

## CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE  
710 E STREET • SUITE 200  
EUREKA, CA 95501-1865  
VOICE (707) 445-7833  
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MAILING ADDRESS:  
P. O. BOX 4908  
EUREKA, CA 95502-4908

RECORD PACKET COPY



# F12a

DATE: January 30, 2004

TO: Commissioners and Interested Parties

FROM: Chuck Damm, Deputy Director  
Robert S. Merrill, District Manager

SUBJECT: **CITY OF EUREKA LCP AMENDMENT NO. EUR-MAJ-1-03 (Kovacovich/Clear Channel Television):** Concurrence with the Executive Director's determination that the action of the City of Eureka accepting the Commission's certification of LCP Amendment No. EUR-MAJ-1-03 and adopting implementing ordinances is legally adequate. For Commission review at the meeting of February 20, 2004 in La Jolla).

A. BACKGROUND:

The Commission acted on City of Eureka LCP Amendment No. EUR-MAJ-1-03 (Kovacovich/Clear Channel Television) on Nov. 6, 2003. The amendment to the City's certified Land Use Plan and Implementation Plan (zoning code) would redesignate and rezone three parcels totaling approximately two acres in size from a Light Industrial (LI) LUP designation and general industrial (MG) zoning district to a General Service Commercial (GSC) LUP designation and Service Commercial (CS) zoning district. The Commission certified the amendment as submitted.

B. EFFECTIVE CERTIFICATION:

The City Council's Resolution transmitting the LCP amendment to the Commission for certification indicates that the LCP amendment shall not take effect until after (1) action by the Commission to approve the amendment as submitted as the Commission did on November 6, and (2) action by the City to adopt the zoning measures needed to implement the amendment.

**CITY OF EUREKA LCP AMENDMENT NO. EUR-MAJ-1-03  
(KOVACOVICH/CLEAR CHANNEL)  
CERTIFICATION REVIEW  
PAGE 2**

On December 16, 2003, the City Council held a public hearing and adopted Resolution No. 2003-55 which acknowledges receipt of the Commission's resolution of certification, adopts all findings for approval of the LCP amendment, grants final approval of the change in land use designation, and agrees to issue permits in conformance with the modified LCP. On January 7, 2004, the City Council held another public hearing and adopted Ordinance No. 675-C.S. making the necessary changes to the County's Implementation Program to implement the LCP amendment (see Exhibit Nos. 2 and 3).

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 of Eureka's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of City of Eureka LCP Amendment No. EUR-MAJ-1-03 (Kovacovich/Clear Channel Television) shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

**C. STAFF RECOMMENDATION:**

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Eureka to accept the Commission's certification of City of Eureka LCP Amendment No. EUR-MAJ-1-03 (Kovacovich/Clear Channel Television) and adopt the necessary changes to the City's Implementation Program is legally adequate, as noted in the attached letter, Exhibit No. 1 (to be sent after Commission concurrence).

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February \_\_, 2004

Kevin Hamblin, Director  
Community Development Department  
City of Eureka  
531 K Street  
Eureka, CA 95501-1146

SUBJECT: Effective Certification of City of Eureka LCP Amendment No. EUR-MAJ-1-03 (Kovacovich/Clear Channel Television).

Dear Mr. Hamblin:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 2003-55 and Ordinance No. 675-C.S for effective certification of City of Eureka LCP Amendment No. EUR-MAJ-1-03. The City's resolution and ordinance indicates that the City acknowledges receipt of and accepts the Commission's resolution for certification and that the City agrees to issue permits in conformance with the modified certified local coastal program.

The Executive Director has found that the City's resolution and ordinance fulfills the requirements of Section 13544(a) of the California Code of Regulations. In accordance with Section 13544(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 February 20, 2004 in La Jolla. Commission approval and the amendment process are now complete. If you have any questions, please contact Robert S. Merrill in our Eureka office.

Sincerely

\_\_\_\_\_  
CHUCK DAMM  
Deputy Director

<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO.</b> EUR-MAJ-1-03 (Kovacovich et al.)
<b>EFFECTIVE CERTIFICATION LETTER</b>

RESOLUTION NO. 2003- 2003 - 55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA  
APPROVING A GENERAL PLAN AMENDMENT  
ON PROPERTY CONSISTING OF A CITY BLOCK BOUNDED BY WABASH, DEL NORTE, SHORT  
AND KOSTER STREETS IN THE CITY OF EUREKA  
(Case No LCP-03-003)

WHEREAS, an application for a Local Coastal Plan Amendment (Case No LCP-03-003) has been submitted to the City by John Kovacovich and Clear Channel Communications, (applicant) to change the land use designation from Light Industrial (LI) to General Service Commercial (GSC) on property consisting of a city block bounded by Wabash, Del Norte, Short and Koster Streets in Eureka; and,

WHEREAS, the Eureka Planning Commission held a noticed public hearing on the project on July 14, 2003, and has recommended approval of the project to the City Council; and,

WHEREAS, the Eureka City Council held a noticed public meeting on the project on August 5, 2003, where after review of the Initial Study of environmental effects and after receipt of public input adopted a Resolution of Submittal to the California Coastal Commission for the project to effect the Commission's review of the petition; and

WHEREAS, the Eureka City Council further directed city staff to bring the project back to the Council for action to approve the amendment as submitted to the Coastal Commission after the Commission approved the project; and

WHEREAS, the California Coastal Commission met on November 6, 2003 and unanimously approved of the amendment as submitted; and

WHEREAS, the Local Coastal Plan amendment is found to be consistent with the General Plan, as approved on February 27, 1997, and is not known to create any conflicts or contradictions to adopted Plan policy, nor any inconsistencies within the General Plan itself, and furthermore, is generally found to be consistent with existing Plan objectives to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare in the City of Eureka; and,

WHEREAS, the project is found to be beneficial to the community as a whole, leading to a balanced working relationship with the surrounding land uses; and,

WHEREAS, the project is found to be consistent with established noticing and procedural requirements. A notice of public hearing was published in the Times-Standard newspaper not less than 10 days nor more than 30 days prior to the date of the public hearings before the Planning Commission and the City Council; and,

WHEREAS, the project has been found to be in conformance with the requirements of the

<b>EXHIBIT NO. 2</b>
<b>APPLICATION NO.</b> EUR-MAJ-1-03 (Kovacovich et al.)
CITY RESOLUTION & ORDINANCE (1 of 6)

California Environmental Quality Act (CEQA) with the Coastal Commission action being a functional equivalent of CEQA.

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

SECTION 1

The City Council hereby adopts all findings for approval of an application by John Kovacovich, et al, for a Local Coastal Plan Amendment (LCP-03-003) on property consisting of a city block bounded by Wabash, Del Norte, Short and Koster Streets in Eureka known as Assessor Parcel Numbers 003-174-02; 003-174-03; and 003-174-05.

SECTION 2

The City Council hereby acknowledges receipt of the California Coastal Commission resolutions for approval of the Local Coastal Plan amendment.

SECTION 3

The City Council hereby approves a change in the land use designation from Light Industrial (LI) to General Service Commercial (GSC) on property consisting of city block bounded by Wabash, Del Norte, Short and Koster Streets in Eureka, known as Assessor Parcel Numbers 003-174-02; 003-174-03; and 003-174-05.

SECTION 4

The City Manager is hereby authorized and directed to apply all standards and measures necessary to implement the approval of LCP-03-003, and to apply any minor modifications thereto.

SECTION 5

The City Council acknowledges that pursuant to Section 13544 of the California Code of Regulations, effective certification of the LCP amendment will occur after:

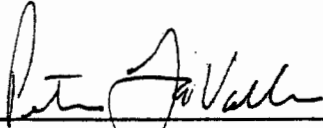
1. The City acknowledges receipt of the resolutions adopted by the Coastal Commission, and within six months of the November 6, 2003 action, adopts the zoning measures necessary to implement the amendment; and
2. The Executive Director of the Coastal Commission determines that the City's actions are legally adequate; and
3. The Commission does not object to the determination of Executive Director that the actions by the City Council to acknowledge the Commission's action and adopt the zoning measures necessary to implement the amendment are legally adequate; and
4. The Commission's determination is filed with the Secretary of Resources by the Coastal Commission staff.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the Sixteenth day of December 2003, by the following vote:

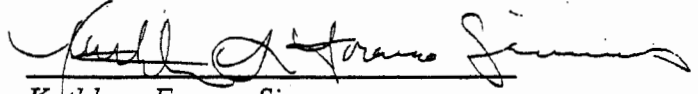
2 of 6

AYES: COUNCIL MEMBERS: Wolford, Bass-Jackson, Leonard, Jones  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: Kerrigan  
ABSTAIN: COUNCIL MEMBERS: None

ATTEST:



*Peter La Valle*  
Mayor



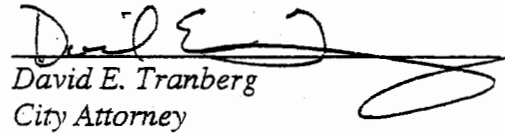
*Kathleen Franco Simmons*  
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:



*David W. Tyson*  
City Manager



*David E. Tranberg*  
City Attorney

**ORDINANCE RECLASSIFYING REAL PROPERTY  
CONSISTING OF A CITY BLOCK BOUNDED BY WABASH, DEL NORTE, SHORT AND KOSTER  
STREETS IN THE CITY OF EUREKA  
FROM GENERAL INDUSTRIAL (MG)  
TO SERVICE COMMERCIAL (CS)**

Be It Ordained by the City Council of the City of Eureka as Follows:

**SECTION 1. DECLARATION**

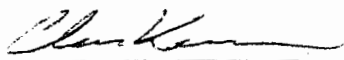
The City Council of the City of Eureka does hereby find, declare and determine that the following reclassification of certain real property consisting of a city block bounded by Wabash, Del Norte, Short and Koster Streets within the City of Eureka hereinafter described, from a general industrial (MG) zone district to a service commercial (CS) zone district was duly initiated, that notice of hearing thereon was duly given and published, that public hearings thereon were duly held by the Planning Commission and the City Council, and the California Coastal Commission and that public necessity and convenience and the general welfare require that the following rezoning be made.

**SECTION 2. ZONING CHANGE**

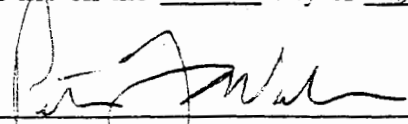
The zoning map of the City of Eureka is hereby amended to reclassify property from a general industrial (MG) zone district to a service commercial (CS) zone district ) on property consisting of city block bounded by Wabash, Del Norte, Short and Koster Streets situated in the City of Eureka, County of Humboldt, State of California, as shown on the attached map labeled Exhibit A, and affecting Assessor Parcel Numbers 003-174-02; 003-174-03; and 003-174-05.

**THIS ORDINANCE 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 ~~Sixteenth~~ day of ~~December~~, 2003, by the following vote: Sixth  
January 4

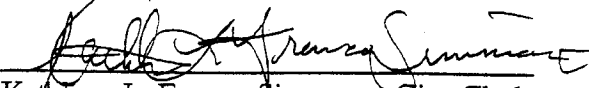
AYES: COUNCILMEMBERS	Wolford, Bass-Jackson, Leonard, Jones
NOES: COUNCILMEMBERS	Kerrigan
ABSENT: COUNCILMEMBERS	None
ABSTAIN: COUNCILMEMBERS	None

  
\_\_\_\_\_  
Virginia Bass-Jackson, Mayor Pro Tem  
Chris Kerrigan

The above ordinance was submitted to me on the 17th day of January, 2003, and I hereby approve the same.

  
\_\_\_\_\_  
Peter La Vallee, Mayor

Attest:


  
Kathleen L. Franco Simmons, City Clerk

~~Approved as to Administration:~~

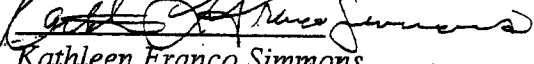
~~David W. Tyson, City Manager~~

Approved as to form:


  
David Tranberg, City Attorney

  
Peter La Vallee  
Mayor

ATTEST:

  
Kathleen Franco Simmons  
City Clerk

APPROVED AS TO ADMINISTRATION:

  
David W. Tyson  
City Manager

APPROVED AS TO FORM:

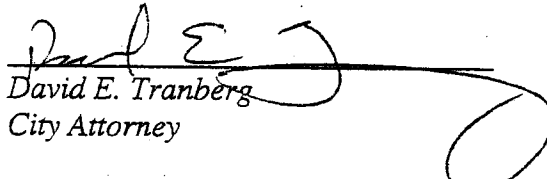
  
David E. Tranberg  
City Attorney

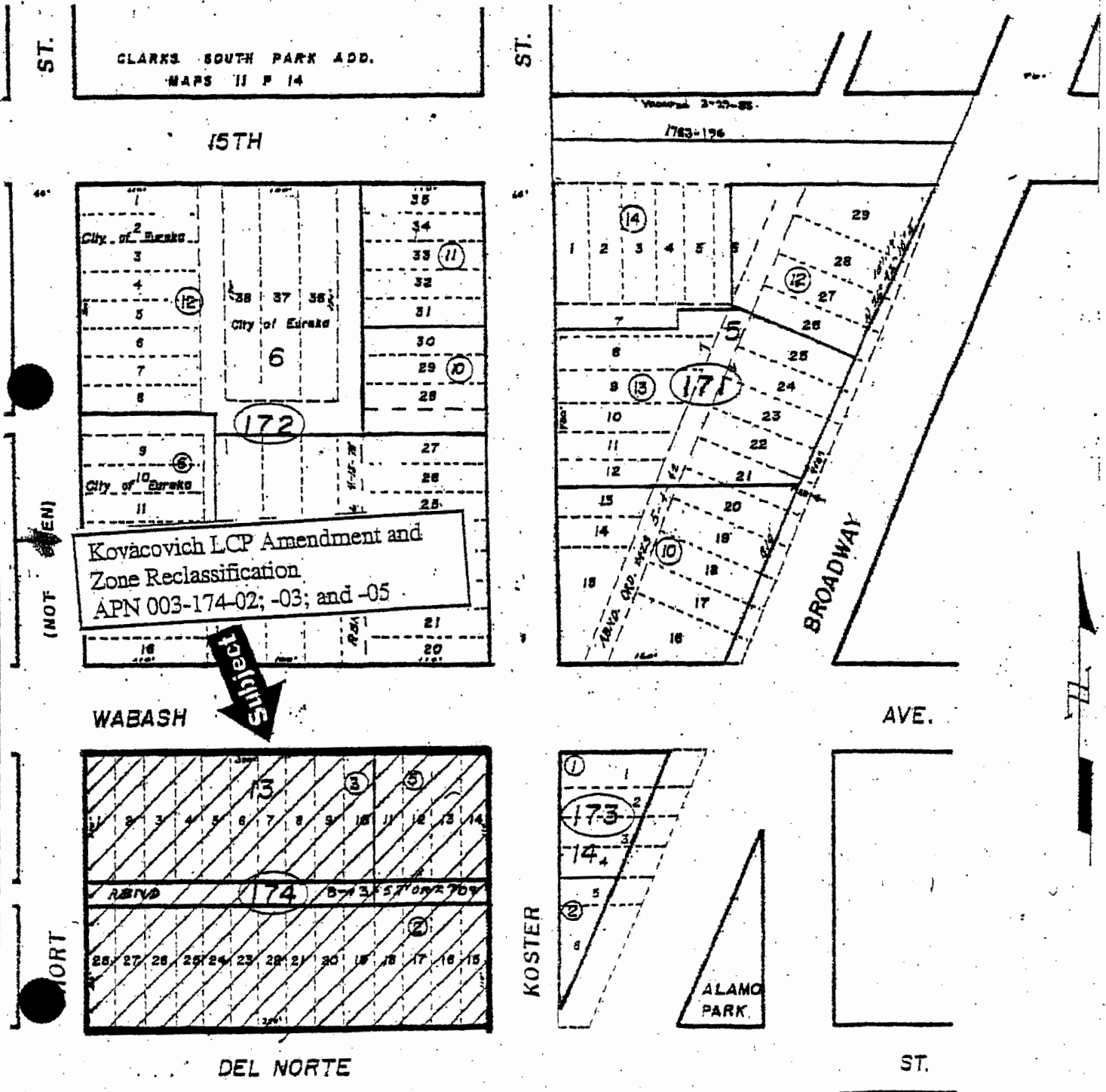


Exhibit A

Kovacovich LCP Amendment and Zone Reclassification  
APNs 003-174-02; 003-174-03; and 003-174-05

Being Block 13 of Clark's South Park Addition to the City of Eureka, according to the Map thereof, on file in the Office of the County Recorder of Humboldt County in Book 11 of Maps, Page 14.

CITY OF EUREKA



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