



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Brian Gerving, Interim Director
Community Development Division
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • www.ci.eureka.ca.gov

**NOTICE OF AVAILABILITY OF DRAFT
LOCAL COASTAL PROGRAM AMENDMENT
and
Notice of Planning Commission Public Hearing**

NOTICE IS HEREBY GIVEN that the City is providing “Notice of Availability of draft Local Coastal Program amendment.” The draft Local Coastal Program (LCP) Amendment is available for review and includes an amendment to the Implementation Plan.

Project Title: Text and Local Coastal Program Amendment to add a “Q” Qualified combining zone district to the coastal zoning code

Project Applicant: City of Eureka

Case No.: LCP-19-0004/TA-19-0006

Applicability: May be applied to any base zone through a zone reclassification

Project Description: A Text Amendment and Local Coastal Program Amendment to add a Qualified (Q) combining district to the Eureka Municipal Code (EMC) Title 10, Chapter 5. The “Q” combining district is intended to be site specific and is combined with any base zone in situations where sound and orderly planning indicate that specified principally permitted uses or conditional uses otherwise allowed under the base zone should be restricted. The “Q” combining district cannot add uses not otherwise allowed under the base zone. The special qualifications for each property zoned with a “Q” combining district will be specified in the adopted ordinance that rezones the property to add the “Q” combining district.

FURTHER, NOTICE IS HEREBY GIVEN the Eureka City Planning Commission will hold a public hearing on Wednesday, November 13, at 5:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 “K” Street, Eureka, California, to consider and make recommendation to the City Council on the draft Local Coastal Program amendment.

Notice of the City Council public hearing for this project will be published at a later time.

The City of Eureka is the applicant for the LCP Amendment and will carry out the amendment in accordance with the Coastal Act. Pursuant to the Coastal Act, final action by the City Council on the LCP amendment will not occur prior to six weeks after

publication and mailing of this “Notice of Availability of draft Local Coastal Program Amendment”. The LCP amendment will take effect automatically upon Coastal Commission approval.

Environmental: 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. Because the Text Amendment and Local Coastal Program Amendment only create the text to allow a “Q” zone, and not an additional stand-alone zone district, and because the resultant “Q” zone is a combining zone that has no effect until combined with a base zone district and applied to a site or area through a zone reclassification process, it is certain that the Text Amendment and the Local Coastal Program Amendment to add a “Q” Qualified Combining zone to the Eureka Municipal Code will not result in a significant effect on the environment.

All interested persons are invited to comment on the draft amendment either in person at the scheduled public hearing, or in writing. Written comments on the draft amendment may be submitted at the hearing or prior to the hearing by mailing or delivering them to the Community Development Division of the Development Services Department, 531 “K” Street, Eureka, CA 95501; or by emailing them to kgoetz@ci.eureka.ca.gov.

Americans with Disabilities Act: Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting.

Notes: 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 described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The draft amendment is available for review at the Development Services Department Community Development Division, Third Floor, City Hall. If you have questions regarding the draft amendment to the Local Coastal Program or this notice, please contact Kristen M. Goetz, Senior Planner, phone: (707) 441-4166; e-mail: kgoetz@ci.eureka.ca.gov



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EUREKA CITY PLANNING COMMISSION

STAFF REPORT

November 13, 2019

Project Title: *Text and Local Coastal Program Amendment to add a “Q” Qualified combining zone district to the coastal zoning code*

Project Applicant: City of Eureka

Case No.: LCP-19-0004/TA-19-0006

Applicability: May be applied to any base zone through a zone reclassification

Project Description: A Text Amendment and Local Coastal Program Amendment to add a Qualified (Q) combining district to the Eureka Municipal Code (EMC) Title 10, Chapter 5. The “Q” combining district is intended to be site specific and is combined with any base zone in situations where sound and orderly planning indicate that specified principally permitted uses or conditional uses otherwise allowed under the base zone should be restricted. The “Q” combining district cannot add uses not otherwise allowed under the base zone. The special qualifications for each property zoned with a “Q” combining district will be specified in the adopted ordinance that rezones the property to add the “Q” combining district.

Staff Contact Person: Kristen M. Goetz, Senior Planner, City of Eureka, Community Development Department; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4166, email: kgoetz@ci.eureka.ca.gov

Environmental: 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. Because the Text Amendment and Local Coastal Program Amendment only create the text to allow a “Q” zone, and not an additional stand-alone zone district, and because the resultant “Q” zone is a combining zone that has no effect until combined with a base zone district and applied to a site or area through a zone reclassification process, it is certain that the Text Amendment and the Local Coastal Program Amendment to add a “Q” Qualified Combining zone to the Eureka Municipal Code will not result in a significant effect on the environment.

Staff Recommendation and Suggested Motion:

Hold a Public Hearing on the proposed Text and Local Coastal Program Amendment as required by law and adopt a Resolution of the Planning Commission finding the proposed Text and Local Coastal Program Amendment is consistent with the objectives of the Eureka Municipal Code and in keeping with the Local Coastal Program and recommend the City Council adopt the Amendments and direct Staff to forward the Local Coastal Program Amendment to the Coastal Commission for certification.

“I move the Planning Commission adopt a Resolution of the Planning Commission of the City of Eureka recommending the City Council approve the Text Amendment and Local Coastal Program Amendment to add a “Q” Qualified zone to the coastal section of the Eureka Municipal Code and direct Staff to submit the Local Coastal Program Amendment to the California Coastal Commission”

Discussion and Analysis:

A Qualified Combining zone district (Q) has been successfully used by other jurisdictions where it was determined that the uses allowed in the underlying base zone should be restricted. The restrictions could shift some or all principally permitted uses to conditional uses, or it could eliminate allowed uses in the zone. The “Q” combining zone cannot add uses not otherwise allowed under the base zone.

The reasons for applying the “Q” combining zone to a property, and the restrictions to the use of the property vary and depend upon site specific factors. These factors could include site accessibility, available parking, land use compatibility, and/or development restrictions such as height, bulk, setbacks, landscaping, etc. It should be noted that it is not the intent of the “Q” zone to remedy zoning violations. However, the “Q” zone has been used by other jurisdictions to make a “grand-fathered” use a principal or conditional use under the “Q” zone. The advantage to the land owner is the ability to make alterations or minor additions to the facility that otherwise could not be supported under the City Code for a “grand-fathered” use.

The “Q” zone can be applied in a variety of ways and to a variety to situations. For example, it can be applied to residential property to limit density or to commercial property to restrict uses. It can be applied to industrial property to specify development standards. The “Q” zone can take principal permitted uses and make them conditional, it can eliminate principal or conditional uses, or it can set higher development standards. Application of the “Q” zone cannot make conditional uses principal uses, it cannot add uses not already allowed in the base zone and it cannot reduce or make more lenient development standards.

In order to add a “Q” zone to property, a property owner must make application for a zone reclassification. The applicant needs to provide sufficient information for the City to determine that the implementation of a “Q” combining zone to the property is warranted, and the addition of the “Q” zone is in the public interest.

APPLICABLE REGULATIONS:

Text Amendment:

The proposed text amendment must be found consistent with the objectives of the Zoning Ordinance (Chapter 5 of the Eureka Municipal Code).

In order to amend the text in Title 10 Chapter 5 of the EMC, a finding must be made that the proposed amendment is consistent with the objectives of the zoning regulations as prescribed in Sec. 10-5.102 of the EMC. The zoning regulations are adopted to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare:

Objectives of Chapter 5.

There are eleven objectives specified for Title 10 Chapter 5, and Title 15 Chapter 155 of the Eureka Municipal Code, ZONING REGULATIONS:

- (a) To provide a precise guide for the physical development of the city in such manner as to achieve progressively the arrangement of land uses depicted in the general plan adopted by the Council;
- (b) To foster a harmonious, convenient, workable relationship among land uses;
- (c) To promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions;
- (d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole
- (e) To prevent excessive population densities and overcrowding of the land with structures;
- (f) To promote a safe, effective traffic circulation system;
- (g) To foster the provision of adequate off-street parking and off-street truck loading facilities;
- (h) To facilitate the appropriate location of community facilities and institutions;
- (i) To promote commercial and industrial activities in order to strengthen the City's tax base;
- (j) To protect and enhance real property values; and
- (k) To safeguard and enhance the appearance of the city.

The Text Amendment is supported by the objectives above because the underlying base zones support these objectives and because the addition of the Qualified "Q" combining

zone would restrict instead of expand the base zones allowing the above objectives to continue to be implemented within the City.

Conformance with Coastal Act.

The City of Eureka's adopted and certified LCP contains coastal resource, conservation, and development policies.

Because the proposed text amendment is intended to restrict or further define the underlying zone, no impacts to coastal resource, conservation, and/or development policies will occur. In fact, the proposed text amendment will further the goals of the LCP by allowing for implementation of even tighter restrictions regarding coastal policies or issues. For this reason, Staff believes that the proposed text amendment to the LCP is in keeping with the City's Local Coastal Program, the objectives of the Zoning ordinance as outlined above, and the City's General Plan.

Summary:

The zoning regulations are adopted to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. Adoption of the Text Amendment would clearly be consistent with the purpose and objectives of the zoning regulations to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare to the extent allowed by State Law.

Staff Recommendation

Hold a Public Hearing on the proposed Text and Local Coastal Program Amendments as required by law and adopt Planning Commission Resolution 2014-11 finding that the proposed Text and Local Coastal Program Amendments are consistent with the objectives of the Eureka Municipal Code and in keeping with the Local Coastal Program and recommend the City Council adopt the Amendments and direct Staff to forward the Local Coastal Program Amendment to the Coastal Commission for certification.

"I move the Planning Commission adopt a Resolution of the Planning Commission of the City of Eureka recommending the City Council approve the Text Amendment and Local Coastal Program Amendment to add a "Q" Qualified zone to the coastal section of the Eureka Municipal Code and direct Staff to submit the Local Coastal Program Amendment to the California Coastal Commission"

Attachments:

- Attachment 1 Draft Ordinance Chapter 5 pages 5-9
- Attachment 2 Planning Commission Resolution pages 10-11

**AN ORDINANCE OF THE CITY OF EUREKA
AMENDING TITLE 10, CHAPTER 5
OF THE EUREKA MUNICIPAL CODE TO ADD A
QUALIFIED (Q) COMBINING ZONE**

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

Section 1.

The following section is hereby added to Title 10, Chapter 5, of the Eureka Municipal Code:

Article 14.5. Q — Qualified Combining District

Sec. 10-5.1451. Purposes.

In addition to the objectives prescribed in § 10-5.102 of this chapter, the (Q) Qualified Combining District is included in the zoning regulations to achieve the following purposes:

- (a) To be combined with any zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the zone should be restricted. Principal uses may be made conditional uses, and/or principal or conditional uses may be disallowed. Uses not otherwise allowed in the zone cannot be added to the zone. The qualified uses shall be specified in the ordinance applying the Q zone to specific property.

Sec. 10-5.1452. Combining Districts.

A (Q) Qualified Combining District may be combined with any other zone district. All regulations for the district combined with the Q District shall apply except as specified in the Ordinance applying the Q zone to the specific property.

Sec. 10-5.1453. Additional requirements.

Additional site development requirements shall include, but not be limited to, the following:

- (a) In addition to the requirements prescribed in Article 27, Section 10-5.2703.1 through 10-5.2703.3, an application for combining a district with a Q District shall be accompanied by supporting data and information, including, but not limited to, draft language of the special qualification to the base zone, and a discussion of the need for the special qualification.

Section 2.

The following section is hereby added to Title 10, Chapter 5, Article 29 of the Eureka Municipal Code:

Part 20.5. Q — Qualified Combining District.:

Sec. 10-5.29199. Reserved. Purposes.

In addition to the objectives prescribed in Section 10-5.2902 (Objectives and purposes), the (Q) Qualified Combining District is included in the zoning regulations to achieve the following purposes:

(a) To be combined with any zone in situations where sound and orderly planning indicate that specified principal permitted uses or conditional uses otherwise allowed under the zone should be restricted. Principal uses may be made conditional uses, and/or principal or conditional uses may be disallowed. Uses not otherwise allowed in the zone cannot be added to the zone. The qualified uses shall be specified in the ordinance applying the Q zone to specific property.

Sec. 10-5.29199.1 Combining Districts.

A (Q) Qualified Combining District may be combined with any other district. All regulations for the district combined with the Q District shall apply except as specified in the Ordinance applying the Q zone to the specific property.

Sec. 10-5.29199.2 Additional requirements.

Additional site development requirements shall include, but not be limited to, the following:

(a) In addition to the requirements prescribed in Article 27, Section 10-5.2703.1 through 10-5.2703.3, an application for combining a district with a Q District shall be accompanied by supporting data and information, including, but not limited to, draft language of the special qualification to the base zone, and a discussion of the need for the special qualification.

Section 3.

Title 10, Chapter 5, Article 27 of the Eureka Municipal Code is hereby amended to read as follows (*the remainder of the text in each section is unchanged and is omitted*):

Sec. 10-5.2701. Purpose.

The zoning map and zoning regulations may be amended by changing the boundaries of any district, by combining a district with a Planned Unit Development District or Qualified Combining District, or by changing any district regulation [...]

Sec. 10-5.2702. Initiation.

(a) A change in the boundaries of any district or the combining of a district with a planned unit development district or Qualified Combining District may be initiated by the owner or the authorized agent [...]

(b) A change in the boundaries of any district, a combination of a district with a -PD, -Q, or an -AR District, or a change in a district regulation,[...]

Section 4.

The following section is hereby added to Title 10, Chapter 5, Article 27 of the Eureka Municipal Code:

Sec.10-5.2703.7 Applications for Q Qualified Combining District; additional requirements.

In addition to the requirements prescribed in sections 10-2703.4 through 10-5.2703.6, an application for combining a district with a Q District shall be accompanied by supporting data and information, including, but not limited to, draft language of the special qualification to the base zone, and a discussion of the need for the special qualification.

Section 5

Title 10, Chapter 5, Article 27 of the Eureka Municipal Code is hereby amended to read as follows (*the remainder of the text in the section is unchanged and is omitted*):

Sec.10-5.2704. Public Hearings: Notices.

The Planning Commission shall hold at least one public hearing on each application for a change in district boundaries or for combining a district with a PD or Q District, and on each proposal for a change in district boundaries or for combining a district with a PC, Q, or an AR District, [...]

Section 6

The following Section is hereby added to Title 10, Chapter 5, Article 27 of the Eureka Municipal Code:

Sec. 10-52707.4 Applications for Qualified Combining District; additional requirements.

In the case of an application for combining a district with a Q District, the Planning Commission may recommend that granting of the application as applied for or in modified form only if, on the basis of the application and the evidence submitted, the Commission makes findings of fact that establish that the following circumstances apply:

(a) The development as proposed in the plans and drawings accompanying the application will be consistent with the objects of this chapter;

(b) The location of the specific property and the special qualification of the district is consistent with the purposes of the district in which the site is located;

(c) The location of the specific property and the special qualification of the district complies with each of the applicable provisions of this chapter;

(d) The location of the specific property and the special qualification of the district will produce an environment of sustained desirability and stability harmonious with the character of the surrounding area and consistent with the objectives of the general plan adopted by the Council and subsequent amendments thereto, of any.

Section 7.

The following section is hereby added to Title 10, Chapter 5, Article 27 of the Eureka Municipal Code:

Sec. 10-5.2709.4. Applications for Qualified Districts: Additional requirements.

In the case of an application for combining a district with a Q district, the Council may affirm, reverse, or modify a decision of the Planning Commission recommending the granting or denial of the application, provided that if a decision recommending denying the application is reversed by the Council, or a decision recommending granting the application is modified by the Council, the Council shall make, on the basis of the application and the evidence submitted, the findings prerequisite to recommending the granting of an application prescribed in Section 10-5.2707.3 of this article.

Section 8.

Title 10, Chapter 5, Article 27 of the Eureka Municipal Code is hereby amended to read as follows:

Sec. 10-5.2713. New applications.

Following the denial of an application for a change in district boundaries or the combining of a district with a -PD, -Q, or -AR District, no application for the same or substantially the same change shall be filed within one year after the date of denial of the application.

Section 9.

This ordinance becomes effective 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 ____ day of _____, 2020 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Kim Walford Bergel, Mayor Pro Tem

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

Susan Seaman, Mayor

Approved as to Administration:

Approved as to form:

Greg L. Sparks, City Manager

Robert Black, City Attorney

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

Pamela J. Powell, City Clerk

**CITY OF EUREKA PLANNING COMMISSION
RESOLUTION NO. 19-___**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA RECOMMENDING THE CITY COUNCIL APPROVE THE TEXT AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO ADD A "Q" QUALIFIED ZONE TO THE COASTAL SECTION OF THE EUREKA MUNICIPAL CODE AND DIRECT STAFF TO SUBMIT THE LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL COMMISSION.

WHEREAS, a Qualified ("Q") combining zone district is intended to be site-specific or area-specific and is combined with any base zone in situations where sound and orderly planning indicate that specified permitted or conditional uses otherwise allowed under the principal zone should be restricted; and

WHEREAS, the "Q" combining district cannot add uses not otherwise allowed under the principal zone. The special qualifications for each property or area zoned with a "Q" combining district will be specified in the adopted ordinance that rezones the property to add the "Q" combining district; and

WHEREAS, amending the text of the Eureka Municipal Code and the Local Coastal Program 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. Because the Text Amendment and Local Coastal Program Amendment only create the text to allow a "Q" zone, and not an additional stand-alone zone district, and because the resultant "Q" zone is a combining zone that has no effect until combined with a zone district and applied to a site or area through a zone reclassification process, it is certain that the Text Amendment and the Local Coastal Program Amendment to add a "Q" Qualified Combining zone to the Eureka Municipal Code will not result in a significant effect on the environment; and

WHEREAS, the Text Amendment is supported by the eleven objectives of Title 10, Chapter 5, Article 1, and the six objective of Title 10, Chapter 5, Article 29 because the underlying base zones support these objectives and because the addition of the Qualified "Q" combining zone would restrict instead of expand the base zones, allowing the objectives to continue to be implemented within the City; and

WHEREAS, the proposed Text Amendment will further restrict or define the underlying base zone and therefore, no impacts to coastal resources, conservation, and/or development policies would occur; and

WHEREAS, the proposed Text Amendment furthers the goals of the LCP by allowing for implementation of even tighter restrictions regarding coastal policies or issues; and

WHEREAS, the proposed Text Amendment to the LCP is in keeping with the City's Local Coastal Program, the objectives of the Zoning ordinance, and the City's General Plan; and

WHEREAS, adoption of the Text Amendment is consistent with the purpose and objectives of the zoning regulations to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare to the extent allowed by State Law.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka that:

1. The Text Amendment as proposed is consistent with the purpose and objectives of the zoning regulations to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare; and
2. The Text Amendment as proposed is in keeping with the City's Local Coastal Program, the objectives of the zoning ordinance, and the City's General Plan; and
3. The Planning Commission recommends the City Council adopt the Text and Local Coastal Program Amendment as proposed; and
4. The Planning Commission recommends the City Council direct Staff to forward the amendment to the Coastal Commission for certification.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 13th day of November, 2019 by the following vote:

AYES:	COMMISSIONER
NOES:	COMMISSIONER
ABSENT:	COMMISSIONER
ABSTAIN:	COMMISSIONER

Jeff Ragan, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary