

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING A ONE-YEAR EXTENSION (ER1-24-0001) OF A COASTAL DEVELOPMENT PERMIT (CDP-21-0010) WHICH WAS PREVIOUSLY APPROVED ON APPEAL (AP-22-0001) FOR THE NORZEI COMMERCIAL REMODEL AND ADDITION AT 2710 BROADWAY (APN 007-121-006)

WHEREAS, on February 25, 2022, the Director of Development Services of the City of Eureka adopted Director of Development Services Resolution No. 2022-05 conditionally approving a Coastal Development Permit (CDP-21-0010) for the Norzei Commercial Remodel and Addition Project; and

WHEREAS, two appeals from aggrieved persons were received within the 10-day appeal period; and

WHEREAS, the Planning Commission held a public hearing on April 11, 2022 for the appeal, and voted to continue the hearing until their next regularly-scheduled meeting on May 9, 2022; and

WHEREAS, Staff provided the Planning Commission with an Addendum in order to respond to requests made by the Planning Commission at the April 11, 2022 public hearing; and

WHEREAS, at the May 9, 2022 Planning Commission meeting, the Planning Commission adopted Resolution No. 2022-10 sustaining the Development Services Director's conditional approval of CDP-21-0010 on appeal (AP-22-0001); and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §10-5.29319(a), Coastal Development Permits lapse and become void if construction or implementation of the permit has not commenced within two years (which would be issuance of a building permit by May 19, 2023); and

WHEREAS, EMC §10-5.29319(b) allows for a one-year extension of a Coastal Development Permit upon a written request received prior to the expiration of the approval; and

WHEREAS, the applicant submitted building plans in April 2023 for the project under Building Permit B23-0412, and the plans cannot be approved as they require revisions that must be resubmitted for approval which cannot be completed before the expiration of CDP-21-0010 on May 19, 2024; and

WHEREAS, if the one-year extension is approved, the new expiration date will be May 19, 2025 (three years after the end of the 10-day appeal period of the original approval on May 9, 2022); and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on April 10, 2024, at 5:30 p.m., both in-person in the Council Chamber and via Zoom to consider the one-year extension request; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with EMC Chapter 29 (Coastal Development Permit Procedures), and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. Consistent with EMC §10-5.29319(b), the request to extend the Coastal Development Permit authorization for an additional period of one year was received prior to the expiration of the Coastal Development Permit; no substantial change of circumstances has occurred; and the extension will not be detrimental to the purposes of the Coastal Zoning Code.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the original conditions of approval for Coastal Development Permit CDP-21-0010 included in Director of Development Services Resolution No. 2022-05.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the application for a one-year extension of the expiration date of Coastal Development Permit CDP-21-0010, until May 19, 2025.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of April, 2024 by the following vote:

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

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary