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Prepared September 18, 2020 for the October 9, 2020 Hearing

TO: Coastal Commissioners and Interested Persons

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**SUBJECT: City of Eureka LCP Amendment No. LCP-1-EUR-17-0049-2
(Emergency Shelters)**

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission certify the proposed City of Eureka Local Coastal Program (LCP) Amendment No. LCP-1-EUR-17-0049-2 with suggested modifications.

The City of Eureka (City) is proposing to amend the City's certified Land Use Plan (LUP) and Implementation Program (IP) to add emergency shelters as a permitted use in the general commercial, general industrial, and light industrial zoning districts and land use designations, and add specific regulations and permitting requirements for emergency shelters to a new Article 2.5 of the IP. The intent of the amendment is to bring the City into conformity with Senate Bill 2 (Cedillo, Chapter 633, Statutes of 2007) (SB2), which amended state housing law (Government Code Section 65583 et seq.) to require, in part, that local governments identify at least one zone of sufficient capacity where emergency shelters are permitted by right. By explicitly allowing for emergency shelters for the first time in certain land use designations and zoning districts in the coastal zone, the proposed amendment removes barriers to shelter housing consistent with the Commission's EJ policy.

The proposed amendment would maintain consistency with the priority use provisions of the Coastal Act and certified LUP by only permitting emergency shelters in general commercial and industrial designations/districts, thereby ensuring that emergency shelters are not located on lands reserved for natural resources, agriculture, coastal-dependent industry, commercial fishing, and recreational boating. The proposed amendment would also concentrate development in an existing developed area able to

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accommodate it, consistent with Coastal Act Section 30250. Adding emergency shelters to the general commercial and industrial designations/districts would promote infill on vacant sites within the City's urban area, and would not increase demand for services beyond what is planned for under the certified LCP as emergency shelters are no more intense in terms of service demands than typical general commercial and industrial uses. Any application for a new homeless emergency shelter on lands located in the coastal zone would also be subject to the coastal permit process and the policies/standards of the LCP, including but not limited to policies requiring the provision and protection of coastal access, minimization of risk of exposure of persons and property to hazards, and protection of marine resources and environmentally sensitive habitat areas.

Regarding the LUP amendment, Commission staff recommends modifying a problematic reference to SB2 that could be misinterpreted as incorporating state housing law, or any other bill that is assigned number SB2, into the LCP by reference. **Suggested Modification 1** would remove "pursuant to SB2" as a modifier to the term "emergency shelter" in the purpose and permitted use tables of the LUP and instead include a footnote that explains that the City's intent for adding emergency shelters to the LUP is "to comply with Senate Bill 2 (Cedillo, 2007)." Only with this suggested modification could the LUP amendment be found consistent with the Chapter 3 policies of the Coastal Act. The City helped draft this suggested modification and is in agreement with Commission staff on the change.

Regarding the IP amendment, Article 2.5 as adopted by the City is missing a definition of emergency shelters and includes a few incorrect references to code sections. Additionally, during review of the amendment, the City realized that the requirement for a discretionary shelter permit approved by the City Council in proposed Article 2.5 is inconsistent with SB2; the requirement for unpaved usable open space precludes the use of a number of available vacant paved lots in the City; and the parking standard is unnecessarily stringent for the amount of demand experienced at current and former shelter operations. It was also brought to the City's attention that proposed Article 2.5 does not address environmental justice concerns about potential exposure to soil and groundwater contamination that might occur as the result of allowing a residential use in industrial zones. The City is requesting that the Commission address these issues through "friendly" suggested modifications to proposed Article 2.5 to add an emergency shelter definition, fix referencing errors, remove the requirements for a discretionary local shelter permit and unpaved open space, modify the parking standard, and add a safety standard to address potential contamination. Specifically, the new safety standard would require that sites with hazardous materials be remediated to a residential use standard prior to use for an emergency shelter. Commission staff recommends **Suggested Modification 3** to incorporate the City's requested changes.

Finally, City staff has requested that the Commission add "friendly" suggested modifications to also allow emergency shelters as a permitted use on the Crowley Site, the parcel that is the subject of LCP Amendment LCP-1-EUR-20-0009-1, Part C, also being heard at the October 2020 Commission meeting. This could only occur after certification of LCP Amendment LCP-1-EUR-20-0009-1, Part C and would entail

modifying the LUP to add emergency shelters to the list of permitted uses in the Mixed Use Limited (MUL) designation and modifying the IP map to amend how the Q Combining District is applied to the CS District on the Crowley Site (to add emergency shelters to the list of principally permitted uses at the Crowley Site). Emergency shelters are a similar use to multi-family housing which would already be allowed in the MUL designation and CS-Q District on the Crowley Site (under LCP Amendment LCP-1-EUR-20-0009-1, Part C), if that LCP amendment is certified with suggested modifications recommended by Commission staff. Also, emergency shelters can be developed consistent with the hazard and wetland constraints of that site as limited-intensity, temporary uses. Thus, **Suggested Modifications 2 and 4** are added to modify the LUP and IP map as described above to allow emergency shelters as a permitted use on the Crowley Site. **Suggested Modification 5** stipulates that these provisions of LCP-1-EUR-17-0049-2 shall not become effective unless and until LCP-1-EUR-20-0009-1, Part C is certified by the Commission and has taken effect.

City staff has indicated its agreement with the Commission staff's recommended suggested modifications summarized above and discussed in the below findings. Staff recommends that the Commission reject the proposed LUP and IP amendments as submitted and approve the amendments only as modified to ensure that the LUP amendment is consistent with the Chapter 3 policies of the Coastal Act and the IP amendment is in conformance with and adequate to carry out the certified LUP policies.

Staff Note: LCP Amendment Action Deadline

The LCP amendment submittal was filed as complete by the North Coast District Office on September 1, 2020.¹ The 90-working-day deadline by which the Commission must act upon the amendment is January 12, 2021.

Additional Information

For further information, please contact Cristin Kenyon at the Commission's North Coast District Office in Arcata at Cristin.kenyon@coastal.ca.gov. Please mail correspondence to the Commission at the letterhead address. In addition, please also send a copy of all correspondence or other documents electronically to Northcoast@coastal.ca.gov.

¹ On June 20, 2017 the City of Eureka transmitted the LCP amendment application to the North Coast District Office, and Commission staff responded on July 5, 2017 with a request for additional information to complete the application. Due to staff turnover, shifting priorities and other reasons, City staff did not respond to the request for additional information until July 2020.

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EXHIBITS

[Exhibit 1 – Regional Location Map](#)

[Exhibit 2 – Maps of Implicated Lands \(the CS, ML, and MG Districts\)](#)

[Exhibit 3 – Resolution of Transmittal of LCP Amendment](#)

[Exhibit 4 – Resolution of Adoption of LUP Amendment](#)

[Exhibit 5 – Ordinance of Adoption of IP Amendment](#)

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, first reject the LUP and IP components of the amendment as submitted and then approve both components if modified as suggested in the staff report. The Commission needs to make four motions in order to act on this recommendation.

1. Denial of the LUP Amendment as Submitted

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only upon an affirmative vote of a majority of the appointed Commissioners.

Motion 1: I move that the Commission certify Land Use Plan Amendment No. LCP-1-EUR-17-0049-2 as submitted by the City of Eureka.

Resolution 1: The Commission hereby denies certification of the Land Use Plan Amendment No. LCP-1-EUR-17-0049-2 as submitted by the City of Eureka and adopts the findings set forth below on grounds that the submitted land use plan amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the land use plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment.

2. Certification of the LUP Amendment with Suggested Modifications

Staff recommends a **YES** vote. Passage of this motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion 2: I move that the Commission certify Land Use Plan Amendment No. LCP-1-EUR-17-0049-2 for the City of Eureka if modified as suggested in the staff recommendation.

Resolution 2: The Commission hereby certifies the Land Use Plan Amendment LCP-1-EUR-17-0049-2 for the City of Eureka if modified as suggested and adopts the findings set forth below on grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with 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 plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment if modified.

3. Denial of the IP Amendment As Submitted

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

Motion 3: I move that the Commission reject Implementation Program Amendment No. LCP-1-EUR-17-0049-2 as submitted by the City of Eureka.

Resolution 3: The Commission hereby denies certification of Implementation Program Amendment No. LCP-1-EUR-17-0049-2 as submitted by the City of Eureka on grounds that the implementation program 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 program 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.

4. Certification of the IP Amendment with Suggested Modifications

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.

Motion 4: I move that the Commission certify Implementation Program Amendment No. LCP-1-EUR-17-0049-2 for the City of Eureka if modified in accordance with the suggested changes set forth in the staff report.

Resolution 4: The Commission hereby certifies the Implementation Program Amendment No. LCP-1-EUR-17-0049-2 for the City of Eureka if modified as suggested on grounds that the implementation program, as amended, conforms with and is adequate to carry out the provisions of the certified land use plan. Certification of the implementation program amendment will comply with 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 program amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to ensure that the LUP is consistent with the Coastal Act and that the IP conforms with and is adequate to carry out the policies of the LUP as modified. 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. Because of the length of Suggested Modifications 1 and 3, these two modifications are only summarized below; the full text of Suggested Modifications 1 and 3 are shown in Appendices B and C, respectively. Suggested Modifications 2, 4, and 5 shown below are directives to the City. The specific language changes to the certified LCP that would result from acceptance of these suggested modifications are very limited in extent and are not shown.

A. Suggested Modifications to the LUP Amendment

1. Suggested Modification 1

Modify the City's proposed amendment to the certified LUP (Table B-1 of the Land Use Diagram within the Eureka General Plan's Appendix B) to remove the language "pursuant to SB2" in multiple places and replace with a footnote stating: "emergency shelters are included to comply with Senate Bill 2 (Cedillo, 2007)."

Suggested Modification 1 to LUP Table B-1 is shown in full in [Appendix B](#).

2. Suggested Modification 2

Modify the certified LUP (Table B-1 of the Land Use Diagram within the Eureka General Plan's Appendix B) to add emergency shelters as a permitted use to the Mixed Use Limited (MUL) designation to be added to the certified LUP by LCP Amendment No. LCP -1-EUR-20-0009-1, Part C.

B. Suggested Modifications to the IP Amendment

1. Suggested Modification 3

Modify proposed IP Article 2.5 as requested by the City to (1) add a definition of emergency shelters; (2) remove the requirement for a discretionary shelter permit issued by the City Council; (3) remove the standard that paved areas cannot be counted towards required open space for emergency shelters; (4) change parking requirements for emergency shelters; and (5) correct referencing errors.

Suggested Modification 3 to proposed IP Article 2.5 is shown in full in [Appendix C](#).

2. Suggested Modification 4

Modify the Qualified (Q) Combining District language to be applied to APN 019-271-004 (the Crowley Site) on the certified IP map (zoning map) of the City of Eureka by LCP Amendment No. LCP -1-EUR-20-0009-1, Part C to add "emergency shelters pursuant

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to the requirements and regulations contained in Section 10-5.250 (Emergency Shelters)” to the list of principally permitted uses.

C. Suggested Modification Applicable to Both the LUP & IP Amendments

1. Suggested Modification 5

The provisions approved by the Commission with Suggested Modifications 2 and 4 of its action on LCP-1-EUR-17-0049-2 shall not become effective unless and until LCP-1-EUR-20-0009-1, Part C is certified by the Commission and has taken effect.

III. PROCEDURAL ISSUES

A. Standard of Review

Pursuant to Coastal Act Section 30512(c), to certify the proposed amendment to the LUP portion of the City of Eureka LCP, the Commission must find that the LUP as amended meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Pursuant to Coastal Act Section 30513, to certify the proposed amendment to the IP portion of the City of Eureka LCP, the Commission must find that the IP as amended would be in conformity with and adequate to carry out the policies of the certified LUP.

B. Public Participation

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LCP. The City of Eureka's Planning Commission held a public hearing on the proposed amendment on April 10, 2017, and the City Council held a public hearing on May 2, 2017. The hearings 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, a local government's resolution for submittal to the Coastal Commission may specify that a LCP amendment will either require formal local government adoption after Commission approval, or state that it is an amendment that will take effect automatically upon the Commission's approval. In this case, the City's resolution of transmittal of the LCP amendment to the Commission for certification (Resolution No. 2017-35) indicates that the amendment will take effect automatically upon Coastal Commission approval and certification (Exhibit 3). Therefore, if the Commission certifies the LCP amendment as submitted, no further City action will be necessary to formally adopt the amendment. Should the Commission certify the LCP amendment subject to suggested modifications, final approval by the City and a determination by the Executive Director of compliance with Section 13544 of the Commission's regulations will be required 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.

IV. AMENDMENT DESCRIPTION & BACKGROUND

The City of Eureka is proposing to amend the City's certified Land Use Plan (LUP) and Implementation Program (IP) to add emergency shelters as a permitted use in the general commercial, general industrial, and light industrial land use designations and zoning districts, and add specific regulations and permitting requirements for emergency shelters to a new Article 2.5 of the IP.

A. Purpose and Intent

The intent of the amendment is to bring the City into conformity with state housing law and specifically Senate Bill 2 (Cedillo, Chapter 633, Statutes of 2007) (SB2). SB2 amended state housing law (Government Code Section 65583 et seq.) to require, in part, that local governments identify at least one zone of sufficient capacity where emergency shelters are permitted by right without the need to obtain a conditional use or other discretionary local permit. The City's LCP does not currently contain any areas within the coastal zone that allow emergency shelters as a principally permitted use.² Adding emergency shelters to the list of permitted uses in the general commercial, general industrial, and light industrial designations/districts would allow existing structures in these designations/districts to be converted or partially converted for shelter use, and would also allow the construction of new emergency shelter facilities on vacant or underused parcels.

B. LUP Amendment Provisions

The City is proposing to amend the certified LUP to add emergency shelters to the list of permitted uses in the General Service Commercial (GSC), Limited Industrial (LI), and General Industrial (GI) land use designations, and to modify the stated purpose of each of these three land use designations to include providing sites for emergency shelters pursuant to SB2.

The City has also requested that the Commission add "friendly" suggested modifications to allow emergency shelters as a permitted use on the Crowley Site (APN 019-271-04), the parcel that is the subject of LCP Amendment LCP-1-EUR-20-0009-1, Part C. Adding emergency shelters as a permitted use would entail modifying the LUP to add emergency shelters to the list of permitted uses in the Mixed Use Limited (MUL) land use designation that would be created and applied to the Crowley Site through the suggested modifications to LCP Amendment No. LCP -1-EUR-20-0009-1, Part C. The MUL designation will be created through LCP-1-EUR-20-0009-1, Part C, which has not

² Under the certified IP, "charitable institutions" are allowed as a conditional use in the One-Family Residential District, Multi-Family Residential District, Office and Multi-Family Residential District, Waterfront Commercial District, Neighborhood Commercial District, and Service Commercial District. The certified IP Section 10-5.2906.2(m) defines a "charitable institution" as: "*a non-profit institution devoted to the housing, training, or care of children, or of aged, indigent, handicapped, or underprivileged persons, but not including lodging houses, or dormitories providing temporary quarters for transient unemployed persons, organizations devoted to collecting or salvaging new or used materials, or organizations devoted principally to distributing food, clothing or supplies on a charitable basis.*"

yet been effectively certified, and will only be applied to the Crowley Site once certified. This new designation could also be applied to other parcels in the future. The purpose of the MUL designation is to provide for limited-intensity, temporary uses including residential, commercial, and public facility uses on parcels with coastal resource and/or coastal hazard constraints. An emergency shelter is a residential use that can be developed to be a low-intensity, temporary use consistent with the purpose of the MUL designation. For instance, as an emergency shelter, by definition, provides temporary housing, it is feasible for an emergency shelter operator to rely on relatively easily removable/relocatable structures for housing. Also, it is feasible for emergency shelter operators to reduce the intensity of their operation by limiting the number of occupants and structures consistent with site constraints. As discussed in the LUP consistency analysis findings below, adding emergency shelters to the MUL designation would also be consistent with the priority use, service capacity, resource protection, and public access policies of the Coastal Act. **Suggested Modification 2** therefore adds emergency shelters to the list of permitted uses in the MUL designation as requested by the City.

In order for emergency shelters to be added to the permitted uses in the MUL designation, the MUL designation must first be created through the effective certification of LCP Amendment LCP-1-EUR-20-0009-1, Part C. Thus, **Suggested Modification 5** stipulates that Suggested Modification 2 of LCP-1-EUR-17-0049-2 shall not become effective unless and until LCP-1-EUR-20-0009-1, Part C is certified by the Commission and has taken effect.

C. IP Amendment Provisions

The City is proposing to amend the certified IP to add emergency shelters to the lists of permitted uses in the Service Commercial (CS) District, the Light Industrial (ML) District, and the General Industrial (MG) District. The CS, ML and MG Districts are intended to carry out the GSC, LI, and GI land use designations, respectively. The City is also proposing to add a new Article 2.5 to the certified IP to establish standards and permitting requirements specific to emergency shelters.

Under proposed Article 2.5, anyone proposing an emergency shelter in the CS, ML, or MG Districts would be required to obtain a shelter permit approved by the City Council (proposed Sections 10-5.251-10-5.253) and all emergency shelters would be required to comply with a number of development and operation standards (proposed Sections 10-5.254-10-5.256), including but not limited to standards for provision of off-street parking, exterior security lighting, and usable open space. Emergency shelters would also be required to comply with all the generally applicable development standards of the zoning district in which they are located.

As mentioned above, the City has also requested that the Commission add “friendly” suggested modifications to also allow emergency shelters as a permitted use on the Crowley Site. Under LCP Amendment LCP-1-EUR-20-0009-1, Part C, the Crowley Site would be zoned CS with a Qualifying Combining District (CS-Q). The Q Combining District would limit the allowable CS uses at the Crowley Site to five enumerated uses. The City is requesting that this list of uses be expanded to include emergency shelters.

Suggested Modification 4 therefore adds emergency shelters to the list of permitted uses in the CS-Q District on the Crowley Site as requested by the City.

In order for emergency shelters to be added to the permitted uses in the CS-Q District on the Crowley Site, the CS-Q District must first be created through the certification of LCP Amendment LCP-1-EUR-20-0009-1, Part C. Thus, **Suggested Modification 5** stipulates that Suggested Modification 4 of LCP-1-EUR-17-0049-2 shall not become effective unless and until LCP-1-EUR-20-0009-1, Part C is certified by the Commission and has taken effect.

D. Implicated Lands

The CS District includes 340 parcels in the coastal zone totaling 259 acres.³ The ML and MG Districts include 105 parcels in the coastal zone totaling 145 acres. Exhibit 2 shows the location of CS, ML, and MG-zoned lands within the City's coastal zone.

³ Once certified, LCP-1-EUR-20-0009-1, Part C will add another 6.1-acre parcel to the CS District.

V. LUP CONSISTENCY ANALYSIS

A. Protection of Priority Uses

The Coastal Act prioritizes certain land uses over other competing uses. Priority uses under the Coastal Act include visitor-serving facilities and particularly lower-cost visitor-serving facilities (Sections 30213 and 30222), recreational facilities (Sections 30213, 30220, 30221, 30222, 30223, 30234 and 30254), coastal-dependent uses (Sections 30222, 30222.5 and 30254) and agriculture (Sections 30212, 30222, 30241 and 30242). The City of Eureka's LCP implements this prioritization in part through restrictive land use designations and zoning districts that reserve lands for priority uses, including the Coastal Agricultural, Waterfront Commercial, Coastal Dependent Industrial, and Public Facility/Marina designations/districts, which reserve lands for agricultural, visitor-serving commercial recreational, coastal-dependent industrial, and commercial fishing and recreational boating uses respectively. The amendment would add emergency shelters (a residential use) to the general commercial, light industrial, general industrial, and mixed use limited designations (the GSC, LI, GI, and MUL designations) and would not affect any priority-use designations.

The GSC designation is intended for commercial uses that offer commodities and services required by residents of the city and its surrounding market area; the MUL designation is intended for limited residential, commercial, and public facility uses; and the LI and GI designations are intended for general industrial uses that do not require a site on or adjacent to the bay to function. Although the GSC, LI, GI, and MUL designations are not intended to reserve land for priority uses, the GSC and MUL land use designations do allow for visitor-serving commercial uses, and the LI and GI designations could theoretically accommodate coastal-dependent industrial uses, although few LI- or GI-designated properties within the City's LCP jurisdiction are located directly on the waterfront and none are located on the deep channel. However, given that the City has hundreds of acres of lands in its coastal zone under these four designations with many currently vacant properties, there is space to accommodate emergency shelters without precluding future priority uses. The City also has significant land in priority use designations that is vacant or underutilized. Furthermore, emergency shelters are not a profitable enterprise that would readily compete with visitor-serving or coastal-dependent industrial uses. Past interest in developing emergency shelters on commercial and industrial lands has largely been focused on vacant and underutilized parcels. Finally, the City's LCP includes strong policies prioritizing visitor-serving and coastal-dependent industrial priority uses, including requirements for the reservation of services for needed priority uses consistent with Coastal Act Section 30254.⁴

⁴ Priority use provisions of the certified LCP include LUP Policies 1.A.5, 1.L.11, 1.M.7, 1.D.5, 4.B.1, & 5.B.2; and IP Sections 10-5.2902(d) & 10-5.2945.3.

For all the reasons described above, the LUP amendment as submitted, and as modified to add emergency shelters to the MUL designation, is consistent with the priority use provisions of the Coastal Act.

B. Siting New Development & Coastal Resource Protection

Under Coastal Act Section 30250, the Commission is charged with evaluating whether the LCP as amended would concentrate new development in existing developed areas able to accommodate it while avoiding significant individual and cumulative adverse effects on coastal resources. The implicated CS, LI, GI, and MUL designations are located in urban Eureka with access to public transportation and services. The amendment as submitted to add emergency shelters to the CS, LI, and GI designations, and as modified to also add emergency shelters to the MUL designation, promotes infill on vacant sites within the urban area. Emergency shelters are no more intense in terms of service demands than typical general commercial and industrial uses so they should not increase demand for services beyond what is planned for under the certified LCP. Thus, the amendment as submitted, and as modified to add emergency shelters to the MUL designation, is consistent with the requirement of Section 30250 of the Coastal Act that new residential development shall be located within existing developed areas able to accommodate it.

Regarding avoidance of coastal resource impacts, one of the City's stated purposes of designating locations for emergency shelters is to reduce or eliminate impacts to natural resources and broader public access that result from widespread unpermitted overnight camping on vacant lots and open spaces along the Eureka waterfront. Under the amendment, emergency shelters will be required to adhere to the same development standards imposed on all uses in the CS, LI, GI, and MUL designations including standards for floor area ratio, building height limits, setbacks, landscaping, and water quality measures, which will provide protection of the City's coastal resources. Although state housing law requires that emergency shelters not be subject to local discretionary permits, this requirement does not extend to coastal development permits required pursuant to the Coastal Act. Any application for a new emergency shelter on CS, LI, GI, or MUL lands located in the coastal zone will be subject to the LCP's coastal development permit process provisions and the policies/standards of the LCP, including but not limited to policies requiring the provision and protection of coastal access, avoidance and minimization of risks of exposure of persons and property to hazards, and protection of marine resources and environmentally sensitive habitat areas. Thus, the LUP amendment as submitted, and as modified to add emergency shelters to the MUL designation, is consistent with Coastal Act Section 30250.

C. Public Access

Coastal Act Sections 30210, 30211, 30212 and 30214 require the provision of maximum public access opportunities, with limited exceptions. Coastal Act Section 30210 requires, in applicable part, that maximum public access and recreational opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Section 30211 requires in applicable part that development not interfere with the public's right of access to the sea where acquired

through use (i.e., potential prescriptive rights or rights of implied dedication) or legislative authorization. Section 30212 requires, in applicable part, that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, such as when adequate access exists nearby or when the provision of public access would be inconsistent with public safety. Section 30214 of the Coastal Act identifies the need to regulate the time, place and manner of public access depending on the facts and circumstances in each case.

The majority of the land located in the City of Eureka's CS, LI, GI, and MUL designations is not directly adjacent to the waters of Humboldt Bay. The City has a continuous 6.3-mile-long waterfront trail route spanning the extent of City limits from south Eureka to northeastern Eureka along Humboldt Bay's eastern shoreline and Eureka Slough that links a number of public access points and open spaces providing public access to and along the City's waterfront. Development of an emergency shelter on a CS, LI, GI, or MUL designated parcel would not change or remove existing access to the coast in any of these areas.

Emergency shelters could potentially negatively impact public access to Humboldt Bay by affecting the availability of parking near the shoreline. However, 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. The IP amendment as modified also includes a parking standard specific to emergency shelters to address any increased demand for parking near the coast. Thus, the LUP amendment as submitted, and as modified to add emergency shelters to the MUL designation, is consistent with the public access policies of the Coastal Act.

D. Reference to SB2

As proposed, the LUP amendment includes references to "SB2," listing "emergency shelters pursuant to SB2" as an allowable use in the CS, LI, and GI land use designations and adding "emergency shelters pursuant to SB2" to the stated purpose of each of these designations. The intended reference is to the State Senate Bill 2 that was enacted in 2007 and amended Sections 65582, 65583, and 65589.5 of Article 10.6 (Housing Elements) of Title 7, Division 1, Chapter 3 of the California Government Code.

The proposal to add "pursuant to SB2" to each subject land use designation is problematic for a number of reasons. Since the time that this particular SB2 was enacted in 2007, other bills titled SB2 have been introduced, considered and enacted, and other changes have been adopted to Article 10.6 of the California Government Code, making this reference vague and potentially outdated. In communication with Commission staff (letter dated August 18, 2020), City staff has indicated that the purpose of the reference is to clarify why the City is adding emergency shelters to the LUP (i.e., providing background on the impetus for this new allowance for emergency shelters). However, the reference to SB2 could be misinterpreted as an intent to incorporate by reference the emergency shelter provisions included in the state government code. Incorporating documents that are not included in the LCP by referencing such documents as guidance on how to implement the LCP is problematic

because (1) the outside documents may contain other provisions that are not in conformance with the certified LCP and (2) the documents can be changed without Commission knowledge or approval, creating additional inconsistency with the certified LCP or the Coastal Act.

Therefore, the LUP amendment as proposed with reference to SB2 is inconsistent with the Coastal Act. To address this inconsistency, **Suggested Modification 1** removes “pursuant to SB2” as a direct modifier of “emergency shelters” and instead includes a footnote that explains “emergency shelters are included to comply with Senate Bill 2 (Cedillo, 2007).” This modification clarifies the specific SB2 that is being referenced (the one adopted in 2007); and clarifies that the intent of referencing SB2 is to explain the impetus for the amendment (i.e., the intent is not to incorporate SB2 by reference). The City is in agreement with this suggested modification.

As modified by Suggested Modification 1, the LUP amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

E. Conclusion

In conclusion, the LUP amendment, as submitted, and as modified to add emergency shelters to the MUL designation, will add emergency shelters as an allowable use within urbanized land use designations, will not compete with or preclude the ability to provide for higher priority development, and will not adversely impact coastal resources including public coastal access. Furthermore, any potential issues emanating from emergency shelters will still be addressed via the coastal development permit review process to ensure consistency with all applicable LCP provisions. However, the proposed references to SB2 in the subject LUP amendment are unclear and could result in interpretation of the LUP inconsistent with the Chapter 3 policies of the Coastal Act. By clarifying the intent of these references, Suggested Modification 1 ensures that the LUP amendment as modified meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act.

VI. IP CONSISTENCY ANALYSIS

A. Consistency of IP Amendment with LUP Land Use Designations

The City is proposing to amend the certified IP to add emergency shelters to the lists of permitted uses in the Service Commercial (CS) District, the Light Industrial (ML) District, and the General Industrial (MG) District. The CS, ML and MG Districts are intended to carry out the GSC, LI, and GI land use designations, respectively. As modified by the proposed amendment, emergency shelters are included in the stated purpose and permitted uses of the GCS, LI, and GI designations. Thus, the proposed addition of emergency shelters as an allowable use in the CS, ML, and MG Districts conforms with and is adequate to carry out the GCS, LI, and GI designations of the certified LUP as amended.

As described above, the City is also requesting that the Commission add “friendly” suggested modifications to allow emergency shelters as a permitted use on the Crowley Site (APN 019-271-04). Once LCP Amendment LCP-1-EUR-20-0009-1, Part C is effectively certified, the Crowley Site will be zoned CS with a Q Combining District. The Q Combining District will limit the allowable CS uses at the Crowley Site to five enumerated uses. The Q Combining District for the subject parcel would thus need to be amended to add emergency shelters as a permitted use on that particular site. Under LCP Amendment LCP-1-EUR-20-0009-1, Part C, the new MUL designation is intended to be carried out by the CS-Q District, so adding emergency shelters to the Q Combining District regulations for the Crowley Site would be consistent with and adequate to carry out the MUL designation as amended.

B. Consistency of Adding Emergency Shelters to the Crowley Site with LUP Policies

The Crowley Site has a number of coastal resource and hazard constraints. The parcel is located within the 100-year flood zone and tsunami inundation zone, and its high flood risk is expected to worsen in the coming decades with projected sea level rise. Extensive wetlands also cover a significant portion of the parcel, and a 2019 Environmental Site Assessment recommended capping the site for residential use as a result of potential soil and groundwater contamination. Once LCP Amendment LCP-1-EUR-20-0009-1, Part C is certified, the Q Combining District limitations on the Crowley Site will already permit multi-family/multi-unit single-story residential uses for not more than 40 occupants on the parcel. The findings for LCP Amendment LCP-1-EUR-20-0009-1, Part C thus evaluate whether residential development could be accommodated on the Crowley Site and ultimately conclude that residential development could be developed on the parcel in a way that is consistent with and adequate to carry out the policies of the certified LUP. The Commission incorporates herein its consistency analysis findings of LCP amendment LCP-1-EUR-20-0009-1, Part C in full. In making this determination, the findings focus on how the application of the Q Combining District to the parcel will include parcel-specific requirements that will ensure that structures are not damaged or lost to storm flooding over their anticipated lifetime, that occupants will be prepared for safe evacuation in the event of a tsunami, that wetland habitat will not be degraded by activities on the parcel, and that construction workers, visitors, and

occupants will not be exposed to soil and groundwater contamination. As emergency shelters are a similar use to multi-family housing and would be subject to the same parcel-specific requirements, the Commission finds that adding emergency shelters to the Q Combining District regulations for the Crowley Site would be consistent with and adequate to carry out the policies of the certified LUP, including but not limited to the LUP's hazard risk minimization and coastal resource protection policies.

C. Consistency of Proposed Article 2.5 (Emergency Shelters) with LUP Policies

The City is also proposing to add a new Article 2.5 to the certified IP to establish standards and permitting requirements specific to emergency shelters. The City is requesting a number of “friendly” suggested modifications to new Article 2.5 that are necessary to ensure that the IP amendment is in conformity with and adequate to carry out the policies of the certified LUP. The friendly modifications are described below:

1. Adding a standard to address potential land use incompatibility

The proposed IP amendment would allow emergency shelters, a residential use, on commercial, light and general industrial properties. A significant number of commercial and industrial properties in Eureka's coastal zone have known or potential soil and/or groundwater contamination as the result of historic industrial use. The stated “primary intent” of the health and safety goals, policies, and programs of the City's certified LUP is “to protect Eureka residents, businesses, and visitors from the harmful effects of natural and man-made hazards. In doing so, the City hopes to protect both the physical well-being of Eureka residents and visitors and to ensure that development investments fully consider the implications of potentially hazardous conditions in the area” (Eureka General Plan, Part 1, General Land Use and Development Policies and Programs, Section 7: Health and Safety). Industrial contamination is a man-made hazard that could affect the physical well-being of emergency shelter occupants and employees if not properly evaluated and addressed consistent with the intent of the health and safety provisions of the LUP. Adding a residential use to the light and general industrial districts without addressing potential industrial hazards also results in an internal inconsistency with the IP as the stated purpose of the light and general industrial zoning districts includes protecting residential properties from hazards incidental to certain industrial uses [IP Sections 10-5.29160(c) & 10-5.29170(c)]. Thus, the IP amendment as proposed is inconsistent with and inadequate to carry out the health and safety provisions of the certified LUP. To address the potential incompatibility of the proposed residential use with industrial lands, the City is requesting that the Commission add by suggested modification a new standard to the proposed emergency shelter standards requiring that remediation of hazardous materials must be completed to a residential standard before a site can be used for an emergency shelter. **Suggested Modification 3** adds this standard to proposed Article 2.5 as requested by the City.

2. Adding a definition of emergency shelters

During review of the subject amendment, it became apparent that Article 2.5 as adopted by the City is missing a definition of emergency shelters. Without a definition of emergency shelters, it is unclear what exact land use is being added to the LCP by the

proposed amendment; how emergency shelters are defined greatly impacts implementation of the proposed amendment and in turn the LCP. Without a definition, the term could be interpreted and applied in a manner that is inconsistent with the certified LUP. Therefore, without a definition of emergency shelters, the IP amendment is inadequate to carry out the certified LUP. To address this inconsistency, **Suggested Modification 3** adds a definition of emergency shelters to proposed Article 2.5 as requested by the City.

3. Removing a local discretionary permit requirement

As discussed above, the City's stated purpose for the subject LCP amendment is to comply with the state housing law provision that requires the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit [Title 7, Division 1, Chapter 3, Article 10.6, Section 65583(a)(4)(A)]. Government Code Section 65583(a)(4)(A) also requires that existing or proposed permit processing, development, and management standards for emergency shelters be objective and encourage and facilitate the development of, or conversion to, emergency shelters. Article 2.5 as proposed by the City requires that all emergency shelters obtain a "Shelter Permit" approved by the City Council. This proposed requirement does not create a streamlined nondiscretionary approval process for emergency shelters consistent with state housing law.

The City is now requesting that, through the incorporation of a suggested modification, this requirement for a local discretionary shelter permit approved by the City Council be removed. Removal of the shelter permit requirement will reduce the permit processing time for emergency shelters, by avoiding the need for additional time and fees for the developer to apply for and City staff to prepare a report for review and action by the City Council. The City has indicated that compliance with the emergency shelter standards in Article 2.5 can be ensured instead through the local building/change of occupancy permit review process. In addition, once certified, Article 2.5 will be a part of the City's LCP, and, thus, the City will be required to review consistency with Article 2.5 during the review of any future coastal development permit for an emergency shelter.⁵ Therefore **Suggested Modification 3** removes the requirement for a local shelter permit from proposed Article 2.5 as requested by the City.

4. Addressing a conflict with existing parking standards

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. Specifically, LUP Policy 5.B.4 requires that the City protect and enhance the public's rights of access to and along the shoreline; LUP Policy 5.B.10 requires that the City, to the maximum extent feasible, ensure universal public access to

⁵ Proposed emergency shelters may include physical development and/or result in a change in density or intensity of use of a property and thus require a CDP. Proposed Article 2.5 Section 10-5.251 makes this clear by stating that emergency shelters in the coastal zone must comply with the CDP provisions of the City's certified IP.

the waterfront, including support facilities; and LUP Policy 5.B.9 states in part that off-street parking shall be provided in the waterfront area.

The City's coastal zone is largely less than a quarter mile wide from the shoreline of Humboldt Bay to its inland boundary. Emergency shelters could reduce the availability of coastal access parking if they do not include adequate off-street parking to serve their residents and employees. Proposed Article 2.5 includes an off-street parking standard for emergency shelters that requires a minimum of one parking space for every eight occupants allowed at the shelter, plus an additional one parking space for each two employees on a shift at the site. Since submittal of the LUP amendment, the City has expressed concerns to Commission staff that this standard could preclude emergency shelters inconsistent with state housing law and believes the standard requires more parking than necessary given observed parking demand at previous emergency shelters in the City (personal communication with City staff, September 8, 2020). The standard as proposed also does not address the fact that the City's existing certified IP already has a conflicting parking standard.⁶ Thus the City is requesting a friendly modification to modify the standard to only require 0.25 spaces for every eight occupants (plus an additional space for each two employees as originally proposed) and to clarify that this standard controls over the minimum parking space requirements of certified Article 15.

City staff has indicated that based on past experience with emergency shelters, very few users of the shelters have vehicles and the primary parking demand is generated by staff who travel to and from the site on a regular basis. By retaining the requirement for one space for each two employees, the reduced parking requirement should be sufficient to meet the demand for parking created by emergency shelter use. Thus, the City's requested change would retain an objective off-street parking standard that would ensure adequate off-street parking is provided, while also ensuring the standard is not so restrictive as to discourage or preclude the development of emergency shelters inconsistent with state housing law. The requested change would also resolve an apparent conflict with the parking requirements contained in certified IP Article 15, which, if left unresolved, could negatively impact implementation of the new emergency shelter provisions. Therefore, **Suggested Modification 3** updates the parking standard in proposed Article 2.5 as requested by the City.

5. Removing a restrictive development standard

As discussed at the Planning Commission and City Council hearings on this item, the proposed LCP amendment arose out of the need to establish an emergency shelter quickly on City-owned, vacant, and/or underutilized property in the coastal zone where

⁶ The City's existing certified IP, Article 15 includes off-street parking standards for various use types, and requires that for uses that are not specified in Article 15, the same number of off-street parking spaces be provided as is required for the most similar specified use [10-5.1502(c)]. The closest use to emergency shelters in Article 15 is "hospitals and charitable and religious institutions providing sleeping accommodations" which are required to provide two spaces for each three beds, one space for each two employees, and one space for each staff doctor [10-5.1503.3(d)].

such a use is not an allowable use under the currently certified LCP. The proposed amendment includes a standard that open space shall be provided on-site at emergency shelters at a ratio of five square feet per occupant allowed at the shelter and that any paved area cannot count as required open space. The pavement provision of the aforementioned open space standard would preclude the quick deployment of emergency shelters on a number of vacant and underutilized properties that would otherwise be prime locations for emergency shelters because these properties are largely paved. As mentioned above, state housing law [Gov. Code Section 65583(a)(4)(A)] requires that permit development standards for emergency shelters encourage and facilitate the development of, or conversion to, emergency shelters. Thus, the City is requesting that the open space standard be modified so that paved areas can count as open space as long as those paved areas are not being counted towards required off-street parking. This change does not affect the ability of the IP amendment to be consistent with and adequately carry out the certified LUP so **Suggested Modification 3** would update the open space standard as requested by the City.

6. Addressing referencing errors

During review of the subject amendment, Commission staff noticed a few minor referencing errors in proposed Article 2.5 where the City unintentionally referenced sections of uncertified code contained in Title 15, Chapter 155 of the Eureka Municipal Code. Under proposed Section 10-250 there is a reference to “§155.002 of this chapter;” and under proposed Sections 10-5.255.1(i) and 10-5.255.2(h) there are references to “§155.035 of this chapter.” Proposed Article 2.5 would be added to Title 10, Chapter 5 of the Eureka Municipal Code, not Title 15, Chapter 155. The City intended to reference Title 10, Chapter 5 Section 10-5.102 and Section 10-5.212, respectively. City staff has requested that the Commission include corrections to these errors as “friendly modifications.” **Suggested Modification 3** is thus included to fix these referencing errors.

7. Conclusion

The City is requesting a number of changes to proposed Article 2.5 that the Commission is incorporating as Suggested Modification 3, including the addition of a safety standard and an emergency shelter definition, the modification of a parking standard, the removal of a discretionary local permit requirement and paving standard, and the correction of a few referencing errors. Although the changes included in Suggested Modification 3 are being made at the request of the City, the changes are necessary to address an inconsistency with the health and safety provisions of the LUP, add clarifying information or remove incorrect references that could affect the ability of the City to adequately carry out the certified LUP, and/or harmonize state housing law requirements with the Coastal Act. Therefore, it is only through the incorporation of these revisions that the City’s IP amendment can be found consistent with and adequate to carry out the policies of the certified LUP, as amended.

VII. ENVIRONMENTAL JUSTICE CONSIDERATIONS

Coastal Act Section 30604(h) gives the Commission, or the issuing agency, the authority to explicitly consider environmental justice,⁷ or the equitable distribution of environmental benefits throughout the state, in its permit decisions. In March 2019, the Commission adopted an environmental justice policy (EJ Policy)⁸ to guide and inform its implementation of Section 30604(h) in a manner that is fully consistent with the standards in, and furthers the goals of, the Coastal Act and certified LCPs. Recognizing that the elimination of affordable residential neighborhoods has resulted in many underserved communities, including low-income communities, communities of color, and other historically marginalized communities, living farther from the coast, the EJ Policy calls for the Commission to increase efforts to encourage affordable housing and “work with local governments to adopt local coastal program policies that allow for a broad range of housing types, including affordable housing, ADUs, transitional/supportive housing, homeless shelters...in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act.” As a very low-income segment of the population that are acutely struggling to attain some of society’s most basic needs, including safe housing, unsheltered individuals are an environmental justice community to which the Coastal Act’s EJ provisions and the Commission’s EJ Policy apply.

Under the LCP amendment as modified, the City would be allowing emergency shelters to locate in four land use designations/ zoning districts where they are currently not allowed, opening up 446 parcels totaling 410 acres in the coastal zone for potential emergency shelter operations. The currently certified LCP allows for multi-family housing in a number of districts (including the CS District) and charitable institutions devoted to housing in the One-Family Residential District, Multi-Family Residential

⁷ 30107.3 defines Environmental Justice as follows:

- (a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
- (b) Environmental justice” includes, but is not limited to, all of the following:
 - (1) The availability of a healthy environment for all people.
 - (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
 - (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.
 - (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

30604(h) states:

When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

⁸ California Coastal Commission. (2019). Environmental Justice Policy. https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf

District, Office and Multi-Family Residential District, Waterfront Commercial District, Neighborhood Commercial District, and Service Commercial Districts, but does not explicitly allow for emergency shelters anywhere in the coastal zone. The proposed amendment as modified thus removes barriers to shelter housing, consistent with the Commission's EJ Policy.

Allowing emergency shelters in the general commercial, general and light industrial, and mixed-use limited⁹ designations does raise EJ concerns about potential exposure of future emergency shelter residents to soil and groundwater contamination resulting from past industrial use of these lands. However, the City has requested a friendly modification to the proposed emergency shelter standards (that the Commission has included as part of Suggested Modification 3) to require that remediation of hazardous materials be completed to a residential standard before a site can be used for an emergency shelter. The proposed amendment as modified will therefore address this concern and, thus, will not perpetuate disproportionate exposure to environmental burdens that may result when siting residential development in industrial sites with existing contamination.

For all the reasons discussed above, the Commission finds the LCP amendment as modified consistent with the Commission's EJ Policy. To further the City's work to address concerns regarding its vulnerable communities, the Commission does recommend that the City add provisions explicitly addressing environmental justice in their upcoming comprehensive LCP update, including an LUP policy allowing for the explicit consideration of environmental justice in permit decisions consistent with Coastal Act Section 30604(h).

⁹ See LCP Amendment LCP-1-EUR-20-0009-1, Part C for additional environmental justice findings on allowing residential uses on the Crowley Site.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

As set forth in Section 21080.9 of the California Public Resources Code, CEQA 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 LCP. 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, 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 that 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 both LUP and IP amendments. The Commission incorporates its findings on Coastal Act and LUP conformity into this CEQA finding as if set forth in full herein. As discussed throughout the staff report and hereby incorporated by reference, the LUP amendment as originally submitted does not meet the requirements of or conform with the Chapter 3 policies of the Coastal Act, and the IP amendment does not conform with and is not adequate to carry out the policies of the certified LUP. The Commission, therefore, has suggested modifications to bring the LUP and IP amendments into full conformance with the Coastal Act and LUP, respectively. These modifications represent the Commission's detailed analysis and thoughtful consideration of all public comments received, including with regard to potential direct and cumulative impacts of the proposed LCP amendment, as well as potential alternatives to the proposed amendment, including the no project alternative.

As modified, the Commission finds that approval of the LCP amendment will not result in significant adverse environmental impacts within the meaning of CEQA. Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures 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)].

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

LCP Amendment Application No. LCP-1-EUR-17-0049-2 and associated file documents.

File for LCP Amendment LCP-1-EUR-20-0009-1, Part C.

City of Eureka Certified Local Coastal Program.

APPENDIX B – SUGGESTED MODIFICATION 1 TO LUP AMENDMENT

Relevant excerpts of LUP Table B-1 are included below to show the City’s proposed changes to the table as modified by Suggested Modification 1. Where applicable, text in single underline format denotes text of the certified LUP that the City proposes to add. Text in ~~bold double strikethrough~~ format denotes text to be deleted through the Commission’s suggested modifications and text in **bold double underline** format denotes text to be added through the Commission’s suggested modifications.

TABLE B-1: General Plan – LCP Land Use Plan (LUP) and Implementation Program (IP) Designation Correspondence

GP Designation(s)	LCP-LUP Designation(s)	LCP-IP (Zoning) Designation(s)	Purpose(s)	Principal Use(s)	Conditional Uses
GI General Industrial	GI General Industrial	MG General Industrial	To provide sites suitable for the development of general and heavy industrial uses, <u>and emergency shelters</u> [1] pursuant to SB2.	General manufacturing, boiler works, concrete mixing and hatching, chemical products manufacture, breweries and distilleries, meats products processing and packaging, structural steel products manufacturing, <u>emergency shelters</u> [1] pursuant to SB2.	Processing of oil and gas, electrical generating and distribution facilities, animal and fish reduction plants oil and gas pipelines, offices.
GSC General Service Commercial HSC Highway Service Commercial	GSC General Service Commercial HSC Highway Service Commercial	CS Service Commercial	To provide appropriately located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and its surrounding market area, <u>and emergency shelters</u>	Retail stores, service establishments, amusement establishments, wholesale businesses, restaurants and soda fountains (not including drive-in establishments) and offices, <u>emergency shelters</u> [1] pursuant to SB2.	Drive-in theaters, drive-in restaurants, mobile home and trailer parks.

LCP-1-EUR-17-0049-2 (Emergency Shelters)

GP Designation(s)	LCP-LUP Designation(s)	LCP-IP (Zoning) Designation(s)	Purpose(s)	Principal Use(s)	Conditional Uses
			[1] pursuant to SB2.		
LI Light Industrial	LI Light Industrial	ML Limited Industrial	To provide sites for industries that can operate in close proximity to commercial uses with minimum adverse impact, <u>and emergency shelters [1] pursuant to SB2.</u>	Light manufacturing processing plants, machine hops, storage yards, trucking terminals, automobile servicing and repair, warehousing, wholesaling, and existing offices, <u>emergency shelters [1] pursuant to SB2.</u>	Professional and business offices, retail sales, oil and gas pipelines.

Note: [1] Emergency shelters are included to comply with Senate Bill 2 (Cedillo, 2007)

APPENDIX C – SUGGESTED MODIFICATION 3 TO IP AMENDMENT

The City's proposed IP Article 2.5 is shown below as modified by Suggested Modification 3. Text in single underline format denotes text that the City proposes to add to the certified IP. Text in ~~**bold double strikethrough**~~ format denotes text to be deleted through the Commission's suggested modifications and text in **bold double underline** format denotes text to be added through the Commission's suggested modifications.

Article 2.5 Emergency Shelters

Sec. 10-250. Purpose and Intent.

In addition to the objectives prescribed in ~~Sec. 10-5.102~~ ~~155-002~~ of this chapter, this section is added to achieve the following purposes:

(a) To comply with Senate Bill 2 (Cedillo, 2007) which amended state housing law to require ~~that~~ local governments:

~~(1) Identify at least one zone of sufficient capacity where emergency shelters are permitted by right;~~

~~(2) Define transitional and supportive housing as residential uses subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.~~

(b) To provide for the placement of emergency shelters within the City as principally permitted uses subject to the same level of entitlement requirement as other principally permitted uses within the same zoning district;

(c) To address the special needs and characteristics of emergency shelters;

(d) To ensure housing provided by emergency shelters will meet building, health, safety and access standards;

(e) To provide sufficient open space, parking and circulation to meet the needs of the emergency shelter;

(f) To provide compatibility with other uses allowed within the zoning districts in which emergency shelters are located; and

(g) To provide a safe environment for persons at emergency shelters.

Sec. 10-5.251. Definition.

For the purposes of this section, the following definition shall apply:

“Emergency shelter” shall mean a building or open space providing housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay.

Sec. 10-5.251.2. Emergency shelters in permitted zones.

Emergency shelters shall be principally permitted land uses within the Service Commercial Zoning District (CS), the Light Industrial Zoning District (ML), and the General Industrial Zoning District (MG) ~~with the issuance of a shelter permit as proscribed in this section.~~ Emergency shelters located within the Coastal Zone shall comply with Article 29 (Coastal Development Permit Procedures).

Sec. 10-5.252 Shelter Permit Required.

~~In accordance with the provisions of this section, a shelter permit application shall be approved by the City Council, and obtained prior to occupation of any qualified site by an emergency shelter, and prior to approval of either a building permit or a change of occupancy permit, if required.~~

~~Sec. 10-5.253. Shelter Permit Application Requirements.~~

~~10-5.253.1. Application forms.~~

~~(a) Applications for shelter permits shall be filed with the Director, and shall be on forms supplied by the Department for shelter permits. Applications shall include the following information:~~

- ~~(1) Name and address of the applicant;~~
- ~~(2) Statement that the applicant is the owner or the authorized agent of the owner of the property on which the emergency shelter is proposed to be located;~~
- ~~(3) Address and assessor's parcel number of the property; and~~
- ~~(4) Statement indicating the precise manner of compliance with each of the applicable provisions of the section and chapter.~~

~~10-5.253.2. Maps.~~

~~(a) The application shall be accompanied by the following plans and drawings:~~

- ~~(1) A scaled site plan showing the existing and projected uses on the site, and including the existing uses on parcels surrounding the site for at least 300 feet;~~
- ~~(2) An accurate, scaled set of elevations and floor plans for the building which show how the building will meet required building standards; and~~
- ~~(3) Information detailing how the emergency shelter will meet the required site standards.~~

~~10-5.253.3. Fees.~~

~~The application shall be accompanied by a fee established by resolution of the Council to cover the cost of handling the application as prescribed in this section.~~

~~Sec. 10-5.254. Compliance with Shelter Development Standards.~~

~~All emergency shelters located within the City shall comply with the development and operation standards contained within this section.~~

~~(a) If the site on which an emergency shelter is proposed to be located contains hazardous materials, remediation must be completed to a residential use standard before the site can be used for an emergency shelter.~~

~~(b) Building plans shall include all applicable development standards contained within Sections 10-5.253.1 and 10-5.253.2, and shall be approved prior to issuance of a building permit for a proposed shelter. The application of the development standards shall occur at the time of issuance of a shelter permit approved by the City Council.~~

Sec. 10-5.255. Site Development Standards.

10-5.2553.1 Buildings.

(a) Buildings used as emergency shelter sites shall meet all handicapped access, health, safety, building and fire standards. Non-conforming buildings shall not be used for emergency shelters. Prior to occupancy, a Change of Occupancy permit, which indicates the building has met the required building standards, must be approved by the City Building Official. The Building Official shall determine the number of persons allowed to occupy the building. The Building Official shall also make the determination of occupant loading using the Uniform Building Code, as adopted by the City.

(b) Buildings used as emergency shelter sites shall provide housing accommodations and support services to homeless persons on a day to day basis, with a duration of stay not to exceed ~~one year~~ **six months**. Emergency shelters are intended to provide interim, temporary housing to occupants for whom other housing options are not readily available or affordable, and are not intended to provide long term housing needs.

(c) A minimum of ~~one~~ **0.25** parking spaces for every eight occupants allowed at the shelter, plus an additional one parking space for each two employees on a shift at the site, shall be provided on-site. ~~All parking provided shall meet the standards for access, parking, loading, and landscaping provided in this chapter.~~

(i) The following Sections in Article 15 (Off Street Parking Facilities) shall be the only sections from Article 15 that apply to emergency shelters:

[1] Sec. 10-5.1503.6 Compact car provisions; and

[2] Sec. 10-5.1504. Standards for off-street parking facilities.

(ii) In determining the number of required parking spaces, fractions of spaces over one-half will be rounded down to the next whole number.

(d) Exterior security lighting shall be provided at all access points to the building and within all parking areas. Lighting shall be placed so as to light the interior of the parking areas, and shall be placed so as to not create glare or impact adjoining parcels.

(e) Signs placed on-site shall meet all requirements of this chapter. Sign standards shall be applied according to the zoning district in which the shelter site is located.

(f) No emergency shelter shall be placed within 1,000 feet of any pre-school, nursery school, or schools for students in kindergarten through 12th grade or within 300 feet of another emergency shelter.

(g) Any preparation, storage, or serving of food on the premises shall comply with the requirements for such use as required by the Humboldt County Public Health Department.

(h) Child-care provided on-site shall meet the standards required by the State of California for day care facilities.

(i) Open Space shall be provided on-site at a ratio of five square feet per occupant allowed at the shelter. ~~The number of occupants shall be as determined by the City Building Official.~~ The parking provided for the site, ~~or any paved area,~~ shall not count as required open space. Open space provided shall meet all other standards

as required for residential uses as described in Sec. 10-5.212 (Useable Open Space) ~~§ 155.035~~ of this chapter.

(i) Storage areas, including garbage and recycling areas located exterior to the building, shall be screened with a six foot opaque barrier acceptable to the City.

10-5.2553.2. Open Space.

(a) Open Space may be used as emergency shelter sites in order to provide housing accommodations and support services to homeless persons on a day to day basis, with a duration of stay not to exceed ~~one year~~ six months. Emergency shelters are intended to provide interim, temporary housing to occupants for whom other housing options are not readily available or affordable, and are not intended to provide long term housing needs.

(b) A minimum of ~~one~~ 0.25 parking spaces for every eight occupants allowed at the shelter, plus an additional one parking space for each two employees on a shift at the site, shall be provided on-site. ~~All parking provided shall meet the standards for access, parking, loading, and landscaping provided in this chapter.~~

(i) The following Sections in Article 15 (Off Street Parking Facilities) shall be the only sections from Article 15 that apply to emergency shelters:

[1] Sec. 10-5.1503.6 Compact car provisions; and

[2] Sec. 10-5.1504. Standards for off-street parking facilities.

(ii) In determining the number of required parking spaces, fractions of spaces over one-half will be rounded down to the next whole number.

(c) Exterior security lighting shall be provided at all access points to the site and within all parking areas. Lighting shall be placed so as to light the interior of the parking areas, and shall be placed so as to not create glare or impact adjoining parcels.

(d) Signs placed on-site shall meet all requirements of this chapter. Sign standards shall be applied according to the zoning district in which the shelter site is located.

(e) No emergency shelter shall be placed within 1,000 feet of any pre-school, nursery school, or schools for students in kindergarten through 12th grade or within 300 feet of another emergency shelter.

(f) Any preparation, storage, or serving of food on the premises shall comply with the requirements for such use as required by the Humboldt County Public Health Department.

(g) Child-care provided on-site shall meet the standards required by the State of California for day care facilities.

(h) Open Space shall be provided on-site at a ratio of five square feet per occupant allowed at the shelter. The number of occupants at the site shall be as determined by the City Building Official. The parking provided for the site, ~~or any paved area,~~ shall not count as required open space. Open space provided shall meet all other standards as required for residential uses as described in Sec. 10-5.212 (Useable Open Space) ~~§ 155.035~~ of this chapter.

(i) Storage areas, including garbage and recycling areas located at the site, shall be screened with a six foot opaque barrier acceptable to the City.

Sec. 10-5.2564. Shelter Operation.

(a) Shelter operators shall ~~either be a government agency, or a private for non-profit, or a non-profit organization which can~~ demonstrate the ability to meet the standards required for shelter operation.

(b) Methods of demonstrating this ability shall include but not be limited to demonstrating past experience in operating the type of shelter proposed, oversight by another organization with past experience in operating the same type of shelter proposed, or the ability to obtain or otherwise meet the State requirements for operators of facilities for mentally disordered, handicapped persons, alcoholism or drug abuse facilities or for health/community care facilities.

(c) A minimum of one employee for every 30 occupants in the shelter must be on-site during the hours of operation of the shelter.

(d) Shelter operators shall provide a program which details the supervision of shelter occupants. The program shall include a means by which the surrounding neighborhood will be kept free from garbage, unattended or inoperable vehicles or other surplus items left by shelter occupants. All such items left on-site at the shelter shall be screened as approved by the City.

(e) Shelter operators shall ensure that the County Mental Health and Public Health Departments ~~shall~~ have access to the shelter site to provide direct services to the shelter occupants.

(f) Support services which maintain separate offices at the shelter site shall meet the parking standards for their particular use as required by this chapter. Support services which share office space with shelter office space will be counted with that space for the purpose of determining parking requirements.

(g) Shelter operators shall provide a program acceptable to the Eureka Police Department which addresses the need for the coordination of police services to the site and the surrounding neighborhood. The program submitted shall address the need for private security personnel supplied by the shelter operators.

(h) Shelter operations shall comply with the ambient noise levels established at the shelter site.

Sec. 10-5.2575. No Landlord Tenant Relationship.

The occupancy of any Building or Open Space pursuant to this Chapter shall **not** create a landlord tenant relationship between any individual at an emergency shelter/site, the City, ~~the Shelter permit holder,~~ or the Shelter operator.