



**AGENDA SUMMARY
EUREKA CITY COUNCIL**

TITLE: Crowley Site Local Coastal Program Amendment

DEPARTMENT: Development Services

PREPARED BY: Kristen M. Goetz, Senior Planner

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

- 1. **Hold a Public Hearing**
- 2. **Waive reading, read by title only and introduce Bill No. 952-C.S., an Ordinance of the City Council of the City of Eureka amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program reclassifying a portion of real property at the Crowley Site on Hilfiker Lane from Coastal Dependent Industrial (MC) to Service Commercial (CS).**

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 transitional housing on one of the parcels resulting from the Lot Line Adjustment. 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 Rural Community's Housing Development Corporation to provide transitional housing and house people 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 the Wastewater Treatment Plant, as the site for transitional housing, known as Betty's Community Housing (BCH).

The area was formerly the site of Oregon Coast Towing's tank farm. For many years Oregon Coast Towing (OCT) operated a bulk oil/fuel storage and distribution plant. Barges would sail into Humboldt Bay and tie up at the mouth of the Elk River – on the deep water channel. A pipeline ran from a dock to the tank farm on a pier over the tidelands and Elk River. The OCT operation ceased many years ago, and Crowley Marine Services absorbed OCT. However, by 1997, Crowley Marine had ceased operation, and in 1999 the City of Eureka purchased the "Crowley" property.

The City intends to separate the portion of the Crowley property designated as the BCH site into its own parcel by adjusting the lot lines of three existing parcels into three different parcels. The BCH parcel will be in the center of the Crowley property, with the other two resulting parcels on either side (see LLA-18-0001). The Crowley property is approximately 8.3 acres with approximately 2.8 acres of water, and the remaining portion land. The BCH parcel will be approximately 1.1 acres.

Currently the Crowley property has both a zoning and land use designation of Coastal Dependent Industrial (MC and CDI). The *Crowley Site Local Coastal Program 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 transitional housing on the site.

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 to change the Land Use Plan designation on the parcel created by LLA-18-0001, which is a portion of 2100 Hilfiker Lane; APN 019-321-012 from Coastal Dependent Industrial (CDI) to General Service Commercial (GSC).

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 created by LLA-18-0001 is located south and east of Hilfiker Lane. The new 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 parcel created by LLA-18-0001 is not in a designated coastal scenic area under the adopted Local Coastal Program. A residence exists to the east of the new parcel, with the Humboldt Bay Fire Training Facility, Waterfront Trail Access and Greater Eureka Wastewater Treatment Plant (WWTP) to the south. The Land Use Plan map amendment will change the land use plan designation to allow residential use of the property. Although the view from existing development will change as a result of the Land Use Plan amendment, this view could have changed through construction of Coastal Dependent Industrial related uses on the site. 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 original parcels comprised approximately 8.3 acres of land with a zoning and land use designation of Coastal Dependent Industrial. The new parcel created by LLA-18-0001 is approximately 1.1 acres, is not adjacent to Humboldt Bay, and is not developed with a coastal dependent industrial use. In fact, a Site Map included in the 1997 Appraisal Report shows the area of the new parcel as vacant, and the OCT tank farm located on the south end of the site, between the current location of the Fire Training Facility and the WWTP. Additionally, the new parcel is separated from the shoreline by the Waterfront Trail and Hilfiker Lane.

The General Service Commercial designation provides for land-extensive retail uses, warehouses, and wholesale commercial uses. The residential lot located between the new parcel and the railroad right-of-way currently has a land use designation of Coastal Dependent Industrial. The upcoming General (Land Use) Plan Update proposes

changing the land use designation on the residential parcel to General Service Commercial. Amending the Land Use Plan designation on the parcel created by LLA-18-0001 will facilitate the creation of transitional housing, and correspond to the anticipated land use designation of the residential site.

Although the Local Coastal Program amendment will reduce the amount of land designation for Coastal Dependent Industrial use by approximately 1.1 acres, the new parcel is not adjacent to Humboldt Bay, and is not now, and does not appear to have been developed with any coastal dependent industrial structures for at least the last 21 years. Approximately 7.2 acres of the original parcels will continue to carry the land use designation of Coastal Dependent Industrial.

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 parcel created by LLA-18-0001 from Coastal Dependent Industrial (MC) to Service Commercial (CS) 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.

In addition to the proposed transitional housing/residential use that is anticipated on the site in the immediate future, and can be allowed following the Local Coastal Program Amendment, the Service Commercial zone district could allow retail stores, offices, service establishments, amusement establishments, and wholesale businesses that offer commodities and services required by residents and employees of the City and the surrounding area, as well as visitors to the area.

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 A.

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 new parcel to Service Commercial (CS).

Council Action

Implementation Plan Amendments are accomplished through introduction and adoption of an Ordinance, which is included in Attachment 2.

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 3, 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 March 9, 2018, the Planning Commission held a duly noticed public hearing to receive testimony regarding the proposed Local Coastal Program Amendments. Two adjacent property owners provided oral comment during the public hearing, but no written comments were provided either before or 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*; however, the motion died for lack of a second, and no additional motion was proposed. The four Planning Commissioners present expressed that they did not support the proposed amendments.

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. 952-C.S., an Ordinance of the City Council of the City of Eureka amending the Implementation Plan Map (zoning map) of the Adopted and Certified Local Coastal Program reclassifying a portion of real property at the Crowley Site on Hilfiker Lane from Coastal Dependent Industrial (MC) to Service Commercial (CS).**

"I move the City Council waive reading, read by title only and introduce Bill No. 952-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: Goals and Policies from Local Coastal Program
Attachment 2: Bill No. 952-C.S.
Attachment 3: Draft Resolution of the City Council