

CALIFORNIA COASTAL COMMISSION

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W14a

DATE: January 18, 2018

TO: Coastal Commissioners and Interested Persons

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

SUBJECT: Concurrence with the Executive Director's determination that the action of the City of Eureka accepting the Commission's certification of LCP Amendment No. LCP-1-EUR-16-0047-3 (Permit Processing Procedures) is legally adequate.

For the Commission meeting of February 7, 2018 in Cambria, CA

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

The Commission acted on City of Eureka LCP Amendment (LCPA) Application No. LCP-1-EUR-16-0047-3 on November 8, 2017. As submitted, the LCP amendment amends the City's Implementation Plan (IP) to modify (1) the local approval and appellate bodies for coastal development permits; (2) the lapse date on conditional use permits; (3) the procedures for design review of conditional use permit applications; and (4) the noticing requirements for public hearings on coastal development permits and other local permits.

By a series of unanimous votes, the Commission: (1) rejected the amendment to the IP as submitted; and (2) approved the IP amendment with four suggested modifications. The suggested modifications were added to ensure the City's amended coastal development permitting (CDP) procedures are consistent with the minimum requirements set forth in the Coastal Act and Coastal Commission's administrative regulations, including required procedures related to CDP hearings and noticing, CDP exemptions, and final local actions on appealable CDPs. Consistency with these procedural requirements is necessary for the IP as amended to adequately carry out the certified land use plan (LUP).

EFFECTIVE CERTIFICATION

On December 5, 2017, the Eureka City Council held a public hearing and adopted Resolution No. 2017-74 acknowledging receipt of the Commission's resolution of certification, accepting and agreeing to the Coastal Commission's modifications, agreeing to issue permits in conformance with the modified LCP, and formally approving the necessary changes to the City's LCP (Exhibit 2). Additionally, at the same hearing, the Board adopted Ordinance No. 869-C.S. amending the IP consistent with the accepted suggested modifications (Exhibit 3).¹ The full amended text of Articles 24, 25, 27, 28, and 29 with the Commission's suggested modifications can be found in Appendices A-C of the Commission's staff report available on the Commission's website under the November 8, 2017 agenda.

As provided in Section 13544 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of Eureka's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to that determination, the certification of LCP Amendment No. LCP-1-EUR-16-0047-3 shall become effective upon the filing of a Notice of Certification for the LCPA with the Secretary of Natural Resources, as provided in Public Resources Code Section 2180.5(2)(V).

STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the actions of the City of Eureka to accept the Commission's certification of LCP Amendment No. LCP-1-EUR-16-0047-3 to adopt the necessary changes to the City's Local Coastal Program are legally adequate, as noted in the attached letter, Exhibit 1 (to be sent after Commission concurrence).

EXHIBITS

1. [Notification of Effective Certification Letter \(to be sent after Commission endorsement\)](#)
2. [Resolution No. 2017-74](#)
3. [Ordinance No. 869-C.S.](#)

¹ Ordinance No. 869-C.S. amends previous Ordinance Nos. 836-C.S., 819-C.S., and 835-C.S. (included as Exhibit 4 of the Commission's staff report).