlands and riparian habitat located approximately 100 feet to the southwest of the project site. The Bayview Motel (zoned Service Commercial) is located on a bluff across Broadway to the east.

The parcel itself does not have direct vehicular access to Broadway, but has a 25-foot-wide easement for ingress and egress over adjacent parcels to the north where a driveway onto southbound Broadway exists (APNs 007-121-008 and 007-121-010; Instrument No. 2013-21057-3). A six-foot-wide sidewalk was recently constructed along Broadway adjacent to the parcel (See Figure 8 below).

COASTAL DEVELOPMENT PERMIT ANALYSIS

The proposed project is located in the Coastal Zone and requires a coastal development permit from the City. Pursuant to EMC §10-5.29310.1, to approve a coastal development permit, the Director must find the proposed development conforms to the policies of the certified Local Coastal Program.

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

Land Use Plan (LUP) Analysis

1. General Service Commercial (GSC) land use designation

The project site is located in the General Service Commercial (GSC) land use designation which provides appropriately located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area. The proposed project will revitalize an existing commercial building, increasing its footprint by 1,062 square feet, remodeling the interior of the structure, and increasing the number of commercial tenants from one to two (with the potential for three tenants in the future). The building is located in the midst of an established commercial corridor that exists on the west side of Broadway (Highway 101), the main north/south thoroughfare for people traveling through the City. Given its location on Broadway, the site is appropriately located for commercial establishments serving residents of the city and surrounding market area, and can accommodate the nominal increase in commercial intensity and density resulting from this project. Thus, the project is consistent with the purpose of the GSC designation.

2. LUP Goals and Policies

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

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

The proposed project will remodel and expand an existing commercial building located along the west side of Broadway within an existing mix of retail, restaurant, hotel, gas station and other commercial uses. The closest residential neighborhood is located across Broadway on top of the bluff and will not be impacted by the proposed project. This infill development will promote economic choices and expansion by increasing the amount of commercial space and number of commercial tenants at an existing developed site, and will not require new service extensions. The project site is currently almost entirely covered by impervious surfaces (building and pavement), with no valuable natural or ecological resources. As discussed under Goal 6.A. and Policy 6.A.5 below, the proposed project as conditioned will be sited and designed to avoid impacts to nearby wetlands and watercourses. For all these reasons, the proposed project as conditioned is consistent with Goal 1.A and associated policies.

Goal 1.L To ensure an adequate supply of commercial land for and promote the development of commercial uses to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality.

The proposed remodel and addition will have a positive impact on economic vitality by improving the appearance and accessibility of an existing commercial property and by adding commercial space and an additional commercial tenant at an appropriate location capable of accommodating increased density. The proposed project thus helps ensure an adequate supply of commercial space to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality consistent with Goal 1.L and associated policies.

Goal 4.A To ensure the effective and efficient provision of public facilities and services for existing and new development.

The proposed project involves expanding the footprint of an existing commercial building by 1,062 square feet, and increasing the number of commercial tenants from one to two (with the potential for three tenants in the future). This will result in a nominal increase in demand for City services. In addition, by accommodating growth through increased density within an already developed commercial strip, the proposed project will minimize the public cost of any increase in demand for City facilities and services. The proposed project will rely on existing utility connections. As a result, the proposed project will ensure the effective and efficient provision of public facilities and services consistent with Goal 4.A and associated policies.

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

The project site is located in close proximity to the publicly-owned Maurer and Palco Marsh wetland complex, but it is separated from the public open space by surrounding private property. The project site is less than 300 feet from Vigo Street, which dead-ends at a trail that provides vertical public access through the wetland complex to the shoreline, and connects to the Eureka Waterfront Trail, a segment of the California Coastal Trail, which provides access along the shoreline approximately 1,500 feet west of the project site. The Eureka Waterfront Trail is part of a continuous 6.3-mile-long (and growing) waterfront trail route spanning the extent of City limits.

The recent redevelopment of the commercial properties to the north of the subject parcel resulted in new sidewalks along Broadway and Vigo Streets to the north, and a recent Caltrans safety project resulted in a new sidewalk with a hand railing directly in front of the subject property (See Figure 8 below). These sidewalks provide an accessible path of travel for pedestrians from the project site to the trail at the end of Vigo Street. Under the proposed project, the new sidewalk in front of the project site will remain, and a landscaping strip will be added adjacent to the sidewalk, between the sidewalk and the expanded building footprint.

Construction of the project is anticipated to take approximately five and a half months, and no closure of the sidewalk is anticipated during construction. To ensure any temporary construction impacts on public access are minimized, **Condition 2** clarifies that all work in the right-of-way will require an Encroachment Permit from Caltrans.

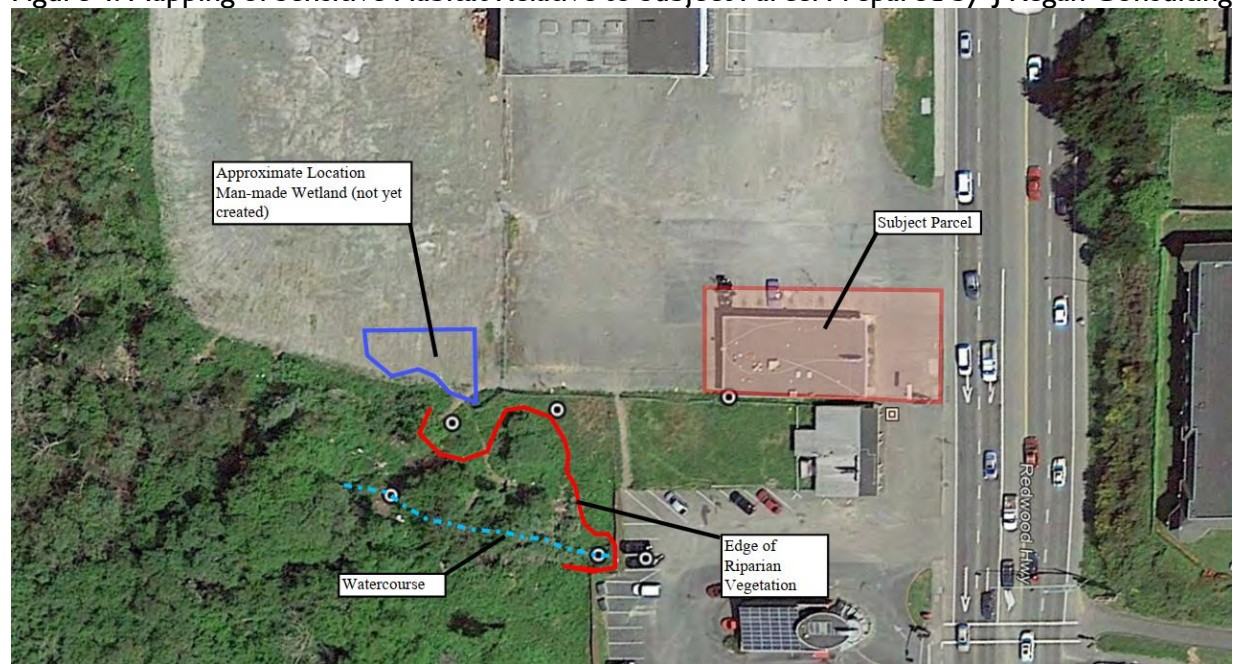
For all the reasons mentioned above, the project will not impact any existing access facilities either through direct conflict or anticipated increases in demand. Therefore, the project will have no significant adverse effect on public access, and the project, as proposed without new public access, can be found consistent with this goal and associated policies.

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

The proposed project is located on a parcel that is almost entirely covered by impervious surfaces (building and pavement) with no existing vegetation. However, the parcel is located east of the Maurer and Palco Marsh wetland complex which contain valuable wetland and riparian habitat that connects to Humboldt Bay.

J Regan Consulting prepared a “Wetland and Watercourse Evaluation” for the subject project, including field surveys of the project vicinity on June 19 and July 3, 2021 that identified the outer boundary of the marsh’s riparian habitat to be a minimum distance of 100 feet from the southwest corner of the subject parcel. The consulting biologist also identified an intermittent watercourse at a minimum distance of 91 feet from the southwest corner of the subject parcel. Finally, the consulting biologist identified a manmade wetland consisting of a rock-lined basin dominated by cattail (*Typha latifolia*) and lamp rush (*Juncus effuses*) located a minimum distance of 140 feet from the southwest corner of the subject parcel. This wetland feature was created during the recent redevelopment of the adjacent properties to the west and north to capture and infiltrate stormwater and is not considered an environmentally sensitive habitat area (ESHA) because it has been created and continuously maintained for stormwater management.

Figure 4: Mapping of Sensitive Habitat Relative to Subject Parcel Prepared by J Regan Consulting



Development components that have the potential to impact the nearby wetland complex include noise, lighting, landscaping, and runoff. However, the subject commercial development is minor considering the size and volume of existing businesses along the commercial corridor, and the improved and expanded commercial space will continue to be located inside a building. As a result, the operation of the proposed project is not expected to increase ambient noise levels.

The proposed exterior lighting is confined to the building and concentrated on the northern and eastern sides of the building (facing In-N-Out and Broadway) away from the sensitive habitat. The applicant has submitted lighting details demonstrating that the proposed wall sconces will be downcast (See Attachment 2, Plan Sheet LI.1). In response to the City’s project referral, California Department of Fish and Wildlife (CDFW) staff indicated that they approved of the downward-facing lights, and recommended that exterior lighting meet the International Dark Sky Association’s requirements for reducing waste of ambient light (“dark sky compliant”). The California Coastal Commission staff also recommended that the City ensure that all approved lighting is not a nuisance to traffic along Highway 101. In response to these recommendations, lighting limitations have been included as **Condition 3**.

Regarding landscaping, the applicant has submitted landscaping plans indicating that no problematic or invasive plant species will be planted at the project site. CDFW staff reviewed the landscaping plans and recommended the applicant consider use of more native plant species. To ensure all proposed plantings do not adversely impact nearby sensitive habitat, **Condition 4** has been added prohibiting planting of invasive and problematic plant species, and prohibiting use of rodenticides containing any anticoagulant compounds. Given that sensitive habitat exists within 100 feet of the landscaped planter proposed on the western perimeter of the site, Condition 4 also requires that a minimum of 50% of this 400-square-foot western planter be covered with groundcover, shrubs, turf, or other types of plant at maturity, and that 100% of the vegetation be species native to Eureka as listed by the California Native Plant Society. As a result of Condition 4, the proposed landscaping will not only avoid impacts to nearby sensitive habitat, but it will also strengthen the physical buffer between the development and the subject habitat.

Finally, to address potential impacts from runoff during construction and for the life of the development, as discussed further under Policy 6.A.3 below, **Conditions 5 and 6** have been added requiring the applicant to submit and comply with a construction-phase Erosion and Sediment Control Plan, and post-construction Stormwater Control Plan review, consistent with the applicable standards of [the City's Phase II MS4 Stormwater Permit](#). While the project site is currently almost entirely covered in impervious surfaces with all stormwater runoff directed towards storm drains, the proposed project will add 748 square feet of landscaped area, allowing for some on-site stormwater infiltration.

For all these reasons, the proposed project as conditioned will protect aquatic resources and preserve nearby marine and wetland habitat consistent with Goal 6.A.

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

Construction activities could result in sediment, debris, and other pollutants entering nearby wetlands and watercourses and impacting water quality. The project site is relatively flat and the proposed work includes minimal grading. Nevertheless, to avoid erosion during project construction, the applicant proposes a number of construction-phase best-management practices (BMPs), including: 1) installing silt fencing or wattles at downhill locations, five feet from the toe of stockpiles, and as necessary to retain all sediment on site; 2) covering and anchoring all temporary stockpiles during high wind events; 3) utilizing drain inlet protection; 4) maintaining erosion control material onsite or in a readily accessible location for quick installation due to untimely weather; and 5) monitoring before and after rain events to verify erosion control measures work effectively. To ensure BMPs will be in place to prevent the discharge of construction waste, debris or contaminants into the storm water system or nearby wetlands and watercourses, **Condition 5** has been added requiring the applicant to submit a construction-phase Erosion and Sediment Control Plan prior to commencement of construction, for review and approval by Public Works - Engineering, in accordance with provision E.10.b of the City's Phase

II MS4 Stormwater Permit. Condition 5 requires that the identified BMPs be installed prior to commencement of construction and that Public Works - Engineering be contacted 24 hours in advance for inspection of the BMPs.

The approximately 7,684-square-foot parcel is developed with an existing retail store and associated parking and is almost entirely covered with building and paved surfaces. Under the proposed project, 748 square feet of landscaped area will be added to the project site, allowing for some onsite infiltration of stormwater, reducing the amount of runoff directed towards storm drains. Because the proposed project is replacing less than 5,000 square feet of impervious surface, it is considered a “small project” by the MS4 Permit, and is required to incorporate at least one Low Impact Development (LID) site design measure to reduce project site runoff, as described in the LID Stormwater Manual for Humboldt County. **Condition 6** has been added requiring the applicant to complete a post-construction Stormwater Control Plan review with Public Works - Engineering to ensure compliance with the MS4 Permit standards for small projects. Furthermore, Condition 6 specifies that implementation of proposed structural post-construction site design measures shall be inspected by Public Works - Engineering.

Thus, the proposed project as conditioned avoids any adverse impacts to the biological productivity and quality of nearby wetlands and watercourses, including through controlling the quantity and quality of runoff, consistent with Policy 6.A.3.

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

The proposed project is entirely located on a paved and developed site, and all proposed site accessways and utility connections avoid environmentally sensitive habitat areas (ESHAs). As a result, no direct impacts to ESHAs will result from the project.

Regarding indirect impacts, there is an ESHA near the project site to the west, adjacent to Humboldt Bay. Pursuant to Policy 6.A.6,¹ wetlands and riparian vegetation in the project vicinity constitute ESHA. As detailed above under Goal 6.A and Policy 6.A.3, the proposed development as conditioned includes siting and design measures to avoid degradation of this nearby ESHA, including:

- **Physical buffers:** The project will maintain a minimum buffer of 91 feet from the nearest ESHA (a small watercourse emanating from under the pavement of an adjacent parking lot to the south of the subject property), and a minimum buffer of 100 feet from riparian habitat associated with the Maurer and Palco Marsh wetland complex. The adequacy of the minimum 91-foot-wide buffer to protect the habitat areas has been analyzed by a qualified biologist and is discussed under Policy 6.A.19 below.
- **Post-construction lighting limitations:** An exterior lighting plan has been submitted proposing limited, downcast exterior lighting on the north and east sides of the building that does not extend into any ESHA, and **Condition 3** has been added, consistent with

¹ Policy 6.A.6 states, in part, “The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:...rivers, creeks, sloughs, gulches and associated riparian habitats,...wetlands and estuaries...”

the recommendations of CDFW staff, to further ensure that there are no lighting impacts on nearby habitats.

- Post-construction landscaping limitations: To ensure the proposed landscaping does not adversely impact surrounding habitat, **Condition 4** has been added prohibiting planting of invasive and problematic plant species, prohibiting use of rodenticides containing any anticoagulant compounds, and requiring 100% native species coverage in the new landscaped planter along the western perimeter of the project site between the building and nearby ESHA.
- Construction-phase erosion control and post-construction stormwater management: Indirect impacts to nearby ESHA could result from sediment or chemical laden runoff from the subject parcel during or after development. As discussed further under Policy 6.A.3 above, **Conditions 5 and 6** have been added requiring the applicant to submit and comply with a construction-phase Erosion and Sediment Control Plan, and post-construction Stormwater Control Plan review, consistent with the applicable standards of the Phase II MS4 Stormwater Permit. The project is anticipated to have an overall positive impact on the quantity and quality of runoff because it will increase the amount of permeable landscaped area onsite.

The proposed project will remodel and expand an existing commercial development that is limited in intensity compared to other commercial development in the vicinity. Given the current condition of the project site, the limited scale of the development, and the proposed buffers and mitigation measures to further limit and shield potential disturbances, the proposed development will prevent impacts which would significantly degrade nearby ESHA, and will be compatible with the continuance of such habitat areas consistent with Policy 6.A.7.

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

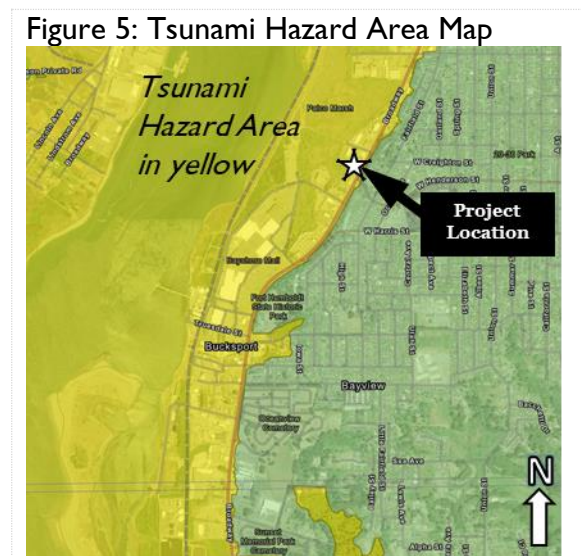
The project footprint is a minimum of 100 feet from nearby ESHA consistent with this policy, except that a small watercourse ESHA is located approximately 91 feet to the southwest of the project site. According to the consulting biologist, this watercourse has a defined bed and bank (approx. 3-4 feet wide and shallow) and emanates from under the parking lot of the adjacent parcel to south (likely receiving inputs from stormwater drainage) and travels west through often thick understory vegetation to join the large wetland complex west of the project site. The subject watercourse is 91 feet from the parcel at the point at which it flows from under the pavement of the parking lot. Development at the project site will not result in the removal or alteration of this watercourse feature. The buffer area between the watercourse and the project site has already been developed into a paved parking lot and a managed (mown) field covered with ruderal grasses and forbs. The proposed remodel and addition will not result in any further

encroachment towards this ESHA, and will add a landscaped planter with native vegetation to the western perimeter of the project site, which will improve the existing buffer.

As a result of this context, and the proposed and conditioned measures to avoid impacts from project lighting, landscaping, and runoff discussed in detail under Goal 6.A and Policies 6.A.3 and 6.A.7 above, allowing a reduced buffer of 91 feet from the edge of the small watercourse feature is adequate to protect the resources of the habitat area, consistent with Policy 6.A.19.

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

The project site is within a seismically active area in which large earthquakes are expected to occur during the lifespan of the development. **Condition 7** has been added to ensure the applicant is aware of the need for building permit review and approval prior to commencement of construction, to ensure City review of final building plans for proper design given the geologic hazards.



The project site is located within the mapped tsunami inundation area on the Tsunami Inundation Map for Emergency Planning (Figure 5; California Geological Survey, 2020) and is at risk of tsunami inundation from waves generated from a variety of local and distant sources. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay shoreline within minutes and tsunami run-up could affect the project site.

The tsunamis risk can best be minimized through timely evacuation from the tsunami inundation zone. Therefore, **Condition 8** has been added requiring the applicant to submit a “Tsunami Safety

Plan” for review and approval by Development Services – Planning. The plan is required to include 1) a map of the evacuation route; 2) hazard risk notification procedures, including information on where tsunami evacuation information will be conspicuously posted within the building; and 3) training procedures for future commercial tenants to ensure the plan is effectively implemented for the life of the development.

For all the reasons discussed above, the project as conditioned will minimize risk to life and property from geologic hazards consistent with Goal 7.B and associated policies.

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

The project site is located approximately 1,500 feet from the Humboldt Bay shoreline outside of the FEMA mapped floodplain. Access to the site via Broadway is also outside of the floodplain. The current elevation of the site ranges from approximately 13 to 16 feet (North American Vertical Datum, 1988 [NAVD88]). The proposed project involves improvements to an existing

structure² that will not exacerbate or increase flood hazards. The proposed additional building footprint will be accommodated on the east side of the building adjacent to Broadway, so that the project does not result in structural encroachment toward the bay, wetlands, and associated floodplain. As a result, the proposed development minimizes flood hazard risk consistent with Goal 7.D and associated policies.

Implementation Plan (IP) Analysis

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

I. Purposes of the Zone District

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

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

The proposed project is a remodel and expansion of an existing commercial building in the midst of an established commercial corridor on the west side of Broadway, the main north-south thoroughfare through Eureka. As a result, the project site is appropriately located in an area that is easily accessible to residents of the City and surrounding area, consistent with this purpose statement.

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

The project is located on Broadway in southern Eureka where retail stores and service establishments have concentrated for the convenience of the public and in mutually beneficial relationship to each other. The project will further concentrate development in this location by expanding an existing commercial building by 1,062 square feet and adding a second commercial tenant to the building.

The project will also benefit surrounding commercial businesses by improving the appearance of the building and site with a new building façade, exterior building-mounted lighting, landscaping, bicycle hitch, parking striping, and accessible pedestrian path of travel from the sidewalk to the building storefronts. The new façade is designed to match the buildings in the adjacent newly developed shopping center, with stone cladding material

² Although the City's LCP does not have a definition of redevelopment, the Coastal Commission's regulations indicate that the replacement of 50% or more of a structure constitutes a new replacement structure, so that the structure can no longer be considered existing [CA Govt. Code §13252(b)]. The Coastal Commission has generally interpreted this to mean replacement of 50% or more of the major structural components of the building. The proposed project mainly involves cosmetic repairs, interior renovations, and routine external repairs (reroofing and siding replacement) that do not constitute redevelopment under this definition. Regarding impacts on the structural components of the building, two of the four exterior walls (the eastern and northern walls) will be removed, but the other two exterior walls, the foundation, and the roof members will remain. Therefore, the project involves replacement of less than 50% of the major structural components of the building and does not constitute redevelopment.

Figure 6: Building Perspective, Showing the East (on the left, facing Broadway) and North (facing In-N-Out) Exterior Elevations



covering significant portions of the building walls (with “porcelain” and “cobalt”-colored stucco on the remaining wall area), three transparent building entries with metal awnings along the north side of the building facing In-N-Out, large windows on the east side of the building facing Broadway, decorative wall sconces, and roof-height variation with three levels of parapets. The electric panels and gas meter at the front of the existing building that are visible from Broadway will also be relocated to the western exterior wall where they will be out of view from the highway. Any future signage will require Sign Permit approval from the City and must be found consistent with the sign standards in EMC §10-5.1701 et seq., which is included in Condition I. The proposed investment in the property and its superior design will improve the appearance of the area, benefitting surrounding businesses and the City as a whole.

For all these reasons, the proposed project is consistent with this purpose statement.

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

The subject parcel is not needed for the location or expansion of any community facility or institution, and there is ample underutilized land in the area to accommodate any future proposed community use. Thus, the proposed project can be found consistent with this purpose statement.

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

Pursuant to EMC §10-5.1603, no loading berth is required for commercial establishments that are less than 4,000 square feet in size; the remodeled and expanded building will be 3,990 square feet in size and will not include a loading berth. Pursuant to EMC §10-5.1503.2, one (1) off-street parking space is required per 300 square feet of “retail sales and service” space and 1,000 square feet of storage use space. The remodeled and expanded structure will include 3,625 square feet of retail space and 365 square feet of storage space, requiring 12 parking spaces in total. Twelve (12) parking spaces are proposed at the front (northern side) of the building to meet this requirement, including eight standard spaces, three compact spaces, and one ADA-compliant space.

The remodeled and expanded structure will accommodate two commercial uses; however, the exact nature of these uses is not yet determined. The EMC requires

additional parking space allocation for restaurants, bars, and cafes, as well as medical and dental offices. Restaurants are also a conditional use requiring a conditional use permit (EMC §10-5.29133). **Condition 9** has been added to clarify that additional authorization will be required from Development Services – Planning, including but not limited to, a modification to this Coastal Development Permit, if future tenants of the building (1) do not qualify as principally permitted uses in the CS zone district pursuant to EMC §10-5.29132, and/or (2) require additional off-street parking spaces beyond the 12 spaces provided, as specified in EMC §10-5.1501 et seq. (Off-Street Parking Facilities). As a result, the proposed project will have adequate parking consistent with this purpose statement.

- (e) **To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;** The proposed project will increase the size of an existing commercial building by 1,062 square feet and will remodel the interior of the structure, increasing the number of commercial tenants from one to two (with the potential for three tenants in the future). Utilities are available on-site and the remodeled and expanded building will not overload utilities. Based on recent capacity analysis performed for the City of Eureka 2040 General Plan Update Environmental Impact Report (General Plan EIR; 2018), the City has adequate water and sewer capacity to serve the City’s anticipated development. The General Plan EIR anticipated the subject parcel being designated General Commercial with a maximum floor-area-ratio (FAR) of 2.5; under the proposed project, the site’s FAR will remain less than 1.0. As a result, there is adequate capacity to serve the anticipated increase in utility demand at the subject parcel.

The project has been reviewed by Caltrans and Public Works – Engineering and neither expressed concerns with the traffic capacity impact of the proposed remodel and addition. Regarding traffic circulation, the subject parcel itself does not have direct vehicular access to Broadway, but has a 25-foot-wide easement for ingress and egress over adjacent parcels to the north, where a driveway onto southbound Broadway exists. Left turns into and out of the driveway are not permitted, so that the driveway is not accessible from northbound Broadway.

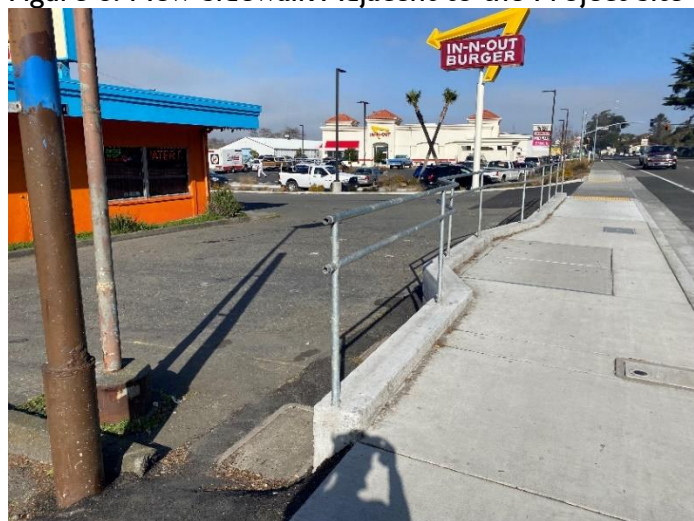
In response to the project referral, Caltrans requested improvements to the existing driveway directly north of the subject parcel where the subject parcel has an easement for ingress/egress. The improvements are requested to ensure compliance with the right-turn-only limitation, and include: (1) reducing the width of the driveway to no wider than 24 feet; (2) painting a right-turn directional arrow on the egress lane; (3) installing a no-left-turn sign facing vehicles exiting the driveway; and, (4) designing the driveway as a “Case A” driveway per Caltrans Standard Plan A87A.

A recent Caltrans safety project resulted in the reconstruction of the existing driveway to make it safer for pedestrians. Because the driveway was just recently reconstructed and connects to new sidewalk to its north and south, the City does not believe it is appropriate to require reconstruction again at this time to narrow the driveway or change its design. In addition, because the driveway is not located on the subject parcel, the applicant does not have the right to make improvements to the driveway without the authorization of the driveway property owners (APNs 007-121-008 and 007-121-010).

Figure 7: Recently Reconstructed Driveway Access for the Project Site



Figure 8: New Sidewalk Adjacent to the Project Site



Therefore, the City has provided Caltrans' comments to the applicant but is not requiring driveway improvements as a condition of this project.

In response to the project referral, Caltrans has also requested that the recently constructed sidewalk in front of the project site be widened from six feet to 10 feet, and the proposed landscaping strip be located between Broadway and the sidewalk (rather than between the sidewalk and the building) to improve the pedestrian experience. While City of Eureka Public Works – Engineering agrees that the requested improvements would be positive, they do not feel it is appropriate to require the sidewalk widening at this time, given that Caltrans just installed a sidewalk at this location, and its design with hand railing and retaining wall would significantly complicate a sidewalk-widening project. The underground utilities in the sidewalk area at this location would also complicate redesign. Further, landscaping is not required in the CS zone district, so the City has no nexus to require the landscaping at the front of the property. If the sidewalk were to be widened, the applicant

would accommodate the wider sidewalk with a narrower landscaped strip so that the building expansion could occur as planned. Therefore, the City is not requiring the sidewalk improvements recommended by Caltrans. Without the recommended improvements, the project will still result in the construction of an accessible path of travel from the sidewalk on Broadway to the storefronts of the remodeled and expanded building. This will allow safe access to the site for pedestrians and bicyclists separated from vehicular traffic.

Finally, Caltrans has indicated that no portion of the building should extend into the Caltrans right-of-way, including the foundation and roof eaves; and any work within, or from, Caltrans right-of-way will require an Encroachment Permit from Caltrans. These requirements have been added as **Condition 2**.

For all the reasons described above, the proposed project will minimize traffic congestion and avoid the overloading of utilities consistent with this purpose statement.

- (f) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;**
The tenants that will occupy the remodeled and expanded commercial structure have not been identified. However, without additional City authorizations, including a use permit and modification to this Coastal Development Permit, only principally permitted uses in the CS zone district will be allowed to occupy the tenant spaces. Permitted uses in the CS zone district are limited to residential, commercial, and light industrial uses that do not pose a significant risk of fire, explosion, noxious fumes, and other hazards. Therefore, the proposed project can be found consistent with this purpose statement.
- (g) To provide appropriately located areas for commercial uses having features that are incompatible with the purposes of the other commercial districts;**
The west side of Broadway in the project vicinity provides a location for intensive auto-oriented commercial uses like drive-through restaurants and gas stations, that would not be appropriate in other commercial districts such as in the City's Neighborhood Commercial zone district, or in the Commercial Waterfront zone district in the Old Town/Core Area. The proposed commercial remodel and addition increases the density and intensity of use of an existing retail building in an area that can accommodate the increase, consistent with this purpose statement.
- (h) To permit additional development in mixed commercial areas containing both retail stores and commercial services; and,**
The proposed project provides additional commercial space in a commercial area containing both retail stores and commercial services consistent with this purpose statement.
- (i) To allow a wider choice of location for certain industrial uses that do not have an adverse impact on commercial services.**
Although certain light industrial uses are principally permitted in the CS zone district, the subject building is designed for commercial retail and service uses. As a result, future tenants of the remodeled and expanded building are not anticipated to be industrial in nature. However, the proposed project will create additional space for general commercial use on a property already zoned and developed for that use, lessening demand for land elsewhere where industrial uses can locate. Therefore, the proposed project can be found consistent with this purpose statement.

2. Zone District Standards

The project site is located in the CS (Service Commercial) zone district. Pursuant to EMC §10-5.201, the CS zone district has no minimum front, side, or rear yard setback requirements, a maximum height limit of 55 feet, and a 120% maximum floor area ratio (FAR). Even with the

proposed remodel/addition, the building fits within these parameters. The maximum building height is under 27 feet, and the FAR is less than 1.0.

The proposed project includes 12 parking spaces, the minimum required by the code for use of the building primarily for retail sales and services.³ **Condition 9** has been added clarifying that any future tenant having a greater off-street parking demand as specified by EMC §10-5.1501 et seq. (Off-Street Parking Facilities) is not allowed without a modification to this Coastal Development Permit. One (1) of the 12 spaces will be ADA-compliant (the minimum required pursuant to EMC §10-5.1503.5) and three (3) will be compact (the maximum allowed pursuant to EMC §10-5.1503.6). No loading berth is required by the code and no loading berth is proposed. The dimensions of the parking spaces meet minimum requirements, and the existing easement for ingress/egress directly to the north of the parking spaces provides the necessary 25-foot-wide drive aisle.

No parking lot landscaping is required in the CS zone district, and currently little exists at the site. The proposed project will improve the aesthetics of the site by adding landscaped planters along the western and eastern sides of the property (400 and 321 square feet, respectively). The new landscaping on the east side of the property will encroach into Caltrans' right of way and will require Caltrans approval.

3. Coastal Development Standards

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

10-5.2946.9 Archaeological areas.

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

³ Pursuant to EMC §10-5.1503.2, one (1) off-street parking space is required per 300 square feet of retail space and 1,000 square feet of storage use space. The remodeled and expanded structure will include 3,625 square feet of retail space and 365 square feet of storage space, requiring 12 parking spaces in total.

According to the applicant, project ground disturbance will be limited to a 42-by-46-foot area at the front (east side) of the property where the additional building footprint is proposed, and will range in depth from one to two feet. Project referrals with this information were sent to the Tribal Historic Preservation Officers (THPOs) of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria on January 4, 2022. The THPOs of the Blue Lake Rancheria, Wiyot Tribe, and Bear River Band of the Rohnerville Rancheria responded, indicating that inadvertent archaeological discovery protocol will be adequate without further mitigation. Consistent with EMC §10-5.2946.9, **Condition 10** has been added subjecting ground disturbing activities to the City’s standard protocol for inadvertent archaeological discovery.

ENVIRONMENTAL ASSESSMENT

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

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before February 15, 2022. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on February 15, 2022.

CONCLUSION

Based on the coastal development permit analysis above, the proposed project as conditioned will avoid impacts to coastal resources and coastal priority uses, minimize risks to geologic and flood hazards, and be served by adequate services. Overall, the proposed project, as conditioned, complies with the development standards for the CS – Service Commercial zone district and is consistent with the LUP and IP of the City’s certified Local Coastal Program.

STAFF CONTACT

Caitlin Castellano, Senior Planner, 531 K Street, Eureka, CA 95501; planning@ci.eureka.ca.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Director CDP Resolutionpages 18-22
Attachment 2: Applicant submitted material.....pages 23-30

DIRECTOR OF DEVELOPMENT SERVICES RESOLUTION NO. 2022-05

A RESOLUTION OF THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF EUREKA CONDITIONALLY APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-21-0010) FOR NORZEI COMMERCIAL REMODEL AND ADDITION AT 2710 BROADWAY (APN 007-121-006)

WHEREAS, the agent, Devin Medrud of CleekCo, has submitted an application and requested approval to remodel and expand an existing commercial building on the west side of Broadway (Discount Cigarettes), and make associated façade, parking, landscaping, and site access improvements at 2710 Broadway (APN 007-121-006); and

WHEREAS, the project site is zoned Service Commercial (CS), and has a land use designation of General Service Commercial (GCS); and

WHEREAS, the proposed project is located within the coastal zone and constitutes development requiring a coastal development permit pursuant to EMC §10-5.29302; and

WHEREAS, the Coastal Development Permit approvals for the project are a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Director of Development Services of the City of Eureka (Director) did hold a duly noticed public hearing via Zoom on February 25, 2022 at 2 p.m. to consider the subject Coastal Development Permit; and

WHEREAS, the Director has reviewed the subject application in accordance with EMC Title 10, Chapter 5, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

- A. The project is consistent with the purpose of the project site's GSC land use designation and CS zoning district.
- B. The project as conditioned will avoid impacts to coastal resources and priority uses, will be served by adequate services, and will minimize risks to hazards.
- C. The project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Sections 30200 of the Public Resources Code).
- D. The project as conditioned conforms to the policies of the Local Coastal Program.
- E. The project qualifies for a Class 32 exemption from CEQA as an infill-development project (§15332 of the CEQA Guidelines) because: (1) the project is consistent with applicable general plan policies and zoning standards; (2) the project will not result in significant effects on the environment; and, (3) the project footprint is within City limits, is less than five acres in size, is surrounded by urban uses, does not contain wetlands/ESHA, and is adequately served by all required utilities and public services.

WHEREAS, in the opinion of the Director, the proposed application should be approved subject to the following conditions. Compliance with conditions will be to the satisfaction of Development Services – Planning unless noted otherwise.

1. **Signage.** Unless otherwise exempted by Eureka Municipal Code (EMC) §10-5.1703, no signs shall be placed or erected onsite without a City of Eureka Sign Permit approved by Development Services – Planning, and, if required, a building permit from Development Services – Building.
2. **Encroachment into Caltrans Right-of-Way.** No portion of the remodeled and expanded building shall extend into the Caltrans right-of-way, including the foundation and roof eaves. The applicant shall obtain an Encroachment Permit from Caltrans prior to any work within, or from, the Caltrans right-of-way.
3. **Lighting Restrictions.** To minimize the trespass of artificial light, all outdoor lighting fixtures shall be fully shielded and downward facing and shall meet the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).
4. **Landscaping Restrictions.** The proposed landscaping shall adhere to the following landscaping restrictions:
 - a. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted on the project site.
 - b. Rodenticides containing any anticoagulant compounds, including, but not limited to, Bromadiolone, Brodifacoum, or Diphacinone, shall not be used in landscaping.
 - c. A minimum of 50% of landscape areas must be covered with groundcover, shrubs, turf, or other types of plants at maturity. The remaining area may be covered by mulch, bark chip, crushed rock, pebbles, stone, or similar non-plant materials.
 - d. All vegetation in the 400-square-foot landscaped area on the western perimeter of the site shall be species native to Eureka as listed by the California Native Plant Society.
5. **Construction-Phase Erosion and Sediment Control Plan.** Prior to the commencement of construction, the applicant shall submit, for review and approval by Public Works - Engineering, a construction-phase Erosion and Sediment Control Plan (ESCP) that demonstrates that impacts to the biological productivity and the quality of coastal waters shall be avoided and minimized during all construction phases. The ESCP shall demonstrate proposed best management practices (BMPs) in accordance with provision E.10.b of the Phase II MS4 Stormwater Permit to prevent construction waste, debris or contaminants from entering the storm water system or leaving the property. BMPs may include, but are not limited to the use of wattles, compost socks, silt fences, or filter materials at drain inlets and gutters to retain debris, dirt and other pollutants generated

by such work. The ESCP must include a rationale for why specific BMPs were chosen as well as BMP details. The ESCP shall also name and provide contact information of the Responsible Individual (RI) installing and maintaining BMPs. The RI shall ensure BMPs are in place before commencing work and contact Public Works - Engineering 24 hours in advance for inspection. The Permittee shall undertake development in accordance with the approved final ESCP. Any proposed changes shall be reported to Public Works - Engineering who will determine whether an amendment is required.

6. **Post-Construction Stormwater Control Plan.** Prior to the issuance of any building permits, the Permittee shall complete a Stormwater Control Plan (SCP) review with Public Works - Engineering consistent with requirements from the Humboldt LID Manual for Small Projects (Part B). The SCP must incorporate at least one Low Impact Development (LID) site design measure to meet Provisions E.12.b - E.12.e of the Phase II MS4 Stormwater Permit. On-site infiltration systems, such as infiltration trenches or basins, dry wells, and subsurface infiltrations systems are not credited site design measures per MS4 provision E.12.b. Implementation of structural post-construction site design measures shall be inspected by Public Works - Engineering. The Permittee shall undertake development in accordance with the approved final SCP. Any proposed changes shall be reported to Public Works - Engineering who will determine whether an amendment is legally required.
7. **Building and Fire Department Approvals.** Prior to commencement of construction, the applicant shall obtain all required Building and Fire permits to the satisfaction of Development Services - Building and Humboldt Bay Fire.
8. **Tsunami Safety Plan.** Prior to the issuance of the final certificate of occupancy, the Permittee shall submit a Tsunami Safety Plan to Development Services – Planning for review and approval. The Tsunami Safety Plan shall be implemented and enforced for the life of the development. The plan shall demonstrate that procedures are in place for the safe evacuation of all occupants in the event of a tsunami, and to ensure future occupants of the project site are aware of the tsunami threat, warning signals, and evacuation plan. The plan shall include:
 - a. A Tsunami Evacuation Route Map for the project site informed by community-wide emergency response plans, showing egress direction(s) and expected assembly area(s) for safe evacuation.
 - b. Hazard risk notification procedures, including details on where signage will be posted at conspicuous locations within the building, provided in English and Spanish, explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes; and
 - c. Training procedures for future commercial tenants, detailing the instruction to be provided to all future commercial tenants to ensure that the Tsunami Safety Plan is effectively implemented.

9. **Allowed Uses.** This approval limits the current number of tenant spaces allowed to two. Future tenants of the building must qualify as principally permitted uses in the CS zone district pursuant to Eureka Municipal Code (EMC) §10-5.29132, and must not together require additional off-street parking spaces beyond the 12 parking spaces provided, as specified by EMC §10-5.1501 et seq. (Off-Street Parking Facilities). Any future tenants not meeting these specifications, or to add a third tenant will require additional authorization from the City of Eureka Development Services – Planning, including but not limited to, a modification to this Coastal Development Permit.

10. **Inadvertent Discovery Protocol.** Ground disturbing activities are subject to the City’s standard protocol for inadvertent archeological discovery (cultural or historical artifacts) as follows:
 - a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
 - b. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.
 - c. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code (PRC) section 5097.98. In part, PRC section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is

determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of PRC section 5097.98 shall be complied with as may be required.

NOW THEREFORE, BE IT RESOLVED that the Director of Development Services of the City of Eureka does hereby approve the application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Director of Development Services of the City of Eureka in the County of Humboldt, State of California, on the 25th day of February, 2022.



Miles Slattery, City Manager

COMMERCIAL REMODEL & ADDITION

2710 BROADWAY
EUREKA, CA 95501

APN: 007-121-006

REVISIONS	DATE

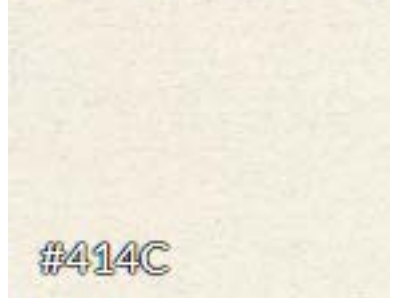
**WHITCHURCH
ENGINEERING**
610 9th St. Fortuna, CA 95540
T: (707) 725-6926
F: (707) 725-2959
www.whitchurchengineering.com

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CONSTRUCTION

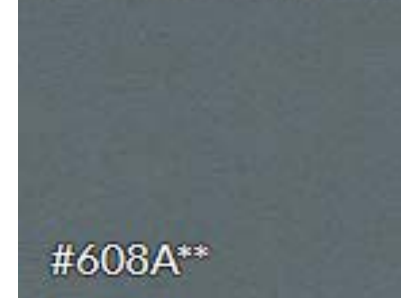
DESIGN REPRODUCTIONS
CLEEKCO
445 N. Fortuna Blvd
Fortuna, CA 95540
(707) 607-2335
www.cleekco.com



STUCCO
DRYVIT SYSTEMS
TEXTURE: WEATHERLASTIC SANDPEBBLE
COLOR: PORCELAIN
REG: 240, 234, 219



STUCCO
DRYVIT SYSTEMS
TEXTURE: WEATHERLASTIC SANDPEBBLE
COLOR: COBALT
REG: 99, 111, 115



STONE VENEER
OPTION 1
ELDORADO STONE
TYPE: EUROPEAN LEDGE
COLOR: COTTONWOOD



STONE VENEER
OPTION 2
ELDORADO STONE
TYPE: EUROPEAN LEDGE
COLOR: SIDEWALK



STONE VENEER
OPTION 3
ELDORADO STONE
TYPE: STACKED STONE
COLOR: SILVER LINING



STONE VENEER
OPTION 4
ELDORADO STONE
TYPE: LEDGE CUT 33
COLOR: WHITECAP



COMMERCIAL REMODEL &
ADDITION

SHEET NAME
COVER SHEET

SHEET NUMBER
A0.1
DATE: 12/30/2021
DRAWN BY: DCM
CHECKED BY: WEI
COMMERCIAL REMODEL &
ADDITION
19578.00

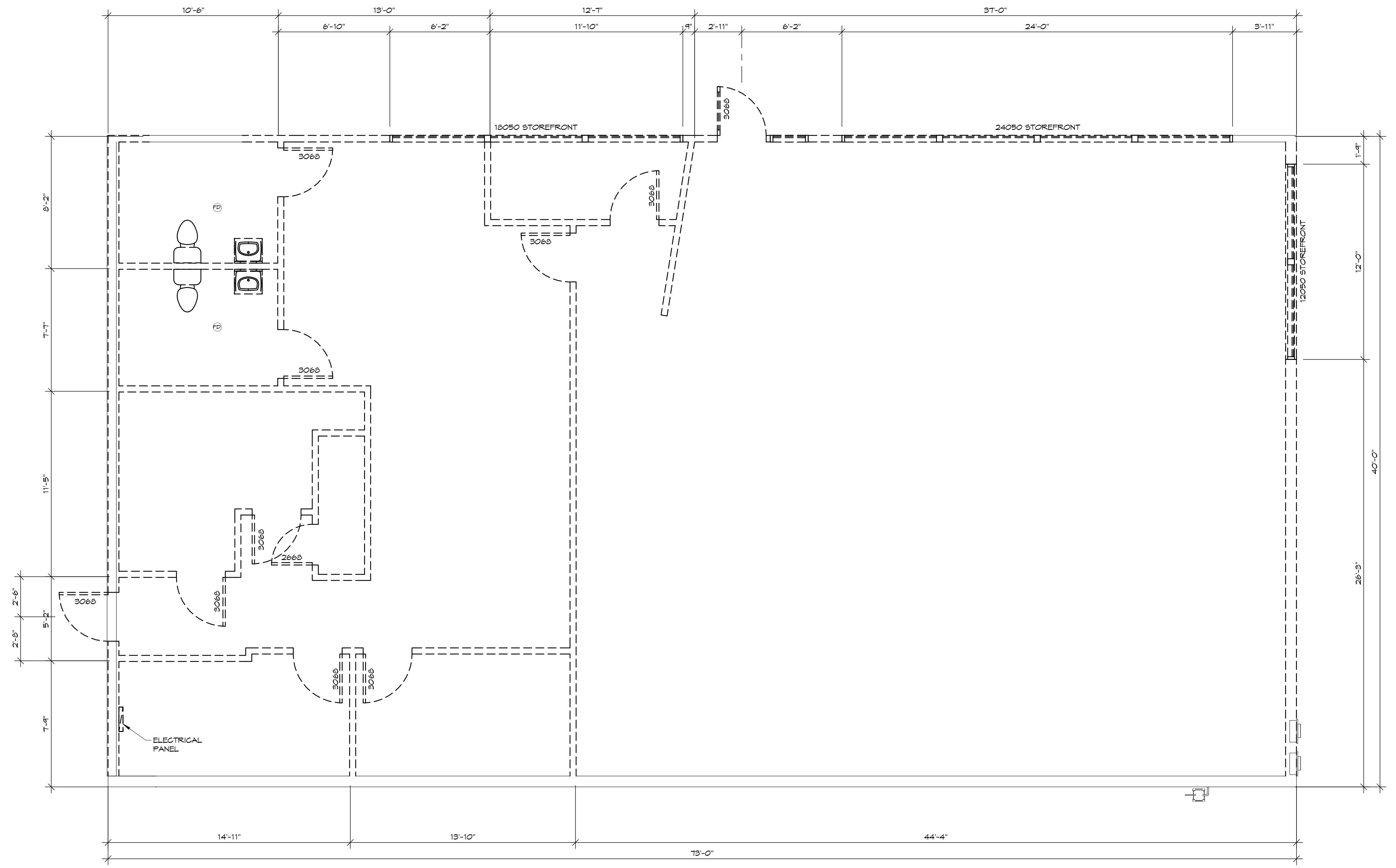
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REVISIONS	
NO.	DATE

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 610 9th St. Fortuna, CA 95540
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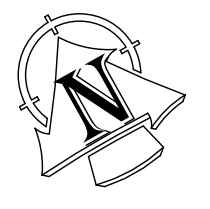
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WALL LEGEND:

- EXISTING WALL
- WALL TO BE DEMOLISHED



12/30/2021 3:44:40 PM

1 EXISTING FLOOR PLAN
 1/4" = 1'-0"

COMMERCIAL REMODEL & ADDITION
 270 BIRKDAWAY
 EUREKA, CA 95501
 ADV 007 121.006

SHEET NAME
EXISTING FLOOR PLAN

SHEET NUMBER
A2.1
 DATE: 12/30/2021
 DRAWN BY: DCM
 CHECKED BY: WEI
 COMMERCIAL REMODEL & ADDITION
 19578.00

REVISIONS	DATE

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 610 9th St. Fortuna, CA 95540
 T: (707) 725-6926 F: (707) 725-2959
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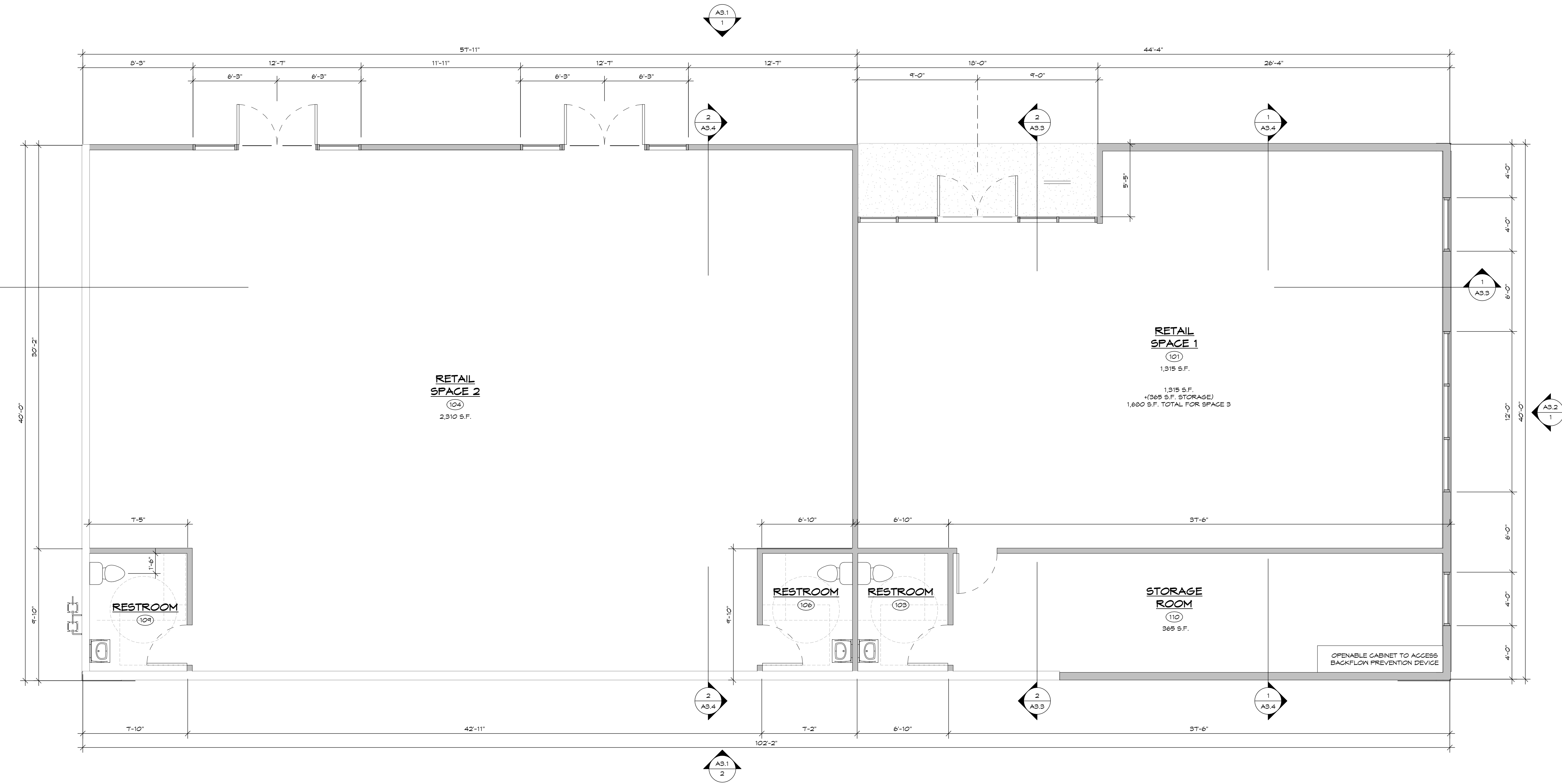
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COMMERCIAL REMODEL & ADDITION
 270 BROADWAY FORTUNA, CA 95541
 ADV 007 121.006

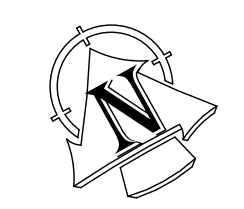
SHEET NAME
PROPOSED FLOOR PLAN

SHEET NUMBER
A2.2
 DATE: 12/30/2021
 DRAWN BY: DCM
 CHECKED BY: WEI
 COMMERCIAL REMODEL & ADDITION
 19578.00



SHEET NOTES:
 THE WEST AND SOUTH EXTERIOR WALLS WILL REMAIN AS THE NORTH AND EAST EXTERIOR WALLS WILL BE REMOVED
 ROOF MEMBERS WILL REMAIN
 NEW FOUNDATION WILL BE POURED ALONG WITH RETAINING WALL AT PROPOSED EAST EXTERIOR WALL

WALL LEGEND:
 PROPOSED WALL
 EXISTING WALL



12/30/2021 1:44:40 PM
1 PROPOSED FLOOR PLAN
 1/4" = 1'-0"

REVISIONS	DATE

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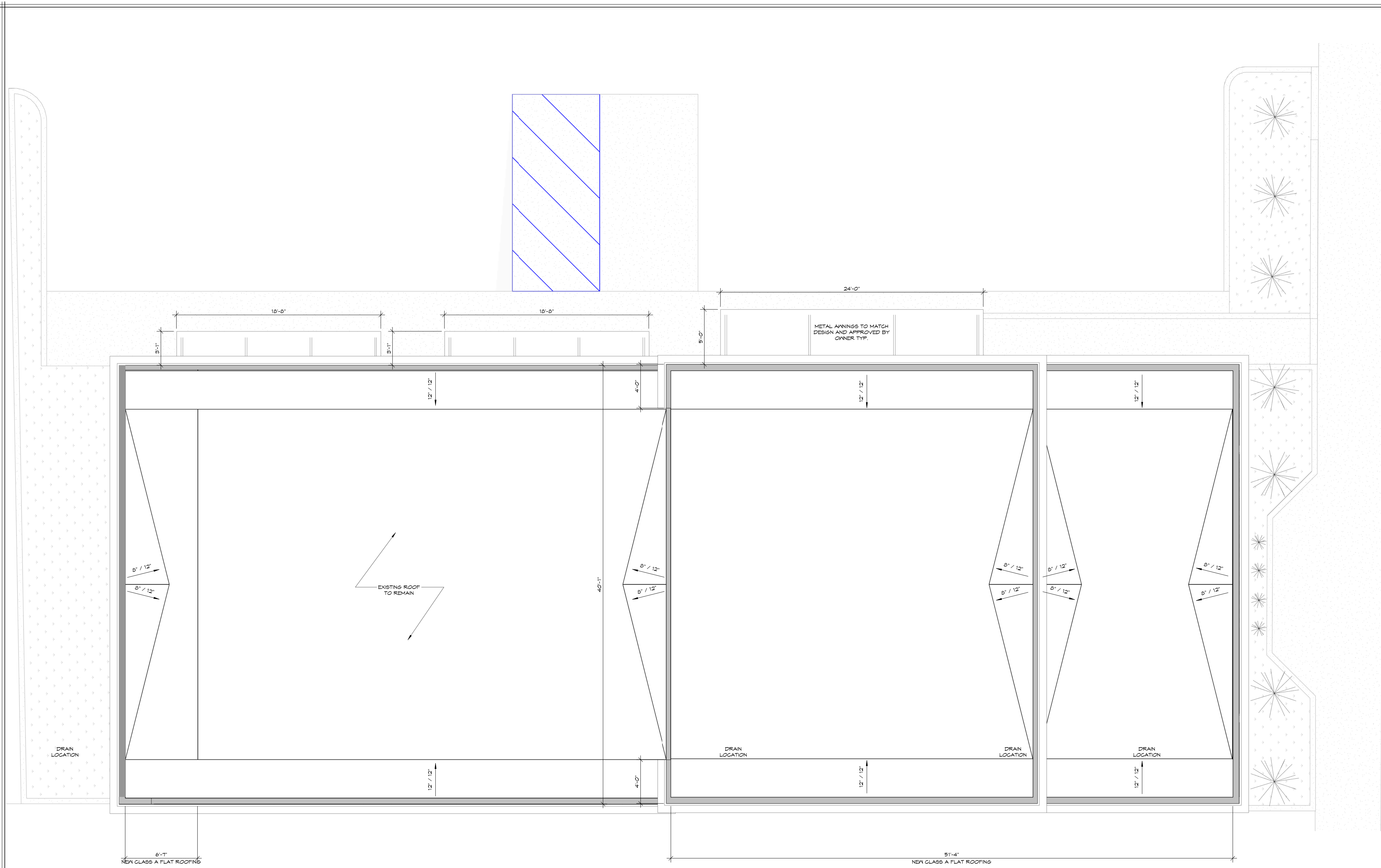
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COMMERCIAL REMODEL & ADDITION

270 BIRKBECKWAY
 EUREKA, CA 95501

ROOF PLAN

SHEET NUMBER
A2.3
 DATE: 12/30/2021
 DRAWN BY: DCM
 CHECKED BY: WEI
 COMMERCIAL REMODEL & ADDITION
 19578.00



12/30/2021 3:44:45 PM

1 ROOF PLAN
 1/4" = 1'-0"

REVISIONS	DATE

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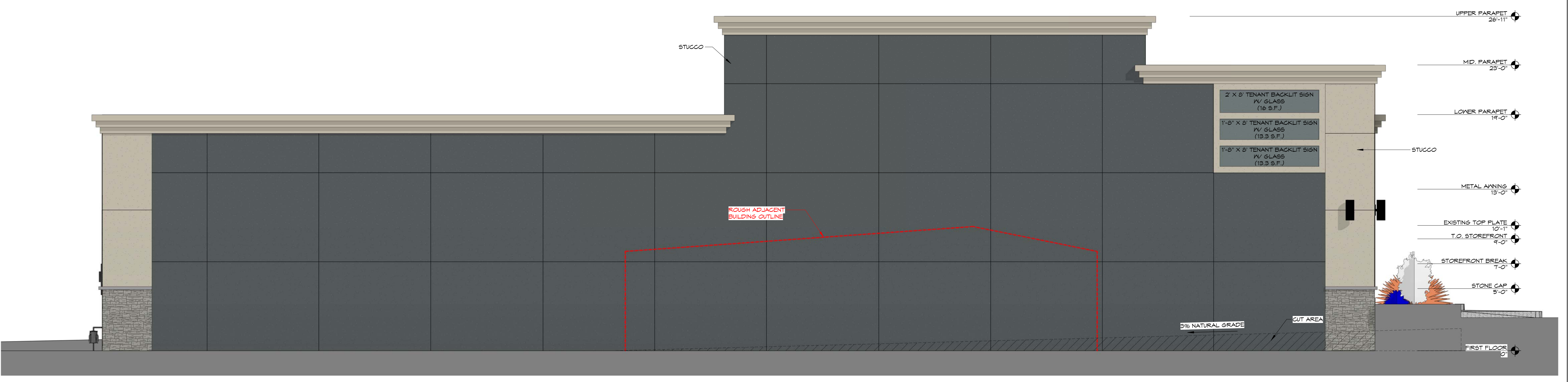
COMMERCIAL REMODEL & ADDITION

EXTERIOR ELEVATIONS

SHEET NUMBER
A3.1
 DATE: 12/30/2021
 DRAWN BY: DCM
 CHECKED BY: WEI
 COMMERCIAL REMODEL & ADDITION
 19578.00



1 NORTH EXTERIOR ELEVATION
 1/4" = 1'-0"



2 SOUTH EXTERIOR ELEVATION
 1/4" = 1'-0"

12/30/2021 2:43:53 PM

REVISIONS	
NO.	DATE

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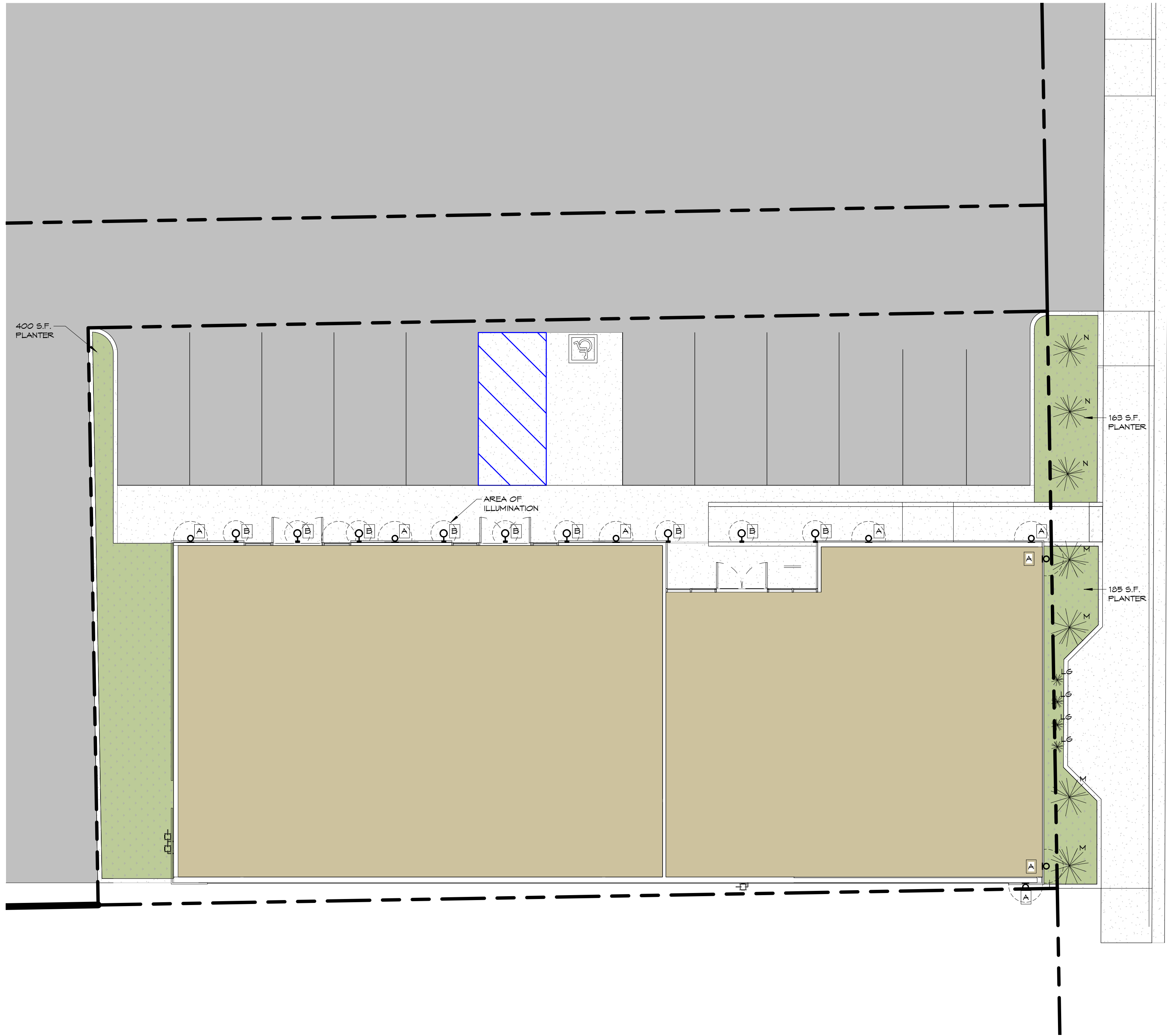
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 (707) 807-2335
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COMMERCIAL REMODEL & ADDITION

SHEET NAME
LANDSCAPING & EXTERIOR LIGHTING PLAN

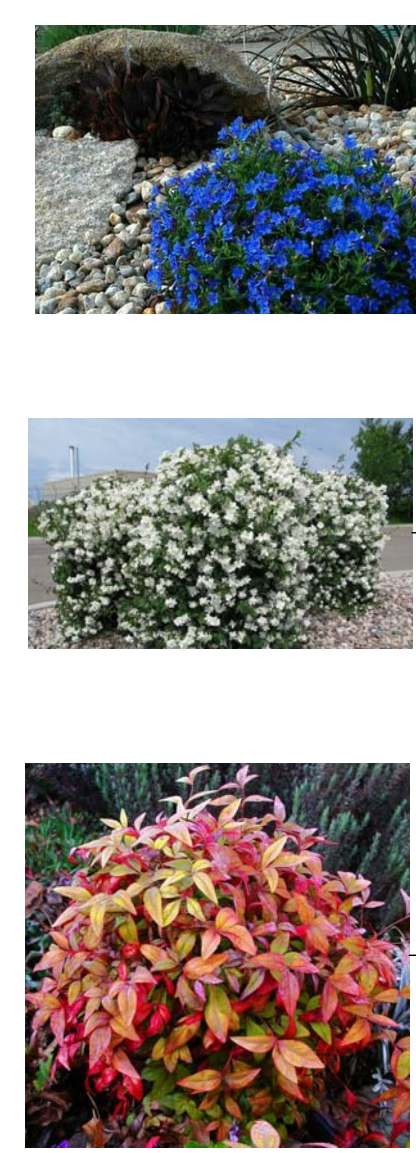
SHEET NUMBER
L1.1
 DATE: 12/30/2021
 DRAWN BY: DCM
 CHECKED BY: WEI
 COMMERCIAL REMODEL & ADDITION
 19578.00



EXTERIOR LIGHTING



- A**
 WALL SCONCE
 11 LOCATIONS AT WALKWAY
 40W (20W PER END)
 3200LM
 40 DEGREE BEAM ANGLE
 -4' OFF GROUND TYP.
 FMGL BY THUNDER SERIES OR EQUAL
- B**
 WALL SCONCE
 11 LOCATIONS ABOVE SIGNAGE
 100W
 -4' OFF GROUND TYP.
 EL940R BY AA DECOR OR EQUAL



PLANTING SCHEDULE						
ABBREV.	COMMON NAME	BOTANICAL NAME	Size (Gal.)	Count	CARE AND PRUNING	WATERING
Lg	Lithodora Grace Ward	Lithodora diffusa 'Grace Ward'	1 pint	4	Thrives in well drained slightly acidic soil. Control weeds with mulch until plants fill in. Prune in summer after flowering.	Follow a regular watering schedule for the first growing season.
M	Wild Mock Orange	Philadelphus lewisii	1 gal.	4	Summer: Deadhead flowered stalks each summer after bloom. Selectively prune dead and/or crowded canes. If necessary, coppice (cut to ground) to rejuvenate.	Requires good drainage, moderate to regular water, add organic material to soil to improve drainage if necessary. Drip or 'Bubler' on 2 sides, regular water.
N	Nandina Fire Power	Nandina domestica 'Firepower'	1 gal.	3	Red-tinged summer foliage turns bright red in winter.	Little to Regular watering - weekly

12/30/2021 2:58:06 PM

1 LANDSCAPING & EXTERIOR LIGHTING PLAN
 1/8" = 1'-0"

ATTACHMENT 4
LETTER FROM CALTRANS



California Department of Transportation

DISTRICT 1
P.O. BOX 3700 | EUREKA, CA 95502-3700
(707) 445-6600 | FAX (707) 441-6314 TTY 711
www.dot.ca.gov



January 18, 2022

1-HUM-101-76.699
CDP-21-0010
APN: 007-121-006

Ms. Caitlin Castellano, Senior Planner
Community Development Services
City of Eureka
531 K Street
Eureka, CA 95501

Dear Ms. Castellano:

Thank you for giving Caltrans the opportunity to review and comment on the Coastal Development Permit application for the proposed remodel of the existing Discount Cigarettes Store, located at 2710 Broadway Street (US Route 101), in the City of Eureka. The project description states that the remodel would expand an existing 2,928-square-foot commercial building into a 3,990 square foot building with two retail tenant spaces. The northern side of the building will include an accessible path of travel with a ramp up from the sidewalk and a bicycle hitch. A 25-foot-wide easement will be required on adjacent parcels to the north (APNs 007-121-008 and 007-121-010) for parking, ingress and egress, and a sign permit will be required for any future proposed tenant signage. We have the following comments:

We advise the applicant to survey the Caltrans right of way line to ensure no portion of the building extends into Caltrans right of way, including the foundation and roof eaves.

Please consider expanding the sidewalk width along Broadway to 10' and placing the landscaping strip between Broadway and the sidewalk. This landscaping strip could include street trees. These features will make a more pleasant walking experience for pedestrians, making the proposed location a more attractive location for pedestrians. The above recommendation does not preclude the possibility of adding a landscape strip adjacent to the building, if desired. For more information, please refer to Main Street, California (Caltrans, 2013) and the Complete Streets Elements Toolbox (Caltrans, 2018).

The provision of a staple style bicycle rack near a door is appreciated. Please ensure this is incorporated into final design and construction.

Ms. Caitlin Castellano, Senior Planner

1/18/2022

Page 2

We request that the existing driveway from Broadway be reduced in width to no wider than 24 feet. Left turns into and out of this driveway are not permitted, per California Vehicle Code section 21651, based on the existing lane markings. Allowing only one lane in and one lane out of the driveway discourages drivers from making left turns out of the driveway. A right-turn directional arrow painted on the egress lane in combination with the installation of a MUTCD standard sign R3-2 (NO LEFT TURN) on a 24"x 24" sign panel facing exiting traffic are requested to ensure compliance with traffic laws.

Since the parcel has direct access to the adjacent parcel (Pacific Plaza), drivers can access Vigo Street for convenient and protected left turn movements at a signalized intersection. Reinforcing the left turn prohibition will also reduce exiting traffic queues, especially during peak times.

Also, the driveway will need to be designed as a "Case A" driveway per Caltrans Standard Plan A87A (i.e., do not depress the sidewalk if possible). This will help with traffic calming goals along Broadway.

Any work within, or from, Caltrans Right-of-Way will require an Encroachment Permit (EP) from Caltrans. EP applications are reviewed for consistency with State standards and are subject to Department approval. To streamline the EP application and review process, we require the applicant to consult with our EP staff prior to submitting an application. Requests for EP applications can be sent to: Caltrans District 1 Permits Office, P.O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 498-5684. For additional information, the Caltrans Encroachment Permit Manual and Standard Application is available online at: <<https://dot.ca.gov/programs/traffic-operations/ep>>.

Please contact me with questions or for further assistance at (707) 684-6879, or by email at: <jesse.robertson@dot.ca.gov>.

Sincerely,

Jesse G. Robertson

Jesse Robertson
Transportation Planning
Caltrans District 1

e-copy: Heidi Quintrell, Chief, Caltrans District 1 Encroachment Permits