

Title:	Redwood Coast Fuels Petroleum and Petroleum Products Storage
Projects:	Conditional Use Permit CUP-23-0001 and Coastal Development Permit CDP-23-0001
Location:	3530 Broadway (foot of Tomlinson)
APN:	007-092-016
Applicant:	Redwood Coast Fuels
Property Owner:	Travis Schneider
Purpose/Use:	Petroleum and petroleum product storage
Application Date:	January 9, 2023
General Plan:	GI - General Industrial
Zoning:	MG - General Industrial
CEQA:	Exempt under §15301, Class I Existing Facilities
Staff Contact:	Aubrie Richardson, Associate Planner
Recommendation:	Hold a Public Hearing; and Adopt a resolution to find the project is exempt from CEQA, and approve with conditions
Motion:	<i>"I move the Planning Commission hold a public hearing and adopt a resolution finding the project is exempt from CEQA, and conditionally approving the petroleum and petroleum product storage use at 3530 Broadway (APN 007-092-016)."</i>

Figure 1: Location Map

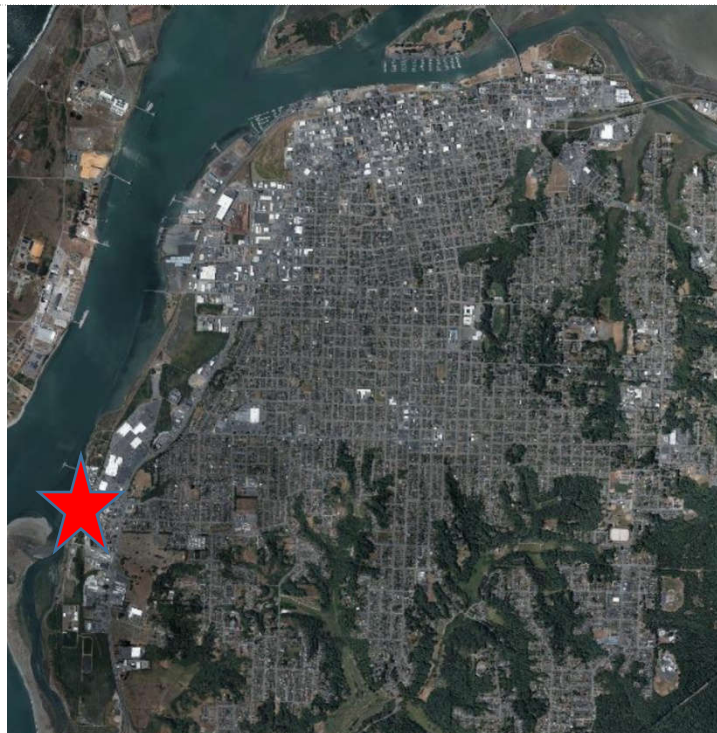


Figure 2: Site Map



PROJECT SUMMARY

Redwood Coast Fuels is proposing to store petroleum and petroleum products in an existing warehouse at 3530 Broadway (foot of Tomlinson Street), in addition to parking three distribution trucks onsite. “Storage of petroleum and petroleum products” is a conditionally permitted use in the coastal MG General Industrial zone, and a Use Permit (CUP) and Coastal Development Permit (CDP) are required.

Background

The applicant proposes to relocate their petroleum and petroleum products storage business to the subject property from its current location at 3134 Jacobs Ave (APN 014-091-003). The proposed use will occupy a 3,000-square-foot (-sf) portion of Suite B within an existing two-suite warehouse. According to the applicant, the remaining 5,600 sf will be used for general storage of supplies, and Suite A is not currently utilized. Storage will occur within totes and drums. A maximum of 28,000 gallons of petroleum and petroleum products will be stored in the warehouse.

The 3,000-sf storage area within the warehouse will be lined at floor level with a three-inch-high, angle iron containment berm (perimeter barrier), to act as a perimeter barrier in the event of a spill. Petroleum products will arrive at the facility pre-packaged and will be transferred via forklift. The warehouse has a 14'-high by 12'-wide rollup door and vehicles will back to the perimeter barrier, allowing the forklift to remain within the perimeter barrier while loading vehicles. Three vehicles will be stored in the parking area onsite: one “box truck” which will be used to obtain petroleum and petroleum products to store in the warehouse, either from the Eureka Chevron Terminal at 3400 Christie Street or the applicant’s warehouses in Santa Rosa and Ukiah, and then will be used to distribute the product; and two additional vehicles, which will load fuel from the Chevron Terminal facility, deliver to customers, and park on site, empty.

Proposed site improvements include a new sewer lateral to the building, grading and paving for a driveway from the eastern property boundary to an existing paved pad on the eastern side of the

building, and striping of four parking spaces on the existing paved pad. Proposed interior building improvements include installation of a new accessible restroom and office and installation of the aforementioned containment berm; no exterior changes to the existing building are proposed. See Attachment 2 for the applicant's proposed site plan and floor plan.

The City of Eureka has CDP jurisdiction over the project, and approval of the CDP is appealable to the California Coastal Commission.

USE PERMIT ANALYSIS

To approve a Use Permit, the Planning Commission must make all of the following findings:

- (a) The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- (b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (c) The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
- (d) The proposed conditional use is consistent with the certified Local Coastal Program.

I. Code Consistency

Chapter 5 Objectives and Purpose

Pursuant to Eureka Municipal Code (EMC) Sec. 10-5.102, the zoning regulations are adopted by the City Council in accordance with the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the chapter is adopted in order to achieve the following objectives:

- (a) To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.**

The project site has a land use designation of General Industrial (GI). The purpose of the GI designation is to provide sites suitable for the development of general and heavy industrial uses. The proposed petroleum and petroleum product storage use aligns with the purpose of the GI designation and thus helps achieve the arrangement of land uses depicted in the General Plan.

- (b) To foster a harmonious, convenient, workable relationship among land uses.**
- (c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.**

Based on Sanborn Maps available to City staff, a warehouse existed on the site at least as early as 1949, and was used for manufacturing in the 1950s (based on 1949, '55, and '57

Sanborn Maps), truck repair in the 1960s (based on 1964, '67, and '69 Sanborn Maps), and a sheet metal shop in the 1970s and 1980s (based on a 1988 Sanborn Map and City permit records). The City approved building additions in 1972, '73, and '83, and the proposed use will occupy a portion of the building constructed in 1972-73.

Properties to the north of the site, between the project site and Truesdale Street, are designated General Service Commercial and include a restaurant and a hotel. Properties directly to the east and south of the site have a GI land use designation, and include an RV repair shop and mobile home park, respectively. The railroad right-of-way is located directly west of the project site, with the City's Truesdale Pump Station and Hikshari Trail located further west. The intent of the General Industrial (GI) classification is to reserve a location for industrial activities separate from residential and commercial properties which could be impacted by industrial externalities; however, the mobile home park is a legal nonconforming use in the GI designation. The existing warehouse building is located approximately 118' from the City's Truesdale Pump Station, 84' from the existing mobile home park, 85' from the existing restaurant, and 216' from the existing hotel.

The proposed use will add hazardous elements to the property; however, safeguards will be taken to protect the site and surrounding properties from fire, explosion, noxious fumes, and release of hazardous materials. The fuel containers will not be opened onsite and will be stored within a containment berm within an existing warehouse. As a condition of approval, the applicant will be required to obtain a building permit for a change of occupancy, and building and utility improvements, to ensure the warehouse meets the requirements for buildings storing petroleum and petroleum products. In addition, the proposed use will be regulated by the Humboldt County Division of Environmental Health (DEH), who regulates the handling of hazardous materials above designated quantities. Because the applicant will be storing more than 1,320 gallons of liquid petroleum, the applicant will be required to submit a Spill Prevention, Control and Countermeasure Plan to DEH for approval prior to the start of operations, after an onsite inspection by DEH. The applicant will also be required to submit a Hazardous Materials Business Plan (HMBP) for the facility to the California Environmental Reporting System (CERS) within 30 days of storing hazardous materials at or above 55 gallons, 500 pounds, or 200 cubic feet, which DEH will review and accept through CERS. The project has been conditioned to require submittal of a copy of the Spill Prevention, Control and Countermeasure Plan, with proof of DEH approval, to Development Services – Planning within 60 days of approval of the final certificate of occupancy, and prior to beginning operations. The condition also requires submittal of the HMBP, with proof of DEH acceptance, to Development Services – Planning within 30 days of storing hazardous materials.

Two fuel and one delivery vehicle will be stored, empty of fuel and petroleum products, on a paved surface adjacent to the warehouse. A condition has been added prohibiting vehicle maintenance or washing onsite.

As described in more detail below, the proposed use is not anticipated to generate a significant increase in traffic to and from the subject property. The trucks will park at the site overnight, and conduct their fuel and product distribution operations offsite during business hours. As a result, the project only anticipates four to five trips a day, generally limited to the morning, 7-9 a.m., and the evening, 4-6 p.m. The main supplier for the fuel

trucks, the Chevron Terminal, is located less than a quarter mile from the project site. This close proximity reduces vehicle miles traveled and allows for a convenient relationship among land uses.

For all the reasons described above, the use as conditioned will be compatible with surrounding uses and can be found consistent with zoning code objectives (b) and (c).

- (d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.**

The proposed use will be located within a currently vacant portion of an existing warehouse building on a developed industrial parcel. Occupying an underutilized site, and the associated investment in an existing building, is beneficial from the standpoint of the city as a whole.

- (e) To prevent excessive population densities and overcrowding of the land with structures.**

The proposed use will occupy a portion of an existing warehouse building and will employ four to five individuals. Therefore, the proposed use will not result in excessive population densities or overcrowding of the land with structures.

- (f) To promote a safe, effective traffic circulation system.**

Redwood Coast Fuels proposes to store product received from their warehouses in Santa Rosa and Ukiah, as well as from the Chevron Terminal, which is less than a quarter mile away. One box truck will deliver the product stored in the warehouse, while an additional two vehicles will load fuel from the Chevron Terminal, deliver the fuel to customers, and then park onsite, empty for the night. The applicant is only anticipating four to five trips a day, generally limited to the morning, 7-9 a.m., and the evening, 4-6 p.m. The site is not directly adjacent to City right-of-way, but there is a 20-foot-wide access easement across an intervening parcel which connects the site to Tomlinson Street. The site is accessible from Broadway via Tomlinson Street, which can accommodate the relatively minor amount of vehicle trips the proposed use will generate. Thus, the proposed use is consistent with this objective.

- (g) To foster the provision of adequate off-street parking and off-street truck loading facilities.**

Eureka Municipal Code Section 10-5.1503.2(g) requires one off-street parking space for every 1,000 square feet of gross floor area of warehousing and distribution. The proposed use will occupy approximately 3,000 sf of building space, requiring three parking spaces. According to the applicant, the remainder of Suite B is used for storage and Suite A is unused. Future proposed uses may be required to adhere to the parking standards and regulations, which may require additional parking spaces be installed. The submitted site plan shows four proposed parking spaces, one of which will be ADA-accessible, on an existing paved surface adjacent to the east side of warehouse. The three trucks will also be stored onsite alongside the four parking spaces. The site plan also proposes a new driveway to provide paved access to the parking spaces from the eastern edge of the

parcel, which connects to Tomlinson Street via a paved access easement across intervening private property. Because the proposed use is less than 4,000 sf in size, no loading space is required. However, loading of stored petroleum products into a box truck will occur from within the building. There is a large entrance on the east side of the building, between the proposed parking spaces, where the truck will back to the perimeter of the containment area and be loaded within the containment berm. The entrance is 12' in width with an overhead clearance of 14', meeting the minimum standard for loading berths for warehousing pursuant to EMC Sec. 10-5.1604(b). Thus, the proposed use will foster the provision of adequate off-street parking and loading.

(h) To facilitate the appropriate location of community facilities and institutions.

Lands classified for general industrial use are not intended for community facilities and institutions. No community facilities or institutions exist or are proposed on the subject parcel. There is no current or anticipated interest in use of this site for a community facility or institution, and there is ample vacant and underutilized land in the City to accommodate any future proposed community use. Thus, the proposed project can be found consistent with this objective.

(i) To promote commercial and industrial activities in order to strengthen the city's tax base.

The applicant has indicated the petroleum and petroleum products will not be sold by them at retail which is unlikely to strengthen the city's tax base. However, items sold at wholesale to local retailers have the potential to strengthen the City's tax base, because the retailer will sell the product to consumers, which generates sales tax. Therefore, the proposed project promotes industrial activities consistent with this objective.

(j) To protect and enhance real property values.

The site is currently underutilized and the proposed use will result in investment in the site and contribute positively to property values, consistent with this objective.

(k) To safeguard and enhance the appearance of the city.

No exterior modifications to the existing building are proposed. However, if a sign is proposed in the future, it will require a Sign Permit. A condition has been added to ensure the applicant is aware, unless otherwise exempted by EMC Section 10-5.1703.1, a Sign Permit approved by Development Services – Planning, and, if required, a building permit from Development Services – Building will be required prior to any signs being placed or erected onsite. Therefore, the proposed use will not impact the appearance of the City.

Purposes of the Zone District

In addition to the overall objectives of the zoning code prescribed in Sec. 10-5.102 (Objectives) and discussed above, Sec. 10-5.29170 (Objectives and purposes) of the MG General Industrial Districts are included in the zoning regulations to achieve the following purposes:

(a) To reserve appropriately located areas for industrial plants and related activities;

- (b) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- (c) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;
- (d) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships with each other;
- (e) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;
- (f) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts;
- (g) 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;
- (h) To provide locations where industries that are incompatible with most other land uses can operate with minimum restriction and with minimum adverse effect on other uses.

The proposed petroleum and petroleum storage facility is appropriate for the General Industrial zone district, as it is an industrial use. Historically, this area of Eureka has been zoned for industrial uses. If approved, the proposed facility will be compatible with other nearby industrial uses. Redwood Coast Fuels primarily receives their inventory from their other warehouses located in Santa Rosa and Ukiah. However, the site serves as a base for the two fuel trucks which will load fuel at the nearby Chevron Terminal, then distribute the fuel to local vendors. This location allows the two facilities to concentrate in mutually beneficial relationship with each other.

The proposed use will store petroleum and petroleum products on the subject property, which is in close proximity to residential and commercial uses; however, safeguards will be taken to protect the site and surrounding properties from fire, explosion, noxious fumes, and release of hazardous materials. The petroleum containers will not be opened onsite and will be stored within a containment perimeter within an existing warehouse. As a condition of approval, prior to occupancy, the applicant will be required to obtain a building permit for a change of occupancy, and building and utility improvements, to ensure the warehouse meets the requirements for buildings storing petroleum and petroleum products. In addition, the Humboldt County Division of Environmental Health (DEH) will regulate the site, and will require preparation of a Spill Prevention, Control and Countermeasures Plan prior to the start of operations, and submittal of a Hazardous Material Business Plan to the California Environmental Reporting System within 30 days of the storage of hazardous materials at or above 55 gallons, 500 pounds, or 200 cubic feet.

Conditions have been added to ensure necessary building permits and DEH approval are obtained.

Open space is provided around the existing building; for example, the proposed building is approximately 84' from the neighboring mobile home park. The proposed project will not increase the size of the existing building, which is relatively small in relation to the amount of land around it, with an approximate floor-area-ratio of 17% (13,000 sf building on a 78,408 sf lot). The proposed petroleum and petroleum product storage use will not involve customer visits to the site and is anticipated to only have four to five employees. Adequate off-street parking is proposed, which includes three standard parking spaces, one ADA-compliant space, as well as a paved area for overnight storage of three vehicles. The flow of traffic is not anticipated to be impacted, because the project proposes only four to five trips a day. With all operations occurring inside the building and limited anticipated vehicle trips, no significant noise or traffic impacts are posed to the neighboring residents or uses.

For all the reasons discussed above, the proposed use is consistent with the objectives, purpose and intent of the Coastal Zoning Code and the MG zone district.

2. Public Health, Safety, and Welfare

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. Development Services – Building and Humboldt Bay Fire coordinated on a response, indicating a change of occupancy, and building and utility improvements, will be required for compliance with Building and Fire codes and to ensure the safety of surrounding uses. A condition has been added to ensure the applicant obtains all required building permits prior to occupancy.

The applicant proposes a new sewer lateral connecting to the Tomlinson Street right-of-way, but, according to a Record of Survey recorded for the property after a lot line adjustment in 2007, the subject property is approximately 120' from the foot of Tomlinson, and an existing 20-foot-wide easement over the intervening parcel is purely an access easement which does not cover utilities. Public Works - Engineering also responded to the project referral, indicating the City has no record of the subject parcel having existing legal water or sewer connections, or any utility easement over the private property which separates the subject parcel from City right-of-way. A condition has been added requiring the applicant to provide proof of private water and sewer easements, or to secure necessary utility easements, prior to building permit issuance. During the building permit process, the legality and adequacy of any existing water and/or sewer connection will be reviewed, and new service may be required, including a backflow device to City specifications.

If the necessary private easement(s) are secured, the proposed new sewer lateral could connect to a sewer manhole just west of the end of Tomlinson Street. However, the PG&E Plan Review Team responded to the referral indicating PG&E operates an underground electric distribution line within the subject property in the area of the proposed sewer line. PG&E requires building plans include the location of PG&E's existing underground facilities to verify there will be a minimum of three feet of separation including at least one foot of undisturbed soil. A condition has been added to ensure future building plans comply with PG&E's requirement.

The Humboldt County Division of Environmental Health responded to the referral indicating within 30 days of the storage of hazardous materials at or above 55 gallons, 500 pounds, or 200 cubic feet, a Hazardous Materials Business Plan for this facility must be submitted to the California Environmental Reporting System, and a Spill Prevention, Control, and Countermeasure (SPCC) Plan must be prepared and implemented before beginning operations. DEH will also require the applicant provide appropriate secondary containment and diversionary structures or equipment to prevent a discharge.

Therefore, through the application of the conditions of approval and enforcement of other existing City regulations; and based on the discussion herein, the finding can be made the project will not impact the public health, safety or welfare.

3. Provisions of Chapter 5

The proposed use falls under “petroleum and petroleum products storage,” which is listed as a conditional use in the MG zone district. The existing warehouse where the use is proposed meets the minimum 10-foot front yard setback standard, and is below the maximum 100-foot building height, and maximum floor-area-ratio (FAR) of 200%. In this case the maximum FAR is 156,816 square feet, for the site. Three off-street parking spaces are required, and four are proposed. No loading space or landscaping is required, but one loading space is proposed, which meets minimum required loading space dimensions. The EMC specifies all permitted uses shall be subject to site plan review and conditionally permitted uses require Architectural Review; both of these reviews are under the umbrella of Design Review. However, no new construction is proposed which would trigger Architectural Review. Site Plan Review will occur at the time of building permit approval to ensure compliance with site development standards. Therefore, the proposed use complies with the applicable provisions of Chapter 5.

4. Local Coastal Program

The Local Coastal Program includes the Coastal Zoning Code (Implementation Plan) and zoning map, and the 1997 Coastal General Plan (Land Use Plan) and land use map, among other provisions. The proposed conditional use is consistent with the GI land use designation and MG zone district, as described in detail above. The proposed use is also consistent with the Local Coastal Program policies of the 1997 Coastal Land Use Plan and the Coastal Development Permit chapter of the EMC, as discussed below in the Coastal Development Permit analysis section of this report. For all these reasons, the proposed conditional use is consistent with the certified Local Coastal Program.

COASTAL DEVELOPMENT PERMIT ANALYSIS

Conditionally permitted uses in the coastal zone require a coastal development permit. Since the petroleum and petroleum products storage use is conditionally permitted in the MG zone district, the proposed use requires a Coastal Development Permit from the City. To approve a Coastal Development Permit, the Planning Commission 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 which 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 map. The second component of the Local Coastal Program is the *Implementation Plan (IP or Coastal Zoning Code)*, 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 Land Use Plan.

Land Use Plan Analysis

The purpose of the GI designation is to provide sites suitable for the development of general and heavy industrial uses. The project is consistent with this purpose because it involves a general industrial use which is appropriate for the site.

Staff reviewed the goals and policies in the adopted and certified LUP to determine whether the project conforms to the LUP. The review found the project is consistent with the following applicable adopted goals and associated policies:

Goal I.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.

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

The subject property abuts an existing mobile home park and hotel, however, since the delivery trucks will back to the perimeter of the containment area and be loaded within the containment berm, operations for receiving and distribution will not affect the neighboring community as described in detail above. The proposed project will result in the use of underutilized urban land. The project requires a new sewer connection and potentially a new water service connection, but the site is located near existing public utility lines, and the cost of the extensions will be borne by the applicant. As described under Goal 6.A and associated policies below, there are no biological resources on the project site, and the proposed project has been designed and conditioned to avoid impacts to nearby sensitive habitat, including Humboldt Bay which is located approximately 190' to the west of the site. As a result, the proposed project can be found consistent with Goal IA and Policy I.A.4.

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

The certified LUP includes a Coastal Dependent Industrial (CDI) designation which reserves land for coastal-dependent industrial development. The project site is not located on land designated CDI, and is located approximately 190' from Humboldt Bay without direct access to the Bay. The closest coastal-dependent industrial use is the Chevron Terminal where fuel is received by ship, and the proposed business will distribute fuel from the Chevron Terminal to local customers, supporting this coastal-dependent use. General industrial use of the site does not affect the

continued prioritization of coastal-dependent development along the bayfront and is thus consistent with Policy I.A.5.

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

The proposed project involves occupying an existing structure by a petroleum and petroleum product use which could result in a nominal increase in demand for City services, if sewer and/or water connections are required. By accommodating growth through increased density within an already developed industrial area, the proposed project will minimize the public cost of any increase in demand for City facilities and services.

The applicant proposes to construct a new sewer lateral from the building to the City's existing infrastructure near the western terminus of Tomlinson Road. In addition, the City is unaware whether the site's existing water connection is legal or adequate to serve the proposed use, and the City has no evidence the property has necessary utility easements across private property which separates the parcel from public right-of-way. Conditions have been added requiring the applicant to demonstrate necessary easements have been obtained prior to building permit issuance, and installation of all necessary utilities to City standards is completed prior to occupancy. As a result, the proposed project will ensure the effective and efficient provision of public facilities and services consistent with Goal 4.A.

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

See discussion under Policies 5.B.5 and 5.B.6.

Policy 5.B.5: For new development between the first public road and the sea, the City shall require the dedication of a vertical access easement to the mean high tide line unless: Another more suitable public access corridor is available within 500 feet of the site; or Access at the site would be inconsistent with other General Plan coastal policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access at the site is inconsistent with public safety, environmental protection, or military security needs.

The project site is located between the first public road, which is considered Broadway, and the bay. Any vertical accessway from Tomlinson Street across the project site to the bay would not be a straight path given the location of the existing building and City pump station, and would require access across the railroad right-of-way. Truesdale Street, north of the site, provides a more suitable public access corridor within 500' of the site. Thus, the proposed project is consistent with Policy 5.B.5 without dedication of a vertical access easement across the project site.

Policy 5.B.6: For new development between the first public road and the sea, the City shall require a lateral access easement along the shoreline unless: Lateral access at the site would be inconsistent with other General Plan coastal policies, including existing expanded, or new coastal dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access is inconsistent with public safety or military security needs.

The Hikshari Trail, a segment of the California Coastal Trail, is located west of the project site and provides lateral access along the immediate Humboldt Bay shoreline. The railroad right-of-way, located directly west of the project site, is the logical place for relocation of the trail in the future, if necessary to address sea level rise. Thus, the proposed project is consistent with Policy 5.B.6 without dedication of a lateral access easement across the subject parcel.

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

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

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.

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.

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.

No wetlands or environmentally sensitive habitat areas (ESHAs) are located on the project site. Humboldt Bay, considered ESHA, is located a little under 200' from the western parcel boundary.

The project site is separated from the Bay by the railroad right-of-way, the Truesdale Pump Station, and the Hikshari Trail.

The petroleum containers will not be opened onsite and will be stored within a containment perimeter within an existing warehouse. A condition has been added ensuring the applicant secures a building permit for a change in occupancy and building and utility improvements necessary to ensure the warehouse meets the requirements for buildings storing petroleum and petroleum products, and a condition has been added ensuring the applicant receives necessary authorization from DEH and provides a copy of the DEH required Hazardous Materials Business Plan and Spill Prevention, Control and Countermeasure Plan to Development Services – Planning.

Fuel vehicles will be stored, empty of fuel, on an adjacent paved surface outside the warehouse. A condition has been added prohibiting vehicle maintenance or washing onsite.

As explained above, the project as conditioned will avoid impact to biologic, aquatic, and environmentally sensitive habitat and is therefore consistent with Goal 6.A and associated policies.

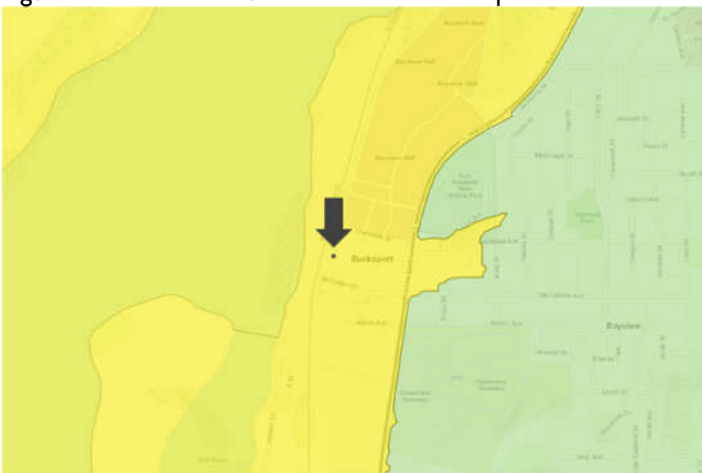
Goal 7.A: To minimize loss of life, injury, and property damage due to seismic hazards.

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

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 within a seismically active area in which large earthquakes are expected to occur during the lifespan of the proposed use. The portion of the warehouse where petroleum and petroleum product storage is proposed was constructed in the early 1970s. A condition has been added ensuring the warehouse will conform to current Building and Fire code standards, prior to occupancy.

Figure 3: Portion of Tsunami Hazard Area Map



The project site is located within the mapped tsunami inundation area on the Tsunami Hazard Area Map (Figure 3; California Geological Survey and the California Governor’s Office of Emergency Services, 2021) 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.

A condition 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 demonstrate 1) the tsunami threat and evacuation route will be adequately communicated to employees, 2)

procedures will be in place for the safe evacuation of all occupants in the event of a tsunami, and 3) staff will be adequately trained to carry out the plan. Additionally, 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; and 3) training procedures for staff to ensure the plan is effectively implemented for the life of the development.

The site is not located in the current mapped 100-year floodplain, but is low-lying at approximately 11' to 13' in elevation (NAVD88), and thus could potentially become vulnerable to flooding in the future with sea level rise. However, the site is currently separated from tidal bay waters by the Hikshari Trail, Truesdale pump station, and railroad right-of-way, and the petroleum and petroleum products can easily be relocated in the future if and when the site becomes subject to storm and tidal flooding. The proposed project consists of occupying an existing building with a new use without any proposed alterations to the major structural elements of the building (structural walls, foundation, or roof) which would extend the life of the building. However, the project has been conditioned to make necessary upgrades to the building to comply with current building and fire codes. The proposed use includes 4-5 employees, and does not involve customers accessing the site.

It is important to note the City has limited industrial-zoned lands, almost all of which are located within the Coastal Zone. The subject business is currently located on Jacobs Avenue, in a highly vulnerable location within the existing floodplain. Approval of the use permit will allow the applicant to relocate their business away from Jacobs Avenue.

For all the reasons discussed above, the project as conditioned will minimize risk to life and property from geologic and flood hazards consistent with Goals 7.A, 7.B, and 7.D.

Implementation Plan Analysis

The project must be found to conform with the entire Local Coastal Program, including the Implementation Plan. The project site is zoned MG – General Industrial. The proposed use will conform with the zoning code and MG zone district as described under the Conditional Use Permit analysis above.

In addition to specifying the regulations pertaining to specific zoning districts, EMC Sec. 10-5.2940 et. seq., specifies development standards which apply specifically 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 goals and policies discussed in the LUP policy analysis above, and the applicable findings are incorporated as if set forth in full herein. As a result, the proposed project as conditioned conforms with the certified IP. There is one additional standard not covered under the LUP policy analysis above, which is EMC Sec. 10-5.2946.9:

10-5.2946.9 Archaeological areas.

- a) **When development is proposed within a known archaeological area, project design shall avoid or minimize impacts to the resource.**
- b) **When development in archaeological sites cannot be avoided, adequate mitigation measures shall be required. Mitigation shall be designed in accord with guidelines of State Office of Historic Preservation and the State of California Native American Heritage**

Commission. When, in the course of grading, excavation, or any other development activity, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and the City Planning Director shall be notified immediately of the discovery.

- c) The City Planning Director shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological survey can be made and appropriate and feasible mitigation measures are developed.**

The applicant has indicated minor grading will occur to prepare the driveway area for paving, to a depth of approximately three inches. In addition, a new sewer lateral and potentially a new water service will be installed via trenching, to a maximum depth of six feet. Project referrals with this information were sent to the Tribal Historical Preservation Officers (THPOs) of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria on January 24, 2023. The three THPOs requested a tribal monitor and inadvertent archaeological discovery protocol be included as conditions of approval for the proposed project. Those conditions have been included.

Based on the discussion above, the finding can be made the proposed project, as conditioned, conforms with the certified IP.

ENVIRONMENTAL ASSESSMENT

Action on a Use Permit and Coastal Development Permit is discretionary and subject to environmental review in accordance with the California Environmental Quality Act (CEQA). However, the City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with §15301, Existing Facilities, Class I of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. Since the proposed project will be located entirely within an existing industrial building with no proposed expansion or enlargement of the building, and because the installation of new utilities, if required, will not serve to expand the use of the site, the project is exempt from the California Environmental Quality Act.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on February 3, 2023. 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 3, 2023.

CONCLUSION

Based on the analysis above, the proposed petroleum and petroleum products storage use is consistent with the General Plan, Zoning Code, and Local Coastal Program. The project is suitable for the site and for the existing building in which it will be located, and, as proposed and conditioned, is compatible with existing and planned land uses in the vicinity. The project is not detrimental to the public health, safety, and welfare, and is properly located within the City, with conditions added to ensure adequate utility service.

STAFF CONTACT

Redwood Coast Fuels
Project Nos: CUP-23-0001 and CDP-23-0001

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DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution

Attachment 2: Site Plan and Floor Plan