

CALIFORNIA COASTAL COMMISSION

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W14c

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-16-0046-2 (Vacation Dwelling Units & Mobile Vendors) 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-16-0046-2 on November 8, 2017. As submitted, the LCP amendment amends the City's 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. By a series of unanimous votes, the Commission: (1) rejected the amendment to the IP as submitted; and (2) approved the IP amendment with five suggested modifications.

The suggested modifications were added to ensure that the IP will conform with and adequately carry out all applicable policies of the City's certified Land Use Plan (LUP), including LUP policies that promote the availability of off-street parking near the waterfront and 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.

EFFECTIVE CERTIFICATION

On December 5, 2017, the Eureka City Council held a public hearing and adopted Resolution No. 2017-73 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. 868-C.S. amending the IP consistent with the accepted suggested modifications (Exhibit 3).¹ The full amended text of Articles 19.5, 29, and 32 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-16-0046-2 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-16-0046-2 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. 2017-73](#)
3. [Ordinance No. 868-C.S.](#)

¹ Ordinance No. 868-C.S. amends previous Ordinance Nos. 839-C.S. and 843-C.S. (included as Exhibit 6 of the Commission's staff report).