

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA

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Staff: Robert Merrill
Staff Report: February 20, 1998
Hearing Date: March 11, 1998
Commission Action:

STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO.: 1-84-169-A5

APPLICANT: HUMBOLDT BAY HARBOR, RECREATION, AND
CONSERVATION DISTRICTPROJECT LOCATION: At the Woodley Island Marina Complex on Woodley
Island, in central Humboldt Bay, in the City of
Eureka, Humboldt County.

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED, AS AMENDED: Construct a marina complex at Woodley Island that includes: (1) highway offramps and a 33-foot-wide interior access road (Startare Drive); (2) dredging and spoils deposition; (3) 228 boat slips accommodating 237 vessels, over 60% of which are dedicated for commercial vessel use; (4) a work dock equipped with a two-ton hoist; (5) a fishermen's work area adjacent to the work dock where fisherman can overhaul their nets and trawl gear or make other minor repairs as necessary; (6) a two-story structure near the center of the development containing harbor administrative offices, a marina office, restrooms, a locker room with showers, a laundry and a coffee shop that was originally intended to support the fishing fleet and now includes bar and dinner service for the general public; (7) a 20,000-square-foot two-story commercial structure at the west end of the island to contain a 250-seat upstairs restaurant above a ground floor commercial space to be devoted to shops directly related to marine uses; (8) parking to accommodate 350 vehicles with a maximum expansion capability of 550 vehicles; (9) an approximately 28,800-square-foot dry boat storage building for 200 boats with a boat sales and service business, a launching pier and boat hoist, and a 2,000-gallon boat fueling facility; (10) a 600-square-foot office building; (11) storage lockers; (12) a 180-foot debris deflector; (13) seasonal use of a lawn area as a work area primarily for tending to fishermen's nets; (14) a freshwater pond within the reserve for habitat enhancement and revegetating other portions of the reserve; (15) an 8-foot-wide walkway with benches and tables for public access use; and (16) landscaping. (All facilities except the restaurant/shops building, one dock, the dry boat storage facilities, the 600-square-foot office building, the storage lockers, the debris deflector, and the seasonal work area have been constructed at this time.)

DESCRIPTION OF AMENDMENT: Establish a temporary marine and fishing gear storage area within an existing parking lot built to serve an approved, but never constructed, restaurant.

LOCAL APPROVALS RECEIVED: None Required from the City of Eureka

SUBSTANTIVE FILE DOCUMENTS: City of Eureka Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission approve the proposed amendment. The proposed gear storage facility is intended to support commercial fishing and recreational boating use, which are priority uses under the Coastal Act and uses which are designated by the City of Eureka LCP for Woodley Island. The facility is proposed as an interim use to be removed when the parking lot where it will be installed is needed to serve an approved, but not yet constructed visitor-serving building at the west end of Woodley Island. To ensure that the conversion back to parking use occurs in a timely manner, and to ensure that the gear storage use is accommodated elsewhere at Woodley Island at that time, staff recommends that Special Condition No. 2 be imposed which would require the submittal of a conversion plan prior to the completion of the visitor-serving building. To minimize the visual impact of the industrial-looking gear storage facility, staff recommends Special Condition No. 1 which would require the submittal of a landscaping plan for the review and approval of the Executive Director that provides for the planting of trees along the exposed east side of the proposed gear storage facility. As conditioned, staff believes that the proposed development with the proposed amendment is fully consistent with the policies of the certified LCP and with the coastal access policies of the Coastal Act.

STAFF NOTES

1. Procedural and Background Note:

Pursuant to Section 13166 of the the California Code of Regulations, the Executive Director shall reject an amendment request if it lessens or avoids the intent of the approved permit unless the applicant presents newly discovered material information which he or she could not with reasonable diligence, have discovered and produced before the permit was granted.

In December of 1976, the North Coast Regional Commission granted Permit No. NCR-76-C-369 to the Humboldt Bay Harbor, Recreation & Conservation District for the development of the Woodley Island Marina. The approved facilities consisted mainly of recreational boating and commercial fishing uses with support facilities and public access improvements. The specific new facilities approved included: (1) 228 boat slips accommodating 237 vessels,

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over 60% of which are dedicated for commercial vessel use; (2) a work dock equipped with a two-ton hoist; (3) a fishermen's work area adjacent to the work dock where fisherman can overhaul their nets and trawl gear or make other minor repairs as necessary; (4) a two-story structure near the center of the development containing harbor harbor administrative offices, a marina office, restrooms, a locker room with showers, a laundry and a coffee shop that was originally intended to support the fishing fleet and now includes bar and dinner service for the general public; (5) a 20,000-square-foot two-story commercial structure at the west end of the island to contain a 250-seat upstairs restaurant above a ground floor commercial space to be devoted to shops directly related to marine uses; (6) parking to accommodate 350 vehicles with a maximum expansion capability of 550 vehicles; (7) highway offramps and a 33-foot-wide interior access road (Startare Drive); (8) an 8-foot-wide walkway with benches and tables for public access use; and (9) landscaping.

The permit has been amended several times, most recently in October of 1994 to modify the site plan and landscaping for a previously approved dry stack storage building for 200 boats (This structure has not yet been built). The permit and subsequent amendments were issued with numerous special conditions that primarily required the applicant to mitigate for the impacts of development on the marina on the natural habitats on and around Woodley Island, which previously was undeveloped. Among other things, the permit conditions required the establishment of a wildlife habitat reserve over the parts of the island that were not approved for marina development, and the installation of fencing around the wildlife habitat reserve to prevent human intrusion into the area.

The proposed amendment involves establishing an approximately half-acre storage area for marine related equipment and gear for both commercial fishermen and recreational boaters on an existing parking lot. The lot where the storage area would be located was built to serve the approved, but never constructed, restaurant/shop building. The District proposes the storage facility as a temporary or interim use that would be discontinued if and when the District were to proceed with development of the restaurant/shop building. All of the storage facilities would be removed and the parking lot would be restored for parking use at that time.

Establishing the storage yard on an interim basis within the parking lot would not conflict with any of the special conditions of the permit as amended. In addition, as the storage facility use would be discontinued and the parking lot restored for parking use if and when development of the restaurant/shop building it was intended to serve is ever pursued, the storage facility will not deplete needed parking on the island, including parking for coastal access users. Furthermore, as the applicant proposes to landscape the exposed eastern end of the proposed storage facility, the proposed amendment will be consistent with the intent of the other special conditions of the permit as amended that require landscaping to reduce the visual impacts of the authorized development. Therefore, the Executive Director determined that the proposed amendment would not result in a lessening or avoidance of the intent

of the approved permit and accepted the amendment request for processing.

2. Standard of Review:

The project site is located on a portion of Woodley Island where the Commission has delegated its original permit jurisdiction to the City of Eureka as an area that is potentially subject to the public trust but which has been filled, developed, and committed to urban uses. The Coastal Commission effectively certified the City of Eureka LCP in July of 1984. Therefore, the LCP is the standard of review for this amended project. In addition, for any development located between the nearest public road and the sea, a specific finding must be made that the development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions:

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed amendment is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, is consistent with the provisions of the Eureka Local Coastal Program, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See attached.

III. Special Conditions:

1. Landscaping:

PRIOR TO ISSUANCE of the amended permit, the applicant shall submit for the Executive Director's review and approval, a landscaping/tree maintenance plan that includes planting a minimum of 2 trees, Monterey Cypress or some other species found on Woodley Island or native to the area, along the eastern side of the proposed gear storage area to partially screen and soften the appearance of the gear storage area as viewed from the east along Startare Drive. The trees to be planted shall be a minimum of 10 feet high when planted. The plan shall specify the kind of trees to be planted. The plan shall further include a tree maintenance program (e.g., pruning, fertilizing, watering, etc.) for the newly planted trees and a tree replacement program on a one-to-one or greater ratio for the life of the project. The new trees and shrubs shall be planted within 60 days of completion of the installation of

the gear storage facility. The applicant shall notify the Executive Director in writing when the trees have been planted, and Commission staff shall verify the planting via a site visit or by examining photographs submitted by the applicant.

The permittee shall undertake the landscaping in accordance with the approved final landscaping plan. Any proposed changes to the approved final plans shall not occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Future Return of Site to Parking.

When the restaurant building authorized by Permit No. 1-84-169-A4 has been constructed, the gear storage use authorized herein shall be removed from the site and accommodated elsewhere and the site shall be restored fully for use as a parking lot. At least six months prior to completion of the restaurant building, the permittee shall notify the Commission of the pending completion of the building and shall submit for the review and approval of the Executive Director, a plan for converting the gear storage facility back to a parking lot and to accommodate the fisherman's gear storage use elsewhere at Woodley Island. The plan shall provide for (a) the termination of any agreements with tenants to use the gear storage facility at the subject site in time for the the parking lot to be restored prior to occupancy of the restaurant building, (b) removal of the fencing, storage equipment, and other facilities installed to accommodate the gear storage use, and (c) any necessary rehabilitation work to restore the site to parking lot use. To the extent that the plan provides for new development not authorized by Permit Amendment No. 1-84-169-A5 that requires additional authorization, the permittee shall submit a complete permit application for such development within 30 days of approval of the conversion plan by the Executive Director. Prior to occupancy of the restaurant building, the permittee shall provide documentation that the gear storage facilities installed pursuant to Permit Amendment No. 1-84-169-A5 have been removed from the site and the parking lot rehabilitated for parking use.

IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Site Description:

The project site is located on Woodley Island, in central Humboldt Bay (see Exhibits 1, and 2). Woodley Island is located in central Humboldt Bay, across the Eureka Inner Channel from Old Town Eureka. The Island is accessed by boat and by automobile via the Samoa Bridge (Highway 255) which touches down on the eastern end of the island as it crosses Humboldt Bay from downtown Eureka to the Samoa Peninsula. The approximately southwestern one-third of the island and the adjoining tidelands have been developed with a 228-berth marina

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authorized by Coastal Development Permit No. NCR-76-C-369, granted by the North Coast Regional Commission in 1980. The marina serves both recreational boaters and commercial fishermen. The upland portion of the marina complex is developed currently with a two-story building complex containing the District Office of the Humboldt Bay Harbor Recreation & Conservation District, the Eureka Field Office of the U.S. Army Corps of Engineers, the Harbor Master Office, a coffee shop, and a restroom and shower facility (see Exhibit 3). Elsewhere the marina contains two other restroom buildings, a work area for fishermen, and large amounts of parking.

Prior to development of the marina complex, Woodley Island was essentially undeveloped, containing woody riparian habitat, grasslands, and a freshwater pond in its upland areas and many acres of salt marsh and mudflat around the perimeter of the upland area. To partially mitigate for the adverse impacts of development of the marina complex on the natural habitat values of the island, conditions of Coastal Permit No. NCR-76-C-369 required that approximately two-thirds of the island be set aside as a wildlife reserve. Entry by the public to the refuge area is restricted, although the reserve can be used for educational and scientific uses.

The Wildlife Habitat Area is bisected by Startare Drive, an existing two-lane paved road which serves as the entry road to the marina, connecting the marina complex to the Samoa Bridge. The habitat area is currently buffered from the more intensively developed portions of the marina complex by landscaped lawn areas, including an approximately 50-foot-wide strip fringing the north side of Startare Drive.

2. Previous Commission Action.

The Coastal Commission has an extensive history of review of development proposals for Woodley Island. A marina complex was first proposed for the island in 1976. The North Coast Regional Commission approved a 650-berth marina project in June of 1976 that was appealed to the State Coastal Commission. The State Commission denied the original permit. Issues involved in the denial included (1) the proposed destruction of eight acres of salt marsh to provide for future expansion of the marina, (2) whether the custodianship of the wildlife reserve area was strong enough to ensure no further development, (3) whether adequate off-site mitigation would be provided, (4) whether too much area was devoted to paved parking lots, (5) whether the access road down the middle of the island should be narrowed, and (6) whether alternate sites involving less habitat impacts had been adequately investigated.

Following the denial of the permit application, the Humboldt Bay Harbor District appointed an Ad Hoc Committee (representing industry, environmental groups and governmental agencies) to try to compile an approvable project. An application for a scaled down project that proposed development of a total of 26 acres instead of the original 44.3 acres, 228 boat slips with the potential to expand to 400 rather than 650 boat slips, 355,000 cubic yards of dredging

versus 556,000 cubic yards, and a total allowance of 550 parking spaces as opposed to over 1,000.

The Regional Commission approved the project in December of 1980, and the permit was not appealed to the State Coastal Commission. The facilities approved in the permit in its final form consisted mainly of recreational boating and commercial fishing uses and a certain amount of support facilities to support the boating and commercial fishing uses. The specific new facilities approved included: (1) 228 boat slips accommodating 237 vessels, over 60% of which are dedicated for commercial vessel use; (2) a work dock equipped with a two-ton hoist; (3) a fishermen's work area adjacent to the work dock where fisherman can overhaul their nets and trawl gear or make other minor repairs as necessary; (4) a two-story structure near the center of the development containing harbor harbor administrative offices, a marina office, restrooms, a locker room with showers, a laundry and a coffee shop that was originally intended to support the fishing fleet and now includes bar and dinner service for the general public; (5) the previously described 20,000-square-foot two-story commercial structure at the west end of the island to contain a 250-seat upstairs restaurant above a ground floor commercial space to be devoted to shops directly related to marine uses; (6) parking to accommodate 350 vehicles with a maximum expansion capability of 550 vehicles; (7) highway offramps and a 33-foot-wide interior access road (Startare Drive); (8) an 8-foot-wide walkway with benches and tables for public access use; and (9) landscaping. The permit was issued with numerous special conditions that primarily required the applicant to mitigate for the impacts of development on the marina on the natural habitats on and around Woodley Island. Among other things, the permit conditions required the establishment of the wildlife habitat reserve over the two-thirds parts of the island that were not approved for marina development, and extensive off-site mitigation for the dredging and fill impacts of the project.

Since approval of the original permit in 1989, the permit has been amended a number of times. One of the more significant amendments included Amendment No. 1-84-169-A2, approved in March of 1993 for the so-called "Woodley Island Improvement Project," the centerpiece of which consisted of a 28,800-square-foot dry boat storage building for 200 boats with 22,200 square feet of outdoor paved work area, a 2,500-square-foot launching pier, 15,000 square feet of parking, a 3,600-square-foot interior boat sales and service building, and a 2,000-gallon boat fueling facility. This amendment also authorized construction of a 600-square-foot office building for the Coast Guard, additional storage lockers, a 180-foot debris deflector, and a seasonal work area primarily for tending to fishermen's nets.

Another significant amendment, Amendment No. 1-84-169-A3, approved in July of 1993, adjusted the boundary of the required wildlife habitat reserve to accommodate construction of a new weather forecast office of the National Weather Service. The Commission concurrently approved a consistency determination from the National Weather Service for the facility. The facility was determined to be a support use for the commercial fishermen as it

provides a readily accessible source of weather information critical for commercial fishing operations.

In December of 1995, the Commission considered a proposed LCP amendment submitted by the City of Eureka that would have accommodated future development of a hotel on Woodley Island. The Commission denied the proposed amendment on the basis that the amendment would introduce the hotel use at the expense of commercial fishing and other coastal dependent uses, (2) hotel development would not be compatible with the character of the area, and (3) the proposal would be inconsistent with existing LCP policies that call for channeling such visitor serving commercial facilities to the Downtown waterfront.

Most of the approved development has been constructed with two significant exceptions. The dry boat storage building and the rest of the Woodley Island Improvement Project authorized by 1-84-169-A2 has not been built as the Harbor District voted not to accept approved federal funding for the project after the Commission's approval of the amendment. The other significant approved development that has not been built is the previously described two-story structure to house the upstairs restaurant and downstairs commercial business serving the boating and fishing uses of the island.

3. Amendment Description:

The Harbor District proposes to amend the permit to allow for the establishment of a temporary marine and fishing gear storage area within an existing parking lot. The District has identified a need for greater storage space for marine related equipment and gear for both commercial fishermen and recreational boaters with berthing space at the Woodley Island Marina and elsewhere around Humboldt Bay. The lot where the storage area would be located was built to serve the approved but never constructed restaurant/shop building. The approximately half acre, 220-foot-long, 120-foot-wide, 38-space parking lot is located near the northwest end of Woodley Island on the north side of Startare Drive, apart from the other parking lots that were developed to serve the other uses of the island (see Exhibit 3). A six-foot-high chain link fence with two rolling gates would be installed around the perimeter of the lot. The District would rent storage space within the fenced area to individual boaters.

The District proposes the storage facility as an interim use. the applicant states, "If...a viable restaurant/shop proposal were to surface that was consistent with the original Coastal Commission intent and the Harbor District's goals, the parking function of this area would be restored."

The District also proposes to landscape the eastern fence line of the storage facility to soften the visual impact of the storage facility as seen from Startare Drive. The rest of the perimeter of the parking lot already contains landscaping that would mute the visual impact of the project from other areas.

4. Priority Uses

As an island in the middle of Humboldt Bay, the largest natural harbor in the state outside of San Francisco Bay, with access to deep water and close proximity to downtown Eureka, Woodley Island is uniquely suited to accommodate commercial fishing, recreational boating, and coastal visitor serving uses. The Commission's approval of the original permit for the Woodley Island Marina complex and the certified Land Use Plan recognize the importance of reserving the island for certain coastal dependent and other priority uses under the Coastal Act.

Sub-chapter B of Chapter 10 of the certified LUP, entitled, "Public Works and Public Facilities, states in applicable part:

Consistent with the Coastal Development Permit issued by the California Coastal Conservation Commission-North Coast Region in 1976 (NCR-76-C-369), pursuant to Proposition 20, the Eureka LCP by reference incorporates all of the uses, conditions, and findings of that permit. The LCP specifically permits docks, piers, (including fishing piers), and wharves; boat launching facilities; commercial fishing boat and fishing boat berthing facilities; recreational boating and boat berthing facilities not to exceed the percentage allowed by the coastal permit; restaurants, including on-site fish sales and processing incidental to the permitted or conditionally permitted restaurants; offices and shops directly related to marine uses; ice vending stations; and marine and boat sales, services, and repairs. In addition, the LCP as a conditional use allows a third restaurant subject to conditions that will preclude the displacement of commercial fishing uses, their support facilities, or related parking. In recognition of the public commercial fishing, recreational boating, visitor serving, and related uses provided by the Woodley Island Marina, the developed (or, to be developed) parts of the island, are designated Public Facilities/Marina (PF-M).

The proposed gear storage facility is intended to accommodate commercial fishermen and recreational boaters by providing more storage space on an interim basis for fishing nets, crab pots, boating equipment and similar gear and supplies. As the facility will support the commercial fishing and recreational boating uses of Woodley Island, the proposed use would be entirely consistent with the use limitations established for Woodley Island in the LCP. The project site, however, is slated to serve another priority use, the visitor serving restaurant/shops building approved under the original permit.

The fact that the gear storage facility is proposed to be located in the parking lot of the approved but never built restaurant/shops building, a visitor serving use, does not create a use conflict because as proposed, the gear storage use is proposed only as an interim use until such time as the restaurant/shops building is constructed and opened for use. At that time, the Harbor District proposes to remove the gear storage facility and restore

the parking lot for parking use. Because the improvements to be installed for the gear storage facility are not large or costly, consisting essentially of fencing and storage containers, the gear storage facility can be readily removed from the site. In discussions with Commission staff, the Harbor District staff has indicated that when the site is converted back to a parking lot, the District intends to accommodate the gear storage facility at some other appropriate site on the island. Possible alternatives include expanding and more efficiently utilizing existing gear storage sites or utilizing portions of the extensive lawn areas.

To ensure that the conversion of the gear storage facility back to parking to serve the already approved visitor serving use proceeds smoothly and does not result in the new building opening without adequate parking, the Commission attaches Special Condition No. 2 which requires the Harbor District to submit a conversion plan for the review and approval of the Executive Director at least six months prior to completion of the restaurant/shops building. The plan must provide for (1) the removal of the fencing, storage equipment, and other facilities installed for the gear storage use, (2) any necessary rehabilitation work to restore the site to parking lot use, and (3) the termination of any agreements with tenants to use the gear storage facility at the subject site in time for the the parking lot to be restored prior to occupancy of the restaurant building. To the extent that the plan provides for new development not authorized by Permit Amendment No. 1-84-169-A5, the special condition also requires the submittal of a permit amendment request for the review of the Commission within 30 days of approval of the conversion plan by the Executive Director. To ensure that the storage support use that the gear storage facility will provide for the commercial fishing and recreational boating uses of the island are adequately accommodated elsewhere, the conversion plan required by Special Condition No. 2 must also provide for accommodating the fisherman's gear storage use elsewhere at Woodley Island.

As the proposed project is for a commercial fishing and recreational boating support use, the Commission finds that the proposed use is consistent with the use limitations for Woodley Island established by Sub-chapter B of Chapter 10 of the certified LUP. As the proposed storage facility use will be removed before the existing parking lot is needed to serve the visitor serving use it was built for, the Commission further finds that the proposed project will not conflict with other priority uses designated and approved for the site. Moreover, as the requirements of Special Condition No. two will ensure that the applicant plans for accommodating proposed commercial fishing and recreational boating support use elsewhere on Woodley Island, the ultimate removal of the proposed gear storage facility from the parking lot will not impair the continued use of the Woodley Island Marina for priority commercial fishing and recreational boating uses. Therefore, the Commission finds that the project, with the proposed amendment, is consistent with the use limitations of the certified LCP.

5. Visual Resources.

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Woodley Island is highly visible from Old Town, the Eureka waterfront, the Samoa Bridge, and other vantage points in the surrounding area. The attractive views of Humboldt Bay, the marina, and the wildlife area form a very important part of the visual landscape as seen from the City. Policy 9.1 of the Eureka LCP designates Woodley Island as "a scenic coastal area of public importance." The LCP requires that development in areas designated as scenic coastal areas minimize alteration of natural landforms, be visually compatible with the area, protect views, and where feasible, enhance and restore views.

Development of the proposed gear storage facility would require no alteration of natural landforms as the facility would be located on top of an existing parking lot. The facility would also not block any additional view of the bay, as there are currently no views of the bay through the site due to the presence of intervening landscaping and trees and other vegetation located within the wildlife area on the north side of the proposed site. However, the proposed wire fencing, storage lockers, and the gear to be stored would present an industrial appearance that would not be compatible with the appearance of the rest of the island. The storage yard would detract from the natural appearance of the adjacent wildlife habitat area, the pleasant appearance of the surrounding landscaped areas, and the consistent architectural themes of the constructed and proposed buildings on the island. However, the visual impacts of the proposed project can be effectively mitigated. Because the proposed fencing and storage facilities would neither be tall or massive, appropriately placed landscaping could minimize the adverse visual impacts of the development to a level where the visual resources of the island would be suitably protected.

The views of the project site that would be most adversely affected by the proposed project are views from vantage points to the east along Startare Drive, the entrance road to the marina complex. As the road turns in a more westerly direction after passing by the Weather Service Building and marina office building, the project site comes into full view across the lawn area that extends from the road. No trees or other landscaping currently exists along the east side of the project site. If the view of the east side of the project site were not landscaped or otherwise muted, motorists entering the western part of the marina complex would be subjected to the full brunt of the facility's industrial appearance. The applicant has proposed to landscape the east side of the facility, but has not developed any landscaping plans at this time. Therefore, the Commission attaches Special Condition No. 1 which requires the Harbor District to submit a landscaping plan for the review and approval of the Executive Director which provides for the planting of two large trees, either Monterey Cypress or another species found on Woodley Island or native to the area. The special condition also requires that the trees be properly cared for and replaced on a one for one basis if they die during the life of the project. The trees and any other landscaping planted pursuant to the plan would partially screen and soften the appearance of the proposed storage facility.

Views of the project site from vantage points to the south, west, and north are adequately protected already. The south side of the site is the elevation most visible from public vantage points as the south side faces the marina, the Eureka Inner Channel and Downtown Eureka. Existing landscaping partially screens the south side of the site. An approximately ten-foot-wide strip of landscaped area separates the south side of the project site from Startare Drive. This landscaped area contains an approximately three-foot-high vegetated berm from which several conifer trees are growing which both partially screen the project site from view and will serve to soften the appearance of the proposed storage yard as viewed from the critical south side. The north side of the parking lot adjoins the Woodley Island Wildlife area and dense vegetation and trees within the Wildlife area screen the project site from view from points across Humboldt Bay to the northwest. The west side of the parking lot is not screened by landscaping. However, landscaping is not needed along the west side as the only portion of the island west of the parking lot is the approved but never constructed restaurant/shop building. As the applicant proposes to remove the storage yard prior to completion of the restaurant/shop building, the storage yard would never adversely affect views from the building. In addition, as public vantage points from the Samoa Peninsula west of the site are too distant to afford significant views to the project site, the proposed project will not significantly detract from the appearance of Woodley Island as seen from the west.

Therefore, the Commission finds that as conditioned to require landscaping along the east side of the project site, the project with the proposed amendment is consistent with Policy 9.1 of the Eureka LCP as the project with the proposed amendment will be designed to protect views to and along the ocean and to be visually compatible with the character of surrounding areas.

6. Environmentally Sensitive Habitat.

LUP Policy 5.5 states in applicable part:

Environmentally sensitive habitat areas within the City of Eureka's coastal zone shall include:

...

(3) Indian Island, Daby Island, and the Woodley Island wildlife area.

...

(emphasis added)

LUP Policy 5.6 states in applicable part:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and that development in areas adjacent to environmentally sensitive habitat areas shall be sited and

designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The proposed project is located adjacent to a portion of the Woodley Island wildlife area, an area designated as an environmentally sensitive habitat area (ESHA) by Policy 5.5 of the certified LUP. As proposed however, the gear storage facility will not have any significant adverse effects on the ESHA. All of the facility will be confined to the existing parking lot and will encroach no closer to the wildlife area than the existing parking lot. The proposed storage use will not involve the development of permanent structures and will not create any greater noise, visual disturbance, or other effects on use of the wildlife area by wildlife than the approved parking use for the site. Therefore, the Commission finds that the project with the proposed amendment is also consistent with LUP Policy 5.6 because the proposed gear storage facility will not have significant effects on the Woodley Island wildlife area and the habitat area will be protected to the same degree under the proposed amendment as the wildlife area would have been with continued use of the previously approved and developed parking lot at the site.

7. Parking

LUP Policy 3.6 states in applicable part:

"...Public access support facilities shall be 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 gear storage facility would be located within an existing 38-space parking lot. As no new parking is proposed, the project raises concerns whether the project would reduce the supply of parking to the point where people coming to Woodley Island to use the public access facilities would be deterred by a lack of parking.

The proposed project will not contribute to a parking problem on Woodley Island and adequate off-street parking will remain available for public access users consistent with LUP Policy 3.6. Woodley Island currently has 351 parking spaces. The parking is spread among seven separate lots, all accessed via Startare Drive. One of these lots is located across Startare Drive from the parking lot where the gear storage facility is proposed. The parking lot to be used was originally built to serve the approved, but never constructed restaurant/shop building at the west end of the island. Because the building does not yet exist, the parking is not needed for its original purpose at this time. As the proposed gear storage facility is proposed as an interim use that would be removed once the restaurant/shops building is constructed, the parking lot would be available to serve its originally intended purpose when it is really needed for that purpose. Thus, the proposed project will not displace parking needed for already permitted development and increase the demand for parking elsewhere on the island to the detriment of public access

users. To ensure that the conversion of the gear storage facility back to parking to serve the already approved visitor serving use proceeds smoothly and does not result in the new building opening without adequate parking, the Commission attaches Special Condition No. 2 which requires the Harbor District to submit a conversion plan for the review and approval of the Executive Director at least six months prior to completion of the restaurant/shops building. The plan must provide for (1) the removal of the fencing, storage equipment, and other facilities installed for the gear storage use, (2) any necessary rehabilitation work to restore the site to parking lot use, and (3) the termination of any agreements with tenants to use the gear storage facility at the subject site in time for the the parking lot to be restored prior to occupancy of the restaurant building.

The remainder of the parking available on the Island after installation of the gear storage facility will be more than adequate to provide for needed public access use. The Harbor District estimates that at any one time throughout the year, approximately 30% of the 351 parking spaces on the island are used. The spaces most used for parking are the spaces near the center of the marina complex where the marina headquarters, a restaurant, and other commercial building space is available. This location is well to the east of the parking lot proposed for the gear storage facility. The parking lot on the other side of Startare Drive from the proposed gear storage facility site is not as heavily used as the central parking area and would continue to be available for public access users. Any public access user who previously parked in the lot to be used for the gear storage facility could continue to access the western end of the island by parking in the lot across Startare Drive. As adequate parking for public access users will be maintained on the island and specifically for public access users desiring to visit the west end of the island, the Commission finds that the proposed amendment will not deter use of the public access facilities on the island. Therefore, the Commission finds that the project with the proposed amendment as conditioned is consistent with Policy 3.6 of the certified LUP as adequate public access parking will be provided along the waterfront of Woodley Island.

8. Public Access.

Projects located within the coastal development permit jurisdiction of a local government that are located between the nearest public road and the sea are subject to the coastal access policies of both the Coastal Act and the LCP. Sections 30210, 30211 and 30212 require that maximum public access be provided, that new development not interfere with the public's right of access to the sea, and that public access from the nearest public roadway to the shoreline be provided in new development.

In applying the public access policies of the Coastal Act and the LCP, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

The proposed amendment will not result in any adverse impacts on public access. The area to be used consists of a parking lot. No public access pathway or public access destination would be displaced by the proposed gear storage facility use. As discussed in Finding 7 above, adequate parking for public access use will continue to be available on the island generally, and particularly on the part of the island where the gear storage facility is proposed. The proposed gear storage facility use will not increase the demand for public access and the Commission notes that there is plenty of available public access already on the island as the entire shoreline edge of the marina is bordered by a shoreline promenade furnished with occasional benches for seating that extend from the western end of the island to the end of the parking lot near the east end of the Marina complex. Therefore, the Commission finds that the proposed development with the proposed amendment, which does not include any additional provisions for public access, is consistent with the public access policies of the Coastal Act.

9. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the policies of the City of Eureka LCP and the public access policies of the Coastal Act. Mitigation measures have been imposed to minimize all adverse environmental impacts and reduce them to a level of insignificance. These measures include (1) requiring landscaping of the gear storage facility to make the development compatible with the visual character of the island, and (2) requiring a plan for conversion of the site back to parking lot use if and when the site is needed for parking purposes to serve the approved, but never constructed restaurant/shops building at the west end of the island.

As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

ATTACHMENT A

Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. 1

APPLICATION NO.

1-84-169-A5

REGIONAL LOCATION

SITE

Samoa

Fairhaven

ELMER A. AIRPORT

Fields Landing

EUREKA

Cullen

freshwater
SHEEP M.

ARCATA

COASTAL

Bayside

BOUNDARY

LOCATION MAP

0 2
miles

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N

California Coastal Commission

County of Humboldt

Sheet 4 of 8

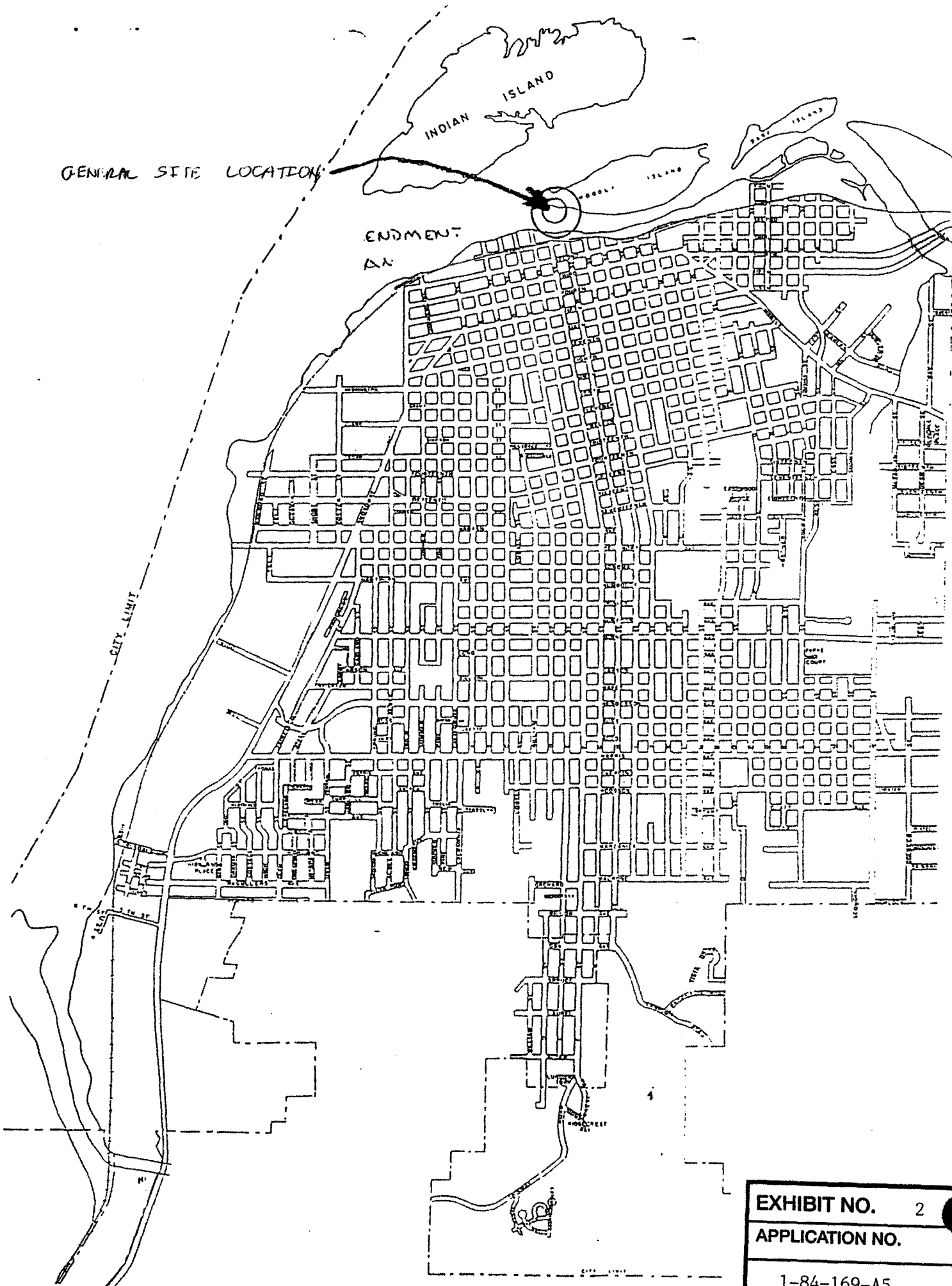


EXHIBIT NO.	2
APPLICATION NO.	
1-84-169-A5	
VICINITY MAP	

EXHIBIT NO. 3

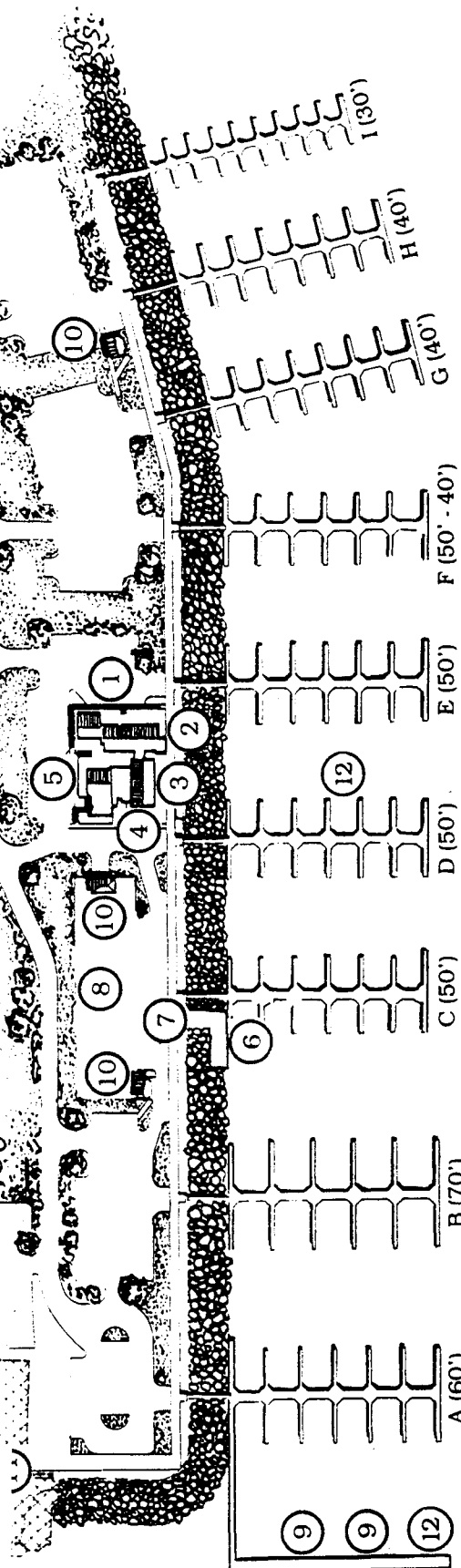
APPLICATION NO.

1-84-169-A5

SITE PLAN

PROPOSED FENCED
GEAR STORAGE
AREA

1200'



LEGEND

1. DISTRICT OFFICES
 2. DOCK MASTER
 3. COFFEE SHOP
 4. LAUNDRY
 5. RESTROOMS/SHOWERS
 6. 1 & 2-TON HOISTS
 7. WORK DOCK
 8. WORK AREA
 9. SEWAGE PUMP-OUTS
 10. RESTROOMS
 11. FUTURE RESTAURANT
 12. TRANSIENT VESSEL BERTHS
- 237 berths, full utilities, water, power (20-50amps), bilge pump-out, and fire protection

INFORMATION

Marina Telephone: (707) 443-0801
Emergency Telephone: (707) 443-0804
Coast Guard: (707) 443-2213
U.S. Customs: (707) 442-4822
Radio Channel: 14 & 16

Contact Person: _____

P.O. Box 1030
Eureka, CA 95502-1030

Funding Support: Economic
Development Administration,
California Department of Boating
and Waterways

WOODLEY ISLAND MARINA

