



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
Rob Dumouchel, Interim Director

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## NOTICE OF PUBLIC HEARING

### INTERIM DIRECTOR OF DEVELOPMENT SERVICES

**NOTICE IS HEREBY GIVEN** that the proposed development described below is within the coastal zone and, pursuant to the Eureka Local Coastal Program, the Coastal Development Permit is scheduled for a public hearing before the Interim Director of Development Services on **Monday, May 4, 2020**, at 10:30 a.m. Pursuant to Governor Gavin Newsom's Executive Order N-29-20, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

**Project Title:** Livingston/Patel Lot Line Adjustment Coastal Development Permit

**Project Applicant:** Thomas and Jana Livingston      **Case No:** CDP-20-0004

**Project Location:** 2112 and 2136 Broadway **APNs:** 007-011-002 and -003

**Zoning and General Plan:** CS (Service Commercial)/GSC (General Service Commercial)

**Project Description:** The applicants are proposing to adjust the lot line between the former Chamber of Commerce property and the land to the west. A property line bisects the existing Harbor Lanes bowling alley structure on APN 007-111-003 creating a trespass, and the two parcels will be merged to remove the trespass.

The parcels are located in the Coastal Zone and the Lot Line Adjustment is considered development as defined by the Coastal Act; therefore, a Coastal Development Permit is also required (see Case No. LLA-20-0001). The City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.

**Date of Project Application:** April 7, 2020

**Staff contact person:** Kristen M. Goetz, Principal Planner, City of Eureka, Development Services Department; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4160, email: [kgoets@ci.eureka.ca.gov](mailto:kgoets@ci.eureka.ca.gov)

The public is invited to participate in the following manner:

1. You can view and participate in the public hearing on Zoom. Contact [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) for more information.

2. If you cannot connect through Zoom but wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on by e-mail to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or leave a message at 707-441-4160 on or before Friday, May 1, 2020, at 5:00 p.m. A Development Services staff member will call you during the public hearing for the item.
3. If you don't want to participate during the meeting but want to submit comment on a project or for oral communications, please submit your comment via email to [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) or you may leave a message at 707-441-4160 prior to Friday, May 1, 2020, at 5:00 p.m. to ensure that the Director receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but will not be read aloud during the meeting.

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

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



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**INTERIM DIRECTOR OF DEVELOPMENT SERVICES**

**REVISED ADMINISTRATIVE STAFF REPORT**

May 4, 2020 at 10:30 AM

**Project Title:** Livingston/Patel Lot Line Adjustment Coastal Development Permit

**Project Applicant:** Thomas and Jana Livingston      **Case No:** CDP-20-0004

**Project Location:** 2112 and 2136 Broadway **APN:** 007-011-002 and -003

**Zoning and General Plan:** CS (Service Commercial)/GSC (General Service Commercial)

**Project Description:** Originally, the applicants proposed to adjust the lot line between the former Chamber of Commerce property and the land to the west. The CDP and Lot Line Adjustment have been revised to adjust the property line that bisects the existing Harbor Lanes bowling alley structure and creates a trespass on APN 007-111-003, and instead create a new parcel to the north of the bowling alley and west of the former Chamber of Commerce property. The Lot Line as revised does not impact APN 007-011-002. The action as revised adjusts two parcels and results in two parcels on current APN 007-011-003.

The parcel is located in the Coastal Zone and the Lot Line Adjustment (see Case No. LLA-20-0001) is considered development as defined by the Coastal Act; therefore, a Coastal Development Permit is also required. The City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.

**Date of Project Application:** April 7, 2020

**Recommendation:** Adopt "A Resolution of the Interim Director of Development Services conditionally approving the Coastal Development Permit for a Lot Line Adjustment at 2136 Broadway (APN 007-011-003)"

**Recommended Motion:** *"I hereby take action to adopt A Resolution of the Interim Director of Development Services conditionally approving the Coastal Development Permit for a Lot Line Adjustment at 2136 Broadway (APN 007-011 -003)"*

**Background:** The subject properties total approximately 2.29 acres in size, and are comprised of two lots, with one lot being approximately .74 acres, and the second lot approximately 1.55 acres. The parcels are developed with a bowling alley (Harbor Lanes)

and associated parking lot. The property line currently bisects the existing Harbor Lanes building, creating a trespass, and the Lot Line Adjustment proposes to relocate the line to create a new parcel on the north side of the bowling alley building, west of the former Chamber building. The newly configured parcels will result in one vacant parcel at approximately .68 acres, and the second parcel, at approximately 1.61 acres, which will contain the Harbor Lanes building and parking lot.

Ultimately the vacant/unimproved portion of 2136 Broadway located west of 2112 Broadway, and north of the bowling alley building, will become part of 2112 Broadway.

**Analysis:** The project site is located in the California Coastal Zone. The northerly portion of 2136 Broadway is located within the Categorical Exclusion area and is exempt from Coastal Development Permit requirements. However, because the southerly portion of 2136 Broadway is not located within the Categorical Exclusion area, a Coastal Development Permit is required. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit; the City's final action on the Coastal Development Permit is appealable to the State Coastal Commission. The Eureka Municipal Code, Section 10-5-29310.1, specifies that a Coastal Development Permit shall only be approved upon making the finding that the proposed development conforms to the policies of the certified Local Coastal Program (LCP).

None of the goals and policies in the adopted Local Coastal Program are impacted by the proposed Lot Line Adjustment. For example, the existing business on the properties is not coastal-dependent; the property is not on the waterfront; and there are no coastal public access points from the property. 2136 Broadway does contain a recreation, visitor-serving bowling alley use within the existing building (Harbor Lanes), but the Lot Line Adjustment does not impact the bowling alley use. The Lot Line Adjustment will not impact any coastal resources. Depending on the proposed uses, future development on the newly created parcel north of the bowling alley may require a Coastal Development Permit.

The property is located in the Service Commercial (CS) zone, which principally permits the existing use on the property. The existing use complies with many of the purposes and objectives of Eureka Municipal Code Sections 10-5.002 and 10-5.29130, and approval of the Lot Line Adjustment and Coastal Development Permit will not alter or impact any of those purposes and objectives.

**California Environmental Quality Act:** The Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 5 exemption (Section 15305) from CEQA which exempts minor Lot Line Adjustments.

**Summary:** Based on the discussion herein I recommend adoption of a Resolution of the Interim Director of Development Services conditionally approving the Coastal Development Permit for a Lot Line Adjustment at 2136 Broadway (APN 007-011-003).

**Support Material:**

Exhibit "A"	Resolution No. 2020-XX.....	pages 4-10
Attachment 1:	Site Plan	
Attachment 3:	Vicinity Map	

**RESOLUTION NO. 2020-\_\_\_**  
**INTERIM DEVELOPMENT SERVICES DIRECTOR**

A RESOLUTION OF THE INTERIM DIRECTOR OF DEVELOPMENT  
SERVICES APPROVING THE COASTAL DEVELOPMENT PERMIT FOR A LOT  
LINE ADJUSTMENT AT 2136 BROADWAY  
(APN 007-011-003)

**WHEREAS**, a property line bisects the existing Harbor Lanes bowling alley structure on APN 007-111-003 creating a trespass; and

**WHEREAS**, the applicants are proposing to remove the trespass by adjusting the lot line that bisects the existing Harbor Lanes bowling alley building and creating a separate parcel to the north of the bowling alley structure, west of the former Chamber of Commerce property; and

**WHEREAS**, the parcels are located in the Coastal Zone and the Lot Line Adjustment is considered development as defined by the Coastal Act; and

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

**WHEREAS**, the Interim Director of Development Services of the City of Eureka did hold a duly noticed Public Hearing at City Hall in the City of Eureka on May 4, 2020, at 10:30 a.m., telephonically through Zoom; and

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

1. The northerly portion of 2136 Broadway is located within the Categorical Exclusion area and is exempt Coastal Development Permit requirements.
2. The southerly portion of 2136 Broadway is not located within the Categorical Exclusion area, and a Coastal Development Permit is required.
3. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit; the City's final action on the Coastal Development Permit is appealable to the State Coastal Commission.
4. None of the goals and policies in the adopted Local Coastal Program are impacted by the proposed Lot Line Adjustment.
5. The existing business on the property is not coastal-dependent; the property is not on the waterfront; and there are no coastal public access points from the property.
6. 2136 Broadway contains a recreation, visitor-serving bowling alley use within the existing building (Harbor Lanes), but the Lot Line Adjustment does not impact the bowling alley use.
7. The Lot Line Adjustment will not impact any coastal resources.

8. Depending on the proposed uses, future development on the newly created lot north of the bowling alley structure and west of the former Chamber of Commerce property (2112 Broadway) may require a Coastal Development Permit.
9. The property is located in the Service Commercial (CS) zone, which principally permits the existing use on the property.
10. The bowling alley use on the property complies with many of the purposes and objectives of Eureka Municipal Code Sections 10-5.002 and 10-5.29130, and approval of the Lot Line Adjustment and Coastal Development Permit will not alter or impact any of those purposes and objectives.
11. The Coastal Development Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 5 exemption (Section 15305) from CEQA which exempts minor Lot Line Adjustments.

**WHEREAS**, in the opinion of the Interim Director of Development Services of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. Approval of the Lot Line Adjustment will not become final until the City's action on the Coastal Development Permit becomes final.
2. Any future ground disturbing activities are subject to the City's standard protocol for incidental archeological discovery (cultural or historical artifacts) as follows:
  - a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50 foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
  - b. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in

conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.

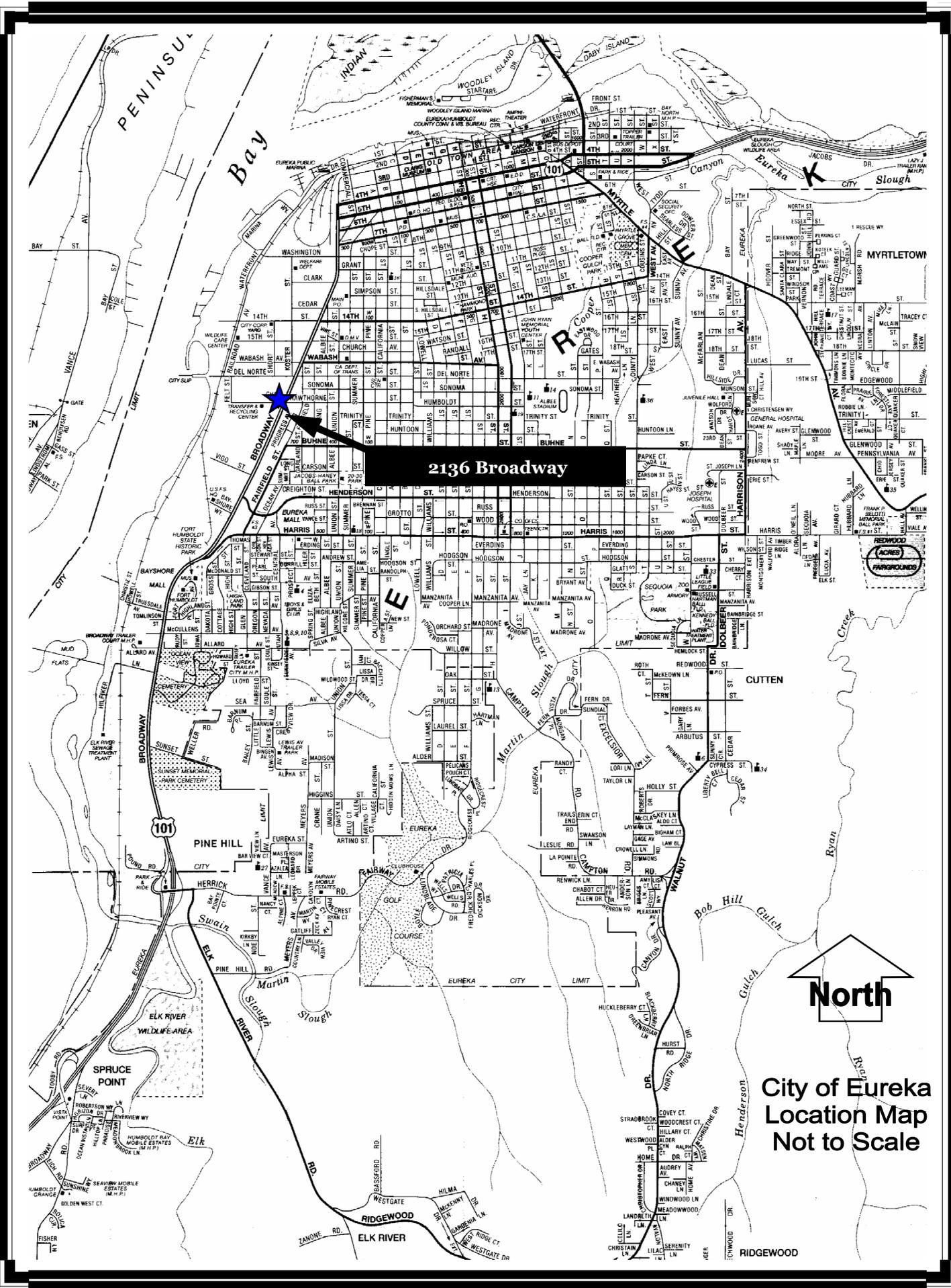
- c. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code Section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.98. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

**NOW THEREFORE, BE IT RESOLVED** that the Interim Development Services Director of the City of Eureka does hereby approve the project, subject to the conditions listed above.

**PASSED, APPROVED AND ADOPTED** by the Interim Development Services Director of the City of Eureka in the County of Humboldt, State of California, on the 4<sup>th</sup> day of May, 2020.

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Rob Dumouchel  
Interim Development Services Director



2136 Broadway

North

City of Eureka  
Location Map  
Not to Scale

