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| Title: | Norzei Coastal Development Permit One-Year Extension (ERI-24-0001) |
| Projects: | Extension of Coastal Development Permit CDP-21-0010 and Appeal AP-22-0001 |
| Location: | 2710 Broadway (Hwy 101) |
| APN: | 007-121-006 |
| Applicant: | Omid Jan Niazi (Property Owner's agent) |
| Property Owner: | Ratib Norzei |
| Purpose/Use: | One-year extension of CDP approval not yet exercised and set to expire in May 2024, to remodel and expand an existing commercial building. |
| Application Date: | February 20, 2024 |
| General Plan: | GSC - General Service Commercial |
| Zoning: | CS - Service Commercial |
| CEQA: | Exempt under §15332 (In-fill Development Projects) |
| Staff Contact: | Lisa Savage, Senior Planner |
| Appeal Status: | CDP extension is appealable to Coastal Commission |
| Recommendation: | Hold a public hearing; and Adopt a resolution to approve with conditions. |
| Motion: | <i>"I move the Planning Commission adopt a resolution to conditionally approve a one-year extension for the Norzei Coastal Development Permit for a commercial remodel and addition at 2710 Broadway, until May 19, 2025."</i> |

Figure 1: Location Map



PROJECT SUMMARY

The applicant is requesting a one-year extension of the expiration date of a Coastal Development Permit (CDP-21-0010) to remodel and expand an existing 2,928-sf commercial building (Discount Cigarettes) into a 3,990-sf building with two retail tenant spaces, and make associated façade, parking, landscaping, and site access improvements. The CDP is currently set to expire May 19, 2024, two-years from the end of the ten-day appeal period on the Planning Commission’s action on May 9, 2022 (Resolution 2022-10) (Attachment 2 pages 7-8).

Although the applicant has submitted building plans for the project under Building Permit No. B23-0412, the plans cannot be approved as they require revisions that must be resubmitted for approval; therefore, implementation of the CDP will not have commenced within the two-year period. The one-year extension will allow the applicant time to make the required revisions.

Figure 2: Site Map



Figure 3: Site Map (with area of proposed addition in blue)



PROJECT BACKGROUND

In September 2021, the City received an application requesting approval of a CDP to remodel and expand an existing single-story commercial building on the west side of Broadway (currently occupied by Discount Cigarettes). The additional building footprint will be accommodated on the east side, between the existing building and Broadway (Hwy 101) (Figure 3), and a new façade is proposed for the exterior of the building (Figure 4) to match the buildings in the adjacent newly developed Pacific Plaza shopping center. New landscaped planters will be installed near the west and east sides of the building (400 and 321 square feet, respectively), and twelve (12) parking spaces are proposed at the front (northern side) of the building, including eight standard spaces, three compact spaces, and one ADA-compliant space. The front of the building (facing north) will also include an accessible path of travel for pedestrians with a ramp up to the sidewalk, and a bicycle hitch (for short-term bicycle parking).

On February 25, 2022, the Director of Development Services held a public hearing and adopted Director of Development Services Resolution No.

2022-05 conditionally approved the CDP for the project (Attachment 2, pages 59-63). Two appeals from aggrieved persons were received within the 10-day appeal period (Attachment 2 pages 35-40). The Planning Commission held a public hearing on April 11, 2022 for the two appeals, and

voted to continue the hearing until their next regularly-scheduled meeting on May 9, 2022 to give Staff time to address requests made by the Planning Commission. Staff then provided the Planning Commission with an Addendum (Attachment 2 pages 1-6), and at the May 9, 2022 meeting, the Planning Commission adopted Resolution No. 2022-10 sustaining the Development Services Director's conditional approval of CDP-21-0010 (Attachment 2, pages 7-8).

Figure 4: East (on the left, facing Broadway) and North (facing In-N-Out) Exterior Elevations



PERMIT REVIEW

Coastal Development Permit:

Pursuant to EMC §10-5.29319(a), a CDP lapses and becomes void if construction or implementation of the permit has not commenced within two years from the date of final local approval. EMC §10-5.29319(b) provides local procedures for a one-year extension upon a written request received prior to the expiration of the approval. The request may be granted upon making the findings that no substantial change of circumstances has occurred and the extension would not be detrimental to the purposes of Chapter 5 of the EMC (i.e., the Coastal Zoning Regulations). The applicant applied for the building permit (B23-0412) in April 2023 and needs more time to complete requested revisions and provide responses to Development Services Building and Planning review comments. The plan revisions do not change any approved improvements or conditions associated with the CDP. Therefore, no changed circumstances have been identified, and the findings of consistency with the standards of the Coastal Zoning Regulations, and certified policies in the City's Local Coastal Program, remain accurate.

ENVIRONMENTAL ASSESSMENT

At their May 9, 2022 meeting, the Planning Commission of the City of Eureka, as Lead Agency, upheld the Development Services Director's February 25, 2022 determination that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with §15332 (In-fill Development Projects) of the CEQA Guidelines, which exempts infill development within urban areas that meet certain criteria. The project meets this exemption because the project is consistent with applicable General Plan policies and Zoning Code standards and will not result in significant effects on the environment; and because the project site is within City limits, is less than five acres in size, is substantially surrounded by urban uses, does not contain any wetlands or sensitive habitat, and can be adequately served by all required utilities and public services.

CONCLUSION

Based on the analysis above, the proposed one-year permit extension is consistent with the certified Local Coastal Program. In addition, per EMC §10-5.29319(b), no substantial change of circumstances has occurred and the extension of the CDP will not be detrimental to the purposes of the Coastal Zoning Code. Finally, the request for the permit extensions was filed within the required time period. Therefore, Staff recommends the Planning Commission extend the life of the CDP to May 19, 2025, subject to the conditions of original approval (in Director of Development Services Resolution No. 2022-05, Attachment 2, pages 59-63), by adopting the attached resolution.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before March 29, 2024, and posting on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on March 29, 2024.

STAFF CONTACT

Lisa Savage, Senior Planner, 531 K Street, Eureka, CA 95501; planning@eurekaca.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution 2024-XX.....5-6 pages
Attachment 2: Addendum 20227-80 page