

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DIRECTING STAFF TO TRANSMIT AN APPLICATION TO THE COASTAL COMMISSION FOR THE TIRSBECK LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE LAND USE PLAN AND IMPLEMENTATION PLAN MAP DESIGNATIONS AT 936 W HAWTHORNE STREET

WHEREAS, the applicant/property owner, Alan Tirsbeck, is requesting approval of a Local Coastal Program (LCP) Amendment (Project. No. LCP-23-0001) to change the Land Use Plan (LUP) (i.e. Coastal General Plan) land use designation from General Industrial (GI) to General Service Commercial (GSC), and change the Implementation Plan (i.e. Coastal Zoning Code) zoning designation from General Industrial (MG) to Service Commercial (CS), at their property known as 936 W Hawthorne Street (APN 003-182-010) (subject property); and

WHEREAS, the applicant owns the adjoining parcel known as 2000 Broadway (APN 003-182-005) which currently has GSC/CS land use/zoning designations; therefore, changing the designations of 936 W Hawthorne Street would allow the two adjoining parcels under the same ownership to have consistent land use and zoning designations, facilitating the redevelopment of both parcels with new commercial and/or residential uses not allowed on the W Hawthorne Street parcel under the current industrial land use/zoning designations; and

WHEREAS, although there is no specific development project at this time, if the LCP Amendment is approved and certified, the entire 3.18-acre property (2000 Broadway and 936 W Hawthorne Street) could be redeveloped consistent with the allowed uses and development standards of the CS zoning designation, and the current intent is to redevelop 2000 Broadway and 936 W Hawthorne Street together with new retail and service commercial uses; and

WHEREAS, on September 28, 2023, notification of the proposed LCP Amendment was sent via email to entities pursuant to California Government Code §65352 et seq.; and

WHEREAS, on January 31, 2024, a “Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing” pursuant to Title 14 California Code of Regulations (14 CCR) §13515 (complying with Public Resources Code [PRC] §30503), was mailed to all property owners and occupants within 300 feet of the subject property, 50 local, state and federal agencies/entities, the Humboldt County Library, one newspaper of general circulation (the Times Standard), 11 radio stations, and ten City departments and divisions; and

WHEREAS, on January 31, 2024, the same Notice was posted at the subject property, and on the City’s website and bulletin boards, and on February 3, 2024, the same Notice was also published in the Times Standard, a daily newspaper of general circulation; and

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WHEREAS, the Notice advised of a public hearing scheduled before the Planning Commission at their regular meeting on February 14, 2024; therefore, the mailing and posting on January 31, 2024 was at least 10-working days, and the publication in the newspaper at least 10-calendar days, prior to the scheduled public hearing, in conformance with 14 CCR §13515; 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 February 14, 2024, at 5:30 p.m., via Zoom and in person in the Council Chamber, and following the public comment period where no comments were received, the Planning Commission adopted Resolution No. 2024-03 recommending the City Council approve the LCP Amendment; and

WHEREAS, on March 5, 2024 a second “Notice of Availability of Draft Local Coastal Program Amendment and Notice of City Council Public Hearing” pursuant to 14 CCR §13515, was mailed to all property owners and occupants within 300 feet of the subject property, 50 local, state and federal agencies/entities, the Humboldt County Library, one newspaper of general circulation (the Times Standard), 11 radio stations, and ten City departments and divisions; and

WHEREAS, on March 5, 2024, the same Notice was posted at the subject property, on the City’s website and bulletin boards, and published in the Times Standard, a daily newspaper of general circulation; and

WHEREAS, the Notice advised of a public hearing scheduled before the City Council at their regular meeting on March 19, 2024; therefore, the mailing and posting and publication on March 5, 2024 was at least 10-working days prior to the scheduled public hearing, in conformance with 14 CCR §13515; and

WHEREAS, the City Council of the City of Eureka did hold a duly noticed Public Hearing at City Hall in the City of Eureka on March 19, 2024, at 6:00 p.m., via Zoom and in person in the Council Chamber, to consider the LCP amendment, and following the public comment period where no comments were received, the City Council took the following actions:

- a. Adopted Resolution No. 2024-11 adopting the Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the Tirsbeck Surplus Property and Right-of-Way Vacation and Local Coastal Program Amendment Project, complying with the provisions of the California Environmental Quality Act (CEQA); and
- b. Adopted Resolution No. 2024-13 approving the LUP map amendment to change the land use designation from GI to GSC the subject property; and
- c. Introduced Bill No. 1034-C.S. to amend the IP to change the zoning designation from MG to SC at the subject property; and

WHEREAS, on April 2, 2024, the City Council at their regular meeting, adopted Bill No. 1034-C.S. to amend the IP map to change the zoning designation from MG to CS at the

subject property; and

WHEREAS, 14 CCR 13515(c) requires a minimum of 42 days (six weeks) between the mailing of the “Notice of Availability of Draft Local Coastal Program Amendment” and the City’s final action; and

WHEREAS, the City Council’s final action on the LUP map amendment portion of the LCP Amendment occurred on March 19, 2024, which was 48 days (almost seven weeks) after the mailing and posting of “Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing” and 45 days following the February 2, 2024 publication of the same Notice in the Times Standard; and

WHEREAS, the City Council’s final action on the IP map amendment portion of the LCP Amendment and authorization to submit the LCP Amendment application to the Coastal Commission, occurred on April 2, 2024, which is 63 days (nine weeks) after the mailing and posting of “Notice of Availability of Draft Local Coastal Program Amendment and Notice of Planning Commission Public Hearing” and 60 days following the February 2, 2024 publication of the same Notice in the Times Standard; and

NOW THEREFORE, BE IT RESOLVED the City Council hereby directs staff to transmit an application to the Coastal Commission for the Tirsbeck Local Coastal Program Amendment (LCP-23-0001) to change the Land Use Plan and Implementation Plan map designations at 936 W Hawthorne Street.

BE IT FURTHER RESOLVED by the City Council of the City of Eureka, that:

1. The Local Coastal Program as amended is intended to be carried out by the City of Eureka in a manner fully in conformity with the California Coastal Act pursuant to PRC §30510(a).
2. The change to the Land Use Plan map made by City Council Resolution No. 2024-13, and the change to the Implementation Plan map made by Bill No. 1034-C.S., will take effect immediately and automatically upon the California Coastal Commission approval and certification of the Tirsbeck Local Coastal Program Amendment.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 2nd day of April, 2024 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Kim Bergel, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney