

<b>Title:</b>	Target One-Year Extension (ERI-23-0001)
<b>Projects:</b>	Extension of Minor Subdivision (SDMN-21-0004), Conditional Use Permit (CUP-21-0003), and Coastal Development Permit (CDP-21-0004)
<b>Location:</b>	2525 4 <sup>th</sup> Street
<b>APN:</b>	002-201-008
<b>Applicant:</b>	Kristine Simmons (for Rich Development)
<b>Property Owner:</b>	Tab Johnson (for Target)
<b>Purpose/Use:</b>	One-year extension of previous approvals not yet exercised and set to expire in December 2023 for a drive-through restaurant and associated subdivision
<b>Application Date:</b>	November 20, 2023
<b>General Plan:</b>	GSC- General Service Commercial
<b>Zoning:</b>	CS- Service Commercial
<b>CEQA:</b>	Exempt under 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects)
<b>Staff Contact:</b>	Lisa Savage, Senior Planner
<b>Appeal Status:</b>	CDP extension is appealable to Coastal Commission
<b>Recommendation:</b>	Hold a public hearing; and Adopt a resolution to approve with conditions.
<b>Motion:</b>	<i>"I move the Planning Commission adopt a resolution approving a one-year extension of the tentative parcel map, conditional use permit, and coastal development permit for the approved restaurant development and subdivision at 2525 4<sup>th</sup> Street, until December 22, 2024."</i>

Figure 1: Location Map



## PROJECT SUMMARY

The applicant is requesting a one-year extension of the expiration date of a tentative parcel map for the Target Minor Subdivision (SDMN-21-0004) which is currently set to expire December 22, 2023, two-years from the date Notice of Action was approved by the Director of Developments Services - Planning (**Attachment 2**).

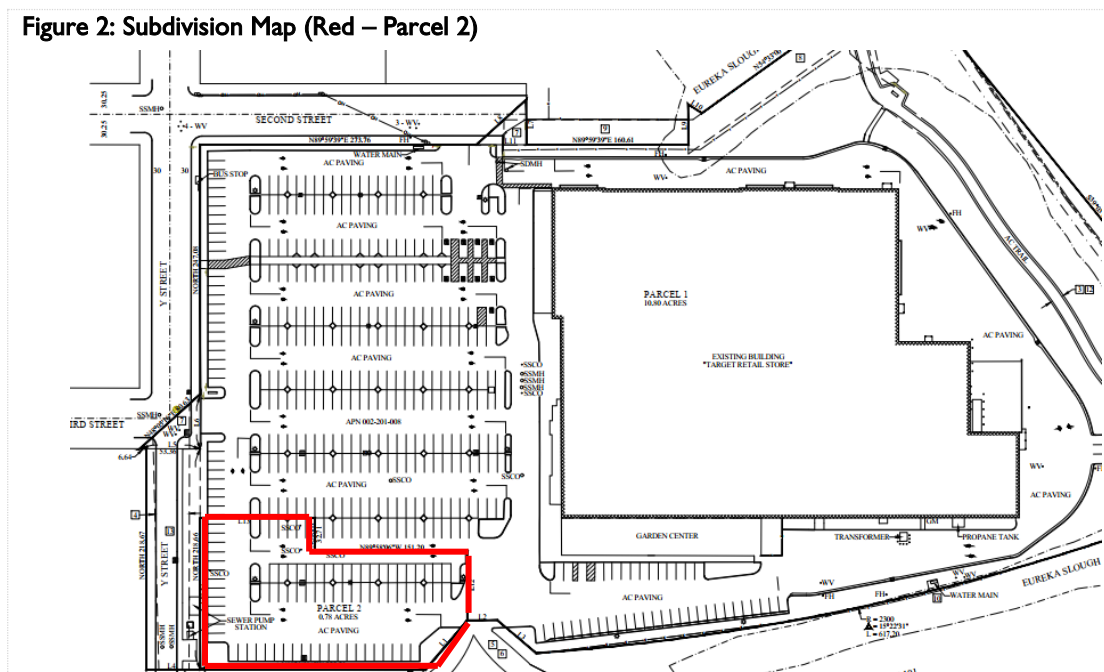
A Coastal Development Permit (CDP) for the Target Minor Subdivision was conditionally approved by the Planning Commission on December 13, 2021 as part of a larger project for a drive-through restaurant on one of the two resultant parcels, that, in addition to the CDP, required a Conditional Use Permit (CUP) and Design Review (AA) (**Attachment 3**). Although the applicant for the drive-through restaurant has submitted building plans for the restaurant, the plans cannot be approved until the tentative parcel map is recorded. Therefore, the applicant is also requesting a one-year extension for the CUP and CDP, which are currently set to expire December 23, 2023, two-years from the end of the ten-day appeal period on the Planning Commission's action (the Design Review approval does not expire).

The one-year extension of the CDP and CUP would be until December 23, 2024; however, for the sake of simplicity, the new expiration date for all three permits (the minor subdivision, CDP and CUP) will be December 22, 2024.

## PROJECT BACKGROUND

The project approved in 2021 involved subdividing the 11.58-acre "Target" parcel into two (2) parcels. Parcel 1 is 10.8 acres and will retain the existing Target Retail Store and required off-street parking, including the three spaces adjacent to Humboldt Bay reserved specifically for public access to the Bay. Parcel 2 is 0.78 acres (33,977 square feet) and will be developed with a drive-through restaurant, including parking, landscaping, a patio, and a two-lane drive through. Parcel 2 also includes thirteen of the Target Store's required off-street parking spaces (Figure 2).

Figure 2: Subdivision Map (Red – Parcel 2)



## **PERMIT REVIEW**

### **Minor Subdivision:**

Pursuant to EMC §154.067, an approved tentative parcel map automatically expires 24 months from the date of its approval if the subdivision has not yet been recorded, unless an extension of time is approved by the City. Pursuant to EMC §154.067(B), an application for the extension must be submitted to the City not less than 30 days before the map is set to expire and must state the reasons for requesting the extension. The applicant for the Target Minor Subdivision submitted a complete application for the extension request on November 8, 2023, 41 days before the current expiration date. The applicant provided the following reason for seeking a one-year extension:

- I. The Target Corporation has been working on corporate detail and accounting issues and has not been in a position to complete the subdivision to date.

Per EMC §154.067(B)(2)(a), no more than two extensions shall be approved for a tentative parcel map, and the period of extension shall not exceed twelve months.

### **Conditional Use Permit:**

Pursuant to EMC §10-5.2414(a), a use permit lapses and becomes void two years following the date the use permit became effective unless a building permit has been issued and construction has commenced, or a certificate of occupancy has been issued, or the use is established if no building permit or certificate of occupancy is required. EMC §10-5.2414(b) allows for a use permit to be renewed for an additional period of one year, provided that, prior to the expiration of the use permit, an application for renewal is filed with the Director of Planning.

### **Coastal Development Permit:**

Pursuant to EMC §10-5.29319(a), a CDP lapses and becomes void if 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). No changed circumstances have been identified and the findings of consistency with the purposes of the Coastal Zoning Regulations adopted in 2021 remain accurate.

## **ENVIRONMENTAL ASSESSMENTS**

At their December 13, 2021 meeting, The Planning Commission of the City of Eureka, as Lead Agency, determined the project is categorically exempt from the provisions of the California Environmental Quality Act, in accordance with Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects) of the CEQA Guidelines.

The subdivision qualifies for a Class 15 exemption (Section 15315) from CEQA because: (1) the subdivision consists of the division of property in an urbanized area zoned commercial into four or fewer (two) parcels; (2) the subdivision is in conformance with the General Plan and zoning without the need for variances or exceptions; (3) all services and access to the proposed parcels required by local standards are available; (4) the parcels have not been involved in a division of a larger parcel within the previous two years; and (5) the parcels do not have an average slope greater than 20 percent.

The restaurant development qualifies for a Class 32 exemption (Section 15332) from CEQA because: (1) the project site will be less than five acres in size (0.78 acres) once the proposed subdivision is complete; (2) the project is consistent with the general plan designation and policies, as well as all applicable zoning designations and regulations; (3) the project is located within the City limits and substantially surrounded by urban uses; (4) the project site has no value for habitat for endangered, rare, or threatened species; (5) approval of the project will not result in any significant effects relating to traffic, noise, air or water quality; and (6) the site can be adequately served by all required utilities and public services.

**CONCLUSION**

Based on the analysis above, the proposed permit extension is consistent with the Subdivision Map Act, the 2040 General Plan, the City’s subdivision regulations (EMC Chapter 154), and 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 Coastal Development Permit will not be detrimental to the purposes of the Coastal Zoning Code. Finally, all three requests for permit extensions/renewals were filed within the required time periods. Therefore, Staff recommends the Planning Commission extend the life of the tentative parcel map, Conditional Use Permit, and Coastal Development Permit to December 22, 2024, subject to the conditions of original approval, 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 December 29, 2023, and posting on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on December 29, 2023.

**STAFF CONTACT**

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**DOCUMENTS ATTACHED**

Attachment 1: Planning Commission Resolution 2023-XX .....	5-7 pages
Attachment 2: Notice of Action- 2021 .....	8-12 pages
Attachment 3: 2021 CDP, CUP, and AA Staff Report and Resolution .....	13-42 page
Attachment 4: Parcel Map .....	43-45 page