

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



W10b

**CERTIFICATION REVIEW FOR EUREKA'S LOCAL COASTAL PROGRAM
AMENDMENT NO. LCP-1-EUR-20-0009-1, PART C
(CROWLEY SITE REDESIGNATION)**

JANUARY 13, 2021

EXHIBITS

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January 14, 2021

City of Eureka
Attn: Kristen Goetz
531 K Street
Eureka, CA 95501

RE: Effective Certification of City of Eureka Local Coastal Program (LCP) Amendment No. LCP-1-EUR-20-0009-1, Part C (Crowley Site Redesignation)

Dear Ms Goetz:

The Executive Director of the Coastal Commission has reviewed City Council Resolution No. 2020-69 and Ordinance No. 909-C.S. for effective certification of the City of Eureka's LCP Amendment No. LCP-1-EUR-20-0009-1, Part C, approved with suggested modifications by the Coastal Commission at its October 9, 2020 meeting. By its actions on December 1, 2020, the City has formally acknowledged and accepted the Commission's certification of the LCP amendment including the suggested modifications. The City is already issuing coastal development permits in conformance with the certified LCP for this area.

The Executive Director has found that the City's resolutions and ordinances fulfill the requirements of Section 13544(a) of Title 14 of the California Code of Regulations. In accordance with Section 13544(b) of the regulations, the Director has determined that the City's actions are legally adequate. The Coastal Commission concurred with this determination at its meeting of January 13, 2021.

Commission approval and the amendment process are now complete. Commission staff remains available to assist you and your staff as you continue to develop and implement the City's LCP. If you have any questions, please contact me at cristin.kenyon@coastal.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Cristin Kenyon".

CRISTIN KENYON, AICP
Supervising Analyst

RESOLUTION NO. 2020-69**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
APPROVING AN AMENDMENT TO THE LAND USE PLAN PORTION OF
THE ADOPTED AND CERTIFIED CITY OF EUREKA LOCAL COASTAL
PROGRAM FOR THE CROWLEY SITE LCP AMENDMENT AS MODIFIED BY THE
CALIFORNIA COASTAL COMMISSION**

WHEREAS, on January 21, 2020, the City Council approved an amendment to the Local Coastal Program (LCP) 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 zoning; and

WHEREAS, the purpose of the LCP Amendment was to facilitate immediate development of housing on the subject parcel; and

WHEREAS, on October 13, 2020, the California Coastal Commission (CCC) certified the LCP Amendment with modifications to create a new land use designation and modify Table B-1 in Appendix B of the City of Eureka's certified Land Use Plan; and

WHEREAS, the modifications certified by the California Coastal Commission must be adopted by the City Council following review of the proposed modifications by the Planning Commission, pursuant to Eureka Municipal Code Sec. 10-5.2709.1; and

WHEREAS, on November 9, 2020, the Planning Commission adopted a resolution recommending the City Council approve the modifications to the Land Use Plan as certified by the Coastal Commission.

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

Section 1. The City Council hereby modifies the existing certified LUP as described below to add a new Mixed-Use Limited (MUL) Land Use Designation and amend the Land Use Map to apply the MUL designation to Parcel 019-271-00:

Section 2. The City Council hereby amends the "Land Use Designations" subsection of Part II (Goals, Policies, and Programs), Section 1 (Land Use and Community Design) of the Eureka General Plan to add a "Mixed-Use Limited" designation under "Commercial Designations" as follows:

Mixed-Use Limited (MUL)

The MUL designation provides for limited-intensity temporary uses including residential, commercial, and public facilities uses.

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Section 3. The City Council hereby amends Table B-1 of Appendix B (Coastal Land Use Policy) of the Eureka General Plan to add a “Mixed-Use Limited” designation as follows:

LCP-LUP Designation	LCP-IP (Zoning) Designation	Purpose(s)	Principal Uses	Conditional Uses
<p><u>MUL</u> <u>Mixed-Use</u> <u>Limited</u></p>	<p><u>CS</u> <u>Service</u> <u>Commercial</u> <u>with a Q</u> <u>Combining</u> <u>District</u> <u>_____ to</u> <u>limit</u> <u>residential,</u> <u>commercial,</u> <u>and public</u> <u>facility uses</u> <u>consistent</u> <u>with site-</u> <u>specific</u> <u>constraints</u></p>	<p><u>To allow the</u> <u>following</u> <u>limitedintensity</u> <u>temporary uses:</u> <u>residential,</u> <u>commercial, and</u> <u>public facilities</u> <u>uses on parcels</u> <u>with coastal</u> <u>resource and/or</u> <u>coastal hazard</u> <u>constraints.</u></p>	<p><u>The following</u> <u>limited-intensity</u> <u>temporary</u> <u>uses:</u> <u>_____ multi-</u> <u>family</u> <u>residential,</u> <u>public _____ utility</u> <u>and public</u> <u>service</u> <u>infrastructure,</u> <u>and</u> <u>commercial</u> <u>uses; and</u> <u>emergency</u> <u>shelters [1].</u></p>	<p><u>None.</u></p>

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

Section 4. The City Council directs that the amendment to the Land Use Plan Map, and the Land Use Plan, Appendix B, Table B-1 supersede the previously adopted Land Use Plan Map and Land Use Plan, Appendix B, Table B-1 to allow emergency shelters in the Mixed Use Limited (MUL) land use designation.

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PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 1st day of December, 2020 by the following vote:

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

DocuSigned by:

Susan Seaman

DE0C205DA04C4CB...

Susan Seaman
Mayor of the City of Eureka

Attest:

DocuSigned by:

Pamela J. Powell

31893519FEB04F1...

Pamela J. Powell
City Clerk

Approved as to Administration:

Approved as to Form:

DocuSigned by:

Miles Slattery

FF61476F0A1C4B0...

Miles Slattery
City Manager

DocuSigned by:

Robert N. Black

FE17A7022BFA486...

Robert N. Black
City Attorney

BILL No. 991-C.S.
ORDINANCE No. 909-C.S.

AN ORDINANCE OF THE CITY OF EUREKA AMENDING ORDINANCE 984-C.S. TO AMEND 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. Amend Ordinance

This ordinance amends ordinance 894-C.S., adopted by the City Council on January 21, 2020, to accept and incorporate the modifications certified by the California Coastal Commission on October 13, 2020 for the Crowley Site Local Coastal Program Amendment.

Section 2. 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 Mixed-Use Limited 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 3. 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:

- Emergency shelters pursuant to Article 2.5.
- 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.
- Temporary/seasonal uses, such as Christmas Tree lots.

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- 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 and shall be designed to minimize flood risk over the anticipated life of the development taking into account current best available science (at the time of application for development) on projected sea level rise, including minimizing impacts to the development itself and impacts of the development on the surrounding area.
- Structures will be designed and constructed to allow relocation or removal and permitted for a limited term taking into account increasing flood hazard risk with predicted sea level rise.
- 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 site shall be limited to one principally permitted use at a time except that buried public utilities and buried public service infrastructure may be allowed in combination with other principally permitted uses.
- Prior to commencement of construction of any use that involves ground disturbance, a soil and groundwater management plan shall be prepared for construction activities to manage soil and groundwater handling and disposal and evaluate worker protection. Any future residential use of the site shall be designed to prevent future residents from coming into contact with and experiencing any adverse impacts caused by potential subsurface contamination such as by capping of the development footprint.
- Coastal development permit applications shall include a project-specific reduced-buffer analysis consistent with LUP Policy 6.A.19 and Coastal Zoning Code §10-5.2942.15.

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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.

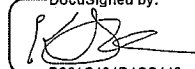
PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 1st day of December, 2020 by the following vote:

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

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

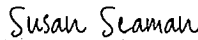
DocuSigned by:



Kim Walford Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the 9th day of December, 2020, and hereby approved.

DocuSigned by:

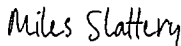


Susan Seaman, Mayor

Approved as to Administration:

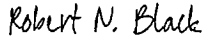
Approved as to form:

DocuSigned by:



Miles Slattery, City Manager

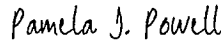
DocuSigned by:



Robert N. Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the 9th day of December, 2020.

DocuSigned by:



Pamela J. Powell, City Clerk