



**CITY OF EUREKA
PUBLIC WORKS DEPARTMENT**

Brian Gerving, Director

Planning Division

531 K Street, Third Floor

Eureka, California 95501-1146

(707) 441-4160 • planning@ci.eureka.ca.gov

**NOTICE OF PUBLIC HEARING
DIRECTOR OF PUBLIC WORKS**

NOTICE IS HEREBY GIVEN that the proposed development described below is within the coastal zone and, pursuant to the Eureka Local Coastal Program, the Coastal Development Permit is scheduled for a public hearing before the Director of Public Works on Monday, August 10, 2020, at 11:00 a.m. Pursuant to Executive Order N-29-20, by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

Project Title: Foot of I Street Lot Line Adjustment Coastal Development Permit

Project Applicant: City of Eureka and Caito Enterprises **Case No:** CDP-20-0005

Project Location: Foot of I Street north of Waterfront Dr. **APNs:** 001-162-008 and -009

Project Zoning and Land Use: CW – Waterfront Commercial/C - WFC – Core - Waterfront Commercial

Project Description: With the completion of the connection of Waterfront Drive between H and J Streets, and in order to complete the Waterfront Trail connection, the City is proposing a lot line adjustment between parcels owned by Caito Enterprises and the City of Eureka. The Lot Line Adjustment (LLA-20-0004 being processed separately) will relocate the existing property line to the north side of the newly created sidewalk, and provide an area on the east side of the parcel to access the existing trail. The site is located in the Coastal Zone and a Coastal Development Permit is required.

Date of Project Application: May 27, 2020

Staff contact person: Kristen M. Goetz, Principal Planner, City of Eureka, Public Works Department – Planning Division; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4160, email: planning@ci.eureka.ca.gov

The public is invited to participate in the following manner:

1. You can view and participate in the public hearing on Zoom. Contact planning@ci.eureka.ca.gov for more information.
2. If you cannot connect through Zoom but wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on by e-mail to planning@ci.eureka.ca.gov or leave a message

at 707-441-4160 on or before Friday, August 7, 2020 at 5:00 p.m. A Planning Division staff member will call you during the public hearing for the item.

3. If you don't want to participate during the meeting but want to submit comment on a project or for oral communications, please submit your comment via email to planning@ci.eureka.ca.gov or you may leave a message at 707-441-4160 prior to Friday, August 7, 2020 at 5:00 p.m. to ensure that the Director receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but will not be read aloud during the meeting.

Appeals of the Director's action may be made to the Planning Commission within 10 calendar days of the action by filing a written Notice of Appeal with the City Clerk, along with the filing fees as set by the City Council. Appeals of the Planning Commission's action may be made to the City Council in the same manner. The City's final action is appealable to the California Coastal Commission.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Planning Division of the Public Works Department.

August 10, 2020

Subject:	Foot of I Street Lot Line Adjustment Coastal Development Permit CDP-20-0005
Location:	Foot of I Street north of Waterfront Dr.
APNs:	001-162-008 and -009
Applicant:	City of Eureka
Property Owner:	City of Eureka and Caito Enterprises
Purpose/Use:	Lot Line Adjustment
Application Date:	May 27, 2020
General Plan:	C - WFC – Core - Waterfront Commercial
Zoning:	CW – Waterfront Commercial
CEQA:	Exempt under §15305, Class 5 Minor Alterations in Land Use Limitations
Staff Contact:	Kristen M. Goetz, Principal Planner
Recommendation:	Hold a Public Hearing; and Adopt a Resolution to conditionally approve the Coastal Development Permit
Action:	<i>“I hereby take action to adopt A Resolution of the Director of Public Works conditionally approving the Coastal Development Permit for a Lot Line Adjustment at the Foot of I Street (APNs 001-162-008 and -009)”</i>

Figure 1: Location Map

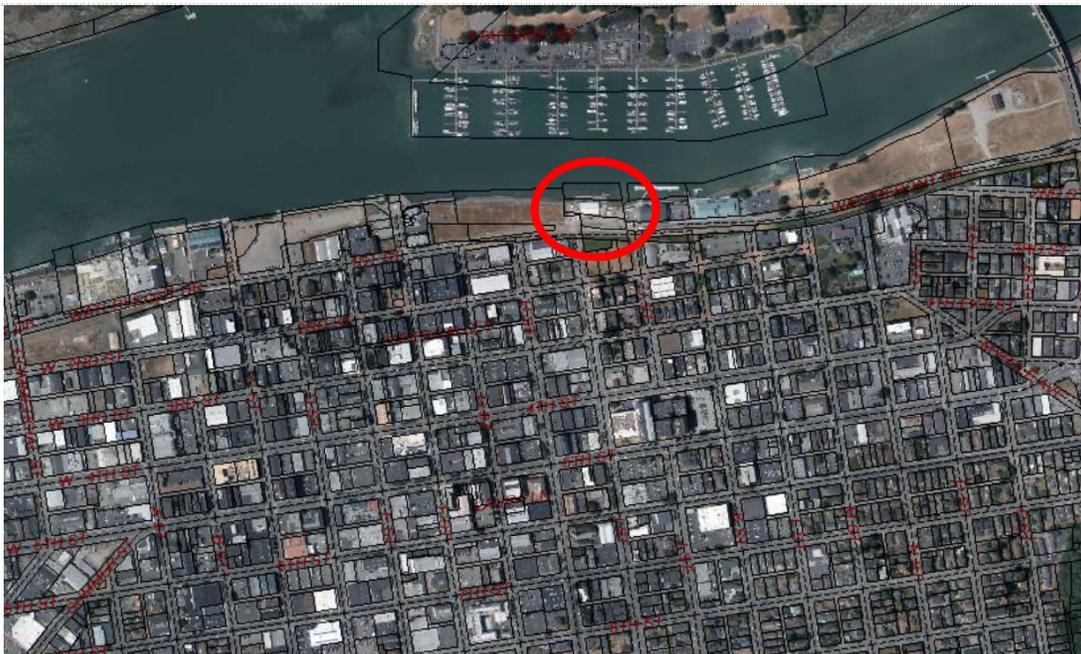


Figure 2: Site Map



PROJECT SUMMARY

With the completion of the connection of Waterfront Drive between H and J Streets, and in order to complete the Waterfront Trail connection, the City is proposing a lot line adjustment between parcels owned by Caito Enterprises and the City of Eureka. The Lot Line Adjustment will relocate the existing property line to the north side of the newly created sidewalk, and provide an area on the east side of the parcel to access the existing trail. The site is located in the Coastal Zone and a Coastal Development Permit is required.

The subject properties total approximately .76 acres in size. Assessor parcel 001-162-008 is approximately 9,384 square feet (sf) and is developed with Waterfront Drive and a portion of land used by Caito Fisheries. Assessor parcel 001-162-009 is approximately 23,940 sf and contains the Caito Fisheries structure, storage area, and parking. The lot line adjustment will configure the parcels such that the area used by Caito will be on one parcel approximately 30,429 sf and owned by them, and the parcel developed with Waterfront Drive will be approximately 2,895 sf and located on its own parcel. The lot line adjustment will also allow Eureka's Waterfront Trail to be joined to the section of trail along the north side of the Boating Instruction and Safety Center located to the east of the site.

The parcels are located in the Coastal Zone and the Lot Line Adjustment is considered development as defined by the Coastal Act; therefore, a Coastal Development Permit is also required (see Case No. LLA-20-0004). The City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.

COASTAL DEVELOPMENT PERMIT ANALYSIS

To approve a Coastal Development Permit, the Director must make all of the following findings:

(a) The proposed development conforms to the policies of the Certified Local Coastal Program.

The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The Local Coastal Program is divided into two components: the first component is the *Land Use Plan*, which is the General Plan specific to land in the coastal zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the *Implementation Plan*, which includes zoning

regulations and the zoning map for land in the coastal zone, as well as specific coastal zone ordinances necessary to implement the policies of the Land Use Plan.

Land Use Plan Analysis

Below are the purposes of the C-WFC – Core - Waterfront Commercial land use and the goals and policies of the Land Use Plan portion of the adopted and certified LCP applicable to the project, followed by a brief discussion how the project conforms to each goal or policy.

The purpose of the C-WFC Core Waterfront Commercial land use designation is to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources. Examples of conditionally permitted uses include but are not limited to professional offices, multiple-family units, residential uses on the upper floors of multistory structures, oil and gas pipelines, public works projects, and warehouses.

A review of the General/Land Use Plan goals and policies find the following support the continuation and expansion of existing commercial fishing facilities, creation of the Waterfront Trail, and visitor-serving access to the shore of Humboldt Bay:

Goal I.A

To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.

Policy

I.A.6 The City shall continue to work with the Humboldt Bay Harbor, Recreation, and Conservation District to implement the projects described in the City’s Eureka Waterfront Revitalization Program and listed below: [...]

- i. Completion of a waterfront bicycle/pedestrian trail from K Street to Del Norte Street.

Goal I.D

To revitalize the Core Area waterfront, enhancing coastal-related tourism and recreation, while maintaining the economic base and employment provided by the fishing industry.

Policies

I.D.1 The City shall retain the historic waterfront building scale, building form, and general character in waterfront revitalization and development as a means of creating a “Victorian Seaport” identity for the waterfront area. New buildings developed along the waterfront north of First Street/Waterfront Drive should not exceed three stories or 50 feet in height.

I.D.2 Except for safety reasons in industrial operations, the City shall ensure public access along the full length of the shoreline within the Core Area through development of multiple access points such as walkways, paths, docks, and piers.

I.D.3 The City shall promote the continued operation of existing fisheries-related industry throughout the Core Area waterfront.

I.D.5 The City shall expand and enhance opportunities for recreational and visitor-serving uses and activities along the waterfront, including visitor accommodations, boating facilities, water transportation, fishing, and other similar attractions.

Goal I.E

To expand and enhance the Core Area as a tourist destination.

Policies

I.E.1 The City shall actively encourage, support, and provide incentives, where feasible, for locating visitor-serving development, particularly hotels and bed and breakfast inns, in the Core Area. Visitor-serving development should be concentrated primarily along the waterfront, 2nd Street, and the north end of F Street.

I.E.3 Where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses. To the extent feasible and permitted pursuant to other applicable law, fish processing facilities should incorporate educational and tourist activities and facilities such as tours, fish markets or shops, restaurants and other attractions that support the fishing industry.

Goal I.M

To ensure an adequate supply of industrial land for and promote the development of industrial uses to meet the present and future needs of Eureka and to maintain economic vitality.

Policy

I.M.7 The City shall encourage coastal-dependent industrial facilities to locate or expand within existing sites. Non-coastal-dependent uses located along the waterfront shall, if feasible, be relocated to other more appropriate areas within the city.

Goal 3.A

To provide for the planning and development of the city's roadway system, ensure safe and efficient movement of people and goods, and provide sufficient access to new development.

Policy

3.A.8 The City shall develop Waterfront Drive along Humboldt Bay from the Elk River Interchange to the vicinity of Eureka Slough, consistent with all other applicable General Plan and LCP policies.

Goal 3.D

To encourage and facilitate walking throughout the city.

Policies

3.D.1 The City shall provide for the extension of sidewalks, trails, and walking facilities throughout the city to allow for convenient and safe pedestrian movement.

3.D.2 The City shall develop a bicycle/pedestrian trail along the waterfront extending from the I-255 Bridge to Del Norte Street. The trail should be developed according to a theme that recognizes and integrates the unique features of Eureka's waterfront.

Goal 5.B

To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.

Policies

5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:

- a. Develop Waterfront Drive from the Elk River Interchange to a terminus near Eureka Slough, with provisions for bicycle lanes, pedestrian walkways, and supporting facilities.
- b. Establish a walkway system located on or near the shoreline throughout the city’s waterfront Core Area.
- c. Establish scenic vista points at numerous locations along the waterfront, including construction of a public access vista point at the foot of Truesdale Street.

5.B.2 On shoreline parcels where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses.

5.B.7 The City shall establish a coordinated continuous public access system throughout its Coastal Zone, consisting of pedestrian walkways, nature walks, and bikeways with necessary support facilities, as described in Table 5-2 and shown in Figure 5-1.

5.B.10 To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.

[portion of] TABLE 5-2 COASTAL ZONE PUBLIC ACCESS	
Access Point/Area	Description of Proposed Access
Along shoreline between “J” and “M” Streets	To be located along the shoreline, East Plaza and West Plaza shall be developed in coordination with the overall Restoration Plan.
From the Samoa Bridge to and along Eureka Slough	A continuous shoreline pedestrian walkway shall be developed. Portions of this accessway may be incorporated into the extension of Waterfront Drive, which shall also provide for a bicycle way, provided that in consultation with the Department of Fish and Game, Coastal Commission, and the Coastal Conservancy, a specific location for these access improvements can be identified that will create no significant adverse effects on environmentally sensitive habitat areas. Support facilities shall include parking areas and trash receptacles.
Along the Eureka northern waterfront between commercial Street on the west and the	A continuous accessway shall be developed to include: completion of lateral accessways at the foot of “J” and “M” Streets; vista points at the foot of “F” Street and the end of “M” Street (on the bluff top near the Carson Mansion/Ingomar Club); access support facilities distributed throughout Old Town so as to minimize potential adverse impacts.

Samoa bridge on the east	
Near “K” Street across the Northwestern Pacific Railroad right-of-way along the city’s bayfront	The City shall, concurrent with the development of the community conference center, parking structure, and West Park Plaza, construct a pedestrian bridge. West Park, located at the foot of “J” Street, shall include a small parking area and public pier available for fishing and, if feasible, use by a tourist-oriented water taxi.
Across the Northwestern Pacific Railroad right-of-way from Waterfront Drive to Old Town	The City shall, in conjunction with the California Public Utilities Commission and the Northwestern Pacific Railroad, prepare an implementable long-range plan for pedestrian and vehicular at-grade access, consistent with requirements of this General Plan, in order to maximize public access opportunities and ensure public safety.

Based on the above goals and policies from the adopted and certified Land Use Plan (LUP), the project does not conflict with any, and is supported by many, of the adopted goals and policies; therefore, the finding the project conforms with the LUP can be made.

Implementation Plan Analysis

The Coastal Development Permit must be found to conform with the purposes and objectives of the zoning code (EMC §10-5.102), the CW - Waterfront Commercial zone district (EMC §10-5.29110), and the overall objectives of the Coastal Zone (EMC §10-5.2902).

The CW - Waterfront Commercial zone allows the coastal dependent fishing-related, and the public street and [proposed] Waterfront Trail uses on the properties. Staff has reviewed and determined the uses comply with the purposes and objectives of Eureka Municipal Code Secs. 10-5.002, 10-5.2902, and 10-5.29110, and approval of the Lot Line Adjustment Coastal Development Permit will not alter or impact any of those purposes and objectives.

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, in accordance with CEQA Guidelines pursuant to Section 15305, Minor Alterations in Land Use Limitations, Class 5 of the CEQA Guidelines which allows minor lot line adjustment in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The parcels are relatively flat and no changes in the land uses or density are proposed. Further, the City of Eureka as the lead agency has determined that none of the exceptions to the Class 5 exemption are applicable to the project.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on July 27, 2020. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on July 27, 2020.

CONCLUSION

Based on the analysis above, the proposed lot line adjustment is consistent with the Local Coastal Program.

STAFF CONTACT

Kristen M. Goetz, Principal Planner, 531 K Street, Eureka, CA 95501; planning@ci.eureka.ca.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Director CDP Resolution

Attachment 2: Map

RESOLUTION NO. 2020-__

**A RESOLUTION OF THE DIRECTOR OF PUBLIC WORKS APPROVING THE
COASTAL DEVELOPMENT PERMIT FOR A LOT LINE ADJUSTMENT
AT THE FOOT OF I STREET, APNS 001-162-008 AND -009**

WHEREAS, with the completion of the connection of Waterfront Drive between H and J Streets, and in order to complete the Waterfront Trail connection, the City is proposing a lot line adjustment between parcels owned by Caito Enterprises and the City of Eureka; and

WHEREAS, the Lot Line Adjustment will relocate an existing property line to the north side of the newly created sidewalk, and provide an area on the east side of the parcel to access the existing trail; and

WHEREAS, the subject properties total approximately .76 acres in size; and

WHEREAS, assessor parcel 001-162-008 is approximately 9,384 square feet (sf) and is developed with Waterfront Drive and a portion of land used by Caito Fisheries; and

WHEREAS, assessor parcel 001-162-009 is approximately 23,940 sf and contains the Caito Fisheries structure, storage area, and parking; and

WHEREAS, the lot line adjustment will configure the parcels such that the area used by Caito will be on one parcel approximately 30,429 sf and owned by them, and the parcel developed with Waterfront Drive will be approximately 2,895 sf and located on its own parcel; and

WHEREAS, the lot line adjustment will also allow Eureka's Waterfront Trail to be joined to the section of trail along the north side of the Boating Instruction and Safety Center located to the east of the site; and

WHEREAS, the parcels are located in the Coastal Zone and the Lot Line Adjustment is considered development as defined by the Coastal Act; therefore, a Coastal Development Permit is also required (see Case No. LLA-20-0004); and

WHEREAS, the City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, and the project is appealable to the State Coastal Commission; and

WHEREAS, the Director of Public Works of the City of Eureka did hold a duly noticed Public Hearing at City Hall in the City of Eureka on August 10, 2020, at 11:00 a.m., telephonically through Zoom; and

WHEREAS, the Director of Public Works of the City of Eureka has reviewed the subject application in accordance with the LCP, and after due consideration of all testimony, evidence, and reports offered prior to or during the public hearing, does hereby find and determine the following facts:

1. The proposed lot line adjustment conforms to the policies of the Certified Local Coastal Program.

2. The Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 5 exemption (Section 15305) from CEQA which exempts minor Lot Line Adjustments in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The parcels are relatively flat and no changes in the land uses or density are proposed. Further, the City of Eureka as the lead agency has determined that none of the exceptions to the Class 5 exemption are applicable to the project.

WHEREAS, in the opinion of the Director of Public Works of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. Approval of the Lot Line Adjustment will not become final until the City's action on the Coastal Development Permit becomes final.
2. Any future ground disturbing activities are subject to the City's standard protocol for incidental archeological discovery (cultural or historical artifacts) as follows:
 - a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
 - b. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.
 - c. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code Section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no

investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.98. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

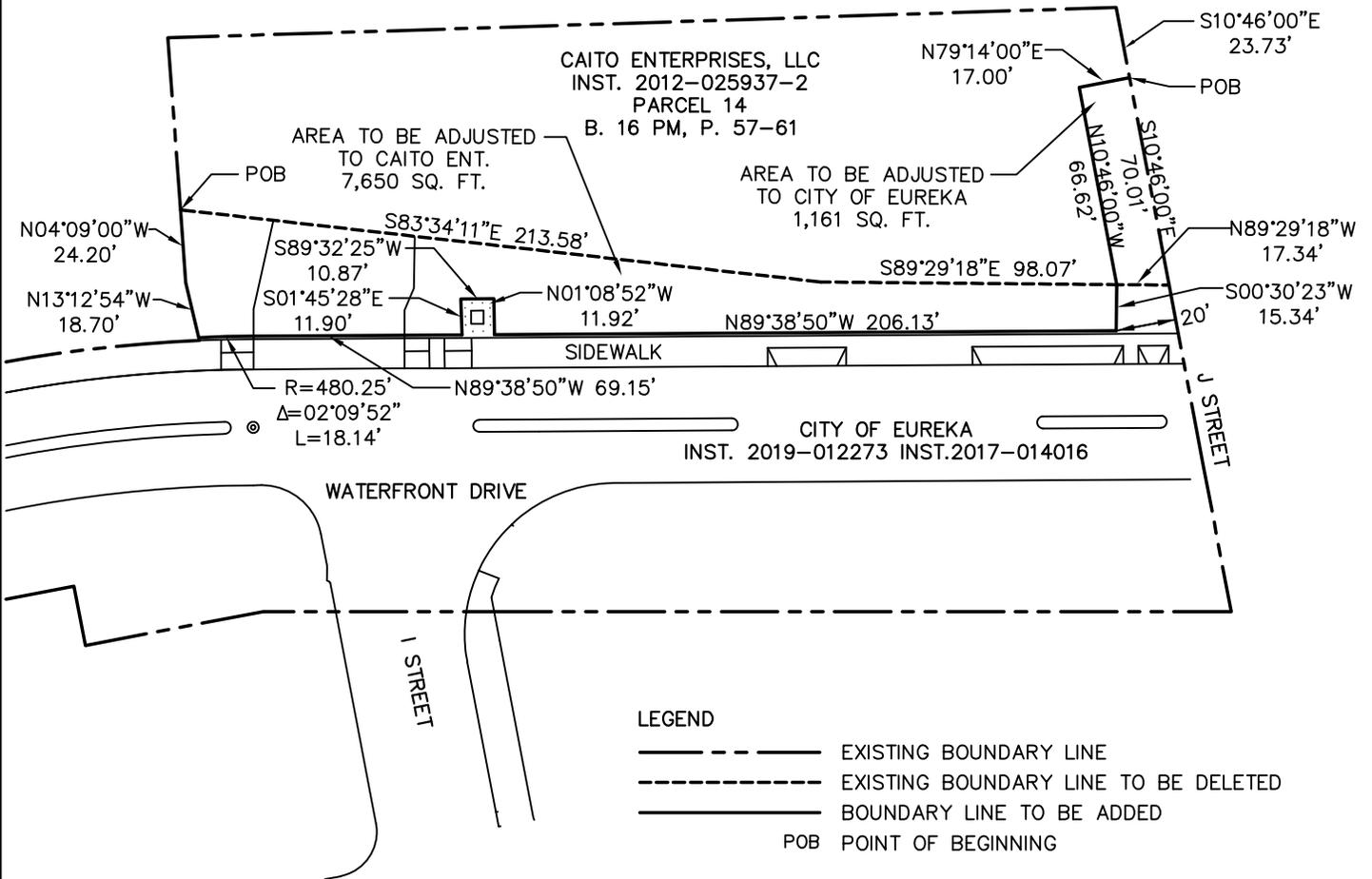
NOW THEREFORE, BE IT RESOLVED that the Director of Public Works of the City of Eureka does hereby approve the project, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Director of Public Works of the City of Eureka in the County of Humboldt, State of California, on the 11^h day of August, 2020.

Brian Gerving
Director of Public Works



1"=60 FEET



CERTIFICATION

THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN MARCH, 2020.

Matthew T. Herman

MATTHEW T. HERMAN PLS 8335

DATE



CITY OF EUREKA
CAITO LOT LINE ADJUSTMENT
EUREKA, CALIFORNIA

EXHIBIT B
TO LEGAL DESCRIPTION
SHN 020015

MARCH, 2020

020015V

Figure

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