

**CALIFORNIA COASTAL COMMISSION**

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# W21a

**DATE:** October 20, 2017

**TO:** Coastal Commissioners and Interested Persons

**FROM:** Alison Dettmer, Deputy Director  
Robert S. Merrill, North Coast District Manager  
Cristin Kenyon, Coastal Analyst

**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Eureka accepting the Commission's certification of LCP Amendment No. LCP-1-EUR-16-0018-1 is legally adequate.

For the Commission meeting of November 8, 2017 in Bodega Bay

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## **BACKGROUND**

The Commission acted on City of Eureka LCP Amendment (LCPA) Application No. LCP-1-EUR-16-0018-1 on June 8, 2017. As submitted, the LCP amendment amends the City's Implementation Plan (IP) to establish regulations and permitting requirements for wireless telecommunication facilities (WTFs). By a series of unanimous votes, the Commission: (1) rejected the amendment to the IP as submitted; and (2) approved the IP amendment with three suggested modifications.

The suggested modifications were added to ensure that the IP will conform with and adequately carry out all applicable policies of the City's certified Land Use Plan (LUP) by: (1) ensuring protection of priority uses, visual resources, and environmentally sensitive habitat areas; (2) ensuring that WTF permit and CDP standards are internally consistent; (3) clarifying when facilities would need a CDP; and (4) ensuring consistency with federal regulation of wireless telecommunication facilities which limits state and local authority with respect to such facilities.

## **EFFECTIVE CERTIFICATION**

On August 15, 2017, the Eureka City Council held a public hearing and adopted Resolution No. 2017-53 acknowledging receipt of the Commission's resolution of certification, accepting and agreeing to the Coastal Commission's modifications, agreeing to issue permits in conformance with the modified LCP, and formally approving the necessary changes to the City's LCP (Exhibit 2). Additionally, at the same hearing, the Board adopted Ordinance No. 859-C.S. amending the IP consistent with the accepted suggested modifications (Exhibit 3). The submitted ordinance only includes those sections of the amendment that include changes resulting from the

Commission's suggested modifications. The full amended text with the Commission's suggested modifications can be found in Appendix A and Exhibit 1 of the Commission's staff report available on the Commission's website under the June 8, 2017 agenda.<sup>1</sup>

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Eureka's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of LCP Amendment No. LCP-1-EUR-16-0018-1 shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Natural Resources, as provided in Public Resources Code Section 2180.5(2)(V).

### **STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Eureka to accept the Commission's certification of LCP Amendment No. LCP-1-EUR-16-0018-1 to adopt the necessary changes to the City's Local Coastal Program are legally adequate, as noted in the attached letter, Exhibit 1 (to be sent after Commission concurrence).

### **EXHIBITS**

1. [Draft Notification of Effective Certification Letter](#)
2. [Resolution No. 2017-53](#)
3. [Ordinance No. 859-C.S.](#)

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<sup>1</sup> <https://www.coastal.ca.gov/meetings/agenda/#/2017/6>