

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE

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Filed:	April 28, 2003
90 th Day:	July 27, 2003
Staff:	Tiffany S. Tauber
Staff Report:	May 23, 2003
Hearing Date:	June 13, 2003
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
Chuck Damm, Interim District Director
Robert S. Merrill, North Coast District Manager
Tiffany S. Tauber, Coastal Planner

SUBJECT: **Humboldt County LCP Amendment No. HUM-MAJ-2-02 (Eureka Floor Company)**

SYNOPSIS:

Amendment Description:

The proposed amendment to the Humboldt County Local Coastal Program would amend the Land Use Plan (LUP) and zoning designations of the subject site to coincide with a previously approved lot merger. The LUP portion of Humboldt County's LCP consists of six (6) Area Plans. The Area Plan affected by the proposed amendment is the Humboldt Bay Area Plan. The proposed amendment would also result in changes to Coastal Zoning Map No. E-16. The proposed amendment would result in changes to the LUP and zoning maps only. No changes to the text of the LCP are proposed.

The proposed amendment would change the LUP designation of an approximately 9,000-square-foot area from Residential Low Density (RL) to Commercial General (CG) and rezone the same portion of the property from Residential Single Family (RS-5) to Commercial General (CG), in the Myrtle town Area northeast of Eureka (Exhibit Nos. 1-3). The purpose of the plan and zone reclassification is to allow for the conversion of a single-family residence to an office to serve existing commercial business.

Summary of Staff Recommendation:

Staff recommends that the Commission, upon completion of the public hearing, certify (1) the Land Use Plan amendment, and (2) the Implementation Plan amendment as submitted.

The amendment seeks to change the land use plan designation of an approximately 9,000-square-foot area from Residential Low Density (RL) to Commercial General (CG) and rezone from Residential Single Family (RS-5) to Commercial General (CG), in the Myrtle town Area. The proposed amendment would result in changes to the land use plan and zoning maps only. No changes to the text of the LCP are proposed. The proposed amendment does not affect priority uses under the Coastal Act and will not result in any significant adverse impacts to coastal resources. The site is located at the furthest most inland portion of the coastal zone in a densely developed commercial and residential area and is developed with an existing commercial business.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 3-4 of this report.

Background of LCP Amendment Request:

The County approved a lot line merger for the Eureka Floor Company in 1997. The subject amendment was initiated by the applicant pursuant to a condition of the lot merger approval from the County. According to information provided by the County, at the time the lot merger was reviewed, it was common practice for the County to require submittal of the necessary Plan Amendment and/or Zone Reclassification application as a condition of approval for lot line adjustments. After the applicant submitted the application, the County would allow for the recording of the Notice of Merger. Accordingly, the lot merger has been completed and the County is now requesting certification of the "clean-up" amendment that would amend the plan and zone designations to coincide with the previously approved lot merger to establish clear and identifiable planning boundaries at the site. The County further notes that since the date of the subject lot merger, the County has changed its review procedures to require approval of the necessary plan and zone changes *prior to* recording of the Notice of Merger.

In adopting the proposed plan and zoning designation changes, the County concluded that the LUP amendment is in conformity with the policies of Chapter 3 of the Coastal Act, and the zoning change conforms with and is adequate to carry out the provisions of the certified LUP as amended. The County also found that the proposed amendment is in the public interest because (1) the land use and zoning maps will be amended to coincide with existing lot lines; (2) the new boundaries will be clear and identifiable; and (3) a single land use designation and zone classification will be applied to the subject property.

Analysis Criteria:

To certify the amendment to the Land Use Plan (LUP) portion of the Humboldt County Local Coastal Program (LCP), the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To certify the amendment to the Implementation Plan (IP) portion of the LCP, the Commission must find that the IP, as amended, conforms with and is adequate to carry out the amended LUP.

Additional Information:

For further information, please contact Tiffany S. Tauber at the North Coast District Office (707) 445-7833. Correspondence should be sent to the District Office at the above address.

I. MOTIONS STAFF RECOMMENDATION, AND RESOLUTIONS FOR LCP AMENDMENT NO. HUM-MAJ-2-02:

A. APPROVAL OF THE LUP AMENDMENT PORTION OF AMENDMENT NO. HUM-MAJ-2-02, AS SUBMITTED

MOTION 1: *I move that the Commission certify Land Use Plan Amendment No. HUM-MAJ-2-02 as submitted by Humboldt County.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a YES vote. Passage of the motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE LAND USE PLAN AMENDMENT:

The Commission hereby certifies the Land Use Plan Amendment No. HUM-MAJ-2-02 as submitted by Humboldt County and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment 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 plan on the environment; or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

**B. APPROVAL OF THE IMPLEMENTATION PLAN AMENDMENT PORTION OF
AMENDMENT NO. HUM-MAJ-2-02, AS SUBMITTED:**

MOTION 2: *I move that the Commission reject Implementation Program Amendment No. HUM-MAJ-2-02 as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment No. HUM-MAJ-2-02 for Humboldt County as submitted and adopts the findings set forth below on grounds that the Implementation Program as amended, conforms with and is adequate to carry out the provisions of the Land Use Plan, as amended and certified, and certification of the Implementation Program Amendment will meet the requirements of 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 Implementation Program Amendment on the environment; or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

**II. FINDINGS FOR APPROVAL OF THE LUP PORTION OF AMENDMENT NO.
HUM-MAJ-2-02 (Eureka Floor Company):**

1. Site and Project Description

The Eureka Floor Company site is located in the Myrtle town area on the west side of Myrtle Avenue, about 500 feet west of the intersection of Myrtle Avenue and Glenwood Avenue on property known as 3440 Glenwood Avenue. The site is developed with an existing commercial business located within a commercial shopping mall located at the edge of a residential neighborhood. The site is located at the furthest inland boundary of the coastal zone in a densely developed commercial and residential area. There are no environmentally sensitive habitat areas or other coastal resources at the site that is the subject of the proposed amendment.

The County approved a lot merger for the Eureka Floor Company site (NOM 06-96) to combine an approximately 9,000-square-foot area planned Residential Low Density (RL) with the adjacent parcel planned Commercial General (CG) to allow for the conversion of a single family residence to a professional/commercial office use to serve the existing commercial business. The

subject property's current plan and zoning designations for residential use do not provide for the development of professional/commercial offices as either a principal or conditionally permitted use.

The amendment proposes to change the land use plan designation of an approximately 9,000-square-foot parcel from Residential Low Density (RL) to Commercial General.

2. Priority Uses

Section 30222 of the Coastal Act states that 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.

No visitor-serving facilities or recreational opportunities exist or are proposed at the project site and the site is not used for agriculture or coastal-dependent industry. The site is located along the furthest inland portion of the coastal zone and is located among existing commercial and high-density residential development. The proposed plan designation change from Residential to Commercial General would facilitate the use of an existing single-family residence as a commercial office space to serve the adjacent commercial business (Eureka Floor Company). As the site is separated from Humboldt Bay and its tributaries by intervening parcels and development, the site is not particularly suitable for the uses given priority by Section 30222 of the Coastal Act.

Therefore, the Commission finds that the proposed LUP Amendment as submitted is consistent with Section 30222 of the Coastal Act as the amendment would not preclude opportunity for establishing priority uses at a suitable site for such uses.

III. FINDINGS FOR APPROVAL OF THE IMPLEMENTATION PLAN PORTION OF AMENDMENT NO. HUM-MAJ-2-02 AS SUBMITTED (Eureka Floor Company)

1. Site and Project Description

The Eureka Floor Company site is located in the Myrtletown area on the west side of Myrtle Avenue, about 500 feet west of the intersection of Myrtle Avenue and Glenwood Avenue on property known as 3440 Glenwood Avenue. The site is developed with an existing commercial business located within a commercial shopping mall located at the edge of a residential neighborhood. The site is located at the furthest inland boundary of the coastal zone in a densely developed commercial and residential area. There are no environmentally sensitive habitat areas or other coastal resources at the site that is the subject of the proposed amendment.

The County approved a lot merger for the Eureka Floor Company site (NOM 06-96) to combine an approximately 9,000-square-foot parcel planned Residential Low Density (RL) with the adjacent parcel planned Commercial General (CG) to allow for the conversion of a single family residence to a professional/commercial office use to serve the existing commercial business. The subject property's current plan and zoning designations for residential use do not provide for the development of professional/commercial offices as either a principal or conditionally permitted use.

The IP amendment proposes to change the zoning of an approximately 9,000-square-foot area from Residential Single Family (RS-5) to Commercial General (CG).

2. IP Consistent and Adequate to Carryout LUP

The amendment proposes to rezone approximately 9,000 square feet of the subject site from Residential Single Family, 5,000-square-foot minimum parcel size (RS-5) to Commercial General (CG). The 9,000-square-foot area to be rezoned is the same area proposed to be redesignated to Commercial General in the certified LUP.

The proposed rezoning would make the zoning for the subject property consistent in terms of allowable use and parcel size with the land use plan redesignation proposed by this amendment. Therefore, the Commission finds that proposed Amendment No. HUM-MAJ-2-02 to the Coastal Zoning Ordinance Maps as submitted is consistent with and adequate to carry out the Land Use Plan as amended by LCP Amendment No. HUM-MAJ-2-02.

IV. CEQA

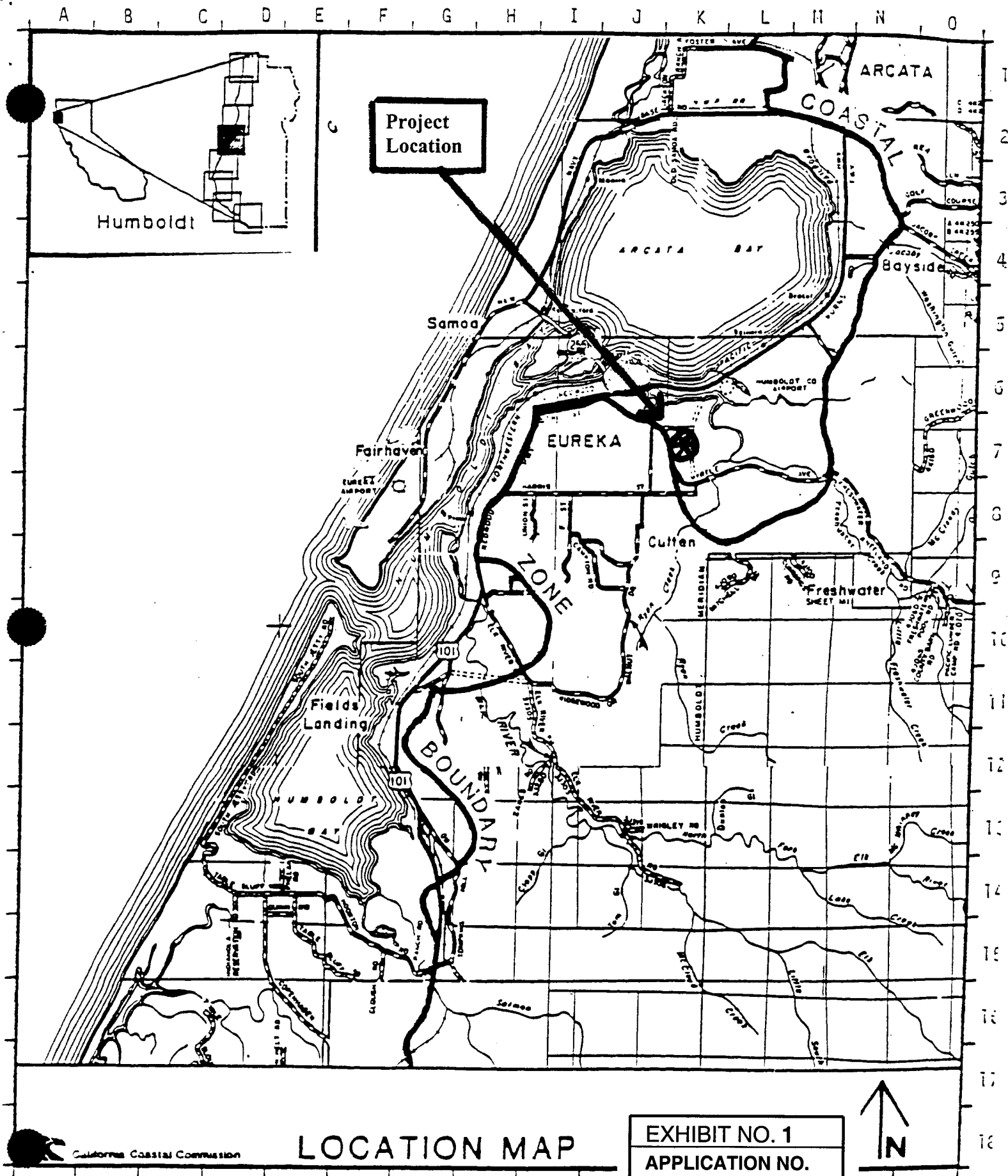
In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, the amendment request as submitted is consistent with the California Coastal Act and will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

EXHIBITS:

1. Location Map
2. Vicinity Map
3. Land Use Plan Map
4. Zoning Map
5. County Resolution



County of Humboldt

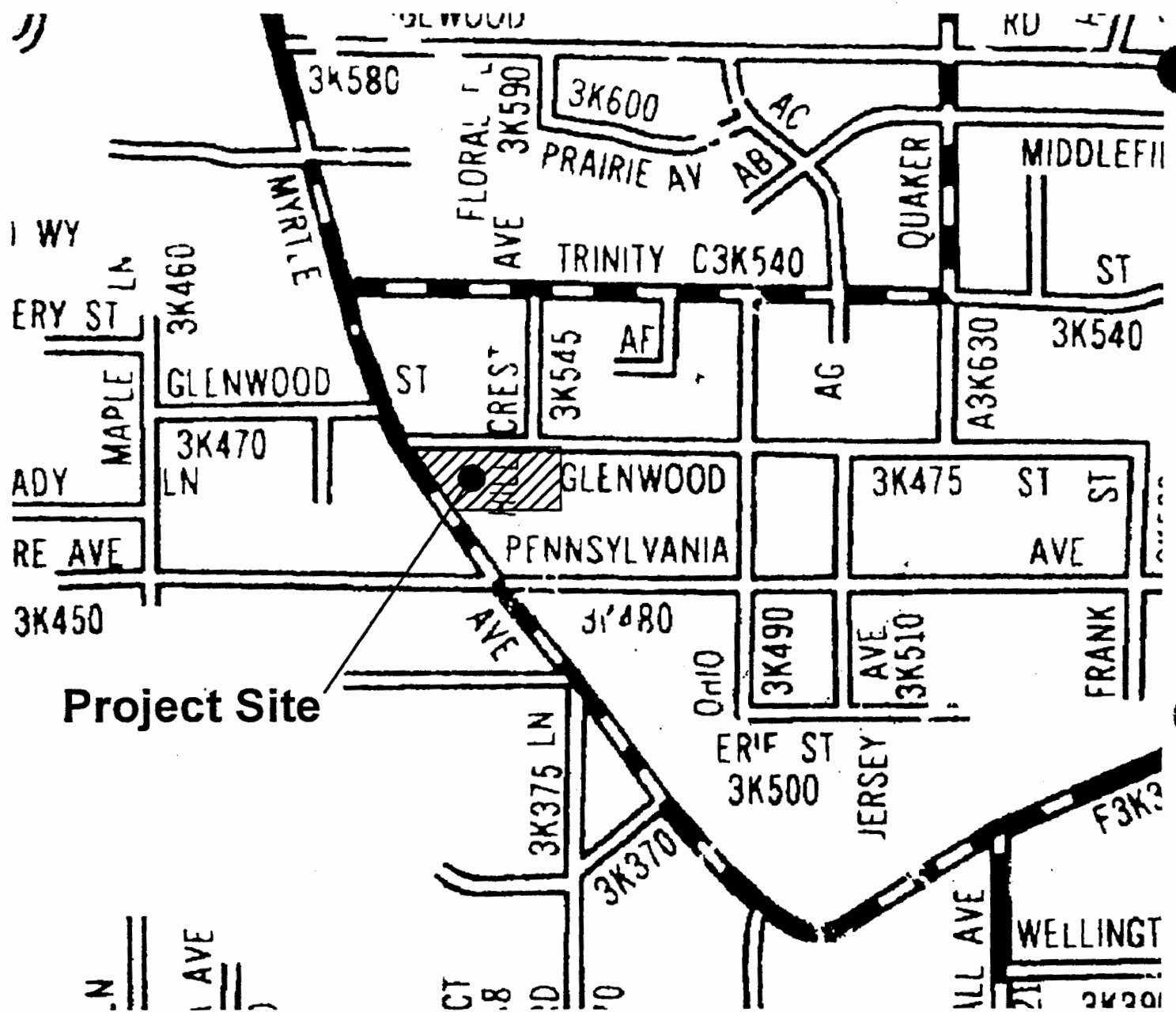
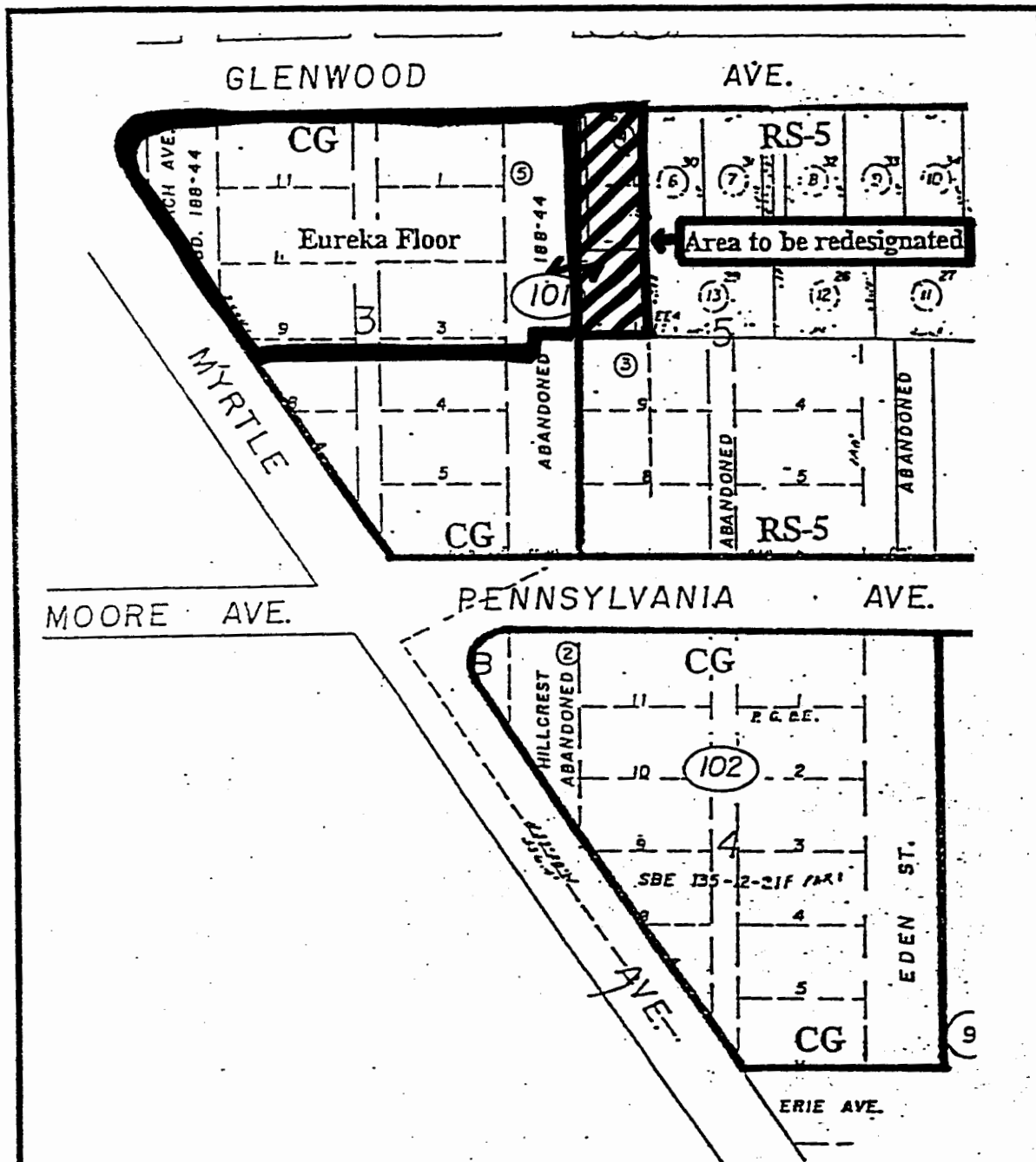


EXHIBIT NO. 2
 APPLICATION NO.
 HUM-MAJ-2-02
 HUMBOLDT COUNTY LCP
 AMENDMENT
 VICINITY MAP

Proposed Eureka Floor Company Gen. Plan Amend./
 Zone Reclass./Coastal Dev. Permit/Notice of Merger
 Myrtle town Area
 APN: 016-101-04 and -05 Section 25 T5N R1W, H.B.&M.

Location Map





Eureka Floor Plan and Zone Boundary Adjustment; Myrtle town Area

Project Description: A Plan Amendment and Zone Reclassification to adjust the land use designations to coincide with adjusted property lines as required by conditions of approval of a lot merger. The Plan and zone boundary adjustment will result in about 9,000 square feet being redesignated from Residential Low Density (RL) to Commercial General (CG), and being rezoned from Residential Single Family (RS-5) to Commercial General (CG).

EXHIBIT NO. 3
APPLICATION NO.
 HUM-MAJ-2-02
 HUMBOLDT COUNTY LCP
 AMENDMENT
 LUP MAP

16-10

S. 1/2

SEC. 25

T. P. 5 N. R. 1 W.

PT. 462.36' East of SE Cor. of MYRTLE & GLENWOOD AVES.

(3)

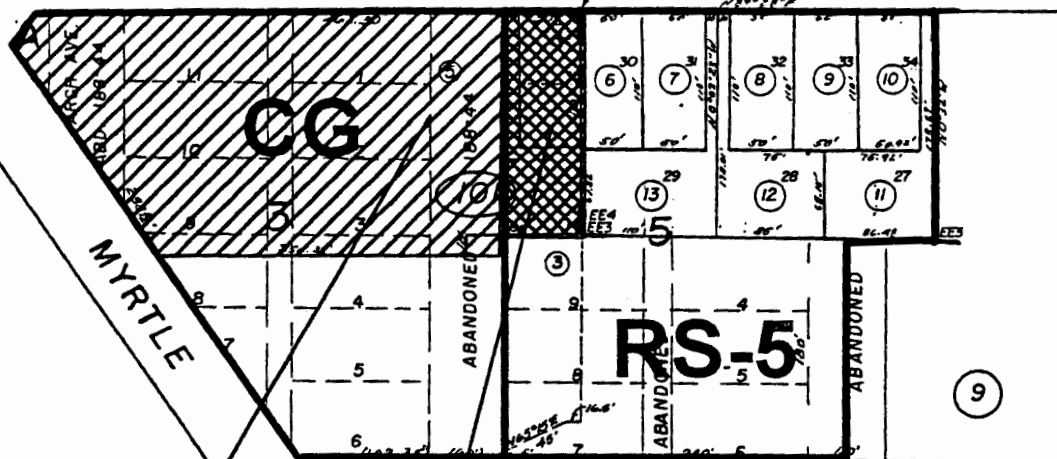
(3) (4)

GLENWOOD

AVE.

(2)

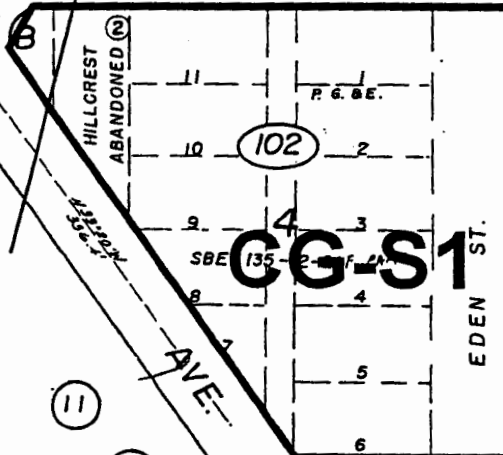
(11)



Project Site:
CG and RS-5 Zones

Area to be rezoned
from RS-5 to CG

PENNSYLVANIA AVE.



(11)

(14)

ERIE AVE.

ABANDONED
198-298

EXHIBIT NO. 4

APPLICATION NO.

HUM-MAJ-2-02

HUMBOLDT COUNTY LCP
AMENDMENT

ZONING MAP

Proposed Eureka Floor Company Gen. Plan Amend./
Zone Reclass./Coastal Dev. Permit/Notice of Merger
Myrtletown Area

APN: 016-101-04 and -05 Section 25 T5N R1W, H.B.&M.

Zoning Map



Scale: N.T.S.

RECEIVED

APR 17 2003

HUMBOLDT COUNTY
PLANNING DIVISION

Agenda Item No.

C-11

COUNTY OF HUMBOLDT
Board of Supervisors

For Meeting of

APR 15 2003

DATE: March 27, 2003
TO: Board of Supervisors
FROM: Kirk Girard, Director of Community Development Services
SUBJECT: Revised Resolution Forwarding to the California Coastal Commission a Proposed Plan Amendment and Rezoning of APN 016-101-04
Case Number GPA 03-95 and ZR-03-96

RECOMMENDATION

That the Board of Supervisors:

1. Review the staff report and any other materials submitted for this item.
2. Based on the findings in the staff report, approve the attached resolution as part of the consent calendar.
3. Direct the Clerk of the Board to notify the applicant and any other parties requesting notice of the Board's decision.

Prepared by: Michael Richardson
Michael Richardson, Senior Planner

CAO Approval: K. Surkin

REVIEW: Auditor _____ County Counsel ✓ Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM: cc: Applicant
☒ Consent
☐ Departmental
☐ Public Hearing
☐ Other

PREVIOUS ACTION/REFERRAL
Resolution No.99-43

pc: Community Development
County Counsel

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon the motion of Supervisor NEELY
seconded by Supervisor GEIST
and unanimously carried by those members present,
the Board hereby adopts the recommended action
contained in this report.

Dated: APR 15 2003

By: Lora Canzoneri
Lora Canzoneri, Clerk of the Board

EXHIBIT NO. 5

APPLICATION NO.
HUM-MAJ-2-02
HUMBOLDT COUNTY LCP
AMENDMENT
COUNTY RESOLUTION
(1 of 3)

RESOLUTION NO. 03-40

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; Meeting on April 15, 2003

**Resolution of Submittal to the California Coastal Commission For
Certification of a Local Coastal Plan Amendment**

WHEREAS, the County of Humboldt has been petitioned to amend the Humboldt Bay Area Local Coastal Plan and the Coastal Zoning Maps to establish land use and zoning map boundaries which coincide with existing lot lines for the Eureka Floor Notice of Merger (Humboldt Bay Area) File No. 16-101-04; Case No. NOM 06-96; and

WHEREAS, the proposed amendments may be approved if it can be found that: (1) The proposed change is in the public interest; and (2) The proposed change is consistent with the General Plan, and: (3) The amendments meet the requirements of and are in conformance with the policies of Chapter 3 of the Coastal Act; and

WHEREAS, the County Planning Department has prepared, posted for public review, and filed with the Planning Commission and the Board of Supervisors reports with evidence, findings, and conclusions showing that substantial evidence supports making all of the required findings for recommending approval of the proposed amendments; and

WHEREAS, the Secretary of Resources has determined that the State Coastal Commission is responsible for the required environmental documentation for Coastal Plan Amendments pursuant to CEQA; and

WHEREAS, the Planning Commissioners have reviewed and considered said reports and other written evidence prepared by the Planning Department, and testimony presented to the Commission; and

WHEREAS, on May 20, 1999 the Planning Commission held a public hearing on this matter to receive other evidence and testimony;

WHEREAS, the Planning Commission, based on testimony received and information presented at this hearing, recommended that the Board of Supervisors adopt an amendment to the Humboldt County Local Coastal Program as described in the Planning Division staff report to the Board dated May 8, 1999; and

WHEREAS, on May 25, 1999 the Board of Supervisors held a public hearing on this matter to receive other evidence and testimony; and

WHEREAS, the Board of Supervisors, based on the recommendation of the Planning Commission, and testimony and information presented at the meeting of May 25, 1999, approved the proposed amendments; and

WHEREAS, the amendments are intended to be carried out in a manner in conformity with the Coastal Act and the implementing Local Coastal Plan; and

WHEREAS, the Board of Supervisors agrees to issue Coastal Development Permits for the affected areas which are outside state jurisdictional areas; and

WHEREAS, it is the intent of the County that these amendments shall take effect thirty (30) days after certification by the Coastal Commission and adoption by the County, and

WHEREAS, at a meeting held on June 9, 1999, the Board of Supervisors adopted Resolution #99-43 approving the proposed Plan Amendment and Zone Reclassification and directing the Planning Director to seek approval from the California Coastal Commission approval of the changes to the County's Local Coastal Plan; and

WHEREAS, the Coastal Commission responded to the transmittal stating that a revised Board Resolution is necessary;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Humboldt do hereby:

1. Modify Exhibit 4 of Resolution #99-43 (Resolution of Submittal to the California Coastal Commission for Certification of a Local Coastal Plan Amendment) to delete the following projects from the resolution:

Decker Lot Line Adjustment (Trinidad Area):
Eureka Broadcasting LLA (Humboldt Bay Area):
Glidden Lot Line Adjustment (Trinidad Area):

File No. 517-271-02; Case No. LLA 10-92
File No. 14-271-02; Case No. LLA 57-93
File No. 517-061-11; Case No. LLA 20-94

Adopted on motion by Supervisor Neely, seconded by Supervisor Geist
and the following vote:

AYES: Supervisors: Smith, Rodoni, Woolley, Neely, and Geist

NOES: Supervisors: None

ABSENT: Supervisors: None

STATE OF CALIFORNIA

County of Humboldt

)
) SS.
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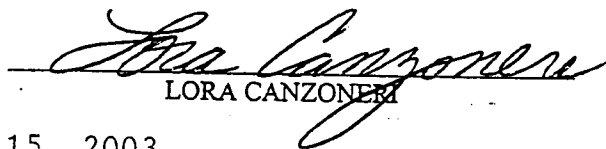
I, Lora Canzoneri, Clerk of the Board of Supervisors of the County of Humboldt, State of California do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-titled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my office.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

LORA CANZONERI

Clerk of the Board of Supervisors of the County of Humboldt, State of California

By:


LORA CANZONERI

Date: April 15, 2003

3 of 3

