



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: September 2023 Zoning Code Update

DEPARTMENT: Development Services – Planning

PREPARED BY: Cristin Kenyon, AICP, Development Services Director

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Waive full reading, read by title only, and adopt Bill No. 1032-C.S., “An Ordinance of the City of Eureka amending portions of Eureka Municipal Code Chapter 155 for the September 2023 Zoning Code Update.”

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

- Effective Governance
- Economic Development

DISCUSSION

At the regular Council meeting on October 3, 2023, the City Council held a public hearing and introduced the September 2023 Zoning Code Update, which is the fifth clean-up amendment since the current Inland Zoning Code was adopted in 2019.

The proposed changes generally correct errors and inconsistencies, improve readability, address omissions, resolve questions of interpretation, address unintended outcomes of code application that are contrary to the code’s intent, and adapt to changes in State law. There are also changes proposed to help the City earn a “Prohousing Designation” from the California Department of Housing and Community Development (HCD), including reducing the deadline for City action on accessory dwelling unit applications from 60 to 45 days, as well as adding language to ensure the City’s density bonus provisions (155.344) will be applied consistent with State Density Bonus Law (CA Govt. Code 65915 et seq.). The changes are intended to better implement the vision, goals and policies of the 2040 General Plan, and have been reviewed to ensure the Zoning Code remains internally consistent.

ENVIRONMENTAL ASSESSMENT

In 2018, the City of Eureka prepared the City of Eureka 2040 General Plan Update Program EIR (State Clearinghouse #2016102025) in its capacity as lead agency and in compliance with CEQA. The EIR consisted of the Notice of Preparation, the Draft EIR including technical appendices, the Responses to Comments, Final Corrections and Additions, and the Project Findings and Statement of Overriding Considerations. The City of Eureka 2040 General Plan EIR was certified by the City Council on October 15, 2018, at the same time the General Plan was adopted. In order to adopt the 2019 Zoning Code Update and pursuant to Public Resources Code §21166 and §15162 of the CEQA Guidelines, an Environmental Impact Report Addendum was prepared and accepted by Council in May 2019.

The amendment proposed by the September 2023 Zoning Code Update generally consists of corrections to errors and inconsistencies, minor additions to improve code readability and address omissions, clarifications addressing questions of interpretation, and changes necessary for compliance with State laws. Staff has reviewed the zoning code revisions currently proposed, and has determined the amendment does not meet any of the conditions required by CEQA to prepare a subsequent EIR or even another addendum.

Further, pursuant to the CEQA Guidelines, §15061, there is a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the Text Amendment does not modify the intent, purpose or general applicability of Chapter 155, and because proposed changes are aligned with and implement the vision, goals and policies of the 2040 General Plan, adoption of the amendment will have no significant effect on the environment.

SUGGESTED MOTION

“I move the City Council waive full reading, read by title only, and adopt Bill No. 1032-C.S., “An Ordinance of the City of Eureka amending portions of Eureka Municipal Code Chapter 155 for the September 2023 Zoning Code Update.”