

RESOLUTION NO. 2024-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA SUSTAINING
THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE COASTAL
DEVELOPMENT PERMIT (CDP-23-0003) FOR A LOT LINE ADJUSTEMENT AT 4775
BROADWAY (APN 302-171-035)**

WHEREAS, the applicant/owner, the Carrington Company, is proposing a Lot Line Adjustment (LLA) to adjust the lot lines between three parcels (identified as one Assessor's Parcel Number), resulting in three parcels all under the same ownership at 4775 Broadway (APN 302-171-035); and

WHEREAS, the project site is located in the Coastal Zone portion of the City, and the proposed LLA constitutes non-exempt development, and therefore requires a Coastal Development Permit (CDP) pursuant to Eureka Municipal Code (EMC) §10-5.29302; and

WHEREAS, the project site is zoned AC – Coastal Agriculture with an A – Agriculture land use designation, and a small area at the northeast corner of the project site is located outside of the Coastal Zone; no changes to existing land uses or zoning are proposed as part of the LLA, and should any development be proposed in the future on any resultant parcel within the Coastal Zone portion of the property, it must be consistent with the limited uses allowed in the AC/A zoning/land use designation and a CDP and environmental review under CEQA will be required; and

WHEREAS, pursuant to EMC §10-5.29304.6, the Director of Development Services is charged with taking action on the CDP; and

WHEREAS, pursuant to EMC §10-5.29310.2, the Director's decision is appealable to the Planning Commission by the applicant or an aggrieved person; the action by the Planning Commission on appeal is appealable to City Council; and the final local action by the City Council is appealable to the California Coastal Commission; and

WHEREAS, on November 13, 2023, the Director of Development Services held a duly noticed public hearing via Zoom and adopted Resolution No. 2023-11 conditionally approving a CDP (CDP-23-0003) for the project, and nine appeals from aggrieved persons were received within the 10-day appeal period; and

WHEREAS, on December 13, 2023, the Planning Commission of the City of Eureka held a duly noticed public hearing at City Hall in the City of Eureka, at 5:30 p.m. via Zoom and in-person in the Council Chamber and considered the CDP-23-0003 appeal (AP-23-0001) and sustained the Development Services Director's conditional approval by adopting Resolution No. 2023-31, and the Planning Commission also conditionally approved the proposed LLA (LLA-23-0001) by adopting Resolution No. 2023-30 with the condition, among other conditions, that the LLA shall not be recorded until CDP-23-0003 is final and effective; and

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WHEREAS, four appeals from aggrieved persons were received within the 10-day appeal period on the Planning Commission's action to sustain the Director's decision to conditionally approve CDP-23-0003; and

WHEREAS, the City Council of the City of Eureka held a duly noticed public hearing at City Hall in the City of Eureka on January 16, 2024, at 6:00 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the City Council of the City of Eureka has reviewed the actions of the Planning Commission and the Development Services Director, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find there was no error or abuse of discretion by the Planning Commission or the Development Services Director and their decisions are supported by evidence in the record, and the Director correctly determined the following facts:

1. The project as conditioned conforms to the policies of the Local Coastal Program.
2. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with §15305, Minor Alterations in Land Use Limitation, Class 5 of the CEQA Guidelines. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, and do not create any new parcels. The area involved in the LLA has an average slope of less than 20% (at approximately 11%), the LLA will not change the current land use or density, and will not create any new parcels as it only reconfigures three parcels resulting in three parcels. Therefore, the proposed project is exempt from CEQA.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Eureka does hereby sustain the Planning Commission's conditional approval for the Carrington Company Lot Line Adjustment Coastal Development Permit.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 16th day of January, 2024 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

Kim Bergel, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Miles Slattery, City Manager

Approved as to form:

Autumn Luna, City Attorney