

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 8TH STREET • SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th9a

DATE: February 17, 2017

TO: Coastal Commissioners and Interested Persons

FROM: Alison Dettmer, Deputy Director
Robert S. Merrill, North Coast District Manager
Melissa B. Kraemer, Supervising Analyst

SUBJECT: Extension of Time Limit for Commission Action on County of Humboldt
Local Coastal Program Amendment LCP-1-HUM-16-0040-1
(Interim Uses on Coastal Dependent Industrial Lands)

For the Commission meeting of March 9, 2017

LCP AMENDMENT DESCRIPTION

On August 2, 2016, the County of Humboldt submitted to the Commission LCP Amendment (LCPA) Application No. LCP-1-HUM-16-0040-1. As submitted, the LCPA would amend the Humboldt Bay Area Plan segment and the Implementation Plan of the Humboldt County LCP to allow for various “interim conditional uses” on lands designated and zoned coastal-dependent industrial (MC). The stated purpose of the proposed LCPA is to “allow for greater use of underutilized MC lands while at the same time avoiding impacts to their long term coastal-dependent industrial use and other priority uses.” The proposed interim conditional uses include a variety of new civic, commercial, industrial, and agricultural uses that the existing certified LCP allows as conditional uses on general industrial (MG) lands and light-industrial (ML) lands. Various performance standards are proposed “to avoid detrimental impacts to the long term coastal dependent industrial use, or other priority use, of MC zoned lands.” The proposed LCPA would affect approximately 900 acres of MC lands around Humboldt Bay.

Coastal Act Section 30510 requires proposed LCP amendment submittals to contain materials sufficient for a thorough and complete review. Once that requirement is satisfied, and an amendment is deemed submitted (or “filed”), the Coastal Act requires the Commission to act on combined LUP/IP amendments within 90 days (Coastal Act Sections 30510, 30512, 30513, and 30514). On December 29, 2016, the Commission staff deemed the LCP amendment application submitted. This proposed LCP amendment would amend both the LUP and IP, and thus the 90-day time limit applies. The 90th day after the date this LCP amendment application was deemed submitted is March 29, 2017. Therefore, unless the Commission extends the deadline, the

Commission will need to complete its action on the LCP amendment at or prior to the Commission's March 8-10, 2017 hearings.

Staff has not yet had sufficient time to complete its analysis of the proposed LCPA and to fully coordinate with the County. Staff met several times with County staff prior to when the LCP amendment application was deemed submitted at the end of December to discuss proposed policy changes and review the information needed to complete the County's transmittal. However additional staff analysis and additional meetings with County staff are needed to discuss possible language modifications to the proposed LCPA to ensure consistency with the Coastal Act. Commission staff would like to resolve with county staff the issues of Coastal Act consistency as much as possible prior to the Commission hearing to narrow the issues that would need to be resolved by the Commission at the hearing.

Coastal Act Section 30517 states that the Commission may extend for good cause the 90-day time limit for Commission action on an LCP amendment for a period not to exceed one year. Although staff is planning to bring the proposed amendment forward during one of the Commission's fall, 2017 meetings (September 13-15 in Cambria, October 11-13 in San Diego, or November 8-10 in the North Central Coast District), staff recommends that the Commission extend the deadline for a full year as provided by the Coastal Act to allow for uncertainty in the review process and flexibility for coordination with the County on potential modifications. Therefore, staff recommends that the Commission extend the deadline for Commission action on the proposed LCP amendment by one year. A one-year extension would result in a new deadline for Commission action of March 29, 2018.

STAFF RECOMMENDATION

Staff recommends that the Commission vote to extend the deadline for Commission action for one year.

Motion:

I move that the Commission extend the time limit to act on County of Humboldt Local Coastal Program Amendment No. LCP-1-HUM-16-0040-1 for a period of one year.

Staff recommends a **YES** vote. Passage of this motion will result in a one year extension of the period in which the Commission must act on the proposal, changing the deadline for Commission action from March 29, 2017 to March 29, 2018. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

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 ARCATA, CA 95521
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www.coastal.ca.gov

Th9a

MEMORANDUM

Date: March 7, 2017

To: Commissioners and Interested Parties

From: Robert S. Merrill, District Manager – North Coast District

Subject: **Correspondence to Commission Meeting for Thursday, March 9, 2017
 North Coast District**

<u>AGENDA #</u>	<u>APPLICANT</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>LOCAL COASTAL PERMITS (LCPs)</u>			
Th9a	LCP-1-HUM-16-0040-1 County of Humboldt	Correspondence from Charles Day	Th9a-1
Th9a	LCP-1-HUM-16-0040-1 County of Humboldt	Correspondence from John H. Ford	Th9a-2
Th9a	LCP-1-HUM-16-0040-1 County of Humboldt	Correspondence from Kent Sawatzky	Th9a-3

Charles I. Day
2343 Ridgewood Drive
Eureka, CA 95503

RECEIVED

FEB 28 2011

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

California Coastal Commission
North Coast District Office
1385 Eight Street Suite 130
Arcata, CA 95521

Dear People,

I am for the development of all industrial coastal land provided it does not interfere with homes or recreation of various kinds.

I own 4 lots in the Fairhaven area and I want to build two houses on them. I would not want any development nearby that would interfere with my houses.

Sincerely



TH9a-1



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
OFFICE OF THE DIRECTOR

3015 H Street Eureka CA 95501
Phone: (707) 445-7541 Fax: (707) 268-3792

March 2, 2016

RECEIVED

MAR 03 2016

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

California Coastal Commission
c/o North Coast District Office
1385 8th Street, Suite 130
Arcata CA 95521

Re: Extension of Time Limit for Commission Action on County of Humboldt Local Coastal Program Amendment LCP-1-HUM-16-0040-1; Humboldt County Case Numbers GPA-16-001 and OR-16-001; Interim Uses on Coastal-Dependent Industrial Lands

Dear Chair Bochco and Commissioners,

This letter expresses the County of Humboldt's significant concern with the proposed delay in scheduling the public hearing for this important Local Coastal Program Amendment (LCPA). While we understand the rationale for the extension request beyond March 29, 2017, a hearing delay until the fall or beyond undermines what this LCPA seeks to accomplish.

The County of Humboldt has over 1,100 acres of land zoned Industrial/Coastal-Dependent (MC) around Humboldt Bay, approximately 60 acres of which are being utilized for coastal-dependent industrial (CDI) purposes. This land was historically used by the timber industry and remains developed, but vacant or underutilized. The purpose of the LCPA is to allow use of these properties on a limited term basis so that the properties can be utilized and maintained while at the same time protecting opportunities for current and future CDI uses.

The LCPA consists of text amendments to the County's Humboldt Bay Area Plan and to the Coastal Zoning Regulations that would expand the uses allowed in the MC zoning district to include certain conditionally permitted noncoastal-dependent interim uses (interim uses) on a short-term basis. These short term uses would remain in place as a transition to CDI uses that hopefully will utilize the site in the future. It cannot be understated that there is not now, nor has there been for decades, a high demand for CDI uses. The County will be undertaking an analysis to grapple with the appropriate land use and zoning for these areas on a comprehensive basis over the next couple of years.

This LCPA has land use, environmental and economic implications. Deteriorating structures and facilities pose hazards to water quality and the environment, but encouraging use of these facilities results in them being maintained, which not only has environmental benefits but also will help attract future CDI uses. Economically, these facilities represent what was once the industry that fueled the Humboldt County economy. Interim uses will provide the opportunity for these facilities to support business and provide jobs.

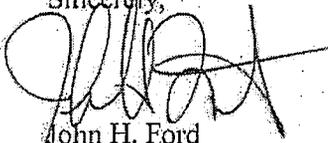
TH9a-2

The County has worked closely and cooperatively with the Coastal Commission North Coast District Office staff in developing this LCPA. The County had anticipated that this collaborative effort would result in an LCPA that was acceptable for action by the Coastal Commission, avoiding the protracted certification process we seem to be facing. While we greatly appreciate the assistance we have received from the local Coastal Commission staff, we are quite discouraged to hear there are unidentified issues associated with the LCPA. We must object to the extreme delay proposed for this LCPA based upon a combination of workload and unidentified concerns. The delay rejects the reason for the LCPA which is to provide an expanded avenue for immediate use of the property.

We understand some extension is necessary because March is already upon us, but would request that the Commission direct staff to schedule a hearing on the project for the June meeting, which will be held on the North Coast. This would keep this process moving forward and allow local residents to provide in-person testimony to the Coastal Commission. If the Commission is unable to grant this request, we would ask that Commission staff priorities to be adjusted to complete this LCPA no later than August.

Thank you for your consideration. I would be happy to address any questions or concerns you or your staff may have.

Sincerely,



John H. Ford

Director, Planning and Building Department

CALIFORNIA COASTAL COMMISSION**RECEIVED**

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 ARCATA, CALIFORNIA 95521
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 www.coastal.ca.gov

FEB 22 2017



CALIFORNIA
 COASTAL COMMISSION
 NORTH COAST DISTRICT

February 17, 2017

IMPORTANT PUBLIC HEARING NOTICE
LOCAL COASTAL PROGRAM

LCP AMENDMENT NO. LCP-1-HUM-16-0040-1

Interim uses on CDI lands around Humboldt Bay

Extension of time limit for Commission action on County of Humboldt request for certification of Local Coastal Program (LCP) amendment to amend the Humboldt Bay Area Plan and the Coastal Zoning Regulations to allow certain interim uses on lands designated and zoned for coastal dependent industrial use.

HEARING DATE AND LOCATION:

DATE 3/9/2017
 TIME 9:00 a.m. ITEM NO: Th9a
 PLACE Ventura County Board of Supervisors Chambers
 800 S. Victoria Avenue, Ventura, CA 93009
 PHONE (415) 407-3211

HEARING PROCEDURES:

This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date.

AVAILABILITY OF STAFF REPORT:

A copy of the staff report on this matter will be available no later than 10 days before the hearing on the Coastal Commission's website at www.coastal.ca.gov/mtgcurr.html. Alternatively, you may request a paper copy of the report from Melissa Kraemer, Supervising Planner at the North Coast District Office.

SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following:

-- Submit your written materials to the Commission staff no later than 5:00 p.m. on the Friday before the hearing (staff will then distribute your materials to the Commission). Note that materials received after this time will not be distributed to the Commission.

WRITTEN MATERIALS FROM KENT SAWATZKY 707 668-5288
 P.O. BOX 765
 BLUE LAKE CA 95525

Th9a-3
 ↓

Date: February 17, 2017
RECEIVED

IMPORTANT PUBLIC HEARING NOTICE LOCAL COASTAL PROGRAM

FEB 22 2017

CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

-- Mark the agenda number of your item, the application number, your name and your opposition to the project on the upper right hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed.

-- A current list of Commissioners' names and addresses is available on the Coastal Commission's website at <http://www.coastal.ca.gov/roster.html>. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. You must provide Commission staff with a copy of any materials that you provide to Commissioners. Please mail the same materials to all Commissioners, alternates for Commissioners, and the four non-voting members on the Commission with a copy to the Commission staff person listed.

-- You are requested to summarize the reasons for your position in no more than two or three pages, if possible.

Please note: While you are not prohibited from doing so, you are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids, as it is more difficult for the Commission to carefully consider late materials. The Commission requests that if you submit written copies of comments to the Commission on the day of the hearing, that you provide 20 copies.

ALLOTTED TIME FOR TESTIMONY:

Oral testimony may be limited to 5 minutes or less for each speaker depending on the number of persons wishing to be heard.

Questions regarding the report or hearing should be directed to Melissa Kraemer, Supervising Planner at the North Coast District Office.

RECEIVED
FEB 22 2017
CALIFORNIA
COASTAL COMMISSION
NORTH COAST DISTRICT

ATTN: MELISSA KRAEMER, SUPERVISING PLANNER
AS PER OUR PRIOR CONVERSATION I STRONGLY SUPPORT
THE REQUEST FOR A EXTENSION OF TIME LIMIT FOR
COMMISSION ACTION ON THE COUNTY OF HUMBOLDT
(LCP) AMENDMENT TO ALLOW CERTAIN INTERIM USES IN
OUR MC ZONE.

I INCLUDE WITH THIS PROFF OF MY CONCERNES
THAT OUR LOCAL HARBOR DIST. HAS STARTED LEASING
TO NON - MC: INDUSTRIAL/COASTAL - DEPENDAT TENANTS WITHOUT
THE AMENDMENT

- 4. Tenant and the District acknowledge that the District has not received approval from the Coastal Commission for the Permitted Use (as defined in the Lease) as of the date of this letter.

IS PART OF GREAT CONCERN. I FILED A COMPLAINT OF
CODE VIOLATION WITH HUM. CO. PLANNING FEB 21 2017
REQUESTING INVESTIGATION AND ABATEMENT.

Dear Mr. Fischer:

This letter is to confirm that Express Messenger Systems, Inc. ("Tenant"), may take possession of and occupy the Premises (as defined in the Lease) under with the terms of the attached unexecuted Commercial Lease (the "Lease") with Humboldt Bay Harbor, Recreation and Conservation District (the "District") subject to the following:

1. The security deposit required by the Lease of \$2,450 shall be paid by Tenant to the District prior to and as a condition of possession of the Premises.
2. The time period of Tenant's possession of the Premises and occupancy in accordance with the terms of the Lease shall commence upon payment of the security deposit.
3. All terms of the Lease shall apply during occupancy but no rent shall be payable prior to execution of the Lease; provided that Tenant shall pay Additional Rent commencing on occupancy of the Premises.
4. Tenant and the District acknowledge that the District has not received approval from the Coastal Commission for the Permitted Use (as defined in the Lease) as of the date of this letter.
5. If the Coastal Commission rejects the request for approval of the Permitted Use, this letter and Tenant's occupancy shall terminate on 120 days' notice to Tenant from the District and Tenant shall surrender possession of the Premises in accordance with the terms of the Lease.
6. Upon receipt of approval from the Coastal Commission for the Permitted Use, Tenant and the District shall promptly execute the Lease and Tenant shall commence payment of rent under the Lease as of the date of such approval.

Please sign the enclosed copy of this letter with your acknowledgement of this agreement.

Very Truly Yours,

Jack Crider, Executive Director
Humboldt Bay Harbor, Recreation
and Conservation District

I agree to the above conditions:
Express Messenger Systems, Inc. a Delaware corporation



Thomas B. Fischer

COMMERCIAL LEASE

Field (

Date: August 1, 2016

Between: Humboldt Bay Harbor, Recreation
And Conservation District
P.O. Box 1030
Eureka, CA 95502-1030 ("DISTRICT")

And: An Electrician, Inc.
Attn.: Matt Calderwood
PO Box 4885
Eureka, CA 95502 ("Tenant")

Area: Redwood Terminal 2
1 TCF Drive
Samoa, CA 95564

DISTRICT (A California public entity) leases to Tenant (a California corporation) and Tenant leases from DISTRICT the following described property (the "Premises") on the terms and conditions stated below:

Approximately 3,200 square feet of warehouse space and 1,800 square feet of office space.

Section 1. Occupancy

1.1 **Original Term.** The term of this lease shall be August 1, 2016 until July 31, 2021 with an option for the Tenant, in its sole discretion, to extend the term for one two (2) year option term.

1.2 **Possession.** Tenant's right to possession and obligations under the lease shall commence on July 1, 2016.

1.3 **Renewal Option.** If the lease is not in default at the time the option is

COMMERCIAL LEASE

Date: 9/16, 2016

Between: Humboldt Bay Harbor, Recreation and Conservation District
P.O. Box 1030
Eureka, CA 95502-1030 ("DISTRICT")

And: Express Messenger Systems, Inc., a Delaware corporation
2501 South Price Road, Suite 201
Chandler, AZ 85286 ("TENANT")

Area: Redwood Terminal 2 Warehouse

364 Vance Drive
Samoa, CA 95564

DISTRICT leases to TENANT and Tennant leases from DISTRICT the following described property (the "Premises") on the terms and conditions stated below:

Approximately 7,000 square feet of storage on the north end of Redwood 2 warehouse, a small office and 20'x20' fenced in area, exclusive use of common area loading dock B during TENANT's primary operational hours as set forth in section 4.1 below. The Premises are highlighted on Exhibit A to this Lease.

Section 1. Occupancy

1.1 Original Term. The term of this lease shall continue until August 31, 2017 with one consecutive one (1) year option.

1.2 Possession. TENANT's has possession of the Premises as of the date of this Lease.

1.3 Renewal Option. If the lease is not in default at the time the option is exercised or at the time the renewal term is to commence, TENANT shall have the option to renew this lease for one successive term, as follows:

2/7/2017

12:48:41PM

Payment Summary

10/01/2016 to 10/01/2017

Account Name	Check #	Date	Posted Batch	Type	Code	Descript	Amount
2058 Glasshouse Garde	m1734	02/07/17	02/07/17	Check - Land	Check - Land	Check paym	5,000.00
143936	Pro-rate December 2016			1,000.00	Balance	0.00	
143937	RT2 revenue GNT - January 2017			2,000.00	Balance	0.00	
143938	Lease security deposit			2,000.00	Balance	0.00	
1 Payments						Subtotal	5,000.00
1 Payments						Total	5,000.00

1734

GLASSHOUSE GARDEN SUPPLY LLC
 597 FERNBRIDGE DR
 FORTUNA, CA 95540-9715
 (707)786-8904

PAY TO THE ORDER OF: *Humboldt Bay Harbor District*

DATE: *2/8/17* 90-2267/1211

\$ *5000.00*

Five thousand dollars and 00/100

usbank All of us serving you

FOR: *Warehouse Rent & deposit*

[Redacted Signature]

[Redacted Stamp]

**MINUTES
REGULAR MEETING OF THE BOARD OF DIRECTORS
HUMBOLDT BAY DEVELOPMENT ASSOCIATION**

May 12, 2016

PRESENT:

Larry Oetker
Richard Marks
Patrick Higgins

ABSENT:

Rhea Williamson
Aaron Newman

President Marks called the Special Meeting of the Board of Directors to order at 5:00 p.m.

President Marks led those present in the Pledge of Allegiance.

PUBLIC COMMENT: None

COMMENT CALENDAR

DIRECTOR HIGGINS MOVED FOR THE APPROVAL OF THE CONSENT CALENDAR. DIRECTOR OETKER SECONDED. MOTION CARRIED WITHOUT DISSENT.

NEW BUSINESS

A. CONSIDERATION OF ADOPTION OF CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION OF HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC.

Director Oetker said the amendment gives the Humboldt Bay Development Association, Inc. the opportunity to expand the whole bay area, not limited to Redwood Terminal 2. Director Higgins said it is good to have that flexibility.

DIRECTOR OETKER MOVED FOR THE ADOPTION OF CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION OF HUMBOLDT BAY DEVELOPMENT ASSOCIATION, INC. DIRECTOR HIGGINS SECONDED. MOTION CARRIED WITHOUT DISSENT.

B. CONSIDERATION OF APPROVAL OF LEASE WITH PACIFIC FLAKE.

Tim Petrusha reported Pacific Flake is currently in Bodega Bay and produces artisan sea salt. Humboldt Bay has good water quality for their product.

DIRECTOR HIGGINS MOVED FOR THE APPROVAL OF LEASE WITH PACIFIC FLAKE. DIRECTOR OETKER SECONDED. MOTION CARRIED WITHOUT DISSENT.

C. DISCUSSION OF COASTAL DEPENDENT INDUSTRIAL – INTERIM USE

Executive Director reported the County Planning Commission will discuss this item on June 14.

[Tim Petrusha said he spoke at the Chamber of Commerce Business and Industry Group. There is concern the Board of Supervisors will vote down the interim use when so many are doing it illegally. The Business and Industry Group would like someone to come speak favorably about the interim use at their next meeting.]

Director Marks said it is a good opportunity to educate the community.

Director Higgins said there seems to be dissatisfaction by the Board of Supervisors with the Planning Commission. There has been stalling issues and highly inefficient workings by the Planning Commission. It is time for them to give the Harbor District consideration.

Director Marks said the County has been working with the Coastal Commission. Be careful not to get something counterproductive from what the Staff is doing with the Coastal Commission.

Director Higgins said the County received a \$10,000 grant from the Coastal Commission to deal with this issue because so many are out of compliance.

Director Oetker said Harbor District staff should meet with the Coastal Commission and County staff. Don't lose the momentum. When does the local Coastal Commission staff think this will get to the full Commission for their review? If it takes over one year, we are wasting our time. If we are all on the same page, it may work quickly. The overarching problem is to get all in agreement with the local Coastal Commission staff and go to the full Commission. Attorneys take over and throw out the addendum prior to the meeting. If we are going to get piggy-backed on the LCP amendment it will take 3-4 years. Advocate to change the ordinance a little and then work with the Coastal Commission staff; the Board of Supervisors will then most likely approve.

Executive Director said all are not on solid ground; we need to get all on the same page. A little over a year ago we thought we could know out this interim use; need a more streamlined process for tenants.

Director Marks said he is worried about the damage suffered. The Coastal Commission is going to ask why the Planning Commission denied it, even if the Board of Supervisors approves.

Director Higgins said the Harbor District and Development Association should be able to tell the Coastal Commission we cleaned up 3 million gallons of toxic substance stifling the growth in Humboldt County.

Director Oetker said a tour of the facility could be given to the Coastal Commission when they meet next in Humboldt County or send 2-3 people to their meeting in Southern California – the opposition probably will not attend that meeting.

Executive Director suggested to pull together a staff meeting, come to consensus and then go to the next Coastal Commission meeting.

Director Oetker said the core issue is the Planning staff throughout Humboldt County don't understand the coastal laws; education is a problem.

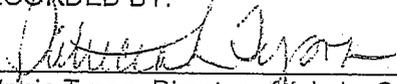
Tim Petruscha said the message needs to be broadcast that we are not advocating removing the CDI zoning, just subsidizing until CDI Dependent companies want to locate here.

The meeting was adjourned at 5:57 p.m.

APPROVED BY:


Richard Marks, President for
Patrick Higgins, Secretary

RECORDED BY:


Patricia Tyson, Director of Admin. Services
Humboldt Bay Harbor District