



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 Eureka City Council 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 both the Land Use Plan and Implementation Plan maps.

Project Title: *Crowley Site Local Coastal Program Amendment*

Project Applicant: City of Eureka

Case No.: LCP-19-0001

Applicability: Parcel located on Hilfiker Lane, between the Eureka Wastewater Treatment Plant and the Humboldt Bay Fire Training Facility; APN: 019-271-004

Project Description: The City of Eureka is proposing to amend the Land Use Plan Map and the Implementation Plan Map of the Local Coastal Program (LCP) to cause 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. The “Q” designation will specify the principally allowed uses and limitations on uses for the site as follows:

- 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, including but not limited to pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks and transmission lines.
- Storage yards for commercial vehicles.
- Temporary/seasonal uses, such as Christmas Tree lots.
- 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).

The limitations on the uses are as follows:

- All structures will comply with the Flood Hazard Area Regulations contained in the Eureka Municipal Code.
- Structures will be constructed to allow relocation or removal, if necessary.
- Prior to commencement of any use, including future uses, the owner/manager of each use will develop, implement and enforce a Tsunami Evacuation Plan. A copy of the 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.

FURTHER, NOTICE IS HEREBY GIVEN the Eureka City Council will hold a public hearing on Tuesday, January 7, 2020, 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 introduce the draft Local Coastal Program amendment.

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: 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 LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by the California Environmental Quality Act (CEQA). Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments. Therefore, based on the Public Resources Code Sections cited above, the City of Eureka exempts from CEQA the *Crowley Site LCP Amendment*.

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 sasbury@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 the City of Eureka Planning Department, phone: (707) 441-4160; e-mail: planning@ci.eureka.ca.gov



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Crowley Site Local Coastal Program Amendment

DEPARTMENT: Community Development

PREPARED BY: Swan Asbury, Associate Planner

PRESENTED FOR: Action Information only Discussion/Direction

RECOMMENDATION

1. Hold a Public Hearing
2. Waive reading, read by title only and introduce Bill No. 972-C.S., an Ordinance of the City Council of the City of Eureka amending the Land Use Plan Map and the Implementation Plan Map of the Local Coastal Program (LCP) to cause 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. The "Q" designation will specify the principally allowed uses and limitations on uses for the site.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

- *Ameliorate the shelter crisis declared by Council pursuant to California Government Code §8698 et. Seq.*

DISCUSSION

Purpose of the Local Coastal Program Amendment

The Local Coastal Program (LCP) 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 LCP is divided into two components: the first component is the Land Use Plan (LUP), which is basically the General Plan 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 LCP is the Implementation Plan (IP), which includes zoning regulations and the zoning map for land in the coastal zone, and specific coastal zone ordinances necessary to implement the policies of the LUP.

The purpose of the LCP Amendment is to facilitate immediate development of housing on the subject parcel. The action is necessary because the City Council of the City of Eureka has declared a shelter crisis pursuant to California Government Code §8698 et. seq. The fact there continues to be a shortage of housing for low-income individuals and families that results in a significant number of persons lacking the ability to obtain shelter, is an imminent threat to the life and health of those persons. The lack of housing causes people to camp or lodge overnight on or in City parks, greenbelts, and marshes, and the effects of the camping or lodging impacts the physical environment, environmental resources, and the use and enjoyment of public spaces for their intended purposes, such as coastal access. This has an adverse impact on the health and safety of the people of the City, including the homeless population and those effects and impacts constitute a nuisance for which abatement is warranted.

The Betty Kwan Chinn Foundation (BKC) received a gift of eleven construction trailers, which had to be moved from the donor's site by November 1, 2017. The BKC identified a strategy for utilizing the trailers in collaboration with Housing Humboldt to provide housing using a "Housing First" model in an effort to help alleviate the shelter crisis. The City identified and analyzed 12 sites and ultimately, City staff and representatives of the BKC Foundation selected a portion of the site known as the Crowley property, located on Hilfiker Lane, just north of the Humboldt Bay Fire Training Grounds, and in 2018, began an LCP amendment and Lot Line Adjustment process for the project. Following input from adjacent stakeholders, in 2019, the proposed Betty's Community Housing (BCH) site was relocated the Crowley property south of the Humboldt Bay Fire Training Grounds and just north of the Wastewater Treatment Plant.



Currently the south Crowley property has a zone designation of Coastal Dependent Industrial (MC) and a land use designation of Public/Quasi-Public (PQP). The Crowley Site LCP Amendment would change the zoning designation on the BCH parcel to Service Commercial (CS), and the land use designation to General Service Commercial (GSC), which would then allow commercial uses and housing on the site.

However, based in part on written comments from Humboldt Baykeeper, and a conversation with local Coastal Commission Staff, the City is also proposing to add a "Q" Qualifying combining district designation to the site.

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 zones with a “Q” combining district will be specified in the adopted ordinance that rezones the property to add the “Q” combining district.



The “Q” zone proposes to limit the types of development, and the conditions under which they may be operated, as follows:

Principally Permitted Uses:

- 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, including but not limited to pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks and transmission lines.
- Storage yards for commercial vehicles.
- Temporary/seasonal uses, such as Christmas Tree lots.
- 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).

Limitations on the permitted uses are as follows:

- All structures will comply with the Flood Hazard Area Regulations contained in the Eureka Municipal Code.
- Structures will be constructed to allow relocation or removal, if necessary.
- Prior to commencement of any use, including future uses, the owner/manager of each use will develop, implement and enforce a Tsunami Evacuation Plan. A copy of the 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 uses listed above are the only uses that will be 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. No other principal or conditional uses allowed by the coastal CS zone will be allowed on the site.

Staff believes these uses and limitations are responsive to the concerns expressed by the Coastal Commission and by Baykeeper.

Application of the “Q” zone will provide the Betty Kwan Chinn Foundation (BKC) the ability to locate the eleven donated construction trailers they received in November 2017 to this site. The BKC identified a strategy for utilizing the trailers in collaboration with Housing Humboldt to provide housing using a “Housing First” model in an effort to help alleviate the City’s declared shelter crisis. There will be no negative impacts to coastal resources as a result of application of the “Q” Qualifying zone, because the

types and intensity of the uses allowed on the site will be limited.

Although the site formerly contained timber operations and then a bulk oil terminal, the site is not immediately adjacent to Humboldt Bay, and in fact, is separated from the Bay by the Hikshari Trail and Hilfiker Lane. The coastal-dependent aspect of the Crowley Oil terminal operation was a dock that extended out to the deep-water channel of Humboldt Bay.



Disruption of both the road and the trail, as well as the shoreline and coastal habitat, would be required to operate a coastal-dependent use from this specific site. While coastal-related uses could potentially be possible, the site was vacant for approximately 8 years after the closing of the bulk oil terminal, and it has been over 20 years since the site was purchased by the City of Eureka. No coastal-dependent or -related uses have been proposed for the site since the bulk oil terminal closed in the early 1990's. The City of Eureka has 78 other parcels comprising approximately 127 acres that are zoned for coastal dependent industrial uses, with at least 40 parcels having direct access (adjoining) the Bay. Many industrial uses will continue to be allowed (conditionally) on the site, should future coastal-dependent or -related industrial uses be proposed.

Therefore, the conversion of Coastal Dependent Industrial zoned land, to allow housing, commercial and/or industrial uses (including coastal uses) does not significantly reduce or impact the availability of MC zoned land on Humboldt Bay.

Local Coastal Program

The Local Coastal Program is divided into two components: the Land Use Plan, which outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map; and, the Implementation Plan, which includes zoning regulations, the zoning map and specific coastal zone ordinances to implement the policies of the Land Use Plan. The Land Use Plan must be consistent with the Coastal Act; the Implementation Plan must conform with, and be adequate to carry out the policies of the Land Use Plan.

In May, 1984, the City of Eureka adopted its Local Coastal Program in accordance with the California Coastal Act; the associated Implementation Plan was passed by the City Council on December 6, 1984. The Local Coastal Program governs land use and development within the coastal zone, superseding the land use provisions of the 1977 general plan and preexisting zoning in the coastal zone. The 1984 Local Coastal Program contains numerous goals and policies related to land use that are implemented primarily through land use and zoning designations, which, in the case of Eureka's Local Coastal Program were identical.

In the 1990's, the City of Eureka updated its Land Use Plan through a citywide General Plan update; the City determined that the most effective way to address the separate legal requirements of State General Plan law and the California Coastal Act was to combine the goals, policies, and programs addressing these requirements (i.e., non-coastal and coastal) into a single, unified document. In doing so, the City reviewed the land use maps and land use policies of the 1984 Local Coastal Program and determined which policies and programs should be incorporated into the updated citywide General Plan. The current City of Eureka Land Use Plan, as an integral component of the citywide General Plan for Eureka, was certified by the Coastal Commission on September 9, 1998, and adopted by the City Council on February 23, 1999.

Standard of Review

The standard of review for Land Use Plan amendments is found in Section 30512 of the Coastal act. This section requires the Coastal Commission to certify a Land Use Plan amendment if it finds that it meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, Section 30512(c) states:

“(c) The Coastal Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.”

Paragraph (1) of subdivision (a) states that

“No later than 60 days after a land use plan has been submitted to it, the commission shall, after public hearing and by majority vote of those members present, determine whether the land use plan, or a portion thereof applicable to an identifiable geographic area, raises no substantial issue as to conformity with the policies of Chapter 3 (commencing with Section 30200).”

Pursuant to Section 30513 of the Coastal Act, the Coastal Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified Land Use Plan.

To approve the amendments to the Implementation Plan the Coastal Commission must find that the Implementation Plan, as amended, is consistent with and adequate to carry out the policies of the certified Land Use Plan.

The review and analysis of the Land Use Plan map amendment with Chapter 3 of the Coastal Act, and the Implementation Plan map amendment to the adopted Land Use Plan follows.

Land Use Plan

Conformance with Coastal Act Chapter 3 Policies

The standard of review for the proposed amendments to the Land Use Plan portion of the City of Eureka Local Coastal Program is the Chapter 3 policies of the Coastal Act. The *Crowley Site Local Coastal Program Amendment* will amend the Land Use Map and the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program to cause parcel 019-281-004 to be zoned and planned Service Commercial (CS)/General Service Commercial (GSC) and to add a Qualified (Q) combining district designation. The “Q” designation will specify the principally allowed uses and limitations on uses for the site.

The map amendment principally implicates Coastal Act policies addressing Coastal Access, New Development/Adequacy of Services, Scenic and Visual Quality, and Coastal Dependent Industry. A discussion of each of these policies follows.

Coastal Access

Chapter 3 of the Coastal Act states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected.

The subject parcel is located on Hilfiker Lane, between the Eureka Wastewater Treatment Plant and the Humboldt Bay Fire Training Facility. The subject parcel does not have frontage on Humboldt Bay. Hilfiker Lane is a public roadway that provides access to the shoreline of Humboldt Bay via the Waterfront Trail which is located to the east of Hilfiker Lane with a parking lot located east of the Fire Training Facility. The proposed Land Use Plan map amendment will not impede or alter the existing public access or public parking for visitors to Humboldt Bay.

New Development/Adequacy of Services

Pursuant to Chapter 3 of the Coastal Act, new residential, commercial, or industrial development must be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. The properties that are the subject of the Local Coastal Program amendment are located within the City of Eureka and full urban level services are available.

Scenic and Visual Quality

Coastal Act Chapter 3 specifies that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. Permitted development must be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The subject parcel is not in a designated coastal scenic area under the adopted Local Coastal Program. The parcel is located on Hilfiker Lane, between the Eureka Wastewater Treatment Plant and the Humboldt Bay Fire Training Facility. The Land Use Plan map amendment will change the land use plan designation to allow residential use of the property. The scenic and visual quality of the shoreline and the Bay itself will not be impacted.

Coastal Dependent Industry

The purpose of the Coastal Dependent Industrial Land Use Plan designation is to protect and reserve parcels on or adjacent to the Bay for coastal dependent and coastal related uses. The subject parcel is not adjacent to Humboldt Bay, and is not developed with a coastal dependent industrial use. Additionally, the subject parcel is separated from the shoreline by the Waterfront Trail and Hilfiker Lane.

Implementation Plan

Adequacy to carry out the Policies of the Land Use Plan

The standard of review for the proposed amendment to the City of Eureka's Implementation Plan is whether the amendment conforms with and is adequate to carry out the adopted and certified Land Use Plan. The proposed Implementation Plan

amendment would change the zoning designation on the subject parcel from Coastal Dependent Industrial (MC) to Service Commercial (CS) with the addition of a Qualified (Q) combining district, and would be consistent with the proposed General Service Commercial land use designation. Because the amendment will cause the zoning on the property to be consistent with the proposed land use plan designation, it is clear that the proposed Implementation Plan amendment is consistent with the Land Use Plan.

The Policy Document of the General Plan contains statements of goals, policies, standards, implementation programs, and quantified objectives that constitute the formal policy of the City of Eureka for land use, development, and environmental quality. The Policy Document is divided into eight sections: Land Use and Community Design; Housing; Transportation and Circulation; Public Facilities and Services; Recreational and Cultural Resources; Natural Resources; Health and Safety; Administration & Implementation. Within the eight sections, the specific policies of the Local Coastal Program are designated by a wave symbol. A full list of the specific policies of the Local Coastal Program is included in Attachment 1.

In Staff's opinion, there are no conflicts between the specific Local Coastal Program Land Use Plan policies and the proposed Implementation Plan amendment to change the zoning designation on the subject parcel to Service Commercial (CS) with the addition of a Qualified (Q) combining district.

Implementation Plan Amendments are accomplished through introduction and adoption of an Ordinance, which is included in Attachment 4.

Amendments of the Land Use Plan map are accomplished through adoption of a Resolution of the Council. A draft of the Resolution is included in Attachment 5, but Council will be asked to adopt the resolution at a future meeting, when action is taken to adopt the ordinance for the Implementation Plan Amendment.

Planning Commission Consideration

On October 14, 2019, the Planning Commission held a duly noticed public hearing to receive testimony regarding the proposed Local Coastal Program Amendments. One written comment was provided before the meeting, and one verbal comment was provided during the meeting. The Planning Commission then made a motion to adopt Resolutions transmitting to the City Council the Commission's recommendations of approval of the *Crowley Site Local Coastal Program Amendment* and was approved unanimously. However, based in part on written comments from Humboldt Baykeeper, and a conversation with local Coastal Commission Staff, the City then decided to propose adding a "Q" Qualifying combining district designation to the site.

On November 13, 2019, the Planning Commission held a second duly noticed public hearing to receive testimony regarding the revised proposed Local Coastal Program amendments to include the "Q" Qualifying combining district. One verbal comment was

provided during the meeting. The Planning Commission then made a motion to adopt Resolutions transmitting to the City Council the Commission's recommendations of approval of the revised *Crowley Site Local Coastal Program Amendment* and was approved unanimously.

Environmental:

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 LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by the California Environmental Quality Act (CEQA). Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments. Based on the Public Resources Code Sections cited above, the City of Eureka exempts from CEQA the *Crowley Site Local Coastal Program Amendment*.

Staff Recommendation and Suggested Motion:

1. Hold a Public Hearing
2. Waive reading, read by title only and introduce Bill No. 972-C.S., an Ordinance of the City Council of the City of Eureka amending the Land Use Plan Map and the Implementation Plan Map of the Local Coastal Program (LCP) to cause 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. The "Q" designation will specify the principally allowed uses and limitations on uses for the site.

"I move the City Council waive reading, read by title only and introduce Bill No. 972 C.S., an Ordinance of the City Council amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program reclassifying a portion of the Crowley Site on Hilfiker Lane."

REVIEWED AND APPROVED BY:

- City Attorney
- City Clerk/Information Services
- Development Services
- Finance
- Fire
- Community Services
- Personnel
- Police
- Public Works

Attachments:

- Attachment 1. List of Goals and Policies from Local Coastal Program
- Attachment 2. Current and Proposed Implementation Plan Map
- Attachment 3. Current and Proposed Land Use Map

Attachment 4. Bill No. 972 C.S.
Attachment 5. Draft Resolution of the City Council

Attachment 1

Goals and Policies from Local Coastal Program

List of Goals and Policies from Local Coastal Program

SECTION 1. LAND USE AND COMMUNITY DESIGN

Goal 1.A: Land Use and Development Framework

1.A.4 To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

1.A.5 Within the coastal zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.

1.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:

- a. Establishment of a comprehensive wetland management program that includes all of Eureka's restored and natural wetland areas.
- b. Implementation of the PALCO Marsh Enhancement Plan.
- c. Construction of a public access vista point at the foot of Truesdale Street.
- d. Reconstruction of a public access vista point near the foot of C Street.
- e. Design and construction of a public berthing facility n Inner Reach near the Adorni Center.
- f. Development of a multi-use building between C and F Streets to house a Fisherman's-Farmer's Market and retail stores.
- g. Development of Fisherman's Parcel for fishing fleet activities.
- h. Rehabilitation of the existing small boat basin, dredging and expansion of the Humboldt Yacht Club, and development of a fishing industry support facility.
- i. Completion of a waterfront bicycle/pedestrian trail from K Street to Del Norte Street.
- j. Development of a Wetland Mitigation Bank as a comprehensive tool for mitigating the loss of wetlands to development.
- k. Development of a facility for the Humboldt Bay Rowers Association near the Adorni Center.

Goal 1.B: Core Area: Mixed-Use

None

Goal 1.C: Core Area: Arts and Culture

None

Goal 1.D: Core Area: Waterfront

City of Eureka
Local Coastal Program Goals and Policies

1.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.

1.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.

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

1.D.4 The City shall encourage expansion of the fisheries industry west of C street in the Core Area.

1.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.

1.D.6 The City shall encourage expansion of the F Street pier into a major facility that focuses and anchors waterfront public access and open space.

Goal 1.E. Core Area: Tourism

1.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 1.F: Core Area Residential Community

None

Goal 1.G: Core Area: Public Open Space

1.G.3 The City shall expand the public pier at the foot of F Street to enhance leisure and recreation opportunities within the Core Area.

Goal 1.H: Core Area: View Corridors

None

Goal 1.I: Core Area: Architectural/Landscape Character

1.I.1 The City shall ensure that structures of historic or architectural interest are preserved and, wherever feasible, rehabilitated to protect the variety and quality of older buildings in the Core Area. In cases where such structures might be used to better advantage in new surroundings, the City shall encourage relocation.

Goal 1.J: Core Area: Maintenance and Safety

None

Goal 1.K: Residential Neighborhood Development

None

Goal 1.L: Commercial Development

1.L.11 The City shall protect and, where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. Existing commercial fishing and recreational boating space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. New recreational boating facilities shall, to the maximum extent feasible, be designed and located so as not to interfere with the needs of the commercial fishing industry.

Goal 1.M: Industrial Development

1.M.2 The City shall promote development and upgrading of the Westside Industrial Area to accommodate industrial growth and the relocation of industry from unsuitable sites and areas.

1.M.3 The City shall support the retention of existing and establishment of new fishing facilities related uses in the area north of the railroad tracks between Commercial Street and C Street in the Core Area. The City shall encourage new development in the area that reinforces the essentially industrial character of the area and reduces potential land use conflicts and speculative inflation of land values.

1.M.4 The City shall promote the development of a modern multiple-purpose dock a Dock B that would combine a cruise ship terminal with a break-bulk/container cargo terminal and fishing facilities.

1.M.5 If efforts to develop a multi-purpose terminal at Dock B are unsuccessful, the City will support the development of a non-coastal industrial park in the Dock B area, including the “balloon track” and the Wright-Schuchart site. In developing such an industrial park, the City would retain the Dock A area for possible long-term cargo terminal development.

1.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 1.N: Community Facilities

None

Land Use and Community Design Implementation Programs

1.10 The City shall prepare and adopt a plan for the expansion and renovation of the F Street pier and surrounding area into a major facility that focuses and anchors waterfront public access and open space.

1.11 The City shall participate in the development of Fisherman's Parcel for fishing fleet activities.

SECTION 2. HOUSING

None

SECTION 3. TRANSPORTATION AND CIRCULATION

Goal 3.A: Streets and Highways

3.A.7 The City should improve the appearance of existing transportation right-of-way and incorporate high standards of aesthetic design when considering new transportation corridors, including streets, bikeways, walkways, and other related rights-of-way.

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.B: Public Transit

None

Goal 3.C: Bicycle Transportation

None

Goal 3.D: Pedestrian Transportation

None

Goal 3.E: Goods Movement

None

Goal 3.F: Rail Transportation

None

Goal 3.G: Water Transportation

3.G.1 The City shall protect and, where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. Existing commercial fishing and recreational boating space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, to the maximum extent feasible, be designed and located so as not to interfere with the needs of the commercial fishing industry.

3.G.2 The City shall limit new or expanded berthing facilities to sites at the Woodley Island Marina, the Eureka Small Boat Basin, or the Eureka Channel Inner Reach. Facilities supporting party- or charter-fishing boat operations shall be provided at these sites to meet demand for them.

Goal 3.H: Core Area Circulation and Parking

None

Transportation and Circulation Implementation Programs

None

SECTION 4: PUBLIC FACILITIES AND SERVICES

Goal 4.A: General Public Facilities and Services

4.A.4 The City declares that existing public works facilities, including water, wastewater, stormwater, highway, and railroad facilities serving the Planning Area are essential to the economic and social well-being of the people and shall be maintained, enhanced, and restored to assure the orderly and balanced utilization and conservation of natural and human-created resources.

4.A.5 The City shall permit the formation or expansion of special districts where assessment for, and provision of, the services will not induce development inconsistent with this General Plan.

4.A.6 The City shall ensure that new or expanded public works facilities within the Coastal Zone will be designed and limited to accommodate needs generated by permitted uses and development consistent with the provisions of this General Plan.

4.A.7 Within the coastal Zone, the City shall prohibit the extension of urban services (sewer and water) into areas with Open Space designations (i.e., Agricultural, Timberland, Natural Resources, Water—Development, and Water—Conservation), except that the water system intertie line in the southwestern part of the city shall be permitted to extend into these areas, provided no connections for private users shall be allowed.

Goal 4.B: Water Supply and Delivery

4.B.1 To the extent feasible, within the Coastal Zone, the City shall preserve water system capacity needed for priority uses. These uses and their order of priority are as follows:

- a. Coastal-dependent uses;
- b. Essential public services;
- c. Basic industries vital to the economic health of the region, state or nation;
- d. Public recreation;
- e. Commercial recreation; and
- f. Visitor-serving uses.

Goal 4.C: Waste Water Collection Treatment and Disposal

None

Goal 4.D: Stormwater Drainage

None

Goal 4.E: Solid Waste Collection and Disposal

None

Goal 4.F: Law Enforcement

None

Goal 4.G: Fire Protection

None

Goal 4.H: Schools

None

Public Facilities and Services Implementation Programs

None

SECTION 5. RECREATIONAL AND CULTURAL RESOURCES

Goal 5.A: General Parks and Recreation

None

Goal 5.B: Coastal Recreation and Access

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.
- d. Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.
- e. The City, in cooperation with the Coastal Commission and Coastal Conservancy, shall provide for attractive directional signs that are meaningful on the North Coast so as to assist area residents and visitors alike in identifying visitor-serving, recreational, and historical facilities in the city.

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.3 The City shall promote the maintenance of and, where feasible, shall provide, restore, or enhance facilities serving commercial and recreational boating, including party or charter fishing boats.

5.B.4 The City of Eureka shall protect and enhance the public's rights of access to and along the shoreline, consistent with protecting environmentally sensitive habitats, by: Accepting offers of dedications that will increase opportunities for public access and recreation and the availability of necessary staff and funding to improve and maintain access ways and assume liability for them; Actively seeking other public, community non-profit, or public agencies to accept offers of dedications and having them assume liability and maintenance responsibilities; and, Allowing only such development as will not interfere with the public's right of access to the sea, where such right was acquired through use or legislative authorization.

5.B.5 For new development between the first public road and the sea, the City shall require the dedication of a vertical access easement to the mean high tide line unless: Another more suitable public access corridor is available within 500 feet of the site; or

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Access at the site would be inconsistent with other General Plan coastal policies, including existing, expanded, or new coastal-dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or, Access at the site is inconsistent with public safety, environmental protection, or military security needs.

5.B.6 For new development between the first public road and the sea, the City shall require a lateral access easement along the shoreline unless:
Lateral access at the site would be inconsistent with other General Plan coastal policies, including existing expanded, or new coastal dependent industry, agricultural operations, or the protection of environmentally sensitive habitat areas; or,
Access is inconsistent with public safety or military security needs.

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.8 The City shall enforce the access standards and recommendations contained in the State Coastal Conservancy/Coastal Commission *Report on Coastal Access* (revised August 1980) as the criteria for improvement, maintenance, and management of accessways and supporting facilities proposed in this General Plan. Special attention in design and construction of accessways shall be given to minimizing maintenance requirements given the North Coast climate and to minimizing the possibilities of vandalism. Where public accessways or vista points are located near environmentally sensitive habitat areas, attractive barriers shall be provided to preclude disturbance of natural areas by off-road or all-terrain vehicles.

5.B.9 The City shall ensure that public access support facilities are distributed throughout the Eureka Coastal Zone. Off-street parking shall be provided in the waterfront area; however, it shall not be located immediately adjacent to the shoreline, unless there is no feasible alternative.

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

5.B.11 The City shall participate in the development of a facility for the Humboldt Bay Rowers Association on the waterfront.

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.
At the foot of “C” Street	The City-owned pier and dock shall, consistent with any lease requirements or conditions, be restored for pedestrian and public

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	fishing use.
At the Small Boat Basin	A small plaza and improved access facilities, including off-street parking, bicycle racks, benches, tables, restrooms, and an improved boat-launching area shall be provided. Lamoreaux Park shall be upgraded. Public use facilities shall be designed and located to complement potential adjacent revenue generating uses. Existing access to piers with docks shall be continued consistent with public safety and protection of the property of boat owners.
At the foot of “V” Street	A passive recreation plaza with landscaping improvements and picnic tables shall be provided at the shoreline. Development of the “V” Street Plaza shall occur either in conjunction with the construction of Waterfront Drive or the private development of the property (in proximity to the Blue Ox), whichever comes first.
At Eureka Slough, north of the Northwestern Pacific Railroad tracks	A passive recreation plaza with landscaping improvements and picnic tables shall be provided at the shoreline. Public access improvements either at Eureka Slough or near the Samoa Bridge shall also include a small boat launch ramp and off-street parking area, 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.
At Woodley Island at the westerly end of the marina	A scenic vista point shall be developed to complement the existing public access and support facilities and be compatible with other permitted development. Access to Woodley Island wildlife area shall continue to be by permit from the Department of Fish and Game.
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 Samoa bridge on the east	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.
Near Second and “Y” Streets in the East Bridge	The City shall accept a vertical accessway easement dedication offer if further consultation with the Department of Fish and Game indicates that access can be provided consistent with protection of

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District	sensitive natural habitat areas. If the dedication offer is accepted, access shall be integrated through directional signing and support facilities into the northern waterfront shoreline access system.
At the foot of Truesdale Street	A scenic vista point shall be developed on the shoreline to complement the existing vertical access at the street end. Access support facilities shall include a small parking area, bicycle racks, and trash receptacles.
Along waterfront between Truesdale Street and Hilfiker Lane	A continuous waterfront rail shall be dedicated and developed in conjunction with future development in order to connect the vertical accessways at the two street ends. The waterfront trail shall be fenced and/or landscaped to protect adjacent property.
Halvorsen Village and East Park Plaza	The City shall, concurrent with the development of, construct the Fountain Plaza Pedestrian Bridge immediately to the west of the East Park Plaza amphitheater, so as to provide safe public access across the Northwestern Pacific Railroad right-of-way from Waterfront Drive to Old Town.
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.
Greenways or gulches near Eureka, First, and Second Sloughs	The City shall utilize public lands, rights-of-way, potential future dedications of land, and/or limited acquisition to establish public walkways in greenways or gulches. The precise location of walkways shall be determined after consultation with adjacent private property owners, the Department of Fish and Game, and the Coastal Conservancy in order to assure that private property rights and environmentally sensitive habitat areas are protected, while this important community asset is opened for appropriate levels of public use and enjoyment. In consultation with the Coastal Conservancy, the City shall explore creation and funding of a community non-profit organization to assist in the design, implementation, and maintenance of the greenway.gulch public access system.
Elk River	Public accessways shall be implemented by the City in consultation with the Department of Fish and Game.
Elk River Split	The pedestrian footbridge to the and appropriate directional signing shall be constructed.

RECREATION SERVICES

Goal 5.C: Recreation Services

Goal 5.D: Arts and Culture

Goal 5.E: Historic Preservation

Goal 5.F: Archaeological Resources

Recreational and Culture Resources Implementation Programs

5.4 The City shall participate in the development of a facility for the Humboldt Bay Rowers Association on the waterfront.

Responsibility: City Council

Engineering Department

Community Development Department

Redevelopment Agency

City Manager

Time Frame: As funding becomes available

SECTION 6. NATURAL RESOURCES

Goal 6.A: Aquatic Resources and Marine, Wetland, and Riparian Habitat

6.A.1 The City shall maintain, enhance, and, where feasible, restore valuable aquatic resources, with special protection given to areas and species of special biological or economic significance. The City shall require that uses of the marine environment are carried out in the manner that will sustain the biological productivity of coastal waters and that will maintain health populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

6.A.3 The City shall maintain and, where feasible, restore biological productivity and the quality of coastal waters, streams, wetlands, and estuaries appropriate to maintain optimum populations of aquatic organisms and for the protection of human health through, among other means, minimizing adverse effects of wastewater and stormwater discharges and entrainment, controlling the quantity and quality of runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging wastewater reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

6.A.4 The City shall require that channelizations or other substantial alterations that could significantly disrupt the habitat values of rivers and streams incorporate the best mitigation measures feasible. Such channelizations and alterations shall be limited to the following:

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Flood control projects where no other method for protecting existing structure in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development;

Developments where the primary function is the improvement of fish and wildlife habitat.

6.A.5 The City shall permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes only when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion.

6.A.6 The City declares the following to be environmentally sensitive habitat areas within the Coastal Zone:

- a. Rivers, creeks, sloughs, gulches and associated riparian habitats, including but not limited to Eureka Slough, Fay Slough, Cut-Off Slough, Freshwater Slough, Cooper Slough, Second Slough, Third Slough, Martin Slough, Ryan Slough, Swain Slough, and Elk River.
- b. Wetlands and estuaries, including that portion of Humboldt Bay within the City's jurisdiction, riparian areas, and vegetated dunes.
- c. Indian Island, Daby Island, and the Woodley Island wildlife area.
- d. Other unique habitat areas, such as waterbird rookeries, and habitat for all rare or endangered species on state or federal lists.
- e. Grazed or farmed wetlands (i.e., diked former tidelands).

6.A.7 Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

6.A.8 Within the Coastal Zone, prior to approval of a development, the City shall require that all development on lots or parcels designated NR (Natural Resources) on the *Land Use Diagram* or within 250 feet of such designation, or development potentially affecting an environmentally sensitive habitat area, shall be found to be in conformity with the applicable habitat protection policies of the General Plan. All development plans, drainage plans, and grading plans submitted as part of an application shall show the precise location of the habitat(s) potentially affected by the proposed project and the manner in which they will be protected, enhanced or restored.

6.A.9 The City shall permit the diking, filling, or dredging of open coastal waters, wetlands, or estuaries only under the following conditions:

- a. The diking, filling or dredging is for a permitted use in that resource area;
- b. There is no feasible, less environmentally damaging alternative;
- c. Feasible mitigation measures have been provided to minimize adverse environmental effects;
- d. The functional capacity of the resource area is maintained or enhanced.

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6.A.10 The City shall support dredging and spoils disposal to avoid significant disruption to aquatic and wildlife habitats and water circulation.

6.A.11 The City shall require that diking, filling or dredging of a wetland or estuary maintain or enhance the functional capacity of these resources. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, all of the following must be demonstrated.

- a. Presently-occurring plant and animal populations in the ecosystem will not be altered in a manner that would impair the long-term stability of the ecosystem, i.e., natural species diversity, abundance and composition are essentially unchanged as the result of the project;
- b. A species that is rare, threatened, or endangered will not be significantly adversely affected; and
- c. Consumptive (e.g., fishing, aquaculture and hunting) or nonconsumptive (e.g., water quality and research opportunity) values of the wetland or estuary ecosystem will not be significantly reduced.

6.A.12 The City shall require that dredging, when consistent with the provisions of this General Plan or other adopted City regulations and where necessary for the maintenance of the tidal flow and continued viability of the wetland habitat or for flood control purposes, shall be subject to the following conditions:

- a. Dredging shall be prohibited in breeding and nursery areas and during periods of fish migration and spawning.
- b. Dredging shall be limited to the smallest area feasible.
- c. Designs for dredging and excavation projects shall include protective measures such as silt curtains, weirs, etc., to protect water quality in adjacent areas during construction by preventing the discharge of refuse, petroleum spills, and unnecessary dispersal of silt materials.

6.A.13 The City shall require that diking or filling of a wetland that is otherwise in accordance with the policies of this General Plan, shall, at a minimum, require the following mitigation measures:

- a. A detailed restoration plan shall be required as part of the project application for each specific restoration site. The restoration plan shall include provisions for purchase, if required, and restoration of an equivalent area of equal or greater biological productivity, and dedication of the land to a public agency or other method which permanently restricts the use of the site to habitat and open space purposes. The restoration site shall be purchased or otherwise made available prior to any permitted diking or filling.
- b. Areas adequate to maintain functional capacity shall be opened to tidal action or other sources of surface water shall be provided. This provision shall apply to diked or filled areas which themselves are not environmentally sensitive habitat areas, but would become so if, as part of a restoration program, they are opened to tidal action or provided other sources of surface water. All of the provisions for restoration, purchase (if necessary), and dedication described under item a. of

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this policy shall apply to any program or activity performed pursuant to this policy.

- c. Mitigation shall, to the maximum extent feasible, be of the same type as the wetland to be filled (i.e., freshwater marsh for freshwater marsh, saltwater marsh for saltwater marsh, etc.).
- d. Where no suitable private or public restoration or enhancement sites are available, an in-lieu fee may be required to be paid to an appropriate public agency for use in the restoration or enhancement of an area of equivalent productive value or surface area.

6.A.14 Consistent with all other applicable policies of this General Plan, the City shall limit development or uses within wetlands that are neither farmed nor grazed, or within estuaries, to the following:

- a. Port facilities.
- b. Energy facilities.
- c. Coastal-dependent industrial facilities, including commercial fishing facilities.
- d. Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- e. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables or pipes, inspection of piers, and maintenance of existing intake and outfall lines.
- f. Restoration projects.
- g. Nature study, aquaculture, or similar resource-dependent activities.
- h. New or expanded boating facilities in estuaries, consistent with the demand for such facilities.
- i. Placement of structural piling for public recreational piers that provide public access and recreational opportunities.

6.A.15 The City shall limit uses and development in grazed or farmed wetlands to the following:

Agricultural operations limited to accessory structures, apiaries, field and truck crops, livestock raising, greenhouses (provided they are not located on slab foundations and crops are grown in the existing soil on site), and orchards;

- a. Farm-related structures, including barns, sheds, and farmer-occupied housing, necessary for the performance of agricultural operations. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize adverse environmental effects on the farmed wetland. No more than one permanent residential structure per parcel shall be allowed.
- b. Restoration projects, including the PALCO on-site restoration and enhancement program.
- c. Nature study, aquaculture, and similar resource-dependent activities; and,
- d. Incidental public service purposes which may temporarily impact the resources of the area, such as burying cables or pipes.

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6.A.16 Consistent with all other applicable policies of this General Plan, the City shall limit uses within open coastal waters to the following:

- a. Port facilities.
- b. Energy facilities.
- c. Coastal-dependent industrial facilities, including commercial fishing facilities.
- d. Maintenance of existing or restoration of previously dredged depths in navigation channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.
- e. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables or pipes, inspection of piers, and maintenance of existing intake and outfall lines.
- f. Restoration projects.
- g. Nature study, aquaculture, or similar resource-dependent activities.
- h. New or expanded boating facilities.
- i. Placement of structural piling for public recreational piers that provide public access and recreational opportunities.

6.A.17 The City shall require that any uses that involve substantial alterations of streams and rivers incorporate the best mitigation measures feasible and shall be limited to the following:

- a. Flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect development.
- b. Development where the primary function is the improvement of fish and wildlife habitat.

6.A.18 The City may permit new fill for repair and maintenance purposes on lands adjacent to the previously filled northern waterfront provided that it is consistent with other General Plan policies and where all of the following apply:

- a. Fill will be placed in previously filled areas which have been subject to erosion;
- b. Fill will not be placed beyond the existing bulkhead line;
- c. Fill is necessary to protect existing development, coastal-dependent uses, or redeveloped areas from erosion;
- d. Fill will not interfere with commercial fishing activities and facilities; and
- e. Placement of the fill is consistent with the coastal public access policies of the General Plan.

6.A.19 The City shall require establishment of a buffer for permitted development adjacent to all environmentally sensitive areas. The minimum width of a buffer shall be 100 feet, unless the applicant for the development demonstrates on the basis of site specific information, the type and size of the proposed development, and/or proposed mitigation (such as planting of vegetation) that will achieve the purpose(s) of the buffer, that a smaller buffer will protect the resources of the habitat area. As necessary to protect the environmentally sensitive area, the City may require a buffer greater than 100 feet. The Buffer shall be measured horizontally from the edge of the environmental sensitive area nearest the proposed development to the edge of the development nearest

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to the environmentally sensitive area. Maps and supplemental information submitted as part of the application shall be used to specifically define these boundaries.

6.A.20 To protect urban wetlands against physical intrusion, the City shall require that wetland buffer areas incorporate attractively designed and strategically located barriers and informational signs.

6.A.21 The City shall require that all land use activities adjacent to gulch greenways be carried out in a manner that avoids vegetative removal below the break in slope (usually those areas with a slope of 20 percent or greater) and that does not alter natural land forms and drainage patterns.

6.A.22 The City shall maintain Indian Island as a site for habitat, scientific research and education. Existing uses may be maintained but shall not be expanded, except that reburial of Native American remains shall be permitted as part of the mitigation for coastal-dependent industrial development elsewhere in the Planning area.

6.A.23 The City, in consultation with the Department of Fish and Game, Coastal Conservancy, Coastal Commission, Humboldt County, Humboldt Bay Harbor, Recreation, and conservation District, affected landowners, and other interested parties shall prepare a detailed, implementable wetlands management, restoration and enhancement program consistent with the provisions of this General Plan. The objectives of the program shall be to enhance the biological productivity of wetlands; to minimize or eliminate conflicts between wetlands and adjacent urban uses; to provide stable boundaries and buffers between urban and habitat areas; to provide restoration areas, including the City-owned lands on the Elk River Spit that may benefit from restoration and enhancement, to serve as mitigation in conjunction with future projects that may include wetland areas. Upon completion, the wetlands management and restoration program created by this policy shall be submitted to the Coastal Commission for review and approval.

6.A.24 Within the Coastal Zone, where there is a question regarding the boundary, buffer requirements, location, or current status of an environmentally sensitive area identified pursuant to the policies of this General Plan, the City shall require the applicant to provide the City with the following:

- a. Base map delineating topographic lines, adjacent roads, location of dikes, levees, of flood control channels and tide gates, as applicable;
- b. Vegetation map, including identification of species that may indicate the existence or non-existence of the sensitive environmental habitat area;
- c. Soils map delineating hydric and non-hydric soils; and
- d. Census of animal species that may indicate the existence or non-existence of the sensitive environmental habitat area.

The City shall transmit the information provided by the applicant pursuant to this policy to the Department of Fish and Game for review and comment. Any comments and recommendations provided by the Department shall be immediately sent to the applicant for his or her response. The City shall make its decision concerning the

boundary, location, or current status of the environmentally sensitive habitat area in question based on the substantial evidence in the record and shall adopt findings to support its actions.

Goal 6.B: Agricultural Preservation

6.B.2 The City shall require the retention in agricultural use of agricultural lands within the Coastal Zone with soils other than Classes I or II in agricultural use, except under the following conditions:

- a. Continued or renewed agricultural use is demonstrated to be infeasible,
- b. Conversion to urban uses would locate development within, contiguous with, or in close proximity to, existing developed areas, or
- c. Farmed wetlands are proposed and funded through a wetland management and restoration program for restoration of resource-dependent activities.

6.B.3 The City shall limit uses in grazed or farmed wetlands to the following:

- a. Agricultural operations (except for greenhouses on slab foundations).
- b. Farm-related structures (including barns, sheds, and farmer-occupied housing) necessary for the continuance of the agricultural operation. Such structures may be located on an existing grazed or farmed wetland parcel only if no alternative upland location is available for such purpose and the structures are sited and designed to minimize the adverse environmental effects on the farmed wetland. No more than one primary residential structure per parcel shall be allowed.
- c. Restoration and enhancement projects.
- d. Nature study, aquaculture, and similar resource-dependent activities.
- e. Incidental public service purposes which may temporarily impact the resources of the area, such as burying cable and pipes.

6.B.4 The City shall ensure that expansion of public services and public service facilities, which is otherwise consistent with the provisions of this General Plan, does not reduce agricultural viability through increased assessment costs.

6.B.5 Consistent with the Coastal Act (California Resources Code Section 3025(a)), the City shall prohibit land division of existing agriculturally-designated land within the Coastal Zone, other than for leases for agricultural uses.

Goal 6.C: Conservation of Open Space

None

Goal 6.D: Timber Resources

None

Goal 6.E: Air Quality – General

None

Goal 6.F: Air Quality – Transportation and Circulation

None

Natural Resources Implementation Programs

6.1 The City of Eureka, in consultation with the Department of Fish and Game, Coastal Conservancy, Coastal Commission, Wildlife Conservation Board, Humboldt County, Humboldt Bay Harbor, Recreation, and Conservation District, the Army Corps of Engineers, potentially affected landowners, and other interested parties shall prepare a detailed, comprehensive, and implement able program for wetlands management and restoration in and adjacent to the city. In the preparation and implementation of the wetlands program, Eureka shall seek the expert and financial assistance of the State Coastal Conservancy, the Wildlife Conservation Board, and Department of Fish and Game. The program shall include all of Eureka’s restored and natural wetland areas and shall include development of a Wetland Mitigation Bank as a comprehensive tool for mitigating the loss of wetlands to development.

SECTION 7: HEALTH AND SAFETY

Goal 7.A: Seismic Hazards

None

Goal 7.B: Geological Hazards

7.B.2 The City shall ensure that development on or near the shoreline of Elk River, Humboldt Bay, and Eureka Slough neither contributes significantly to, nor is subject to, high risk of damage from shoreline erosion over the life span of the development.

7.B.3 Within the Coastal Zone the City shall prohibit alteration of cliffs, bluff tops, and gulch faces or bases by excavation or other means except to protect existing structures. Permitted development shall not require the construction of protective devices that would substantially alter natural landforms.

7.B.4 For all high density residential and other high occupancy development located in areas of significant liquefaction potential, the City shall, at the time project application, require a geology and soils report prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering geologist, and shall consider, describe, and analyze the following:

- a. Geological conditions, including soil, sediment, and rock types and characteristics in addition to structural features, such as bedding, joint and faults;
- b. Evidence of past or potential liquefaction conditions, and the implications of such conditions for the proposed development;
- c. Potential effects of seismic forces resulting from a maximum credible earthquake;

- d. Any other factors that might affect the development.

The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the life-span of the project.

7.B.5 For all development proposed within areas subject to significant shoreline erosion, and which is otherwise consistent with the policies of this General Plan, the City shall, prior to project approval, require a geology and soils report prepared by a registered geologist, professional civil engineer with expertise in soil mechanics or foundation engineering, or by a certified engineering geologist, and shall consider, describe, and analyze the following:

- a. Site topography, extending the surveying work beyond the site as needed to depict unusual conditions that might affect the site;
- b. Historic, current and foreseeable shoreline erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport;
- c. Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joint and faults;
- d. Impact of construction activity on the stability of the site adjacent area;
- e. Potential erodibility of site and mitigating measures to be used to ensure minimized erosion problems during and after construction;
- f. Effects of marine erosion on shoreline areas;
- g. Potential effects of seismic forces resulting from a maximum credible earthquake;
- h. Any other factors that might affect slope stability.

The report shall evaluate the off-site impacts of development and the additional impacts that might occur due to the proposed development. The report shall also detail mitigation measures for any potential impacts and outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant onsite or offsite geologic instability throughout the life-span of the project.

Goal 7.C: Fire Safety

None

Goal 7.D: Flooding

7.D.1 The City shall prohibit high density residential and other high occupancy development, including new hospitals, schools, residential development with a gross density of 8 units per acre or more, office buildings 10,000 square feet in size or larger, or visitor-serving structural developments 5,000 square feet in size or larger, from locating in flood hazard areas, as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM), dated June 1, 1982, unless they are

constructed with a finished foundation that extends above the 100-year flood level and meet all applicable drainage policies of this General Plan. Other development in flood hazard areas shall incorporate mitigation measures that minimize the potential for flood damage, including development siting and use of flood proofing techniques and materials, consistent with other land use plan policies.

Goal 7.E: Hazardous Materials and Toxic Contamination

None

Goal 7.F: Emergency Response

None

Goal 7.G: Residential Noise Exposure

None

Goal 7.H: Noise Compatibility

None

Health and Safety Implementation Programs

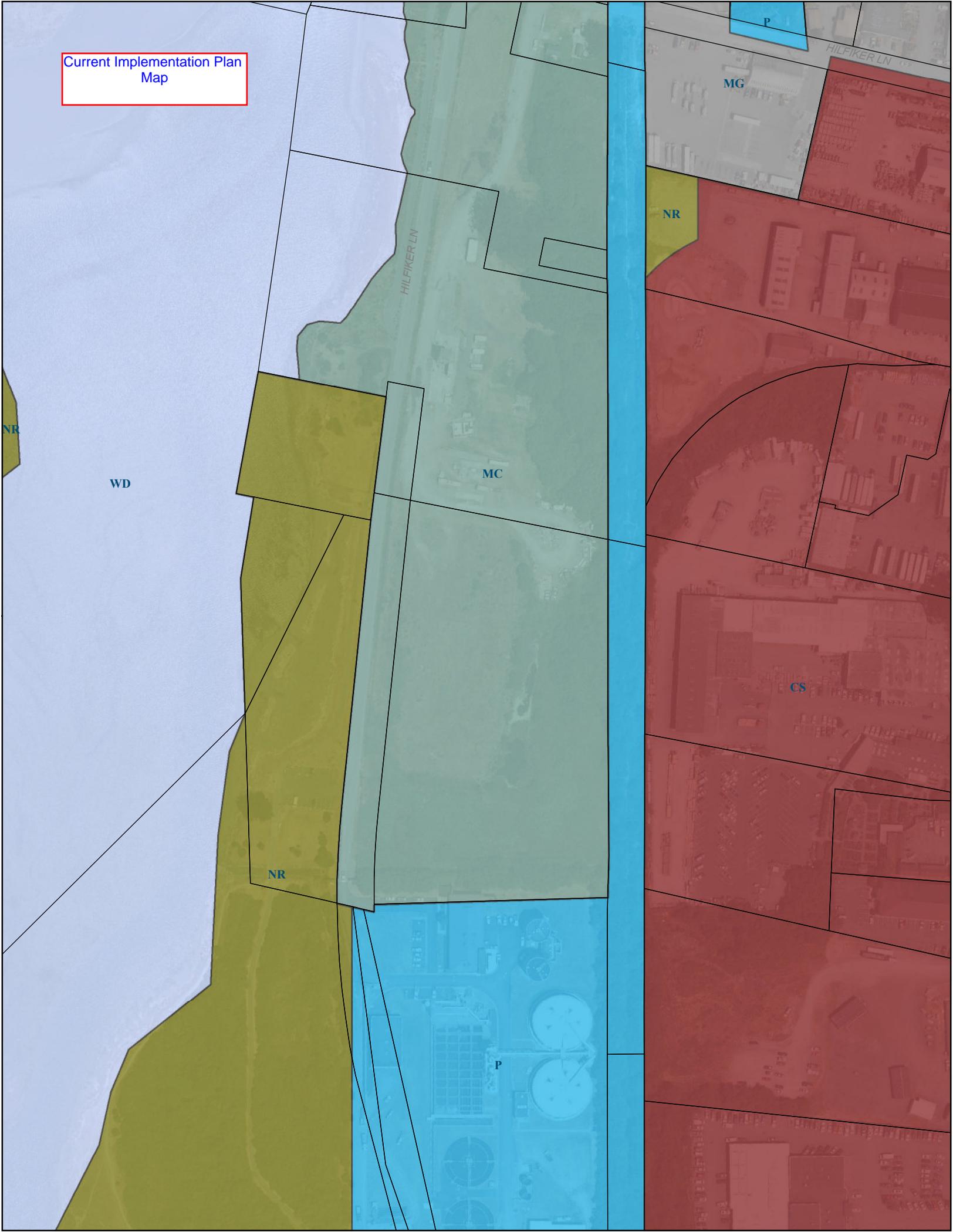
None

Section 8: ADMINISTRATION AND IMPLEMENTATION

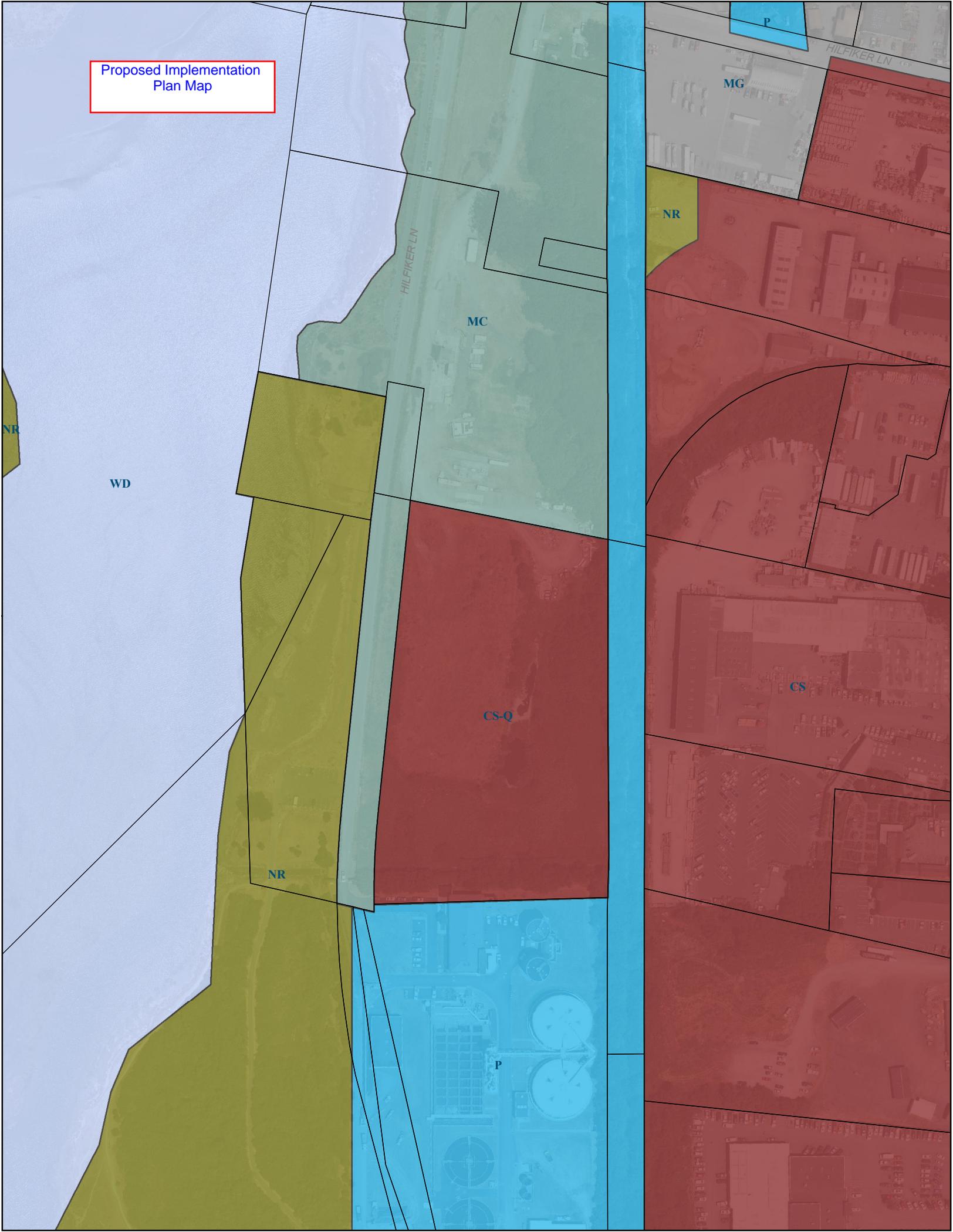
None

Attachment 2
Current and Proposed Implementation Plan Maps

Current Implementation Plan
Map

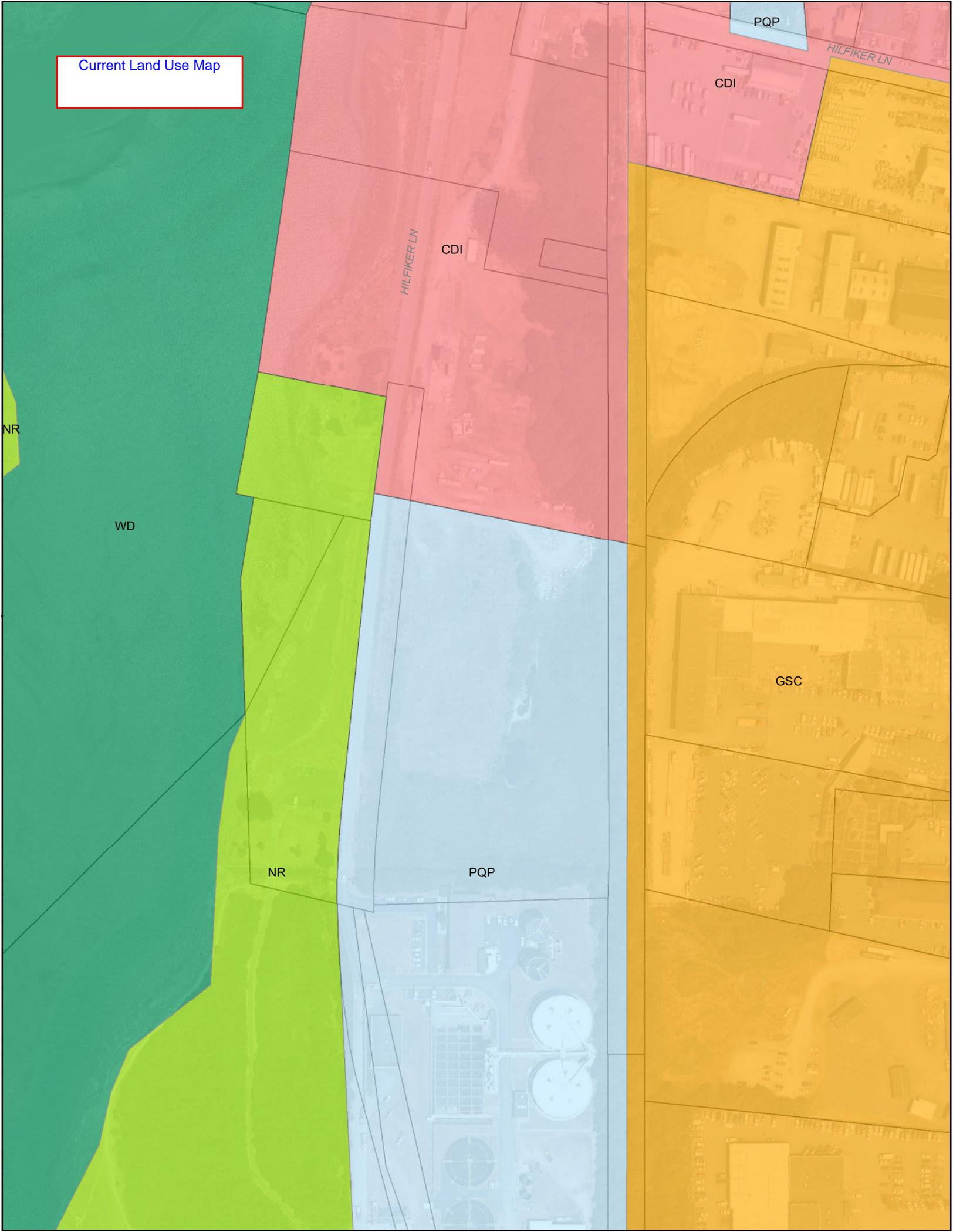


Proposed Implementation
Plan Map



Attachment 3
Current and Proposed Land Use Map

Current Land Use Map



PQP

HILFIKER LN

CDI

CDI

HILFIKER LN

WD

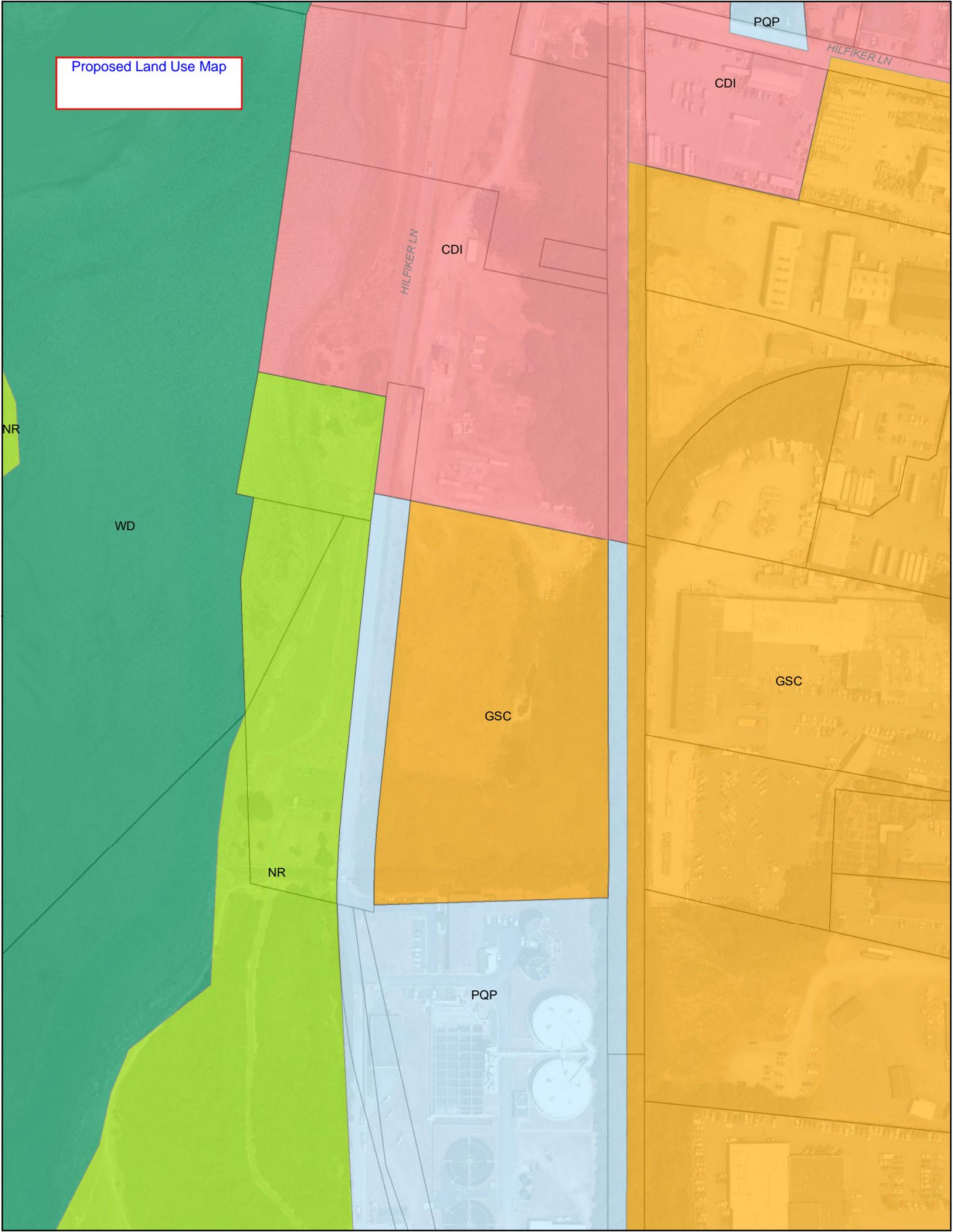
GSC

NR

PQP

NR

Proposed Land Use Map



PQP

HILFIKER LN

CDI

CDI

HILFIKER LN

WD

GSC

GSC

NR

PQP

NR

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EUREKA AMENDING THE LAND USE PLAN MAP AND 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 HAVE A LAND USE DESIGNATION OF GENERAL SERVICE COMMERCIAL (GSC), AND TO ADD A QUALIFIED (Q) COMBINING DISTRICT DESIGNATION.

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

Section 1. 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 General Service Commercial 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 2. 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.

Section 3. Timing

The amendment to the Implementation Plan map (zoning map) will take effect immediately and automatically upon Coastal Commission approval and certification of the *Crowley Site Local Coastal Program Amendment* 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 ____ day of _____, 2020 by the following vote:

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

ORDINANCE No. 972-C.S.

Page 2

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:

Dean Lotter, 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

RESOLUTION NO. 20-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA
RECOMMENDING THE CITY COUNCIL APPROVE THE TEXT AMENDMENT AND
LOCAL COASTAL PROGRAM AMENDMENT TO AMEND 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 AND DIRECT STAFF TO SUBMIT THE
LOCAL COASTAL PROGRAM AMENDMENT TO THE CALIFORNIA COASTAL
COMMISSION.

WHEREAS, the City Council of the City of Eureka has declared a shelter crisis pursuant to California Government Code §8698 et. seq.; and

WHEREAS, the Betty Kwan Chinn Foundation (BKC) received a gift of eleven construction trailers, which had to be moved from the donor's site by November 1, 2017; and

WHEREAS, the BKC identified a strategy for utilizing the trailers in collaboration with Housing Humboldt to provide housing and to house people using a "Housing First" model in an effort to help alleviate the shelter crisis; and

WHEREAS, the City of Eureka and the BKC Foundation identified and analyzed 12 sites and ultimately selected a portion of the site known as the Crowley property, located on Hilfiker Lane, just south of the Humboldt Bay Fire Training Grounds and just to the north of the Wastewater Treatment Plant, as the site for the housing, known as Betty's Community Housing (BCH); and

WHEREAS, the Crowley property is currently zoned Coastal Dependent Industrial (MC) and planned Public/Quasi-Public (PQP); and

WHEREAS, the City of Eureka desires to change the zoning on the BCH parcel to Service Commercial (CS) and the land use designation to General Service Commercial (GSC); and

WHEREAS, in order to change the zoning and land use designations, the maps of both the Land Use Plan (LUP) and Implementation Plan (IP) of the adopted and certified Local Coastal Program (LCP) must be amended; and

WHEREAS, the proposed LUP amendment will change the general plan map designation for the BCH site from Public/Quasi-Public (PQP) to General Service Commercial (GSC); and

WHEREAS, the IP amendment will change the zoning map designation for the BCH site from Coastal Dependent Industrial (MC) to Service Commercial (CS); and

WHEREAS, the City is also proposing to add a “Q” Qualifying combining district designation to the site; and

WHEREAS, 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; and

WHEREAS, the “Q” combining district cannot add uses not otherwise allowed under the base zone; and

WHEREAS, the “Q” zone proposes to limit the types of development, and the conditions under which they may be operated, as follows:

Principally Permitted Uses:

- 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, including but not limited to pumping stations, power stations, equipment buildings and installations, drainageways and structures, storage tanks and transmission lines.
- Storage yards for commercial vehicles.
- Temporary/seasonal uses, such as Christmas Tree lots.
- 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).

Limitations on the permitted uses are as follows:

- All structures will comply with the Flood Hazard Area Regulations contained in the Eureka Municipal Code.
- Structures will be constructed to allow relocation or removal, if necessary.
- Prior to commencement of any use, including future uses, the owner/manager of each use will develop, implement and enforce a Tsunami Evacuation Plan. A copy of the 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 uses listed herein are the only uses that will be 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.

WHEREAS, no other principal or conditional uses allowed by the coastal CS zone will be allowed on the site.

WHEREAS, in order to add the (Q) combining district, the map of the Implementation Plan (IP) of the adopted and certified Local Coastal Program (LCP) must be amended; 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.

WHEREAS, there will be no negative impacts to coastal resources as a result of application of the "Q" Qualifying zone, because the types and intensity of the uses allowed on the site will be limited.

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

1. The Text Amendment as proposed is consistent with the purposes 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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 7th day of January, 2020 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Susan Seaman, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

City Manager

Bob Black, City Attorney