

CALIFORNIA COASTAL COMMISSION

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 Staff: Melissa Kraemer
 Staff Report: December 23, 2011
 Hearing Date: January 12, 2011
 Commission Action:

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: CDP No. 1-11-017

APPLICANT: Naim and Louise Obeji, dba EZ Landing

AGENT: Whitchurch Engineering, Inc.

PROJECT LOCATION: EZ Landing Trailer Park and Marina, 1875 Buhne Drive, King Salmon, Humboldt County (APNs 305-091-01 & -02)

PROJECT DESCRIPTION: Improve an existing recreational vehicle (RV) and mobile home park by (1) demolishing and replacing a decrepit 1,800-square-foot building housing the caretaker's quarters, office, and store with a ~2,000-square-foot double-wide mobile home housing the same uses in the same location; (2) authorizing after-the-fact the 2003 demolition of a 750-square-foot workshop building, and (3) installing a ~1,500-square-foot double-wide mobile home for a new workshop on the historical footprint of the demolished workshop building.

LOCAL APPROVALS RECEIVED: Humboldt County Conditional Use Permit 02-04

OTHER APPROVALS REQUIRED: CA Dept. of Housing & Community Development

SUBSTANTIVE FILE DOCUMENTS: (1) CDP File No. 1-02-034; and
 (2) Humboldt County Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval with conditions of the coastal development permit application for the proposed project on the basis that, as conditioned, the project is consistent with the Chapter 3 policies of the Coastal Act.

The EZ Landing Trailer Park and Marina, located in the unincorporated community of King Salmon on Humboldt Bay, is comprised of 31 mobile home installations and 45 short-term RV spaces, a 70-slip marina, and various support facilities. The property is zoned Commercial Recreation (CR) with a Flood Hazard Area (F) combining zone under the Humboldt County certified LCP. RV-parks, caretaker's units, and improvements to boating facilities all are conditionally permitted uses in the CR zone.

The majority of the King Salmon area consists of former tidelands of Humboldt Bay that were partially filled during the mid-1900s. Much of the area later was subdivided, mostly into 25-foot-wide lots that originally were used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel which ultimately leads to the open waters of Humboldt Bay. The eastern side of the subject property abuts Fisherman's Channel, and the facility includes a dilapidated 70-slip berthing marina with a small boat refueling depot along the channel. Public access to Fisherman's Channel for fishing and picnicking also is available at the end of Halibut Avenue adjacent to the site. Portions of the bottom of the Fisherman's Channel are vegetated with patches of eelgrass (*Zostera marina*). Eelgrass is an important marine plant species that serves as a substrate for epiphytic algae and micro-invertebrates, provides nursery habitat for numerous species of economically important fish and shellfish, and is a food source for various waterfowl.

The EZ Landing Trailer Park and Marina was first developed in 1949 on the subject site. Since adoption of the Coastal Act, the Commission has reviewed a number of coastal development permit applications for development at the site. On December 15, 2006 the Commission denied CDP Application No. 1-02-034 proposed by the applicants to renovate the facility. The Commission's denial of the application was based on the project's inconsistency with Sections 30230, 30231, 30233, and the public access policies of the Coastal Act. In its denial of CDP Application No. 1-02-034 however, the Commission found that the applicants could feasibly modify the proposed project to make it consistent with all applicable policies of the Coastal Act.

Under the current CDP application, the applicants propose to: (1) demolish and replace a decrepit 1,800-square-foot building housing the caretaker's quarters, office, and store with a ~2,000-square-foot double-wide mobile home housing the same uses in the same location; (2) authorize after-the-fact the 2003 demolition of a 750-square-foot workshop building, and (3) install a ~1,500-square-foot double-wide mobile home for a new workshop on the historical footprint of the demolished workshop building. The project as proposed would be sited on existing disturbed ground with no proposed vegetation removal and minimal ground-disturbing activities.

The subject CDP application differs from CDP Application No. 1-02-034, which the Commission denied in 2006, in several important ways. First, no renovations are proposed to the existing boat ramp, and no new boat dock or marina structures will be constructed as part of the current proposal. By excluding these elements, the applicants aim to avoid impacts to eelgrass and other marine resources. Second, no renovations are proposed to the sundeck or fish cleaning station. The applicants are not proposing to undertake any activities which would result in fill of coastal wetlands or waters or encroachment into the biologically sensitive areas. Finally, no improvements are proposed which would affect existing public access routes or facilities. Halibut Drive, which is a public street providing access to a public marina, no longer is proposed to be vacated, as had been previously proposed.

Staff believes that the proposed improvements to the existing RV Park facility would not decrease or otherwise change the number of RV spaces that could continue to be leased for transient recreational vehicle use. In addition, staff believes that the existing uses that would be housed in the new mobile home structures all are uses that facilitate the priority uses that occur on the subject property. Staff recommends Special Condition Nos. 1 through 6 to protect water quality and marine resources throughout the course of the proposed project, to mitigate flood hazard risks, to ensure that the development is compatible with the character of the surrounding area, and to prevent the displacement of needed priority uses and the uses that facilitate such priority uses through restrictions on future development at the project site.

The Motion to adopt the staff recommendation of Approval with Conditions is found on page 4 below.

STAFF NOTES:

1. Standard of Review

The project site is located in the Commission's retained permit jurisdiction. Humboldt County has a certified local coastal program (LCP), but the site is within an area shown on State Lands Commission maps over which the State retains a public trust interest. Therefore, the standard of review that the Commission must apply to the project is the Chapter 3 policies of the Coastal Act.

I. MOTION, STAFF RECOMMENDATION, & RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

I move that the Commission approve Coastal Development Permit No. 1-11-017 pursuant to the staff recommendation.

Staff Recommendation of Approval:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve Permit with Conditions:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS: See Appendix A.

III. SPECIAL CONDITIONS:

1. Construction Responsibilities

The permittees shall comply with the following construction-related requirements:

- A. No construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands;
- B. Any and all debris resulting from construction activities shall be removed from the project site and disposed of at an authorized disposal location within 10 days of project completion;
- C. Any debris discharged into coastal waters shall be recovered immediately and disposed of properly;
- D. If rainfall is forecast during the time construction activities are being performed, any exposed soil areas shall be promptly mulched or covered with plastic sheeting and secured with sand bagging or other appropriate materials before the onset of precipitation;
- E. Fuels, lubricants, and solvents shall not be allowed to enter coastal waters or wetlands. Any accidental spills shall be rapidly contained and cleaned up; and

- F. Silt screens, straw bales, or other appropriate erosion and sedimentation control devices shall be installed around the perimeter of the construction areas prior to the initiation of construction activities and shall be maintained throughout project construction.

2. Submittal of Final Foundation Plans

- A. **PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-11-017**, the applicant shall submit final foundations plans for the new mobile home structures authorized by this coastal development permit demonstrating that as proposed, (a) pier foundations for the structures will be placed approximately three feet above existing grade to allow for floodwaters to flow freely under the structures with minimal impedance, and (b) strapping tied to the piers will be extended throughout the frame of the buildings so as to attach them securely to the foundations.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Assumption of Risk, Waiver of Liability & Indemnity

By acceptance of this permit, the applicants acknowledge and agree: (i) that the site may be subject to hazards from flooding, tsunami wave run-up, erosion, subsidence, earth movement, liquefaction, and other geologic and flood hazards; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

4. Deed Restriction Recordation of Permit Conditions

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-11-017, the applicants shall submit to the Executive Director for review and approval documentation demonstrating that the applicants have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the

entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

5. Lighting Limitations

All exterior lighting attached to the authorized structures shall be low-wattage and downcast shielded such that no glare will be directed beyond the bounds of the property or into adjoining coastal waters.

6. Future Development Restriction

This permit is only for the development described in Coastal Development Permit Application No. 1-11-017. All development authorized by Coastal Development Permit No. 1-11-017 must occur in strict compliance with the proposal set forth in the application for the permit as modified by the special conditions. Any (a) deviation from the plan proposal, (b) changes in the intensity, density, or use of the site or access to water, (c) any change in the legally authorized uses of either the RVs or mobile home structures including, but not limited to, lease or use of any structure for residential purposes, or (d) any other changes to the proposed project may require a new coastal development permit or an amendment to this permit, unless the Executive Director determines that no amendment is legally required.

7. Department of Housing and Community Development Approval

PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT NO. 1-11-017, the applicant shall provide, for the review and written approval of the Executive Director, a copy of a permit issued by the California Department of Housing and Community Development (HCD), or evidence that no HCD approval is required. The applicant shall inform the Executive Director of any changes to the project required by the Department. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

IV. FINDINGS & DECLARATIONS:

The Commission hereby finds and declares as follows:

A. ENVIRONMENTAL SETTING

The EZ Landing Trailer Park and Marina, located in the unincorporated community of King Salmon on Humboldt Bay, is comprised of 31 mobile home installations and 45

short-term RV spaces, a 70-slip marina, and various support facilities. All RV and mobile home units have full access to sewer, water, and electrical utilities (community water and sewer systems are provided by the Humboldt Community Services District). The facility was established in 1949. The property is zoned Commercial Recreation (CR) with a Flood Hazard Area (F) combining zone under the Humboldt County certified LCP. RV-parks, caretaker's units, and improvements to boating facilities all are conditionally permitted uses in the CR zone.

The majority of the King Salmon area consists of former tidelands of Humboldt Bay that were partially filled during the mid-1900s. Much of the area later was subdivided, mostly into 25-foot-wide lots that originally were used for resort cabins. The tidelands were filled in a manner that created interior tidal channels within the subdivision, all of which connect to Fisherman's Channel which ultimately leads to the open waters of Humboldt Bay. The main road serving the community is King Salmon Avenue, which turns into Buhne Drive. Several narrow dead-end streets branch off of Buhne Drive to serve the numerous residential lots, mobile-home/recreational vehicle parks, and coastal-dependent and coastal-related commercial concerns. Buhne Drive flanks the northwest and western sides of the developed portions of the community, separating the residential neighborhood from a reclaimed mudflat and dune area that borders the open waters of Humboldt Bay further to the west. This dune and Humboldt Bay shoreline area is accessible to the public. With the exception of pedestrian ingress down the steep riprap-revetted banks at some of the non-through street ends within the residential subdivision, very little public access is available to the tidal areas along the King Salmon/Fisherman's Channel side of the community.

The approximately five-acre subject property is located along both sides of Halibut Avenue, the southernmost of the dead-end streets that branch off of Buhne Drive. The eastern side of the property abuts Fisherman's Channel, an intertidal waterway immediately connecting to the open waters of Humboldt Bay. The subject property includes a dilapidated 70-slip berthing marina with a small boat refueling depot along Fisherman's Channel. Public access to Fisherman's Channel for fishing and picnicking is also available at the end of Halibut Avenue adjacent to the site. Portions of the bottom of the Fisherman's Channel are vegetated with patches of eelgrass (*Zostera marina*), an important marine plant species that: (a) serves as a substrate for epiphytic algae and micro-invertebrates; (b) provides nursery habitat for numerous species of economically important fish and shellfish; and (c) is a food source for various "dabbler" waterfowl, especially brant (*Branta bernicla*) and widgeon (*Anas penelope*).

The upland portion of the property is currently developed with a 76-unit combination mobile-home/recreational vehicle park complex containing 31 mobile home installations and 45 short-term RV spaces and various related support facilities, including a caretaker's residence, store, office, meeting room, storage buildings, and restrooms. With the exception of small lawn and landscaped areas within the park complex, the majority of the property is denuded of vegetation and is surfaced with either asphalt-concrete or gravel surfaces.

B. PERMIT HISTORY

The EZ Landing Trailer Park and Marina was first developed in 1949 on the subject site (Exhibit Nos. 1-2). Since adoption of the Coastal Act, the Commission has reviewed a number of coastal development permit applications for development at the site. On November 12, 1986, the Commission approved CDP Waiver No. 1-86-162-W, which authorized the addition of eight self-contained recreational vehicle spaces to the existing 75-unit park. On April 13, 1990, the Commission approved CDP Waiver No. 1-90-060-W, which authorized the construction of a 16-foot by 32-foot laundry room on the property. On October 9, 2002, the Commission approved CDP Waiver No. 1-02-144-W, which authorized the replacement of existing utilities at the subject site, including electrical, telephone, natural gas, water, and sewer.

On December 15, 2006 the Commission denied CDP Application No. 1-02-034 proposed by the applicants to renovate the facility. The specific renovation work proposed in the CDP application included: (1) demolishing an existing 1,800-square-foot multi-purpose office/store/caretaker residence and replacing it with a 3,000-square-foot multi-use structure; (2) demolishing an existing 750-square-foot shop building and replacing it with a 750-square-foot shop building; (3) demolishing an existing boat hoist-launch structure and replacing it with a new self-launch boat ramp; and (4) dedicating a 2,700-square-foot upland park area and reconstructing a previously existing boat dock and ramp for public coastal access use.

The Commission's denial of the application was based on the project's inconsistency with Sections 30230, 30231, 30233, and the public access policies of the Coastal Act. First, the proposal to renovate the park's existing boat ramp and reconstruct a public boat dock and ramp would have involved the direct removal or covering of eelgrass beds. An adequate mitigation and monitoring plan and protocols had not been provided to replace and offset the direct impacts to this highly-valued marine habitat vegetation. Therefore, the Commission found the development to be inconsistent with Sections 30230, 30231, and 30233 of the Coastal Act, as the development would not have protected affected marine biological resources, provided all feasible mitigation measures, or have been the least environmentally damaging feasible alternative. Second, the fill associated with construction of a proposed renovated sundeck would not have been for one of the permissible uses enumerated in Coastal Act Section 30233(a). Finally, the development would have interfered with the public's right of access to the sea and water-oriented recreational activities by vacating and converting to other uses the public right-of-way along Halibut Avenue.

In its denial of CDP Application No. 1-02-034, the Commission found that the applicants could feasibly modify the proposed project to make it consistent with all applicable policies of the Coastal Act. For example, if the proposed mitigation plan were to be revised to provide greater than a minimum 1:1 replacement for the eelgrass that would be lost in constructing the boat launching and docking facilities, and to include

modifications to the restoration area layout and propagation methods for establishing the replacement eelgrass beds, the impacts to marine resources could have been shown to have been reduced to less than significant levels, allowing for the development to be found consistent with Coastal Act Section 30233. Alternately, the applicants could scale back the development proposal to exclude those over- and in-water portions that would adversely affect coastal marine biological resources. In addition, if the proposed renovated sundeck were redesigned so as not to encroach into Humboldt Bay, the conflict with the limitations of Section 30233 on allowable uses of fill in coastal waters would be eliminated. Further, if changes to the site plan were made to obviate the need for vacation of the Halibut Avenue street right-of-way, potential conflicts with public access could similarly have been avoided, allowing the development to be found consistent with the Coastal Act's public access policies.

C. PROJECT DESCRIPTION

Under the current CDP application, the applicants propose to: (1) demolish and replace a decrepit 1,800-square-foot building housing the caretaker's quarters, office, and store with a ~2,000-square-foot double-wide mobile home housing the same uses in the same location; (2) authorize after-the-fact the 2003 demolition of a 750-square-foot workshop building, and (3) install a ~1,500-square-foot double-wide mobile home for a new workshop on the historical footprint of the demolished workshop building (Exhibit Nos. 3-4).

The project as proposed would be sited on existing disturbed ground with no proposed vegetation removal and minimal ground-disturbing activities. The proposed new mobile home structures would be placed on pier foundations approximately 3 feet above existing grade above flood elevation. Strapping tied to the piers would be extended throughout the frame of the buildings, attaching them securely to the foundations. As the piers would be driven into the ground or placed in narrow holes, little to no excavation would be required.

Debris resulting from the proposed project would be disposed of in a 40-cubic-yard, 10-ton-capacity debris box that would be rented from Recology, a local waste management company based in Eureka. The company supplies boxes with drop-off and pick-up service for transport to an off-site sorting and disposal facility.

The subject CDP application differs from CDP Application No. 1-02-034, which the Commission denied in 2006, in several important ways. First, no renovations are proposed to the existing boat ramp, and no new boat dock or marina structures will be constructed as part of the current proposal. By excluding these elements, the applicants aim to avoid impacts to eelgrass and other marine resources. Second, no renovations are proposed to the sundeck or fish cleaning station. The applicants are not proposing to undertake any activities which would result in fill of coastal wetlands or waters or encroachment into the biologically sensitive areas. Finally, no improvements are proposed which would affect existing public access routes or facilities. Halibut Drive,

which is a public street providing access to a public marina, no longer is proposed to be vacated, as had been previously proposed.

D. PROTECTION OF WATER QUALITY & MARINE RESOURCES

Section 30230 of the Coastal Act states as follows:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states as follows:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed project area is located on previously disturbed ground in areas denuded of vegetation and surfaced with either asphalt-concrete or gravel. No ESHAs are present in project area proper, though as discussed above, the nearby Fisherman's Channel, which is connected to Humboldt Bay, contains a large bed of eelgrass growing adjacent to the project site. Eelgrass beds are important habitat worthy of protection because they function as important shelter, foraging, and in some cases spawning habitats for a variety of fish species. The long, green leaves of the aquatic flowering plant also are an important food source for certain sensitive bird species, such as black brant. As discussed above, no activities are proposed to be undertaken which would result in fill of coastal wetlands or waters or encroachment into environmentally sensitive areas or eelgrass beds.

As cited above, Sections 30230 and 30231 of the Coastal Act require in part the maintenance of the biological productivity and quality of marine resources, coastal waters, streams, wetlands, and estuaries necessary to maintain optimum populations of all species of marine organisms and for the protection of human health.

Implementation of the proposed project will result in construction and the accumulation of debris material in close proximity to coastal waters. Although the proposed building footprints are already developed and the project will not result in the removal of vegetation or the exposure of bare soils, unless appropriate protocols are followed, the proposed work could result in solid material entering coastal waters and eelgrass beds,

improper storage of materials in or adjacent to sensitive areas, and other activities that could have adverse impacts on water quality, marine resources, and eelgrass beds adjacent to the project site.

To ensure the protection of water quality and adjacent eelgrass beds from construction-related impacts, the Commission attaches **Special Condition No. 1**. This condition outlines general construction standards and responsibilities that must be adhered to during the course of the proposed demolition and construction work. These include requirements that (a) no construction materials, debris, or waste shall be placed or stored where it may be subject to entering coastal waters or wetlands; (b) any and all debris resulting from construction activities shall be removed from the project site and disposed of at an authorized disposal location within 10 days of project completion; (c) any debris inadvertently discharged into coastal waters shall be recovered immediately and disposed of properly; (d) if rainfall is forecast during the time construction activities are being performed, any exposed soil areas shall be promptly mulched or covered with plastic sheeting and secured with sand bagging or other appropriate materials before the onset of precipitation; (e) fuels, lubricants, and solvents shall not be allowed to enter coastal waters or wetlands, and any accidental spills shall be rapidly contained and cleaned up; and; (f) silt screens, straw bales, or other appropriate erosion and sedimentation control devices shall be installed around the perimeter of the construction areas prior to the initiation of construction activities and shall be maintained throughout project construction.

Therefore, the Commission finds that as conditioned to require adherence to a number of additional construction standards and responsibilities to protect water quality and adjacent eelgrass beds, the proposed development is consistent with Coastal Act Sections 30230 and 30231.

E. PUBLIC ACCESS

The project site is located between the first public road (Highway 101) and the sea (the Fisherman's Channel is considered to be an arm of the sea in this area). Accordingly, a public access finding is required for the project.

Section 30210 of the Coastal Act requires that maximum public access shall be provided consistent with public safety needs and the need to protect natural resource areas from overuse. Section 30212 of the Coastal Act requires that access from the nearest public roadway to the shoreline be provided in new development projects except where it is inconsistent with public safety, military security, or protection of fragile coastal resources, or adequate access exists nearby. Section 30211 requires that development not interfere with the public's right to access gained by use or legislative authorization. Section 30214 of the Coastal Act provides that the public access policies of the Coastal Act shall be implemented in a manner that takes into account the capacity of the site and the fragility of natural resources in the area. In applying Sections 30210, 30211, 30212, and 30214, the Commission is also limited by the need to show that any denial of a

permit application based on these sections, 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 project as currently proposed will not adversely affect public access. The proposed new mobile home structures will be sited at the locations of the buildings to be demolished and removed, and the development will not displace any existing public access. In addition, unlike CDP Application No. 1-02-034, which the Commission denied in 2006 in part due to the project's inconsistency with the public access policies of the Coastal Act, the subject development does not include a proposal to vacate the unimproved terminal portion of Halibut Avenue, a public street thoroughfare. Although the applicants made application to the County for abandonment of the end unimproved portion of Halibut Avenue in 2002, the County never acted on the request, in part because the County Public Works Department indicated that it would not support the proposed vacation of portions of the Halibut Avenue right-of-way. Public access and water-oriented recreational use remain available at the foot of Halibut Avenue, primarily in the form of picnicking and fishing. Furthermore, the proposed project will not create any new demand for public access or otherwise create any additional burdens on public access. Therefore, the Commission finds that the proposed project will not have any significant adverse effect on public access, and the project as proposed without new public access is consistent with the requirements of Coastal Act Sections 30210, 30211, and 30212.

F. MINIMIZATION OF FLOOD HAZARD RISKS

Section 30253 of the Coastal Act states, in applicable part:

New development shall do all of the following:

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

Coastal Act Section 30253 requires in applicable part that new development minimize risks to life and property in areas of high flood hazard and neither create nor contribute significantly to erosion or geologic instability.

The primary natural hazard affecting development of the subject property is flooding. The entire King Salmon subdivision lies within the FEMA-mapped 100-year flood zone and will be subject to flooding from extreme high tides. The elevation at the site is between 5 and 10 feet above mean sea level.

The primary way to minimize flooding risks from extreme high tides is to raise the structures above flood elevations. According to the County Building Department, the 100-year Base Flood Elevation (BFE) in the King Salmon area as established by the Federal Emergency Management Agency's National Flood Insurance Program is estimated to be +6 feet NGVD. In implementing the federal flood protection program, Humboldt County building permit regulations require new residences to have a finished floor elevation at least one-foot above Base Flood Elevation. The applicants completed a

flood elevation certificate based on surveys by a registered professional engineer stating that the finished floor elevations of the proposed structures will be above +7 feet NGVD29. In fact, while the grade in the vicinity of the proposed buildings is approximately 5 feet, and the applicants propose to use a standard pier type foundation for the proposed new mobile home structures, the finished floor elevations will be at approximately 8 feet NGVD29. In addition, the proposed pier foundation for the mobile home structures, which will be placed approximately three feet above existing grade, will allow for floodwaters to flow freely under the structures with minimal impedance. Strapping tied to the piers will be extended throughout the frame of the structures, attaching them securely to the foundations to help prevent the mobile home structures from being carried away in flood waters (Exhibit No. 4). The Commission attaches **Special Condition No. 2** to ensure that the proposed foundation plan is implemented as proposed to mitigate flood hazards.

Extreme high tide events in conjunction with future sea-level rise will increase the vulnerability of the entire King Salmon community. According to the state's 2010 sea-level rise interim guidance document, sea level is projected to rise 5 to 8 inches by 2030 and 10 to 17 inches by 2050. Throughout the first half of the 21st century, sea-level rise *alone* is not expected to cause significant flooding, inundation, or erosion, but rather the highest probability and most damaging events likely will take place when increasingly elevated sea-level occurs simultaneously with high tides and large waves (e.g., during El Niños). Between 2050 and 2100, when sea-levels approach 18 to 69 inches above the present, the effects of sea level rise alone (flooding and inundation) and the combined effects of sea-level rise and large waves (e.g., damage to coastal structures, cliff erosion, beach loss) are projected to have much greater impacts.

As the design life of the proposed new mobile home structures is 30 to 50 years (depending on maintenance), an approximately 9- to 18-inch rise in sea-level can be anticipated over the life of the project. As discussed above, the finished floor elevations of the mobile home structures will be at approximately 8 feet, which is sufficiently above the BFE established in the King Salmon area by FEMA to account for projected sea-level rise during the economic life of the proposed development.

In addition to the risk of flood hazards associated with extreme high tides, the subject property, along with many others around Humboldt Bay, is shown on emergency planning maps published in 2009 by the California Emergency Management Agency, California Geologic Survey, and University of Southern California as being within the zone of potential inundation by a tsunami. 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. The primary way to ensure that the proposed development would be safe from tsunami wave run-up would be to require that the habitable living spaces be positioned only above tsunami inundation levels. However, it would not be feasible to design structures in this location that would position the habitable living spaces above tsunami inundation levels, which are believed to be at least 30 feet above mean sea level. Construction of new structures at a design elevation high enough to

minimize the hazard of tsunami wave run-up would be glaringly out of character with the surrounding area, where most existing structures are below 20 feet in height. Thus, the Commission finds that the flood risk from tsunami wave run-up at the site cannot be fully mitigated.

Nevertheless, the Commission finds that if the applicants and future landowners receive notification of the flood risks associated with the property, then the applicants and future landowners of the property can decide whether to implement development on the site despite the risks. Therefore, the Commission attaches Special Condition Nos. 2 and 3. **Special Condition No. 3** requires the landowner to assume the risks of flooding hazards to the property and waive any claim of liability on the part of the Commission. Given that the applicant has chosen to implement the project despite flooding risks, the applicant must assume the risks. In this way, the applicant is notified that the Commission is not liable for damage as a result of approving the permit for development. The condition also requires the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand hazards. To ensure that all future owners of the property are aware of the flood hazard present at the site, the Commission's immunity from liability, and the indemnity afforded the Commission, **Special Condition No. 4** requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property.

Therefore, the Commission finds that the proposed project, as conditioned, will minimize risk to life and property from hazards consistent with Section 30253 of the Coastal Act.

G. PROTECTION OF VISUAL RESOURCES

Section 30251 of the Coastal Act states that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. The section requires that permitted development be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, and to be visually compatible with the character of surrounding areas.

The proposed new structures are located in an existing trailer and RV park. Public views to Fisherman's Channel are available at the end of Halibut Avenue, and public views to Humboldt Bay are available approximately 100 feet down the road along Buhne Drive. The proposed new structures will replace existing structures and will not block any existing coastal views that are available to the public. Therefore, the proposed development will not have a significant adverse impact on views to or along the shoreline as seen from publicly-accessible vantage points in the area.

As the site is relatively flat and does not require any grading that would change the basic topography of the site, the project as proposed minimizes the alteration of natural landforms.

As the proposed new structures will be visible from Halibut Avenue and to some degree from the Fisherman's Channel off of Humboldt Bay, the Commission must consider whether the proposed development would be compatible with the character of the surrounding area. The character of the King Salmon area is largely defined by its bay-side setting and predominantly single-family residential composition. Although the development pattern is very compact, consisting primarily of rows of 25-foot-wide by 125-foot-deep lots clustered along a series of narrow, non-through streets, the overall nighttime character of the area in terms of outside illumination is largely suburban in nature, with very little exterior lighting evident. As a result, with the exception of nominally shielded street lighting along the main collector street Buhne Drive and security lighting within the parking areas of several of the commercial properties within the community, King Salmon does not presently have pronounced problems with glare from external nighttime lighting that many communities of similar size and density currently experience.

Accordingly, to prevent the cumulative impacts of glare to the visual resources of the area, the Commission attaches **Special Condition No. 5**. This condition requires that all exterior lighting be low-wattage and downcast shielded such that no glare will be directed beyond the bounds of the property or into adjoining coastal waters, where such illumination could be back-reflected onto cloud cover.

Therefore, the Commission finds that the project, as conditioned, is consistent with Section 30251 of the Coastal Act, as the project will not adversely affect views to or along the coast, result in major landform alteration, or be incompatible with the character of the surrounding area.

H. PROTECTION OF PRIORITY WATERFRONT SITES AND VISITOR-SERVING USES

Section 30213 of the Coastal Act states, in applicable part, as follows:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30220 of the Coastal Act states as follows:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30222 of the Coastal Act states as follows:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30223 of the Coastal Act states as follows:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30255 of the Coastal Act states as follows:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.

The Coastal Act establishes numerous provisions for the protection and reservation of waterfront sites and areas for development of facilities for a variety of high-priority coastal-dependent, coastal-related, and visitor-serving uses. Priority is to be given to such highly desired uses, especially those functionally dependent upon locations on or near open coastline and watercourses.

As discussed above, the EZ Landing Trailer Park and Marina, first developed in 1949 on the subject site, is comprised of 31 mobile home installations and 45 short-term RV spaces. The facility includes a dilapidated 70-slip boating marina and various related support facilities, including a caretaker's residence, store, office, small boat refueling depot, meeting room, storage buildings, and restrooms. The property is zoned Commercial Recreation (CR) under the County's certified LCP. Since RV-parks, caretaker's units, and improvements to boating facilities all are conditionally permitted uses in the CR zone, the County issued a conditional use permit in 2003 for proposed renovations to the facility at that time.

The subject property supports activities consistent with the priority use policies of the Coastal Act. The marina, though in need of renovation, facilitates recreational boating on Humboldt Bay consistent with the provisions of Coastal Act Sections 30213, 30220, 30222 that call for the protection and provision of priority water-oriented recreational activities at suitable coastal locations. In addition, the RV-park component of the existing facility is a lower-cost visitor-serving facility that provides space for transient overnight use by people with RVs. Continuance of this use is consistent with the requirements of Coastal Act Sections 30213, 30222, and 30223.

No changes to the use of the park are proposed. The development of a new mobile home to replace the existing dilapidated caretaker's quarters, office, store and a new mobile home to replace the historic workshop that existed on site until 2003 represent improvements to the existing RV Park facility that will not decrease or otherwise change the number of RV spaces that can continue to be leased for transient recreational vehicle use. In addition, the existing uses that will be housed in the new mobile home structures all are uses that facilitate the priority uses that occur on the subject property by providing administrative and maintenance support for the RV park and marina and by providing a convenience store to serve users of the RVs and boats. However, the introduction or

substitution of new uses in the any of the mobile home structures could adversely affect the support of the lower-cost visitor-serving overnight accommodations and recreational boating uses at the site or preclude the establishment of other priority uses at the site. For example, the conversion of the proposed workshop building to a residential use in the future would result in the privatization of the use of space that previously was used to facilitate public recreational use of the site. Accordingly, to prevent displacement of needed priority uses and the uses that facilitate such priority uses, the Commission attaches **Special Condition No. 6**. This condition sets restrictions on future development at the project site, requiring that any modifications to the approved project, the introduction of new uses or development, or any changes in the density or intensity in the use of land or access to water to be subject to the Commission's permitting authority. In its review of any coastal development permit application submitted pursuant to this special condition, the Commission will be able to review whether any proposed change in a legally authorized use is consistent with the priority use policies of the Coastal Act. Furthermore, to ensure that all future owners of the property are aware of the restrictions on future development at the project site, **Special Condition No. 4** requires recordation of a deed restriction that imposes the special conditions of the permit as covenants, conditions, and restrictions on the use of the property. The review of such changes will enable the Commission to ensure that new development remains fully consistent with policies of the Coastal Act requiring the protection, prioritization, and reservation of these priority uses and developments.

Therefore, as the development as conditioned will (a) facilitate the continuance of an existing priority commercial visitor-serving recreational use of the site, and (b) not allow changes to legally authorized uses without a new CDP or an amendment to this permit, the Commission finds the development as conditioned is consistent with Sections 30220, 30222, 30223,30224, 30234, and 30255 of the Coast Act.

I. ALLEGED VIOLATION

Although certain development has taken place at the project site without the benefit of a coastal development permit, including the 2003 demolition of a 750-square-foot workshop building, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13906 of the Commission's administrative regulation requires Coastal Commission approval of coastal development permit applications to be supported by a finding showing the application, as modified by any conditions of approval, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being

approved if there are any feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect the proposed development may have on the environment.

The Commission incorporates its findings on Coastal Act consistency at this point as if set forth in full. As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. The findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As specifically discussed in these above findings, which are hereby incorporated by reference, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no other feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found consistent with the requirements of the Coastal Act to conform to CEQA.

V. EXHIBITS:

- (1) Regional Location Map
- (2) Project Vicinity Map
- (3) Proposed Site Plan
- (4) Proposed Project Description

APPENDIX 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. Interpretation:

Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.

4. 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.

5. 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.

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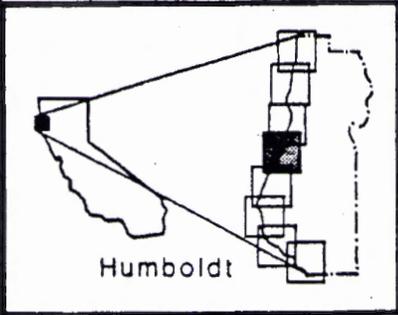
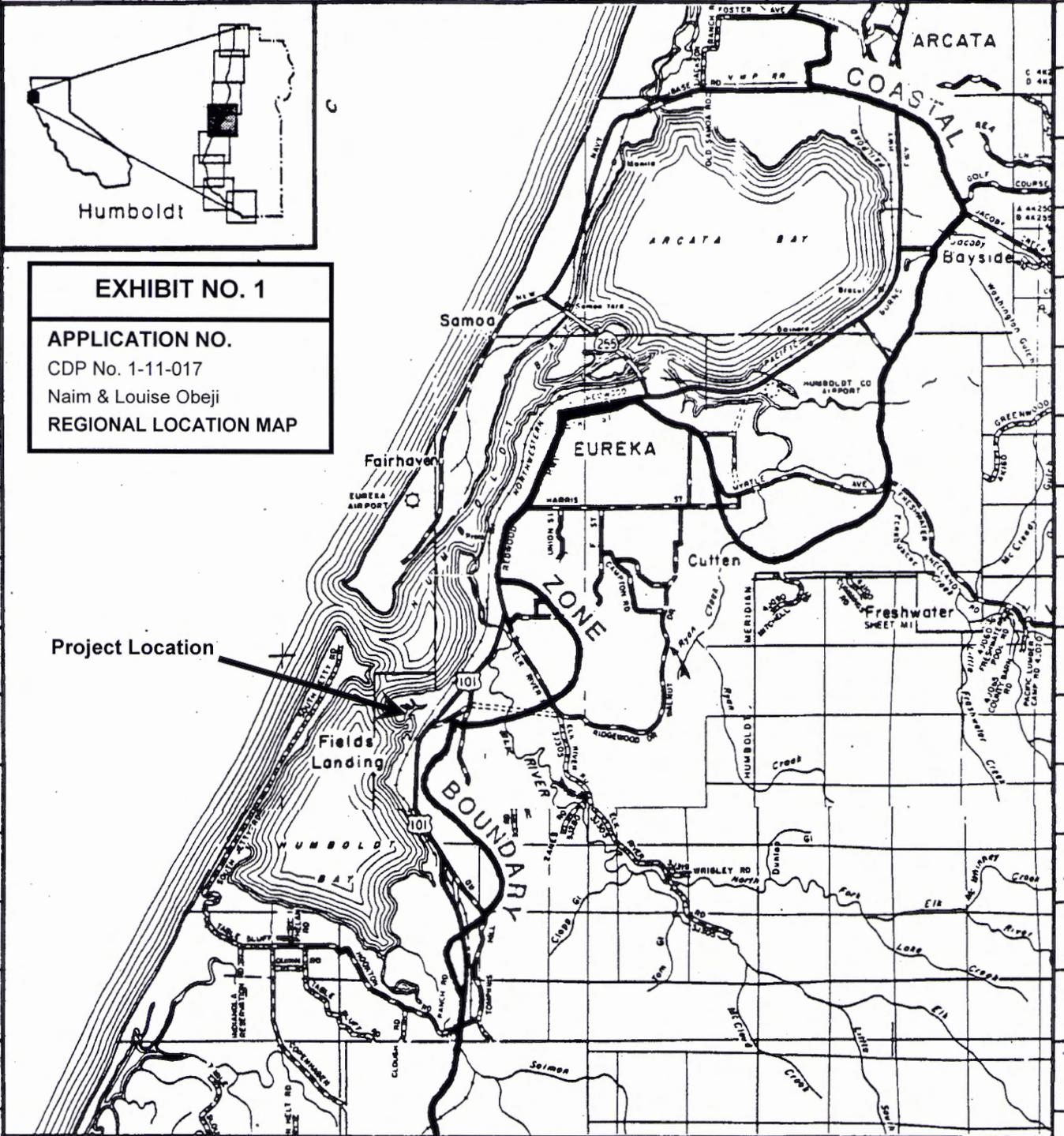


EXHIBIT NO. 1

APPLICATION NO.
CDP No. 1-11-017
Naim & Louise Obeji
REGIONAL LOCATION MAP



LOCATION MAP



County of Humboldt

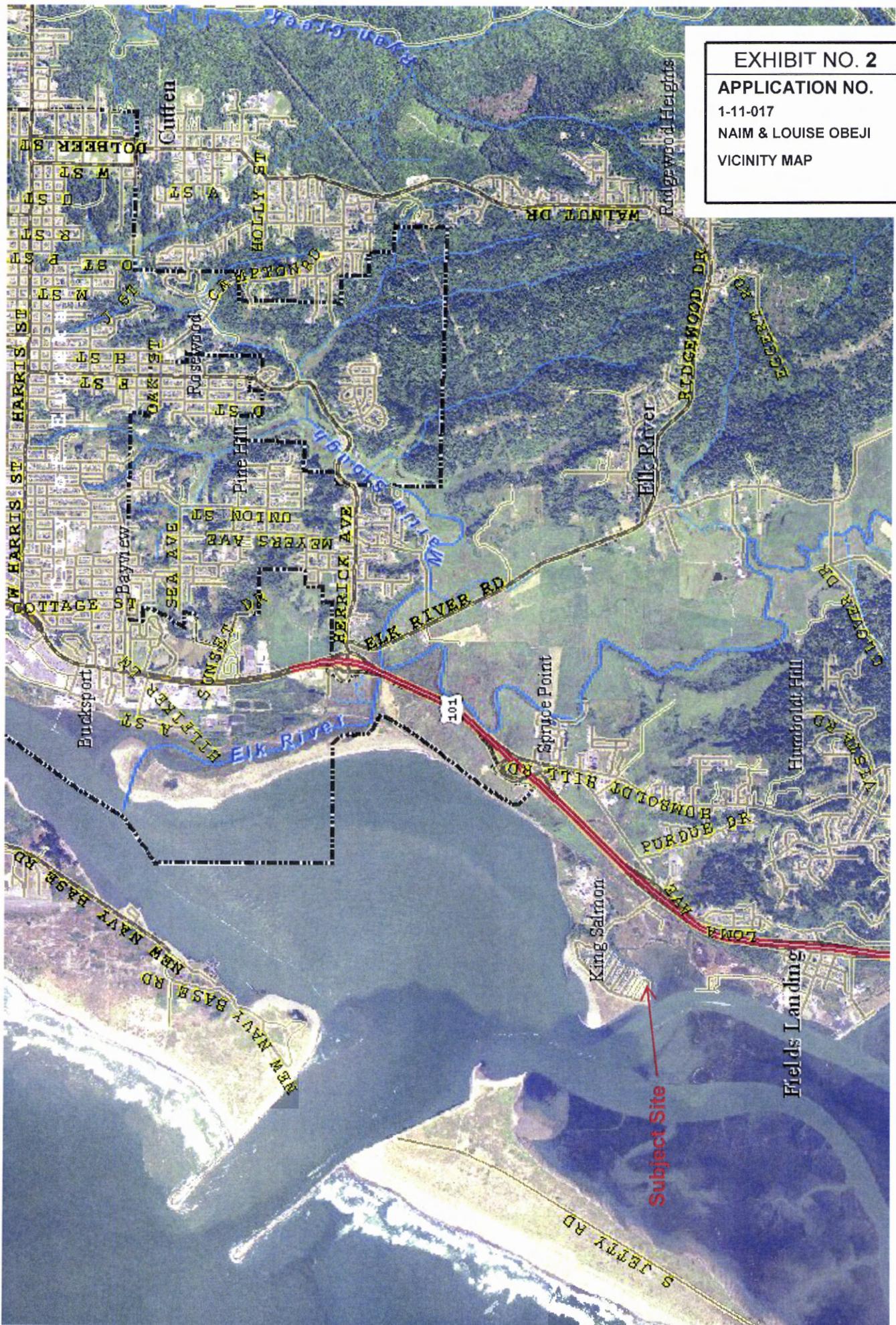
EXHIBIT NO. 2

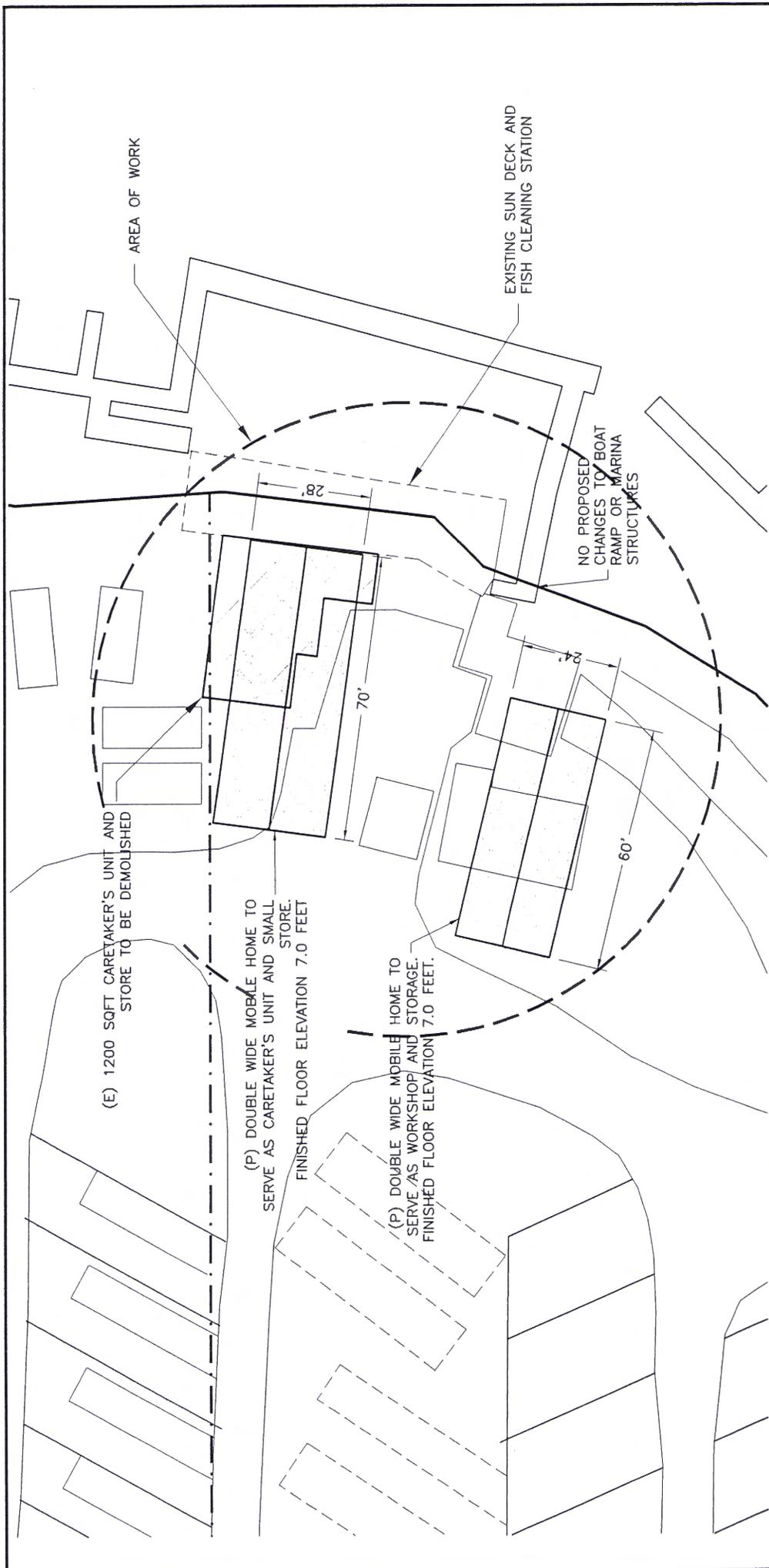
APPLICATION NO.

1-11-017

NAIM & LOUISE OBEJI

VICINITY MAP

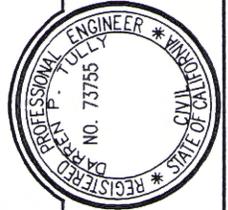




PROPOSED SITE PLAN

Date	FEB 8 '11	Design	JMH
Scale	AS NOTED	Drawn	GKK
REVISIONS	BY	Job	OBU1001
		Sheet	2
			of 2

EZ LANDING RV PARK
 1875 BURNE DRIVE, KING SALMON, CA 95503
 APR. 305-081-01 AND 02
PROPOSED SITE PLAN
 For: NAIM AND LOUISE OBEJI, P.O. BOX 1284 SANTA MONICA, CALIFORNIA 90406



WHITCHURCH ENGINEERING, INC.
 610 9th Street, Fortuna California
 Phone (707) 725-8828

EXHIBIT NO. 3
APPLICATION NO.
 1-11-017
NAIM & LOUISE OBEJI
SITE PLAN

WHITCHURCH ENGINEERING, INC

610 9th Street
Fortuna, CA 95540

Phone: (707) 725-6926
Fax: (707) 725-2959

December 12, 2011

California Coastal Commission

RE: Revised Description of Proposed EZ Landing Park Renovations
Coastal Development Permit (CDP) Application no. 1-11-01
APN: 305-091-01,305-091-02
1875 Buhne Dr.
King Salmon, CA 95503
Naim & Louise Obeji, Owners
(310)-968-3450

EXHIBIT NO. 4

APPLICATION NO.
1-11-017
NAIM & LOUISE OBEJI
PROPOSED PROJECT
DESCRIPTION (1 of 4)

JN: OBJ1101

Summary: The EZ landing Trailer Park and Marina, located on Humboldt Bay, is comprised of 31 mobile home installations, and 45 short term RV spaces. The property is zoned Commercial Recreation with a flood hazards combining Zone (CR/F). All units have full access to sewer, water, and electrical utilities. The owners of the Park wish to demolish and replace decrepit structures to improve overall park safety and aesthetic and obtain retroactive permits for the previously conducted removal of two dilapidated structures. This project does not propose the addition of any new income generating facilities such as mobile home sites or RV lots. See the Existing and Proposed Site Plans submitted with the revised application on September 6, 2011 for more information.

Background: In 2003 the Coastal Commission issued a Waiver De Minimus (#1-02-144-W) for renovations to electrical, sewer, water, and storm drainage utilities. An additional phase of renovations was proposed in a separate application (#1-02-034), but ultimately denied approval by the Commission due to several irreconcilable design elements (F13c staff report dated 12-1-06). All of the elements which were deemed controversial by the CCC were associated with "enhancements" to the park that were otherwise unnecessary. The latest proposal has been scaled back with the intention of excluding all elements which led to the previous application denial. This scope of work constitutes the bare minimum needed to demolish decrepit structures and reestablish previously lost facilities.

The proposed scope of work is as follows:

1. Demolish the existing 1800 ft² building on the east side of the property adjacent to the canal. This building houses the caretaker's quarters, an office, and a small store. The building is in a decrepit state due to extensive termite and flood damage. No modifications are proposed to the existing sun deck and no work is proposed which would encroach into the tidal zone of the canal.
2. Replace the demolished building with a double wide mobile home (approx. 2000 ft²) to serve as caretaker's quarters, an office, store, and storage. This building will occupy roughly the same footprint as the original building, see site plan submitted with flood certification. No new parking spaces or paved areas are proposed. This building will not encroach into the canal area.

3. Install a double wide mobile home (approx. 1500 ft²) on the historical footprint of the demolished workshop and bathroom facilities. These structures were abandoned and removed in the spring of 2003 by a licensed contractor. The removal of the buildings was conducted before a permit for their removal was granted, therefore the property owners would like to receive a retroactive permit for the demolition activities. A portion of the material removed from the structures was recycled at appropriate recycling centers and the remainder was taken to the waste disposal center in Eureka. No debris from these structures remains on site. The new building will be installed in an existing graded, gravel surfaced area with utilities and parking available.

Permission to undertake these renovations will enable the owners of EZ landing to carry out their commitment to improving the safety, aesthetic, and quality of service at the park.

As the current project is related to a previous application, the following points directly address issues which were raised with the original Coastal Development Application (see F13c Staff Report dated 12/1/06):

1. No renovations are proposed to the existing boat ramp. No new boat dock or marina structures will be constructed as part of the current proposal. By excluding these elements the applicant aims to avoid impacts to marine resources.
2. No renovations are proposed to the sundeck or fish cleaning station. The owners will not undertake any activities which lead to fill or encroachment into the biologically sensitive areas.
3. Improvements are not proposed which will affect existing public access routes or facilities. Halibut Drive, which provides access to a public marina, will no longer be vacated as previously proposed.

If you have any questions please call me at 707-725-6926.

Sincerely,

Brad Wilson

Project Engineer
Whitchurch Engineering, Inc.

(707) 725-6926

610 9th Street
Fortuna, Ca 95540

2014

WHITCHURCH ENGINEERING, INC

610 9th Street
Fortuna, CA 95540

Phone: (707) 725-6926
Fax: (707) 725-2959

December 12, 2011

California Coastal Commission

RE: Description of foundations beneath proposed mobile home units at the EZ Landing Park Coastal Development Permit (CDP) Application no. 1-11-01
APN: 305-091-01,305-091-02
1875 Buhne Dr.
King Salmon, CA 95503
Naim & Louise Obeji, Owners
(310)-968-3450

JN: OBJ1101

Summary

This report has been written per the request of Melissa Kraemer and the California Coastal Commission's staff. This document is intended to be attached and reviewed with the project description (CDP Application no. #1-11-01) submitted September 6, 2011. The CCC requested additional information regarding the type of foundation proposed to support the two proposed mobile home units.

Discussion

A review of the California Building Code and Humboldt County Development Code for specifications regarding the foundations of mobile homes within tsunami zones was conducted but did not return any applicable information. Therefore a standard pier foundation with seismic constraints can be used for these structures. This type of foundation carries the load of the building vertically through a system of distributed piers. Strapping tied to the piers is extended through the frame of the building, attaching it securely to the foundation. This type of foundation requires little to no excavation because the piers are driven into the ground or placed in narrow holes.

This foundation is ideally suited to this project because flood waters will be able to flow freely under the structures with minimal impedance. These piers when used for mobile homes typically extend 3 feet above grade placing the finished floor of the structure 3 to 3.5 feet above surrounding grade. The flood certification conducted; see CCC submittal from September 6, 2011, indicates that the base flood elevation associated with this region is 6 feet, requiring the finished floor elevation of all structures to be at an elevation of at least 7 feet. The results of the survey conducted during the flood certification process, indicate that the grade in the vicinity of the proposed buildings is +/- 5 feet. Utilizing a standard pier type foundation will place the finished floor of the proposed structures at an elevation +/- 8 feet, satisfying the constraints of the flood certification. A more detailed analysis of the foundations and anchoring system will be conducted upon approval of the project.

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Should you have any questions, comments, or concerns regarding the comment responses above please don't hesitate to contact me at your earliest convenience.

Thank you for your time,
Brad Wilson

Project Engineer
Whitchurch Engineering, Inc.

(707) 725-6926

610 9th Street
Fortuna, Ca 95540

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