

## CALIFORNIA COASTAL COMMISSION

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# F8a

## LCP-1-EUR-20-0009-1, PART C (CROWLEY SITE REDESIGNATION)

October 9, 2020

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## Project Vicinity Map

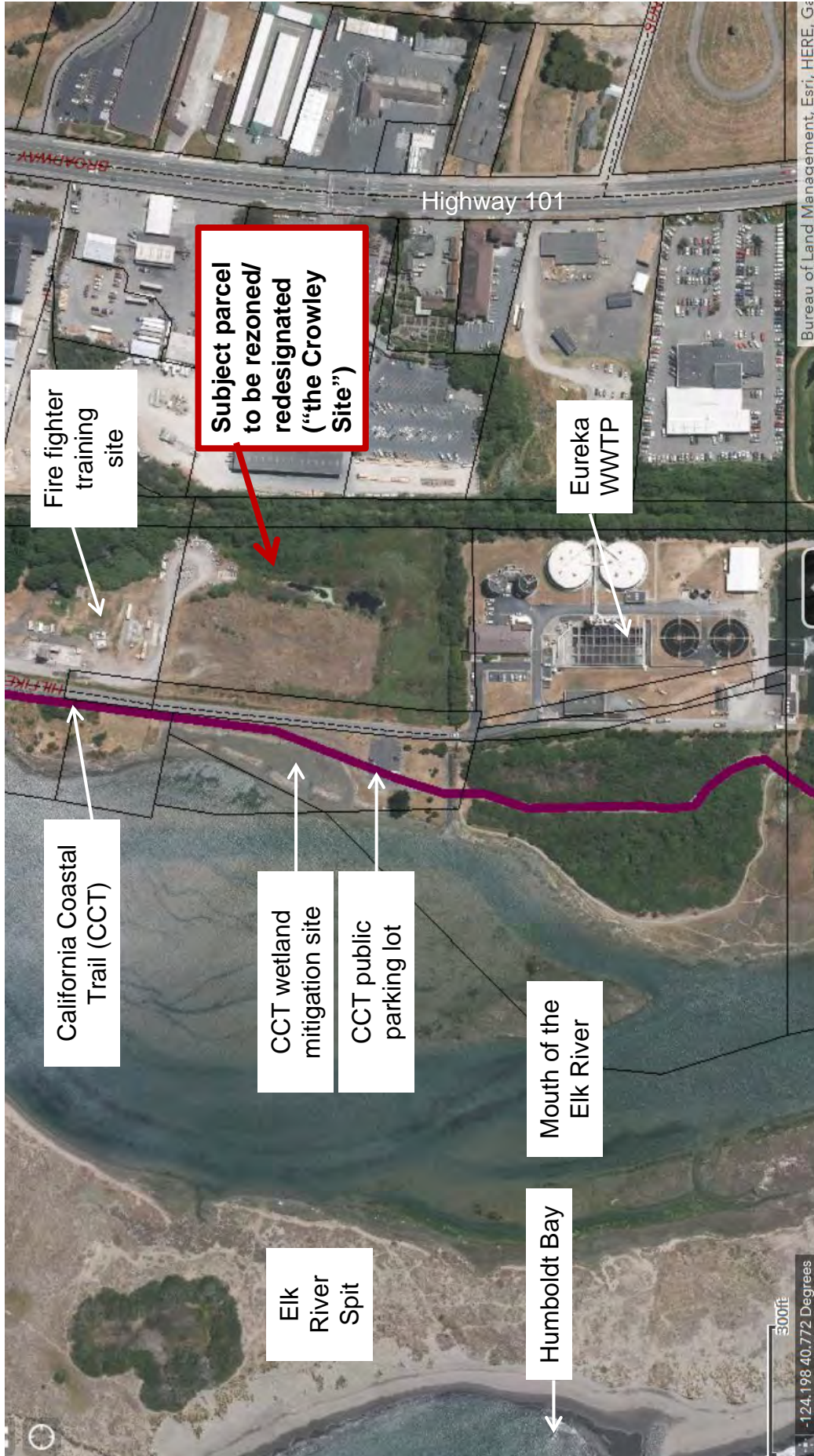


Image from City of Eureka's Community Development Web  
Application <https://arcgis-svr.ci.eureka.ca.gov/portal/>

**RESOLUTION NO. 2020-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA  
ADOPTING THE GENERAL SERVICE COMMERCIAL (GSC) LAND USE  
DESIGNATION FOR APN 019-271-004 AND TRANSMITTING THE AMENDMENT TO  
THE LAND USE PLAN AND IMPLEMENTATION PLAN MAPS OF THE LOCAL  
COASTAL PROGRAM FOR PARCEL 019-271-004 TO BE ZONED SERVICE  
COMMERCIAL (CS) AND HAVE A LAND USE DESIGNATION OF GENERAL  
SERVICE COMMERCIAL (GSC), AND TO ADD A QUALIFIED (Q) COMBINING  
DISTRICT DESIGNATION TO THE CALIFORNIA COASTAL COMMISSION FOR  
CERTIFICATION**

**WHEREAS**, the City Council of the City of Eureka has declared a shelter crisis pursuant to California Government Code §8698 et. seq.; and

**WHEREAS**, the Betty Kwan Chinn Foundation (BKC) received a gift of eleven construction trailers, which had to be moved from the donor's site by November 1, 2017; and

**WHEREAS**, the BKC identified a strategy for utilizing the trailers in collaboration with Housing Humboldt to provide housing and to house people using a "Housing First" model in an effort to help alleviate the shelter crisis; and

**WHEREAS**, the City of Eureka and the BKC Foundation identified a portion of the site known as the Crowley property, located on Hilfiker Lane, just south of the Humboldt Bay Fire Training Grounds and just to the north of the Wastewater Treatment Plant, as the site for the housing, known as Betty's Community Housing (BCH); and

**WHEREAS**, the Crowley property is currently zoned Coastal Dependent Industrial (MC) and planned Public/Quasi-Public (PQP); and

**WHEREAS**, the City of Eureka desires to change the zoning on the BCH parcel to Service Commercial with a Qualifying Combining district (CS-Q), and the land use designation to General Service Commercial (GSC); and

**WHEREAS**, in order to change the zoning and land use designations, the maps of both the Land Use Plan (LUP) and Implementation Plan (IP) of the adopted and certified Local Coastal Program (LCP) must be amended; and

**WHEREAS**, the proposed LUP amendment will change the general plan map designation for the BCH site from Public/Quasi-Public (PQP) to General Service Commercial (GSC) to correspond with the commercial zone located along Broadway to the east; and



**WHEREAS**, the IP amendment will change the zoning map designation for the BCH site from Coastal Dependent Industrial (MC) to Service Commercial (CS) to correspond with the commercial zone located along Broadway to the east; and

**WHEREAS**, the City is also proposing to add a "Q" Qualifying combining district designation to the site; and

**WHEREAS**, the "Q" combining district is intended to be site specific and is combined with any base zone in situations where sound and orderly planning indicate that specified principally permitted uses or conditional uses otherwise allowed under the base zone should be restricted in some manner; and

**WHEREAS**, the "Q" combining district cannot add uses not otherwise allowed under the base zone; and

**WHEREAS**, the "Q" zone proposes to limit the types of development, and the conditions under which they may be operated, as follows:

Principally Permitted Uses:

- Multi-family/multi-unit single-story residential uses permitted under permitted uses in the RM Districts, for not more than 40 individual persons.
- Public utility and public service infrastructure, including but not limited to pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks and transmission lines.
- Storage yards for commercial vehicles.
- Temporary/seasonal uses, such as Christmas Tree lots.
- Towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility subject to the provisions of Article 31 (Wireless Telecommunication Facilities)
- Wireless telecommunication facilities located more than 150 feet from an R District, subject to wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Life safety and natural hazard limitations on the permitted uses include, but are not limited to, the following:

- All structures will comply with the Flood Hazard Area Regulations contained in the Eureka Municipal Code.
- Structures will be constructed to allow relocation or removal.
- Prior to commencement of any use, including future uses, the owner/manager of each use will develop a Tsunami Evacuation Plan, and implement and enforce the

Tsunami Evacuation Plan for the life of the use. The Tsunami Evacuation Plan must be approved by the City of Eureka, and a copy of the approved Tsunami Evacuation Plan, and any new or updated Evacuation Plans must be provided to any and all tenants and employees on the site of the use, and to the Development Services Department.

**WHEREAS**, the uses listed herein are the only uses that will be allowed on the site, and only when the uses comply with the limitations for this site, and any conditions of approval resulting from required Coastal Development Permits; and

**WHEREAS**, sound planning practice suggests the full range of uses that could be allowed on a CS zoned property should be limited to uses that are easily relocated, can be developed to withstand certain natural hazards, and have limited numbers of residents or employees; and

**WHEREAS**, certain life safety and natural hazard limitations have been highlighted and included to focus and guide the manner and type of development that will be allowed under the Qualified (Q) Combining District, taking into account hazards that may impact this parcel to a greater degree than other parcels in the CS zone, due to its proximity to Humboldt Bay; and

**WHEREAS**, the proposed uses will allow viable options for use of the site when Betty's Community Housing is no longer required or located on the site, without necessitating a zone reclassification and Local Coastal Program Amendment to modify or remove the Qualified (Q) Combining District; and

**WHEREAS**, there will be no negative impacts to coastal resources as a result of application of the General Service Commercial (GSC) land use designation because of the types and intensity of the uses allowed on the site will be limited; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, on October 4, 2019, a "*Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing*" for the draft Amendment to change the Implementation Plan map to CS Service Commercial and the Land Use Plan map to General Service Commercial, was mailed to 47 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

**WHEREAS**, on October 4, 2019, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

**WHEREAS**, the Notice advised of a public hearing scheduled before the Planning Commission on October 14, 2019; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, the mailing on October 4, 2019, and the publication on October 4, 2019, was at least ten days prior to the scheduled public hearing; and

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

**WHEREAS**, at the public hearing held by the Planning Commission on October 14, 2019, there was one person who provided written comment in opposition and one person who provided testimony in favor of the Local Coastal Program amendment; and

**WHEREAS**, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the Text Amendment and Local Coastal Program Amendment and took action to adopt Planning Commission Resolution No. 2019-12, "A Resolution of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council for the Implementation Plan portion of the Crowley Site LCP Amendment"; and

**WHEREAS**, at the same meeting, the Planning Commission also considered the Land Use Plan portion of the Text Amendment and Local Coastal Program Amendment and took action to adopt Planning Commission Resolution No. 2019-13, "A Resolution of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council for the Land Use Plan portion of the Crowley Site LCP Amendment"; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, on October 31, 2019, a "Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing" for the draft Amendment to add the Qualified (Q) Combining designation to the CS Service Commercial zone on the Implementation Plan map was mailed to 47 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

**WHEREAS**, on November 3, 2019, the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

**WHEREAS**, the Notice advised of a public hearing scheduled before the Planning Commission on November 13, 2019; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, the mailing on October 31, 2019, and the publication on November 3, 2019, was at least ten days prior to the scheduled public hearing; and

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

**WHEREAS**, at the public hearing held by the Planning Commission on November 13, 2019, there was one person who provided testimony in opposition of the Local Coastal Program amendment; and

**WHEREAS**, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the Text Amendment and Local Coastal Program Amendment and took action to adopt Planning Commission Resolution No. 2019-20, "A Resolution of the Planning Commission of the City of Eureka Transmitting a Recommendation of Approval to the City Council for the Implementation Plan portion of the Crowley Site LCP Amendment"; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, on December 26, 2019, a "*Notice of Availability of Draft Local Coastal Program Amendment and Notice of City Council Public Hearing*" for the draft Amendment was mailed to 47 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

**WHEREAS**, on December 27, 2019 the same Notice was published in the Times Standard, a daily newspaper of general circulation; and

**WHEREAS**, the Notice advised of a public hearing scheduled before the City Council on January 7, 2020; and

**WHEREAS**, pursuant to Title 14 California Code of Regulations, Section 13515, the publication on December 27, 2019, was at least ten days prior to the scheduled public hearing; and

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

**WHEREAS**, the City Council held a public hearing on January 7, 2019, to consider the Text Amendment and Local Coastal Program map amendments. Two people provided testimony in favor and one person provided testimony against the Local Coastal Program amendment; and



**WHEREAS**, on January 7, 2020, upon closing the public hearing, the City Council considered the Text Amendment and Local Coastal Program Amendment and the Planning Commission's recommendation, and took action to waive reading, read by title only and introduce Bill No. 972-C.S., an *"An Ordinance of the City Council of the City of Eureka Amending the Implementation Plan Map (Zoning Map) of the Adopted and Certified Local Coastal Program to cause parcel 019-271-004 to be zoned Service Commercial (CS) and to add a Qualified (Q) Combining District Designation"*; and

**WHEREAS**, on January 21, 2020, the City Council took action to waive reading, read by title only and adopt Bill No. 972-C.S., an *"An Ordinance of the City Council of the City of Eureka Amending the Implementation Plan Map (Zoning Map) of the Adopted and Certified Local Coastal Program to cause parcel 019-271-004 to be zoned Service Commercial (CS) and to add a Qualified (Q) Combining District Designation"*; and

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

**WHEREAS**, the City Council's final action on the Local Coastal Program Amendment occurred on January 21, 2020, which is 109 days following the October 4, 2019, mailing of the Notice of Public Hearing, and the publication of the first notice in the Times Standard.

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

**SECTION 1** The City Council adopts the Land Use Map amendment as proposed and directs Staff to transmit the adopted amendments to the Implementation and Land Use Plan maps for the Crowley Site Local Coastal Program Amendment to the Coastal Commission for approval and certification.

**SECTION 2** The City Council hereby declares that pursuant to Coastal Act Section 30510(a), the City of Eureka will carry out the Text Amendment and Local Coastal Program Amendment in a manner fully consistent with the California Coastal Act.

**SECTION 3** The City Council directs that the Implementation and Land Use Plan map amendments for the Crowley Site Local Coastal Program Amendment will take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 3rd day of March, 2020 by the following vote:

AYES: COUNCILMEMBERS CASTELLANO, ARROYO, BERGEL

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS MESSNER, ALLISON



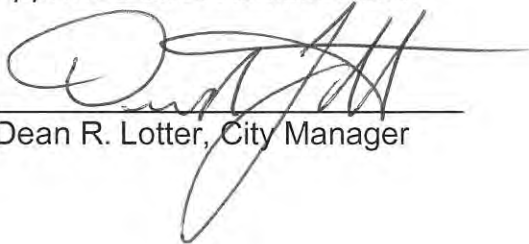
Susan Seaman, Mayor of the City of Eureka

*Attest:*



Pamela J. Powell, City Clerk

*Approved as to Administration:*



Dean R. Lotter, City Manager

*Approved as to form:*



Autumn E. Luna, Assistant City Attorney

BILL No. 972-C.S.  
ORDINANCE No. 894-C.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA AMENDING THE IMPLEMENTATION PLAN MAP (ZONING MAP) OF THE ADOPTED AND CERTIFIED LOCAL COASTAL PROGRAM TO CAUSE PARCEL 019-271-004 TO BE ZONED SERVICE COMMERCIAL (CS) AND TO ADD A QUALIFIED (Q) COMBINING DISTRICT DESIGNATION.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:**

**Section 1. Declaration**

The City Council of the City of Eureka does hereby find, declare and determine that the following reclassification of parcel 019-271-004, within the City of Eureka, from a Coastal Dependent Industrial (MC) zone district to a Service Commercial (CS) zone district, with the addition of a Qualified (Q) combining district, consistent with the proposed General Service Commercial land use plan designation, was duly initiated, that notice of hearing thereon was duly given and published, that public hearings thereon were duly held by the Planning Commission and the City Council and that public necessity and convenience and the general welfare require that the following amendment to the Implementation Plan map (zoning map) be made.

**Section 2. Zoning Change**

The Implementation Plan map (zoning map) of the City of Eureka is hereby amended to reclassify parcel 019-271-004, within the City of Eureka, from a Coastal Dependent Industrial (MC) zone district to a Service Commercial (CS) zone district, with the addition of a Qualified (Q) combining district, consistent with the proposed General Service Commercial land use plan designation. The Qualified (Q) allows the following uses and provides the following limitations:

Principally Permitted Uses:

- Multi-family/multi-unit single-story residential uses permitted under permitted uses in the RM Districts, for not more than 40 individual persons.
- Public utility and public service infrastructure, including but not limited to pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks and transmission lines.
- Storage yards for commercial vehicles.
- Temporary/seasonal uses, such as Christmas Tree lots.
- Towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility subject to the provisions of Article 31 (Wireless Telecommunication Facilities)



- Wireless telecommunication facilities located more than 150 feet from an R District, subject to wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Life safety and natural hazard limitations on the permitted uses include, but are not limited to, the following:

- All structures will comply with the Flood Hazard Area Regulations contained in the Eureka Municipal Code.
- Structures will be constructed to allow relocation or removal.
- Prior to commencement of any use, including future uses, the owner/manager of each use will develop a Tsunami Evacuation Plan, and implement and enforce the Tsunami Evacuation Plan for the life of the use. The Tsunami Evacuation Plan must be approved by the City of Eureka, and a copy of the approved Tsunami Evacuation Plan, and any new or updated Evacuation Plans must be provided to any and all tenants and employees on the site of the use, and to the Development Services Department.

The uses listed herein are the only uses that are allowed on the site, and only when the uses comply with the limitations for this site, and any conditions of approval resulting from required Coastal Development Permits.

### **Section 3. Timing**

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

Bill No. 972-C.S.  
Ordinance No. 894-C.S.  
Page 3

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 21<sup>st</sup> day of January, 2020 by the following vote:

AYES: COUNCILMEMBERS CASTELLANO, MESSNER, ARROYO, ALLISON,  
BERGEL  
NOES: COUNCILMEMBERS  
ABSENT: COUNCILMEMBERS



Kim Walford Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the 24 day of January, 2020, and hereby approved.



Susan Seaman, Mayor

Approved as to Administration:



Dean Lotter, City Manager

Approved as to form:

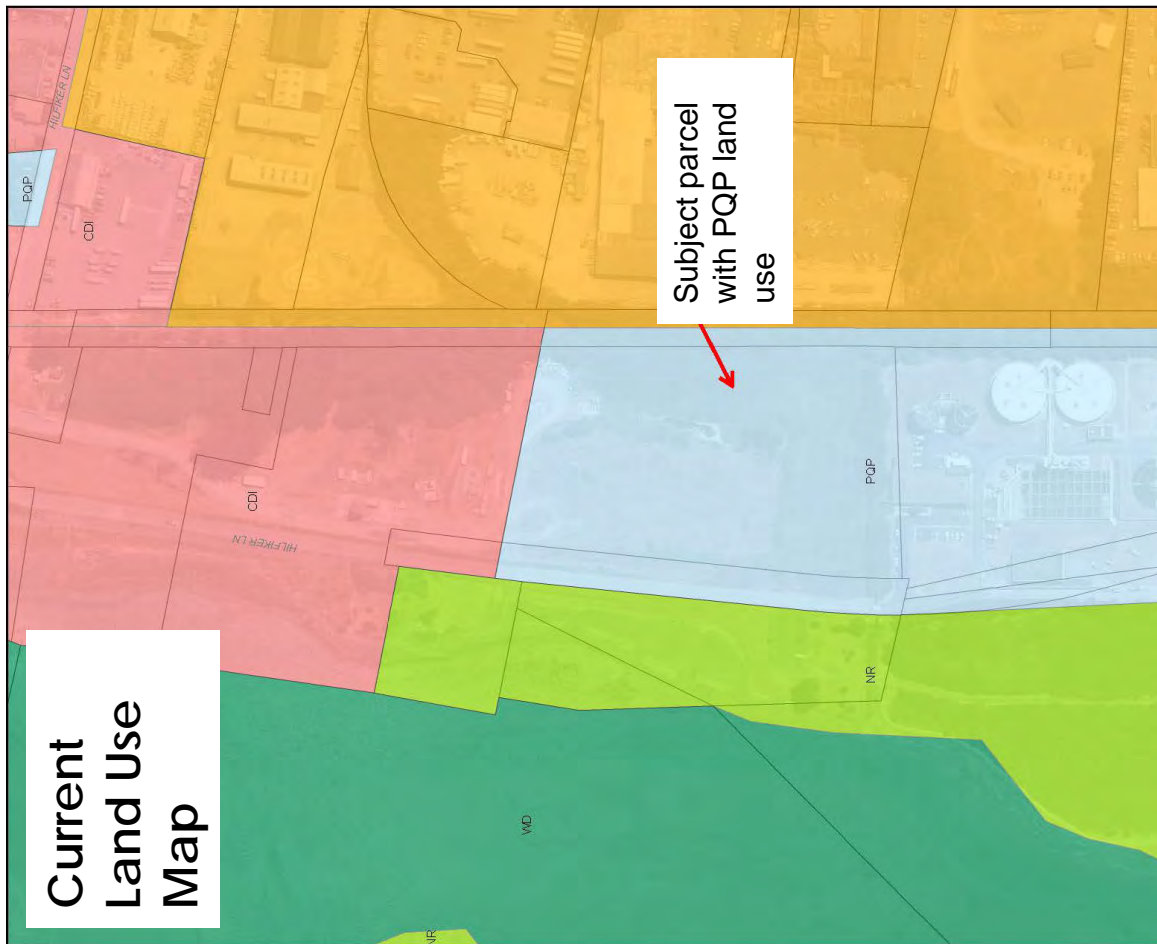
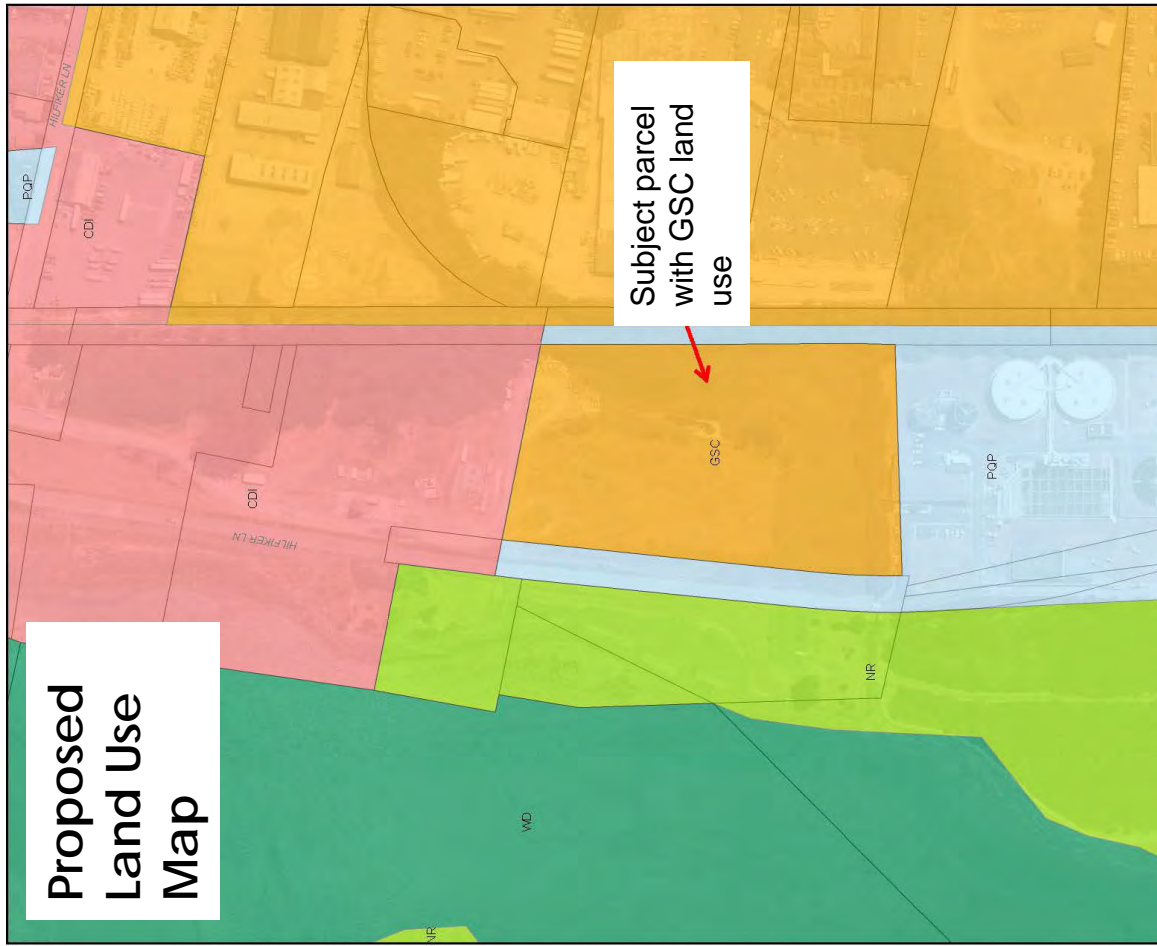


Robert Black, City Attorney

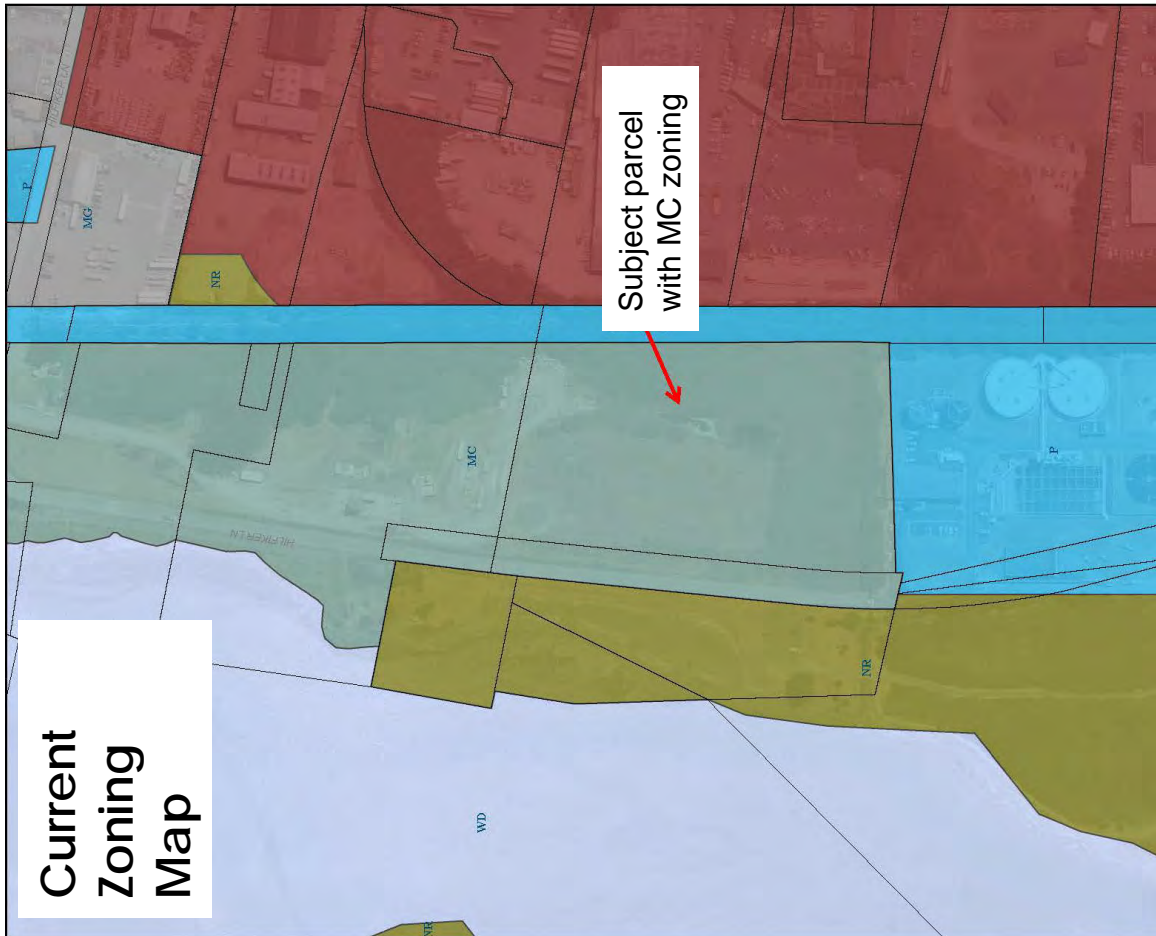
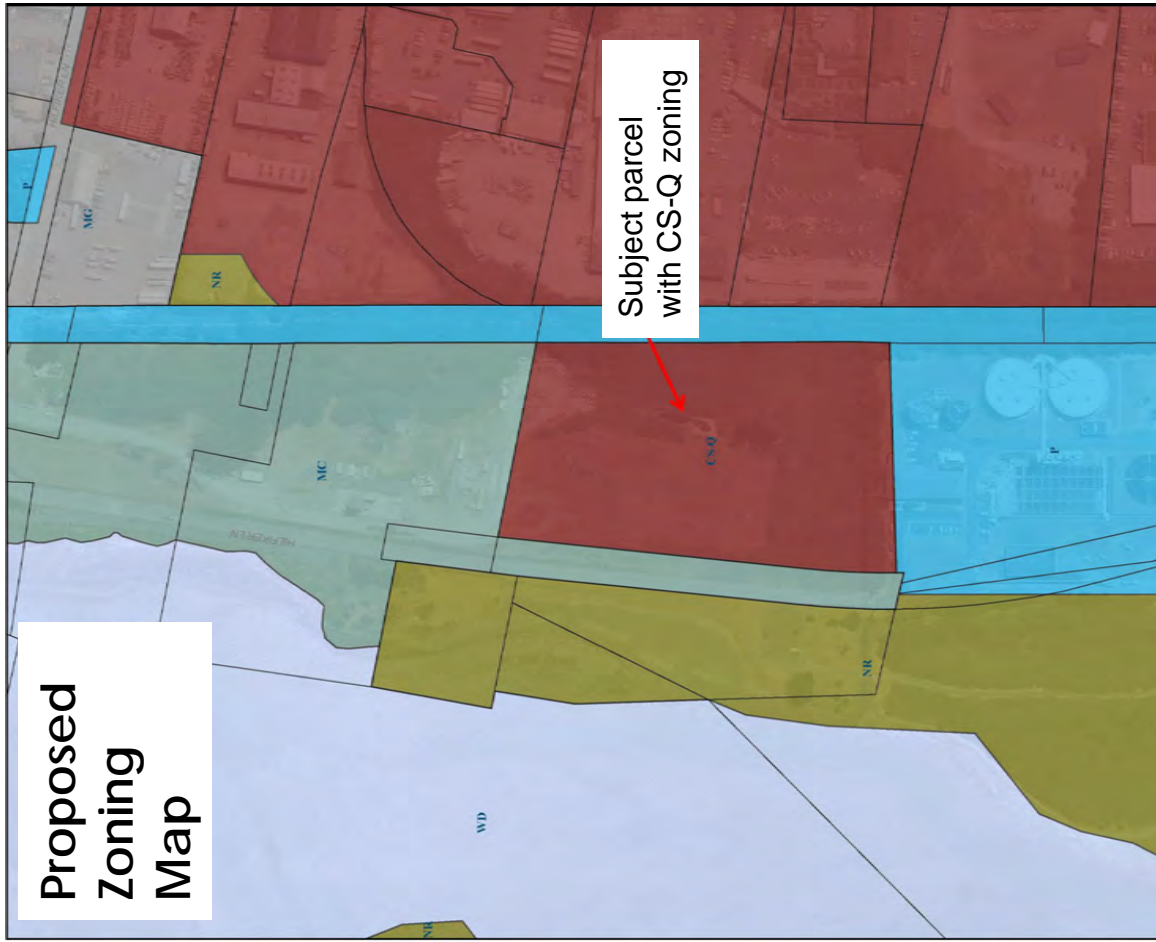
THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the 28th day of January, 2020.



Pamela J. Powell, City Clerk









# Potential Site Plan for Housing Showing 30-foot-wide Buffers

