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Filed: December 5, 2007
90th Day: March 6, 2008
Staff: Jim Baskin
Staff Report: January 24, 2008
Hearing Date: February 8, 2008
Commission Action:

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Robert S. Merrill, North Coast District Manager
James R. Baskin AICP, Coastal Planner

SUBJECT: **City of Eureka LCP Amendment No. EUR-MAJ-2-07 (“C” Street)** (Meeting of February 8, 2008, in Oceanside)

SYNOPSIS:

Amendment Description:

The City of Eureka is requesting certification of LCP Amendment No. EUR-MAJ-2-07 (“C” Street) to the City’s certified Land Use Plan (LUP) and Implementation Plan (IP) to re-designate the land use and zoning designations of an approximately 16.5-acre area comprised of thirteen parcels currently planned for coastal-dependent industrial development but zoned for waterfront commercial uses such that 11 of the parcels would have both land use plan and zoning designations for coastal-dependent industrial development with the two remaining non-shoreline parcels being plan- and zone-designated for commercial waterfront uses. In addition, amendments to the text of the LUP provisions for permissible uses within the City’s historic downtown “core” coastal-dependent industrial area are proposed to include “incidental commercial uses” as an enumerated conditional use.

Summary of Staff Recommendation:

The staff recommends that the Commission, upon completion of a public hearing: **(1) deny both the LUP and IP amendment requests as submitted; and (2) certify both the LUP and IP amendment requests with suggested modifications.**

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The proposed change in Land Use Plan (LUP) and Implementation Program (IP) designations for the subject properties would alter the pattern of permissible uses allowed within the respective coastal-dependent industrial and waterfront commercial areas. However, with regard to the changes proposed to establish “incidental commercial uses” as a conditionally permissible second tier use type within the Core Coastal-Dependent Industrial Area, without additional definitions being included in the LUP and IP to clarify the limitations on the types and intensities of such commercial uses, consistency with the Coastal Act policies regarding the protection and prioritization of shoreline sites for coastal-dependent uses would not be fully ensured. Section 30255 of the Coastal Act directs that coastal-dependent developments have priority over other developments on or near the shoreline. Staff recommends suggested modification that would add definitions and discussion to the LUP such that appropriate limits are established to assure that conditionally permissible “incidental commercial uses” are minor in scope and directly related to the primary coastal-dependent industrial uses of the site. As modified, staff believes the amendment would be consistent with Section 30255 of the Coastal Act.

To establish the conditional approvability for the commercial uses ancillary to the primary coastal-dependent industrial use within the C-CDI planned areas, the City is proposing certain changes to Table B-1 of the General Plan’s Appendix B, the compendium of general plan land use designations and policies applicable to the coastal zone portion of the City. Appendix B is effectively a summary of the Land Use Plan. Since its initial certification in 1997, unclear language within the appendix and other portions of the main body of general plan regarding the purpose and significance of the Table B-1 has caused confusion as to which of the general plan policies and standards, especially its enumerated primary and conditional uses, are applicable to the coastal zone portions of Eureka. Coincident with the City’s proposed changes to Appendix B, staff is recommending a series of modifications to the main text of the general plan and the appendix to remove all Appendix-related ambiguities consistent with the findings adopted by the Commission for certification of the City’s 1997 LCP amendment which included Appendix B as part of the updated LUP.

The Suggested Modifications to the LUP Amendment recommended by staff would ensure that the changes to the LUP and IP are consistent with Coastal Act policies regarding the protection and prioritization of coastal-dependent uses and that the IP would conform with and carry out the LUP, respectively.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 3-6.

Analysis Criteria:

The relationship between the Coastal Act and a local government’s Local Coastal Program can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving guidance as to the kinds, locations, and intensities of coastal development. The Implementation Program (IP) of an LCP typically sets forth zone districts and site development regulations through legally enforceable ordinances which specify

how coastal development is to precede on a particular parcel. The LUP must be consistent with the Coastal Act. The IP must conform with, and be adequate to carry out the policies of the LUP.

Additional Information:

For additional information about the LCP Amendment, please contact Jim Baskin at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the above address.

PART ONE: RESOLUTIONS AND SUGGESTED MODIFICATIONS

I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. EUR-MAJ-2-07

A. DENIAL OF LAND USE PLAN (LUP) AMENDMENT NO. EUR-MAJ-02-07, AS SUBMITTED:

MOTION I: I move that the Commission certify Land Use Plan Amendment No. EUR-MAJ-2-07 as submitted by the City of Eureka.

STAFF RECOMMENDATION TO APPROVE:

Staff recommends a **NO** vote. Passage of this motion will result in rejection of Land Use Plan Amendment 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 I TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment No. EUR-MAJ-2-07 as submitted by the City of Eureka and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

B. CERTIFICATION OF LUP AMENDMENT NO. EUR-MAJ-2-07 WITH SUGGESTED MODIFICATIONS:

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MOTION II: I move that the Commission certify Land Use Plan Amendment No. EUR-MAJ-2-07 for the City of Eureka if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION II TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Land Use Plan Amendment No. EUR-MAJ-2-07 for the City of Eureka if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested 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 that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

C. DENIAL OF IMPLEMENTATION PROGRAM (IP) AMENDMENT NO. EUR-MAJ-2-07, AS SUBMITTED:

MOTION III: I move that the Commission reject Implementation Program Amendment No. EUR-MAJ-2-07 for the City of Eureka as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment 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 III TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the City of Eureka and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is

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inadequate to carry out the provisions of the Land Use Plan as amended. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

D. APPROVAL OF IP AMENDMENT NO. EUR-MAJ-2-07 WITH SUGGESTED MODIFICATIONS:

MOTION IV: I move that the Commission certify the Implementation Program Amendment No. EUR-MAJ-2-07 for the City of Eureka if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications 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 IV TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Land Use Plan and Implementation Program Amendments for the City of Eureka if modified as suggested on the grounds that: (a) the Land Use Plan Amendment with the suggested modifications would be consistent with the policies of the Coastal Act; and (b) the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as amended. Certification of the Land Use Plan and Implementation Program if modified as suggested 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 Land Use Plan and Implementation Program Amendments on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGESTED MODIFICATIONS TO THE LAND USE PLAN PORTION OF PROPOSED EUREKA CITY LCP AMENDMENT NO. EUR-MAJ-2-07:

The suggested modifications involve both the deletion of existing certified verbiage and the inclusion of new text within specified portions of the Land Use Plan or Zoning Regulations. Text changes proposed by the City are formatted in single underline and ~~strikethrough~~ for added

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and deleted text, respectively. Text suggested by the Commission staff to be deleted is shown in ~~double-strikethrough~~ typography, added text is shown in **bold double under-lined** font.

Suggested Modification No. 1: Establishing Consistency Between the General Plan Land Use Chapter and the Land Use Plan Appendix B with Regard to Permissible Uses in the Core Waterfront Commercial Land Use Designation

The table of permissible primary and secondary uses for the Core Waterfront Commercial (C-WFC) land use designation, as set forth in Part II, Section 1 Land Use and Community Design of the LUP, shall be amended to read as follows:

CORE WATERFRONT COMMERCIAL (C-WFC)		
	Primary Uses	Secondary Uses
Ground Floor/ Street Level	Visitor-Serving Retail Commercial Restaurants/Bars Hotels and Bed and Breakfast Inns Fisheries-Related Processing Fisheries-Related Recreation Fisheries-Related Retail <u>Hotels, motels, and visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreation facilities, and commercial fishing industry facilities.</u>	Office Multi-Unit Residential Artist Live-Work Space <u>Professional offices, multiple-family units, residential uses on the upper floors of multi-story structures; oil and gas pipelines; public works projects; warehouses.</u>
Upper Floors	Office Multi-Unit Residential Artist Live-Work Space	Light Manufacturing/Assembly Storage

Suggested Modification No. 2: Establishing Consistency Between the General Plan Land Use Chapter and the Land Use Plan Appendix B with Regard to Permissible Uses in the Core Coastal-Dependent Industrial Land Use Designation

The narrative description of the Core Coastal-Dependent Industrial (C-CDI) land use designation and table of permissible primary and secondary uses, as set forth in Part II, Section 1 Land Use and Community Design of the LUP, shall be amended to read as follows:

The C-CDI designation is intended to reserve and protect land adjacent to Humboldt Bay for coastal-dependent and coastal-related industrial uses. The primary intent of this designation is to encourage fisheries-related industrial uses west of C Street. **Certain secondary uses are also conditionally permitted (e.g., “commercial uses incidental to the primary coastal dependent**

industrial use” as defined) provided they are of a type and scale so as not to negatively impact the primary coastal-dependent industrial use of the site.
 The maximum FAR for buildings in the C-CDI designation is 0.50.

CORE COASTAL-DEPENDENT INDUSTRIAL (C-CDI)		
	Primary Uses	Secondary Uses
Ground Floor/ Street Level	Fisheries Related Processing Boat Building and Repair Recreational Boating Operations Light Industrial/Industrial Warehouses <u>Uses that require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship building and boat repair, commercial fishing facilities, food fish processing plants, marine services, marine oil terminals, OCS service bases and pipelines serving offshore facilities.</u>	Artist Live-Work Space Incidental Commercial Uses <u>Oil and/or gas processing and treatment facilities serving offshore production, onshore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfall and pipelines, fish waste processing plants, ice and cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses, commercial uses incidental to the primary coastal dependent industrial use.</u>
Upper Floors	Artist Live-Work Space	Offices

Suggested Modification No. 3: Definition of “Commercial Uses Incidental to the Primary Coastal Dependent Industrial Use”

A definition of the term “commercial uses incidental to the primary coastal dependent industrial use” shall be appended to Appendix A – *Policy Document Glossary* of the LUP (*City of Eureka General Plan – Policy Document*) to read as follows:

Commercial Uses Incidental to the Primary Coastal Dependent Industrial Use– Those certain commercial uses allowed within the Core Coastal-Dependent Industrial Area which are minor in significance, and subordinate and directly related to the primary coastal-dependent industrial uses for which the area is designated. Commercial uses incidental to the primary coastal dependent use include, but are not limited to, retail sales and services of goods produced or functional work provided at the site, such as fish markets or seafood restaurants at commercial fish processing facilities, and facility tour areas.

Suggested Modification No. 4: Inclusion of “Commercial Uses Incidental to the Primary Coastal Dependent Industrial Use” in the Enumeration of Conditional Uses within the LUP’s Core Coastal

Dependent Industrial Land Use Designations Table
(Appendix B)

The list of conditional uses within the Core Coastal Dependent Industrial (C-CDI) land use designation as enumerated in Table B-1 of Appendix B of the City of Eureka General Plan *Policy Document* shall be modified as follows:

Oil and/or gas processing and transport facilities serving offshore production, on shore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfalls and pipelines, fish waste processing plants, ice and cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses, ~~incidental commercial uses incidental to the primary coastal dependent industrial use.~~

Suggested Modification No. 5: Enhancing Internal Consistency Between the General Plan’s Summary and Land Use and Community Design Sections and Appendix B Coastal Land Use Policy

The first two paragraphs of “1984 Local Coastal Program” segment of the General Plan Policy Document Part One *Summary* (pp. 7–8), the “Local Coastal Land Use Plan” segment of the General Plan Policy Document Part One *Summary* (pp. 11–12), the “Coastal Land Use Designations” segment of the General Plan Policy Document Part II Land Use and Community Design section (p. 1-9), Section B.4 of the General Plan Policy Document Appendix B (p. B-2), and Table B-1 of the General Plan Policy Document Appendix B Coastal Land Use Policy (pp. B-2 – B-6) shall be modified as follows:

1984 LOCAL COASTAL PROGRAM



In May 1984, the City of Eureka adopted its Local Coastal Program (LCP) in accordance with the California Coastal Act. The LCP included a Land Use Plan (LUP) that governed land use and development within the Coastal Zone. Upon adoption in 1984, the LUP superseded the 1977 General Plan and preexisting zoning for the area of Eureka within the Coastal Zone. The ~~LCP LUP~~ contains numerous goals and policies related to land use, ~~that~~ These goals and policies are implemented primarily through textual land use policies set forth in Part II, Section 1 through 8 of the General Plan and the prescriptive development standards enumerated for the various implementing zoning designations, which, in the case of Eureka's LCP some cases, are synonymous in title (i.e., with the land use designations ~~also serve as zoning designations~~) they implement (e.g., “Coastal-Dependent Industrial” (CDI) land use designation / “Coastal Dependent Industrial” (MC) zoning district).

This ~~General Plan~~ LUP, as may be further subsequently

amended and certified by the Coastal Commission, updates and supersedes the Land Use Plan of the 1984 Local Coastal Program. Appendix B describes ~~how~~ which of the land use maps, policies, and programs of the ~~LUP~~ have been reflected in this plan overall City-wide General Plan comprise the Land Use Plan component of the City’s LCP applicable to the portions of the City situated within the Coastal Zone.

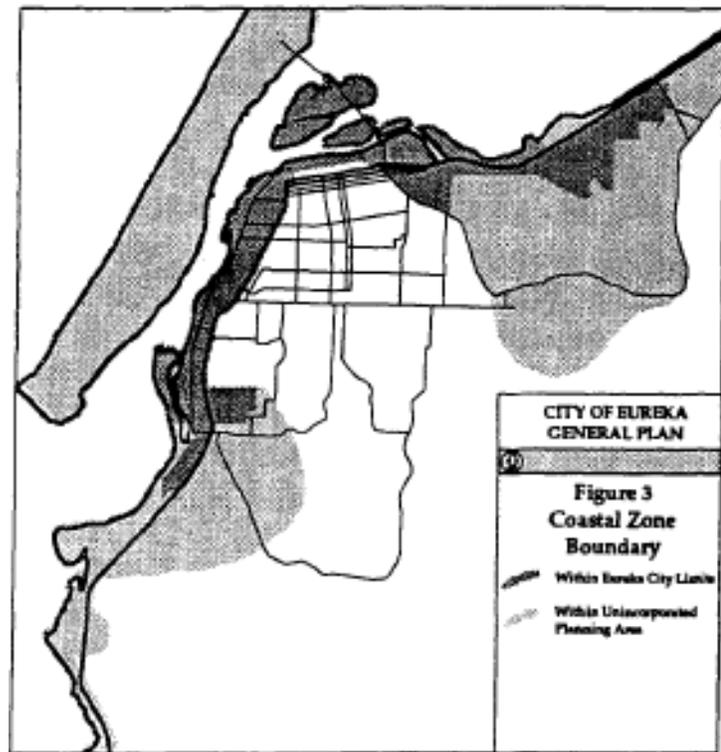
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**LOCAL COASTAL
LAND USE PLAN**

This *Policy Document* includes policies, programs, and proposals designed specifically to meet California Coastal Act requirements. This plan updates and, following Coastal Commission approval, will supersede the City's *Coastal Land Use Plan*, which was part of the City's *Local Coastal Program* adopted in 1984.

The California Coastal Act of 1976 requires every city and county lying partly or wholly within the designated coastal zone to prepare a Local Coastal Program. The Coastal Act defines a Local Coastal Program as “a local government’s (a) land use plans, (b) zoning ordinances, (c) zoning district maps, (d) within sensitive coastal resource areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions of this division at the local level.” (**Public** Resources Code Section 30108.6)

The policies, programs, and proposals in this *Policy Document* designed to meet Coastal Land Use Plan requirements apply only to land within the city limits of Eureka. Humboldt County’s own *Local Coastal Program* regulates land use and development within unincorporated coastal zone areas surrounding Eureka. Figure 3 shows both the incorporated and unincorporated areas falling within the coastal zone defined by state law.



In this *Policy Document*, policies, programs, standards, and plan proposals designed to meet Coastal Act requirements are noted with the following wave symbol:

☞ Policies, programs, standards, and plan proposals with the coastal notation, however, also apply outside the coastal zone unless their application is explicitly limited to the Coastal Zone. With regard to land use designations, Appendix B provides further detail as to the sub-set of General Plan categories applied to the coastal zone portions of the City (i.e., the LUP land use designations), the purposes for, and primary and conditional uses identified for each designation, and the zoning districts which would implement the various plan policies, programs, standards, and proposals.

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COASTAL LAND USE DESIGNATIONS

In preparing this General Plan, the City established land use designations that correspond essentially with all of the LCP designations. Table B-1 in Appendix B lists each designation appearing on the Land Use Diagram and indicates the LCP's Land Use Plan (LUP) designation

with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan law. Accordingly, for each designation appearing on the General Plan Land Use Diagram within the incorporated area of the Coastal Zone, Table B-1 shows the corresponding LCP LUP designation, ~~and~~ the more detailed purpose description and use prescriptions contained in the LUP, and indicates the zoning district designations that would implement the plan provisions. Figure B-2 in Appendix B shows the Land Use Diagram land use designations for the area of the city within the Coastal Zone.

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B.4 GENERAL PLAN UPDATE COASTAL LAND USE POLICIES

In updating its General Plan, the City of Eureka has determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act is to combine the goals, policies, and programs addressing these requirements into a single, unified document. In doing so, the City reviewed the land use maps and land use policies of the *1984 LCP* and determined which policies and programs should be incorporated into the updated citywide General Plan. The LCP originally contained a total of ~~47~~ 22 land use designations and 119 policies and implementing actions/programs. The following two subsections summarize how the General Plan addresses the coastal planning requirements in terms of the Land Use Diagram and its policies and programs. First, the following subsection describes: (1) how which of the 28 current land use designations on the General Plan Land Use Diagram compare with and reflect the designations from the 1984 LCP have been applied to the portions of the City within the coastal zone; (2) the corresponding zoning district designations that implement each land use designation; and (3) the more restrictive sub-set of principal and conditional uses identified in the General Plan Land Use and Community Design section permissible within the coastal zone portions of the City. The next subsection lists the policies and programs ~~from the 1984 LCP that have been incorporated into~~ of the General Plan, as well as policies and programs developed for the General Plan Update that address coastal issues and are applicable in reviewing coastal development permit applications for development within the Coastal Zone.

LAND USE DIAGRAM

In preparing the General Plan Update, the City established land use designations that essentially correspond with all of the LCP designations. Table B-1 lists each of the designations in the Policy Document and indicates the LCP designation with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan law. For each of the designations appearing on the General Plan Land Use Diagram within the incorporated area of the Coastal Zone (see Figure B-1), Table B-1 shows the corresponding LCP Land Use Plan designation,

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the corresponding zoning district designation that implements the LUP designation, and the more detailed purpose descriptions and restrictive use prescriptions contained in the coastal resource policies and standards of the LUP. Figure B-2 shows the *Draft Land Use Diagram* land use designations for the area of the city within the coastal zone.

TABLE B-1					
GENERAL PLAN – 1984 LCP LAND USE <u>PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)</u> DESIGNATION CORRESPONDENCE					
GP Designation(s)	<u>LCP-LUP Designation(s)</u>	LCP LUP <u>LCP-IP (Zoning) Designation(s)</u>	Purpose(s)	Principal Use(s)	Conditional Uses
<u>RR Rural Residential</u>	<u>No corresponding LUP designation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
LDR Low Density Residential	<u>LDR Low Density Residential</u>	RS-6000 Urban One Family Residential – 6,000 sq.ft. Minimum Size <u>RS-12,000 One Family Residential – 12,000 sq.ft. Minimum Size</u>	To allow the development of residential uses making conservative use of urban land where adequate services are available.	Detached single family residences and accessory structures and uses.	Private institutions, private recreation facilities, oil and gas pipelines.
ER Estate Residential	<u>ER Estate Residential</u>	RS-12,000 Low Density One Family Residential – 12,000 sq.ft. Minimum Size	To allow development of residential uses where the level of public services requires lot sizes larger than in urban residential areas	Detached single family residences and accessory structures and uses.	Private institutions, private recreation facilities, oil and gas pipelines.
MDR Medium Density Residential	<u>MDR Medium Density Residential</u>	RM-2,500 Medium Density Multi-Family Residential – 2,500 sq.ft. Minimum Size	To make effective use of limited urban land and to provide areas for concentrated residential uses and planned developments consistent with availability of public services and resource protection.	Single family residences, duplexes, bed and breakfast inns, and multiple family units.	Guest houses, private institutions, mobilehome parks, hotels, motels, churches and other religious institutions, oil and gas pipelines.
HDR High Density Residential	<u>HDR High Density Residential</u>	<u>RM-1,000 Multi-Family Residential – 1,000 sq.ft. Minimum Size</u>			

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TABLE B-1

GENERAL PLAN – ~~1984~~ LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)
DESIGNATION CORRESPONDENCE

<u>GP Designation(s)</u>	<u>LCP-LUP Designation(s)</u>	<u>LCP LUP LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
WFC Waterfront Commercial C-WFC Core Waterfront Commercial C-RC Core Retail Commercial	<u>WFC</u> <u>Waterfront</u> <u>Commercial</u> <u>C-WFC</u> <u>Core</u> <u>Waterfront</u> <u>Commercial</u> <u>C-RC</u> <u>Core Retail</u> <u>Commercial</u>	CW Waterfront Commercial	To protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources.	Hotels, motels, and visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreation facilities, and commercial fishing industry facilities.	Professional offices, multiple-family units, residential uses on the upper floors of multi-story structures, oil and gas pipelines, public works projects, warehouses.
NC Neighborhood Commercial	<u>NC</u> <u>Neighborhood</u> <u>Commercial</u>	CN Neighborhood Commercial	To allow the integrated development of neighborhood commercial centers providing for the economic well-being and convenience of the residents of the immediate area.	Retail sales, retail services, office and professional uses, personal service establishments.	Public and private Institutions, public works projects.
GSC General Service Commercial HSC Highway Service Commercial	<u>GSC</u> <u>General</u> <u>Service</u> <u>Commercial</u> <u>HSC</u> <u>Highway</u> <u>Service</u> <u>Commercial</u>	CS Service Commercial	To provide appropriately located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area.	Retail stores, service establishments, amusement establishments, wholesale businesses, restaurants and soda fountains (not including drive-in establishments) and offices.	Drive-in theaters, drive-in restaurants, mobilehome and trailer parks.
C-RO	<u>C-RO</u>	OR	To provide	Single family	Hotels, motels,

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TABLE B-1					
GENERAL PLAN – 1984 LCP LAND USE <u>PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)</u> DESIGNATION CORRESPONDENCE					
<u>GP Designation(s)</u>	<u>LCP-LUP Designation(s)</u>	LCP LUP <u>LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
Core-Residential Office	<u>Core-Residential Office</u>	Office/Multi-Family Residential	opportunities for offices of a commercial character to locate outside commercial districts and to provide opportunities for compatible mixed uses such as commercial and single and multiple family dwellings.	residences, multi-family residences, administrative, business, and professional offices.	boarding houses, private institutions, retail services compatible with principal uses.
CC Community Commercial	<u>CC Community Commercial</u>	CP Planned Shopping Center	To provide large sites at appropriate locations for major shopping centers serving the Humboldt Bay area and North Coast region. The site of such a center shall be planned as an integral unit reflecting high standards of site design, landscaping, traffic planning, and natural resources restoration or enhancement.	A variety of commercial establishments organized as an integrated regional center providing shopper goods and services (as opposed to convenience goods or neighborhood services) to the regional population.	Compatible non-commercial uses such as churches or charitable institutions, service stations, restaurants, and temporary, short-term uses.
<u>PO Professional Office</u>	<u>No corresponding LUP designation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>MSC Medical Services Commercial</u>	<u>No corresponding LUP designation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
C-CDI	<u>C-CDI</u>	MC	To protect and	Uses that	Oil and/or gas

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TABLE B-1					
GENERAL PLAN – 1984 LCP LAND USE <u>PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)</u> DESIGNATION CORRESPONDENCE					
<u>GP Designation(s)</u>	<u>LCP-LUP Designation(s)</u>	LCP LUP <u>LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
Core Coastal Dependent Industrial CDI Coastal Dependent Industrial	<u>Core Coastal Dependent Industrial</u>	Coastal-Dependent Industrial	reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.	require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship building and boat repair, commercial fishing facilities, food fish processing plants, marine services, marine oil terminals, OCS service bases and pipelines serving offshore facilities.	processing and treatment facilities serving offshore production, onshore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfall and pipelines, fish waste processing plank, ice and cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses, incidental <u>commercial uses incidental to the primary coastal dependent industrial use.</u> ¹
<u>CDI Coastal Dependent Industrial</u>	<u>CDI Coastal Dependent Industrial</u>	<u>MC Coastal-Dependent Industrial</u>	<u>To protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.</u>	<u>Uses that require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship</u>	<u>Oil and/or gas processing and treatment facilities serving offshore production, onshore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfall and pipelines, fish waste processing plank, ice and cold storage</u>

¹ This portion of the suggested modification reiterates LUP Suggested Modification No. 1. See Part One, Section II.a. above.

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TABLE B-1

**GENERAL PLAN – ~~1984~~ LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)
 DESIGNATION CORRESPONDENCE**

GP Designation(s)	<u>LCP-LUP Designation(s)</u>	<u>LCP LUP LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
				<u>building and boat repair, commercial fishing facilities, food fish processing plants, marine services, marine oil terminals, OCS service bases and pipelines serving offshore facilities.</u>	<u>facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses.</u>
GI General Industrial	<u>GI General Industrial</u>	MG General Industrial	To provide sites suitable for the development of general and heavy industrial uses.	General manufacturing, boiler works, concrete mixing and hatching, chemical products manufacture, breweries and distilleries, meats products processing and packaging, structural steel products manufacturing.	Processing of oil and gas, electrical generating and distribution facilities, animal and fish reduction plants, oil and gas pipelines, offices.
LI Light Industrial	<u>LI Light Industrial</u>	ML Limited Industrial	To provide sites for industries that can operate in close proximity to commercial uses with minimum adverse impact.	Light manufacturing processing plants, machine shops, storage yards, trucking terminals, automobile servicing and repair, warehousing,	Professional and business offices, retail sales, oil and gas pipelines.

TABLE B-1

GENERAL PLAN – ~~1984~~ LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)
 DESIGNATION CORRESPONDENCE

GP Designation(s)	<u>LCP-LUP Designation(s)</u>	<u>LCP LUP LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
				wholesaling, and existing offices.	
A Agricultural	<u>A</u> <u>Agricultural</u>	AG AC Coastal Agriculture/Farmed or Grazed Wetlands <u>Agricultural</u>	To protect agricultural lands and give special protection to lands which are also farmed or grazed wetlands, for long-term productive agricultural and wildlife habitat uses.	Farm-related structures (including barns, sheds, and farmer occupied housing). Structures necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel only if no alternative upland location is available for such purpose, and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. (Expanding farming operations into non-farmed wetlands by diking or otherwise altering the functional	Wetland restoration projects; nature study, aquaculture, and similar resource-dependent activities; incidental public purposes which temporarily impact the resources of the area, such as burying cable and pipes; oil and gas pipelines. No division of existing agricultural parcels, except for agricultural leases, shall be permitted.

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TABLE B-1					
GENERAL PLAN – 1984 LCP LAND USE <u>PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)</u> DESIGNATION CORRESPONDENCE					
GP Designation(s)	<u>LCP-LUP Designation(s)</u>	<u>LCP LUP LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
				capacity of the wetland is not permitted.)	
<u>T</u> <u>Timberland</u>	<u>No</u> <u>corresponding</u> <u>LUP</u> <u>designation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
NR Natural Resources	<u>NR</u> <u>Natural</u> <u>Resources</u>	NR Natural Resources	To protect, enhance, and restore environmentally sensitive habitat areas, and to allow limited resource-dependent uses consistent with the continuance of such habitat areas.	Management for fish and wildlife habitat.	Wetland restoration, educational/scientific study, pedestrian access, oil and gas pipelines, aquaculture, and leasing for scientific and educational use.
PQP Public/Quasi-Public	<u>PQP</u> <u>Public/Quasi-Public</u>	P Public Facilities	To protect sites appropriate for the development of public and private sector civic service facilities.	Essential services including sewage treatment facilities, fire and police stations, hospitals, and schools; public and private facilities including offices, libraries, cemeteries, and clinics.	
PQP Public/Quasi-Public (Woodley Island)	<u>PQP</u> <u>Public/Quasi-Public</u> <u>(Woodley Island)</u>	PF/M Public Facilities/Marina	To encourage, protect, maintain, and provide public commercial marina fishing boat and related fishing industry facilities at the	Docks, piers (including recreational fishing piers), and wharves; boat launching facilities; commercial fishing	A third restaurant, including incidental onsite sales and processing of fish, provided that such uses shall not displace current or projected demand for principal uses and

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TABLE B-1

**GENERAL PLAN – ~~1984~~ LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)
DESIGNATION CORRESPONDENCE**

GP Designation(s)	<u>LCP-LUP Designation(s)</u>	<u>LCP LUP LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
			Woodley Island Marina consistent with all of the uses granted to the Humboldt Bay Harbor, Recreation, and Conservation Commission in permit NCR-76-C-369 and by City of Eureka Planning Commission permit resolutions 76-25 and 78-39.	facilities, commercial fishing boat berthing facilities; recreational boating facilities; recreational boat berthing facilities not to exceed 20% of the total number of permitted berths two restaurants; offices and shops directly related to marine uses; ice vending stations; marine and boat sales, services, and repairs; on-site sales and processing of fish incidental to permitted restaurants; public access facilities; and parking areas to support other permitted uses.	necessary support facilities, including parking. Conditional uses shall be designed and located so as not to interfere with permitted uses.
<u>CGC Civic Government Center</u>	<u>No corresponding LUP designation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>PR Park and Recreation</u>	<u>No corresponding LUP designation</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

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TABLE B-1

**GENERAL PLAN – ~~1984~~ LCP LAND USE PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)
 DESIGNATION CORRESPONDENCE**

GP Designation(s)	<u>LCP-LUP Designation(s)</u>	<u>LCP LUP LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
WC Water Conservation	<u>WC Water Conservation</u>	WC Conservation Water	To protect, enhance, and restore valuable fish, wildlife, and sensitive habitat areas, and to provide for limited resource-dependent uses and public recreation, including on piers, in estuarine waters.	Management for fish and wildlife habitat.	Aquaculture or similar resource-dependent activities; restoring previously dredged depths in navigation channels, boat launching ramps; incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers; restoration purposes; nature study; limited public recreation and public access facilities, including piers; oil and gas pipelines.
WD Water Development	<u>WD Water Development</u>	WD Water Development <u>Water</u>	To provide for port and harbor-related uses of estuarine water consistent with resource protection policies.	Maintenance dredging of previously dredged navigation channels.	New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities restoring previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas and boat launching facilities; incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of intake and out-fall lines; restoration purposes; nature study, aquaculture,

TABLE B-1					
GENERAL PLAN – 1984 LCP LAND USE <u>PLAN (LUP) AND IMPLEMENTATION PROGRAM (IP)</u> DESIGNATION CORRESPONDENCE					
<u>GP Designation(s)</u>	<u>LCP-LUP Designation(s)</u>	LCP-LUP <u>LCP-IP (Zoning) Designation(s)</u>	<u>Purpose(s)</u>	<u>Principal Use(s)</u>	<u>Conditional Uses</u>
					or similar resource-dependent activities; public access and public recreation facilities, including piers.
<i>Source: City of Eureka Local Coastal Program, as revised July 17, 1984.</i>					

III. SUGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN PORTION OF PROPOSED EUREKA LCP AMENDMENT NO. EUR-MAJ-2-07:

Suggested Modification No. 6: Definition of “Commercial Uses Incidental to the Primary Coastal Dependent Industrial Use”

A new definition of the term “commercial uses incidental to the primary coastal dependent industrial use” shall be appended to Section 10-5.2906 *Definitions* of the Coastal Zoning Regulations module of the IP to read as follows:

COMMERCIAL USES INCIDENTAL TO THE PRIMARY COASTAL DEPENDENT INDUSTRIAL USE. Those certain commercial uses allowed within the Core Coastal-Dependent Industrial Area which are minor in significance, subordinate to, and directly related to the primary coastal-dependent industrial uses for which the area is designated. Commercial uses incidental to the primary coastal dependent industrial use include, but are not limited to, retail sales and services of goods produced or functional work provided at the site, such as fish markets or seafood restaurants at commercial fish processing facilities, and facility tour areas.

Suggested Modification No. 7: Incidental Commercial Uses as Conditional Use in MC Zoning District of C-CDI Area

Section 10-5.29153 of the City of Eureka Local Coastal Program’s *Zoning Regulations of the City* (Conditional Uses in Coastal Dependent Industrial zoning districts) shall be modified to read as follows:

The following conditional uses shall be permitted in accord with the provisions of Article 24 of this chapter:

Access support facilities;
Boat launching and berthing facilities;
Electrical generating or other facilities which require intake, outfalls, or pipelines;
Fish waste processing plants;
Fishing piers;
Ice and cold storage facilities;
OCS oil and/or gas processing and treatment facilities;
Oil and gas pipelines;
Onshore petroleum production;
Outfalls;
Warehouses serving permitted uses;

Commercial uses incidental to the primary coastal dependent industrial use (within the Core Coastal-Dependent Industrial Area).

Existing developed parcels in existence as of January 1, 1984 of less than one acre located in a coastal-dependent industrial district shall be allowed to be developed with coastal-related or general industrial uses if they are not proposed for consolidation with other parcels to permit a new or expanded coastal-dependent industrial use and are not adjacent to the shoreline.

PART TWO: INTRODUCTION

I. AMENDMENT DESCRIPTION

The City of Eureka’s LCP amendment is proposed at the behest of the City to correct an internal inconsistency between the Land Use Plan (LUP) and the coastal zoning regulations portion of the Implementation Program (IP) regarding implementary zoning within an eleven parcel, roughly 16.5-acre area located along the City’s “core area” northern waterfront (see Exhibit Nos. 1 through 4). The amendment is proposed to establish one-to-one consistency between the LUP’s land use and IP’s zoning designations. Namely, the area would be both planned and zoned for coastal-dependent industrial development rather than the current certified situation in which the LUP’s Core Coastal-Dependent Industrial Area (C-CDI) is zoned “Waterfront Commercial” (CW), a designation more befitting the visitor-serving facility oriented area immediately to the east along the City Boardwalk. Secondly, the amendment would change the C-CDI land use designation on two other small, non-waterfront abutting parcels to match that of their CW zoning designation to facilitate re-location onto and future redevelopment of local-listed historic H.H. Buhne Warehouse on one site (APN 001-011-016 “Inside Track”), and to redesignate the other parcel (APN 001-012-001 “Go Fish”/“Vista Del Mar”) consistent with its current and long-standing legal non-conforming use as a restaurant and/or licensed premises visitor-serving facility. Finally, the amendment strives to correct an internal inconsistency within the land use categories chapter and coastal land use policies appendix of the LUP to establish “incidental commercial uses” as a conditionally permissible use type within the Core Coastal-Dependent Industrial Area by including the phrase among the list of C-CDI conditional uses within an

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appendix table that further articulates which of the city-wide General Plan’s land use designations comprise the Land Use Plan designations for the portions of the City within the coastal zone. The City has also proposed other changes to the table, including establishing separate entries for the Coastal Dependent Industrial designation applicable to the downtown Core Area (C-CDI) and as applied to other areas of the City’s bayfront (CDI). In addition, the heading of the second column, currently titled “LCP Designation” is proposed to be changed to “IP Designation” to more accurately reflect the fact that the column enumerates zoning district designations implementing the relevant general plan designations listed in the adjoining first column rather than the corresponding LUP land use designations.

The specific land use and zoning map revisions and amendments to the LUP text of the City’s LCP proposed for amendment appear within the respective resolution and ordinance attached as Exhibit Nos. 10 and 11. The existing land use and zoning maps are also included in Exhibit Nos. 5 and 6. In addition, pertinent excerpts of the currently-certified text of the LUP and IP’s coastal zoning regulations are provided in Exhibit Nos. 7 and 8.

II. SUBJECT PROPERTY

The subject site proposed for the LCP amendment consists of a roughly rectilinear 16.5-acre area comprised of thirteen parcels ranging from approximately .03-acre to 1.5 acres in size, situated north of First Street between “C” and Commercial Streets (see Exhibit Nos.1-3). The existing thirteen parcels were created by aliquot grant deed conveyances and/or record-of-survey and parcel map recordations conducted prior to both the Coastal Act and the Subdivision Map Act.

The properties are situated along the City of Eureka’s waterfront on Humboldt Bay, at an elevation of approximately 10 to 12 feet above mean sea level and have flat topography. At one time or another, a variety of coastal-dependent industrial developments and visitor-serving retail commercial uses have been developed on each of the parcels, including commercial fishing receiving, packing and warehousing facilities, docks and wharves, commercial fishing and/or military related administrative support offices, accessory off-street vehicular parking areas, restaurants, and licensed premises. Currently, three of the City-owned parcels are vacant, awaiting development of the Fishermen’s Terminal and net working area (APNs 001-011-012, and -014), or are reserved for relocation of the H.H. Buhne Warehouse (APN 001-011-016). Vegetation cover on portions of the properties is limited to the small remnants of unpaved areas on the properties consisting of patches of ruderal grasses, forbs, and shrubs along the top of the low rip-rapped bank and in landscape strips within the parking lots and around the various buildings. Five of the parcels (APNs 001-011-008, -013, -015, 001-012-005, & -008) abut and/or extend to the federal bulkhead and pierhead lines along Humboldt Bay, a designated environmentally sensitive habitat area within the City’s LCP (see Exhibit Nos. 3 and 4).

The subject site lies within the LUP’s “Core Coastal-Dependent Industrial Area. The subject properties are designated in the Land Use Plan Core Coastal-Dependent Industrial (C-CDI), as certified by the Commission on July 26, 1984 (see Exhibit No. 5). The property is zoned Coastal Dependent Industrial (MC) and Waterfront Commercial (CW), as certified by the Commission on July 26, 1984 (see Exhibit No. 6). Adjoining properties to the east lie within the Core

Waterfront Commercial Area (C-WFC) and are similarly zoned CW, with the parcels to the west comprising the City’s “Westside” area, planned and zoned for a mixture of coastal-dependent industrial, commercial waterfront, general commercial-industrial, public, and natural resource-based uses. Properties to the south of the subject area across First Street and the North Coast Railroad Authority’s rail line lie within either the Core Retail Commercial Area (C-RC) (east of “A” Street) or a light manufacturing zone dominated by warehouse and large bulk commercial concerns.

The subject property lies adjacent to the “Foot of ‘C’ Street” view corridor, as designated in the *Coastal Recreation and Access* policies of the LCP’s Land Use Plan. Due to the current presence of either existing large commercial-industrial structures and/or the anticipated construction of previously authorized development (i.e., *Fishermen’s Terminal* complex), with the exception of the view corridors along the streets flanking the site, public views to and along the bay across the property are limited to small gaps between buildings and across parking lot areas.

PART THREE: AMENDMENTS TO THE LAND USE PLAN

I. ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

II. FINDINGS FOR DENIAL OF LUP AMENDMENT NO. EUR-MAJ-2-07 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as following for LUP Amendment No. EUR-MAJ-2-07: As submitted, the proposed LUP amendment would not be fully consistent with the policies of the Coastal Act.

A. Amendment Synopsis

The City proposes two sets of changes to the LUP as currently certified:

- (1) Amend the Land Use (Map) Diagram designations for APNs 001-011-016 (“Inside Track”) and 001-012-001 (“Go Fish”) from Core Coastal-Dependent Industrial (C-CDI) to Core Waterfront Commercial (C-WFC); and
- (2) Revise the General Plan Policy Document Appendix B Table B-1 as follows:

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- Change the title of Table B-1 from “General Plan 1984 LCP Land Use Designation Correspondence” to “Local Coastal Program Land Use Designations, Purposes and Uses;”
- Change the heading of the second column of Table B-1 currently labeled “LCP Designation” to “IP Designation;”
- Re-format the table to place the Core Coastal-Dependent Industrial (C-CDI) land use designation into its own column separate from the entry for the Coastal-Dependent Industrial (CDI) land use designation, and reiterating the Purpose, Principal Use and Condition Uses entries into each of the respective spreadsheet cells for each designation; and
- Append the phrase “Incidental Commercial Uses” into the Core Coastal-Dependent Industrial designation’s “Conditional Uses” cell.

B. Consistency with Coastal Act Policies for the Prioritization of and Reservation of Shoreline Sites for Coastal-Dependent Uses.

1. Relevant Coastal Act Policies

Section 30101 defines the phrase “coastal-dependent development or use” as follows:

‘Coastal-dependent development or use’ means any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Section 30222 directs:

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. [Emphases added.]

Section 30250(c) states:

Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors. [Emphases added.]

Section 30253 states, in applicable part:

New development shall: ...

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. [Emphases added.]

Section 30255 states:

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support. [Emphasis added.]

Section 30260 states, in applicable part:

Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division...

2. Consistency Analysis

The proposed LUP amendment would result in: (1) redesignating the land use designation on two small, non-waterfront parcels from Core Coastal-Dependent Industrial (C-CDI) to Core – Waterfront Commercial (C-WFC) consistent with their existing Commercial Waterfront (CW) zoning designations; and (2) correcting an internal inconsistency between the Part II, Section 1 Land Use and Community Design and Table B-1 of Appendix B regarding “Incidental commercial uses” as enumerated allowable secondary, conditionally permitted uses within the C-CDI Area. With the land use designation changed to C-CWF, principally and conditionally permissible development types on the “Inside Track” and “Go Fish” parcels would be expanded to include a wider variety of uses and activities that would not necessarily require them to be functionally coastal-dependent as dictated by the C-CDI policies currently applied to the properties. With the proposed amendment to the text within Table B-1 of the LUP Appendix B, “incidental commercial uses” would become a potential conditionally-permitted use within the C-CDI Area.

Redesignation from C-CDI to C-WFC

The project area is located adjacent to an approximately 16-acre, 11-parcel complex of improved and vacant bay-fronting parcels with a long history of use as a “working waterfront” area. The surrounding area is either currently developed or reserved for construction of a variety of primarily commercial fishing-related coastal-dependent uses, as compared to the more visitor-serving oriented development planned for the area to the east within the Core Commercial Waterfront Area (C-CDI).

In contrast, the two properties proposed to be reclassified, 6,500-square-foot APN 001-011-016 and 3,720-square-foot 001-012-001, have similar decades-long histories as visitor-serving facilities, primarily in the form of restaurants, licensed premises, or as a souvenir gift shop. Unlike the relatively larger neighboring C-CDI Area parcels, these small lots are situated roughly 150 to 200 feet inland from the water’s edge occupying street corner intersection locations well removed from the pier-head line of Humboldt Bay. As a result of their configurations and use

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pattern, these properties more closely resemble sites located more to the east within the Core Waterfront Commercial Area (C-WFC) of Old Town Eureka.

The Coastal Act contains numerous policy provisions relating to the protection of near shore areas for a variety of highly valued and functionally dependent uses that could not feasibly be provided or developed elsewhere. These include public accessways and related support facilities, water-oriented public and private recreation, coastal-dependent industrial operations, including aquaculture and commercial fishing-related uses, and other manufacturing or processing works requiring waterfront siting. The Coastal Act also includes other provisions for fostering the siting and development of visitor-serving facilities as a second-tier priority development type, provided such use and/or development does not adversely impact higher priority uses and developments, particularly those that are functionally-dependent upon shoreline-proximate locations. In administering these policies, especially in delineating areas to be sanctioned for these use types, or in reviewing competing development proposals involving differing uses on locations within the same waterfront area, the comparative coastal-dependency of the prospective proposed use, the relative availability of sites for coastal-dependent development, and the current and projected needs of the area need to be fully considered if significant impacts to high-priority coastal-dependent uses are to be avoided.

With regard to potential impacts to coastal-dependent industrial uses that might result from reclassifying a portion of the C-CDI Area displacement to a C-WFC designation, City staff has prepared an analysis of the potential effects of the LUP amendment (see Exhibit No. 12). This study found that the reclassification of the two subject lots would not significantly impact, either directly or cumulatively, the viability of the Core Coastal-Dependent Industrial Area or similarly designated areas within the Westside Industrial portions of the Eureka waterfront for the following reasons:

- Comprising less than ¼-acre, the subject area is insignificantly small compared to the totality of land within the City planned and zoned for coastal-dependent industrial development;
- The parcels’ individual small sizes and inland location of the waterfront would not provide an ideal site for development of a new coastal-dependent use in the C-CDI Area;
- The area is neither presently nor reasonably anticipated to be needed to serve for the expansion of adjoining coastal-dependent uses;
- Despite intensive efforts by local port and rail development advocates, demand for sites for coastal-dependent industrial and other harbor side development remains low, or is in a declining trend for some natural resource extractive economic sectors such as timber production, mining, and commercial fishing;
- The parcels are not identified in either the City’s LCP or other port and harbor related planning documents as priority sites for future development of coastal-dependent uses on Humboldt Bay; and

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- The properties are strategically located at key intersections at lateral ends of the C-CDI Area and are either currently providing and/or have long histories of providing retail commercial support services to coastal visitors and workers at the nearby coastal-dependent industrial sites such that travel to other retail commercial establishments at significant distances from the C-CDI Area could be minimized.

The Commission concurs with the above reasons for the change in LUP designation and therefore finds that the portion of the subject LUP amendment to reclassify the relatively small and inland-most portions of the Core Coastal-Dependent Area to Core Waterfront Commercial Area land use designation is consistent with the policies of Chapter 3 of the Coastal Act as pertain to both the prioritization and reservation of suitable shoreline-proximate sites for coastal-dependent uses as well as those supporting the development of visitor-serving facilities in specified locales.

Establishing “Incidental Commercial Uses” as a C-CDI Conditional Use

The requested LUP amendment also includes a revision to the text of Table B-1 of Appendix B *Coastal Land Use Policy*. As depicted in Exhibit No. 10, the table is proposed to reformatted to separate row entries for the recognized primary and secondary uses within the “core area” and outlying Coastal-Dependent Industrial designations. To provide greater internal consistency between the uses enumerated in the Appendix Table B-1 and those listed in the related Core Coastal-Dependent Industrial land use category entry within the *Land Use and Community Design* chapter of the LUP, the use type “incidental commercial uses” would be reiteratively added into the roll of secondary uses on ground floor / street-level sites within the C-CDI Area. However, the LUP currently provides no definition for the “incidental commercial use” or “secondary use,” and no further explanation of the bounds and scope of these terms have been proposed as part of the subject LCP amendment.

In the absence of such definitive guidance, a host of commercial uses that may have only the most remote relationship to the primary priority use of the site for coastal-dependent industrial development might arguably be considered permissible as “incidental” uses. Without specified qualitative limitations on the types and scale of such purported ancillary development, these incidental commercial uses could either directly or cumulatively impact the overall viability of coastal-dependent industrial uses in the C-CDI Area through physical occupation or dominance of areas needed for the activities functionally requiring waterfront-proximate locations or introduce incompatible uses or activities that may adversely affect performance of the primary coastal-dependent industrial use.

Therefore, the Commission finds that the LUP amendment as submitted is not consistent with Sections 30222, 30255, and 30260 of the Coastal Act and must be denied.

3. Amendment Approvable if Modified

As discussed above, for the proposed change to include certain commercial uses to the list of recognized secondary/conditional permissible uses in C-CDI designated areas to be found consistent with the Chapter 3 policies, particularly Sections 30222 and 30255, the Commission finds it necessary to suggest modifications to the LUP amendment. **Suggested Modification No. 1** would revise the “Primary Use” and “Secondary Use” entries within the table of the LUP’s *Land Use and Community Design* chapter for the Core Waterfront Commercial (C-WFC) land use designation to match that of the respective “Principal Use” and “Conditional Uses” entries in Appendix B, Table B-1. **Suggested Modification No. 2** would affect similar changes to the narrative description and use table for the Core Coastal-Dependent Industrial (C-CDI) category, as well as appending new verbiage in the LUP’s *Land Use and Community Design* Chapter specifically addressing the qualified permissibility of “incidental commercial uses” within the C-CDI Area and provided they are limited to types and scales of activities and physical development that would not impact the primary intended use of the sites for coastal-dependent industrial development. In addition, Suggested Modification No. 2 would change the current term “incidental commercial uses” to “commercial uses incidental to the primary coastal dependent industrial use” to more clearly highlight the limitations imposed on these conditionally permissible uses to further ensure that they are ancillary and accessory to the primary priority use category. **Suggested Modification No. 3** would establish a new definition of the term “commercial uses incidental to the primary coastal dependent industrial use” within the LUP’s Appendix A *Policy Document Glossary* reiterating the same use qualifiers and limitations discussion suggested for the land use and community design component. The definition indicates the uses must be minor in significance, subordinate and directly related to the primary coastal dependent industrial uses for which the area is designated including, but not limited to sales of goods produced at the site or services provided at the site. Similar in intent to the first suggested modification, **Suggested Modification No. 4** would modify the term “incidental commercial uses,” as proposed by the City for inclusion in the list of conditional permitted uses within Core Coastal Dependent Industrial designated areas as appears in Table B-1 of the General Plan Appendix B *Coastal Land Use Policy* to “commercial uses incidental to the primary coastal dependent industrial use” to better reflect the intended subservient nature of the use category.

C. Consistency with Coastal Act Policies Regarding Requisite Content and Specificity of Land Use Plans.

1. Relevant Coastal Act Policies

Section 30108.5 of the Coastal Act defines “land use plan” as:

...the relevant portion of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions. [Emphases added.]

Coastal Act Section 30523 states:

It is the intent of the Legislature that local coastal programs certified by the commission should be sufficiently specific to meet the requirements of Section 30108.5, but not so detailed as to require amendment and commission review for minor changes, or to discourage the assumption by local governments of post-certification authority which ensures and implements effective protection of coastal resources. The Legislature also recognizes that the applicable policies and the level of specificity required to ensure coastal resource protection may differ between areas on or near the shoreline and inland areas. [Emphases added.]

2. Consistency Analysis

As discussed in the staff recommendation summary and Amendment Description Findings Section I of Part 2, the subject LCP amendment includes changes to Table B-1 of the General Plan Policy Document’s Appendix B. As discussed in the findings for its certification-with-suggested-modifications by the Commission in 1997 (LCPA No. 1-97 (Major); see Exhibit No. 13), Appendix B functions as a synopsis of: (a) 22 of the general plan’s 28 city-wide land use designations for guiding development in the portions of the City within the Coastal Zone; and (b) 72 of the total 380 general plan text policies specifically promulgated for addressing specific resource issues as required by the Coastal Act, effectively a summary Land Use Plan. The appendix takes the form of several explanatory paragraphs, a comparison table listing general plan and LCP land use designations, their purposes and recognized principal and conditional uses, and an extract of policies and standards relating to coastal resource issues.

Separate from the issue of conformance with Coastal Act policies regarding protection and prioritization of shoreline sites for coastal-dependent uses addressed elsewhere, the subject LCP amendment raises an issue as to the overall sufficiency of detail and specificity of the Land Use Plan, especially as regards how the contents of the general plan’s Appendix B relate to policies and provisions stated elsewhere in the document. In the interest of correcting what is seen as an error in the table, the City has proposed to change one of its column headings from “LCP Designation” to “IP Designation” to more precisely reflect that the column lists zoning district designations implementing the general plan designation indicated in the adjoining column rather than the equivalent LUP land use designation. While this change is technically correct, this modification gives cause to address the long-standing confusion over the purpose and significance of Table B-1 in the interest of enhancing the LUP’s internal consistency, especially with regard to the minimum detail and specificity requirements set forth in Coastal Act Sections 30108.5 and 30523.

Past Commission Actions Regarding Coastal Land Use Policy Appendix B

The issue of the intended significance of the Appendix B Table B-1 has arisen before, first on September 9, 1998, during the Commission’s initial certification-with-modifications of the 1997 LCP update (LCPA No. 1-97 (Major)) and again during hearings on the 2004 “Large Commercial Uses” LCP amendment (LCPA No. EUR-MAJ-1-00).

The principal change proposed in the 1997 LUP amendment was to combine the LUP with the City's general plan. As part of the 1997 LUP update, several statements were included within the body of the general plan and prefacing the tables and policy extract of Appendix B, declaring the intended purpose of the appendix as limiting and qualifying permissible development within the City's coastal zone portions, as contrasted with permissible development outside the coastal zone. The statements and appendix were included to ensure that the proposed consolidated general plan / land use plan conformed with the requirements of the Coastal Act with respect to the requisite content for the land use plan portions of Local Coastal Programs (PRC §§ 30500 *et seq.*) Relevant portions of the text included the following:

In May 1984, the City of Eureka adopted its Local Coastal Program (LCP) in accordance with the California Coastal Act. The LCP included a Land Use Plan (LUP) that governed land use and development within the Coastal Zone. Upon adoption in 1984, the LUP superseded the 1977 General Plan and preexisting zoning for the area of Eureka within the Coastal Zone. The LCP contains numerous goals and policies related to land use that are implemented primarily through land use and zoning designations, which, in the case of Eureka's LCP, are synonymous (i.e., land use designations also serve as zoning designations).

This General Plan updates and supersedes the Land Use Plan of the 1984 Local Coastal Program. Appendix B describes how the land use maps, policies, and programs of the LUP have been reflected in this plan. – Eureka General Plan Policy Document, Part I - Summary, pp. 7-8 [Emphasis added.]

...

In preparing this General Plan, the City established land use designations that correspond essentially with all of the LCP designations. Table B-1 in Appendix B lists each designation appearing on the Land Use Diagram and indicates the LCP designation with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan Law. Accordingly, for each designation appearing on the General Plan Land Use Diagram within the incorporated area of the Coastal Zone, Table B-1 shows the corresponding LCP designation and the more detailed purpose description and use prescriptions contained in the LUP. Figure B-2 in Appendix B shows the Land Use Diagram designations for the area of the city within the coastal zone. – Eureka General Plan Policy Document, Part II, Section 1 - Land Use and Community Design, p. 1-9 [Emphasis added.]

...

In updating its General Plan, the City of Eureka has determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act is to combine the goals, policies, and

programs addressing these requirements into a single, unified document. In doing so, the City reviewed the land use maps and land use policies of the 1984 LCP and determined which policies and programs should be incorporated into the updated citywide General Plan. The LCP contained a total of 17 land use designations and 119 policies and implementing actions/programs. The following two subsections summarize how the General Plan addresses the coastal planning requirements in terms of the Land Use Diagram and its policies and programs. First, the following subsection describes how the land use designations on the General Plan Land Use Diagram compare with and reflect the designations from the 1984 LCP. The next subsection lists the policies and programs from the 1984 LCP that have been incorporated into the General Plan, as well as policies and programs developed for the General Plan Update that address coastal issues.

LAND USE DIAGRAM

In preparing the General Plan Update, the City established land use designations that essentially correspond with all of the LCP designations. Table B-1 lists each of the designations in the Policy Document and indicates the LCP designation with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan law. For each of the designations appearing [on] the General Plan Land Use Diagram within the incorporated area of the Coastal Zone (see Figure B-1), Table B-1 shows the corresponding LCP designation and the more detailed purpose description and use prescriptions contained in the LUP. Figure B-2 shows the Draft Land Use Diagram land use designations for the area of the city within the coastal zone. – Eureka General Plan Policy Document, Appendix B, Section B.4 – General Plan Update Coastal Land Use Policies, p. B-2 [Emphases added.]

In the past, the City has noted that Table B-1 is entitled “General Plan-1984 LCP Land Use Designation Correspondence and has suggested that Table B-1 just provides background on what those uses were in the original 1984 version of the LUP, and does not describe currently allowed uses. City staff opined at the time that one must go to the general description of the land use classifications in the LUP text and the industrial policies of the LUP to understand what kinds of uses are generally allowed within the industrial areas of the City. In other words, there is no specific listing of principal and conditional uses in the LUP.

The Commission has not taken that viewpoint. As set forth above, the text of the currently certified LUP (certified in 1998) states that in areas outside the coastal zone, the LUP specifies uses for each land use designation that are indicative, not inclusive, of the range of uses allowed in the designation. However, the same section of text also states that within the coastal zone, the list of allowable uses for each land use designation is prescribed more precisely and that Appendix B provides a supplemental description of the purposes and allowable uses, both principal and conditional, for each land use designation falling within the coastal zone.

In addition, as also set forth above, the LUP text specifically states that:

...Table B-1 shows the corresponding LCP designation and the more detailed purpose description and use prescriptions contained in the LUP.

The findings adopted by the Commission in certifying the LUP update in 1998, make it clear that the Commission considered Table B-1 to specify the principal and conditional uses for each LUP land use designation that would be allowed under the currently certified LUP. Finding B, “Proposed LUP Amendment,” contains a discussion stating that within the coastal zone, each land use category has a more detailed and specific listing of the allowable uses that sets restrictions that do not apply outside the coastal zone and that the LUP designated principal and conditional uses within the coastal zone remain the same as were adopted in 1984, under the version of the LUP originally certified by the Commission.

However, the LUP is not clear with regard to the certified use of Table B-1. In addition, when the contents of the Table B-1 are examined in light of statements in the text of the LUP, several inconsistencies become apparent:

- The column of Table B-1 labeled “LCP Designation,” ostensibly intended to cross-reference the coastal zone land use designations corresponding to the city-wide general plan designations, comprises a list of the 17 zoning district names and their respective abbreviations as appear in both the City’s 1984 and current certified coastal zoning regulations, not the 1984 LUP land use designations as stated in the various intention declarations and the table’s title.
- There are a total of 28 land use designations identified in the 1997 general plan. As depicted on the draft Land Use (Map) Diagram submitted for the 1997 amendment, 22 of these designations have been applied to areas of the City within the Coastal Zone. None of the descriptions of allowable uses in the text of the general plan for these 22 designations completely match those of the 17 “LCP (zoning) Designations” enumerated in Table B-1. Many of the zoning districts enumerate principally and conditionally permissible uses which have no corresponding categorical equivalent among the uses listed in the “principal use” and “conditional uses” columns of Table B-1.
- Although the text of the general plan states that the land use plan and zoning designations are “synonymous,” only seven of the designations have equivalent names (“Coastal-Dependent Industrial” (CDI) land use category; “Coastal Dependent Industrial” (MC) zoning district).

Thus, confusion persists with respect to what the purpose and significance of the information presented in Table B-1 of General Plan Appendix B. As noted above, the City has proposed to modify Table B-1 of Appendix B. Among other changes, the City proposes to change the title of the table from “General Plan 1984 LCP Land Use Designation Correspondence” to “Local Coastal Program Land Use Designations, Purposes and Uses,” and one of the column headings from “LCP Designation” to “IP Designation.” These changes are intended to clarify the purpose of the table and facilitate its use. However, without further clarifications being included to

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address the ongoing confusion over statements within the general plan regarding the role of Appendix B as comprising a crucial defining part of the Land Use Plan, and to fully illustrate how the broader general plan provisions are refined and qualified for purposes of reviewing development proposals in the coastal zone portions of the City, all proposed revisions to the LUP, especially those entailing changes to the permissible uses depicted on Table B-1 such as is currently being requested, would similarly be muddled. As a result, the proposed changes to provide for conditional approval of certain commercial uses within the Core Coastal Dependent Industrial designated areas are not sufficiently detailed as required by Coastal Act Sections 30108.5 and 30523, and the amendment must be denied.

3. Amendment Approvable if Modified

In the interest of providing greater clarity as to the purpose of the Appendix B being an articulation of the portions of the general plan germane to the coastal zone portions of the City, and to further assure that the other suggested modifications for ensuring that shoreline sites are protected and prioritized for coastal-dependent uses while allowing for certain commercial uses incidental to the priority use, the Commission finds it necessary to make several modifications to the text of the general plan which reference or comprise portions of Appendix B. **Suggested Modification No. 5**, consists of five sets of text changes to sections of the City of Eureka General Plan Policy Document’s *Summary*, *Land Use and Community Design*, and *Coastal Land Use Policy* (Appendix B) chapters. These changes include additional language more clearly establishing the role of Appendix B in general and Table B-1 in particular, as comprising additional standards and qualifications on the host of city-wide general plan provisions, detailing: (1) which of the general plan’s land use designations comprise the land use plan; (2) the sub-set of principal and conditional uses allowable within the coastal zone portions of the City; and (3) which of the general plan policies promulgated for the whole of the municipality address requisite coastal resources issues as directed by the Coastal Act. Effectively, Table B-1 would be revised to more fully illustrate how the 22-category sub-set of the general plan’s 28 land use plan designations comprise the LUP’s land use diagram and how these 22 categories are implemented through the 17 zoning district designations. Specific Changes to Table B-1 would entail the following:

- Re-title Table B-1 from “General Plan – 1984 LCP Land Use Designation Correspondence” to “General Plan – LCP Land Use Plan (LUP) and Implementation Program (IP) Designation Correspondence;”
- Include all 28 of the general plan’s land use plan designations with appropriate notations that six of the categories do not occur within the coastal zone portions of the City;
- Append a new second column titled “LCP – LUP Designation,” listing the 22 City-wide general plan designations which have been applied in the City’s Coastal Zone segments; and

- Re-label the former second column (now the third column) from “LCP Designation” to “LCP – IP Designation,” to contain the 17 zoning district designations listed in the original 1997 table.

D. Conclusion

With these new policy discussion, definitions, and cross-references included within the LUP, the prioritization of and reservation of shoreline sites for coastal-dependent uses as directed by Coastal Act Sections 30222 and 30255 and the detail and specificity standards for LUPs set forth in Sections 30108.5 and 30523 would be assured, and the LUP as amended could be found consistent with the Coastal Act.

PART FOUR: AMENDMENTS TO IMPLEMENTATION PLAN

I. ANALYSIS CRITERIA

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

To approve the amendment, the Commission must find that the amended Implementation Plan will conform with and adequately carry out the provisions of the LUP as certified. For the reasons discussed in the findings below, the proposed amendment to the Implementation Program is not consistent with or adequate to carry out the certified Land Use Plan. As modified, the proposed amendment to the Implementation Program would be consistent with and adequate to carry out the certified Land Use Plan.

II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. EUR-MAJ-2-07 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as following for IP Amendment No. EUR-MAJ-2-07:

A. Amendment Synopsis

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The City’s proposed changes to the IP entail an amendment to the certified Zoning Map, notably to reclassify the zoning district designation of APNs 001-011-008, -009, -010, -011, -012, -013, -014, & -015 and 001-012-002, -005, -006, -007, -008, & -009 from Waterfront Commercial (CW) to Coastal Dependent Industrial (MC).

B. Prioritization of and Shoreline Site Reservation for Coastal-Dependent Uses

1. Relevant Land Use Plan Policies.

The LUP’s Part II, Section 1 *Land Use and Community Design* chapter defines the purpose of and enumerates the primary and secondary uses within the Core Coastal-Dependent Industrial (C-CDI) Area. As modified by the LUP amendment portion of LCP Amendment No. EUR-MAJ-2-07, the section reads as follows:

The C-CDI designation is intended to reserve and protect land adjacent to Humboldt Bay for coastal-dependent and coastal-related industrial uses. The primary intent of this designation is to encourage fisheries-related industrial uses west of C Street. Certain secondary uses are also conditionally permitted (e.g., “commercial uses incidental to the primary coastal dependent industrial use” as defined) provided they are of a type and scale so as not to negatively impact the primary coastal-dependent industrial use of the site. The maximum FAR for buildings in the C-CDI designation is 0.50.

CORE COASTAL-DEPENDENT INDUSTRIAL (C-CDI)	
Primary Uses	Secondary Uses
<i>Uses that require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship building and boat repair, commercial fishing facilities, food fish processing plants, marine services, marine oil terminals, OCS service bases and pipelines serving offshore facilities.</i>	<i>Oil and/or gas processing and treatment facilities serving offshore production, onshore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfall and pipelines, fish waste processing plank, ice and cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses, <u>commercial uses incidental to the primary coastal dependent industrial use.</u></i>

[Emphasis added.]

The LUP’s Part II, Section 1 *Land Use and Community Design* chapter defines the purpose of and enumerates the primary and secondary uses within the Core–Waterfront Commercial (C-WFC) Area. As modified by the LUP amendment portion of LCP Amendment No. EUR-MAJ-2-07, the section reads as follows:

This designation provides for coastal-related businesses catering to visitors, including retail stores, boat landings, fishing-related activities, restaurants, and

visitor accommodations. The maximum FAR for buildings in the C-WFC designation is 1.00 and the assumed number of persons per dwelling unit is 1.5.

CORE WATERFRONT COMMERCIAL (C-WFC)	
Primary Uses	Secondary Uses
Hotels, motels, and visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreation facilities, and commercial fishing industry facilities.	Professional offices, multiple-family units, residential uses on the upper floors of multi-story structures; oil and gas pipelines; public works projects; warehouses.

LUP Policy 1.A.5 states:

Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support. [Emphasis added.]

LUP Policy 1.D.3 states:

The City shall promote the continued operation of existing fisheries and fisheries-related industry throughout the Core Area waterfront. [Emphasis added.]

LUP Policy 1.D.4 states:

The City shall encourage expansion of the fisheries industry west of C Street in the Core Area. [Emphasis added.]

LUP Policy 1.D.5 states:

The City shall expand and enhance opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fishing, and other similar attractions. [Emphasis added.]

LUP Policy 1.E.3 states:

Where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses. To the extent feasible and permitted pursuant to other applicable law, fish processing facilities should incorporate educational and tourist activities and facilities such as tours, fish markets or shops, restaurants and other attractions that support the fishing industry. [Emphases added.]

LUP Policy 1.M.3 states:

The City shall support the retention of existing and establishment of new fishing facilities and related uses in the area north of the railroad tracks between Commercial Street and C Street in the Core Area. The City shall encourage new development in the area that reinforces the essentially industrial character of the area and reduces potential land use conflicts and speculative inflation of land values. [Emphases added.]

LUP Policy 1.M.7 states:

The City shall encourage coastal-dependent industrial facilities to locate or expand within existing sites. Non-coastal-dependent uses located along the waterfront shall, if feasible, be relocated to other more appropriate areas within the city. [Emphasis added.]

LUP Policy 5.B.2 states:

On shoreline parcels where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses. [Emphases added.]

2. LUP Conformity and Implementation Efficacy Analysis.

As discussed in depth in Consistency with Coastal Act Policies for the *Prioritization of and Reservation of Shoreline Sites for Coastal-Dependent Uses* Findings Section II.A of Part Three, the change in the current Waterfront Commercial (CW) zoning to a Coastal-Dependent Industrial (MC) designation and related reclassifications to the C-CDI land use designation to C-WFC would alter the pattern of allowable coastal-dependent industrial and visitor-serving commercial uses of the 13-parcel, 16.5-acre area along the City’s northwest “core” waterfront. As a result of these changes, most of the primary and conditional uses identified in the CW zoning district regulations would no longer be recognized as permissible on the 11 bay-fronting parcels (see Exhibit No. 8, pages 1-6), under the Implementation Plan, inconsistent with the current Core Coastal Dependent Industrial LUP designation for the area. Instead development would be limited to the 19 principal and conditional use types listed in the Coastal Dependent Industrial (MC) zoning standards, most of which exhibiting a clear functional need to be sited directly along the waterfront (see Exhibit No. 8, pages 7-10). The Commission views this aspect of the amendment primarily as an action that would strengthen implementation of the LUP policies regarding the prioritization and reservation of shoreline-proximate sites for coastal-dependent uses insofar as the potential authorization of conflicting and/or lower-priority uses functionally independent of waterfront siting would be curtailed.

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However, the Commission finds that this change in the base zoning would not, by itself, adequately carry out these protections for coastal-dependent uses, especially in light of the related requested LUP amendment provision to more clearly establish “incidental commercial uses” as a secondary conditional use within the subject portions of the C-CDI Area being rezoned from WC to MC. As discussed previously, the Commission has appended suggested modifications to the LUP amendment that would revise the phrase “incidental commercial uses” to “commercial uses incidental to the primary coastal dependent industrial use” and add a definition of the phrase in the interest of further assuring that impacts on the primary intended use of the sites for coastal-dependent industrial development are not adversely affected. Without similar elaboration of these limitations within the coastal zoning regulations, the proposed IP amendment would not conform to nor adequately carry out the land use plan’s coastal-dependent industrial and visitor-serving policies and/or the related suggested modifications to the LUP. Therefore, the Implementation Plan Amendment as submitted is not consistent with the Land Use Plan as modified and must be denied.

3. Amendment Approvable if Modified.

For the proposed amended zoning designation to be found in conformance with, and to effectively carry out, the policies of the LUP’s *Land Use and Community Design* chapter regarding the prioritization of and reservation of shoreline-proximate sites for priority development types, including coastal-dependent industrial and visitor-serving facilities as modified, the zoning amendment must be shown to include similar detail as to the limitations on type and scale of the new commercial uses to be allowed within the MC zoning district. As discussed above, the Commission has determined that based upon the information submitted with the LCP amendment request, the rezoning as proposed would not include such provisions to ensure that the new commercial uses to be allowed would not adversely impact the primary intended use of the area for coastal-dependent industrial activities.

Therefore, the Commission finds that it is necessary to modify the zoning regulations applicable to the area being proposed for reclassification so as to ensure consistency with the LUP. **Suggested Modification No. 6** would establish a definition for the “commercial uses incidental to the primary coastal dependent industrial use” development type such that specific qualifications on any such prospective use might be in place to assure that impacts to the primary intended coastal-dependent industrial uses are avoided. In addition, **Suggested Modification No. 7** would add “commercial uses incidental to the primary coastal dependent industrial use” to the list of conditionally-permissible uses of the MC zoning district within the C-CDI Area, specifically referencing the definition of the phrase described in Suggested Modification No. 5. The amendment as modified would therefore conform with and adequately carry out the LUP’s *Land Use and Community Design* policies, as modified.

C. Conclusion

The zoning code amendments as modified would conform with and be adequate to carry out the provisions of the City’s Land Use Plan as modified, particularly as it relates to the prioritization and reservation of shoreline-proximate sites for coastal-dependent industrial development as

articulated in the *Land Use and Community Design* chapter. Therefore, the Commission finds the City’s Implementation Program as modified would conform with and be adequate to carry out the requirements of the certified Land Use Plan as amended consistent with Section 30513 of the Coastal Act.

PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

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:

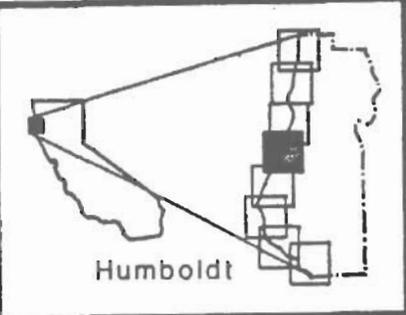
...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

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

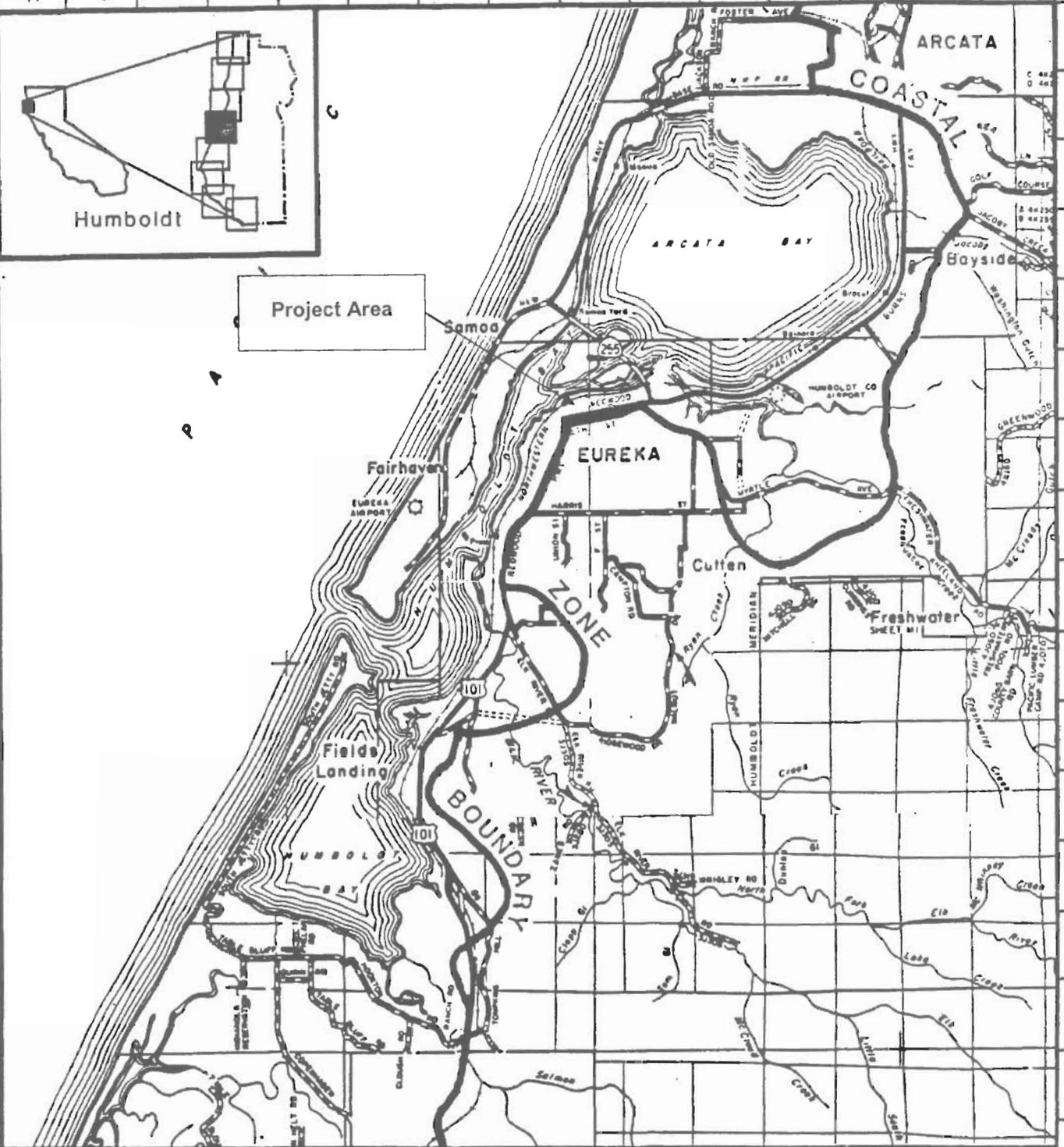
EXHIBITS:

1. Location Map
2. Vicinity Map
3. City of Eureka Assessor’s Parcel Map 001-01
4. Site Aerial
5. Excerpt, Currently-certified LCP *Land Use* Map
6. Excerpt, Current-certified LCP *Zoning* Map
7. Excerpts, Currently-certified LUP *Land Use Designations* Chapter and *Coastal Land Use Policies* Appendix
8. Excerpts, Currently-certified IP *Zoning Regulations of the City* for Coastal Dependent Industrial (MC) and Waterfront Commercial (CW) Zoning Districts
9. City Resolutions of Transmittal Nos. 2007-50 and 2007-51
10. City Land Use Plan Amendment Resolution No. 2007-49
11. City Zoning Amendment Ordinance No. 713-C.S.
12. General Plan Amendment and Zoning Reclassification Impact Assessment
13. Excerpts, Findings for Certification-with-Suggested-Modifications and Executive Director’s Effective Certification Memorandum, LCP Amendment No. 1-97 Major (“1997 LUP Update”)

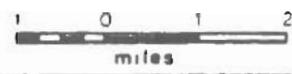
A B C D E F G H I J K L M N O



Project Area



LOCATION MAP



County of Humboldt

EXHIBIT NO. 1
 APPLICATION NO.
 EUR-MAJ-2-07
 EUREKA LCP AMENDMENT
 LOCATION MAP

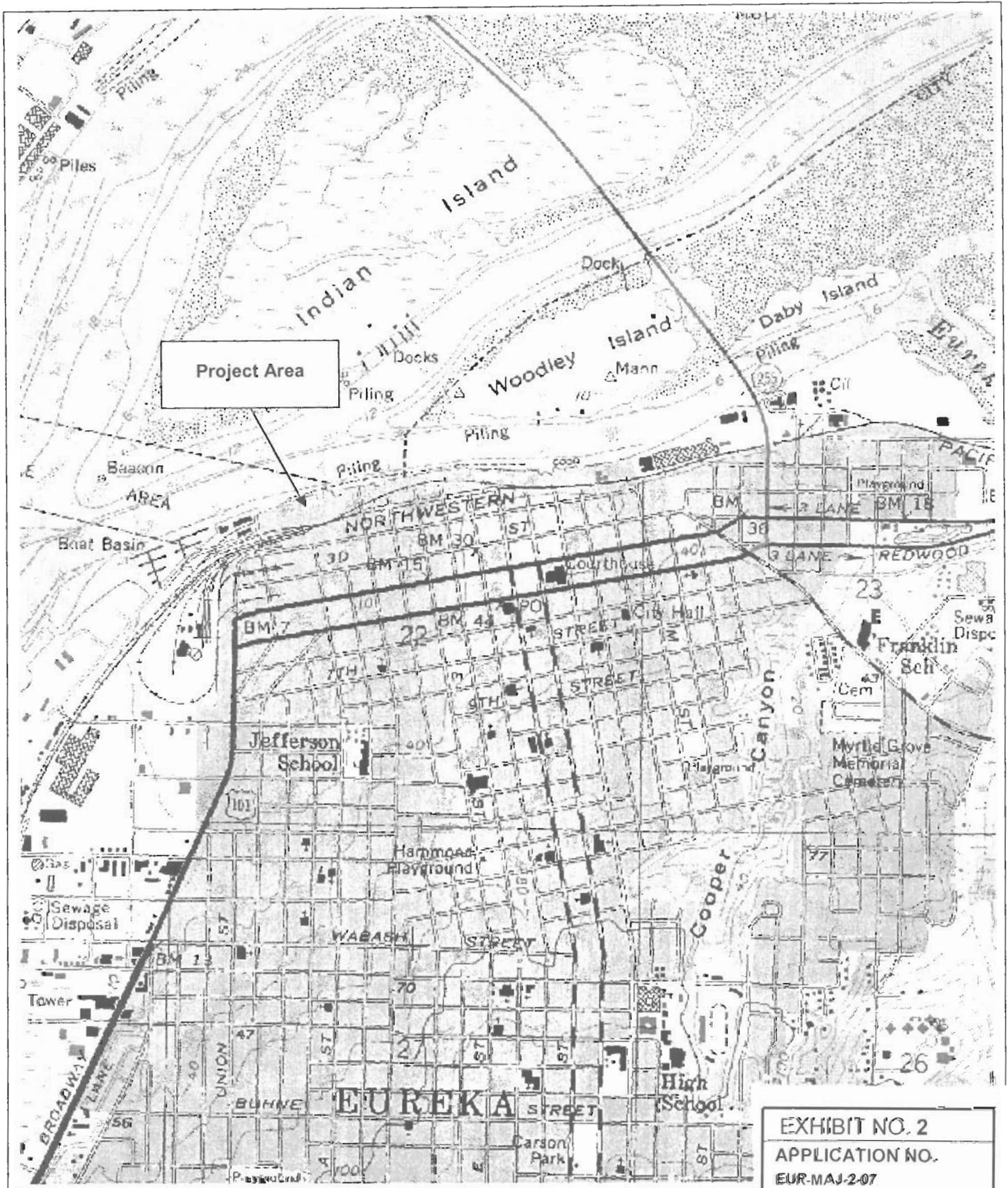


EXHIBIT NO. 2
APPLICATION NO.
EUR-MAJ-2-07
EUREKA LCP AMENDMENT
VICINITY MAP

1-01

CITY OF EUREKA

Note: Pm. S1/2 of NW 1/4 Sec. 22



HUMBOLDT BAY

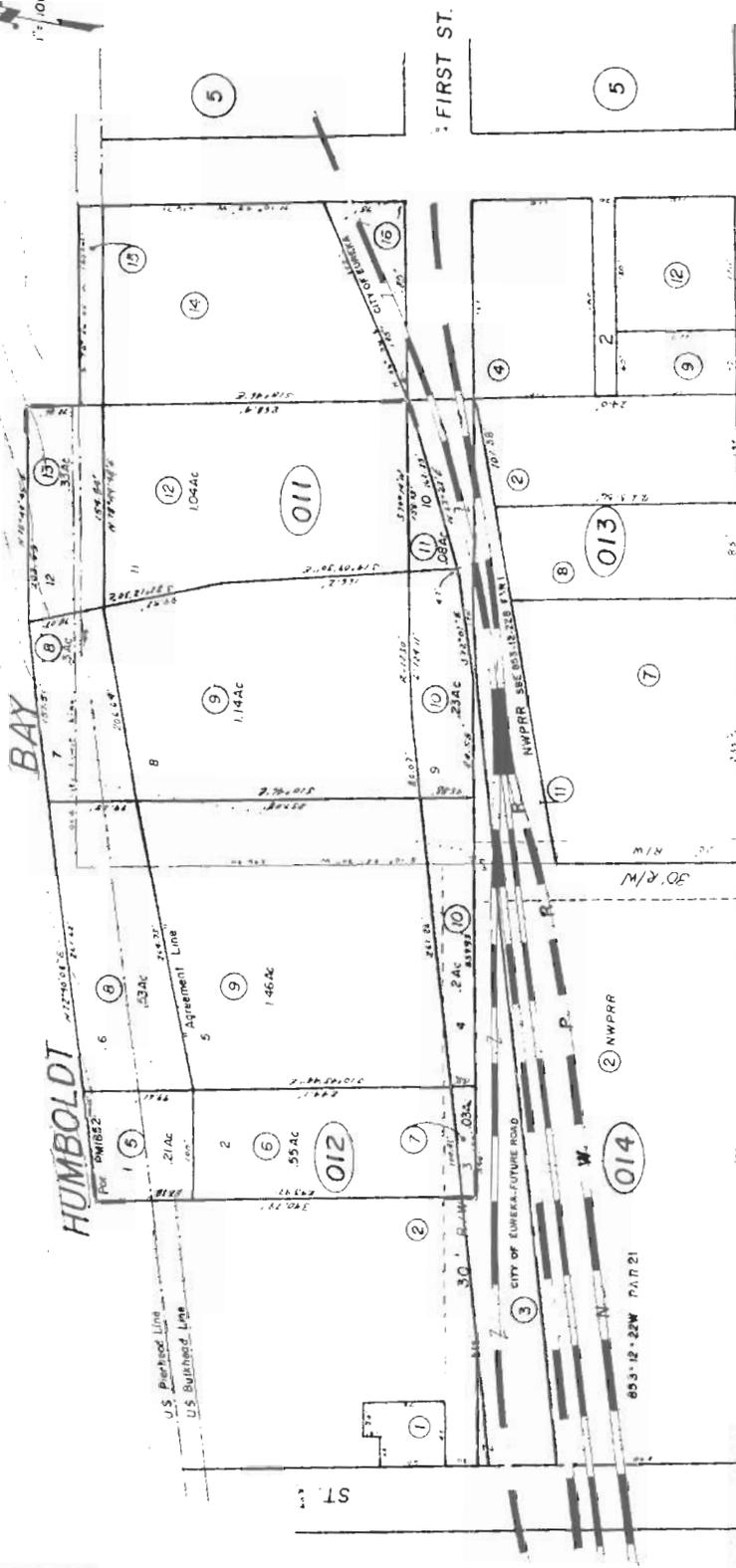


EXHIBIT NO. 3
APPLICATION NO.
 EUR-MAJ-2-07
 EUREKA LCP AMENDMENT
 CITY OF EUREKA ASSESSOR'S
 PARCEL MAP 001-01

ST.

ST.

ST

SECOND

PM 1852 of P.M. Bk 17, Pg. 57-61 (Par.)
 RS, Bk 63 of surveys, Pg 37

JUL 19 2005

Project Area
(1990)

EXHIBIT NO. 4
APPLICATION NO.
EUR-MAJ-2-07
EUREKA LCP AMENDMENT
SITE AERIAL



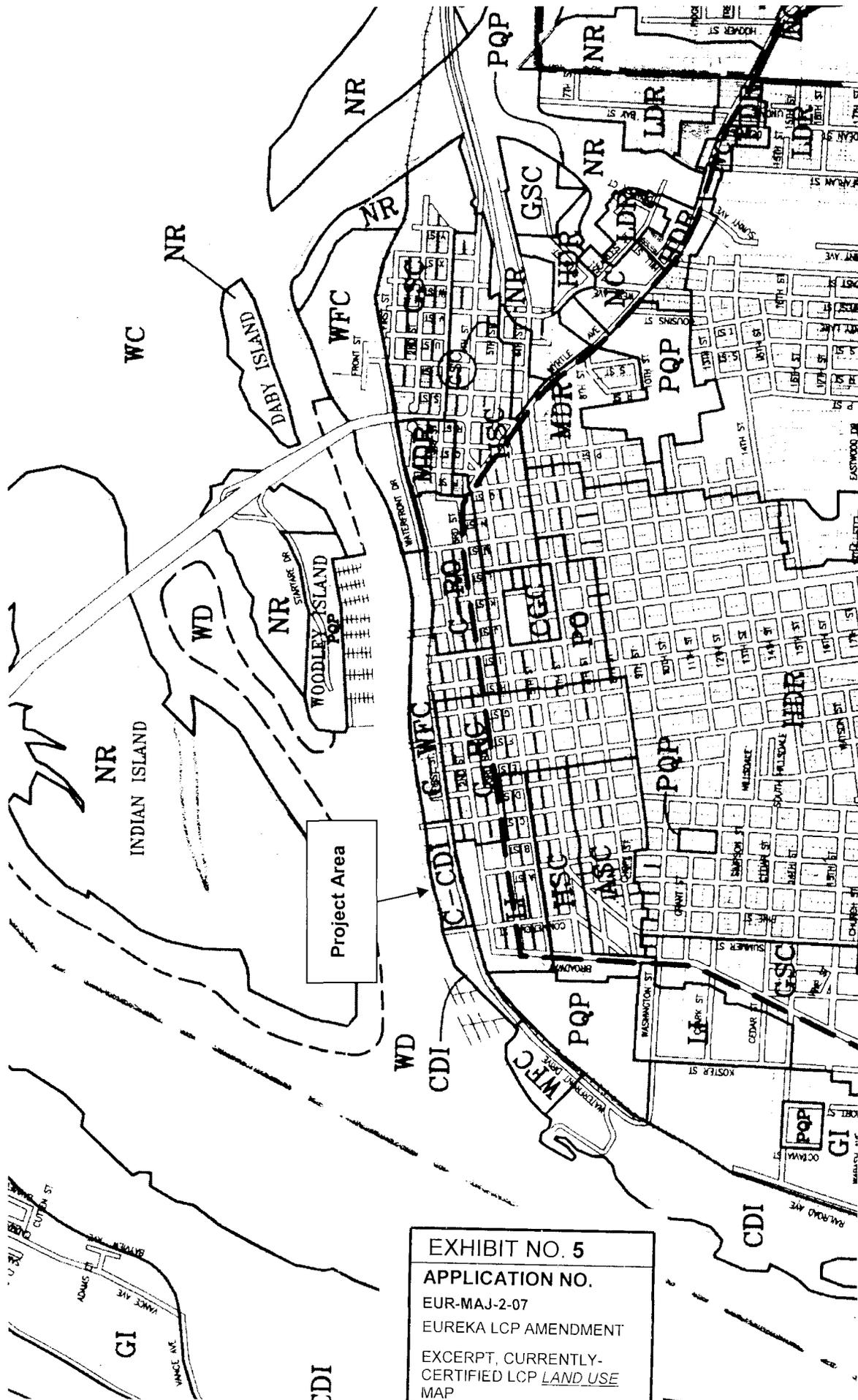


EXHIBIT NO. 5
 APPLICATION NO.
 EUR-MAJ-2-07
 EUREKA LCP AMENDMENT
 EXCERPT, CURRENTLY-
 CERTIFIED LCP LAND USE
 MAP

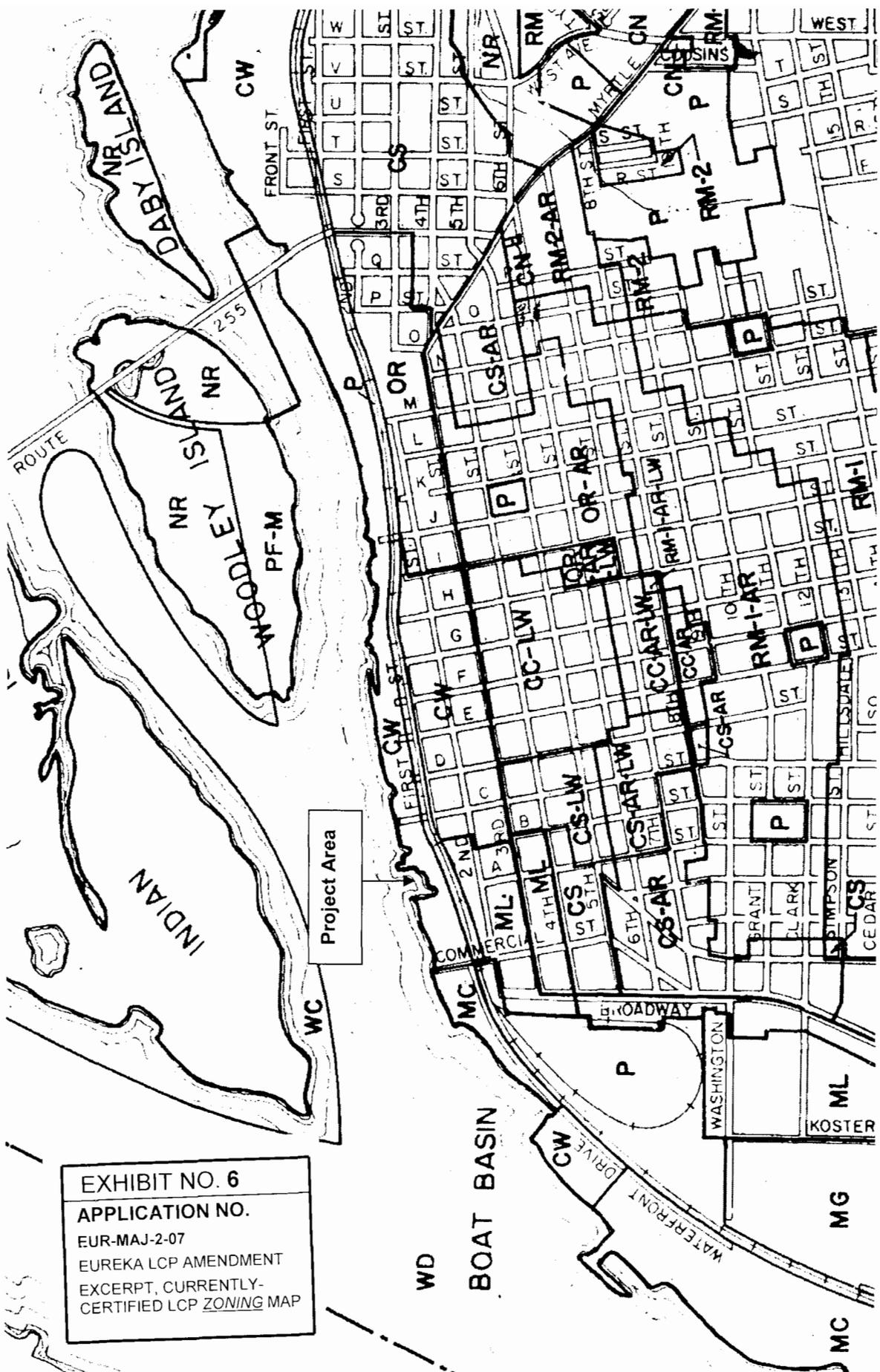
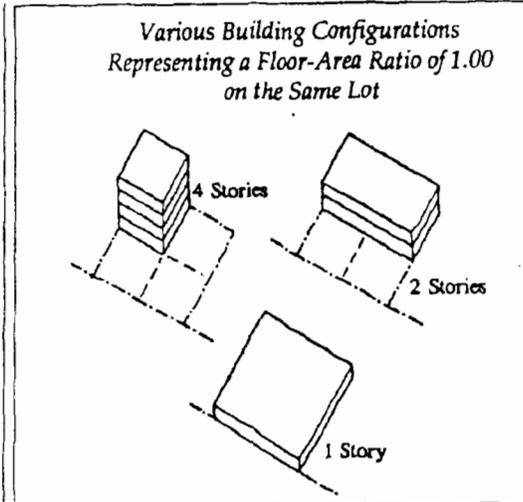


EXHIBIT NO. 6
 APPLICATION NO.
 EUR-MAJ-2-07
 EUREKA LCP AMENDMENT
 EXCERPT, CURRENTLY-
 CERTIFIED LCP ZONING MAP

Project Area

WD
BOAT BASIN

MG
ML
MC



For example, on a lot with 10,000 net square feet of land area, an FAR of 1.00 will allow 10,000 square feet of gross square feet of building floor area to be built, regardless of the number of stories in the building (e.g., 5,000 square feet per floor on two floors or 10,000 square feet on one floor). On the same lot, an FAR of 0.50 would allow 5,000 square feet of floor area and FAR of

0.25 would allow 2,500 square feet. The diagram to the left illustrates how buildings of one, two, and four stories could be developed on a given lot with an FAR of 1.00.

LAND USE DESIGNATIONS

CORE AREA DESIGNATIONS

This sub-section describes the designations appearing on the General Plan Land Use Diagram, which is included as a separate enclosure in this report.

The Land Use Diagram applies four mixed-use designations to the Core Area, each designation emphasizing different development qualities. Unlike the designations for other areas of the city, the descriptions of the four Core Area designations specify primary and secondary uses for both the ground floors and upper floors of buildings. The intent is to not only allow, but to promote, the mixing of uses within buildings in the Core Area.

For each Core Area designation, the primary ground floor uses reflect the type of development that the City would prefer on the first floor of buildings facing the public sidewalk. The primary upper floor uses are those that the City would also like to encourage in the Core Area, but primarily *above* the street level in multi-story buildings. Where buildings have primary or secondary entrances oriented away from the principal pedestrian street frontage (i.e., on alleys or in courtyards), the City may permit upper floor primary uses on the ground floor away from the primary street frontage.

The secondary uses described under each designation for both the ground floor and upper floors complement the primary uses, but do not accomplish the City's principal objectives for the designation. In implementing the General Plan, primary uses will generally be allowed by right, while secondary uses will generally be subject to discretionary approval. The City will not allow single-use projects consisting of only secondary uses in the Core Area.

EXHIBIT NO. 7
APPLICATION NO.
 EUR-MAJ-2-07
 EUREKA LCP AMENDMENT
 EXCERPT, CURRENTLY-CERTIFIED
 LUP LAND USE DESIGNATIONS
 CHAPTER AND COASTAL LAND
 USE POLICIES APPENDIX (1 OF 8)

Core Retail Commercial (C-RC)

The primary intent of the C-RC designation is to promote intensive retail commercial uses and to maintain the compactness of the retail area in the Core Area. The designation emphasizes visitor-serving retail uses near the waterfront, and local-serving retail uses in the rest of the area (i.e., south of Third Street). The maximum FAR for buildings located in the C-RC designation is 3.00 and the assumed number of persons per dwelling unit is 1.5.

CORE RETAIL COMMERCIAL (C-RC)		
	Primary Uses	Secondary Uses
Ground Floor/ Street Level	Retail Commercial (Local and Visitor) Restaurants/Bars Theaters Museums/Art Galleries	Offices Multi-Unit Residential Hotels and Bed-and-Breakfast Inns Artist Live-Work Space
Upper Floors	Offices Multi-Unit Residential Hotels and Bed-and-Breakfast Inns Artist Live-Work Space	Light Manufacturing/Assembly Storage

Core Waterfront Commercial (C-WFC)

This designation provides for coastal-related businesses catering to visitors, including retail stores, boat landings, fishing-related activities, restaurants, and visitor accommodations. The maximum FAR for buildings in the C-WFC designation is 1.00 and the assumed number of persons per dwelling unit is 1.5.

CORE WATERFRONT COMMERCIAL (C-WFC)		
	Primary Uses	Secondary Uses
Ground Floor/ Street Level	Visitor-Serving Retail Commercial Restaurants/Bars Hotels and Bed-and-Breakfast Inns Fisheries-Related Processing Fisheries-Related Recreation Fisheries-Related Retail	Office Multi-Unit Residential Artist Live-Work Space
Upper Floors	Office Multi-Unit Residential Artist Live-Work Space	Light Manufacturing/Assembly Storage

Core Coastal-Dependent Industrial (C-CDI)

The C-CDI designation is intended to reserve and protect land adjacent to Humboldt Bay for coastal-dependent and coastal-related industrial uses. The primary intent of this designation is to encourage fisheries-related industrial uses west of C Street. The maximum FAR for buildings in the C-CDI designation is 0.50.

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CORE COASTAL-DEPENDENT INDUSTRIAL (C-CDI)		
	Primary Uses	Secondary Uses
Ground Floor/ Street Level	Fisheries-Related Processing Boat Building and Repair Recreational Boating Operations Light Industrial/Industrial Warehouses	Artist Live-Work Space Incidental Commercial Uses
Upper Floors	Artist Live-Work Space	Offices

Core Residential-Office (C-RO)

The primary focus of this designation is on providing residential uses (including hotels and bed and breakfast inns) and low-intensity professional office uses, principally in converted residential buildings. The maximum FAR for buildings in the C-RO designation is 1.50 and the assumed number of persons per dwelling unit is 1.5.

CORE RESIDENTIAL-OFFICE (C-RO)		
	Primary Uses	Secondary Uses
Ground Floor/ Street Level	Hotels and Bed-and-Breakfast Inns Single Family Residential Multiple-Unit Residential	Visitor-Serving Retail Restaurants Professional Offices
Upper Floors	Professional Office Single-Family Residential Multiple-Unit Residential Hotels and Bed-and-Breakfast Inns Visitor-Serving Retail	Restaurants

RESIDENTIAL DESIGNATIONS

Rural Residential (RR)

This designation provides for rural density residential development consisting primarily of single-family detached homes and limited agricultural uses. The RR designation permits a maximum residential density of 1.0 dwelling unit per net acre and the assumed number of persons per dwelling unit is 2.7.

Estate Residential (ER)

This designation provides for very-low density residential development consisting primarily of single family detached homes. The ER designation permits a residential density of between 1.1 and 4.0 dwelling units per net acre and the assumed number of persons per dwelling unit is 2.7.

Low Density Residential (LDR)

The LDR designation provides for suburban density single-family, detached homes. The permitted residential density is between 4.1 and 8.0 dwelling units per net acre and the assumed number of persons per dwelling unit is 2.7.

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C COASTAL LAND USE DESIGNATIONS

In preparing this General Plan, the City established land use designations that correspond essentially with all of the LCP designations. Table B-1 in Appendix B lists each designation appearing on the *Land Use Diagram* and indicates the LCP designation with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan law. Accordingly, for each designation appearing on the *General Plan Land Use Diagram* within the incorporated area of the Coastal Zone, Table B-1 shows the corresponding LCP designation and the more detailed purpose description and use prescriptions contained in the LUP. Figure B-2 in Appendix B shows the *Land Use Diagram* land use designations for the area of the city within the Coastal Zone.

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TABLE 1-1
CITY OF EUREKA GENERAL PLAN
LAND USE DESIGNATIONS AND STANDARDS

Category	Designation	Residential Density (DUs/Net Acre)	Maximum Floor-Area Ratio (FAR)	Corresponding City Zoning Districts	Corresponding County GP Des.
Core	Retail Commercial (C-RC)		3.00	CC	
	Waterfront Commercial (C-WFC)		1.00	CW	
	Coastal-Dependent Industrial (C-CDI)		0.50	MC	
	Residential Office (C-RO)		1.50	OR	
Residential	Rural Residential (RR)	Up to 1.0		--	AS, RV
	Estate Residential (ER)	1.1 to 4.0		RS-12	RE
	Low Density Residential (LDR)	4.1 to 8.0		RS-6	RL
	Medium Density Residential (MDR)	8.1 to 18.0		RM-2	RM
	High Density Residential (HDR)	18.1 to 30.0		RM-1	RH
Commercial	Neighborhood Commercial (NC)		0.50	CN	CG
	Community Commercial (CC)		0.35	CP	--
	Highway Service Commercial (HSC)		0.50	CS	CS
	Automotive Service Commercial (ASC)		0.35	CS	CS
	General Service Commercial (GSC)		0.50	CS	CS
	Professional Office (PO)		1.00	OR	--
	Waterfront Commercial (WFC)		1.00	CW	CR
	Medical Services Commercial (MSC)		1.00	HM	CG
Industrial	Light Industrial (LI)		0.50	ML	MG
	General Industrial (GI)		0.50	MG	MG
	Coastal Dependent Industrial (CDI)		0.50	MC	MC
Public/Quasi-Public	Public/Quasi-Public (PQP)		0.50	P	PF, P
	Civic Government Center (CGC)		3.00	--	
	Park and Recreation (PR)		0.10	P	PR
Open Space	Agricultural (A)	2 du/lot	0.10	AC	AE,AG,AL,AEG,AR
	Timberland (T)	2 du/lot		--	T, TC
	Natural Resources (NR)			NR	NR, MR
	Water-Development (WD)		--	WD	
	Water-Conservation (WC)		--	WC	

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B.4 GENERAL PLAN UPDATE COASTAL LAND USE POLICIES

In updating its General Plan, the City of Eureka has determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act is to combine the goals, policies, and programs addressing these requirements into a single, unified document. In doing so, the City reviewed the land use maps and land use policies of the 1984 LCP and determined which policies and programs should be incorporated into the updated citywide General Plan. The LCP contained a total of 17 land use designations and 119 policies and implementing actions/programs. The following two subsections summarize how the General Plan addresses the coastal planning requirements in terms of the Land Use Diagram and its policies and programs. First, the following subsection describes how the land use designations on the *General Plan Land Use Diagram* compare with and reflect the designations from the 1984 LCP. The next subsection lists the policies and programs from the 1984 LCP that have been incorporated into the *General Plan*, as well as policies and programs developed for the General Plan Update that address coastal issues.

LAND USE DIAGRAM

In preparing the General Plan Update, the City established land use designations that essentially correspond with all of the LCP designations. Table B-1 lists each of the designations in the Policy Document and indicates the LCP designation with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan law. For each of the designations appearing the General Plan Land Use Diagram within the incorporated area of the Coastal Zone (see Figure B-1), Table B-1 shows the corresponding LCP designation and the more detailed purpose description and use prescriptions contained in the LUP. Figure B-2 shows the *Draft Land Use Diagram* land use designations for the area of the city within the coastal zone.

GP Designation	LCP Designation	Purpose	Principal Use	Conditional Uses
LDR Low Density Residential	RS Urban Residential	To allow the development of residential uses making conservative use of urban land where adequate services are available.	Detached single family residences and accessory structures and uses.	Private institutions, private recreation facilities, oil and gas pipelines
ER Estate Residential	RS-12,000 Low Density Residential	To allow development of residential uses where the level of public services requires lot sizes larger than in urban residential areas.	Detached single family residences and accessory structures and uses.	Private institutions, private recreation facilities, oil and gas pipelines.
MDR Medium Density Residential HDR High Density Residential	RM Medium Density Residential	To make effective use of limited urban land and to provide areas for concentrated residential uses and planned developments consistent with availability of public services and resource protection.	Single family residences, duplexes, bed and breakfast inns, and multiple family units	Guest houses, private institutions, mobilehome parks, hotels, motels, churches and other religious institutions, oil and gas pipelines.

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GP Designation	LCP Designation	Purpose	Principal Use	Conditional Uses
WFC Waterfront Commercial C-WFC Core Waterfront Commercial C-RC Core Retail Commercial	CW Waterfront Commercial	To protect and provide for near-shore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources.	Hotels, motels, and visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreation facilities, and commercial fishing industry facilities.	Professional offices, multiple-family units, residential uses on the upper floors of multi-story structures, oil and gas pipelines, public works projects, warehouses.
NC Neighborhood Commercial	CN Neighborhood Commercial	To allow the integrated development of neighborhood commercial centers providing for the economic well-being and convenience of the residents of the immediate area.	Retail sales, retail services, office and professional uses, personal service establishments.	Public and private institutions, public works projects.
GSC General Service Commercial HSC Highway Service Commercial	CS Service Commercial	To provide appropriately located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area.	Retail stores, service establishments, amusement establishments, wholesale businesses, restaurants and soda fountains (not including drive-in establishments) and offices.	Drive-in theaters, drive-in restaurants, mobilehome and trailer parks.
C-RO Core-Residential Office	OR Office/Multi- Family Residential	To provide opportunities for office of a commercial character to locate outside commercial districts and to provide opportunities for compatible mixed uses such as commercial and single and multiple family dwellings.	Single family residences, multi-family residences, administrative, business, and professional offices.	Hotels, motels, boarding houses, private institutions, retail services compatible with principal uses.
CC Community Commercial	CP Planned Shopping Center	To provide large sites at appropriate locations for major shopping centers serving the Humboldt Bay area and the Coast region. The site of such a center shall be planned as an integrated unit reflecting high standards of site design, landscaping, traffic planning, and natural resource restoration or enhancement.	A variety of commercial establishments organized as an integrated regional center providing shopper goods and services (as opposed to convenience goods or neighborhood services) to the regional population.	Compatible non-commercial uses such as churches or charitable institutions, service stations, restaurants, and temporary, short-term uses.

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Appendix B: Coastal Land Use Policy

GP Designation	LCP Designation	Purpose	Principal Use	Conditional Uses
C-CDI Core-Coastal Dependent Industrial CDI Coastal Dependent Industrial	MC Coastal- Dependent Industrial	To protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.	Uses that require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship building and boat repair, commercial fishing facilities, food fish processing plants, marine services, marine oil terminals, OCS service bases and pipelines serving offshore facilities.	Oil and/or gas processing and treatment facilities serving offshore production, onshore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfalls and pipelines, fish waste processing plants, ice and cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses.
GI General Industrial	MG General Industrial	To provide sites suitable for the development of general and heavy industrial uses.	General manufacturing, boiler works, concrete mixing and batching, chemical products manufacture, breweries and distilleries, meats products processing and packaging, structural steel products manufacturing.	Processing of oil and gas, electrical generating and distribution facilities, animal and fish reduction plants, oil and gas pipelines, offices.
LI Light Industrial	ML Limited Industrial	To provide sites for industries that can operate in close proximity to commercial uses with minimum adverse impact.	Light manufacturing processing plants, machine shops, storage yards, trucking terminals, automobile servicing and repair, warehousing, wholesaling, and existing offices.	Professional and business offices, retail sales, oil and gas pipelines.
A Agricultural	AG Coastal Agriculture/Farmed or Grazed Wetlands	To protect agricultural lands and give special protection to lands which are also farmed or grazed wetlands, for long-term productive agricultural and wildlife habitat uses.	Farm-related structures (including barns, sheds, and farmer occupied housing). Structures necessary for the continuance of the existing operation of the farmed wetlands may be located on an existing farmed wetland parcel only if no alternative upland location is available for such purpose, and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. (Expanding farming operations into non-farmed wetlands by diking or otherwise altering the functional capacity of the wetland is not permitted.)	Wetland restoration projects; nature study, aquaculture, and similar resource-dependent activities; incidental public service purposes which temporarily impact the resources of the area, such as burying cable and pipes; oil and gas pipelines. No division of existing agricultural parcels, except for agricultural leases, shall be permitted.

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APPLICATION NO.

EUR-MAJ-2-07

EUREKA LCP AMENDMENT

EXCERPT, CURRENTLY-CERTIFIED IP
ZONING REGULATION OF THE CITY FOR
COASTAL DEPENDENT INDUSTRIAL (MC)
& WATERFRONT COMMERCIAL (CW)
ZONING DISTRICTS (1 OF 10)PART 10. CW - WATERFRONT COMMERCIAL DISTRICTS.Section 10-5.29110. Purposes.

In addition to the objectives prescribed in Section 10-5.102 of Article 1 of this chapter (Objectives), the CW Waterfront Commercial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To encourage, protect and maintain coastal-dependent and coastal-related uses;
- (b) To encourage development of recreational and visitor-serving uses;
- (c) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the City and its surrounding market area;
- (d) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- (e) To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- (f) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- (g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (h) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (i) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- (j) To encourage upgrading of the use of strategically located sites between the central business district and Humboldt Bay by creating an environment suitable for establishments catering to tourists; and,

- (k) To protect and maintain certain industrial uses that require waterfront locations.

Section 10-5.29111. Required conditions.

- (a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).
- (b) In a CW District all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, outdoor dining areas, and utility substations and equipment installations.
- (c) No use shall be permitted, and no process, equipment, or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.

Section 10-5.29112. Permitted Uses.

The following uses shall be permitted in the CW Waterfront Commercial District, provided that when recreation and visitor-serving facilities are integrated with coastal-dependent uses (noted below with an asterisk), the recreation and visitor-serving areas shall be secondary to and compatible with the coastal-dependent uses:

- * 1. Docks, piers and wharfs
- * 2. Boat launching;
- * 3. Commercial fishing facilities;
4. Recreational boating facilities;
5. Public and commercial recreation;
6. Hotels and motels;
7. Visitor-serving facilities, including antique shops, art galleries, restaurants (but not including drive-in establishments), bars and taverns, and other establishments that offer retail sales and services to visitors;
8. Offices related to or dependent upon coastal-dependent or coastal-related uses;
9. Ice vending stations;
10. Marine and boat sales, services and repairs.
11. Coastal-dependent and coastal-related uses.

Section 10-5.29113. Conditional Uses.

The following conditional uses shall be permitted in the CW Waterfront Commercial District upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (conditional uses). The applicant shall demonstrate and the City shall find that granting of a use permit will not diminish recreational or visitor-serving opportunities.

Accessory uses and structures located on the same site as a permitted use;

Administrative, business, and professional offices, except medical and dental offices;

Art and artists' supply stores;

Art galleries and stores selling objects of art;

Arts and crafts schools and colleges;

Bakeries, including baking for sale on the premises only;

Banks;

Barber shops and beauty shops;

Bus Depot;

Bus depots, provided buses shall not be stored on the site and no repair work or servicing of vehicles shall be conducted on the site;

Business, professional, and trade schools and colleges;

Charitable institutions;

Churches, parsonages, parish houses and other religious institutions;

Christmas tree sales lots;

Cleaning, coin-operated;

Clothing and costume rental establishments;

Clothing stores;

Conference Center;

Dairy products manufacturing for retail sales on the premises only;

Dance halls;

Department stores;

Dry goods stores;

Finance companies;

Florists;

Food stores and supermarkets;

Fur shops;
Furniture stores;
Garden shops;
Gunsmiths;
Gymnasiums;
Hardware stores;
Ice storage houses;
Interior decorating shops;
Jewelry stores;
Laundries, self-service type;
Leather goods and luggage stores;
Liquor stores;
Locksmiths;
Massage and physical culture studios;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls;
Mens' furnishing stores;
Messengers' offices;
Millinery shops;
Music and dance studios;
Music stores;
Musical instrument repair shops;
Office and business machine stores;
Offices and office buildings;
Oil and gas pipelines;
Optician and optometrical shops;
Parking facilities, including fee parking facilities;
Passenger railroad stations;
Pet and bird stores;
Picture framing shops;
Post Offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Printing shops, including lithographing and engraving;

Radio and television broadcasting studios;
Realtors and real estate offices;
Recreational vehicle parks;
Residential uses permitted in the RM Districts shall be permitted in a CW District, provided the residential units are located above the ground floor of commercial structures and the minimum size of such dwelling units shall not be less than what is required in the Building and Housing Code;
Saving and loan offices;
Scientific instrument shops;
Skating rinks within buildings;
Sporting goods stores;
Sports arenas withing buildings;
Stamp and coin stores;
Stationery stores;
Stenographic services;
Tailor and dressmaking shops;
Telegraph offices;
Television and radio sales and repair stores;
Theaters and auditoriums within buildings;
Toy stores;
Variety stores;
Warehouses;
Watch and clock repair shops;
Wholesale establishments without stocks;
Women's apparel accessory stores.

Public utility service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare.

Any other use which is determined by the Planning Commission to be similar to the listed conditional uses and which conform to the policies of the Land Use Plan. In making such a determination, in addition to the findings prescribed in Article 24 of this chapter (findings), the Planning Commission must find:

- (1) That consideration of all determinable characteristics of the use that is subject to the application indicates that the use has the same essential characteristics as a permitted or conditional use;

- (2) That the use conforms to the purposes of the CW Waterfront Commercial District;
- (3) That the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or,
- (4) That the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

Section 10-5.29114. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Section 10-5.29115. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Section 10-5.29116. Signs.

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Section 10-5.29117. Site plan review and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review). Conditional uses shall be subject to architectural review.

PART 13. MC - COASTAL DEPENDENT INDUSTRIAL DISTRICTS.

Section 10-5.29150. Purposes.

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and Purposes), the MC Coastal Dependent Industrial Districts are included in the zoning regulations to achieve the following purposes:

- (a) To reserve and protect parcels adjacent to the sea for coastal-dependent and coastal-related uses;
- (b) To provide for coastal-dependent energy and industrial uses;
- (c) To provide development standards which will ensure that potential environmental damage will be avoided, minimized, or mitigated.
- (d) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- (e) To protect residential and commercial properties and to protect nuisance-free, nonhazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;
- (f) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationship to each other;
- (g) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;
- (h) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts; and,
- (i) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

Section 10-5.29151. Required Conditions.

- (a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).
- (b) In an MC District, no use shall be permitted which emits any air pollutant detectable by the human senses without the aid of instruments beyond the boundaries of the MC District or any adjoining MG District;
- (c) No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation, or other property, or which can cause soiling at any point beyond the boundaries of the site;
- (d) No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the M District when diluted in the ratio of one volume of odorous air to four (4) volumes of clean air;
- (e) No use, except a temporary construction operation, shall be permitted which creates vibration, changes in temperature, direct or sky reflected glare, or electrical disturbances detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site;
- (f) In an MC District, no use, except a temporary construction operation, shall be permitted which creates at any R District boundary, noise of a maximum sound pressure level greater than the values given in the following table:

Octave Band (Cycles per Second)	Maximum Permitted Sound Pressure Level (Decibels)
Below 75	72
75 - 149	67
150 - 299	59
300 - 599	52
600 - 1,199	46
1,200 - 2,399	40
2,400 - 4,799	34
4,800 and above	32

- (g) No use shall be permitted which emits dangerous radio-activity; and,
- (h) No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

Section 10-5.29152. Permitted Uses.

The following uses shall be permitted:

- Boat repair and ship building;
- Commercial fishing facilities;
- Docks, piers and wharves;
- Marine services;
- Marine oil terminals;
- OCS service bases and offshore pipelines;
- Seafood processing;
- Water borne carrier import and export facilities.

Section 10-5.29153. Conditional Uses.

The following conditional uses shall be permitted in accord with the provisions of Article 24 of this chapter:

- Access support facilities;
- Boat launching and berthing facilities;
- Electrical generating or other facilities which require intake, outfalls, or pipelines;
- Fish waste processing plants;
- Fishing piers;
- Ice and cold storage facilities;
- OCS oil and/or gas processing and treatment facilities;
- Oil and gas pipelines;
- Onshore petroleum production;
- Outfalls;
- Warehouses serving permitted uses.

Existing developed parcels in existence as of January 1, 1984 of less than one acre located in a coastal-dependent industrial district shall be allowed to be developed with coastal-related or general industrial uses if they are not proposed for consolidation with other parcels to permit a new or expanded coastal-dependent industrial use and are not adjacent to the shoreline.

Section 10-5.29154. Off-street parking.

Off-street parking facilities shall be provided for each use as prescribed in Article 15 of this chapter (Off-Street Parking Facilities).

Section 10-5.29155. Off-street loading.

Off-street loading facilities shall be provided for each use as prescribed in Article 16 of this chapter (Off-Street Loading Facilities).

Section 10-5.29156. Signs.

No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in Article 17 of this chapter (Signs).

Section 10-5.29157. Site plan review and architectural review.

All permitted uses shall be subject to site plan review as prescribed in Article 18 of this chapter (Site Plan Review and Architectural Review). Conditional uses shall be subject to architectural review.

RESOLUTION NO. 2007-50**A RESOLUTION OF TRANSMITTAL OF THE CITY COUNCIL OF
THE CITY OF EUREKA TRANSMITTING TO THE CALIFORNIA
COASTAL COMMISSION FOR CERTIFICATION AN
AMENDMENT TO THE IMPLEMENTATION PLAN PORTION OF
THE ADOPTED AND CERTIFIED CITY OF EUREKA LOCAL
COASTAL PROGRAM**

WHEREAS, on August 21, 2007, the City Council of the City of Eureka initiated the "C" Street Local Coastal Program Amendment, the assigned Case No. is LCP-07-001; and

WHEREAS, the Local Coastal Program Amendment includes amendments to the maps and text of the Land Use Plan and the maps of the Implementation Plan; and

WHEREAS, the proposed Local Coastal Program Amendment will affect thirteen properties located between "C" Street and Commercial Street and between First Street and Humboldt Bay; and

WHEREAS, the proposed Land Use Plan amendment will change the text of Appendix B to include incidental commercial uses as secondary uses in the Core-Coastal Dependent Industrial plan designation; and

WHEREAS, the proposed Land Use Plan amendment will change the general plan map designation for two properties from Core-Coastal Dependent Industrial to Core-Waterfront Commercial; and

WHEREAS, the Implementation Plan amendment will change the zoning map designation for the eleven properties from Commercial Waterfront to Coastal Dependent Industrial; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, on August 30, 2007 the "Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings" was mailed to: all property owners and occupants of properties within, at least, 300 feet of the subject properties; 46 local, state and federal agencies; the Humboldt County Library; two newspapers of general circulation and ten radio stations; and

WHEREAS, on August 31, 2007, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of public hearings scheduled before the

Planning Commission on September 10, 2007, and the City Council on October 2, 2007; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, the mailing on August 30, 2007 and the publication on August 31, 2007, was at least ten days prior to the scheduled public hearings; and

WHEREAS, pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for Local Coastal Programs and Local Coastal Program amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA; and

WHEREAS, at the public hearing held by the Planning Commission on September 10, 2007, no persons provided testimony either in favor or against the Local Coastal Program amendment; and

WHEREAS, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the "C" Street Local Coastal Program Amendment and took action to adopt Resolution No. 2007-05, "*A Resolution of Transmittal of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council for the Implementation Plan portion of the "C" Street LCP Amendment*"; and

WHEREAS, the City Council held a public hearing on October 2, 2007, to consider the "C" Street Local Coastal Program Amendment. No persons provided testimony either in favor or against the Local Coastal Program amendment; and

WHEREAS, on October 2, 2007, upon closing the public hearing, the City Council considered the "C" Street Local Coastal Program Amendment and the Planning Commission's recommendation, and took action to waive reading, read by title only and introduce Bill No. 775-C.S., an "*Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay*"; and

WHEREAS, on October 16, 2007, the City Council adopted "*A Resolution of the City Council of the City of Eureka Approving an Amendment to the Land Use Plan portion of the Adopted and Certified City of Eureka Local Coastal Program*"; and

WHEREAS, on October 16, 2007, the City Council took action to waive reading, read by title only and adopt Bill No. 775-C.S., an "*Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay*"; and

2 of 8

WHEREAS, Section 13515(c) of Title 14 Code of Regulations requires that there be a minimum of six weeks (42 days) between the *Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings* and the City's final action; and

WHEREAS, The City Council's final action on the Local Coastal Program occurred on October 16, 2007, which is 47 days following the August 30, 2007, mailing of the *Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings*, and 46 days following the August 31, 2007, publication of the same notice in the Times Standard.

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

SECTION 1 The City Council hereby exempts the "C" Street Local Coastal Program Amendment from the California Environmental Quality Act under Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the "C" Street Local Coastal 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 adoption and certification of the "C" Street Local Coastal Program Amendment.

SECTION 2 The City Council hereby finds that the Implementation Plan portion of the "C" Street Local Coastal Program Amendment conforms with and is adequate to carry out and implement the provisions of the certified Land Use Plan, and.

SECTION 3 The City Council hereby determines that the Implementation Plan portion of the "C" Street Local Coastal Program Amendment is consistent with the adopted Land Use Plan as amended 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 found to be consistent with existing General Plan objectives to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare in the City of Eureka

SECTION 4 The City Council hereby declares that pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the "C" Street Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

SECTION 5 The City Council directs that the amendment to the Implementation Plan map supersede the previously adopted Implementation Plan map to change the existing zoning designation of Commercial Waterfront (CW) on the following eleven Assessor Parcel Numbers to Coastal Dependent Industrial (MC): 001-011-008, -009, -012, -013, -014 & -015; 001-012-002, -005, -006, -008 & -009.

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SECTION 6 The City Council directs Staff to transmit the adopted Implementation Plan portion of the "C" Street Local Coastal Program Amendment to the Coastal Commission for approval and certification.

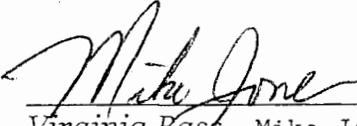
SECTION 7 The City of Eureka requests that the Coastal Commission not suggest modifications to rejected zoning ordinances, zoning district maps, or other implementing ordinances.

SECTION 8 The City Council directs that the Implementation Plan portion of the "C" Street Local Coastal Program Amendment take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

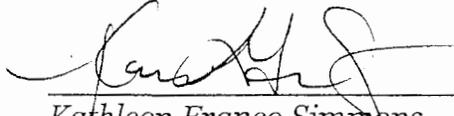
PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the sixteenth day of October 2007, by the following vote:

AYES: COUNCIL MEMBERS: GLASS; ENDERT; LEONARD; JONES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: KERRIGAN
ABSTAIN: COUNCIL MEMBERS: NONE

ATTEST:



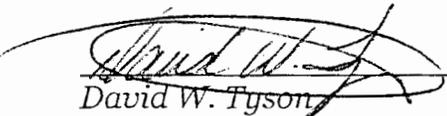
Virginia Bass Mike Jones
Mayor Pro Tem



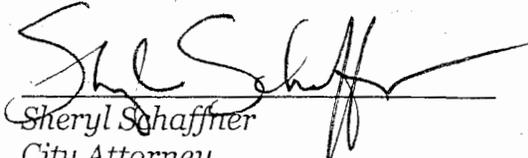
Kathleen Franco Simmons
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:



David W. Tyson
City Manager



Sheryl Schaffner
City Attorney

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RESOLUTION NO. 2007-51

A RESOLUTION OF TRANSMITTAL OF THE CITY COUNCIL OF THE CITY OF EUREKA TRANSMITTING TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION AN AMENDMENT TO THE LAND USE PLAN PORTION OF THE ADOPTED AND CERTIFIED CITY OF EUREKA LOCAL COASTAL PROGRAM

WHEREAS, on August 21, 2007, the City Council of the City of Eureka initiated the "C" Street Local Coastal Program Amendment, the assigned Case No. is LCP-07-001; and

WHEREAS, the Local Coastal Program Amendment includes amendments to the maps and text of the Land Use Plan and the maps of the Implementation Plan; and

WHEREAS, the proposed Local Coastal Program Amendment will affect thirteen properties located between "C" Street and Commercial Street and between First Street and Humboldt Bay; and

WHEREAS, the proposed Land Use Plan amendment will change the text of Appendix B to include incidental commercial uses as secondary uses in the Core-Coastal Dependent Industrial plan designation; and

WHEREAS, the proposed Land Use Plan amendment will change the general plan map designation for two properties from Core-Coastal Dependent Industrial to Core-Waterfront Commercial; and

WHEREAS, the Implementation Plan amendment will change the zoning map designation for the eleven properties from Commercial Waterfront to Coastal Dependent Industrial; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, on August 30, 2007 the "*Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings*" was mailed to: all property owners and occupants of properties within, at least, 300 feet of the subject properties; 46 local, state and federal agencies; the Humboldt County Library; two newspapers of general circulation and ten radio stations; and

WHEREAS, on August 31, 2007, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of public hearings scheduled before the Planning Commission on September 10, 2007, and the City Council on October 2, 2007;

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and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, the mailing on August 30, 2007 and the publication on August 31, 2007, was at least ten days prior to the scheduled public hearings; and

WHEREAS, pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for Local Coastal Programs and Local Coastal Program amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA; and

WHEREAS, at the public hearing held by the Planning Commission on September 10, 2007, no persons provided testimony either in favor or against the Local Coastal Program amendment; and

WHEREAS, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the "C" Street Local Coastal Program Amendment and took action to adopt Resolution No. 2007-05, *"A Resolution of Transmittal of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council for the Implementation Plan portion of the "C" Street LCP Amendment"*; and

WHEREAS, the City Council held a public hearing on October 2, 2007, to consider the "C" Street Local Coastal Program Amendment. No persons provided testimony either in favor or against the Local Coastal Program amendment; and

WHEREAS, on October 2, 2007, upon closing the public hearing, the City Council considered the "C" Street Local Coastal Program Amendment and the Planning Commission's recommendation, and took action to waive reading, read by title only and introduce Bill No. 775-C.S., an *"Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay"*; and

WHEREAS, on October 16, 2007, the City Council adopted *"A Resolution of the City Council of the City of Eureka Approving an Amendment to the Land Use Plan portion of the Adopted and Certified City of Eureka Local Coastal Program"*; and

WHEREAS, on October 16, 2007, the City Council took action to waive reading, read by title only and adopt Bill No. 775-C.S., an *"Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay"*; and

WHEREAS, Section 13515(c) of Title 14 Code of Regulations requires that there be a minimum of six weeks (42 days) between the *Notice of Availability of Draft Local*

6 of 8

Coastal Program Amendment and Notice of Public Hearings and the City's final action;
and

WHEREAS, The City Council's final action on the Local Coastal Program occurred on October 16, 2007, which is 47 days following the August 30, 2007, mailing of the *Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings*, and 46 days following the August 31, 2007, publication of the same notice in the Times Standard.

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

SECTION 1 The City Council hereby exempts the "C" Street Local Coastal Program Amendment from the California Environmental Quality Act under Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the "C" Street Local Coastal 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 adoption and certification of the "C" Street Local Coastal Program Amendment.

SECTION 2 The City Council hereby finds that the Land Use Plan portion of the "C" Street Local Coastal Program Amendment conforms with Chapter 3 of the Coastal Act, and.

SECTION 3 The City Council hereby determines that the Land Use Plan portion of the "C" Street Local Coastal Program Amendment is consistent with the adopted Land Use Plan as amended 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 found to be consistent with existing General Plan objectives to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare in the City of Eureka

SECTION 4 The City Council hereby declares that pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the "C" Street Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

SECTION 5 The City Council directs that the amendment to the Land Use Plan map supersede the previously adopted Land Use Plan map to change the existing general plan designation of Core-Coastal Dependent Industrial (C-CDI) on the following two Assessor Parcel Numbers to Core-Waterfront Commercial (C-WFC): 001-011-016; 001-012-001

SECTION 6 The City Council directs that the amendment to the Land Use Plan, Appendix B, Table B-1 supersede the previously adopted Land Use Plan, Appendix B,

Table B-1, to allow incidental commercial uses in the Core-Coastal Dependent Industrial district.

SECTION 7 The City Council directs Staff to transmit the adopted Land Use Plan portion of the "C" Street Local Coastal Program Amendment to the Coastal Commission for approval and certification.

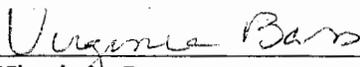
SECTION 8 The City of Eureka requests that the Coastal Commission not suggest modifications to rejected zoning ordinances, zoning district maps, or other implementing ordinances.

SECTION 9 The City Council directs that the Land Use Plan portion of the "C" Street Local Coastal Program Amendment take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the sixteenth day of October 2007, by the following vote:

AYES: COUNCIL MEMBERS: GLASS; ENDERT; LEONARD; JONES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: KERRIGAN
ABSTAIN: COUNCIL MEMBERS: NONE

ATTEST:



Virginia Bass
Mayor



Kathleen Franco Simmons
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:



David W. Tyson
City Manager



Sheryl Schaffner
City Attorney

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RESOLUTION No. 2007-49**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EUREKA APPROVING AN AMENDMENT TO THE LAND USE
PLAN PORTION OF THE ADOPTED AND CERTIFIED CITY OF
EUREKA LOCAL COASTAL PROGRAM**

WHEREAS, on August 21, 2007, the City Council of the City of Eureka initiated the "C" Street Local Coastal Program Amendment, the assigned Case No. is LCP-07-001; and

WHEREAS, the Local Coastal Program Amendment includes amendments to the maps and text of the Land Use Plan and the maps of the Implementation Plan; and

WHEREAS, the proposed Local Coastal Program Amendment will affect thirteen properties located between "C" Street and Commercial Street and between First Street and Humboldt Bay; and

WHEREAS, the proposed Land Use Plan amendment will change the text of Appendix B to include incidental commercial uses as secondary uses in the Core-Coastal Dependent Industrial plan designation; and

WHEREAS, the proposed Land Use Plan amendment will change the general plan map designation for two properties from Core-Coastal Dependent Industrial to Core-Waterfront Commercial; and

WHEREAS, the Implementation Plan amendment will change the zoning map designation for the eleven properties from Commercial Waterfront to Coastal Dependent Industrial; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, on August 30, 2007 the "*Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings*" was mailed to: all property owners and occupants of properties within, at least, 300 feet of the subject properties; 46 local, state and federal agencies; the Humboldt County Library; two newspapers of general circulation and ten radio stations; and

WHEREAS, on August 31, 2007, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of public hearings scheduled before the Planning Commission on September 10, 2007, and the City Council on October 2, 2007; and

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, the mailing on August 30, 2007 and the publication on August 31, 2007, was at least ten days prior to the scheduled public hearings; and

WHEREAS, pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for Local Coastal Programs and Local Coastal Program amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA; and

WHEREAS, at the public hearing held by the Planning Commission on September 10, 2007, no persons provided testimony either in favor or against the Local Coastal Program amendment; and

WHEREAS, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the "C" Street Local Coastal Program Amendment and took action to adopt Resolution No. 2007-05, *"A Resolution of Transmittal of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council for the Implementation Plan portion of the "C" Street LCP Amendment"*; and

WHEREAS, the City Council held a public hearing on October 2, 2007, to consider the "C" Street Local Coastal Program Amendment. No persons provided testimony either in favor or against the Local Coastal Program amendment; and

WHEREAS, on October 2, 2007, upon closing the public hearing, the City Council considered the "C" Street Local Coastal Program Amendment and the Planning Commission's recommendation, and took action to waive reading, read by title only and introduce Bill No. 775-C.S., an *"Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay"*; and

WHEREAS, on October 16, 2007, the City Council adopted *"A Resolution of the City Council of the City of Eureka Approving an Amendment to the Land Use Plan portion of the Adopted and Certified City of Eureka Local Coastal Program"*; and

WHEREAS, on October 16, 2007, the City Council took action to waive reading, read by title only and adopt Bill No. 775-C.S., an *"Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay"*; and

WHEREAS, Section 13515(c) of Title 14 Code of Regulations requires that there be a minimum of six weeks (42 days) between the *Notice of Availability of Draft Local*

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Coastal Program Amendment and Notice of Public Hearings and the City's final action; and

WHEREAS, The City Council's final action on the Local Coastal Program occurred on October 16, 2007, which is 47 days following the August 30, 2007, mailing of the *Notice of Availability of Draft Local Coastal Program Amendment and Notice of Public Hearings*, and 46 days following the August 31, 2007, publication of the same notice in the Times Standard.

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

SECTION 1 Pursuant to California Government Code Section 21080.9, the California Environmental Quality Act does not apply to the action of the City Council to approve the Local Coastal Program amendment.

SECTION 2 The City Council hereby finds that the Land Use Plan portion of the "C" Street Local Coastal Program Amendment conforms with Chapter 3 of the Coastal Act, and.

SECTION 3 The City Council hereby determines that the Land Use Plan portion of the "C" Street Local Coastal Program Amendment is consistent with the adopted Land Use Plan as amended 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 found to be consistent with existing General Plan objectives to protect the public health, safety, peace, comfort, convenience, prosperity and general welfare in the City of Eureka

SECTION 4 The City Council hereby declares that pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the "C" Street Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

SECTION 5 The City Council hereby approves a change to the Land Use Plan map of the Certified Local Coastal Program as shown in Exhibit "A" attached hereto, to change the existing general plan designation of Core-Coastal Dependent Industrial (C-CDI) on the following two Assessor Parcel Numbers to Core-Waterfront Commercial (C-WFC): 001-011-016; 001-012-001.

SECTION 6 The City Council hereby approves a change in the Land Use Plan, Appendix B, Table B-1 as shown in Exhibit "B" attached hereto to allow incidental commercial uses in the Core-Coastal Dependent Industrial district.

SECTION 7 The City Council directs that the amendment to the Land Use Plan map supersede the previously adopted Land Use Plan map to change the existing general plan designation of Core-Coastal Dependent Industrial (C-CDI) on the following two Assessor Parcel Numbers to Core-Waterfront Commercial (C-WFC): 001-011-016; 001-012-001

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SECTION 8 The City Council directs that the amendment to the Land Use Plan, Appendix B, Table B-1 supersede the previously adopted Land Use Plan, Appendix B, Table B-1, to allow incidental commercial uses in the Core-Coastal Dependent Industrial district.

SECTION 9 The City Council directs Staff to transmit the adopted Land Use Plan portion of the "C" Street Local Coastal Program Amendment to the Coastal Commission for approval and certification.

SECTION 10 The City of Eureka requests that the Coastal Commission not suggest modifications to rejected zoning ordinances, zoning district maps, or other implementing ordinances.

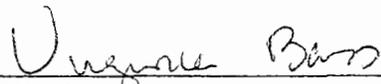
SECTION 11 The City Council directs that the Land Use Plan portion of the "C" Street Local Coastal Program Amendment take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

SECTION 12 The City Council hereby finds that 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the "C" Street Local Coastal 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 adoption and certification of the "C" Street Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the sixteenth day of October 2007, by the following vote:

AYES: COUNCIL MEMBERS: GLASS; ENDERT; LEONARD; JONES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: KERRIGAN
ABSTAIN: COUNCIL MEMBERS: NONE

ATTEST:



Virginia Bass
Mayor



Kathleen Franco Simmons
City Clerk

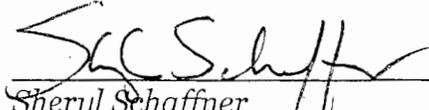
498

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:



David W. Tyson
City Manager



Sheryl Schaffner
City Attorney

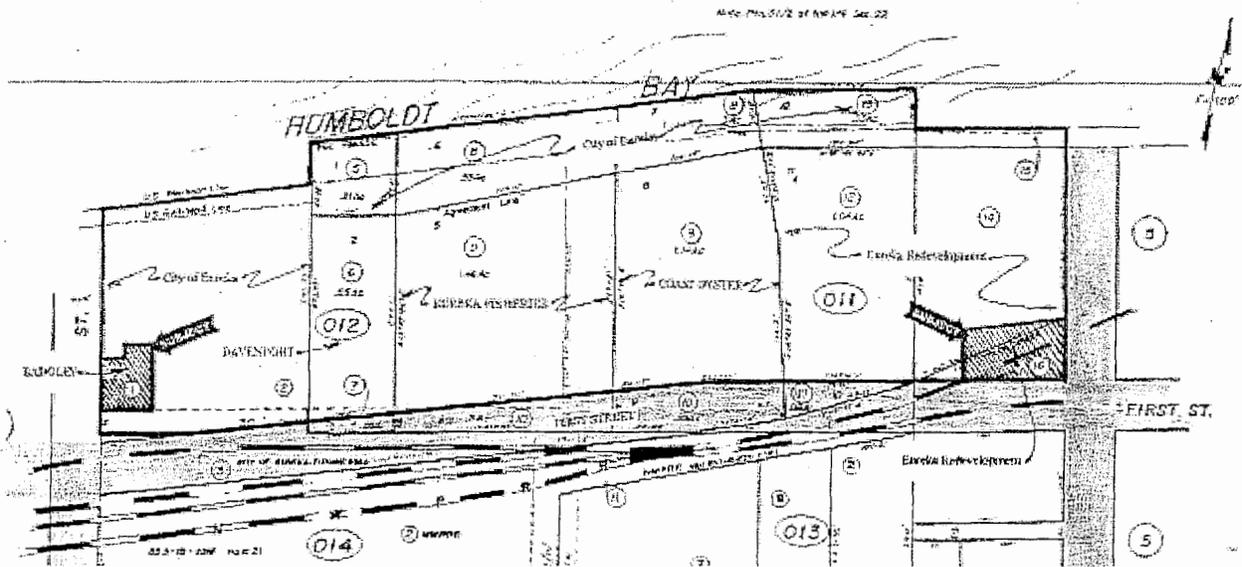
5 of 8

Exhibit "A"

Land Use Plan Map Amendment
Amending the General Plan Designation for two properties,
APN's 001-011-016; 001-012-001
from Core-Coastal Dependent Industrial (C-CDI)
to Core-Waterfront Commercial (C-WFC)

CITY OF EUREKA

1-01



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City of Eureka ~ City Council
AGENDA REVIEW

TABLE B-1
GENERAL PLAN-1984 LCP LAND USE DESIGNATION CORRESPONDENCE
LOCAL COASTAL PROGRAM LAND USE DESIGNATIONS, PURPOSES AND USES

G-P-LUP Designation	LCP-IP Designation	Purpose	Principal Use	Conditional Uses
G-CDI Core-Coastal Dependent Industrial		area and North Coast region. The site of such a center shall be planned as an integral unit reflecting high standards of site design, landscaping, traffic planning, and natural resources restoration or enhancement.	services (as opposed to convenience goods or neighborhood services) to the regional population	temporary, short-term uses.
CDI Coastal Dependent Industrial	MC Coastal Dependent Industrial	To protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.	Uses that require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship building and boat repair, commercial fishing facilities, food fish processing plants, marine services, marine oil terminals, OCS service bases, and pipelines serving offshore facilities.	Oil and/or gas processing and treatment facilities serving offshore production, onshore petroleum production or other facilities which require ocean intake-outfalls and pipelines, fish waste processing plants, ice and cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses.
C-CDI Core-Coastal Dependent Industrial	MC Coastal Dependent Industrial	To protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.	Uses that require a site on, or adjacent to, the Bay in order to be able to function at all, including, but not limited to: docks, waterborne carrier import and export facilities, ship building and boat repair, commercial fishing facilities, food fish processing plants,	Oil and/or gas processing and treatment facilities serving offshore production, onshore petroleum production facilities, electrical generating or other facilities which require ocean intake-outfalls and pipelines, fish waste processing plants, ice and

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City of Eureka ~ City Council
AGENDA REVIEW

TABLE B-1
GENERAL PLAN-1984-LCP-LAND-USE-DESIGNATION-CORRESPONDENCE
LOCAL COASTAL PROGRAM LAND USE DESIGNATIONS, PURPOSES AND USES

GP-LUP Designation	LCP-IP Designation	Purpose	Principal Use	Conditional Uses
GI General Industrial	MG General Industrial	To provide sites suitable for the development of general and heavy industrial uses.	General manufacturing, boiler works, concrete mixing and batching, chemical products manufacture, breweries and distilleries, meats products processing and packaging, structural steel products manufacturing.	cold storage facilities, fishing piers, boat launching and berthing facilities, access support facilities, warehouses, incidental Commercial Uses. Processing of oil and gas, electrical generating and distribution facilities, animal and fish reduction plants, oil and gas pipelines, offices.
LI Light Industrial	ML Limited Industrial	To provide sites for industries that can operate in close proximity to commercial uses with minimum adverse impact.	Light manufacturing processing plants, machine shops, storage yards, trucking terminals, automobile servicing and repair, warehousing, wholesaling, and existing offices.	Professional and business offices, retail sales, oil and gas pipelines.
A Agricultural	AG Coastal Agricultural/Farmed or Grazed Wetlands	To protect agricultural lands and give special protection to lands which are also farmed or grazed wetlands, for long-term productive agricultural and wildlife habitat uses.	Farm-related structures (including barns, sheds, and farmer occupied housing). Structures necessary for the continuance of the existing operation of the framed wetlands may be located on an existing farmed wetland parcel only if no alternative	Wetland restoration projects; nature study, aquaculture, and similar resource-dependent activities; incidental public service purposes which temporarily impact the resources of the area, such as burying cable and pipes; oil and gas

J G S

EXHIBIT NO. 11

APPLICATION NO.

EUR-MAJ-2-07

EUREKA LCP AMENDMENT

CITY ZONING AMENDMENT

ORDINANCE NO. 713-C.S.

(1 of 3)

BILL NO. 775-C.S.
~~ORDINANCE~~ NO. 713-C.S.

Ordinance Amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program Reclassifying 11 Real Properties Located Between "C" Street and Commercial Street and Between First Street and Humboldt Bay

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 as shown on the attached map labeled Exhibit "A" consisting of 11 real properties located between "C" Street and Commercial Street and Between First Street and the Bay, within the City of Eureka, from a Commercial Waterfront (CW) zone district to a Coastal Dependent Industrial (MC) zone district, consistent with the existing Core-Coastal Dependent Industrial general plan designation, 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 that public necessity and convenience and the general welfare require that the following amendment to the Implementation Plan map (zoning map) be made.

SECTION 2. ZONING CHANGE

The Implementation Plan map (zoning map) of the City of Eureka is hereby amended to reclassify eleven real properties located between "C" Street and Commercial Street and Between First Street and the Bay, within the City of Eureka, from a Commercial Waterfront (CW) zone district to a Coastal Dependent Industrial (MC) zone district, consistent with the existing Core-Coastal Dependent Industrial general plan designation. Said property being situated in the City of Eureka, County of Humboldt, State of California, as shown on the attached map labeled Exhibit "A", and effecting Assessor Parcel Numbers 001-011-008; 001-011-009; 001-011-012; 001-011-013; 001-011-014; 001-011-015; 001-012-002; 001-012-005; 001-012-006; 001-012-008; and 001-012-009.

SECTION 3. TIMING

The amendment to the Implementation Plan map (zoning map) will take effect immediately and automatically upon Coastal Commission approval and certification of the "**C" Street LCP Amendment** pursuant to Public Resources Code Section 30512, 30513, and 30519

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 October, 2007, by the following vote:

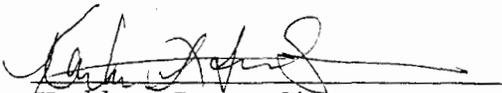
AYES: COUNCIL MEMBERS: GLASS; ENDERT; LEONARD; JONES
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: KERRIGAN
ABSTAIN: COUNCIL MEMBERS: NONE


Mike Jones
Mayor Pro Tem

The above ordinance was submitted to me on the 17th day of October, 2007, and I hereby approve the same.

ATTEST:


Virginia Bass
Mayor


Kathleen Franco Simmons
City Clerk

APPROVED AS TO ADMINISTRATION:

APPROVED AS TO FORM:

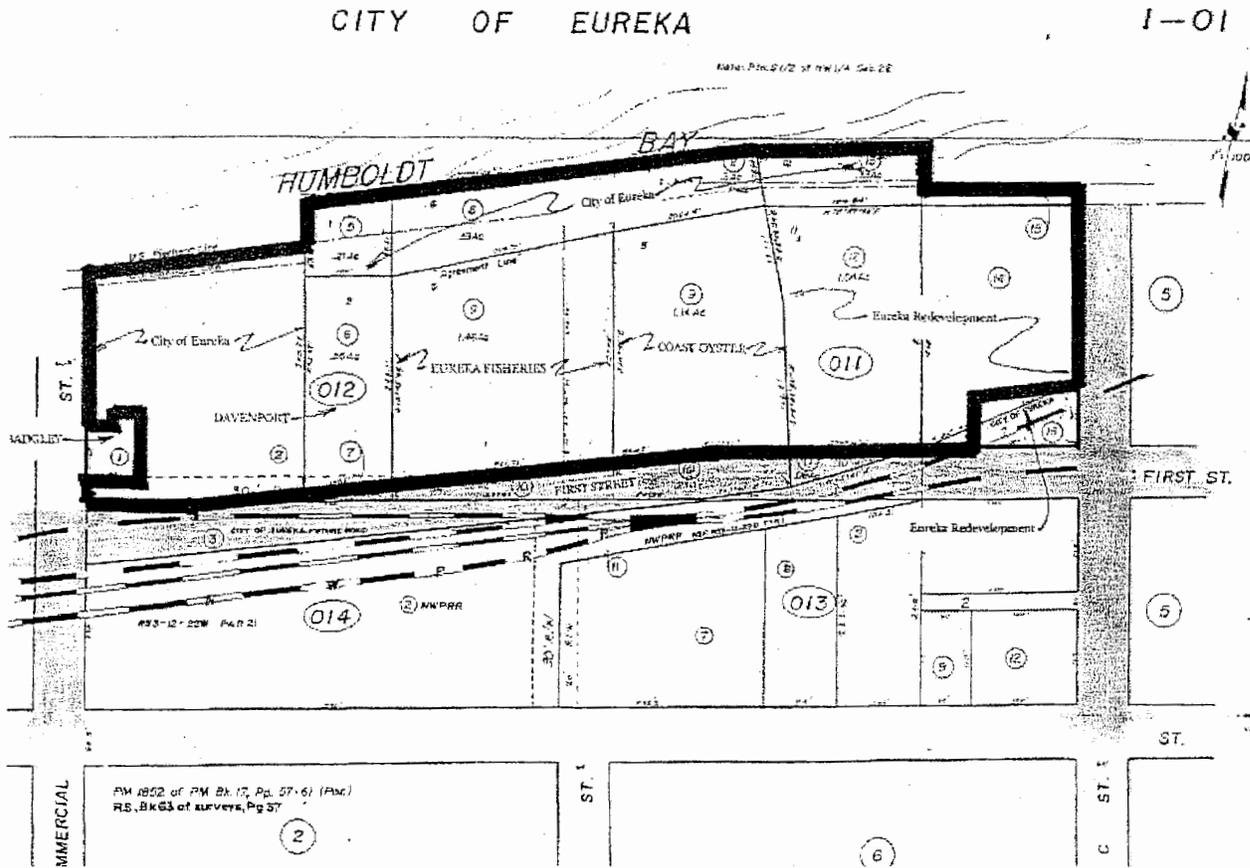

David W. Tyson
City Manager


Sheri Schaffner
City Attorney

2093

Exhibit "A"

Implementation Plan Map (zoning map) Amendment Reclassifying Real Property from Commercial Waterfront (CW) to Coastal Dependent Industrial (MC)



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**City of Eureka LCP Amendment
EUR-MAJ-2-07 (“C” Street)**

**Analysis of the effects of LUP redesignation of
APNs 001-011-016 and 001-012-001 from
Core-Coastal Dependent Industrial to
Core-Waterfront Commercial.**

November 2007

(a) Significance in the overall land base inventory of coastal-dependent industrial sites within the City in terms of relative sizes or strategic locations

The modification of the City of Eureka Land Use Plan for the two properties, APNs 001-011-016 and 001-012-001, from Core-Coastal Dependent Industrial to Core-Waterfront Commercial will have minimal impact on the overall inventory of coastal dependent industrial sites in the city, or around Humboldt Bay.

Attached hereto is the Executive Summary of the Port of Humboldt Bay Harbor Revitalization Plan, February 2003. The Revitalization Plan is a comprehensive analysis of the anticipated and desirable future for Humboldt Bay. The Plan discusses a number of key sites around Humboldt Bay that are or should be protected for coastal dependent industrial use. The two properties in this LCP amendment are not identified as key sites.

The conclusions of the Revitalization Plan with regard to the future of coastal dependent industrial uses around the Bay are succinctly summarized by Jim Baskin in his letter to Lisa Shikany, dated November 5, 2007, responding to a Notice of Preparation for Waterfront Drive Extension Project, wherein he states:

“In addition, numerous vacant and underutilized sites exist in a variety of settings along Humboldt Bay fully provisioned with existing dock and wharf accoutrements, space for coastal-related support facilities, and road and railhead facilities that could serve any such demand without the additional wetland and habitat losses associated with the proposed project. Commission staff also note that despite appreciable efforts on the part of the local port development advocates, historical data and economic projections suggest that with continued transition from resource extractive-based economies, demand for sites for coastal-dependent industrial uses as a class will continue on a declining trend in rural areas, especially those without established rail infrastructure linkages and/or sizable consumer population centers nearby.”

EXHIBIT NO. 12
APPLICATION NO.
EUR-MAJ-2-07
EUREKA LCP AMENDMENT
GENERAL PLAN AMENDMENT & ZONING RECLASSIFICATION IMPACT ASSESSMENT (1 of 19)

(b) Direct and/or cumulative significant impacts to the viability of priority coastal-dependent industrial that could result from redesignation to lower-priority development and uses

The change of use from Core Coastal Dependent Industrial to Core Waterfront Commercial will allow a variety of visitor serving uses on the two subject properties that wouldn't have been possible otherwise. City staff cannot identify any direct impacts that would result from the LCP amendment. However, in considering indirect impacts, some visitor serving uses could be sensitive to the noise, dust, odors, etc., emanating from the existing adjacent industrial uses; which could cause complaints about land use incompatibility. However, it is clear in City Ordinances and under the Coastal Act that the coastal dependent industrial users have priority over visitor serving uses, and as with the protection of farm land from encroachment by urban subdivisions, the coastal dependent industrial uses would be protected against complaints by visitor serving uses.

(c) Sites being reasonably needed in the foreseeable future to serve expansion of adjacent or nearby established coastal-dependent industrial uses

It could be argued that even though the two properties are very small, the fact that they are adjacent to properties that are either already developed with coastal dependent or coastal related uses, or are slated for such development, the two properties could support coastal dependent or coastal related industrial uses; as perhaps storage area for crab pots. However, there is an equal argument that because these two properties are in the core area of the city the better use for the properties, at this time, is for visitor serving uses such as already exist (restaurant) or are anticipated (Old Town Carriage).

At this time, there has been no need expressed by the property owners or adjacent industrial users to keep these two properties for expansion of established coastal dependent industrial uses. However, zoning and land use are fluid documents that should be updated and modified to keep up with community needs. Therefore, if community needs change, zoning and land use must change (hence this LCP application). Therefore, if in the future it is determined that the use of either or both of these properties is needed to support expansion of adjacent for coastal dependent industrial use, the City Council would contemplate an LCP amendment to support such expansion.

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Port of Humboldt Bay Harbor Revitalization Plan

Executive Summary

February 2003

Prepared for:
Humboldt Bay Harbor, Recreation and Conservation District

Prepared by:
PB Ports & Marine, Inc.
A Parsons Brinckerhoff Company

In Association with:
Winzler & Kelly
BST Associates

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Executive Summary

The Humboldt Bay Harbor, Recreation and Conservation District—along with the City of Eureka and Humboldt County—has undertaken the Port of Humboldt Bay Harbor Revitalization Plan aimed at establishing a new and sustainable maritime focus for the community.

The Port's strategy for revitalization involves two phases, channel deepening and landside improvement. After a 12-year effort, the Humboldt Bay Channel Deepening Project was completed in April 2000. The new 48-foot deep Bar and Entrance Channels and 38-foot deep North Bay and Samoa Channels now provide for greater navigation safety and improved vessel economics. The reduction of light loading and increased economies of scale now possible at Humboldt Bay, particularly for the larger forest products carriers, promises to improve the Port's competitiveness for marine trade.

With the completion of the Channel Deepening Project, the focus of the Harbor Revitalization Plan is on the marine facilities, landside access, diversification opportunities, and the associated economic development and marketing of the Port. As a result of this effort, significant new opportunities were identified for Humboldt Bay, including marine-dependent industrial projects, niche dry and liquid bulk cargoes and the potential for a tourism/marine science cluster. Opportunities for expansion or continuation of existing aquaculture and commercial fishing operations were also identified.

Implementation of the recommended plan emphasizes two key issues:

- Site readiness – A number of steps are need to be taken prior to specific opportunities arising in order to remove property restrictions, prepare key publicly-owned sites for marketing and development, and positively position Humboldt Bay.
- Intensified marketing – A dedicated harbor marketing function is also recommended within the Harbor District, City and/or County that will act as a single focal point to proactively identify and pursue opportunities for which Humboldt Bay is competitive.

Key Sites

The study area includes all current and potential marine industrial and commercial properties in Humboldt Bay from the Samoa Bridge (CA 255) to the end of Fields Landing Channel on the mainland, and from the Samoa Bridge to the channel entrance on Samoa Peninsula. Using Humboldt County parcel data 80 key parcels were identified and grouped into 16 major sites for consideration in the preparation of the Harbor Revitalization Plan. In some cases, contiguous parcels under separate ownership were initially grouped together into a single site in order to evaluate the full potential of the properties.

The 16 key sites evaluated include six sites with active cargo terminals, five sites with inactive cargo terminals, and five industrial, commercial or other public sites. They include:

Figure 1 – Key Sites

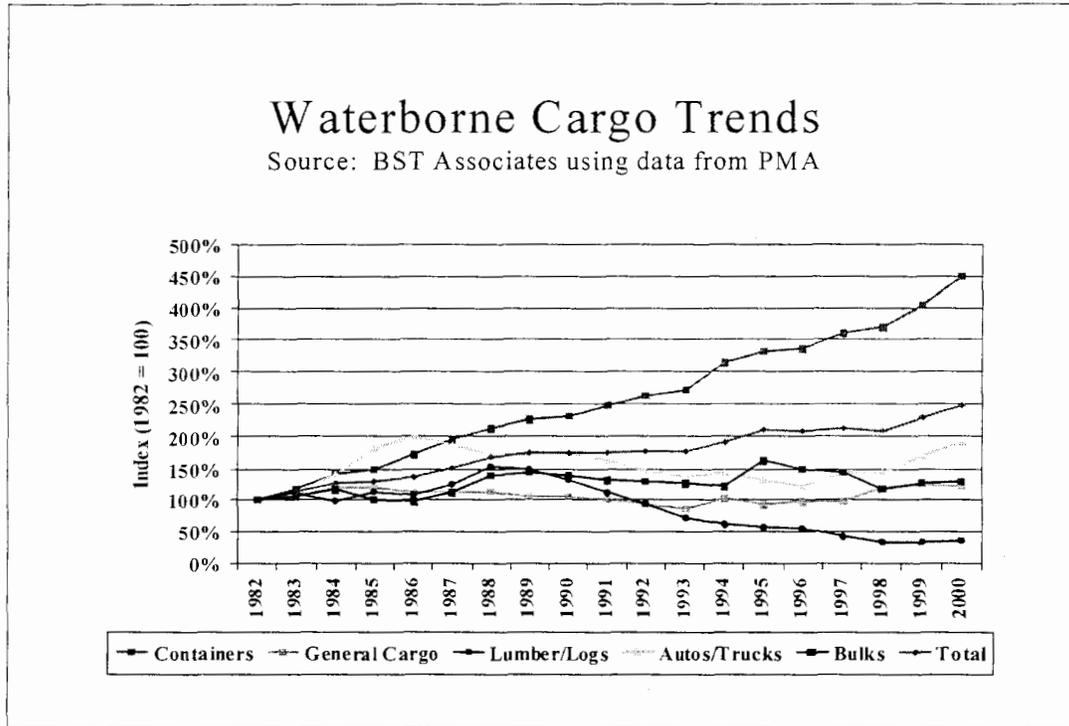
Sites With Active Cargo Terminals	Sites With Inactive Cargo Terminals	Other Industrial, Commercial & Public Sites
Schneider Dock Eureka Forest Products/Preston Prop.* Chevron Terminal Humboldt Bay Forest Products* Samoa Pacific Chip Export Dock Simpson Property/Fairhaven Terminal	Dock B/Balloon Track* Phillips Petroleum Fields Landing Terminal Area* Simpson-Samoa (Redwood Dock) Site* Samoa Pacific Pulp Mill Dock	Halvorsen/City Sites* HSU Boating Center Commercial Street/C Street Docks* Parcel 4 Eureka Airport Property

*Site includes contiguous parcels under separate ownership.

West Coast & Humboldt Trade Trends

Over the last 20 years, West Coast port traffic has grown by 150 percent as seen in Figure 2, led by containers and automobiles. Bulk cargoes and general breakbulk cargo have grown slightly, while lumber and forest products have declined by more than 50 percent.

Figure 2 – Comparison of West Coast Cargo Trends



As shown in Figure 3, waterborne commerce in Humboldt Bay increased consistently to a peak of over 1.2 million tons in 1991, then dropped significantly to between 400,000 and 600,000 revenue tons for the remainder of the study period. Most notably, declines occurred in general cargo and dry bulks, which are dominated by forest products.

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Figure 3 – Humboldt Bay Cargo Trends

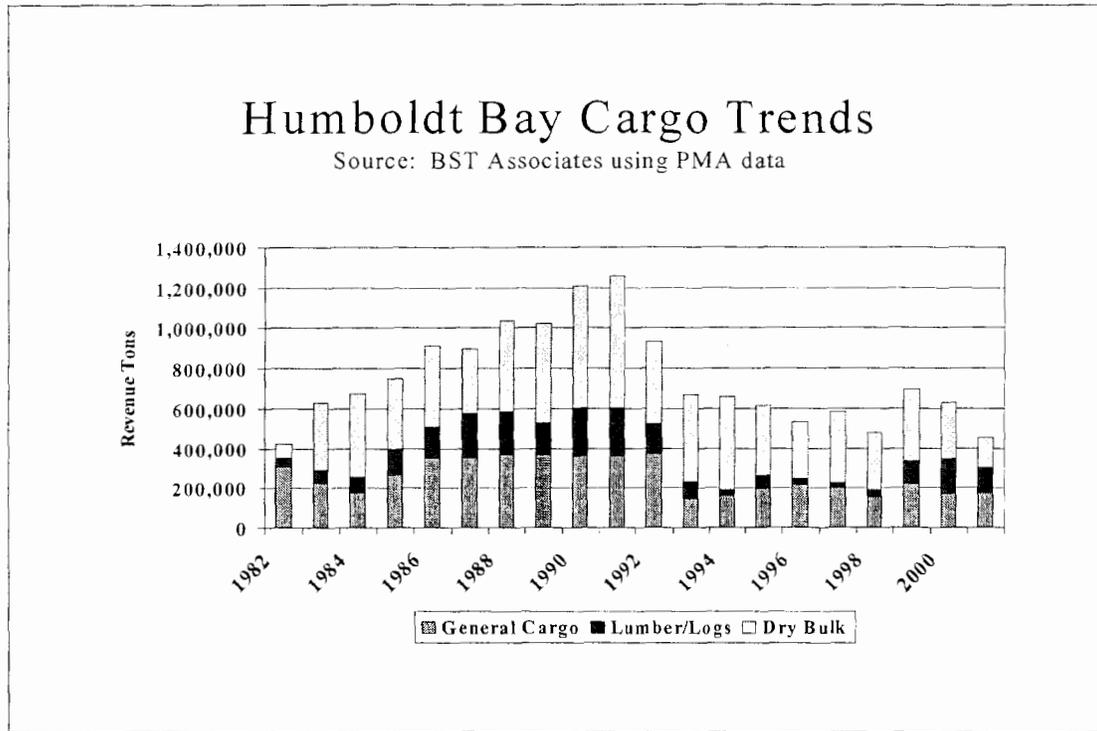
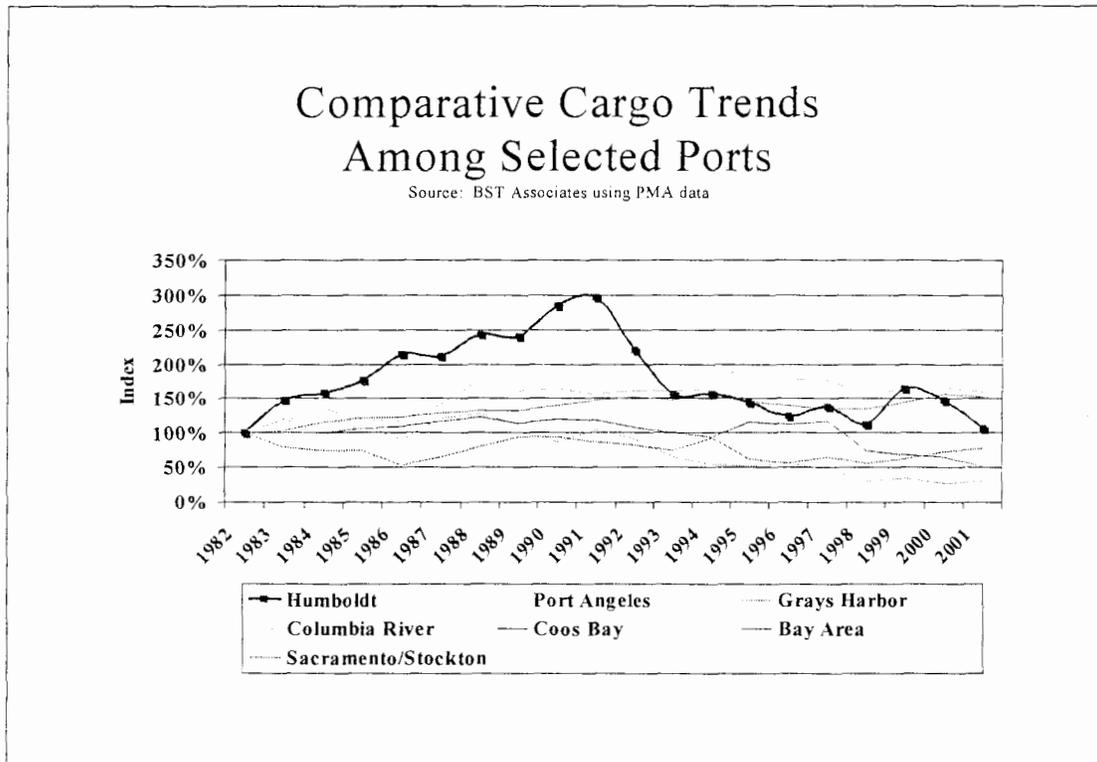


Figure 4 – Relative Cargo Trends Among Selected Ports



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By direction of trade, Humboldt Bay’s waterborne commerce has exhibited the following trends:

- Exports declined at 9.4% per year between 1990 and 2000; Imports increased sporadically during the time period, with an average annual increase 13.1% between 1990 and 2000;
- Coastwise shipments were also volatile during this time period, increasing at 6.6% per year; and
- Coastwise receipts grew at 1.6% per year during the study period.

Humboldt Bay’s decline in waterborne commerce is compared with other similarly situated ports in Figure 4. As shown, Humboldt Bay experienced a 200% increase between 1982 and 1992, after which volumes consistently fell. The relative level of waterborne commerce in 2001 is equal to the volume in 1982. By contrast, most other comparable ports have experienced a decline to levels below their 1982 volumes.

The relative loss of forest products exports and domestic shipments has substantially impacted all ports from Humboldt Bay north to Bellingham, WA. The loss of these cargoes has resulted in heightened competition for the remaining general cargo and dry bulk cargoes.

Market Opportunity Analysis

Market opportunities for the Port of Humboldt Bay were analyzed for the full range of cargo types and a variety of non-cargo waterfront commercial, recreational and industrial markets as shown below.

Figure 5 – Cargo and Non-Cargo Markets Evaluated

Marine Cargo Markets	Waterfront Commercial & Recreational Markets
Dry bulk cargo	Commercial fishing
Liquid bulk cargo	Aquaculture
Marine-dependent industrial opportunities	Marine labs & science centers
Non-containerized cargo (breakbulk and general cargo)	Public aquariums
Fully assembled autos/trucks	Marinas, boating & yachting
Containers	Cruise ships & tour boats
Ocean barge feeder services	Boat building & vessel repair
	Vessel homeporting
	Naval vessel museum

A wide range of data sources and analytical methods were used in the market assessment, including Pacific Maritime Association (PMA) cargo data and other sources addressing trade trends along the West Coast and in Northern California. Over 100 interviews were conducted with exporters, importers, domestic shippers, carriers, stevedores, terminal operators, economic development agencies, ports, energy companies, fishing and aquaculture operators, aquariums, marine science centers, the military, ship/boat builders and repair companies, and individuals involved with marine trade in Humboldt Bay. In addition, case studies of seven ports were performed to identify how they have developed

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marketing strategies, the relative success of their programs, and the potential relevance of these strategies for Humboldt Bay.

The market assessment focused on identifying opportunities for the Port of Humboldt Bay among traditional markets and potential new diversification markets.

Core Advantages

In the course of the market assessment, a number of core competitive advantages were identified for the Port of Humboldt Bay, including:

- Large waterfront industrial sites;
- Natural resource availability;
- Unique tourism surroundings and attractive downtown waterfront nucleus;
- Marine science and environmental base; and
- Livability.

Humboldt Bay has at least three sites in excess of 200 acres, each located on the 38-foot shipping channel. These include the publicly-owned City airport site, the privately-owned Simpson site and the Simpson-Samoa (Redwood Dock) site with mixed ownership, all located on the Samoa Peninsula. Most have had some prior development, which should facilitate permitting, and future development. Large waterfront industrial sites on deep water such as these are a rarity and, thus, a significant advantage for Humboldt.

In addition to forest products, the Humboldt area possesses additional natural resources that are in demand and require waterborne transportation. In particular, bulk aggregates, rock and surplus fresh water are abundant in Humboldt's immediate area and few alternatives are available to compete with waterborne transportation via Humboldt Bay.

Humboldt is fortunately situated amidst unique tourism features, both natural and historical. These include the redwood forests, Eureka's Victorian seaport and Arcata's Victorian homes, all of which receive some measure of national recognition. Likewise, Eureka's Old Town district, waterfront boardwalk and other features create a potentially vibrant downtown waterfront environment. Taken together, these tourism and downtown waterfront features are a unique advantage that can be built upon to revitalize the harbor.

The presence of Humboldt State University (HSU), its marine science program, and the region's strong environmental ethic provide a potential base for new activity on the Humboldt waterfront that could complement the tourism advantages discussed previously. These features create a vibrancy in the Humboldt area that does not exist in most other coastal ports facing similar declines in traditional industries.

Humboldt's natural surroundings, size and amenities offer a very livable environment for its residents. As urban areas in California and the Northwest continue to grow and become congested, Humboldt's livability should be attractive to employees, professionals and managers of new industry that could locate in the area.

Key Limitations

The key disadvantages at Humboldt Bay were identified as:

- Small local market size; and
- Inland transportation access.

The limited size of the population and economic base in Humboldt’s natural hinterland area are a clear disadvantage in attracting traditional marine cargo business. As a first priority, ocean carriers, importers and exporters look for strong local markets as a basis for establishing waterborne trade and transportation operations. Humboldt’s small local market limitation is exacerbated by the fact that the local area is primarily a producing region, generating very little inbound freight for consumption. The one-way nature of the Humboldt local market area diminishes the viability of waterborne, rail and truck transportation operations that could otherwise be feasible with a two-way move.

Humboldt’s limited inland rail and truck access is also a significant disadvantage. Truck access to Interstate 5 should be enhanced with improvements to CA 299 at Buckhorn Pass, but highway access will still be less desirable via Humboldt than at competing ports located directly on the interstate system. Likewise rail access may be restored with the reactivation of the North Coast Railroad Authority (NCRA) line, but the time-consuming and circuitous southbound routing—which must backtrack through other competing port areas—will remain a limitation on Humboldt Bay’s attractiveness for most rail-oriented marine cargoes to/from points beyond the Bay Area where superior rail connections are needed to compete. However, the restored rail service will be important for marine-dependent industrial opportunities (discussed below) where adequacy of rail service is needed to compete.

Market Priorities

Each opportunity was rigorously analyzed in terms of its overall attractiveness and Humboldt’s competitiveness, using the factors identified in Figure 6 below. Those markets that were found to be most attractive, and for which Humboldt was found to be competitive, were assigned the highest priority; those least attractive and for which Humboldt is least competitive were assigned the lowest priority.

Figure 6 – Market Evaluation and Prioritization Factors

Market Attractiveness Factors	Humboldt Bay Competitiveness Factors
Overall market size Market growth & stability Capital/infrastructure requirements Profitability Business operating risk Ease of entry Intensity of customer/supplier leverage Intensity of competition	Market share, reputation & image Proximity to the market or resource Navigation access & cost Rail access & cost Highway access & cost Site availability & readiness Facility & operating cost position Workforce availability & productivity Support services availability Business climate Livability

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Significant global trends driving new opportunities for Humboldt Bay were found to be the rising demand and shortages in the construction, energy, water and seafood markets, as well as growing interest in tourism and the environment. The most promising opportunities are in marine-dependent industrial projects, niche dry and liquid bulk cargoes, aquaculture, tourism and marine science, and boat building. A summary of the attractiveness and Humboldt Bay's competitiveness in each market is presented below in Figure 7.

Figure 7 – Market Prioritization Map

	Weak Competitive Position	Neutral Competitive Position	Favorable Competitive Position
Attractive Market Segment	Marine Industrial (w/o rail) Vessel Homeporting	Marine Industrial (w/ rail) Liquid Bulks Coastal Lumber Barge (w/o rail) Marine Lab/Science Center Repositioning Cruise Ships	Bulk Aggregates/Rock Aquaculture
Neutral Market Segment	Project Cargoes Coastal Lumber Barge (w/ rail) Rail-On-Barge (w/ rail) Automobiles	Import Forest Products Rail-On-Barge (w/o rail) Public Aquarium Boat Building & Vessel Repair Naval Vessel Museum	Commercial Fishing Marina/Boating/Yachting
Unattractive Market Segment	Containers Breakbulk Steel Fruit	Container Barge	Export Forest Products

	Highest Priority
	Priority
	Selective/Potential Priority
	Lowest Priority

Marine-dependent industrial opportunities are essentially manufacturing facilities requiring a major marine shipping component, either to bring in raw materials or to ship out finished products. Examples include a sheetrock manufacturing plant that imports bulk gypsum or a mini steel mill the imports iron products and/or exports steel slabs and coils. Humboldt's advantages are the availability of large sites on Samoa Peninsula with access to the 38-foot channel, relatively low cost land, labor and livability. While these opportunities are not frequent, they result in a high volume of marine trade and high employment. Readiness and consistent marketing are keys to success.

Dry bulk cargo opportunities include the shipment of bulk aggregates and rock to the Northern California construction market. Resources in Humboldt County are being closely analyzed by a number of companies, with the likelihood that high volumes of bulk aggregate and rock will need to be shipped by ocean barge.

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Liquid bulk cargo opportunities exist in liquefied natural gas (LNG) and export water. Energy producers and marketers continue to pursue projects to serve the California market, and a major company has shown significant interest in Humboldt Bay as an LNG terminal location, connecting to the California natural gas pipeline system. Likewise, various companies have proposed water export to Southern California over the past several years, and presently a global consortium is exploring the potential to ship surplus Humboldt water using ocean-going waterbag technology.

Aquaculture is an attractive market, given its growth outlook, the relatively low investment requirements, and shellfish farming conditions in Humboldt Bay. Based on these growing conditions, Humboldt stands a good chance of building on its competitiveness in oyster production, the only downside being transportation cost from Humboldt to outside markets.

A number of tourist and marine science activities were found to be potential opportunities, particularly if approached as a synergistic cluster. This could include a public aquarium, cruise dock, Naval vessel museum and marine science center, which would build upon Humboldt's unique tourism surroundings and marine science base.

Based on growth in the luxury yacht market and the experience of the Port of Port Angeles, the opportunity to attract a boat builder to Humboldt Bay appears to have merit. The market analysis was not conclusive on the feasibility of such an operation, but further study and investigation is warranted on the basis of Humboldt's water access, central location for delivery on the West Coast and livability.

While a high priority is recommended for the markets addressed above, existing import and export forest product terminal handling activities should continue to be supported and monitored for potential new opportunities; the potential for a coastal forest products barge service or rail-on-barge service warrant monitoring and further investigation; and the needs of commercial fishing should continue to be supported.

Humboldt's basic weaknesses are in the areas of local market size, lack of proximity to a large metropolitan market and limited inland truck and rail access. These are major competitive disadvantages for cargo handling activities including containers, automobiles, breakbulk steel, fruit, and project cargoes. Furthermore these markets are considered to be unattractive for a niche port or new entrant because of the intensity of competition, high customer leverage, short contract durations and resulting high risk. These markets should be given the lowest priority.

Strategic Focus Areas

Building on Humboldt's core advantages and the specific market opportunities identified, several strategic areas of focus were identified for the Harbor Revitalization Plan, including a mix of new and traditional harbor activities:

- Marine-dependent industrial opportunities;
- Niche dry and liquid bulk cargoes;
- Coastal barge feeder market access;

- Tourism and marine science;
- Aquaculture and commercial fishing;
- Boat building & vessel repair; and
- Forest products cargo handling.

Harbor Revitalization Alternatives

Alternative Scenarios

Alternative revitalization plans for Humboldt Bay were evaluated under six alternative scenarios relative to rail service and public terminal investment. Given the circumstances surrounding the inactive NCRA rail line, alternatives were assessed based on (1) current rail conditions and (2) assuming restoration of rail service in accordance with the operating plans developed in the *Long Term Financial Feasibility of the Northwestern Pacific Railroad* (a companion report to this study). Likewise, three levels of public marine terminal investment were considered including a public general cargo terminal, public investment in bulk or marine industrial docks, and no public investment. The six scenarios are illustrated in Figure 8.

Figure 8 – Alternative Harbor Revitalization Scenarios

	With Rail Service Restored	With Current Rail Conditions
With Public General Cargo Terminal	Marine-Dependent Industrial Projects Niche Bulk Cargoes Marine Science & Tourism Aquaculture & Commercial Fishing Boat Building & Vessel Repair Forest Products Cargo Handling PLUS Public General Cargo Terminal	Marine-Dependent Industrial Projects Niche Bulk Cargoes Marine Science & Tourism Aquaculture & Commercial Fishing Boat Building & Vessel Repair Forest Products Cargo Handling PLUS Public General Cargo Terminal Coastal Feeder Barge Development
With Public Investment In Bulk Or Marine Industrial Docks	Marine-Dependent Industrial Projects Niche Bulk Cargoes Marine Science & Tourism Aquaculture & Commercial Fishing Boat Building & Vessel Repair Forest Products Cargo Handling PLUS Public Bulk/Marine Industrial Dock Investment	Marine-Dependent Industrial Projects Niche Bulk Cargoes Marine Science & Tourism Aquaculture & Commercial Fishing Boat Building & Vessel Repair Forest Products Cargo Handling PLUS Public Bulk/Marine Industrial Dock Investment Coastal Feeder Barge Development
With No Public Terminal Investment	Marine-Dependent Industrial Projects Niche Bulk Cargoes Marine Science & Tourism Aquaculture & Commercial Fishing Boat Building & Vessel Repair Forest Products Cargo Handling	Marine-Dependent Industrial Projects Niche Bulk Cargoes Marine Science & Tourism Aquaculture & Commercial Fishing Boat Building & Vessel Repair Forest Products Cargo Handling PLUS Coastal Feeder Barge Development

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The most common type of public marine terminal is a public general cargo terminal used for handling breakbulk cargoes and possibly containers carried by steamship common carriers, and breakbulk, possibly bulk and other cargoes carried by charter vessels. In this scenario, the port authority typically develops and maintains the facilities, contracts out the operation to a private terminal operator/stevedore, and jointly markets the facilities with the operator. The contract commitments by the terminal operator and customers are relatively short (1 to 3 years) resulting in fairly high business risk.

It is also possible for a port authority to participate in the development of a bulk cargo terminal. In this scenario, terminal development is deal-driven, with the port and a private party (the exporter, importer, carrier or terminal operator) jointly developing and maintaining the facilities. The port is typically responsible for preparation of the site and development/maintenance of the waterfront structures (docks or piers), while the operator often provides and maintains all of the bulk material handling facilities.

The third scenario is public investment in the waterfront facilities serving a marine-dependent industry. This is very similar to investment in a bulk cargo terminal as described above, assuming that the manufacturer/importer/exporter is involved on a long-term basis. In this case, the port prepares the site and develops and maintains the waterfront structures, and the manufacturer develops and maintains the industrial facilities.

Site Utilization Alternatives

Numerous site utilization alternatives were then evaluated to match the priority markets with the key sites in Humboldt Bay, based on detailed siting criteria developed for each market use.

Recommended Harbor Revitalization Plan

Four broad criteria were used to evaluate the alternative revitalization scenarios and associated siting options to arrive at a recommended plan. These are:

- **Market Justification** – Is the strategy scenario supported by the market analysis or does it contain key elements that are unsupported?
- **Risk and Reward** – Does the strategy assume reasonable risks commensurate with the potential benefits that can be created?
- **Site Utilization** – Does the plan assign the available sites in Humboldt Bay to their highest and best use, resulting in a reasonable supply of land for the various markets and considering potential environmental issues?
- **Synergy** – Does the overall plan utilize the available sites in a balanced, coherent and synergistic way, or does it lead to inherent conflicts within the harbor?

Recommended Strategy

Using these criteria, the scenarios involving public investment in bulk and marine-dependent industrial dock facilities are recommended. These strategies target the harbor activities most justified by the market in terms of their overall attractiveness and the Port

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of Humboldt Bay's competitiveness. Furthermore, by pursuing public investment in bulk and marine-dependent industrial dock facilities, the Harbor District, City and County can play a vital role in attracting and securing new harbor opportunities with an appropriate level of risk. Because these types of facility developments tend to be deal driven and long-term in nature, direct Harbor District participation in their development, or the application of port-issued, tax-exempt industrial development bonds, could provide a valuable service while assuming a reasonable business risk.

The scenarios that include a public general cargo terminal are not recommended because they are not supported by the market analysis and they involve an unreasonably high level of risk. Almost all of the markets that would be involved in public general cargo terminal operations were identified as unattractive in the prioritization analysis, and Humboldt Bay was found to be uncompetitive in most of them as well. The 'build it and they will come' nature of public general cargo terminals, combined with the short contract terms common in the trade, high customer leverage, and intense port competition, would result in excess capacity and a level of risk that is not commensurate with the limited market opportunity available.

As to the rail conditions, a strategy of supporting restoration of the NCRA rail line but preparing for the continuation of no rail service is recommended. The availability of rail service will no doubt enhance the marine-dependent development strategy and the two should be coupled when promoting the Port's needs with state and Federal agencies and representatives. However, there is no certainty that rail service will be funded and restored in the foreseeable future. Therefore, the Harbor District should continue to periodically explore the feasibility of coastal barge feeder services as an alternative to rail.

Recommended Site Utilization

The priority markets identified in the recommended revitalization strategies were matched with the key sites to develop a recommended site utilization plan as shown in Figure 9.

The Eureka Airport Site and Simpson-Samoa (Redwood Dock) Site are recommended for marine-dependent industrial opportunities. The public ownership aspects of these areas will ensure that the Humboldt community can market these sites for their intended use. Reconfiguration of the Simpson-Samoa (Redwood Dock) area to consolidate coastal dependent industry to the south and other uses to the north could enhance the utility of this area for marine-dependent industrial opportunities. With these two sites, Humboldt will have sufficient property to accommodate two or three major marine industrial customers over the long term.

The Dock B/Balloon Track site is recommended for consideration as a tourism/marine science cluster, possibly including a public aquarium, marine lab, cruise dock, Naval vessel museum and related activities. This location has the advantage of synergy with existing tourism features in Humboldt, including the Old Town area and waterfront boardwalk, which are within walking distance. With proper land use protection, the fisherman's work area would also add maritime ambiance for tourists. Development of

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the Halvorsen/City site at the east end of this downtown waterfront strip could compliment the Dock B/Balloon track development, with the two acting as book ends or anchor tenants in a lively people-oriented waterfront district. The site could also be served by a rail trolley connecting the attractions in the district, a water taxi to Woodley Island and Samoa, and the terminus of a short line excursion railroad as discussed in the *Long Term Financial Feasibility of the Northwestern Pacific Railroad*. Until feasibility and master planning are addressed, the Dock B and Balloon Track parcels should be considered together as a single potential site for this use.

Figure 9 – Summary of Recommended Sites for the Priority Markets

Marine Use	Recommended Sites
Marine-Dependent Industrial Opportunities	Eureka Airport Property Simpson-Samoa (Redwood Dock) Site
Bulk Aggregates/Rock	Fields Landing Terminal (southern origin) Samoa-Pacific Pulp Mill Dock (northern origin)
Liquid Bulks	Samoa-Pacific Pulp Mill Dock Simpson Property/Fairhaven Terminal
Marine Science/Tourism	Dock B/Balloon Track Property
Aquaculture Facility	Fields Landing Small-Parcel Site (current needs) Parcel 4 (long term growth)
Boat Building & Vessel Repair	Fields Landing Terminal (public site) Schneider Property (private site)
Fisherman's Work Area	Commercial Street/C Street Dock
Coastal Lumber Barge Service	Eureka Forest Products/Sierra Pacific (open storage) Fairhaven Terminal (covered storage)
Rail-on-Barge Service	Fields Landing Terminal Humboldt Bay Forest Products Schneider Dock
Forest Products Cargo Handling	Eureka Forest/Sierra Pacific (chips, logs lumber) Fairhaven Terminal (pulp, plywood, veneer) Humboldt Bay Forest Products (logs, lumber) Samoa-Pacific Chip Export dock (chips)

For aquaculture development, the Fields Landing Small Parcel Site (Vita Sea Corp.) was found to be most suitable for meeting current needs, based on its location, size and existing infrastructure. It also has the advantage over the Samoa Peninsula Small Parcel Site of being located away from potential deep draft vessel traffic. For long-term needs, if expansion and related aquaculture support and research facilities are pursued, Parcel 4 is recommended because of its larger size.

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Humboldt Bay Vision

The recommended Harbor Revitalization Plan results in a vision for Humboldt Bay incorporating several interrelated elements:

- People-oriented activities to the north and industry to the south, on both the Eureka side of the harbor and the Samoa Peninsula side, considering the Samoa township development;
- Large-parcel marine-dependent industrial development on Samoa Peninsula south of the Samoa township;
- Niche dry and liquid bulk cargoes on Samoa Peninsula and at Fields Landing Terminal.
- Potential public-private development of marine-dependent industrial and bulk docks;
- Long-term focus on downtown waterfront tourism and marine science with the Dock B/Balloon Track development;
- Permanent homes for aquaculture and commercial fishing work areas; and
- Active development of coastal barge feeders at private terminals as market conditions warrant.

Implementation Plan

A detailed implementation plan is provided, which emphasizes steps to improve site readiness and intensify marketing. These steps include recommended actions in the areas of site planning, zoning, utilities, transportation infrastructure, follow-up study work, government relations, property negotiations, and other issues. The following key issues relating to site readiness, feasibility and marketing are addressed in the implementation plan:

- Removal of the airport use deed restriction on the Eureka Airport Site in order to ready that location for marine industrial, and a plan for reconfiguration of the site, addressing relocation of New Navy Base Road and environmental issues.
- Resolution of potential ownership, zoning and use conflicts at the Simpson-Samoa (Redwood Dock) Site in order to achieve the optimum configuration for marine-dependent industrial opportunities.
- Conceptual facility planning, environmental evaluation, cost estimates and a business plan for Fields Landing Terminal to address exclusive-use or common-user aggregate handling as soon as an initial user is ready to move to the site selection stage.
- A more detailed market analysis, feasibility study, master plan and business plan for the development of a tourism and marine science cluster the Dock B/Balloon Track area.
- Monitoring and assessment of the feasibility for coastal feeder barge service as market conditions evolve.

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- Finalization of site selection for a common use aquaculture facility and continued development of the commercial fisherman's work area.
- A dedicated harbor marketing function within the Harbor District, City and/or County that will act as a single focal point to proactively identify and pursue opportunities for which Humboldt Bay is competitive.
- Incorporation of the Harbor Revitalization Plan recommendations into the appropriate comprehensive or general land use plans to ensure ease of local permitting when opportunities arise.
- Programmatic CEQA reviews when the Revitalization Plan's conclusions and recommendations are incorporated into action plans that establish commitments to carry out the Plan.

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Harbor Revitalization Technical Advisory Committee

Humboldt Bay Harbor, Recreation and Conservation District

David Hull, Chief Executive Officer, Project Manager

Ron Fritzsche, Commissioner

Dennis Hunter, Commissioner

City of Eureka

David Tyson, City Manager

Jack McKellar, Councilmember

Virginia Bass Jackson, Councilmember

County of Humboldt

Kirk Girard, Director of Community Services

Bonnie Neely, Supervisor

Jimmy Smith, Supervisor

Humboldt County Association of Governments

Spencer Clifton, Executive Director

CALIFORNIA COASTAL COMMISSION

NORTH COAST AREA
45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
(415) 904-5260

Th 10b ^{RSM}



EXHIBIT NO. 13

APPLICATION NO.

EUR-MAJ-2-07

EXCERPTS, FINDINGS FOR
CERTIFICATION-WITH-SUGGESTED
MODIFICATION & EXECUTIVE
DIRECTOR'S EFFECTIVE CERTIFICATION
MEMORANDUM, LCP AMENDMENT NO
1-97 MAJOR ("1997 LUP UPDATE") (1 of 18)

Staff: Robert Merrill
Staff Report: December 18, 1998
Meeting of: January 14, 1999

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: Peter Douglas, Executive Director
Steven F. Scholl, District Director
Robert Merrill, District Manager

SUBJECT: **REVISED FINDINGS** for City of Eureka LCP Amendment No. 1-97,
(Plan Update) (LCP Amendment approved by the California Coastal Commission
on September 9, 1998; findings for consideration at the California Coastal
Commission meeting of January 12-15, 1999)

STAFF NOTES

1. Amendment Description

As submitted, the City of Eureka proposed to update its Land Use Plan (LUP) and integrate the LUP into the City's General Plan, and (2) redesignate various parcels throughout the City to different land use designations.

2. Summary of Commission Action:

The Commission rejected the LUP Amendment as submitted, but certified the amendment as consistent with the policies of Chapter 3 of the Coastal Act if modified as suggested to include four suggested modifications.

3. Commission Vote.

Prevailing Commissioners on both 11-0 votes to certify the LCP Amendment if modified as suggested:

Commissioners Allen, Brothers, Dettloff, Flemming, Johnson, Miller, Potter, Reilly, Tuttle, Wan, and Chairman Areias.

CITY OF EUREKA LCP AMENDMENT
NO. 1-97 (PLAN UPDATE)
REVISED FINDINGS
PAGE 2

Consistent with Title 14, Section 13540 of the California Code of Regulations, adoption of these revised findings requires a majority vote of the members prevailing on the motions to certify LCP Amendment No. 1-97. The Motion for adoption of the Revised Findings is found below on Page 3.

4. Commission Review of LCP Amendment and Revised Findings.

At the Commission meeting of September 9, 1998, the Commission certified City of Eureka LCP Amendment No. 1-97 (Plan Update) with suggested modifications. One of the suggested modifications, Suggested Modification Number 4, had been recommended orally by staff at the meeting and was not addressed in the written staff recommendation mailed prior to the hearing. As the Commission's actions differed from the written staff recommendation, staff has prepared the following set of revised findings for the Commission's consideration as the needed findings to support its actions. Also included here are the adopted resolutions.

The Commission will hold a public hearing and vote on the revised findings at its December 9, 1998 meeting. The Commission will vote only on whether the attached Revised Findings support its action on the LCP Amendment at the meeting of September 9, 1998, and not on whether or how the amendment should be approved. Public testimony will be limited accordingly.

5. Additional Information.

For additional information about the certified City of Eureka LCP Amendment, please contact Robert Merrill at the North Coast Area Office at the above address, (415) 904-5260. Please mail correspondence to the Commission to the same address.

6. Analysis Criteria.

In certifying the amendment to the Land Use Plan portion of the City of Eureka Local Coastal Program if modified as suggested, the Commission found that as modified, the amendment and the LUP as thereby amended is consistent with the policies of Chapter 3 of the Coastal Act.

STAFF RECOMMENDATION

Staff recommends that the Commission adopt the following findings in support of its action on September 9, 1998 to certify City of Eureka LCP Amendment No. 1-97 (Plan Update) if modified as suggested.

MOTION I: I move the Commission adopt the following findings to support the action taken on City of Eureka LCP Amendment No. 1-97.

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CITY OF EUREKA LCP AMENDMENT
NO. 1-97 (PLAN UPDATE)
REVISED FINDINGS
PAGE 3

Prevailing Commissioners on both 11-0 votes to certify the LCP Amendment if modified as suggested:

Commissioners Allen, Brothers, Dettloff, Flemming, Johnson, Miller, Potter, Reilly, Tuttle, Wan, and Chairman Areias

A majority of the members prevailing on the motions to certify LCP Amendment No. 1-98 is required to adopt the findings.

I. RESOLUTIONS AND SUGGESTED MODIFICATIONS.

On September 9, 1998, the Commission adopted the following resolutions and suggested modifications:

A. DENIAL OF AMENDMENT NO. 1-97 AS SUBMITTED

Resolution I:

The Commission hereby rejects Amendment No. 1-97 to the Land Use Plan of the City of Eureka Local Coastal Program for the specific reasons discussed in the following findings on the grounds that it does not meet the requirements of Chapter 3 of the Coastal Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects, which the approval of this amendment would have on the environment.

B. APPROVAL OF AMENDMENT NO. 1-97 IF MODIFIED AS SUGGESTED

Resolution II:

The Commission hereby certifies Amendment No. 1-97 to the Land Use Plan of the City of Eureka Local Coastal Program subject to Modifications No. 1 through No. 4 for the specific reasons discussed in the following findings on the grounds that as modified, this amendment and the LUP as thereby amended will meet the requirements of Chapter 3 of the Coastal Act. This amendment, as modified, is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625C and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

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C. SUGGESTED MODIFICATIONS

Modification No. 1

The proposed land use plan designations shall be revised to reflect only changes from the existing LUP designations to their corresponding new designations as set forth in Table B-1 of Appendix B of the General Plan Policy Document, and shall not include any changes in designation that would change the principal and conditional uses allowed by the existing LUP map on any parcel in the coastal zone.

Modification No. 2

The General Plan Land Use Diagram shall be revised to show the urban limit lines within the coastal zone as the lines exist in the existing Land Use Plan map.

Modification No. 3

Proposed Policy 4.A.7 shall be modified as follows (underlined language to be added):

Within the Coastal Zone, the City shall prohibit the extension of urban services (sewer and water) beyond the urban limit line as designated in the Local Coastal Program or into areas with Open Space designations (i.e. Agricultural, Timberland, Natural Resources, Water-Development, and Water Conservation), except that the water system intertie line in the southwestern part of the city shall be permitted to extend outside the urban limit line into these areas, provided no connections for private users shall be allowed outside the urban limit line. No assessments, "readiness to serve" fees, or other costs or encumbrances, including bonded indebtedness, for urban services shall be assessed against lands beyond the urban limit line, except for those lands already provided with urban services, services to existing residential uses on the Lieber parcel, or those lands for which assessments or other costs or encumbrances have been levied prior to July 1, 1984.

Modification No. 4

Proposed Policy 6.A.10 shall be modified as follows (underlined language to be added):

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The City shall support dredging and spoils disposal to avoid significant disruption to aquatic and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

II. FINDINGS

The Commission finds and declares the following for LUP Amendment No. 1-97:

A. **Existing LUP**

The City of Eureka proposes to update the City's certified Land Use Plan and combine the document into the City's General Plan. The existing Land Use Plan was adopted by the City in May of 1984 and certified by the Coastal Commission in July of 1984. The City began issuing coastal development permits in January of 1985.

The certified LUP contains a total of 17 land use designations and 119 policies and implementing actions/programs. The policies of the existing LUP are listed in Exhibit No. 5.

Only a portion of the City of Eureka is within the coastal zone (see Exhibits 1 and 2). The certified LUP only applies within the coastal zone. Outside of the coastal zone, the City's existing General Plan governs land use.

B. **Proposed LUP Amendment**

The principal change proposed in the LUP amendment is to combine the LUP with the City's general plan. The City states the purpose of combining the documents on page B-2 of Appendix B of the proposed LUP:

"In updating its General Plan, the City of Eureka has determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act is to combine the goals, policies, and programs addressing these requirements into a single, unified document."

The combined General Plan and LUP, entitled "City of Eureka General Plan," is intended to replace the existing certified LUP. The new General Plan consists of two documents, including the (1) General Plan Policy Document, and the (2) General Plan Background Report. The first document sets forth all of the land use plan policies and includes as an

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insert a land use plan diagram that shows the proposed land use designations for the City. The General Plan Policy Document is attached as Exhibit No. 4. A reduced and stylized version of the land use plan diagram is attached as Exhibit No. 6

Under the proposed LUP amendment as submitted, the entire General Plan would become the certified Land Use Plan for the City. As a result, the proposed plan addresses many new subjects and contains numerous new policies that are not covered by the existing LUP. As a guide to show how the certified policies of the existing LUP have been incorporated into the proposed LUP, the City prepared the document included as Exhibit 5 of this report. The document lists each certified policy of the existing LUP and indicates the corresponding policy in the new LUP. Although the wording of many of the policies in the proposed LUP is slightly modified from the wording of the corresponding policies in the existing LUP, most of these changes are in the nature of changing from the passive to active voice or updating outdated references. However, in a few cases the policies have been modified in a substantive sense as well.

In addition to changing the scope and presentation of the LUP policies, LUP amendment No. 1-97 as submitted would also would change the land use plan designations. The changes involve changes to (1) the name given to particular land use plan designations to correspond with those designations throughout the City and not just in the coastal zone, and (2) in some cases, changes to the actual land uses allowed on particular parcels.

With regard to the changes in land use designation names, the proposed LUP differentiates between allowable uses within the coastal zone and those allowed elsewhere in the City. Within the coastal zone, a particular land use category has a more detailed and specific listing of the allowable uses that sets restrictions that do not apply outside the coastal zone. The more detailed set of restrictions ensures that the proposed LUP amendment does not create wholesale changes in principal and conditional uses on parcels within the coastal zone. Except as described below, the LUP designated principal and conditional uses within the coastal zone remain the same, albeit with a different category name. A section entitled "Coastal Land Use Designations" on page 1-9 of the proposed LUP (See Exhibit No. 4) explains how this differentiation of allowable uses in and out of the coastal zone works:

"In preparing this General Plan, the City established land use designations that correspond essentially with all of the LCP designations. Table B-1 in Appendix B lists each designation appearing on the Land Use Diagram and indicates the LCP designation with which it corresponds. The Coastal Act requires LCP Land Use Plan designations to include more specificity than that required by State General Plan Law. Accordingly, for each designation appearing on the General Plan Land Use Diagram within the incorporated area of the Coastal Zone, Table B-1 shows the corresponding LCP designation and the more detailed purpose description and

use prescriptions contained in the LUP. Figure B-2 in Appendix B shows the Land Use Diagram designations for the area of the city within the coastal zone.”

In addition to the above-described kind of designation change, the proposed LUP amendment as submitted includes a number of redesignations of parcels within the coastal zone where the underlying principal and conditional uses are in fact proposed to be changed. The properties where these kinds of changes are proposed are generally shown in Exhibit No. 7. The Exhibit shows the proposed changes on a zoning base map. In the existing LUP, the LUP and Coastal Zoning Map share the same designations. Many of the changes in the downtown area involve changing from a CW-Waterfront Commercial designation (which would be labeled under the new designation system as either WFC-Waterfront Commercial, C-WFC-Core Waterfront Commercial, or C-RC-Core Retail Commercial) to other kinds of uses. The old CW-Waterfront Commercial designation was applied to many parts of Old Town to reserve areas for visitor serving uses, a priority land use under the Coastal Act. Many of the new land uses that would be allowed in these areas are not priority uses under the Coastal Act. Among other similar changes is the proposed redesignation of an area currently designated NR-Natural Resources under the existing LUP to PQP-Public/Quasi-Public (Woodley Island). The proposed LCP amendment is limited to an amendment of the LUP, and does not include corresponding changes to the zoning designations.

C. Priority Uses

The Coastal Act establishes certain priority uses which must be protected in favor of allowing other competing uses without priority. Generally, these priority land uses include uses that by their nature must be located on the coast to function, such as ports, and commercial fishing facilities, uses that encourage the public's use of the coast such as various kinds of visitor serving facilities, and uses that protect existing coastal resources such as wetlands and other sensitive habitat, and coastal agriculture. The Coastal Act requires that adequate land be reserved for such uses in the local coastal programs adopted for each coastal city and county.

The proposed LUP amendment includes a number of redesignations of parcels from one kind of land use to another. The locations where such changes are proposed are generally shown in Exhibit No. 7. For the most part, the proposed redesignations include changes from a designation reserving lands for priority uses under the Coastal Act to non-priority uses. For example, the old CW-Waterfront Commercial designation was applied to many parts of Old Town to reserve areas for visitor serving uses, a priority land use under the Coastal Act. The proposed amendment includes a number of changes from designations that would reserve land for visitor serving uses exclusively to designations that would also allow office and other kinds of commercial uses. Another change involves changes in the proposed redesignation of an area on Woodley Island. This area is currently

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designated NR-Natural Resources under the existing LUP and would be changed to PQP-Public/Quasi-Public (Woodley Island). The NR designation was applied to the area because it contains wetlands and other forms of environmentally sensitive habitat that are afforded special protection under the Coastal Act. The proposed new designation would allow certain kinds of commercial uses and other uses that would not reflect the Coastal Act priorities for resource protection.

Other redesignations include changing the designations of certain parcels that now may be suitable for priority uses but which are neither currently nor proposed to be designated for a priority use. For example, a parcel on the Eureka waterfront west of Broadway near the Eureka Boat Basin known locally as the "Balloon Tract" (see Exhibit 7) because of the configuration of old railroad tracks present on the property is proposed to be redesignated from a Public Facilities designation to a General Industrial designation. The designation would allow for "big box" retail uses among other uses. The Commission received testimony during the public hearing on the LCP Amendment from representatives of the Humboldt Bay Harbor Recreation and Conservation District, the Greater Eureka Chamber of Commerce, Citizens for Port Development, the Humboldt Economic Development Forum, County Supervisors, and others who indicated the site is needed to serve port use, a priority under the Coastal Act. The testimony indicated that the parcel is one of the last large vacant parcels along the waterfront that would be suitable for port terminal cargo transfer operations and ancillary railroad uses that would support port terminal uses at the harbor.

The proposed redesignations of parcels would not reflect the coastal land use priorities of the Coastal Act. Therefore, the Commission finds that the proposed redesignation of certain properties generally shown in Exhibit 7 to change the allowable principal and conditional uses to non-priority uses would not be consistent with the Coastal Act.

In denying these LUP redesignations as submitted, the Commission acknowledges in some instances, there may be more land reserved for priority uses than is actually needed. For example, since certification of the original LUP in 1984, much of the area of Old Town designated as CW has not been converted to the visitor serving uses the designation was intended to foster. However, before the Commission could certify a change of these areas to other land use plan designations, the City would need to document that the areas are not needed for their originally designated priority uses. Any future LCP amendment submitted by the City that would convert the CW and other priority use designations to other land uses should include an inventory of the lands designated for such use, an analysis of the current and anticipated future demand for land for such uses, and an identification of sufficient optimal sites that should be retained in the priority use designation to address this demand.

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The Commission also notes that certifying the proposed redesignations that involve changing the allowable principal and conditional uses on the parcel would create a Land Use Plan that is inconsistent with the certified zoning. As noted previously, the proposed LCP amendment only involves proposed changes to the LUP, and not to the certified Implementation Plan (zoning). Although the City intends to submit another LCP amendment at some point in the future that would change the corresponding zoning districts, at least for the interim the LUP and IP would be inconsistent. Such a result would create confusion over what uses would be allowable for projects for which the City processes a coastal development permit during the interim between certification of the proposed LUP and certification of the corresponding IP amendment.

The Commission finds that if the proposed redesignations that change the underlying principal and conditional uses were deleted from the proposed LUP amendment, the proposed amendment would be consistent with the priority use policies of the Coastal Act. Suggested Modification No. 1 suggests that this change be made.

Modification No. 1

The proposed land use plan designations shall be revised to reflect only changes from the existing LUP designations to their corresponding new designations as set forth in Table B-1 of Appendix B of the General Plan Policy Document, and shall not include any changes in designation that would change the principal and conditional uses allowed by the existing LUP map on any parcel in the coastal zone.

The Commission finds that the proposed land use plan redesignations must be modified in accordance with Modification No. 1 to be found consistent with the Coastal Act.

D. New Development

Section 30250 of the Coastal Act states, in applicable part the following:

"New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually, or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and

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CITY OF EUREKA LCP AMENDMENT
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the created parcels would be no smaller than the average size of surrounding parcels.”

A principal tool for implementing Section 30250 of the Coastal Act is the establishment of urban limit lines, which prevent leapfrog development of new residential, commercial, or industrial developments without adequate services to outlying areas and prevent the extension of urban sewer and water lines to areas where development of new residential, commercial, or industrial development is not appropriate. Most Local Coastal Programs include designated urban limit lines in the LCP. The LUP, as certified in 1984 includes urban limit lines near the outskirts of the City and policies that would preclude the extension of services to areas outside the limit lines. The proposed LUP amendment would delete both the designated lines and the policies from the LUP. As such, the Commission finds that the proposed amendment is inconsistent with Section 30250 of the Coastal Act and must be denied as submitted.

Suggested Modification Nos. 2 and 3 call for revising the proposed LUP diagram and the LUP policies in a manner that would retain the urban limit line restrictions of the existing certified LUP

Modification No. 2

The General Plan Land Use Diagram shall be revised to show the urban limit lines within the coastal zone as the lines exist in the existing Land Use Plan map.

Modification No. 3

Proposed Policy 4.A.7 shall be modified as follows (underlined language to be added):

Within the Coastal Zone, the City shall prohibit the extension of urban services (sewer and water) beyond the urban limit line as designated in the Local Coastal Program or into areas with Open Space designations (i.e. Agricultural, Timberland, Natural Resources, Water-Development, and Water Conservation), except that the water system intertie line in the southwestern part of the city shall be permitted to extend outside the urban limit line into these areas, provided no connections for private users shall be allowed outside the urban limit line. No assessments, “readiness to serve” fees, or other costs or encumbrances, including bonded indebtedness, for urban services shall be assessed against lands beyond the urban limit line, except for those lands already provided with urban services, services to existing residential uses on the Lieber parcel, or those lands for which

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assessments or other costs or encumbrances have been levied prior to July 1, 1984.

The Commission finds that the proposed land use plan diagram and proposed Policy 4.A.7 must be modified in accordance with Modification Nos. 2 and 3 to be found consistent with the Coastal Act

E. Dredged Material Disposal

Section 30233(b) of the Coastal Act states in applicable part the following:

Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

The LUP, as certified in 1984, includes a policy (Policy 5.9) virtually identical to Section 30233(b) of the Coastal Act. The proposed LUP amendment proposes to replace Policy 5.9 with a modified policy, Policy 6.A.10. Proposed Policy 6.A.10 states the following:

The City shall support dredging and spoils disposal to avoid significant disruption to aquatic and wildlife habitats and water circulation.

The proposed policy differs from the policy it is intended to replace in that it drops the portion of Policy 5.9 that incorporated the latter part of Section 30233(b), the portion stating:

Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

This portion of Section 30233(b) recognizes the need to address a phenomena evident along many parts of the California coastline, the loss of sediment supply in coastal waters and the resulting diminishment in beach size. Through various forms of human intervention, such as damming rivers, constructing other forms of flood control projects, armoring eroding bluffs, constructing jetties and other structures that interrupt longshore transport, and dredging projects, man has reduced or interfered with the natural supply of sediment in coastal waters that naturally nourishes beaches and builds them back up as erosion occurs. As a result, many California beaches have diminished in size, reducing opportunities for public recreation and enjoyment, and reducing the effectiveness of beaches in protecting backshore areas from wave erosion. Section 30233(b) recognizes how dredging of sediment from harbors and other areas can further reduce the overall

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amount of sediment in the natural system and thereby further reduce naturally occurring beach nourishment. The policy calls for the placement of dredged material suitable for beach replenishment back into the natural system to allow the material to contribute to beach nourishment.

Although loss of sand supply and the diminishment of beaches in California has been most pronounced to date along the southern California coast, the phenomena can only be expected to increase along the northern California coast as more and more water is diverted from rivers, more dams and flood control structures are built, more shoreline bluffs are armored, more dredging occurs, and as other forms of development that interrupt sand supply increase in the future with regional growth.

The proposed amendment would delete a policy in the existing certified City of Eureka LUP that calls for the placement of dredged material suitable for beach replenishment back into the natural system. As such, the Commission finds that the proposed amendment is inconsistent with Section 30233(b) of the Coastal Act and must be denied as submitted.

Suggested Modification No. 4 calls for modifying Proposed LUP Policy 6.A.10 in a manner that retains the policy on placing dredged material suitable for beach replenishment back into the natural system.

Modification No. 4

Proposed Policy 6.A.10 shall be modified as follows (underlined language to be added):

The City shall support dredging and spoils disposal to avoid significant disruption to aquatic and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

The Commission finds that the proposed Policy 6.A.10 must be modified in accordance with Modification No. 4 for the LUP, as amended, to be found consistent with Section 30233(b) of the Coastal Act.

F. CEQA

Pursuant to SB 1873, which amended the California Environmental Quality Act, the Coastal Commission is the lead agency in terms of meeting California Environmental Quality Act (CEQA) requirements for local coastal programs. In addition to making a finding that the

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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)(i) 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 impact which the activity may have on the environment.

As discussed in the findings above, the Commission has suggested a number of modifications to bring the Land Use Plan amendment into full conformance with the requirements of the Coastal Act. As modified, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental effects within the meaning of the California Environmental Quality Act

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CALIFORNIA COASTAL COMMISSION

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SAN FRANCISCO, CA 94105-2219
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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.

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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).

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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

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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.

ATTACHMENT B
17418

SECTION 3

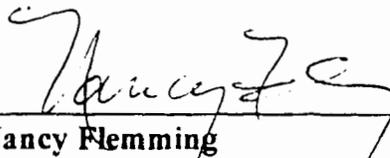
The City Council hereby adopts the Findings of Approval, as described in the staff report, and hereby acknowledges that the modifications required by the Coastal Commission are consistent with the General Plan as approved by the City Council on February 27, 1997, and that the modifications will bring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



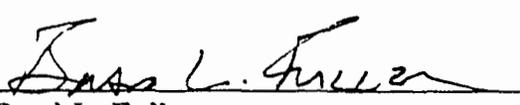
Nancy Flemming
 Mayor of the City of Eureka

Attest:



Kathleen DeVita
 City Clerk

Approved as to form:



Brad L. Fuller
 City Attorney

Approved for Administration:



Harvey Rose
 City Manager

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