

**SUPPLEMENTAL INFORMATION #2**

For Planning Commission Agenda of:  
December 13, 2018

- |                                     |                        |   |           |
|-------------------------------------|------------------------|---|-----------|
| <input type="checkbox"/>            | Consent Agenda Item    | } |           |
| <input checked="" type="checkbox"/> | Continued Hearing Item | } |           |
| <input type="checkbox"/>            | Public Hearing Item    | } | No. _____ |
| <input type="checkbox"/>            | Department Report      | } |           |
| <input type="checkbox"/>            | Old Business           | } |           |

Re: **Humboldt Bay Harbor, Recreation and Conservation District**  
Application Number 10741  
Case Numbers: CDP-16-049/CUP-16-062  
Assessor Parcel Numbers 401-112-021  
364 Vance Avenue, Samoa area

Attached for the Planning Commission's record and review is (are) the following made at the request of the applicant in consultation with California Coastal Commission staff:

1. Letter dated October 26, 2018 from Larry Oetker, HBHRCD Executive Director providing clarifications on the proposed project and interim use lease terms.
2. Revised Plan of Operations and Site Plan for Pacific Flake.

COMMISSIONERS

1<sup>st</sup> Division

Larry Doss

2<sup>nd</sup> Division

Greg Dale

3<sup>rd</sup> Division

Stephen Kullmann

4<sup>th</sup> Division

Richard Marks

5<sup>th</sup> Division

Patrick Higgins

Humboldt Bay  
Harbor, Recreation and Conservation District  
(707) 443-0801  
P.O. Box 1030  
Eureka, California 95502-1030



October 26, 2018

Michael Wheeler  
Humboldt County Planning & Building  
3015 H Street  
Eureka, CA 95501

**RE: RMT II CDP-16-049/CUP-16-062 Supplemental Information**

Michael,

Harbor District Staff closely reviewed the Coastal Commission Staff’s comments; the conditions of approval; the underlying Coastal Zoning Regulations; as well as the recently approved CDP-18-020/CUP 18-018 to allow interim non Coastal Dependent Industrial (CDI) uses on a near-by property; and is providing the following supplemental information:

- Proposed project and permit term clarifications
- Proposed amendments to the Conditions of Approval
- Refined Hydrocarbon Solutions clarifications and Revised Tenant Operation Plan

**PROPOSED PROJECT AND INTERIM USE LEASE TERM CLARIFICATIONS**

The Harbor District’s intent is to allow for greater use of underutilized site facilities consistent with the County’s Local Coastal Plan including the Interim Use standards. The proposed uses preserve and utilize existing warehouse space, shops, offices, laboratory, and outdoor areas that supported former CDI Uses. Allowing interim uses will continue to support existing site infrastructure for future, coastal-dependent industrial site uses.

As outlined in the Project Description: “The project would permit aquaculture, coastal dependent, coastal related, heavy industrial, research/light industrial, and other uses allowed under the newly adopted interim use provisions of the Humboldt Bay Area Plan.” Aquaculture, coastal dependent, heavy industrial and coastal related uses as outlined in Section 313.3.4 are not subject to the Interim Use Performance Standards of Section 313-104. Placing seven year permit term restrictions and limitations on allowing new uses that are Conditionally or Permitted Uses is contrary to the Coastal Act (Section 302260) and Humboldt Bay Area Plan (3.14).

The intent with this permit is to allow principally and conditionally permitted uses on the entire site, consistent with the Project Description, given conformance review and approval by the Planning Director. Interim uses would be allowed in Buildings C1, C2, C3, C4, and Area D1 (see Site Plan and Tenant/Parking Areas figures). For lease spaces not currently allocated within buildings C1-C4, Operations Plans for each proposed tenant/lessee will be submitted for conformance review to the Planning Director. If the Planning Director is unable to find conformance, the request may be pursued as a project modification or new permit. The District’s transmittal materials state that the District is

requesting to: "Implement streamlined compliance review process ("Plan check") to allow for minor changes to existing uses (variations of 10% or less) without CDP modification (i.e Director approval)."

It has been consistently noted that the County administrative procedures in Section 312-9.2.4 TABLE: PUBLIC HEARING REQUIREMENTS AND AUTHORIZED HEARING OFFICER are extremely burdensome and have the unintended consequence of requiring every principally permitted use that is not eligible for a waiver to require a public hearing. This requirement is triggered because all of the properties that are within the Counties permit jurisdiction on the Samoa Peninsula are also within the Coastal Commission Appeal Zone. During my research of over 10 Coastal Zoning Ordinances throughout the State, I was unable to find one coastal jurisdiction that required a public hearing on principally permitted uses simply because they were in the Coastal Commission's Appeal Zone.

The standard public hearing timeframe is from two to six months. This hearing requirement for principally permitted uses places unnecessary burden on the types of business' that the Coastal Act and Humboldt Bay Area Plan states that it is designed to encourage. Allowing a streamlined plan check review and approval process where uses turn in an Operations Plan which describes the proposed use and conformance with zoning requirements is necessary for our community to revitalize Coastal Dependent Industries on the Samoa Peninsula and around the Bay.

All interim uses proposed for approval under this permit, with the exception of Refined Hydrocarbon Solutions as further discussed below, are conducted within existing buildings and structures that are appropriate for the uses with no tenant improvements proposed. Interim use tenants occupy existing interior spaces which can easily be converted back to CDI or other priority use when necessary. As shown in the previously submitted sample lease, and in accordance with Section 104.1.3.10, all interim use leases will have a provision for recession of the lease and mandatory relocation or removal within six months in the event a CDI or other priority use is identified for a space occupied by an interim use. Compliance with the Interim Use Ordinance is documented in the application materials previously submitted including Project Description (July 2018), Tenant Operation Plans, and tables submitted for each use.

The proposed lease terms for all interim uses considered the factors listed in 104.1.3.2. The Harbor District documented the amount of area required for each interim use; the type, intensity and location of each interim use; maintenance of priority access to roads, bay frontage and infrastructure for existing coastal-dependent industrial uses or other priority uses; the priority rating of the site for coastal dependent industrial development; and the lead time necessary to return the site to coastal-dependent industrial use. This permit also considers the current and projected level of demand for coastal-dependent industrial uses, and the land and infrastructure available to accommodate the demand. Therefore, the District believes a seven year term is appropriate for all interim uses proposed under this permit.

Note: Existing site CDP's including CDP 15-043 for site facilities and infrastructure maintenance and Coastal Commission issued CDP's for Coast Seafoods and Taylor Mariculture remain in full effect and are not impacted by this permit.

#### **PROPOSED AMENDMENTS TO CONDITIONS OF APPROVAL**

**Permit should "run with the land" and not have a seven year term.**

An "Interim Conditionally Permitted Use" requires a Conditional Use Permit. Conditional Use Permits typically "run with the land" meaning that they do not expire and are transferable. However, the review authority has the authority to reduce the term based on specific code provisions or as circumstances dictate. As stated in the submitted project description, the District's application was for principally permitted, conditionally permitted, and interim uses. The effect of Condition No. 13 as drafted is that even the principally permitted and conditionally permitted uses are limited to a seven year term. Limiting Principally Permitted and Conditionally Permitted coastal dependent industrial uses to a seven year term severely limit's the Districts ability to attract these tenants. The Harbor District proposes the following condition replace current Condition No. 13.

13. The term of this Conditional Use Permit shall run with the land. Leases issued by the permit holder for interim uses shall be for a term not exceed seven (7) years. The Director may authorize an increase the term of an individual lease consistent with Section 313-1.3.4.3.

**Conditions should specifically authorize a process to replace and allow for new interim use tenants the same as the Planning Commission's recently approved CDP-18-020/CUP 18-018.**

Ongoing Condition No. 2 should be modified to the exact language previously approved in the CDP-18-020/CUP 18-018. This is a small change, but provides consistency and clarity. The Harbor District proposes Ongoing Condition No. 2 be modified as follows:

2. The Project shall be developed, operated and maintained in accordance with the Project Description and Plans of Operations included as Attachment 3 of the Planning Commission's Staff Report. Any change to the Principally Permitted, Conditionally Permitted, coastal related or interim uses as approved by this Permit, including size and location of lease area, type and nature of use, number of employees, and improvements to tenant spaces, shall be submitted for conformance review to the Planning Director. For lease space not presently allocated, Operations Plans for each proposed tenant/lessee shall be submitted for conformance review to the Planning Director. If the Planning Director is unable to find conformance, the request may be pursued as a project modification.

**Allow development of a fence, concrete footings, and bollards as proposed for Refined Hydrocarbon Solutions lease area.**

The project description proposes a chain link fence, concrete footings, and bollards for Refined Hydrocarbon Solutions. The attached Refined Hydrocarbon Solutions Operations Plan has been updated for consistency to include these improvements. The Harbor District proposes Ongoing Condition No. 10 be modified as follows:

10. No new development involving ground disturbing activities is allowed under this permit, except development of fence, concrete footings, bollards and other minor improvements consistent with project description and revised Refined Hydrocarbon Solutions Operations Plan.

### **REFINED HYDROCARBON SOLUTIONS**

This discussion and is meant to clarify proposed Refined Hydrocarbon Solutions development and considers Coastal Commission Staff's comments. A revised Refined Hydrocarbon Solutions Tenant Operations Plan that is consistent with and incorporates information contained in the submitted Project Description (July 2018) is attached (Attachment A). The Harbor District has addressed all the Coastal Commission's Staffs concerns but defers to the County on whether this project should remain with the CDP/CUP that will be heard by the Planning Commission on November 15th or considered separately as its own application.

As discussed in the Project Description, the Refined Hydrocarbon Solutions outdoor lease area would include installation of two 18,000 gallon, steel skid mounted bulk tanks and necessary cylinder filling equipment. The bulk tanks are built off-site and trucked to the site for installation. The skid mounts make tank mobilization much easier and are attached to steel caps in the ground. Bollards, would also be placed around the tanks for safety in compliance with IFC requirements. The bulk tanks would be attached to anchors that could be removed when necessary and the tanks can be loaded onto trucks for removal/ relocation from the site. The proposed improvements including tanks, anchors, and bollards, are secured to the site as necessary for safety, but they can be removed/relocated in a feasible manner.

The proposed Refined Hydrocarbon Solutions lease site is located in an outdoor area that is at least 200 feet from existing significant site structures. Liquefied petroleum gas (LPG) is flammable if the mixture of LPG and air are within the explosive limits and there is an ignition source. The appropriate protection measures and compliance with applicable National Fire Protection Association (NFPA) safety standards and the California Fire Code will be in place to minimize associated risks. NFPA standards apply to the storage, handling, transportation and use of LPG; these standards mitigate risks and ensure safe installations to prevent failures, leaks and tampering that could lead to fires and explosions.

County policy (HBAP Hazards Section 3.17) limits the type of new development permitted below the 100-year tsunami run-up elevation. As stated in the County Staff Report the 100-year tsunami run-up elevation is approximately 10.8 feet. The project site elevations range from approximately 12-40 feet. Therefore, the proposed use will not be within the 100-year tsunami run-up elevation. The tanks will be secured to anchors to minimize the potential of them floating away in the event of inundation.

Refined Hydrocarbon Solutions is a commercial distributor of liquefied petroleum products that is primarily engaged in "open-air wholesaling, storage, distribution and handling of materials and equipment" consistent with County Warehousing, Storage and Distribution use type. The use could also be considered Heavy Industrial which refers to "industrial plants engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products" and includes petroleum refining and pulp mills." Oil refineries and pulp mills are much more intensive and would pose a much greater risk than the proposed Refined Hydrocarbon Solutions use, which has tanks more similar in scale to a large gas station. Since the proposed use does not involve significant quantities of "toxic, highly flammable, explosive or radioactive materials" and there is not substantial near-by development or population centers it would not constitute a "significant risk to adjacent human populations or development" and therefore is not considered a Hazardous Industrial Use. Both the Warehousing, Storage and Distribution use type and Heavy Industrial use type are compatible with the interim uses allowed in the Industrial/Coastal Dependent zone because they are principally permitted in the MG and ML zones.

Please contact me if you have questions or need additional information prior to the November 15 hearing.

Sincerely,



Larry Oetker, HBHRCD Executive Director

**Attachment A:** Refined Hydrocarbon Solutions Tenant Operations Plan (Revised Oct. 2018)

## TENANT OPERATION PLAN

**Tenant:** Refined Hydrocarbon Solutions

**Location:** Area D1

**Lease Area:** 49,000 sq. ft Outdoor space (includes 384 sq. ft portable office)

TOTAL 49,000 sq. ft

**Business Operation Description**

Refined Hydrocarbon Solutions (RHS), LLC. is a commercial distributor of liquefied petroleum products.

**Hours of Operation and Employees**

Up to 24 hours a day, 7 days a week.

**Use:** Commercial/Heavy Industrial

As per section 313-3.4 of the Humboldt County Code, the Use Type and Classification are Interim Conditionally Permitted Uses under the classification of Warehousing, Storage and Distribution and Heavy Industrial.

Warehousing, Storage, and Distribution use includes open-air wholesaling, storage, distribution and handling of materials and equipment. The use could also be considered Heavy Industrial which refers to industrial plants engaged in manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products which includes petroleum refining and pulp mills.

Both the Warehousing, Storage and Distribution use type and Heavy Industrial use type are compatible with the interim uses allowed in the Industrial/Coastal Dependent zone because they are principally permitted in the MG and ML zones and meets all performance criteria.

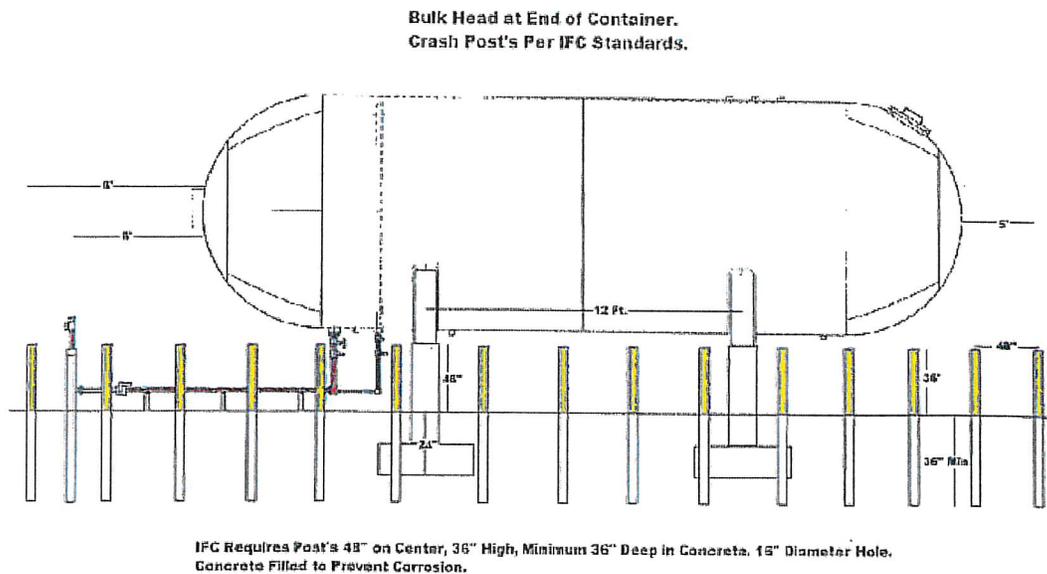
**Parking Compliance:**

Of the total parking spaces required for Area D1, this tenant will provide at least three parking spaces within their lease area. (Attachment F)

Use	Building Square footage	Parking demand per SF of lease area based on Use. (Humboldt County Code 109.1.3)	Parking Required from Use (Humboldt County Code 109.1.3)	Reported Number of Employees	Parking Required by Reported Employees	Number Parking Provided
Outdoor	49,000	0	0			
Office	384	1/300	1	1	1	2

## Tenant Improvements

The existing temporary mobile office and fencing would be relocated to the proposed new lease area (shown on Figure 1 - Site Plan). The outdoor lease area would include installation of two 18,000 gallon, steel skid mounted bulk tanks and necessary cylinder filling equipment. The bulk tanks are built off-site and trucked to the site for installation. The skid mounts make tank mobilization much easier and are attached to steel caps in the ground. Bollards, would also be placed around the tanks for safety in compliance with IFC requirements. The bulk tanks would be attached to anchors that could be removed when necessary and the tanks can be loaded onto trucks for removal/ relocation from the site. The proposed improvements including tanks, anchors, and bollards, are secured to the site as necessary for safety, but they can be removed/relocated in a feasible manner. A chain link fence would surround the entire lease area with temporary gates to prevent unwanted access to the equipment and mobile office building.



## By-Products

No by-products or hazardous materials are generated from the proposed activities. Solid waste is hauled to Humboldt Waste Management Authority.

## Discharge

The proposed uses will be conducted within an existing industrial area.

Vehicle exhaust is generated from employees driving to/from the site. No other discharge into the air, surface or groundwater is expected as a result of this project. The appropriate protection measures and compliance with applicable National Fire Protection Association (NFPA) safety standards and the California Fire Code will be in place to minimize associated risks. NFPA standards apply to the storage, handling, transportation and use of LPG; these standards mitigate risks and ensure safe installations to prevent failures, leaks and tampering that could lead to fires and explosions.

The HBHRCD is responsible for overall stormwater management on the RMT II site. The site is covered under the Statewide General Permit for Stormwater Discharge Associated with Industrial Activities, Order 2014-0057-DWQ, which regulates discharges associated with industrial activities.

### **Noise**

The proposed use would not result in heightened noise levels. The site is designated for industrial uses; no substantial noise generating activities currently occur on the site. Typical site activities such as vehicles and trucks entering and exiting the site generate some noise. The HBHRCD will ensure that no more than 60 dBs are audible at the property lines. Noise complaints should be directed to HBHRCD staff, (707) 443-0801, and will be addressed and mitigated as necessary on a case-by-case basis.

**TENANT OPERATION PLAN**

**Tenant:** Pacific Flake

**Location:** Area C Building 1

**Lease Area:**                600 sq. ft Warehouse  
                                       720 sq. ft Processing Building  
                                       4,747 sq. ft Outside Storage  
                                       **TOTAL                6,067 sq. ft**

**Business Operation Description**

Pacific Flake is a culinary sea salt harvestry which creates flake sea salt using a slow cook evaporation method. Water is pumped from the Bay, filtered, cooked down, spread out to dry, and the finished salt is packaged.

**Hours of Operation and Employees**

Up to 24 hours a day, 7 days a week.

**Use:** Industrial – Coastal-Related

As per section 313-3.4 of the Humboldt County Code, the Use Type and Classification is Conditionally Permitted Use under the Coastal-Related classification.

This use requires Bay water operate and is compatible with near-by aquaculture and interim uses.

**Parking Compliance**

Of the 71 total parking spaces required for Building C1, this tenant will need one of those parking spaces.

Use	Building Square footage	Parking demand per SF of lease area based on Use. (Humboldt County Code 109.1.3)	Parking Required from Use (Humboldt County Code 109.1.3)	Reported Number of Employees	Parking Required by Reported Employees	Number Parking Provided
Warehouse	600	1/2,500		1	0	1
Processing Building	720	1/2,500		1	0	0
<b>Total</b>	<b>1,320</b>	<b>1/2,500</b>		<b>1</b>	<b>0</b>	<b>1</b>

### **Tenant Improvements**

The tenant occupies existing building space and proposes to build a free-standing garage within the outside lease area. The tenant intends to build out a 24'x30'x9' carport/garage type structure with a single 10'x10' roll up on the front side of the garage (Attachment A). The tenant will obtain necessary building permits for the structure.

### **By-Products**

No by-products or hazardous materials are generated from the proposed activities. Solid waste is hauled to Humboldt Waste Management Authority.

The proposed uses will be conducted within existing buildings and the designated outside storage space location. There is no discharge from salt production as all water is evaporated or used during production.

Vehicle exhaust is generated from employees driving to/from the site. No other discharge into the air, surface or groundwater is expected as a result of this project.

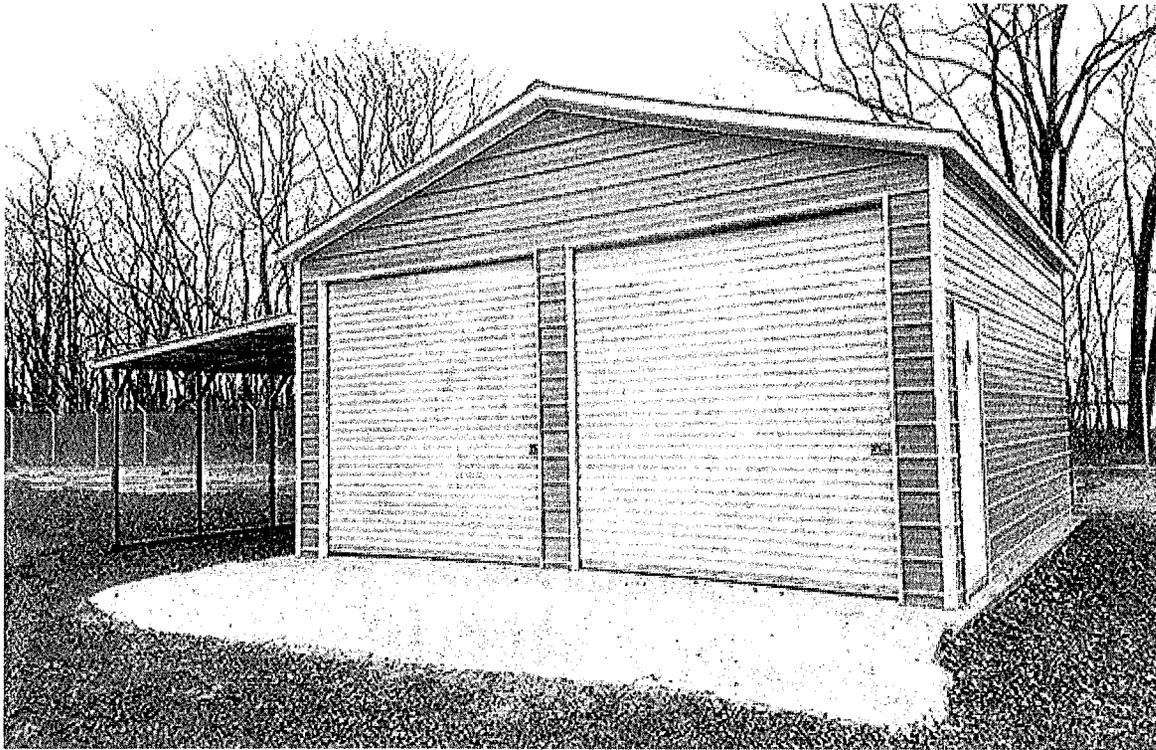
The HBHRCD is responsible for overall stormwater management on the RMT II site. The site is covered under the Statewide General Permit for Stormwater Discharge Associated with Industrial Activities, Order 2014-0057-DWQ, which regulates discharges associated with industrial activities.

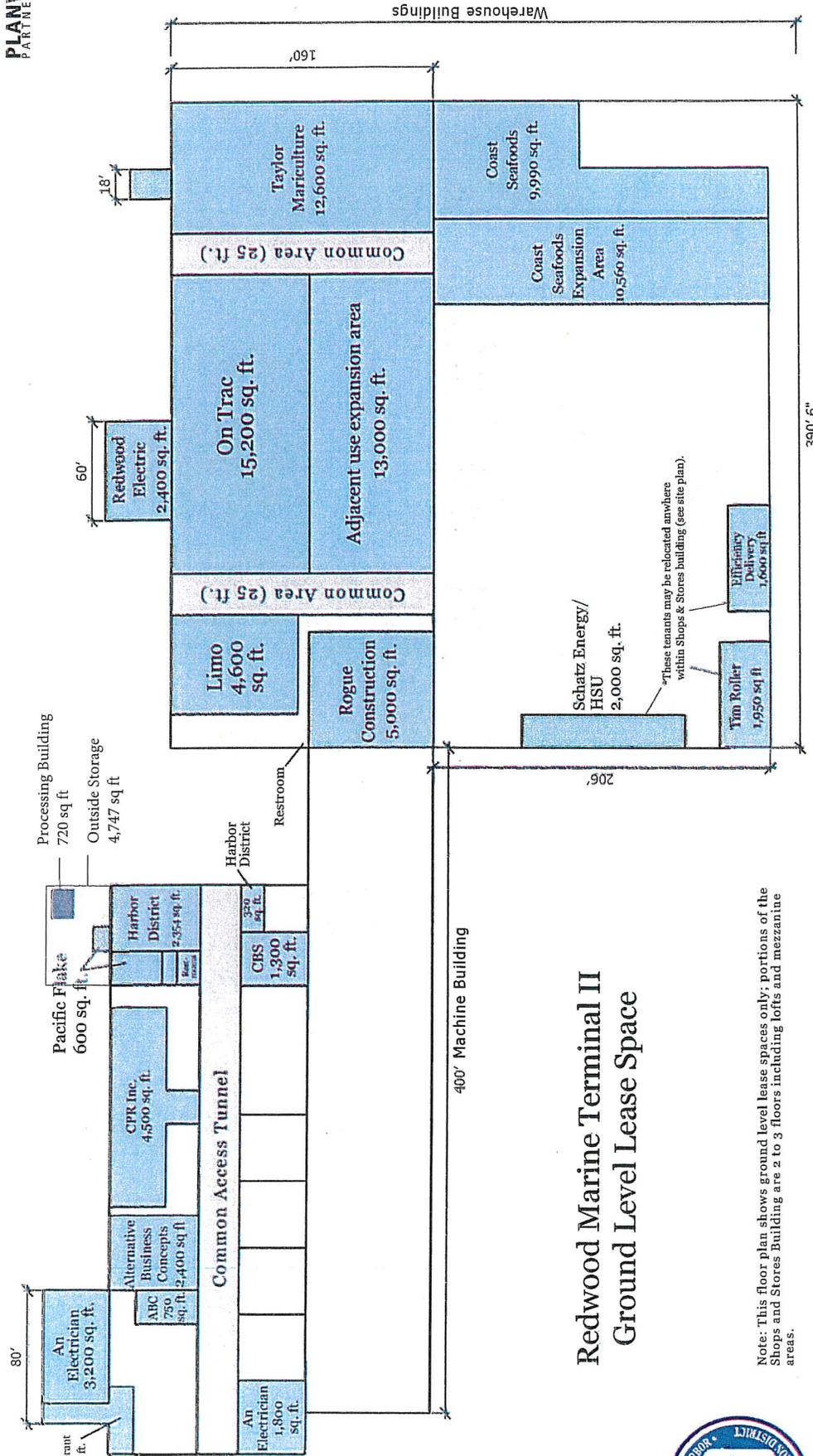
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### **Attachments**

- A. Example of Proposed Structure





## Redwood Marine Terminal II Ground Level Lease Space

Note: This floor plan shows ground level lease spaces only; portions of the Shops and Stores Building are 2 to 3 floors including lofts and mezzanine areas.

