

CALIFORNIA COASTAL COMMISSION

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RECORD PACKET COPY

March 26, 1999

TO: COASTAL COMMISSIONERS AND INTERESTED PARTIES
FROM: Steven F. Scholl, District Director
Robert Merrill, District Manager

SUBJECT: **CITY OF EUREKA LCP AMENDMENT NO. 1-97 (LUP UPDATE)**
CERTIFICATION REVIEW: Concurrence with the Executive Director's determination that the action of the City of Eureka accepting the Commission's certification of LCP Amendment No. 1-97 is legally adequate. (For Commission review at the meeting of April 16, 1999 in Long Beach)

A. BACKGROUND:

The Commission acted on Eureka LCP Amendment No. 1-97 on September 10, 1997. The proposed amendment as submitted, would have updated the City of Eureka Land Use Plan (LUP) and integrated the LUP into the City's General Plan, and (2) redesignated various parcels throughout the City to different land use designations.

The Commission rejected the amendment as submitted, but certified the proposed amendment to the LCP if modified with four suggested modifications. The suggested modifications included (1) deleting any land use plan designation changes that would change the principal and conditional uses currently allowed by the previously certified LUP, (2) revising the proposed General Plan Land use Diagram to show the urban limit lines within the coastal zone as the lines exist in the previously certified Land Use Plan map, (3) revising proposed Policy 4.A.7 to retain restrictions contained in the previously certified Land Use Plan on the extension of urban services beyond the urban limit line, and (4) modifying proposed Policy 6.A.10 to include language indicating that dredged material suitable for beach replenishment should be reserved for this purpose, making Policy 6.A.10 consistent with Policy 5.9 of the original LUP.

B. EFFECTIVE CERTIFICATION.

On February 23, 1999, the City Council held a public hearing and adopted Resolution No. 99-10 which acknowledged receipt of the Commission's resolution of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's Land Use Plan and Implementation Program (see Attachment B).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City's of Eureka's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Eureka LCP Amendment No. 1-97 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary for Resources, as provided in Public Resources Code Section 2180.5(d)(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the City of Eureka accepting the Commission's certification of Eureka LCP Amendment No. 1-97 is legally adequate, as noted in the attached letter, Attachment A (to be sent after Commission concurrence).

April , 1999

Kevin Hamblin
Community Development Director
City of Eureka
531 "K" Street
Eureka, CA 95501-1165

**SUBJECT: Effective Certification of the City of Eureka's Local Coastal Program
Amendment No. 1-97 (LUP UPDATE)**

Dear Mr. Hamblin:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 99-10 for effective certification of Eureka LCP Amendment No. 1-97 (major). The City's resolution indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification with suggested modifications and that the City agrees to issue permits in conformance with the modified Land Use Plan and Implementation Program.

The Executive Director has found that the City's resolution fulfills the requirements of Section 13544.5(a) of the California Code of Regulations. In accordance with Sections 13544(b) and 13544.5(b) of the regulations, the Director has determined that the City's actions are legally adequate.

The Coastal Commission concurred with this determination at its meeting of April 16, 1999, in Long Beach. Commission approval and the amendment process are now complete. If you have any questions, please contact Bob Merrill in our San Francisco office.

Sincerely,

STEVEN F. SCHOLL
Deputy Director

ATTACHMENT A

**A RESOLUTION OF THE EUREKA CITY COUNCIL
CERTIFYING STATE COASTAL COMMISSION MODIFICATIONS
TO THE EUREKA GENERAL PLAN**

WHEREAS, on February 27, 1997, the Eureka City Council, at a noticed public hearing, adopted an updated General Plan by resolution (Resolution 97-14); and,

WHEREAS, on September 9, 1998, the California Coastal Commission certified the updated Eureka General Plan conditional upon adoption of four modifications, as described in the Coastal Commission's Resolutions and Suggested Modifications, which when adopted by the City of Eureka, will bring the Plan into full conformance with the State Coastal Act; and,

WHEREAS, on January 14, 1999, the Coastal Commission considered and approved revised findings related to one of the required modifications, and forwarded those findings together with an analysis of the modifications, and the Commission's Resolutions and Suggested Modifications to the City of Eureka; and,

WHEREAS, on February 23, 1999, at a noticed public hearing, the City Council evaluated the four Coastal Commission modifications, and considered a staff description and analysis of each modification, including a set of Proposed Findings for Approval to support the Council's actions; and,

WHEREAS, the City Council acknowledges that the modifications required by the Coastal Commission are consistent with the General Plan as approved by the City Council on February 27, 1997, and that the modifications will bring the Plan into conformance with Chapter 3 of the State Coastal Act; and,

WHEREAS, the City Council, in its evaluation of the four Coastal Commission modifications, has considered whether to accept and agree to the modifications, and agree to take whatever action is necessary to implement the modifications, and further agree to issue coastal development permits subject to the approved Local Coastal Program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka as follows:

SECTION 1

The City Council has accepted and reviewed the staff report, dated February 23, 1999, and hereby acknowledges receipt of the Coastal Commission's Resolutions and Suggested Modifications, as adopted by the Coastal Commission on September 9, 1998.

SECTION 2

The City Council hereby accepts and agrees to the Coastal Commission's modifications, and agrees to take whatever action is necessary to implement the modifications, and further agrees to issue coastal development permits subject to the approved Local Coastal Program.

SECTION 3

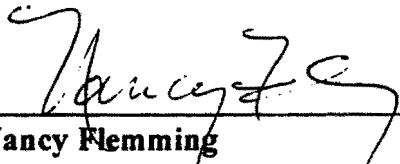
The City Council hereby adopts the Findings of Approval, as described in the staff report, and hereby acknowledges that the modifications required by the Coastal Commission are consistent with the General Plan as approved by the City Council on February 27, 1997, and that the modifications will bring the Plan into conformance with Chapter 3 of the State Coastal Act.

SECTION 4

The City Council hereby certifies and adopts the four modifications to the updated General Plan on this date, and directs the City Manager to forward this resolution to the Coastal Commission consistent with the Commission's Resolutions and Suggested Modifications of September 9, 1998.


THIS RESOLUTION IS HEREBY PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 23rd day of February, 1999, by the following vote:

AYES:	COUNCILMEMBERS	HUNTER MEEKS, GUPTON, MCKELLAR, MILLER, ARKLEY
NOES:	COUNCILMEMBERS	NONE
ABSENT:	COUNCILMEMBERS	NONE
ABSTAIN:	COUNCILMEMBERS	NONE



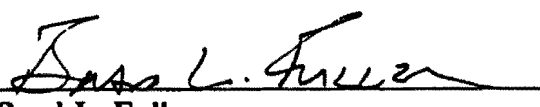
Nancy Flemming
Mayor of the City of Eureka

Attest:



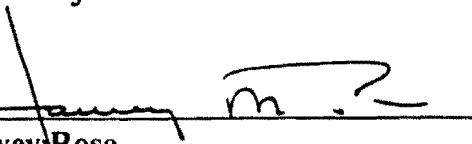
Kathleen DeVita
City Clerk

Approved as to form:



Brad L. Fuller
City Attorney

Approved for Administration:



Harvey Rose
City Manager