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DATE: October 27, 2017

TO: Coastal Commissioners and Interested Persons

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

SUBJECT: **City of Eureka LCP-1-EUR-16-0046-2 (Part A: Vacation Dwelling Units IP Amendment; and Part B: Mobile Vendors IP Amendment)**

For the Commission meeting of November 8 in Bodega Bay

SUMMARY OF STAFF RECOMMENDATION

The City of Eureka is proposing to amend its Local Coastal Program's (LCP) Implementation Plan (IP) to establish development standards for vacation dwelling units and off-street mobile vendors under two new articles of the City's coastal zoning code, and to allow these uses in certain zoning districts. Part A of the IP Amendment pertaining to vacation dwelling units was adopted by the City under Ordinance No. 839, while Part B pertaining to mobile vendors was adopted by the City under Ordinance No. 921 (Exhibit 6).

Part A: Vacation Dwelling Units

Part A of the proposed amendment would add a new Article 32 to the certified IP to regulate development and operation of vacation dwelling units (VDUs); and would amend Article 29 of the certified IP (Coastal Development Permit Procedures) to add VDUs as a permitted use in the One Family Residential (RS), Multi-Family Residential (RM), Office and Multi-Family Residential (OR), Neighborhood Commercial (CN), and Service Commercial (CS) Districts, and a conditional use in the Commercial Waterfront (CW) District above the ground floor of commercial structures. Under proposed Article 32, existing and new VDUs must secure a Vacation Dwelling Unit Permit ("VDU Permit"), obtain a business license, and be inspected by the City's Building Department to residential standards.

Part B: Mobile Vendors

Part B of the proposed amendment would add mobile vendor regulations to the certified IP as a new Article 19.5, and would amend Article 29 of the certified IP to allow mobile vendors as a

permitted use in the Office and Multi-Family Residential (OR), Neighborhood Commercial (CN), Service Commercial (CS), Planned Shopping Center (CP), Commercial Waterfront (CW), Coastal Dependent Industrial (MC), Limited Industrial (ML), General Industrial (MG), Public (P), and Public Facilities Marina (PF/M) Districts. The amendment only addresses the off-street operation of mobile vendors on private property or public lots. Mobile vendors operating within the street right-of-way are regulated separately under the California Vehicle Code and Chapter 75 of Eureka's municipal code.

While both parts of the amendment as proposed include provisions that help ensure compliance with the coastal resource protection policies of the LCP's land use plan (LUP), staff recommends modifications to address the potential for significant adverse impacts on coastal resources. For example, modifications are recommended to both the proposed vacation dwelling unit and off-street mobile vendor articles to promote the availability of off-street parking near the waterfront consistent with the public access policies of the certified LUP. Another suggested modification is added to the mobile vendor provisions to ensure that adverse impacts on commercial fishing and coastal-dependent industrial priority uses are avoided by (1) removing mobile vendors as an allowable use on Woodley Island (the PF/M District); and (2) allowing mobile vendors on lands reserved and intended for coastal-dependent industry only as a conditional use unless the vendors are incidental to an existing permitted use on the property in question. In addition, a suggested modification is added to the proposed vacation dwelling unit provisions to clarify that a change in density or intensity of use, such as a change from a short-term rental residential dwelling unit to an events venue, would trigger the need for coastal development permit authorization. Finally, suggested modifications are recommended to fix minor errors at the request of the City staff, and to prevent a conflict with another pending IP amendment that addresses related issues.

The City staff has indicated their agreement with Commission staff's suggested modifications. Thus, Commission staff recommends that the Commission reject the proposed VDU and mobile vendor amendment and approve it only as modified to ensure that the amendment is in conformance with and adequate to carry out the certified LUP coastal resource policies.

The appropriate motions and resolutions to adopt the staff recommendation are on [page 4](#).

DEADLINE FOR COMMISSION ACTION

The LCP amendment submittal was determined by the North Coast District Office to be complete and submitted on May 16, 2017. On June 8, 2017, the Commission granted a one-year extension to the 60-day time limit for Commission action on the requested certification of the proposed LCP amendment application. The new date by which the Commission must act upon the amendment is July 15, 2018.

ADDITIONAL INFORMATION

For additional information about the LCP amendment, please contact Cristin Kenyon at the North Coast District Office at (707) 826-8950. Please mail correspondence to the Commission at the letterhead address.

TABLE OF CONTENTS

I. MOTIONS, RECOMMENDATIONS, & RESOLUTIONS	4
A. DENIAL OF IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED	4
B. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODS	4
II. PROCEDURAL ISSUES	5
A. STANDARD OF REVIEW	5
B. PUBLIC PARTICIPATION	5
1. VACATION DWELLING UNIT ORDINANCE.....	5
2. MOBILE VENDOR ORDINANCE.....	5
C. PROCEDURAL REQUIREMENTS	6
III. SUGGESTED MODIFICATIONS	6
IV. FINDINGS AND DECLARATIONS	7
A. AMENDMENT DESCRIPTION	7
1. VACATION DWELLING UNIT ORDINANCE.....	7
2. MOBILE VENDOR ORDINANCE.....	8
B. BACKGROUND	9
C. CONSISTENCY ANALYSIS FOR VACATION DWELLING UNIT ORDINANCE	10
1. VISITOR ACCOMMODATIONS & COASTAL ACCESS PARKING.....	10
2. COASTAL DEVELOPMENT PERMIT REQUIREMENTS.....	13
3. MINOR CORRECTION & FRIENDLY MODIFICATIONS.....	17
4. CONCLUSION.....	17
D. CONSISTENCY ANALYSIS FOR MOBILE VENDOR ORDINANCE	17
1. PROTECTION OF PRIORITY USES.....	17
2. PROTECTION OF COASTAL ACCESS PARKING.....	24
3. CLARIFICATION ON SCOPE OF AMENDMENT.....	29
4. CONCLUSION.....	30
E. CALIFORNIA ENVIRONMENTAL QUALITY ACT	30

APPENDICES

[Appendix A – Suggested Modifications to Proposed Article 32](#)

[Appendix B – Suggested Modifications to Proposed Article 19.5](#)

[Appendix C – Suggested Modifications to Amended Article 29](#)

EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – City of Eureka’s Coastal Zone](#)

[Exhibit 3 – Zoning Map of Eureka](#)

[Exhibit 4 – Parking Assessment District Map](#)

[Exhibit 5 – Resolutions of Transmittal of IP Amendment](#)

[Exhibit 6 – Ordinances of Adoption of IP Amendment](#)

I. RESOLUTION

A. DENIAL OF IP AMENDMENT NO. LCP-1-EUR-16-0046-2, AS SUBMITTED:

Motion:

I move that the Commission reject Implementation Plan Amendment No. 1-LCP-EUR-16-0046-2 as submitted by the City of Eureka.

Staff recommends a **YES** vote on the foregoing motion. Passage of the motion will result in rejection of the implementation plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of Commissioners present.

Resolution 1 to deny certification of the implementation plan amendment as submitted:

The Commission hereby denies certification of the Implementation Plan Amendment No. 1-LCP-EUR-16-0046-2 as submitted by the City of Eureka on grounds that the implementation plan amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. Certification of the implementation 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 implementation program amendment as submitted.

B. CERTIFICATION OF IP AMENDMENT NO. LCP-1-EUR-16-0046-2, WITH SUGGESTED MODIFICATIONS:

Motion:

I move that the Commission certify Implementation Program Amendment No. 1-LCP-EUR-16-0046-2 for the City of Eureka if it is modified as suggested in this staff report.

Staff recommends a **YES** vote. Passage of this motion will result in certification of the implementation program amendment 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 2 to certify the implementation plan amendment with suggested modifications:

The Commission hereby certifies Implementation Plan Amendment No. 1-LCP-EUR-16-0046-2 for the City of Eureka if modified as suggested on grounds that the implementation plan as amended, conforms with and is adequate to carry out the provisions of the certified land use plan. Certification of the implementation plan amendment will comply with the requirements of the California Environmental Quality Act, because either: 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the

implementation plan 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.

II. PROCEDURAL ISSUES

A. STANDARD OF REVIEW

The Coastal Act provides:

The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter...

...The Commission may only reject ordinances, zoning district maps, or other implementing action 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 the 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. (Section 30513)

The Commission may suggest modifications... (Section 30513)

The standard of review for the proposed amendment to the Implementation Plan (Zoning Ordinance) of the City of Eureka's certified Local Coastal Program (LCP), pursuant to Section 30513 and 30514 (regarding amendments) of the Coastal Act, is whether the implementation plan (IP) would be in conformance with, and adequate to carry out, the provisions of the certified land use plan (LUP).

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City held separate public hearings on Parts A and B of the LCP amendment as follows:

1. Part A: Vacation Dwelling Unit Ordinance

Eureka's Planning Commission held a public hearing on the vacation dwelling unit ordinance on February 8, 2016 which was continued to March 14, 2016. In the interim, a public workshop and a special study session of the Planning Commission were both held on February 22, 2016 to allow the general public and the Planning Commission more time to discuss the specifics of the ordinance. After action by the Planning Commission on March 14, 2016, the City Council held a public hearing on the subject of this amendment request on June 7, 2016 and adopted the amending ordinance (Ordinance No. 839-C.S.) on July 5, 2016. In addition, City staff met with vacation rental owners and managers early on in the process to acquire insight as to how local vacation rentals are managed.

2. Part B: Mobile Vendors Ordinance

The City hosted a public workshop regarding mobile vending on January 7, 2016 and restaurant-owner input sessions on March 7 and April 26, 2016. The City Planning Commission held a public hearing on the subject of this amendment request on March 14, 2016 that was continued to May 9, 2016 and again to June 13, 2016. The City Council held a public hearing on July 5, 2016 and adopted the amending ordinance (Ordinance No. 843-C.S.) on July 19, 2016.

All hearings for both Parts A and B of the proposed amendment were noticed to the public consistent with Sections 13551 and 13552 of Title 14 of the California Code of Regulations. Notice of the subject amendment has been distributed to all known interested parties.

C. PROCEDURAL REQUIREMENTS

Pursuant to Section 13551(b) of Title 14 of the California Code of Regulations, the City resolution for submittal may specify that a LCP amendment will either require formal local government adoption after the Commission approval, or that it is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513, and 30519. In this case, the City's two Resolutions of Transmittal of the VDU and mobile vendor ordinances to the Commission for certification (Resolution Nos. 2016-63 and 2016-64) state that they will take effect automatically. Therefore, if the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary. Should the Commission certify the LCP amendment subject to suggested modifications, acceptance of those suggested modifications by the Eureka City Council and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations will be required in order for the amendment to take effect. Should the Commission deny the LCP amendment as submitted without suggested modifications, no further action is required by either the Commission or the City, and the proposed LCP amendment will not become effective.

III. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed IP amendment, which are necessary to make the requisite LUP consistency findings. If the City of Eureka accepts each of the suggested modifications within six months of Commission action, by formal resolution of the City Council, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished.

A. Part A: Vacation Dwelling Unit Ordinance

Suggested Modification 1: Modifications to proposed new Article 32 of Eureka's Coastal Zoning Code Title 10, Chapter 5

All suggested modifications to proposed new Article 32 are shown in [Appendix A](#).

Suggested Modification 2: Modification removing amendment to Title 8, Chapter 5 of the City's municipal code

Remove Section 1 of Ordinance No. 839-C.S. amending Title 8, Chapter 5 of the City's municipal code (See Exhibit 6, pg. 1).

B. Part B: Mobile Vendor Ordinance

Suggested Modification 3: Modifications to proposed new Article 19.5 of Eureka's Coastal Zoning Code Title 10, Chapter 5

All suggested modifications to proposed new Article 19.5 are shown in [Appendix B](#).

Suggested Modification 4: Modifications to Article 29 of Eureka's Coastal Zoning Code Title 10, Chapter 5

Relevant excerpts from Article 29 with changes proposed by the City and modifications suggested by Coastal Commission staff are shown in [Appendix C](#).

Suggested Modification 5: Approval contingent on certification of LCP-1-EUR-17-0001-1

The mobile vendor provisions approved by the Commission with suggested modifications in its action on LCP-1-EUR-16-0046-2 shall not become effective unless and until LCP-1-EUR-17-0001-1 is certified by the Commission and has taken effect.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. AMENDMENT DESCRIPTION

1. Part A: Vacation Dwelling Unit Ordinance

The proposed ordinance (Ordinance No. 839-C.S.) would add a new Article 32 to the certified IP to regulate development and operation of vacation dwelling units (VDUs), also known as short-term vacation rentals. Article 32 defines a VDU as an entire dwelling that provides complete independent living facilities for one or more persons and is contracted for transient use for any period of time less than 30 consecutive days. A VDU is differentiated from a lodging house or bed and breakfast inn (two existing uses in the certified IP) by the fact that a VDU is rented in its entirety, whereas lodging houses and bed and breakfast inns rent individual rooms.

Proposed Article 32 specifies that a VDU may either be a principal dwelling or a legally established secondary dwelling unit, and any newly constructed VDU shall comply with the development standards and building requirements for residential dwellings. The intent of these regulations is to only allow VDUs in existing or newly-created legally established residential dwellings.

In addition to adding new Article 32 to the IP, the vacation dwelling unit ordinance amends Article 29 of the IP (Coastal Development Permit Procedures) to include vacation dwelling units in the list of permitted uses in the One Family Residential (RS) District. Residential uses permitted in the RS District are also permitted in the Multi-Family Residential (RM), Office and Multi-Family Residential (OR), Neighborhood Commercial (CN), and Service Commercial (CS) Districts, and are conditionally permitted in the Commercial Waterfront (CW) District provided the residential units are located above the ground floor of commercial structures. Therefore adding VDUs to the list of permitted uses in the RS District results in VDUs also becoming principally permitted in the RM, OR, CN, and CS Districts and conditionally permitted in the

CW District above the ground floor. Proposed Article 32 specifies that dwellings in the CW District existing legally at the time of application for a vacation dwelling unit permit do not require a conditional use permit (i.e. if a residential dwelling is already permitted in the CW District with a use permit, the dwelling can be converted to a vacation dwelling unit without securing of an additional use permit).

Under Proposed Article 32, existing and proposed new VDUs must secure a Vacation Dwelling Unit Permit (“VDU Permit”), obtain a business license, and be inspected by the Building Department to residential standards. The VDU Permit is authorized by the Planning Director without discretionary review or hearing, is subject to annual review and no-fee renewal, and is fully transferable to new property owners. Owners of existing VDUs are required to apply for a permit within six months of the effective date of the chapter and diligently pursue the application until approved.

Proposed Article 32 also includes a number of standards for the development and operation of VDUs, including but not limited to standards for the number of VDUs permitted on an individual property, signage, parking, occupancy, visitors, and the designation of a local emergency contact person. In terms of occupancy, Article 32 limits the number of occupants to two per bedroom plus two additional occupants, and limits the total number of visitors and occupants to twice the maximum number of occupants. Article 32 allows for events exceeding the visitor occupancy limits upon issuance of an “Events Permit” or “Extra Events Permit” without discretionary review or hearing.

Finally, the proposed Article 32 regulations include provisions for public notice and appeals of VDU Permit decisions, standards for taxes and fees, and procedures for addressing violations. With respect to enforcement, the proposed IP amendment allows for the Planning Director to revoke a VDU Permit if (1) the vacation dwelling unit owner or emergency contact is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period; (2) more than two documented law enforcement violations occur in any 12-month period; (3) the VDU is deemed chronically non-compliant with the provisions of Title 10, Chapter 5 of the certified IP; or (4) the permittee is negligent or remiss in correcting noted Building or Fire Code violations or issues. The IP amendment also specifies that a VDU permit will lapse and become void by February 1st of each year unless the business license for the vacation dwelling unit is renewed and in good standing, all applicable taxes and fees are paid, and there are no outstanding Police, Fire, or Building Department violations.

2. Part B: Mobile Vendor Ordinance

The proposed mobile vendor ordinance (Ordinance No. 843-C.S.) introduces mobile vendors to the City’s IP as a new, separately regulated commercial use. Specifically, the proposed ordinance adds mobile vendor regulations under proposed new Article 19.5, and adds mobile vendors as an allowable use in a number of zoning districts. The ordinance only addresses the off-street operation of mobile vendors on private property or public lots. Mobile vendors operating within the street right-of-way are regulated separately under the California Vehicle Code and Chapter 75 of Eureka’s municipal code.

Proposed new Article 19.5 (“Mobile Vendors”) includes relevant definitions and siting and operational standards for mobile vendors. Article 19.5 defines a mobile vendor as “any vehicle from which a product is made, sold, or distributed at retail.” Proposed standards for mobile

vendors include prohibitions on (1) operating within 25 feet of any street intersection, (2) obstructing pedestrian or vehicular traffic, and (3) blocking a driveway or alleyway. The standards also include requirements that mobile vendors maintain a clearly designated waste receptacle in the immediate vicinity of the vehicle, and that mobile vendors and associated equipment be removed from the site of operation when not in operation (i.e. actively vending).

In addition, Article 19.5 specifies that operation of a mobile vendor on City-owned property, exclusive of public right-of-way, requires approval by City Council unless the mobile vendor is operating under a special use permit. Other than this requirement for Council approval of vending on City-owned properties, Article 19.5 does not include any information on permitting requirements for mobile vendors. According to City staff, in order to vend within City limits, mobile vendors must fill out a “Mobile Vendor Application Form” to secure a business license.

In addition to adding new Article 19.5 to the IP, the mobile vendor ordinance amends Article 29 of the IP (Coastal Development Permit Procedures) by adding mobile vendors to the list of permitted uses in all mixed-use, commercial, industrial, and public zoning districts. These districts include the Office and Multi-Family Residential (OR), Neighborhood Commercial (CN), Service Commercial (CS), Planned Shopping Center (CP), Commercial Waterfront (CW), Coastal Dependent Industrial (MC), Limited Industrial (ML), General Industrial (MG), Public (P), and Public Facilities Marina (PF/M) Districts. Under the proposed ordinance, mobile vendors would not be allowed to operate on natural resource or agricultural lands or in residential districts other than the OR District, except in the street right-of-way.

B. BACKGROUND

The City of Eureka (“City”) is located on the north coast of California in Humboldt County, approximately 300 miles north of San Francisco and 100 miles south of the Oregon border (Exhibit 1). The City sits on the eastern shore of Humboldt Bay, one of California’s larger coastal estuaries and the only deep water port between San Francisco and Coos Bay, Oregon. The City has an estimated population of approximately 27,000 and occupies approximately 10,500 acres.¹

The western, northern, and northeastern edges of the City are located within the coastal zone (Exhibit 2). The coastal zone boundary predominately follows Broadway (Highway 101), 3rd Street, and Myrtle Avenue along the western, northern, and eastern edges of the City, respectively. The City’s coastal zone also includes Indian, Daby, and Woodley Islands. Commercial and industrial lands dominate the City’s coastal zone in addition to large areas designated for natural resources and coastal agriculture (Exhibit 3).

¹ Information in this section is sourced from:

ESA (2015, June). *City of Eureka Community Background Report*. Prepared for the City of Eureka General Plan Update.

Laird, A., Trinity Associates (2016). *City of Eureka Sea Level Rise Assets Vulnerability and Risk Assessment, Appendix*. Prepared for the City of Eureka.

Table 1. Parcels and acreage of each zoning district in the coastal zone²

Zoning District	Number of Parcels	Acreage of Parcels
Coastal Agricultural (AC)	16	616
Neighborhood Commercial (CN)	9	7
Planned Shopping Center (CP)	9	52
Service Commercial (CS) & CS-Planned Development	340	259
Waterfront Commercial (CW)	139	80
Coastal Dependent Industrial (MC)	42	152
General Industrial (MG)	56	110
Limited Industrial (ML)	49	35
Natural Resources (NR)	88	834
Office and Multi-Family Residential (OR)	93	21
Public (Works) (P)	43	122
Multi-Family Residential (RM)	75	20
One-Family Residential (RS)	91	66
Conservation Water (WC)	19	1925
Development Water (WD)	30	90
Totals	1,099 parcels	4,389 acres

The City’s LCP was certified by the Commission on July 26, 1984, and a comprehensive update of the LUP was effectively certified on April 16, 1999. The City is currently preparing another comprehensive update to the LUP, and is also planning a comprehensive update of the IP in the near future.

Properties within the City receive water from the Mad River provided by the Humboldt Bay Municipal Water District, and rely on the City’s wastewater collection system and City-owned Elk River Wastewater Treatment Plant for wastewater disposal.

C. CONSISTENCY ANALYSIS FOR VACATION DWELLING UNIT ORDINANCE

1. Visitor Accommodations and Coastal Access Parking

The City’s certified LUP includes a number of policies related to preserving public access to and along the waterfront, including the provision of adequate off-street parking facilities. LUP Coastal Recreation and Access Policies 5.B.4, 5.B.9, and 5.B.10 state in applicable part [*emphasis added*]:

5.B.4. ***The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline, consistent with protecting environmentally sensitive habitats, by:***

...

² Data provided by the City of Eureka’s Development Services Department. Note: if a parcel is partially in the coastal zone, the whole area is included in the acreage total.

- c. **Allowing only such development as will not interfere with the public's right of access to the sea, where such right was acquired through use or legislative authorization.**

5.B.9. *The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. **Off-street parking shall be provided in the waterfront area;** however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.*

5.B.10. **To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.**

In addition, LUP Core Area Waterfront Policy 1.D.5 states [**emphasis added**]:

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.

Visitor-serving uses, including visitor accommodations, are a priority-use under the Coastal Act and the City's certified LUP. Policy 1.D.5 of the LUP requires that opportunities for visitor-serving uses along the waterfront are expanded and enhanced. The Commission has found that vacation dwelling units (VDUs), also known as short-term vacation rentals, can provide an important visitor serving asset. VDUs can increase public coastal access, opening up a trip to the coast for many families that might not otherwise be able to afford more expensive hotel options.

Prior to the currently proposed VDU regulations, which took effect in the inland portion of the City in 2015, the City had not explicitly regulated residential vacation rentals. Despite the fact that VDUs were not a listed use in any zone district, the City estimated that approximately thirty to forty vacation dwelling units operated throughout the City prior to adoption of the VDU regulations. As described above, under the proposed regulations, the City would allow VDUs in any legally established dwelling in any zoning district that allows residences. Owners of existing VDUs must apply for a VDU permit within six months of the effective date of the chapter and come into compliance with the new VDU standards. The new regulations do not set a cap on the number of VDUs that can operate in the City or include any standards that would discourage or effectively prohibit VDUs. The Commission finds that the proposed regulations on VDUs adequately protect visitor-serving opportunities consistent with the certified LUP.

Although VDUs are a visitor-serving use that can draw people to Eureka's waterfront, VDUs could potentially negatively impact public access to Humboldt Bay by affecting the availability of parking near the shoreline. Eureka's certified LUP includes policies prohibiting development that would interfere with the public's right of access to the shoreline, ensuring universal public access to the waterfront, and ensuring the provision of public access support facilities, including off-street parking.

Under the City's proposed ordinance, a VDU is required to be a residence before it can be converted to a VDU, so that residential off-street parking requirements must be met prior to any conversion to a VDU. Therefore, unless a reduced amount of parking is grandfathered for an

existing residential use, the site should (in the case of existing structures) or will (in the case of new construction) conform to the residential off-street parking requirements for the zone in which it is located. Residential off-street parking requirements are found in Article 15 of the certified IP (“Off-Street Parking Facilities”). For a one-family dwelling, Article 15 requires two spaces; and for all other dwellings, Article 15 requires one space per dwelling unit plus one additional space for each two dwelling units except in the OR or C Districts. The City’s coastal zone also includes one parking assessment district which largely covers the Commercial Waterfront District of the City’s “Old Town” where only one space per dwelling unit is required (Exhibit 4).³

Proposed Article 32 requires (1) that existing off-street parking spaces at a VDU, including covered parking, as required for dwellings in Article 15 of the certified IP, are reserved for occupants of the vacation dwelling unit; and (2) that occupants of vacation dwelling units be encouraged to park in existing, legal off-street parking spaces [§10-5.3212(f)]. In addition, proposed Article 32 limits the number of occupants and the number and hours of visitors allowed at VDUs in part to mitigate impacts on parking. Section 10-5.3213(b) limits the number of occupants to two per bedroom plus two additional occupants (not counting children age eight and younger), and Section 10-5.3213(c) limits the total number of visitors and occupants to twice the maximum number of occupants and prohibits visitors between 1:00 a.m. and 7:00 a.m. in Office Residential and commercial districts, and between 10:00 p.m. and 7:00 a.m. in the remainder of the residential districts.

The Commission has certified a number of VDU ordinances in other coastal municipalities that have stricter parking regulations. For instance, certain jurisdictions limit the number of vehicles of overnight occupants to the number of designated on-site parking spaces (Santa Cruz, Encinitas, and Dana Point), set a ratio that ties the allowable number of occupants to the number of off-street parking spaces (Trinidad), or prohibit the use of on-street parking by short term renters (San Luis Obispo). Eureka instead treats a VDU as a type of residence beholden to the same off-street parking standards of Article 15 as other residential dwelling units. The City does not require that property owners or long-term tenants use off-street parking spaces, and the City does not propose stricter standards for short-term tenants. However, short term renters are different than owners and long-term renters of residences in that short term renters are likely not residents of the City, and therefore are less likely to be aware of City regulations. Therefore it makes sense to require some form of education of short term renters about the existence and use off-street parking, where the same type of education for long-term tenants may not be necessary.

To ensure that renters of VDUs are aware of parking and occupancy standards, Section 10-5.3213(h) of proposed Article 32 requires a Good Guest Guide to be prominently placed for the occupants’ use inside the VDU. A “Good Guest Guide” is defined under Section 10-5.3202.1 as *“a document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking, occupancy limits, emergency response, and minimizing noise and quiet hours shall be included.”*

³ Article 15 also has a provision allowing payment of a fee per required parking space in lieu of providing parking facilities in a CN or CW Districts. The payment is required to be used by the City exclusively for the purpose of acquiring and developing off-street parking facilities located, insofar as practical, in the vicinity of the use for which the payment was made.

Although proposed Article 32 defines the Good Guest Guide to include provisions on parking and occupancy, the definition does not specify what provisions on parking and occupancy must be included. This lack of specificity could result in a failure to disclose occupancy limits and off-street parking availability to short-term renters. In Eureka's proposed regulatory framework for VDUs, the Good Guest Guide is necessary to communicate the standards of Article 32 to VDU occupants who are short-term visitors to Eureka and likely not aware of the local standards. If visitors are not provided with information on parking and occupancy standards, visitors are more likely to impact off-street parking availability near the waterfront inconsistent with the coastal access policies of the LUP. Therefore **Suggested Modification 1** modifies the proposed definition of "Good Guest Guide" to specify that provisions for parking consistent with Section 10-5.3212(f) and occupancy limits consistent with Section 10-5.3213(b)-(c) shall be included in the Good Guest Guide (Appendix A, pg. 33). These references to the relevant code sections must be added to ensure that the Good Guest Guide does not only include parking and occupancy provisions, but explicitly encourages use of existing, legal off-street parking spaces and explicitly states occupant and visitor limitations consistent with the relevant standards of Article 32.

Other than requirements for a designated local emergency contact person (§ 10-5.3205), an application fee (§ 10-5.3206), and a Building Department inspection [§10-5.3207(a)], proposed Article 32 is silent on application requirements or criteria for approval of VDU Permits. Without information on the number of bedrooms and off-street parking spaces at a proposed vacation dwelling unit, the City cannot implement the maximum occupancy limits and off-street parking availability requirements of proposed Article 32. As these standards are necessary to ensure that vacation dwelling units do not impact coastal access parking consistent with the LUP, they need to be enforceable. To ensure that the City obtains adequate information from VDU permit and permit-renewal applicants to evaluate the consistency of an application with the LCP including the consistency of the application with the proposed VDU regulations, and to ensure the limit on occupants and the parking requirements are clarified for each VDU, **Suggested Modification 1** also adds a provision to Article 32 requiring that the maximum number of occupants and visitors consistent with 10-5.3213(b)-(c) and the number of available off-street parking spaces consistent with 10-5.3212(f) are included as terms of the permit (Appendix A, pg. 34). As modified to include off-street parking and occupancy numbers in the terms of the VDU Permit, the proposed Article ensures compliance with provisions that will promote the availability of street parking near the waterfront consistent with the public access policies of the certified LUP.

2. Coastal Development Permit Requirements

The City's certified IP, Article 29 (Coastal Development Permit Procedures), Section 10-5.29302 requires coastal development permit authorization for proposed development within the Coastal Zone [*Emphasis added*]:

Except as provided in Section 10-5.29303 below, any applicant wishing to undertake a development (defined in Section 10-5.2906.2(u)) in the coastal zone shall obtain a coastal development permit in accordance with the provisions of this article, in addition to any other permit required by law. Development undertaken pursuant to a coastal development permit shall conform to the plans, specifications, terms and conditions approved in granting the permit. The procedures prescribed herein may be used in conjunction with other procedural

requirements of the approving authority, provided that the minimum requirements as specified herein are assured.

Section 10-5.2906.2 (cited in the proceeding quotation) defines development consistent with the Coastal Act as follows [***Emphasis added***]:

“Development” shall mean, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; ***change in the density or intensity of use of land***, including but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Article 29, Section 10-5.2906.3 defines “dwelling” and dwelling unit” as follows:

“Dwelling” shall mean a one-family dwelling or multi-family dwelling other than an automobile trailer, hotel, motel, labor camp, camp car, tent, railroad car, or temporary structure.

“Dwelling unit” shall mean one or more rooms and a single kitchen designed for occupancy by one family for living and sleeping purposes.

Proposed Article 32 defines “vacation dwelling unit,” “transient use,” “occupant,” “visitor,” and “event” as follows:

“Vacation dwelling unit” shall mean an entire dwelling which is contracted for transient use. The dwelling shall provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A vacation dwelling unit is differentiated from a lodging house or Bed and Breakfast Inn (as defined in Sec.10-5.106.2(f) in that a vacation dwelling unit is rented in its entirety, whereas lodging houses and Bed and Breakfast Inns rent individual rooms. Bed and Breakfast Inns go further by having a full time resident inhabiting the dwelling unit, and may provide one or more meals to occupants.

“Transient Use” shall mean any contractual use of a dwelling or portion thereof for residential or sleeping purposes by an occupant, for any period of time which is less than 30 consecutive days.

“Occupant” shall mean a person in possession of, or with the right to use, any public or private dwelling or lodging for sleeping purposes. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental unit.

“Visitor” shall mean a guest of an occupant visiting temporarily at a vacation dwelling unit, but not an overnight “occupant.”

“Event” shall mean any use of a structure or land for a limited period of time. “Event” shall include but is not limited to art shows, religious revivals, concerts, fundraisers, weddings, and receptions. “Event” does not mean small parties and social gatherings within maximum occupancy limits.

VDUs as residences

Proposed Article 32 defines a vacation dwelling unit as an entire dwelling contracted for transient use, and the certified IP defines dwelling unit to mean one or more rooms and a single kitchen designed for occupancy by one family for living and sleeping purposes. Dwelling units occupied by owners, long-term renters, or short-term renters arguably have the same intensity of use, so that converting a long-term dwelling unit into a vacation dwelling unit does not constitute a change in density or intensity of use requiring a coastal development permit. However, if a new residential structure must first be build, or a structure accommodating a commercial or other use must first be converted into a residence before a VDU can be established, then that initial residential construction or use conversion would require a coastal development permit if not otherwise exempt or excluded from the need for a CDP. Because proposed Article 32 requires a VDU to be a residence before it can be converted to a VDU, VDU conversions will not require coastal development permits.

The intent of Article 32 is to only allow conversion of existing dwelling units to VDUs. If instead, for example, a commercial structure were allowed to be converted to a VDU without first being permitting as a residential structure and coming into compliance with residential standards, then the VDU ordinance would need to require additional development standards and additional information on the application of coastal development permitting requirements to ensure compliance with the residential policies and regulations of the certified LCP.

Although the intent of the ordinance is to only allow existing dwellings to become VDUs, the relevant development standard states, *“a vacation dwelling unit may either be a principal dwelling or a legally established secondary dwelling unit”* [Section 10-5.3212(d)]. Ambiguities in the language of this standard fail to ensure that VDUs are only permitted in legally established dwellings (e.g. the absence of a specification that residential status must come first). Therefore **Suggested Modification 1** modifies Section 10-5.3212(d) to specify that *“only a legally established principal dwelling or a legally established secondary dwelling unit may be converted into a vacation dwelling unit”* (Appendix A, pg. 36). This amended language will ensure that concurrent with or prior to application for a VDU permit in the Coastal Zone, an applicant will

be required to obtain all necessary permits for the construction or conversion of a building for a residence and to meet all standards for residential development contained in the certified LCP.

Special event venues

Although the proposed amendment is described as a VDU amendment to the municipal code, the amendment also includes special event regulations, including provisions for the ministerial issuance of "Event Permits" and "Extra Events Permits." As proposed, Article 32 limits the number of VDU occupants to two per bedroom plus two additional occupants (not counting children age eight and younger), and limits the total number of visitors and occupants to twice the maximum number of occupants (e.g., a two bedroom unit with a six occupant limit, may have a total of twelve people at one time) [Section 10-5.3213(b) & (c)]. Events exceeding the visitor occupancy limit may be permitted with a ministerial Event Permit at no cost to the applicant.

The proposed amendment specifies that applications for Event Permits shall include the total number in attendance and the hours during which the event will take place and shall be filed at least five working days prior to the event [Section 10-5.3213(d)]. The proposed amendment limits the number of Event Permits for a VDU to three Event Permits per month, with a maximum of six events per year in residential districts, and a maximum of twelve events per year in Office Residential and commercial districts [Section 10-5.3213(e)]. In addition, the proposed amendment allows a vacation dwelling unit to exceed the total allowable number of events with an Extra Events Permit approved by the Planning Director [Section 10-5.3213(e)]. The proposed regulations do not include application requirements or criteria for approval of an Extra Events Permit.

In summary, under the proposed amendment, dwelling units are allowed to become VDUs with a ministerial "VDU Permit;" VDUs are allowed to host a certain number of events per year with a ministerial "Event Permit" for each event; and VDUs are allowed to host an unlimited number of additional events with a ministerial "Extra Events Permit" for each additional event. While it can be argued that a VDU use has similar impacts on coastal resources and access as a residential use (e.g., a VDU with the same occupancy as a permanent residence will likely have similar water, wastewater, and parking needs), a dwelling used as a special events venue is a higher intensity of use than a residence.

Section 10-5.29302 of Article 29 of the City's IP requires that any applicant wishing to undertake development in the Coastal Zone must obtain a CDP, unless the project falls under a type or class of development listed in Section 10-5.29303 that is exempt from the need for a CDP. "Development" as defined by Section 30106 of the Coastal Act and Section 10-5.2906.2 of the City's certified IP includes a change in the density or intensity of use of land. Renting a residential structure out for large scale events exceeding maximum VDU visitor occupancy limits is a change in the intensity of use of that structure with potential coastal resource impacts, including impacts on coastal access by reducing the availability of parking near the waterfront. Consequently, using a VDU as an events venue constitutes development requiring a CDP.

Proposed Article 32 does not indicate whether CDPs are required when exceeding maximum visitor occupancy limits to use a VDU as an events venue. Therefore, **Suggested Modification 1** adds language specifying that a change in the density or intensity of use resulting from the use of a vacation rental unit as an event venue with events exceeding the visitor occupancy limit shall require coastal development permit authorization pursuant to Article 29 of the City's IP

(Appendix A, pg. 37). Adding this requirement to proposed Article 32 of the IP prevents misapplication of the LCP's CDP requirements, which would prevent the IP amendment from adequately carrying out the policies of the LCP with respect to the administration of CDPs.

3. Minor Correction and Friendly Modifications

The following section addresses a superficial error in proposed Article 32 and "friendly" modifications requested by City staff.

Minor correction

Section 10-5.3203(a) of proposed Article 32 states that a VDU permit is required prior to operation of a VDU, and that "*pursuant to Cal. Government Code § 65852.2, review of the vacation dwelling unit permit shall be ministerial, without discretionary review or a hearing.*" California Government Code Section 65852.2 regulates accessory dwelling units, not short-term rentals and does not apply. Therefore **Suggested Modification 1** removes reference to the code section (Appendix A, pg. 34).

Friendly modifications

- Proposed Article 32 includes a number of references to the City's inland Hospital Medical (HM) District. As proposed, Article 32 only applies to the coastal zone and there is no HM District in the coastal zone. At the City's request, **Suggested Modification 1** removes references to the HM District from Article 32.
- The amending ordinance (Ordinance No. 839-C.S.) includes an amendment to Title 8, Chapter 5 of the City's municipal code. This title of the City's municipal code is not presently part of the City's certified LCP and the City does not intend to append Title 8 into the LCP. Therefore **Suggested Modification 2** removes Section 1 of Ordinance No. 839-C.S. amending Title 8 (See Exhibit 6, pg. 1).

4. Conclusion

The Commission finds that the amendment must be denied as submitted because the VDU standards as proposed do not minimize impacts on public access parking near the waterfront and do not include information on coastal development permit requirements necessary to ensure the provisions of the LUP are adequately carried out. Thus, only with suggested modifications to ensure visitors are notified of required off-street parking and occupancy limits and to reference coastal development permitting requirements for the use of residential structures as event venues can the IP as amended be found consistent with and adequate to carry out the certified LUP.

D. CONSISTENCY ANALYSIS FOR MOBILE VENDOR ORDINANCE

1. Protection of Priority Uses

The City's LUP is embedded within a City-wide General Plan. Components of the General Plan designed to meet Coastal Act requirements are noted with a wave symbol. In addition, an Appendix B is attached to the General Plan that describes which of the land use maps, policies, and programs of the overall City-wide General Plan comprise the LUP.

With regard to the designated land uses, the general intent and purpose of land use designations is first described in Part II (Goals, Policies, and Programs), Section 1 (Land Use and Community

Design) of the General Plan and then the more specific uses applicable in the Coastal Zone are listed in Table B-1. The “Land Use Designations” subsection of Part II, Section I of the General Plan describes the “coastal dependent industrial” designations within the City’s downtown “Core Area” and/or the city at large, as follows:

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. 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.

<i>CORE COASTAL-DEPENDENT INDUSTRIAL (C-CDI)</i>	
<i>Primary Uses</i>	<i>Secondary Uses</i>
<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 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.⁴</i>

Coastal Dependent Industrial (CDI)

The 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 industrial uses related to shipping or the fishing industry. The maximum FAR for buildings in areas designated CDI is 0.50.

⁴ Appendix A (Policy Document Glossary) of the LUP defines “commercial uses incidental to the primary coastal dependent industrial use” 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.*

Table B-1 within Appendix B (Coastal Land Use Policy) of the City’s General Plan lists each of the General Plan land use designations that occur in the City’s Coastal Zone and “shows the corresponding LUP designation, 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” (Appendix B, Land Use Diagram). Below is an excerpt from Table B-1 showing the coastal dependent industrial and Woodley Island land use designations and their stated purposes [*emphasis added*]:

GP Designation(s)	LCP-LUP Designation(s)	LCP-IP (Zoning) Designation(s)	Purpose(s)
C-CDI Core Coastal Dependent Industrial	C-CDI Core Coastal Dependent Industrial	MC Coastal-Dependent Industrial	<i><u>To protect and reserve parcels on, or adjacent to, the Bay for coastal- dependent and coastal-related uses.</u></i>
CDI Coastal Dependent Industrial	CDI Coastal Dependent Industrial	MC Coastal-Dependent Industrial	<i><u>To protect and reserve parcels on, or adjacent to, the Bay for coastal- dependent and coastal-related uses.</u></i>
PQP Public/Quasi- Public (Woodley Island)	PQP Public/Quasi- Public (Woodley Island)	PF/M Public Facilities/Marina	<i><u>To encourage, protect, maintain, and provide public commercial marina fishing boat and related fishing industry facilities at the 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.</u></i>

In addition, the following LUP policies related to coastal-dependent industry and commercial fishing are relevant.

LUP, Land Use and Community Design, Land Use and Development Framework Policy 1.A.5 states [*emphasis added*]:

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.

LUP Industrial Development Policy 1.M.7 states [*emphasis added*]:

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.

LUP Commercial Development Policy 1.L.11 and Water Transportation Policy 3.G.1 states [*emphasis added*]:

The City shall protect and, where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. Existing commercial fishing and recreational boating space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. New recreational boating facilities shall, to the maximum extent feasible, be designed and located so as not to interfere with the needs of the commercial fishing industry.

LUP Coastal Recreation and Access Policy 5.B.3 states [***emphasis added***]:

The City shall promote the maintenance of and, where feasible, shall provide, restore, or enhance facilities serving commercial and recreational boating, including party or charter fishing boats.

Allowable use and compatibility with land use designations

The proposed amendment would add off-street mobile vendors as a principally permitted use in the Office and Multi-Family Residential (OR), Neighborhood Commercial (CN), Service Commercial (CS), Planned Shopping Center (CP), Commercial Waterfront (CW), Coastal Dependent Industrial (MC), Limited Industrial (ML), General Industrial (MG), Public (P), and Public Facilities Marina (PF/M) Districts. On-street vendors are regulated separately under the California Vehicle Code and Chapter 75 of Eureka's municipal code and are not considered a land use covered by the City's LCP; therefore on-street vending would continue to be allowed in all zoning districts.

Perhaps the most common off-street model of vending is when an operator obtains permission from a brick-and-mortar business owner to vend in the business's parking lot. The business owner allows the mobile vendor because the vendor pays rent, attracts potential customers onto the premise, and/or provides an amenity for employees of the business (e.g. a place to eat). Sometimes off-street mobile vendors congregate in a "pod," often on vacant or underutilized lots.

In certain cases, off-street mobile vendors may constitute an accessory structure or use. Accessory structures and uses are already permitted in various zoning districts under the City's certified IP. Article 29 of the certified IP defines "accessory structure" and "accessory use" as follows:

"Structure, accessory" shall mean a subordinate structure, the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use.

"Use, accessory" shall mean a use which is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Pursuant to these definitions, to qualify as an accessory use or structure, a mobile vendor would need to be located on the same site as an existing use, and would need to be appropriate, subordinate, and customarily incidental to the existing use. For example, a food truck that locates on an industrial site during lunchtime to serve the employees of the site may constitute a use

accessory to the main industrial use of the site, similar to an employee cafeteria. The certified IP includes accessory uses and structures in the lists of allowable uses in the OR, CW, CN, CS, CP, ML, MG, and P districts. Therefore certain mobile vendors are already allowed under the existing certified IP in these commercial, industrial, and public districts.

It is important to note that accessory structures and uses are not explicitly allowed in the City's Coastal-Dependent Industrial (MC) and Public Facilities Marina (P/FM) Districts. In these districts, additional land use exclusions are applied to ensure that lands are reserved and protected for coastal priority uses. A mobile vendor that is not subordinate or incidental to an existing use, such as a mobile vendor operating on a vacant lot, would not constitute an accessory structure or use. By adding mobile vendors as a separate use type in specific zoning districts, the City would ensure that this type of non-accessory, off-street mobile vendor would also be permitted in the City.

The City is proposing to add mobile vendors as a permitted use in the commercial and mixed-use districts in the coastal zone (the OR, CN, CS, CP, and CW Districts). As retail establishments, mobile vendors are a commercial use consistent with the purpose of these commercial and mixed-use districts and corresponding land use designations.

The City is also proposing to add mobile vendors as a permitted use to the Limited Industrial (ML), General Industrial (MG), and Public (P) Zoning Districts. In addition to being retail establishments, mobile vendors are also vehicles that are temporarily parked on a property; they do not occupy a permanent space on the ground or require any permanent site improvements. Proposed Article 19.5 even requires that mobile vendors and their associated equipment be removed when not in use, precluding mobile vendors from parking overnight at their site of operation. Given these characteristics, mobile vendors are compatible with the general and light industrial and public zoning districts and land use designations as they can operate on a site concurrently with industrial and public service facility uses.

Finally, the City is proposing to add mobile vendors as a permitted use to the Coastal-Dependent Industrial (MC) and Public Facilities Marina (P/FM) Districts. The purpose of these districts and corresponding land use designations are to preserve waterfront lands for coastal-dependent industrial and commercial fishing facility uses, respectively. As these are priority uses under the Coastal Act and the City's LUP, the addition of mobile vendors as permitted uses in the MC and P/FM Districts requires additional scrutiny.

Coastal-dependent industrial lands

The amending ordinance would establish mobile vendors as a permitted use in the Coastal Dependent Industrial (MC) District. Lands zoned Coastal-Dependent Industrial in the City have either a Coastal-Dependent Industrial (CDI) or Core Coastal-Dependent Industrial (C-CDI) land use designation. The stated purpose of the coastal-dependent industrial designations is to protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses.⁵

⁵ The definitions of "coastal-dependent" and "coastal-related" are found in Appendix A of the LUP:

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

Coastal-related development – any use that is dependent on a coastal-dependent development or use.

Currently, the principal uses in these districts and corresponding designations are restricted to coastal-dependent industrial uses, while the conditional uses also include coastal-related and public service facilities. The C-CDI designation in particular conditionally allows for “commercial uses incidental to the primary coastal dependent use,” which are defined as commercial uses that “are minor in significance, and subordinate and directly related to the primary coastal-dependent industrial uses for which the area is designated,” including, but 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.”

A mobile vendor could potentially be coastal-related, if, for example, the vendor were selling products sourced from an onsite coastal-dependent use (e.g. a vendor selling locally-sourced seafood at a commercial fishing facility), or products for a coastal-dependent use (e.g. bait and tackle). A mobile vendor could also constitute a “commercial uses incidental to the primary coastal dependent use,” if the mobile vendor were subordinate to and directly related to a coastal-dependent industrial use, such as a food truck serving lunch to workers at an active coastal-dependent industrial site.

However, certain mobile vendors would neither be coastal-related nor constitute “commercial uses incidental to the primary coastal dependent use.” Mobile vendors selling food or other merchandise unrelated to coastal-dependent industry on vacant coastal-dependent industrial lots would fall under this category. Similarly, a pod of off-street mobile vendors temporarily converting a coastal-dependent industrial lot into a commercial property would not be a coastal-related or incidental use. Therefore allowing all mobile vendors as permitted uses in the MC District is inconsistent with the certified LUP.

Nevertheless, even mobile vendors that are not coastal-related or incidental to an existing permitted use may be consistent with the intent of the coastal-dependent industrial designations if allowed as conditional uses in the MC District. The primary intent of the CDI designation is to encourage industrial uses related to shipping or the fishing industry, while the intent of the C-CDI designation is to encourage fisheries related industrial uses west of C Street. Mobile vendors by nature are temporary as they are vehicles that, under proposed Article 19.5, are required to leave the site of operation when not in operation. The lack of physical infrastructure related to the mobile vendor means that no physical impediment would be left on the site that might hinder a coastal-dependent use in the future. Because mobile vendors are nonpermanent and relocatable, allowing them on coastal-dependent industrial lands could promote greater use of underutilized lands while at the same time avoiding impacts to the long term coastal-dependent industrial use of the lands. As a temporary, self-contained use, mobile vendors would not likely supplant, displace, or prevent development of existing or future priority uses whose functionality depends on proximity to the shoreline. Permitting mobile vendors as a conditional use would ensure that proposed off-street mobile vendor operations in the coastal zone would require coastal development permit approval, as under the City’s IP, a use permit triggers the need for a CDP. Specific impacts to coastal-dependent industrial priority uses resulting from individual mobile vendor projects would be assessed through the coastal development review process so that an individual project’s compliance with the purpose and intent of the CDI and C-CDI land use designations would be assured.

Thus **Suggested Modification 4** modifies amended Article 29 to allow mobile vendors “incidental to an existing permitted use” as a permitted use in the MC District, and to add mobile vendors “not incidental to an existing permitted use” as a conditional use in the MC District (Appendix C, pg. 58). This suggested modification ensures that only mobile vendors that serve an existing permitted use are principally permitted in the MC District, while other types of mobile vendors would be assessed on an individual basis through the conditional use and CDP permitting processes to ensure there is no detrimental impact on existing coastal-dependent industrial uses or other priority uses, nor on the future long term use of MC-zoned land for coastal-dependent industrial uses.

The City has requested that mobile vendors “not incidental to an existing permitted use” require a minor use permit rather than a standard use permit, to expedite use permit processing for this relatively small and temporary use. The City has submitted an IP amendment (Amendment No. LCP-1-EUR-17-0007-1) to establish a minor use permit process in addition to the City’s standard use permit process. This amendment is also scheduled for hearing at the November 2017 Commission meeting. In order for mobile vendors to be added as a conditional use requiring a minor use permit, Amendment No. LCP-1-EUR-17-0007-1 must first be certified. Therefore, **Suggested Modification 5** stipulates that the mobile vendor provisions of LCP-1-EUR-16-0046-2 shall not become effective unless and until LCP-1-EUR-17-0007-1 is certified by the Commission and has taken effect.

As modified, the proposed IP amendment conforms with and adequately carries out the Coastal-Dependent Industrial land use designation and priority use provisions of the certified LUP.

The Woodley Island Marina

The City proposes to add mobile vendors as a conditional use in the Public Facility/Marina (PF/M) District. Woodley Island Marina is the only area in the City zoned PF/M. The corresponding land use designation is PQP Public/Quasi-Public (Woodley Island). The stated purpose of this designation is to encourage, protect, maintain, and provide public commercial marina fishing boat and related fishing industry facilities at Woodley Island Marina consistent with the project description for the original permit for the marina issued by the Commission in 1979 and its subsequent amendments.⁶

The Woodley Island CDP converted a previously undeveloped island into the array of uses that exist today. The CDP covered development of the entire island including dredging and spoils deposition, development of the marina berths, development of shoreside commercial fishing and recreational boating support facilities, and preservation of a wildlife habitat preserve. The permit was approved prior to the certification of the LCP and thus the uses authorized in the permit became the basis for establishing the land use classification and zoning district.

The Woodley Island Marina is the primary commercial fishing marina in Humboldt Bay and thus a principal area supporting the fishing industry. The City’s certified LUP contains policies requiring the City to protect and promote the maintenance of, and where feasible, upgrade, provide, restore, and enhance facilities serving the commercial fishing and recreational boating industries (LUP Policies 1.L.11 and 5.B.3).

⁶ See CDP NCR-76-C-369 (aka 1-84-169), and CDPs 1-84-169-A1 through A5.

The LUP reserves the Woodley Island Marina for existing and potential future commercial fishing and recreational boating facilities by only allowing uses specifically permitted in the 1979 CDP and its subsequent amendments. To add mobile vendors as an allowable use at Woodley Island, an LUP amendment would first be required to amend the purpose of the PQP (Woodley Island) designation to allow for mobile vendors. As no corresponding LUP amendment is proposed, the proposed IP amendment must be denied. Therefore, **Suggested Modification 4** removes mobile vendors from the list of permitted uses in the PF/M District (Appendix C, pg. 63).

As modified, the proposed IP amendment conforms with and adequately carries out the Woodley Island Marina land use designation and commercial fishing priority use provisions of the certified LUP.

2. Protection of Coastal Access Parking

As previously mentioned, the City's certified LUP includes a number of policies related to preserving public access to and along the waterfront, including the provision of adequate off-street parking facilities. LUP Coastal Recreation and Access Policies 5.B.4, 5.B.9, and 5.B.10 state in applicable part [*emphasis added*]:

5.B.4. **The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline**, consistent with protecting environmentally sensitive habitats, by:

...

c. **Allowing only such development as will not interfere with the public's right of access to the sea**, where such right was acquired through use or legislative authorization.

5.B.9. *The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. **Off-street parking shall be provided in the waterfront area**; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.*

5.B.10. **To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.**

In addition, LUP Core Area Waterfront Policy 1.D.5 states [*emphasis added*]:

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.

The proposed ordinance would allow mobile vendors to operate off-street on private property or on public lots in a variety of zoning districts along the City's waterfront. Mobile vendors are a visitor-serving amenity that can promote public access by attracting visitors to the waterfront, fostering a pedestrian-oriented atmosphere, and activating coastal destinations. Eureka's

waterfront suffers from a significant number of vacant properties and underutilized lands, some of which have become associated with criminal activities, resulting in disuse and abandonment of some waterfront properties. Because of their mobile nature, small size, and relatively low start-up costs, mobile vendors face fewer obstacles than brick-and-mortar businesses in establishing near the waterfront in close proximity to coastal access and recreational facilities. Mobile vendors located in underutilized areas of the Eureka waterfront may increase the perception of safety and draw customers to coastal destinations they might not otherwise visit, thereby promoting public access consistent with the public access policies of the LCP and Coastal Act.

Mobile vendors could however potentially negatively impact coastal access by reducing the amount of public parking available near the waterfront. The City's coastal zone is largely less than a quarter mile wide from the shoreline of Humboldt Bay to its inland boundary. As a result, most locations a mobile vendor could park in the coastal zone are within walking distance of the waterfront. Eureka's certified LUP includes policies that prohibit development that interferes with the public's right of access to the sea and require the maximum provision of public access support facilities, including off-street parking⁷ in the waterfront area. Mobile vendors may reduce the availability of coastal access parking either directly by occupying off-street parking spaces that would otherwise be used for access to the waterfront, such as spaces in public parking lots along the waterfront; or indirectly by increasing demand for parking near the waterfront. Mobile vendors may increase demand for parking by occupying existing off-street parking already required to serve an existing use, and/or by generating additional vehicle trips as a result of the vendor's own employees and customers.

Requiring new off-street parking spaces

As mentioned above, mobile vendors may increase demand for parking near the coast. As a result, it is necessary to consider if mobile vendors must provide off-street parking to mitigate for the parking demand created by their employees and customers.

The proposed IP amendment amends Article 29 to add "mobile vendors" to the list of permitted uses in a number of zoning districts. Article 29 specifies that off-street parking facilities shall be provided for each listed use as prescribed in Article 15 of Chapter 5 of the certified IP. Therefore by adding mobile vendors as a listed use, the City is regulating mobile vendors as development subject to the parking requirements of Article 15.

Article 15 of the City's certified IP requires off-street parking spaces to be provided incidental to new uses and major alterations and enlargements of existing uses, and includes a schedule for calculating the number of required off-street parking spaces for different use types.

Pursuant to Article 15, off-street parking is required "at the time of initial occupancy," so that the siting of a mobile vendor on a previously empty lot would require the mobile vendor to provide off-street parking. Article 15 also requires off-street parking for "major alteration, or enlargement of a site," which is defined as "a change of use or an addition which would increase

⁷ Pursuant to §10-5.2906.10(c) of the certified IP, off-street parking facilities "shall mean a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas."

the number of parking spaces required by not less than 10% of the total number required.” Article 15 requires one space per 300 square feet for retail sales. As mobile vendors are typically 200 square feet or less, a mobile vendor would require one parking space. Therefore the operation of a mobile vendor in a lot with ten parking spaces or less would constitute a major alteration requiring additional parking (if the site does not already have excess parking beyond what is required to serve existing uses).

Because the City is proposing to add mobile vendors as a listed permitted use in a number of zoning district, and the code already requires the provision of off-street parking for listed permitted uses, there is no need to add a requirement for additional off-street parking into Article 19.5.

Occupation of off-street parking spaces required to serve existing permitted uses

Mobile vendors also have the potential to impact public access parking by occupying existing parking spaces that would otherwise be occupied by people accessing existing uses, causing people to park in other on or off-street spaces, reducing the overall supply of available parking near the waterfront.

Article 15 specifies that if more than one use is located on a site, the number of parking spaces provided shall equal the sum of the requirements for each use, and that off-street parking facilities for one use cannot be considered as providing required off-street parking facilities for any other use (§§10-5.1506.1 and 10-5.1506.2). In addition, Article 15 prohibits an off-street parking facility from being reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the parking requirements of Article 15 (§10-5.1506.3).

Mobile vendors’ use of parking spaces already required to serve an existing use would conflict with the off-street parking requirements contained in Article 15 of the certified IP, which are necessary to ensure adequate parking capacity near the waterfront. As adequate overall parking capacity near the waterfront is necessary to protect public access parking facilities, compliance with Article 15 is necessary to ensure consistency with the public access policies of the certified LUP.

Therefore **Suggested Modification 3** adds a standard to proposed Article 19.5 expressly requiring that off-street mobile vendors only occupy parking spaces not required to meet the minimum parking requirements of existing permitted uses pursuant to Article 15 of the certified IP (Appendix B, pg. 40). This standard will ensure that mobile vendors operating in existing parking lots will only occupy parking spaces in excess of the required minimum of the host location, thereby protecting coastal access consistent with the requirements of the certified LUP.

Adequate public access capacity in the Commercial Waterfront (CW) District

Although Suggested Modification 3 prevents the loss of off-street parking required to serve existing uses, the standard does not address mobile vendors’ use of public parking lots not required to serve existing uses but necessary to provide coastal access parking.

The City’s public access and recreational amenities along the bay include trails, boardwalks, public plazas, parks, scenic vista points, piers, docks, and marinas. The City operates a number of public parking lots that support piers, boat launches, the California Coastal Trail, and other

public access and recreational facilities. These off-street public parking lots, include, but are not limited to, lots at the foot of Hilfiker Lane, Truesdale Street, and Del Norte Street (zoned Coastal-Dependent Industrial); lots at the Wharfinger Building and the Inner Boat Basin (zoned Coastal-Dependent Industrial and Waterfront Commercial); and lots in various locations throughout the City's commercial core in the coastal zone, which includes the City's visitor-serving Old Town (primarily zoned Waterfront Commercial). In addition, the Harbor District operates public parking lots at the Woodley Island Marina (zoned Public Facilities/Marina).

As described in the previous section related to the protection of priority uses, **Suggested Modification 4** removes mobile vendors as an allowable use at the Woodley Island Marina and only allows mobile vendors not serving an existing permitted use in the Coastal-Dependent Industrial (MC) District as a conditional use (Appendix C, pgs. 58 & 63). As a result, mobile vendors would not be allowed to occupy public access parking at the Woodley Island Marina, and would only be allowed in the City's MC-zoned public parking lots as a conditional use. As a conditional use, mobile vendor operations in the MC District would be assessed on an individual basis through the conditional use and CDP permitting processes and thus any impact to coastal access parking could be avoided and mitigated for at the time of permitting to ensure consistency with the certified LUP.

The City is also proposing mobile vendors as a permitted use in the Commercial Waterfront (CW) zoning district. While mobile vendors would be consistent with the visitor-serving purpose of the CW District and corresponding land use designations, their conversion of parking spaces in public parking lots for retail operations could adversely impact the availability of coastal access parking near the waterfront, since many of the City's public parking lots near the waterfront are zoned CW.

In addition, Article 15 ("Off-Street Parking Facilities") of the City's certified IP includes two exceptions to minimum parking requirements that relate to the CW District. First, in a designated municipal parking assessment district, only residential structures are subject to off-street parking requirements. Currently the City has one designated municipal parking assessment district that covers much of the City's visitor-serving Old Town, which is predominately zoned CW (Exhibit 4). Second, in a CN or CW District, or in an OR District within 200 feet of a CN or CW District, in lieu of providing parking facilities, the off-street parking requirements may be satisfied by payment to the City of an amount per parking space. These exceptions already reduce the supply of off-street parking in the CW District, so that any additional impact imposed by mobile vendors can be significant.

Mobile vendors' impact on coastal access parking availability depends on the City's public parking capacity near the waterfront, the current demand for parking in the vicinity of the waterfront, and the potential number of mobile vendors that would occupy parking spaces. The highest demand for parking in the coastal zone is experienced in the "Old Town" CW District which extends north to south from Humboldt Bay to 3rd Street and west to east from B Street to I Street.

The City has conducted occupancy counts in seven City-owned lots⁸ in the “Old Town” CW District each summer from 2011-2017. Parking occupancy counts in 2017 indicated that the average occupancy of these seven lots combined varied from 59 percent at 9:00 a.m. to 75 percent at 11:00 a.m., and that peak occupancy of individual lots ranged from 34% to 100%. Two of the seven lots reached 100% occupancy in 2017, while two remained below 50% average occupancy. The average occupancy percentages for years 2011 through 2017 are similar (see table below). These parking counts indicate that localized shortages of parking exist but overall parking supply is greater than demand in the Old Town area near the waterfront.

Table 2. City parking occupancy counts.

Lot	# of spaces	Total average % occupancy 2011-17	Peak average occupancy 2011-17
1 st between C and D	23	69%	85% in 2014 and 2015
1 st and D	34	83%	92% in 2014 and 2016
1 st and E	25	90%	100% in 2016 and 2017
2 nd and H	33	91%	100% in 2015
3 rd and I (metered)	31	29%	44% in 2011
3 rd between E&F	18	79%	100% in 2015 and 2017
3 rd and D (metered)	39	30%	51% in 2016

According to City staff, the City has issued eight mobile vendor licenses in 2016 and 2017 (personal communication on September 27, 2017). Given that Eureka’s urban waterfront is some seven miles long, all eight of these vendors could easily be accommodated along the City’s waterfront without impacting coastal access. However more vendors may seek licenses and vendors may concentrate in already congested areas to maximize potential customers. Under the proposed regulations there is no set limit on the overall number of off-street mobile vendors or the number in any one parking lot. Therefore while the impact of one vendor in a public access parking lot could be insignificant, there is the potential for cumulative adverse impacts to occur.

Because the CW District includes many of the City’s public access parking lots and the busiest portion of the City’s waterfront (Old Town) and because large portions of the CW District qualify for exceptions to off-street parking requirements under Article 15, the proposed addition of mobile vendors as a permitted use in the CW District could adversely impact coastal access by reducing the amount of public parking available near the waterfront inconsistent with certified LUP policies. Therefore the mobile vendor amendment as submitted is inconsistent with the certified LUP and must be denied.

In discussions between Commission and City staff about how to ensure the proposed development standards are consistent with and adequate to carry out the certified LUP, City staff proposed a modification whereby only mobile vendors occupying 5% or less of the parking spaces in an existing off-street lot would be principally permitted in the CW District, while mobile vendors occupying more than 5% of the parking spaces in an existing off-street lot would be conditionally permitted with a requirement for a minor use permit. This standard suggested by

⁸ The seven lots are located at: (1) 1st Street between C and D Streets; (2) 1st Street and D Street; (3) 1st Street and E Street; (4) 2nd Street and H Street; (5) 3rd Street and I Street; (6) 3rd Street between E and F Streets; and (7) 3rd Street and D Street. The 3rd and I Street and 3rd and D Street lots are metered, and the 3rd and I Street lot has 10 reserved spaces (out of 31).

City staff would trigger additional permitting when one mobile vendor proposes to operate within parking spaces at an existing parking lot with less than 20 spaces total, or when multiple vendors occupy more than 5% of a larger parking lot's spaces.

As not all off-street mobile vendors would be operating in existing parking lots (for instance, a mobile vendor could locate in a vacant lot), the additional standard would allow mobile vendors in the CW District as a permitted use when there would be no impact on the availability of public parking, consistent with the visitor-serving purpose of the CW District. In addition, the standard would discourage mobile vendors from siting in small lots or congregating in one public or private parking lot to the point of significantly reducing the number of parking spaces available for the general public, as that would trigger the need for additional permitting. As the occupation of a large proportion of any one public access parking lot has the most direct and likely effect on the availability of coastal access parking, the added standard suggested by City staff effectively targets those situations that require the most scrutiny with additional permitting requirements.

Thus, **Suggested Modification 4** modifies amended Article 29 to only allow mobile vendors "occupying 5% or less of the spaces in an existing off-street parking lot" as a permitted use in the CW District, and to add mobile vendors "occupying more than 5% of the parking spaces in an existing off-street parking lot" as a conditional use in the MC District (Appendix C, pgs. 45, 47-48). This suggested modification ensures that mobile vendors that have the greatest potential to impact coastal access parking would be assessed on an individual basis through the conditional use and CDP permitting processes to ensure there is no detrimental impact.

The City has requested that mobile vendors "occupying more than 5% of the parking spaces in an existing off-street parking lot" in the CW District require a minor use permit rather than a standard use permit, to expedite use permit processing for this relatively small and temporary use. As previously mentioned, the City has submitted an IP amendment (Amendment No. LCP-1-EUR-17-0007-1) to establish a minor use permit process that has not yet been certified by the Commission. Therefore, in order for mobile vendors to be added as a conditional use requiring a minor use permit, **Suggested Modification 5** stipulates that the mobile vendor provisions of LCP-1-EUR-16-0046-2 shall not become effective unless and until LCP-1-EUR-17-0007-1 is certified by the Commission and has taken effect.

As modified, the proposed IP amendment conforms with and adequately carries out the coastal access provisions of the certified LUP and the Coastal Act.

3. Clarification on Scope of Amendment

The City is proposing to add a new Article 19.5 to the City's IP with standards for off-street mobile vendors, and to amend the lists of permitted uses in a number of zoning districts to allow "mobile vendors as prescribed in Article 19.5" as an allowable use. The proposed ordinance only addresses the off-street operation of mobile vendors on private property or in public lots. Mobile vendors operating within the street right-of-way are regulated separately under the California Vehicle Code and Chapter 75 of Eureka's municipal code.

While it is the City's intention to only regulate off-street mobile vendors under the IP, the distinction between on and off-street vending is not made clear in the proposed amendment. To clarify that the proposed new "mobile vendor" land use does not include mobile vendors in the street right-of-way, **Suggested Modification 3** changes the title of Article 19.5 from "Mobile

Vendors” to “Off-street Mobile Vendors,” and adds a “purpose” section that clarifies that Article 19.5 provides a set of standards for the off-street operation of mobile vendors on public and private properties, and that mobile vendors operating in the public right-of-way are regulated separately under Chapter 75 of Eureka’s Municipal Code and the California Vehicle Code (Appendix B, pg. 41).

4. Conclusion

The Commission finds that the amendment must be denied as submitted because the mobile vendor standards as proposed do not minimize impacts on public access parking near the waterfront and do not include adequate protection of commercial fishing and coastal-dependent industrial priority uses. Thus only with suggested modifications to prohibit mobile vendors in existing off-street parking spaces already designated for existing permitted uses and to make mobile vendors in certain instances a conditional use rather than a permitted use on lands reserved for priority uses can the IP as amended be found consistent with and adequate to carry out the certified LUP.

E. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As part of its local action on the subject LCP amendment, on August 16, 2016, the City of Eureka City Council, per Title 14, Section 15061 of the California Code of Regulations (“CEQA Guidelines,”) invoked the “general rule” exception to environmental review as otherwise required under CEQA, finding the vacation dwelling unit and mobile vendor ordinances not to have the potential for causing a significant effect on the environment (Resolution Nos. 2016-63 and 2016-64). In such cases where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

As set forth in section 21080.9 of the California Public Resources Code, CEQA also exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Therefore, local governments are not required to prepare an EIR in support of their proposed LCP amendments, although the Commission can and does use any environmental information that the local government submits in support of its proposed LCP amendment. Instead, the CEQA responsibilities are assigned to the Coastal Commission, and the Commission's LCP review and approval program has been found by the Resources Agency to be the functional equivalent of the environmental review required by CEQA, pursuant to CEQA Section 21080.5. Therefore the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in approving an LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed 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 [14 CCR §§ 13542(a), 13540(f), and 13555(b)].

The City’s LCP amendment consists of an implementation plan (IP) amendment. The Commission incorporates its findings on land use plan (LUP) conformity into this CEQA

finding as it is set forth in full. The IP amendment as originally submitted does not conform with and is not adequate to carry out the policies of the certified LUP with respect to priority land uses, the provision of coastal access facilities, and coastal development permitting requirements.

The Commission, therefore, has suggested modifications to bring the IP amendment into full conformance with the certified LUP. As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act. Absent the incorporation of these suggested modifications to effectively mitigate potential resource impacts, such a finding could not be made.

The Commission finds that the Local Coastal Program Amendment, as modified, will not result in significant unmitigated adverse environmental impacts under the meaning of CEQA. Further, future individual projects would require CDPs, issued by the City of Eureka, and in the case of areas of original jurisdiction, by the Coastal Commission. Throughout the Coastal Zone, specific impacts to coastal resources resulting from individual development projects are assessed through the coastal development review process; thus, an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts.

APPENDIX A:

SUGGESTED MODIFICATIONS TO PROPOSED ARTICLE 32

Modifications suggested by Commission staff to proposed new Article 32 have been added to the text of the proposed article to better provide context for the changes.

Language of proposed Article 32 is shown in plain text.

The Commission's suggested additions are shown in **bold, double-underlined text.**

The Commission's suggested deletions are shown in ~~**bold, double-strike-out text.**~~

ARTICLE 32. VACATION DWELLING UNITS

Sec.10-5.3201. Purposes.

The specific purposes of vacation dwelling unit regulations are:

- (a) To provide the opportunity for vacation rentals for transient use within residential and commercial districts.
- (b) Regulate the location and number of vacation dwelling units within Eureka;
- (c) To mitigate impacts on parking by requiring the use of existing off-street parking facilities;
- (d) To protect the visual appearance and character of residential and commercial districts;
- (e) To minimize disruptions to surrounding neighborhoods, and;
- (f) To ensure that all vacation dwelling units are operating with valid Eureka business licenses and paying all applicable taxes and fees.

Sec.10-5.3202. Definitions.

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

10-5.3202.1

(a) “Event” shall mean any use of a structure or land for a limited period of time. “Event” shall include but is not limited to art shows, religious revivals, concerts, fundraisers, weddings, and receptions. “Event” does not mean small parties and social gatherings within maximum occupancy limits.

(b) “Good Guest Guide” shall mean a document provided to occupants by the property owner that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking **consistent with 10-5.3212(f)**, occupancy limits **consistent with 10-5.3213(b)-(c)**, emergency response, and minimizing noise and quiet hours shall be included.

10-5.3202.2

(a) “Occupant” shall mean a person in possession of, or with the right to use, any public or private dwelling or lodging for sleeping purposes. As used in this chapter, an occupant is a person sleeping overnight at a vacation rental unit.

(b) “Property” shall mean a parcel of land in its entirety, including all structures within the parcel boundaries.

10-5.3202.3

(a) “Transient Use” shall mean any contractual use of a dwelling or portion thereof for residential or sleeping purposes by an occupant, for any period of time which is less than 30 consecutive days.

(b) “Vacation dwelling unit” shall mean an entire dwelling which is contracted for transient use. The dwelling shall provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A vacation dwelling unit is differentiated from a lodging house or Bed and Breakfast Inn (as defined in Sec.10-5.106.2(f) in that a vacation dwelling unit is rented in its entirety, whereas lodging houses and Bed and Breakfast Inns rent individual rooms. Bed and Breakfast Inns go further by having a full time resident inhabiting the dwelling unit, and may provide one or more meals to occupants.

(c) “Visitor” shall mean a guest of an occupant visiting temporarily at a vacation dwelling unit, but not an overnight “occupant.”

Sec.10-5.3203. Permit required.

(a) An approved vacation dwelling unit permit shall be obtained prior to operation. ~~Pursuant to Cal. Government Code § 65852.2, r~~Review of the vacation dwelling unit permit shall be ministerial, without discretionary review or a hearing. **The maximum number of occupants and visitors consistent with 10-5.3213(b)-(c) and the number of available off-street parking spaces consistent with 10-5.3212(f) shall be included as terms of the permit.**

(b) Individual properties with multiple vacation dwelling units need only acquire a single vacation dwelling unit permit; however, property owners adding a new vacation dwelling unit to an existing permit shall be required to reapply for a vacation dwelling unit permit.

(c) Vacation dwelling unit permits shall be subject to annual review and no-fee renewal by the Department of Community Development.

(1) A vacation dwelling unit permit shall lapse and become void by February 1st of each year unless the business license for the vacation dwelling unit is renewed and in good standing, all applicable taxes and fees are paid, and there are no outstanding Police, Fire, or Building Department violations.

(2) If a vacation dwelling unit permit lapses, a new vacation dwelling unit permit shall be required.

(d) Unless a lapse occurs pursuant to paragraph (c), above, approval of a vacation dwelling unit permit shall run with the land and shall be fully transferable to new property owner provided the new property owner obtains a business license within two months of the purchase of the property.

Sec. 10-5.3204. Applications

Applications for vacation dwelling unit permits shall be filed with the Director of Planning on forms provided by the Department of Community Development.

Sec. 10-5.3205 Emergency contact.

Each vacation dwelling unit applicant shall designate a local emergency contact person on the application form, including a twenty-four-hour emergency contact phone number. That person may be either the property owner, property manager, or designee, and that person shall live within 50 miles of the City limits so that he/she can respond personally to an emergency. The Development Services Department shall forward the emergency contact phone number to the Eureka police dispatch, and shall notify the property owners within 75 feet of the property. The property owner shall immediately notify the Community Development Department in writing of any changes to the designated emergency contact person or number.

Sec.10-5.3206. Fees.

Vacation dwelling unit permit applications shall be accompanied by fees established by resolution of the City Council to cover the cost of handling the application, noticing, and inspections as prescribed in this article. Existing vacation dwelling units in operation prior to the effective date of this chapter shall not be subject to the vacation dwelling unit permit fee, provided the unit has a history of operating with a valid business license and has paid all applicable taxes.

Sec.10-5.3207. Inspections.

(a) Each vacation dwelling unit shall be inspected to residential standards by the Building Department before a vacation dwelling unit permit is approved. Inspections of the dwelling unit by the Building Department, occurring within the one year period prior to the application date for a Vacation Dwelling Unit permit, may satisfy the inspection requirement, as determined by the Building and Development Services Departments.

(b) Additional inspections may be required at the discretion of the Chief Building Official. The cost of any required inspection shall be borne by the vacation dwelling unit owner.

Sec.10-5.3208. Notice.

(a) Except as provided in paragraph (d) below, in all R Districts, within 5 days of the approval or conditional approval of a vacation dwelling unit permit by the Director of Planning, written notice shall be mailed to the applicant and to all property owners within 75 feet of the vacation dwelling unit property.

(1) The notice shall include the twenty-four-hour emergency contact number for the vacation dwelling unit, and the procedure to appeal pursuant to Section 10-5.3209.

(b) Within 5 days of approval, conditional approval, or denial of a vacation dwelling unit permit by the Director of Planning, written notice shall be mailed to the applicant, including the procedure to appeal pursuant to Section 10-5.3209.

(c) In ~~HM-OR~~ and C Districts, no notice to adjacent property owners shall be required.

(d) In all R Districts, existing vacation dwelling units in operation prior to the effective date of this chapter shall not be subject to the noticing requirements in paragraph (a) above, provided the unit has a history of operating with a valid business license and has paid all applicable taxes.

A written letter including the twenty-four-hour emergency contact number for the vacation dwelling unit shall be mailed to property owners within 75 feet of the vacation dwelling unit property.

Sec.10-5.3209. Appeals.

(a) Except as provided in paragraph (b) of this section, within 30 days following the decision of the Director of Planning on a vacation dwelling unit permit application, the decision may be appealed to the Planning Commission by the applicant or any property owner located within 75 feet of the vacation dwelling unit property. An appeal shall be filed with the City Clerk, and state specifically wherein it is claimed there was an error or abuse of discretion by the Director of Planning. Notice of the date, time and place of an appeal to the Planning Commission shall be provided to all property owners located within 75 feet of the vacation dwelling unit property at least 10 days prior to the appeal meeting.

(b) The decision of the Director of Planning to deny the annual permit renewal may be appealed to the Planning Commission solely by the applicant.

Sec.10-5.3210. Business license required.

Following the approval of a vacation dwelling unit permit, the property owner or vacation dwelling unit manager shall obtain a business license before commencing operations. Property owners or managers with multiple vacation dwelling units or properties need only acquire a single business license.

Sec.10-5.3211. Existing vacation dwelling units; permits required.

Existing vacation dwelling units shall apply for a permit within six months of the effective date of this chapter, and diligently pursue until approved to avoid abatement action.

Sec.10-5.3212. Development standards.

All vacation dwelling units shall comply with the following development standards:

(a) Vacation dwelling units are principally permitted in the RS, RM, OR, CN, CC and CS zone districts that allow residential uses.

(b) Vacation dwelling units are conditionally permitted in the ~~HM and~~ CW zone districts. A Conditional Use Permit is not required for dwellings in ~~HM and~~ CW zones existing legally at the time of application for a vacation dwelling unit permit.

(c) In residential zone districts, no more than 75% of the total number of dwelling units on a property may be permitted as vacation dwelling units. The total number of vacation dwelling units on a property may exceed the 75% limit with approval of a Vacation Dwelling Unit - Unit Increase Permit.

(d) ~~A vacation dwelling unit may either be a~~ Only a legally established principal dwelling or a legally established ~~secondary accessory~~ dwelling unit may be permitted as a vacation dwelling unit.

(e) A newly constructed vacation dwelling unit shall comply with the development standards and building requirements for residential dwellings, and may be operated as a vacation

dwelling unit only after the Building Department has issued a certificate of occupancy for the dwelling unit.

(f) Existing off-street parking spaces, including covered parking, as required for dwellings in Article 15, shall be reserved for occupants of the vacation dwelling unit. Occupants shall be encouraged to park in existing, legal off-street parking spaces, in order to minimize impacts to on-street parking.

(g) With the exception of signage as allowed in division (h) of this section, the existence of the vacation dwelling unit shall not be apparent beyond the boundaries of the property. The vacation dwelling unit shall not change the residential or commercial character of the property or neighborhood by the use of colors, materials, or lighting.

(h) Exterior signage shall be permitted in accord with the provisions of Article 17 (Signs) of this chapter. All signage shall include the emergency contact number, clearly visible to the public, and shall require a sign permit unless exempt by Sec.10-5.1703.

(i) Vacation dwelling units located in the Design Review Area or Architectural Review district shall be subject to architectural review for exterior changes and signage as prescribed in Article 18 (Site Plan Review and Architectural Review) of this chapter.

Sec.10-5.3213. Operation.

(a) Vacation dwelling units shall not be permitted for any use other than transient occupancy or residential use.

(b) The maximum number of occupants allowed in a vacation dwelling unit shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom unit may have six occupants). Children aged eight and under are not counted toward the occupancy total.

(c) The total number of visitors and occupants at a vacation dwelling unit shall not exceed a number greater than double the maximum number of occupants (e.g., a two-bedroom unit with a six occupant limit, may have a total of twelve people at one time). Visitors are not allowed on the premises between 10:00 p.m. and 7:00 a.m. in RS and RM zone districts, and between 1:00 a.m. and 7:00 a.m. in OR, ~~HM~~ and C zone districts. Visitor hours may be extended upon issuance of an Event Permit by the Development Services Department.

(d) Events exceeding the visitor occupancy limit may be permitted upon issuance of an Event Permit at no cost to the applicant. Approval of Event Permits shall be ministerial, without discretionary review or a hearing. Applications for vacation dwelling unit Event Permits shall be filed with the Director of Planning on forms provided by the Department, and shall be signed by the property owner. The application shall include the total number in attendance and the hours during which the event will take place. Applications for special events shall be submitted to the Development Services Department at least five working days prior to the event.

(e) Vacation dwelling units shall be limited to three Event Permits per month, with a maximum of six events per year in R zone districts, and a maximum of twelve events per year in ~~HM~~, OR, and C zone districts. A vacation dwelling unit may exceed the total allowable number of events with a Director of Planning approved Extra Events Permit.

(f) **A change in the density or intensity of use resulting from the use of a vacation rental unit as an event venue with events exceeding the visitor occupancy limit shall require coastal development permit authorization pursuant to Article 29 of this Chapter (Coastal Development Permit Procedures).**

(g) Trash and refuse shall not accumulate or be stored within public view, except in proper containers for the purposes of collection. There shall be no storage of trash and/or debris on the site or within the unit.

(h) Emergency preparedness information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily visible location, such as the entry or kitchen area.

(i) The Good Guest Guide and the 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the vacation dwelling unit.

(j) In the event of an emergency, concerned persons are encouraged to promptly call the emergency contact number, and if appropriate, report the emergency through the 911 emergency calling system or the police department. It is unlawful to make a false report or complaint regarding activities associated with a vacation dwelling unit.

(k) The property owner and emergency contact shall act in good faith to resolve complaints regarding the vacation dwelling unit, and engage in dispute resolution with neighbors. The Community Development Department shall investigate any vacation dwelling unit with recurrent emergency calls or complaints.

(l) If the vacation dwelling unit owner or emergency contact is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented law enforcement violations occur in any 12-month period, the vacation dwelling unit permit may be revoked. The Director of Community Development may also revoke a permit if the vacation dwelling unit is deemed chronically non-compliant with the provisions of this chapter, or is negligent or remiss in correcting noted Building or Fire Code violations or issues. Documented, significant violations may include copies of citations, written warnings, or other documentation maintained by law enforcement, Fire Department, or Building Department.

(m) Properties with gated entries shall have a Fire Department approved device such as a Knox box with keys for the lock, Knox lock, or Knox key actuated switch on electric gates installed which permits emergency response vehicles and personnel to enter the property.

(n) Each individual holding a valid business license for a vacation dwelling unit existing at the time the vacation dwelling unit ordinance is adopted, shall be subject to the requirements of this chapter upon its effective date. In order to avoid abatement proceedings, the owner of an existing vacation dwelling unit shall apply for a vacation dwelling unit permit and City of Eureka business license permit within six months of the effective date of this chapter, and diligently pursue the application until approved.

(o) Violations of this chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Eureka Municipal Code Title 1 (General Provisions) Chapter 2 (Penalty Provisions) § 1-2.07. Each separate day in which a violation exists shall be considered a separate violation.

Sec.10-5.3214. Applicable taxes.

The rental or other contractual use of a vacation dwelling unit shall be subject to a Transient Occupancy Tax ("TOT") and any other mandated taxes. Each vacation dwelling unit owner and/or manager shall comply with Title 8 (Finance, Revenue, and Taxation) Chapter 5 (Transient Occupancy Tax) of this code, which addresses the collection, record keeping, reporting and remittances of applicable TOT.

APPENDIX B:

SUGGESTED MODIFICATIONS TO PROPOSED ARTICLE 19.5

Modifications suggested by Commission staff to proposed new Article 19.5 have been added to the text of the proposed article to better provide context for the changes.

Language of proposed Article 19.5 is shown in plain text.

The Commission's suggested additions are shown in **bold, double-underlined text.**

The Commission's suggested deletions are shown in ~~**bold, double-strike-out text.**~~

Article 19.5. OFF-STREET MOBILE VENDORS

Sec. 10-5.1950. Purpose. The purpose of this chapter is to provide a set of standards for the off-street operation of mobile vendors on public and private properties. Mobile vendors operating in the public street right-of-way are regulated separately under Chapter 75 of Eureka's Municipal Code and the California Vehicle Code.

Sec. 10-5.1951. Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASSOCIATED EQUIPMENT. Any equipment used in conjunction with the operation of a mobile vendor that is placed, mounted, or located externally to the vehicle (except waste receptacles). Chairs, tables, stools, signage, generators, shade-providing structures, etc. are considered ***ASSOCIATED EQUIPMENT***.

MOBILE VENDOR. Any ***VEHICLE*** from which a product is made, sold, or distributed at retail.

OPERATION. The act of vending and the incidental preparations that take place after arriving to the ***SITE OF OPERATION*** and immediately prior to departing from the ***SITE OF OPERATION***.

SITE OF OPERATION. The place where the operation of a ***MOBILE VENDOR*** takes place.

VEHICLE. A device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power.

VEND or VENDING. To sell, offer for sale, display, barter, exchange, or otherwise provide a product from a ***VEHICLE***.

Sec. 10-5.1952 Required Conditions.

(A) *Obstructions.* A mobile vendor shall not obstruct pedestrian or vehicular traffic or block a driveway or alleyway.

(B) *Intersections.* A mobile vendor shall not operate within twenty five feet (25') of any street intersection measured from the back of the nearest perpendicular sidewalk.

(C) *Schools.* A mobile vendor shall not operate within 300 feet of any property on which a K-12 school is located between the hours of 7:00 a.m. and 5:00 p.m. of any school day. This prohibition shall not apply if the school provides the mobile vendor written authorization to park on school property.

(D) *Waste.* While in operation, a mobile vendor shall maintain a clearly designated waste receptacle in the immediate vicinity of the vehicle.

(E) *Operation.* When not in operation, all mobile vendors, associated equipment, and waste receptacles shall be removed from the site of operation.

(F) *Compliance with other laws and regulations.* Mobile vendors shall obey all local, state, and federal laws.

(G) *Business Improvement Districts.* Mobile vendors which operate, or intend to operate, within a business improvement district shall pay associated fees.

(H) *Council Approval.* Permission for a mobile vendor to operate on City-owned property, exclusive of public rights-of-way, shall require approval by City Council. This provision shall not apply to mobile vendors operating under a special events permit.

(I) *Severability.* If any provision of this subchapter as now or later amended or its application to any person or circumstance is held invalid, unconstitutional, or otherwise unenforceable, such decision shall not affect other provisions that can be given effect without the invalid provision or application.

(J) Use of Existing Parking Spaces. Mobile vendors shall only occupy off-street parking spaces that are not required to meet the minimum parking standards of existing permitted uses pursuant to Article 15 of this chapter (“Off-Street Parking Facilities”).

APPENDIX C:

**ARTICLE 29 EXCERPTS WITH CHANGES FROM PROPOSED
AMENDMENT & COMMISSION SUGGESTED MODIFICATIONS**

Relevant excerpts of Article 29 are included below to show the context of the City's proposed changes to the article in concert with the Commission staff's suggested modifications.

Language of the currently certified Article 29 is shown in plain text.

The City's proposed additions are shown in underlined text.

The City's proposed deletions are shown in ~~strike out text~~.

The Commission's suggested additions are shown in **bold, double-underlined text**.

The Commission's suggested deletions are shown in ~~**bold, double-strike out text**~~.

Article 29. Coastal Development Permit Procedures

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Part 8. RS — One-Family Residential Districts.

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Sec. 10-5.2982. Permitted uses.

The following uses shall be permitted:

- (a) One-family dwellings in which not more than three (3) paying guests may be lodged or boarded. Not more than one dwelling unit shall be located on each site, except as provided in Section 10-5.203.2 of Article 2 of this chapter (Hillside Sites in RS-6,000 Districts); Manufactured homes shall meet the criteria prescribed in Article 21 of this chapter (Manufactured Homes, Mobilehomes, Commercial Coaches, Mobilehome Parks, and Recreational Vehicle Parks).
- (b) Raising of fruit and nut trees, vegetables, and horticultural specialties;
- (c) Home occupations conducted in accord with the regulations in Article 19 of this chapter (Home Occupations);
- (d) Temporary subdivision sales offices conducted in accord with the regulations prescribed in Article 20 of this chapter (Temporary Subdivision Sales Offices);
- (e) Accessory structures located on the same site with a permitted use, including private garages and carports, one guest house or accessory living quarters without a kitchen, storehouses, garden structures, greenhouses, recreation rooms, and hobby areas within an enclosed structure;
- (f) Swimming pools used solely by persons resident on the site and their guests, provided that no swimming pool or accessory mechanical equipment shall be located in a required front yard or less than five (5') feet from a property line; and
- (g) Keeping horses, rabbits, poultry, and bees in accord with the provisions of Chapter 1 of Title 5 of this Code (Animals).
- (h) Vacation dwelling units as provided in Title 10 (Planning and Zoning) Chapter 5 (Zoning) §§10-5.3201 through 10-5.3214 (Vacation Dwelling Units) of this title.

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Part 9 RM — Multi-Family Residential Districts.

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Sec. 10-5.2991. Permitted uses.

The following uses shall be permitted in the RM-2,500 and RM-1,000 Districts:

- (a) Any use permitted under Section 10-5.503 of Article 5 of this chapter (Permitted Uses), in RS-6,000 One-Family Residential Districts;
- (b) Combinations of attached or detached dwelling units, including duplexes, multi-family dwellings, dwelling groups, row houses, and townhouses;
- (c) Lodging houses in which not more than 15 paying guests may be lodged or boarded;
- (d) Nursing homes for not more than three (3) patients; and,
- (e) Accessory structures and uses located on the same site as a permitted use.

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Part 10 OR — Office and Multi-Family Residential Districts.

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Sec. 10-5.29102. Permitted uses.

The following uses shall be permitted:

(a) Any use permitted under Section 10-5.603 of Article 6 of this chapter (Permitted uses) in RM Districts, provided that there shall be not less than one thousand (1,000) square feet of site area per dwelling unit, and provided that units not located above a permitted nonresidential use shall be subject to the requirements of usable open space per dwelling unit of the RM-1,000 District. Yards at and above the first level occupied by dwelling units shall be as required in the RM District;

(b) Administrative, business, and professional offices;

(c) Any other use which is determined by the Planning Commission, as provided in Article 23 of this chapter (Determination as to Uses Not Listed), to be similar to a use listed in subsection (b) of this section;

~~(d)~~ (d) Mobile vendors as prescribed in Article 19.5;

~~(d)(e)~~ (e) Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter (Standards for Off-Street Parking Facilities); and,

~~(e)(f)~~ (f) Accessory structures and uses located on the same site as a permitted use.

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Part 11 CW — Waterfront Commercial Districts.

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Sec. 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:

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

* (b) Boat launching;

(c) Coastal dependent and coastal-related uses;

* (d) Commercial fishing facilities;

* (e) Docks, piers, and wharfs;

(f) Hotels and motels;

(g) Ice vending stations;

(h) Marine and boat sales, services and repairs;

(i) Offices related to or dependent upon coastal-dependent or coastal-related uses;

(j) Public and commercial recreation;

(k) Recreational boating facilities;

(l) Visitor-serving facilities and other establishments that offer retail sales and services to visitors, including but not limited to:

Antique shops;

Art and artists' supply stores;

Art galleries and stores selling objects of art;
Bakeries baking for retail sale on the premises only;
Bars and taverns;
Bicycle shops;
Book stores and newsstands;
Candy stores/shops;
Clothing shops, boutique;
Dairy products manufacturing for retail sales on the premises only;
Day or destination spas;
Florists;
Garden shops;
Gift shops;
Jewelry stores;
Leather goods and luggage stores;
Mobile vendors occupying 5% or less of the spaces in an existing off-street

parking lot as prescribed in Article 19.5:

Music, record, and CD stores;
Picture framing shops;
Restaurants (not including drive-in establishments)
Shoe shops, boutique;
Sporting goods stores that primarily include rental and sales of equipment, gear, clothing, and other goods, for coastal-dependent or –related recreation activities;
Stamp and coin stores;
Stationery shops;
Theaters, small;
Toy shops, and;
Variety shops; and

Wireless telecommunication facilities located more than 100’ from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunications Facilities).⁹

Sec. 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.

Administrative, business, and professional offices, except medical and dental offices;
Arts and crafts schools and colleges;
Bakeries,
Banks;
Barber shops and beauty shops;

⁹ Wireless telecommunication facilities were added as permitted and conditional uses under various coastal zoning districts under LCP Amendment No. LCP-1-EUR-16-0018-1. At the June 2017 Coastal Commission hearing, LCP-1-EUR-16-0018-1 was rejected as submitted but approved with three suggested modifications. The City has since accepted and adopted the modifications. The Executive Director’s determination that the resolution by the City of Eureka is legally adequate is scheduled for the November 2017 Commission hearing. Although not yet certified, wireless telecommunication facility uses added by LCP-1-EUR-16-0018-1 are shown in this version of Article 29.

LCP-1-EUR-16-0046-2 (Vacation Dwelling Units & Mobile Vendors)

Bus depot;
Bus depots, provided all 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;
Christmas tree sales lot;
Churches, parsonages, parish houses and other religious institutions;
Cigar stores;
Cleaning, coin-operated;
Clothing and costume rental establishments;
Clothing stores;
Conference center;
Dance halls;
Department stores;
Finance companies;
Food stores and supermarkets;
Furniture stores;
Gunsmiths;
Gymnasiums;
Hardware stores;
Health clubs, neighborhood;
Ice storage houses;
Interior decorating shops;
Laundries, self-service type;
Liquor stores;
Locksmiths;
Massage and physical culture studios;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls;
Messengers' offices;
Music and dance studios;
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;
Photographic supply stores and studios;
Post offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Printing shops, including lithographing and engraving;
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;

Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

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;

Skating rinks within buildings;

Sporting goods stores;

Sports arenas within buildings;

Stationery stores;

Stenographic services;

Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);

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; ~~and~~

Wireless telecommunication facilities located within 100' of an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities); and

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 (Conditional Uses), the Planning Commission must find:

(a) 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;

(b) That the use conforms to the purposes of the CW Waterfront Commercial District;

(c) That the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or

(d) That the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

Sec. 10-5.29113.1 Minor use permits.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The

application shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

(a) Mobile vendors occupying more than 5% of the parking spaces in an existing off-street parking lot as prescribed in Article 19.5;

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Part 12 CN — NEIGHBORHOOD COMMERCIAL DISTRICTS.

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Sec. 10-5.29122. Permitted uses.

The following uses shall be permitted:

Accessory uses and structures, not including warehouses, located on the same site as a permitted use;

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

Art galleries;

Arts and artists' supply stores;

Arts and crafts schools and colleges;

Bakeries, including baking for sale on the premises only;

Banks;

Banquet rooms not less than one hundred fifty (150') feet from an R District;

Barber shops and beauty shops;

Bars not less than one hundred fifty (150') feet from an R District;

Bicycle shops;

Book stores and rental libraries;

Candy stores;

Christmas tree sales lots;

Cigar stores;

Cleaning and dyeing;

Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;

Cleaning, coin operated;

Clothing and costume rental establishments;

Clothing stores;

Computer and communications equipment stores;

Dairy products manufacturing for retail sales on the premises only;

Delicatessen stores;

Drugstores;

Dry goods stores;

Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;

Finance companies;

Florists;

Food lockers;

Food stores and supermarkets;

Fur shops;

Furniture stores;

Garden shops;

Gift shops;

Hardware stores;
Hobby shops;
Household appliance stores;
Ice vending stations;
Interior decorating shops;
Jewelry stores;
Laundries, self-service type;
Leather goods and luggage stores;
Liquor stores;
Locksmiths;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls not less than one hundred fifty (150') feet from an R District;
Mens' furnishing stores;
Messengers' offices;
Millinery shops;
Mobile vendors as prescribed in Article 19.5:
Music and dance studios not less than one hundred fifty (150') feet from an R District;
Music stores;
Musical instrument repair shops;
Newsstands;
Nurseries and garden supply stores provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;
Office and business machine stores;
Offices and office buildings;
Optician and optometrical shops;
Paint, glass, and wallpaper shops;
Parking facilities, including fee parking facilities;
Pet and bird stores;
Pet and bird stores not less than one hundred fifty (150') feet from an R District;
Phonograph record stores;
Photographic supply stores and studios;
Picture framing' shops;
Post offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Private clubs and lodges not less than one hundred fifty (150') feet from an R District;
Realtors and real estate offices;
Residential uses permitted under permitted uses in RM Districts shall be permitted in a CN District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the city;
Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District;
Saving and loan offices;
Scientific instrument shops;
Self-service laundries and self-service dry cleaning establishments;
Shoe repair shops;

Shoe stores;
Sporting goods stores;
Stamp and coin stores;
Stationery stores;
Stenographic services;
Tailor and dressmaking shops;
Taxicab stands;
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);
Television and radio sales and repair stores;
Ticket agencies;
Toy stores;
Travel agencies and bureaus;
Umbrella repair shops;
Video sales and rental stores;
Watch and clock repair shops;
Wholesale establishments without stocks; and
Women's apparel accessory stores; and
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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Part 13 CS — SERVICE COMMERCIAL DISTRICT.

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10-5.29132. Permitted uses.

The following uses shall be permitted:
Accessory uses and structures located on the same site as a permitted use;
Accessory uses and structures located on the same site as conditional use;
Addressograph services;
Administrative, business, and professional offices, except medical and dental offices;
Ambulance services;
Art and artists' supply stores;
Art galleries and stores selling objects of art;
Arts and crafts schools and colleges;
Auction rooms;
Auction establishments, including outdoor displays;
Automobile rental agencies;
Automobile repairing, overhauling, rebuilding, and painting;
Automobile (new car) sales and services, including used car sales incidental to new car sales;
Automobile (used car) sales;
Automobile supply stores;
Automobile upholstery and top shops;
Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaners;

Bail bonds;
Bakeries;
Bakeries, including baking for sale on the premises only;
Banks;
Banquet rooms;
Barber shops and beauty shops;
Bars;
Beverage distributors;
Bicycle shops;
Blacksmith shops not less than three hundred (300') feet from an R or OR District;
Blueprint and photostat shops;
Boat sales, services, and repairs;
Book stores and rental libraries;
Bookbinding;
Bottling works;
Bowling alleys;
Building materials' yards and other than gravel, rock, or cement yards not less than three hundred (300') feet from an R or OR District;
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;
Cabinet shops;
Candy shops;
Carpenter shops;
Carpet and rug cleaning and dyeing;
Catering establishments;
Christmas tree sales lots;
Cigar stores;
Cleaning and dyeing;
Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;
Cleaning, coin-operated;
Clothing and costume rental establishments;
Clothing stores;
Cold storage plants;
Columbariums and crematories not less than three hundred (300') feet from an R or OR District;
Contractors' equipment rental or storage yards not less than three hundred (300') feet from an R or OR District;
Dairy products plants;
Dairy products manufacturing for retail sales on the premises only;
Dance halls;
Delicatessen stores;
Department stores;
Diaper supply services;
Drugstores;
Dry goods stores;

LCP-1-EUR-16-0046-2 (Vacation Dwelling Units & Mobile Vendors)

Electrical appliance sales and repair stores, provided repair services shall be incidental to retail stores;

- Electrical repair shops;
- Employment agencies;
- Feed and fuel stores;
- Finance companies;
- Florists;
- Food lockers;
- Food stores and supermarkets;
- Freight forwarding terminals;
- Frozen food distributors;
- Fur shops;
- Furniture stores;
- Garden shops;
- Gift shops;
- Glass replacement and repair shops;
- Golf driving ranges;
- Gunsmiths;
- Gymnasiums;
- Hardware stores;
- Heating and ventilating shops;
- Hobby shops;
- Hospital equipment;
- Hotels and motels;
- Household appliance stores;
- Household repair shops;
- Ice storage houses;
- Ice vending stations;
- Interior decorating shops;
- Janitorial services and supplies;
- Jewelry stores;
- Laboratories;
- Laundry plants;
- Laundries, self-service type;
- Leather goods and luggage stores;
- Linen supply services;
- Liquor stores;
- Live storage, killing, or dressing of poultry or rabbits for retail sale on premises not less than three hundred (300') feet from an R or OR District;
- Locksmiths;
- Lumberyards, not including planing mills or saw mills, not less than three hundred (300') feet from an R or OR District;
- Machinery sales and rentals;
- Massage and physical culture studios;
- Mattress repair shops;
- Marine sales, services, and repairs;
- Medical and orthopedic appliance stores;
- Meeting halls;

Mens' furnishing stores;
Millinery shops;
Mobile vendors as prescribed in Article 19.5;
Motorcycle sales and services;
Mortuaries;
Motels and hotels;
Music and dance studios;
Music stores;
Musical instrument repair shops;
Newsstands;
Nurseries and garden supply stores;
Nurseries and garden supply stores provided all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;
Office and business machine stores;
Offices and office buildings;
Packing and crating;
Paint, glass, and wallpaper shops;
Parcel delivery services, including garage facilities for trucks but excluding repair shop facilities and repair shop facilities;
Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter;
Passenger railroad stations;
Pet and bird stores;
Phonograph record stores;
Photographic supply stores and studios;
Pickup truck camper, and canopy assembly, sales, and service;
Picture framing shops;
Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only;
Plumbing shops;
Pool halls;
Post offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Printing, including lithographing and engraving;
Printing shops;
Private clubs and lodges;
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines;
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);
Realtors and real estate offices;
Refrigeration equipment;
Rental and tools, garden tools, power tools, trailers, and other similar equipment;

LCP-1-EUR-16-0046-2 (Vacation Dwelling Units & Mobile Vendors)

Residential uses permitted under permitted uses in RM Districts shall be permitted in a CS District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the city;

- Riding Stables;
- Saving and loan offices;
- Safe and vault repairing;
- Scientific instrument, shops;
- Secondhand stores and pawn shops;
- Self-service laundries and self-service dry cleaning establishments;
- Septic tank and cesspool installation and service;
- Service stations, including automobile, truck, and trailer rentals as accessory uses only;
- Sheet metal shops;
- Shoe repair shops;
- Shoe stores;
- Shooting galleries within buildings;
- Sign painting shops;
- Skating rinks;
- Skating rinks within buildings;
- Small animal boarding not less than three hundred (300') feet from an R or OR District;
- Sporting goods stores;
- Sports arenas within buildings;
- Stamp and coin stores;
- Stationery stores;
- Stenographic services;
- Stone and monument yards not less than three hundred (300') feet from an R or OR District;
- Storage buildings for household goods;
- Storage yards for commercial vehicles;
- Swimming pool sales and services;
- Tailor and dressmaking shops;
- Taxidermist;
- Taxicab stands;
- Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);
- Television and radio sales and repair stores;
- Theaters and auditoriums within buildings;
- Ticket agencies;
- Tire sales and service, not including retreading and recapping, or mounting of heavy truck tires;
- Tire sales and service, including retreading and recapping;
- Tool and cutlery sharpening or grinding;
- Toy stores;
- Travel agencies and bureaus;
- Travelers' aid societies;
- Truck and trailer rentals, sales and services;
- Truck sales;
- Trucking terminals not less than one hundred fifty (150') feet from an R or OR District;

- Umbrella repair shops;
- Variety stores;
- Vending machine services;
- Veterinarians' offices and small animal hospitals, including short-term boarding of animals and incidental care, such as bathing and trimming, provided all operations are conducted entirely within a completely enclosed building which complies with the specifications of soundproof construction by the Building Inspector;
- Warehouses except for the storage of fuel or flammable liquids;
- Watch and clock repair shops;
- Welding shops not less than three hundred (300') feet from an R or OR District;
- Wholesale establishments; and
- Women's apparel accessory stores; and
- Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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Part 14 CP — PLANNED SHOPPING CENTER COMMERCIAL DISTRICTS.

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Sec. 10-5.29142. Permitted uses.

The following uses shall be permitted in the CP - Planned Shopping Center Commercial District:

- Accessory uses and structures located on the same site as a permitted use;
- Administrative, business, and professional offices;
- Art and artists' supply stores;
- Art galleries and stores selling objects of art;
- Auction rooms;
- Automobile supply stores;
- Bakeries, including baking for sale on the premises only;
- Banks;
- Banquet rooms;
- Barber shops and beauty shops;
- Bars;
- Bicycle shops;
- Blueprint and photostat shops;
- Book stores and rental libraries;
- Candy stores;
- Christmas tree sales lots;
- Cigar stores;
- Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;
- Cleaning, coin-operated;
- Clothing and costume rental establishments;
- Clothing stores;
- Computer and electronics sales and repair stores, provided repair services shall be incidental to retail sales;
- Dairy products manufacturing for retail sales on the premises only;

LCP-1-EUR-16-0046-2 (Vacation Dwelling Units & Mobile Vendors)

Delicatessen stores;
Department stores;
Drugstores;
Dry goods stores;
Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;
Finance companies;
Florists;
Food lockers;
Food stores and supermarkets;
Furniture stores;
Fur shops;
Garden shops;
Gift shops;
Gunsmiths;
Gymnasiums;
Hardware stores;
Hobby shops;
Household appliance stores;
Ice vending stations;
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;
Mobile vendors as prescribed in Article 19.5;
Music stores;
Music and dance studios;
Musical instrument repair shops;
Newsstands;
Nurseries and garden supply stores provided all equipment, supplies, and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in package form only;
Office and business machine stores;
Offices and office buildings;
Optician and optometrical shops;
Paint, glass, and wallpaper shops;
Parking facilities, including fee parking facilities improved in conformity with the standards prescribed for required off-street parking facilities in Section 10-5.1504 of Article 15 of this chapter;

Pet and bird stores;
Phonograph and record stores;
Photographic supply stores and studios;
Picture framing shops;
Piers, docks, and wharves;
Plumbing, heating, and ventilating equipment showrooms with storage for floor samples only;
Plumbing shops;
Pool halls;
Post offices;
Pressing establishments;
Printing shops;
Radio and television broadcasting studios; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);
Realtors and real estate offices;
Rental hand tools, garden tools, power tools, trailers, and other similar equipment;
Taxidermists;
Taxicab stands;
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunications Facilities);
Television and radio sales and repair stores;
Theaters and auditoriums within buildings;
Ticket agencies;
Tire sales and service, not including retreading or recapping, or mounting of heavy truck tires;
Toy stores;
Travel agencies and bureaus;
Travelers' aid societies;
Umbrella repair shops;
Variety stores;
Watch and clock repair shops;
Wholesale establishments without stocks; and
Women's apparel accessory stores; and
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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Part 15. MC — COASTAL DEPENDENT INDUSTRIAL DISTRICTS.

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Sec 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;
Mobile vendors incidental to an existing permitted use as prescribed in Article 19.5;
Marine oil terminals;
OCS service bases and offshore pipelines;
Seafood processing; and
Water borne carrier import and export facilities.

Sec. 10-5.29153. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit 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; and
Warehouses serving permitted uses;

Wireless telecommunication facilities subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29153.1 Minor use permits.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses).

(a) Mobile vendors not incidental to an existing permitted use as prescribed in Article 19.5;

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Part 16 ML — LIMITED INDUSTRIAL DISTRICTS.

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Sec. 10-5.29162. Permitted uses.

Manufacturing, assembling, compounding, packaging, and processing of articles or merchandise from the following previously prepared materials: asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber, and synthetic fiber, fur, glass, hair, ink, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shells, straw, textiles, tobacco, and wood (not including a planing mill or saw mill);

Manufacturing, assembling, compounding, packaging, and processing cosmetics, drugs, pharmaceuticals, perfumes, perfumed toilet soap (not including refining or rendering of fats or oils), and toiletries;

Manufacture of ceramic products, such as pottery, figurines, and small glazed tile, utilizing only previously pulverized slag, providing that kilns are fired only by electricity or gas;

Manufacture and maintenance of electric and neon signs, commercial advertising structures, and light sheet metal products, including heating, and ventilating ducts and equipment, cornices, eaves, and the like;

Manufacture of scientific, medical, dental, and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments, and cameras and photographic equipment, except film;

Assembly of small electric appliances, such as lighting fixtures, irons, fans, toasters, and electric toys, but not including refrigerators, washing machines, dryers, dishwashers, and similar home appliances;

Assembly of electrical equipment, such as radio and television receivers, phonographs, and home motion picture equipment, but not including electrical machinery;

Manufacture and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches, and wire and cable assembly, provided no noxious or offensive fumes or odors are produced;

Manufacture of cutlery, hardware, and hand tools, die and pattern making, metal stamping, and extrusion of small products, such as costume jewelry, pins and needles, razor blades, bottle caps, buttons, and kitchen utensils;

Manufacturing, canning, and packing of food products, including fruits and vegetables, but not including meat products, pickles, sauerkraut, vinegar, or yeast, dehydrating of garlic or onions, or refining or rendering of fats and oils;

Processing, packing, and canning of seafood for human consumption, not including processing seafood for fish oils;

Bakeries;

Blacksmith shops;

Boat buildings;

Bottling works;

Building material storage yards;

Bus depots;

Cold storage plants;

Contractors' equipment yards;

Dairy products plants;

Freight forwarding terminals;

Furniture manufacture;

Ice manufacture;

Janitorial services and supplies;

Kennels;

Laboratories;

Laundry and cleaning plants;

Lumber yards, not including planing mills or saw mills;

Machine shops not involving the use of drop hammers, automatic screw machines, or punch presses with a rated capacity of over twenty (20) tons;

Mattress manufacture;

Metal finishing and plating;

Mobile vendors as prescribed in Article 19.5;

Offices, not including medical or dental offices;

Printing, lithographing, and engraving;

Public utility and public service pumping stations, equipment buildings and installations, service yards, power stations, drainage ways and structures, storage tanks, and transmission lines;

- Railroad stations;
- Repair shops, including electrical, glass and automotive;
- Sheet metal shops;
- Storage yards for commercial vehicles;
- Textile, knitting and hosiery mills;
- Trucking terminals;
- Veterinarians' offices and small animal hospitals;
- Warehouses, except for the storage of fuel or flammable liquids;
- Welding shops;
- Woodworking shops and cabinet shops;
- Pickup truck camper and canopy assembly;
- Retail sales establishments with single occupant floor areas of forty thousand (40,000) square feet or larger;
- Wholesale stores with single occupant floor areas of forty thousand (40,000) square feet or larger and public utility building, and uses;
- Parking lots;
- Accessory structures and uses located on the same site as a permitted use; and
- Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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Part 17 MG — GENERAL INDUSTRIAL DISTRICTS.

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Sec 10-5.29172. Permitted uses.

- The following uses, shall be permitted:
- All uses listed as permitted uses in the ML District;
 - Aircraft and aircraft accessories and parts manufacture;
 - Automobile, trucks, and trailer accessories and parts manufacture;
 - Automobile, truck, and trailer assembly;
 - Bag cleaning;
 - Battery manufacture;
 - Boiler works;
 - Box factories and cooperages;
 - Breweries and distilleries;
 - Building materials manufacture and assembly, including composition wallboards, partitions, panels, and prefabricated structures;
 - Business machines manufacture, including accounting machines, calculators, cardcounting equipment, and typewriters;
 - Can and metal container manufacture;
 - Candle manufacture, not including rendering;
 - Carpet and rug manufacture;
 - Cement products manufacture, including concrete mixing and batching;

Chemical products manufacture provided no hazard of fire or explosion is created, including adhesives, bleaching products, bluing, calcimine, dyestuffs (except aniline dyes), essential oils, soda and soda compounds, and vegetable gelatin, glue, and size;

Clay products manufacture, including brick, fire brick, tile, and pipe;

Cork manufacture;

Electronics manufacturing;

Firearms manufacture;

Flour, feed and grain mills;

Food products manufacture, including such processes as cooking, dehydrating, roasting, refining, pasteurization, and extraction involved in the preparation of such products as casein, cereal, chocolate and cocoa products, cider and vinegar, coffee, glucose, milk and dairy products, molasses and syrups, oleomargarine, pickles, rice, sauerkraut, sugar, vegetable oils, and yeast;

Glass and glass products manufacture;

Gravel, rock, and cement yards;

Hair, felt, and feathers processing;

Insecticides, fungicides, disinfectants, and similar industrial and household chemical compounds manufacture;

Jute, hemp, sisal, and oakum products manufacture;

Leather and fur furnishing and dyeing, not including tanning and curing;

Machinery manufacture, including heavy electrical, agricultural, construction, and mining machinery, and light machinery and equipment, such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, ranges, stoves, ovens, and washing machines;

Machine tools manufacture, including metal lathes, metal presses, metal stamping machines, and woodworking machines;

Match manufacture;

Meat products processing and packaging, not including slaughtering and glue and size manufacture;

Metal alloys and foil manufacture, including solder, pewter, brass, bronze, and tin, lead, and gold foil;

Metal casting and foundries, not including magnesium foundries;

Mobile vendors as prescribed in Article 19.5;

Motor and generator manufacture;

Motor testing of internal combustion motors;

Painting, enameling, and lacquering shops;

Paper products manufacture, including shipping containers, pulp goods, carbon paper, and coated paper stencils;

Paraffin products manufacture;

Plastics manufacture;

Porcelain products manufacture, including bathroom and kitchen fixtures and equipment;

Railroad equipment stations manufacture, including railroad car and locomotive manufacture;

Railroad freight stations, repair shops, and yards;

Rubber products manufacture, including tires and tubes;

Sandblasting;

Shoe polish manufacture;

Starch and dextrine manufacture;

Steel products manufacture and assembly, including steel cabinets, lockers, doors, fencing and furniture;

Stone products manufacture and stone processing, including abrasives, asbestos, stone screening and sand and lime products;

Structural steel products manufacture, including bars, girders, rails and wire rope;

Textile bleaching;

Wire and cable manufacture;

Wood and lumber processing and woodworking, including planing mills, saw mills, excelsior, plywood, veneer, and wood-preserving treatment; and

Wood scouring and pulling.

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Part 18 P — PUBLIC DISTRICTS.

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Sec. 10-5.29182 Permitted uses.

Each use and structure existing in a P District as of the adoption date of these regulations is hereby declared to be a conforming use and structure.

Airports;

Animal shelters;

Boat harbors and wharves;

Cemeteries;

Corporation yards;

Fire stations;

Hospitals;

Libraries;

Mobile vendors as prescribed in Article 19.5;

Offices;

Police stations;

Power stations;

Pumping stations;

Public recreation facilities, including parks, playgrounds, zoos, and golf courses;

Public buildings and grounds;

Public schools, including nursery, elementary, junior high, and high schools, colleges and universities;

Reservoirs;

Sewage treatment plants;

Storage tanks; and

Uses which are accessory and incidental to a permitted use; and

Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

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Part 19 PF/M — PUBLIC FACILITY/MARINA.

Sec. 10-5.29188.1. Purposes.

The purposes of this district shall be (1) to encourage, protect, maintain, and provide commercial fishing facilities and uses related to the commercial fishing industry, and (2) to provide for all of the specific land uses granted to the Humboldt Bay Harbor, Recreation, and Conservation District through coastal development permit NCR-76-C-369 and the underlying the Planning Commission Permit Resolutions 76-25 and 78-39 (extension).

Sec. 10-5.29188.2. Permitted uses.

Consistent with coastal development permit NCR-76-C-369, permitted uses within that part of Woodley Island and adjacent waters designated for development shall be limited to:

- Docks, piers (including recreational fishing piers), and wharves;
- Boat launching facilities;
- Commercial fishing facilities and fishing boat berthing facilities;
- Recreational boating facilities and boat berthing facilities (not to exceed 30% of the total number of berths permitted by the 1976 coastal permit);
- Two restaurants;
- Offices and shops directly related to marine uses;
- Ice vending stations;
- Marine and boat sales, services, and repairs;
- ~~Mobile vendors as prescribed in Article 19.5;~~
- On-site fish sales and processing incidental to permitted restaurants;
- Parking; and,
- Public access facilities.

Sec. 10-5.29188.3. Conditional uses.

A third restaurant and on-site incidental fish sales and processing shall be conditionally permitted, provided such uses do not displace current or projected demand for permitted uses and necessary support facilities, including parking. Conditional uses shall be designed and located so as not to interfere with permitted uses.

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