

CALIFORNIA COASTAL COMMISSION

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F8a

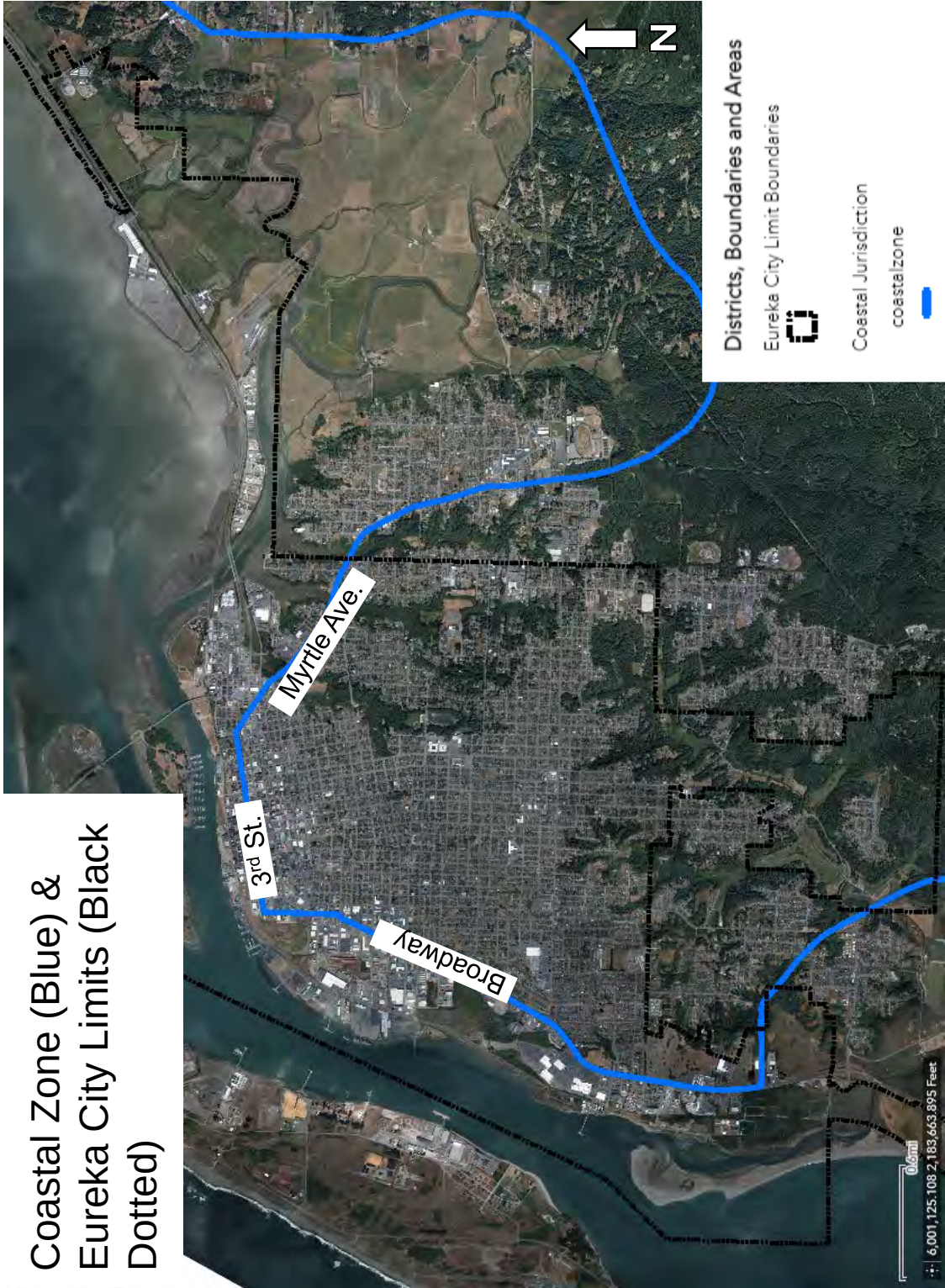
LCP-1-EUR-20-0009-1, PART B (CS District Height Limit)

February 12, 2020

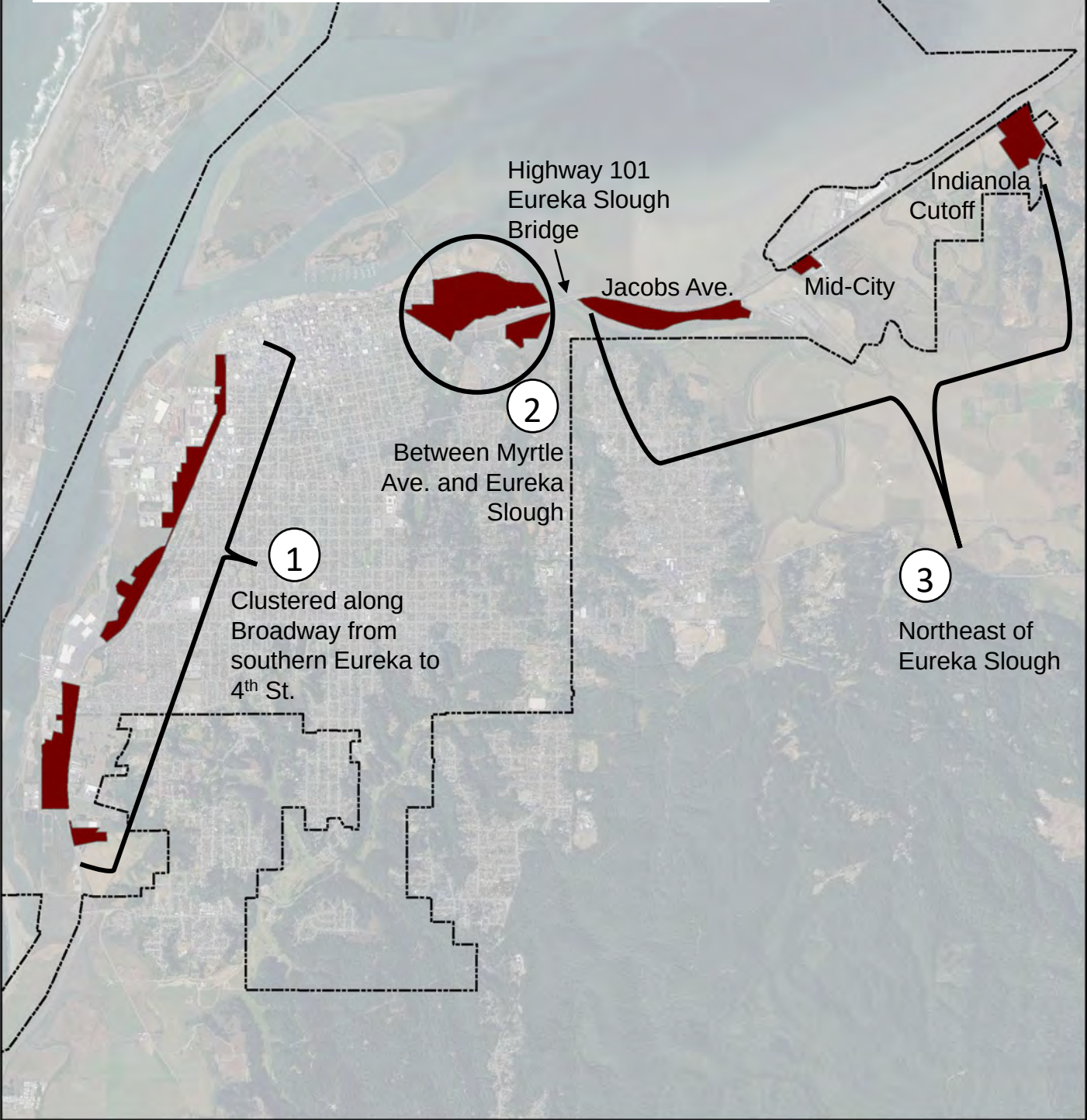
EXHIBITS

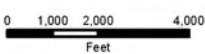
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Three Visually Distinct Geographic Areas of CS-District Zoning in Eureka's Coastal Zone



Scale: 1" = 4000' 	Legend Service Commercial (CS) Zones- Coastal Only  Eureka City Limits 1 2 3 Three Clusters of CS-District Zoning	Coastal CS-Service Commercial Districts Figure 1 Date: 10/23/2019 Created By: rtoplewski 
		

RESOLUTION NO. 2020-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
TRANSMITTING AN AMENDMENT TO THE IMPLEMENTATION PLAN PORTION
OF THE LOCAL COASTAL PROGRAM TO THE CALIFORNIA COASTAL
COMMISSION FOR CERTIFICATION TO INCREASE THE BUILDING HEIGHT LIMIT
FROM 35 FEET TO 55 FEET WITHIN THE COASTAL SERVICE COMMERCIAL (CS)
ZONE DISTRICT.**

WHEREAS, the applicant is proposing to amend the Implementation Plan (IP) portion of the Local Coastal Program (LCP) to increase the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone District; and

WHEREAS, the current coastal CS zone spans portions of Eureka's Downtown/Old Town area, east of Myrtle Avenue, Jacobs Avenue, Harper Motors, a portion of Indianola, a portion of the former K-Mart Building, and several strips along the west side of Broadway in southern Eureka. Currently, there are 320 parcels within the CS zone, collectively totaling approximately 242.2 acres; and

WHEREAS, this amendment will provide consistency with the inland SC (Service Commercial) zoning district's height limit, established under the June 2019 Inland Zoning Code Update; and

WHEREAS, the Local Coastal Program Amendment is a "project" for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines, Section 15061, there is a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, buildings as tall as 100 ft are currently allowed in various zone district's (CC, CW, MG, and OR) many of which are located between the CS zone and the Bay; and

WHEREAS, the scenic coastal areas identified in the Implementation Plan will not be additionally adversely affected as those views could be impacted at any time with buildings up to 100 feet; and

WHEREAS, no alteration of natural landforms is proposed; and

WHEREAS, although the majority of the coastal CS district is in the Tsunami Inundation Zone, and some of the coastal CS zone district is located in the AE Zone on the FEMA Flood Maps, the proposed increase in the height will not increase the density, and therefore, will not increase the size of a use beyond what is already allowed, and will not increase the risk to life and property; and

WHEREAS, the amendment to increase the height limit in the coastal Service Commercial zone district does not change the types of uses allowed in the CS zone, and the height increase does not conflict with any of the objectives of the CS zone; and

WHEREAS, physical development allowed in the coastal CS zone will be consistent with the physical development allowed in the inland CS, which will continue the existing harmonious and workable relationship between the coastal and inland land uses, as well as the relationships between the inland and coastal zones; and

WHEREAS, the City of Eureka's adopted and certified LCP contains coastal resource, conservation, and development policies, and although the proposed text amendment is to increase the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone District, the overall maximum allowable density for sites in the CS Zone District will not change as it is dictated by the FAR. In addition, many of these zones are located between the CS zone and the Bay meaning buildings much higher than the proposed 55 feet could be constructed between the CS zones and Humboldt Bay; and

WHEREAS, allowing the increase in height while maintaining the same FAR will allow taller buildings with smaller footprints, thereby maintaining views, and

WHEREAS, there will be minimal, if any, impact to visual resources, and no impacts to coastal resources, conservation, and/or development; and

WHEREAS, construction of taller buildings in the vicinity of the scenic coastal areas of the Eureka Slough Wildlife Refuge, Second Slough, and Third Street Slough will likely provide better views of those areas from the buildings; views from Highway 101 corridor and Jacobs Avenue of these scenic coastal areas are already impacted by existing structures and vegetation, or could be through construction of 35-foot-tall structures as allowed under the current development standards; and

WHEREAS, the proposed text amendment to the LCP is in keeping with the City's Local Coastal Program, the objectives of the Implementation Plan, and the Land Use Plan; and

WHEREAS, the zoning regulations are adopted to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare, and;

WHEREAS, new construction at the increased height will require building permits and inspections, and structures will be required to meet Flood Hazard and California seismic safety regulations; and

WHEREAS, increasing the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone District will not impact the public safety, health, or welfare, nor would it prevent the protection of, or impact, other public or private property, wildlife, marine fisheries, other ocean resources, or the natural environment and;

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, on October 31, 2019, a *"Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing"* for the draft Amendment was mailed to 47 local, state and federal agencies; the Humboldt County Library; one newspaper of general circulation and 11 radio stations; and

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

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

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

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

WHEREAS, at the public hearing held by the Planning Commission on November 13, 2019, one written comment was provided before the meeting, and one verbal comment in favor was provided during the meeting of the Local Coastal Program amendment; and

WHEREAS, upon closing the public hearing, the Planning Commission considered the Implementation Plan portion of the Text Amendment and Local Coastal Program Amendment and took action to adopt Planning Commission Resolution No. 2019-18, *"A Resolution of the Planning Commission of the City of Eureka to raise the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone district"*; and

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

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

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

WHEREAS, pursuant to Title 14 California Code of Regulations, Section 13515, the

publication on December 27, 2019, was at least ten days prior to the scheduled public hearing; and

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

WHEREAS, the City Council held a public hearing on January 7, 2020, to consider the Text Amendment and Local Coastal Program Amendment. One written comment was provided prior to the meeting, and two people spoke at the meeting regarding the Local Coastal Program Amendment; and

WHEREAS, on January 7, 2020, upon closing the public hearing, the City Council considered the Text Amendment and Local Coastal Program Amendment and the Planning Commission's recommendation, and took action to waive reading, read by title only and introduce Bill No. 976-C.S., an *"An Ordinance of the City of Eureka Amending Title 10, Chapter 5 of the Eureka Municipal Code to increase the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone District"*; and

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

WHEREAS, the City Council's final action on the Local Coastal Program Amendment occurred on January 21, 2020, which is 82 days following the October 31, 2019, mailing of the Notice of Public Hearing, and 79 days following the publication of the first notice in the Times Standard.

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

SECTION 1 The City Council directs Staff to transmit the adopted Implementation Plan amendment of the Local Coastal Program to increase the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone District to the Coastal Commission for approval and certification.

SECTION 2 The City of Eureka requests that the Coastal Commission not suggest modifications to rejected zoning ordinances, zoning district maps, or other implementing ordinances.

SECTION 3 The City Council directs that the Text Amendment and Implementation Plan portion of the Local Coastal Program to increase the building height limit from 35 feet to 55 feet within the Coastal Service Commercial (CS) Zone District will take effect automatically upon Coastal Commission approval and certification pursuant to Public Resources Code Section 30512, 30513, and 30519.

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

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



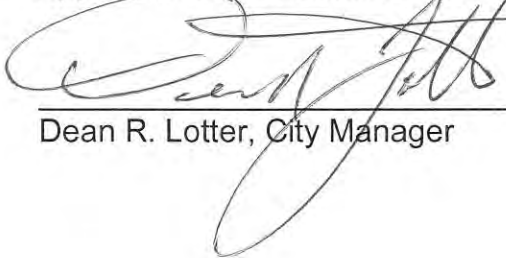
Susan Seaman, Mayor of the City of Eureka

Attest:



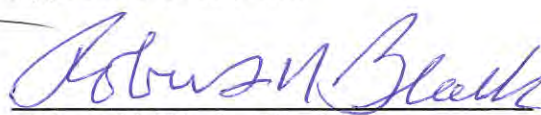
Pamela J. Powell, City Clerk

Approved as to Administration:



Dean R. Lotter, City Manager

Approved as to form:



Robert N. Black, City Attorney

BILL NO. 976-C.S.
ORDINANCE NO. 896-C.S.

**AN ORDINANCE OF THE CITY OF EUREKA
AMENDING TITLE 10, CHAPTER 5 OF THE EUREKA MUNICIPAL CODE TO
INCREASE THE BUILDING HEIGHT LIMIT FROM 35 FEET TO 55 FEET WITHIN THE
COASTAL SERVICE COMMERCIAL (CS) ZONE DISTRICT**

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

Section 1.

Title 10, Chapter 5, Section 201, Basic Requirements for all Districts, is hereby amended to read as follows *(the remainder of the text in the table is unchanged and is omitted)*:

District	Maximum Height of Main Structure
CS	55

Section 2.

This ordinance becomes effective immediately upon certification by the California Coastal Commission.

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

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


Kim Bergel, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the 29 day of January, 2020, and hereby approved.


Susan Seaman, Mayor

Bill No. 976-C.S.
Ordinance No. 896-C.S.
Page 2

Approved as to Administration:


City Manager

Approved as to form:


Robert Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the 31
day of January, 2020.

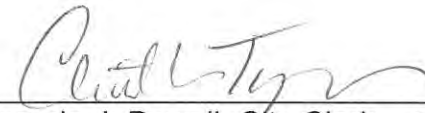

Pamela J. Powell, City Clerk *per Pamela Powell*
Christine Tyson,

EXHIBIT 5: Proposed Change to Zoning Schedule Table

The City's proposed change to the table is shown in ~~strikeout~~ and underline **bold red font**

Article 2. Site Area, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations
Sec. 10-5.201. Basic Requirements for all districts.

The following Zoning Schedule prescribes the basic Site, yard, bulk, useable open space, and screening and Landscaping regulations that shall apply in the districts as indicated in the schedule. These basic requirements are defined and supplemented by additional requirements and exceptions prescribed in subsequent sections of this article.

ZONING SCHEDULE: Site Area, Yard Space, Bulk Coverage, and Usable Open Space Requirements													
Districts	Minimum Site			Minimum Yards Sec. 10-5.207			Site Area Per Dwelling Unit Sec. 10-5.203.1 (e), (f)	Group Usable Open Space Per Dwelling Unit Sec. 10-5.212	Basic Floor Area Limit – Percent of Site Area Sec. 10-5.106.4 (e)	Maximum Height of Main Structure Sec. 10-5.210	Accessory Structures		
	Area Sec. 10-5.203.1 (b)	Width Sec. 10-5.106.16 (b)	Depth Sec. 10-5.203.1 (d) 10-5.203.3	Front Sec. 10-5.204	Side Sec. 10-5.205	Rear Sec. 10-5.205					Maximum Height	Minimum Distance to Side Lot Line Sec. 10-5.211	Minimum Distance to Rear Lot Line Sec. 10-5.211
F	3 ac.			30 ft.	30 ft.	30 ft.				35 ft.	35 ft.	30 ft.	30 ft.
A				30 ft.	30 ft.					35 ft.		30 ft.	30 ft.
RS-6,000	6,000 sq. ft. (Corner lot 6,600 sq. ft.)	60 ft. (Corner lot 66 ft.)	100 ft.			25 ft. (Corner lot, Sec. 10-5.205 (b))	6,000 sq. ft. 10-5.203.2		50%	35 ft.	12 ft.	5 ft.	5 ft.
RM-2,500	Sec 10-5.203.2 6,000 sq. ft. (Corner lot 6,600 sq. ft.)	60 ft. (Corner lot 66 ft.)		15 ft.; 20 ft. for garage Sec. 10-5.204 (a)	5 ft.; (corner lot, Sec. 10-5.205 (a)(b))	20 ft. (Corner lot, Sec. 10-5.205 (b))	2,500 sq. ft.	400 sq. ft.	50%	35 ft.	12 ft.	5 ft.	5 ft.
RM-1,000	6,000 sq. ft. (Corner lot 6,600 sq. ft.)	60 ft. (Corner lot 66 ft.)	100 ft.		20 ft. (Corner lot, Sec. 10-5.205 (b))	20 ft. (Corner lot, Sec. 10-5.205 (b))	6,000 sq. ft. per 4 dwelling units plus 1,000 sq. ft. per additional dwelling unit	200 sq. ft.	100%	75 ft.	12 ft.	5 ft.	5 ft.
OR	6,000 sq. ft.	60 ft.	100 ft.	Sec. 10-5.703 (a)	Sec. 10-5.703 (a)	10 ft. Sec. 10-5.703 (a)	Sec. 10-5.703 (a)		250%	100 ft.	12 ft.	5 ft.	5 ft.
HM	9,000 sq. ft.	60 ft.	100 ft.	15 ft. Sec. 10-5.206	10 ft. Sec. 10-5.206	10 ft. Sec. 10-5.206	Same as RM 1,000		100%	Hospitals 75 ft. Other uses 25 ft.	12 ft.	5 ft.	5 ft.
CN							Sec. 10-5.903 (b)		200%	35 ft.	35 ft.		
CP	10 ac. w/in the boundaries of the district	200 ft.	200 ft.	50 ft. from the exterior perimeter of the shopping center	50 ft. from the exterior perimeter of the shopping center	50 ft. from the exterior perimeter of the shopping center	Dwellings not permitted		35%	35 ft.	35 ft.	50 ft. from the exterior perimeter of the district	50 ft. from the exterior perimeter of the district
CC							Sec. 10-5.903 (b)		500%	100 ft.	100 ft.		
CW	6,000 sq. ft.	60 ft.	100 ft.				Sec. 10-5.903 (b)		250%	100 ft.	100 ft.		
CS	6,000 sq. ft.	60 ft.	100 ft.				Sec. 10-5.903 (b)		120%	100 ft. 35-55 ft.	35 ft.		
ML	6,000 sq. ft.	60 ft.		10 ft.			Dwellings not permitted		120%	35 ft.	35 ft.		
MG	6,000 sq. ft.	60 ft.		10 ft.			Dwellings not permitted		200%	100 ft.	100 ft.		
P							Sec. 10-5.1102 (a)						
-PO	3 ac.						Sec. 10-5.1203.2	400 sq. ft.		As shown on approved plan.			
-AR							Sec. 10-5.1203.4	10-5.1203.3					
S							Same as for District with which combined.						
U							Sec. 10-5.1406						
							Sec. 10-5.353						

Coastal Scenic Views & Areas from Humboldt County's certified LUP relative to the boundaries of the City of Eureka



Images of the Land Northeast of Eureka Slough



Area images
accessed from:
<https://resilientca.org/case-studies/Sea-Level-Rise-Adaptation-Plan-for-Humboldt-Bay/>