

PLANNING COMMISSION  
 STAFF REPORT  
 July 10, 2024

<b>Title:</b>	Bates Adaptive Reuse of Existing Industrial Building
<b>Project:</b>	Conditional Use Permit CUP-24-0002 and Coastal Development Permit CDP-24-0005
<b>Location:</b>	3415 Christie Street
<b>APN:</b>	007-081-008
<b>Applicant:</b>	Ken Bates and Linda Hildebrand
<b>Property Owner:</b>	Ken Bates and Linda Hildebrand
<b>Purpose/Use:</b>	Allow general carpentry and other indoor, light-industrial uses within an existing building historically used for boat repair.
<b>Complete Application:</b>	May 1, 2024
<b>Deadline for Action:</b>	July 30, 2024
<b>General Plan:</b>	Coastal Dependent Industrial (CDI)
<b>Zoning:</b>	Coastal Dependent Industrial (MC)
<b>CEQA:</b>	Exempt under §15301, Class I Existing Facilities
<b>Staff Contact:</b>	Millisa Smith, Associate Planner
<b>Appeal Status:</b>	Appealable to the California Coastal Commission (CCC)
<b>Recommendation:</b>	Hold a public hearing; and Adopt a resolution finding the project exempt from the California Environmental Quality Act (CEQA), and approving with conditions.
<b>Motion:</b>	<i>"I move the Planning Commission adopt a resolution to conditionally approve the Conditional Use Permit and Coastal Development Permit for the Bates adaptive reuse project."</i>

Figure 1: Location Map

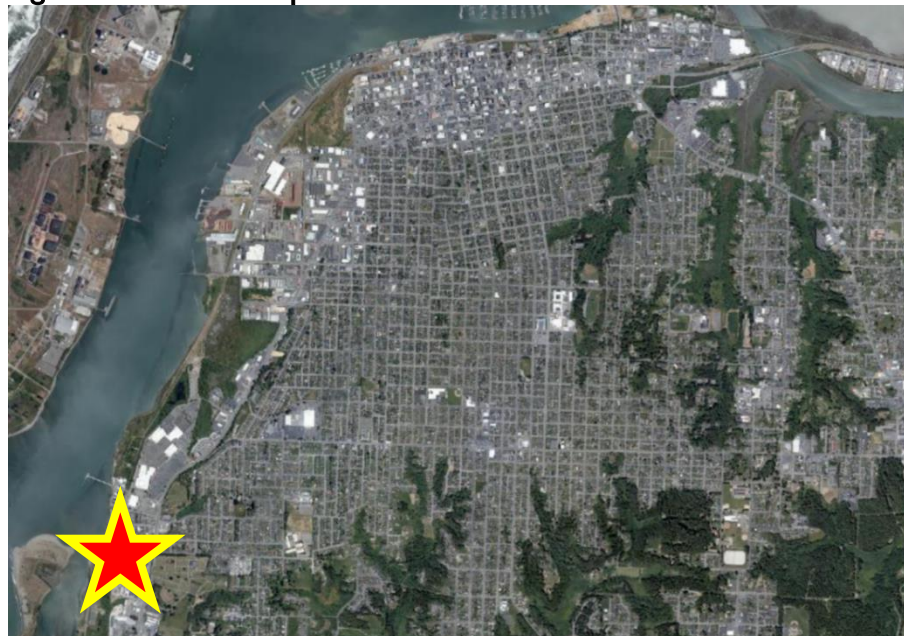
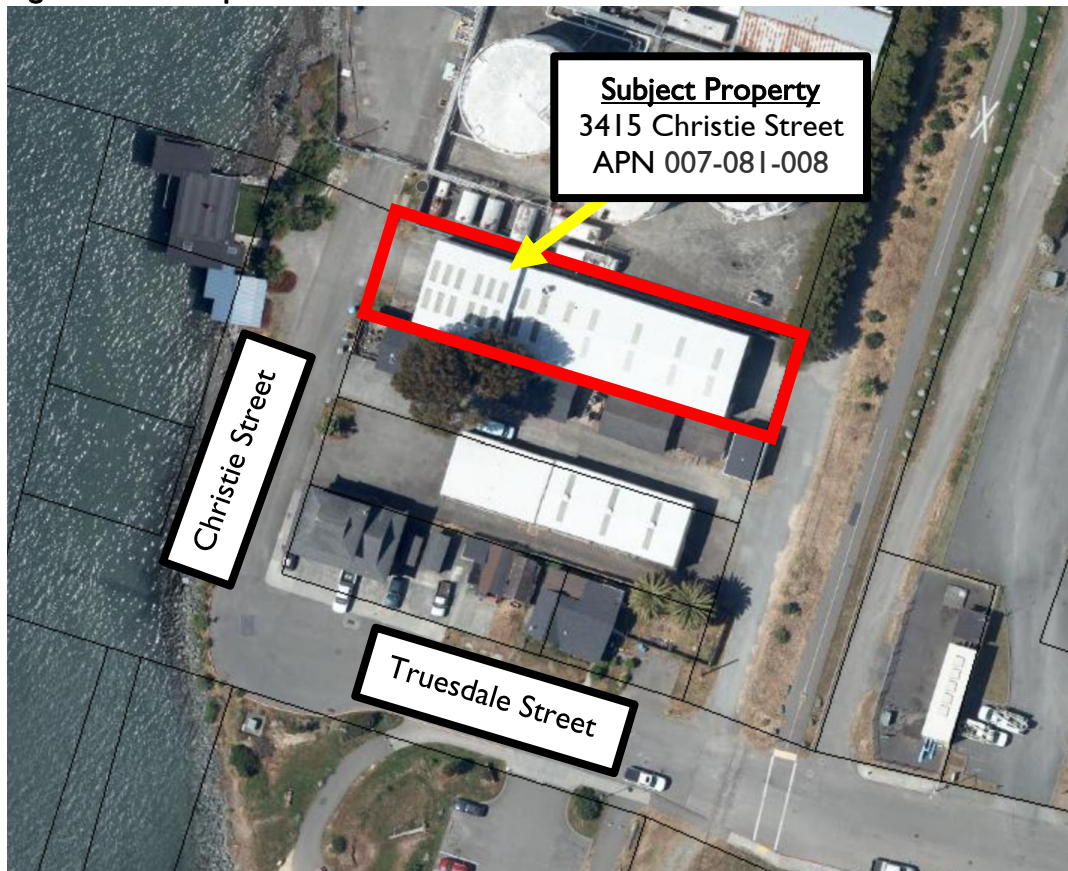


Figure 2: Site Map



## PROJECT SUMMARY

The applicant/property owner, Ken Bates (Applicant), is requesting authorization to expand the allowed uses at a site located in the Coastal Dependent Industrial Zone District (MC District) to include carpentry and other indoor industrial uses principally permitted in the Limited Industrial Zone District (ML District). Pursuant to Eureka Municipal Code (EMC) §10-5.29153, “*existing developed parcels in existence as of January 1, 1984 of less than one acre located in a coastal-dependent industrial district shall be allowed to be developed with coastal-related or **general industrial uses** if they are not proposed for consolidation with other parcels to permit a new or expanded coastal-dependent industrial use and are not adjacent to the shoreline.*” Because the project requires a Conditional Use Permit (CUP) in the Coastal Zone, a Coastal Development Permit (CDP) is also required.

## BACKGROUND

The 8,530-square-foot (sf) site (0.20-acres) contains an existing, legally-constructed, 6,000-sf building including a 128-sf, second-floor office, and two vehicle parking areas paved with concrete. No changes to the building’s footprint or height are proposed and no ground-disturbing activity will occur. The building is currently occupied by the Applicant’s boat- and fishing-gear-building business (Cloudburst Fishing, Inc. [Cloudburst]), and the Applicant is interested in leasing the building to a general carpenter as the building’s primary use.

In 1987 the current property owner (Applicant) applied for and was issued a CDP (permit # CDP-34-87) and Design Review (permit # AA-51-87) to construct the existing building and second-floor office to house Cloudburst, which has operated out of this location ever since (37 years). The file for the 1987 CDP for the construction of the existing building includes evidence the site has been a legal parcel in existence since at least the mid-1960s (Assessor's Parcel Map dated 1966). Prior to construction of the existing structure, the site was vacant. The applicant indicated in their submitted materials (Page 1 of Attachment 2) the structure was, *"...built in 1989 to house my boat building business and two minor supporting businesses responsible for construction of cabinets, drawers, and vessel doors and painting and vessel graphics during my boat building career. The boat building operation required the use of saws, grinders, planers, routers, air compressors and other hand operated tools, all within the confines of the building. My operation had two employees and myself. During the 35+ year operation, we have never received any complaints about noise, vibration or other nuisance factors."*

The site is an established industrial parcel located in the southwest quadrant of the City, 0.19-miles west of Highway 101, just north of Truesdale Street, separated from the Bay to the west by Christie Street and one privately-owned parcel (APN 007-081-002) occupied by a residence and office (not currently in Coastal Dependent Industrial [CDI] use) which appears to extend over tidelands with a split zoning of MC and Water Development (WD).

The parcels directly north and south of the site are also zoned MC with a CDI land use designation, as are the majority of the parcels lining the coast north to Del Norte Street and south to Hilfiker Lane. Directly to the north, the site is bordered by Chevron U.S.A.'s Eureka Marine Terminal, the largest petroleum off-loading facility on the Bay; nearly all the fuel serving the greater Eureka-Arcata area is shipped in via barges and off-loaded at Chevron's terminal. One parcel south contains several structures, with an active Business License for ship provisioning/chandlery, which indicates the site is used for storage of goods that are provided as provisions for ships (CDI use).

Two (2) parcels south is another land-locked CDI-designated site with a shop building, legally constructed in 1981, which has been occupied at different times by an electrical supply business, a commercial storage operation, a machine shop, and a heating and sheet metal business, but currently there is no active Business License associated with this building and the use of the parcel is unknown.

Three (3) parcels south, at the intersection of Christie Street and Truesdale Drive, is yet another land locked CDI-designated site occupied by a real estate office (Redwood Coast Real Estate), one parcel east of which is another CDI-designated site with a legal non-conforming single-family residence.

The site is bordered on the west by Christie Street and on the east by an alleyway, across which are the Eureka Waterfront Trail and Howell Street, and further east the Planned Shopping Center Commercial Zoning District begins, which contains the Bayshore Mall, Sportsman's Warehouse, Walmart, and McDonalds. The Humboldt Bay Municipal Water District's Truesdale Water Pump Station is also located adjacent to the Sportsman's Warehouse at the northeast corner of Howell and Truesdale Streets, approximately 100 feet (ft) to the southeast of the site.

Across Truesdale Street south of the site there is a trailhead parking lot, with the Eureka Waterfront Trail (called the Hikashari' Trail in this area of town) continuing south. Directly south of the trailhead is the City's McCullens Avenue Sewer Pump Station. The shoreline parcels south of Truesdale, including the trailhead parking lot and pump station, are CDI-designated. Across Truesdale Street to the southeast of the site are commercial uses including restaurants and a hotel, zoned Service Commercial, with General Industrial zoning further south.

In 2021 a Business License (license # BL-21-0173) was applied for and granted for this site for Hicks Crafted, a general carpentry business, which specializes in wood craftsmanship, like furniture design. Hicks Crafted is the second tenant in the building and was permitted as accessory to the principally-permitted primary occupant (Cloudburst).

The Applicant does not wish to expand or relocate Cloudburst, but instead is anticipating some day in the future he may no longer operate the business. If the business were to close, the Applicant would then like to lease the entire building to the existing general carpentry tenant, which requires a CUP to allow the general carpentry use to operate legally as the primary use (rather than an accessory use). To provide flexibility in the future, the Applicant seeks a CUP to allow not just general carpentry, but also other principally-permitted uses allowed in the ML District that could operate within the existing building and would have similar operating characteristics and impacts as the proposed use (i.e., wouldn't generate significantly more noise, vibration, traffic, odors, air pollution, hazardous material etc.). These uses include manufacturing (i.e., processing, fabrication, assembly, treatment and packaging) and warehousing uses that are generally nuisance-free and non-hazardous (e.g., not fuel or flammable liquid warehousing) and are therefore principally-permitted in the ML District.

### **CONDITIONAL USE PERMIT ANALYSIS**

To approve a Conditional Use Permit, the Planning Commission must make all of the following findings:

1. The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
3. The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
4. The proposed conditional use is consistent with the certified Local Coastal Program (LCP).

#### **I. Code Consistency**

##### **Chapter 5 Objectives and Purpose and Intent of Zoning District**

The following analysis includes an evaluation of the proposed uses' consistency with the objectives of the Coastal Zoning Code (Chapter 5).

- (a) To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.**

The site has a land use designation of CDI, and the purpose of the CDI designation is to protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses. The CDI designation is implemented through the purposes and standards of the MC District.

The principally and conditionally permitted uses in the MC District are largely limited to CDI uses and support facilities (e.g., fish processing plants and ice and cold storage facilities to support commercial fishing), but the District regulations do identify criteria that make a site less suitable for CDI use, and allow increased flexibility for compatible uses on those less suitable sites. Specifically, the District regulations allow for general industrial use of any existing development parcel in existence as of January 1, 1984 of less than one acre not adjacent to the shoreline, and not proposed for consolidation with other parcels for new or expanded CDI uses. Such a provision is protective of CDI uses and can be found consistent with the CDI designation because it facilitates continued use of existing CDI facilities and associated infrastructure, which avoids deferred maintenance and degradation, and does so in a manner that avoids incompatible non-CDI uses that could create land-use conflicts or result in speculative inflation of land value, and continues to reserve the most suitable sites exclusively for CDI uses.

The Applicant proposes general industrial uses on a 0.20-acre, landlocked parcel that has been a legal parcel since the 1960s and is not proposed for consolidation with the adjacent Chevron Terminal, ship provisioning/chandlery business, or any new CDI use, consistent with this provision. The proposed general carpentry use, as well as other indoor non-hazardous, nuisance-free light industrial uses like manufacturing and warehousing, will be compatible with adjacent CDI uses. The increased flexibility of use will also help avoid vacancy and associated degradation of the existing building and associated infrastructure. Furthermore, all principally permitted uses in the MC District would still be allowed at this site.

For all the above reasons, the proposed conditional use on the subject parcel can be found consistent with the land uses depicted in the General Plan and adopted by Council.

- (b) To foster a harmonious, convenient, workable relationship among land uses.**  
**(c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.**  
**(d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.**

The proposed CUP will allow for an existing building to remain occupied and allow the tenant to legally operate the existing general carpentry business, protecting the site from vacancy, which could lead to the deterioration of the building and blight, and protecting the stability of the existing land use. Surrounding land uses vary greatly as discussed in the Background section of the report above, including legal non-conforming residences, offices, CDI, public facility, and commercial uses, with at least one of the surrounding parcels having been occupied by other light industrial uses in the past. The CUP will allow general carpentry as well as other indoor nuisance-free, non-hazardous, light-industrial

uses which do not produce noise, particulates, fumes, or vibration outside of the existing structure.

The proposed use of the site for carpentry and other light-industrial uses is similar to the currently principally-permitted boat repair and ship building business, except that the proposed uses are not coastal-dependent or -related. To ensure future conditional uses authorized by this permit are similar to boat repair and general carpentry without additional significant impacts/externalities/hazards that warrant further analysis and mitigation, Condition A has been added requiring carpentry and other light industrial conditional uses authorized by this CUP/CDP to meet the following performance standards:

- 1) be conducted entirely indoors within the existing structure except for off-street parking and loading areas;
- 2) be non-hazardous, nuisance free, and not involve use or storage of hazardous materials in quantities requiring regulation/reporting under the Hazardous Materials Program of the Humboldt County Division of Environmental Health;
- 3) be listed as a principally permitted manufacturing (including processing, fabrication, assembly, treatment, and packaging) or warehousing use in the ML District; and
- 4) comply with all required conditions of the MC District, as outlined in EMC §10-5.29151 (EMC §10-5.29151 includes specific performance standards for air pollutants, emissions, odors, vibration, noise, etc.).

If a proposed conditional light-industrial use does not meet the above listed parameters, a modification to the existing CUP/CDP or a separate CUP/CDP must be obtained prior to operation (Condition A of Attachment I). Development Services – Planning will determine whether a new use meets the above parameters during their review of the required Business License, and a separate condition has been included requiring proprietors of any new use proposed at the site to obtain a Business License prior to operation. General industrial uses which do not meet the outlined parameters will be denied a Business License for this site (Condition B of Attachment I).

The use permit is conditioned (see performance standards above) to allow principally permitted manufacturing or warehouse uses in the ML District, as these uses are less impactful light industrial uses that have been deemed by the City appropriate for a light industrial setting, like the subject property, and thus require no further analysis under a separate CUP. Additionally, the performance standards include requirements that uses allowed under this use permit must be contained indoors, non-hazardous, and nuisance free to ensure existing and future uses of the site do not impact the surrounding properties, and safeguard the site and the surrounding area from increased negative impacts in the event of a flood, as discussed below in the analysis for Land Use Plan (LUP) goals and policies related to Hazardous Material and Toxic Contamination.

Given: (1) the proposed conditional use has been operating at this site since at least 2021 with no complaints from neighbors; (2) the existing structure has contained manufacturing uses since construction; (3) there is a broad range of land uses in the vicinity; (4) the use permit will help ensure occupancy of the building avoiding vacancy and blight; (5) the site

is small and separated from the Bay by a parcel and road making it inappropriate for CDI uses; and (6) the permit includes a condition setting parameters on new conditional uses (indoor, nuisance-free, non-hazardous), the proposed conditional uses will be harmonious with surrounding land uses, will not cause harmful intrusions or hazardous influences on the surrounding parcels, and will allow for appropriate land uses which benefit the City as a whole.

- (e) **To prevent excessive population densities and overcrowding of the land with structures.** Although new uses would be allowed under an approved CUP, any proposed light industrial uses will not result in increased population densities or overcrowding of the land with structures, as all uses would operate inside the existing structure, 94% of the site is covered with the existing structure or required parking areas (6,000-sf building + 2,036 sf of parking areas = 8,036 sf of an 8,530-sf site), and no new structures are proposed. The existing general carpentry tenant will remain and no additional tenants are proposed at this time. Although other uses that may occupy the site in the future could have more employees than the current tenant, the relatively small number of employees would more than likely be from the existing City population and would not cause a population density increase.

**Figure 5: Street view from Christie Street (facing east)**



- (f) **To promote a safe, effective traffic circulation system.**  
(g) **To foster the provision of adequate off-street parking and off-street truck loading facilities.**

The site is accessed from Christie Street to the west and a paved alleyway to the east, and no changes to the site's ingress/egress are proposed. The roadways directly serving the site do not have adjacent sidewalks, and in a Notice of Required Public Improvements dated August 8, 1988, for the approved Building Permit for the existing structure, it was noted the sidewalk requirements for this parcel were waived in accordance with EMC §7-

2.108. Christie Street and the alleyway east of the site are accessible from Truesdale Street, which runs from Highway 101 west to its termination at Christie Street and has 8 ft sidewalk areas on each side.

There are 2 existing paved concrete parking areas/loading births: between the building's west-facing façade and Christie Street; and between the building's east-facing façade and the alleyway. Both parking areas/loading births are 23.5 ft by 43.3 ft (1,018 sf), and although the parking areas are not striped, based on City parking space dimension standards, 5 vehicles could park in each of the 2 parking areas, allowing this site to provide 10 parking spaces in total. EMC §10-5.1503.2 outlines parking requirements for different uses in the Coastal Zone. Manufacturing plants and other industrial uses are required to provide one parking space for every 500 sf of gross floor area, and warehousing uses must provide one space for every 1000 sf of floor area, requiring this site to provide 6-12 parking spaces, depending on the use. However, this local requirement is preempted by State Law (California Government Code §65863.2) because the project site is within 0.5-miles of a major transit stop identified in Humboldt County Association of Government's Regional Transportation Plan (the major transit stop is 0.36-miles away at the Bayshore Mall). With portions of the building dedicated to storage and other portions dedicated to manufacturing, combined with the low number of employees, trip generation, and preemptions by state law, the 10 provided parking spaces are more than adequate for existing and future light industrial uses.

**Figure 6: Street view from alleyway (facing west)**



EMC §10-5.1603 outlines requirements for off-street loading births; industrial establishments, including warehouses, storage facilities, manufacturing plants, and other industrial uses, are required to provide one loading birth for buildings with a gross floor



area of between 4,000 and 30,000 sf (existing structure is 6,000 sf). Large loading births (45 ft by 12 ft) are required for industrial uses. The 43.3-ft by 23.5-ft parking areas double as loading births, and are the largest size loading birth possible given existing site constraints (lot width of 43.3 ft). Although the width dimension of the existing loading births are 1.7 ft smaller than required, the length is almost double the standard, and the existing loading births have adequately served this site and existing manufacturing uses since the building's construction. Last, per a letter prepared by the Applicant in 2015 (Page 4 of Attachment 2), *"The building was designed for manufacturing with special provisions including an extra-heavy slab to accommodate heavy point loading from boats constructed on-site and crane equipment loads. One end of the building has raised walls and roof to allow for crane boom access to the western third of the building which also has 24-ft ceilings and nearly full width roll-up doors. The wall subdividing the building are non-structural to allow for expansion or contraction of the manufacturing taking place there."* Given the site's large roll up doors (Figures 5 and 6), extra-heavy concrete slab, and crane boom access, loading could also occur inside the existing structure.

The site is positioned directly west of the Eureka Waterfront Trail. The existing general carpentry use, which will be legalized as a principal use of the building following the approval of this CUP, has only 2 employees who generate approximately 4 trips per day. With the small number of daily trips generated, combined with 2 access roads, ample parking, ample loading areas, and trail access, the traffic circulation, parking, and loading facilities for this site are more than adequate.

**(h) To facilitate the appropriate location of community facilities and institutions.**

No community facilities or institutions are affected by the proposed use as no community facilities or institutions exist or are proposed on the subject parcel and there is ample vacant and underutilized land in the area to accommodate any future demand for such uses.

**(i) To promote commercial and industrial activities in order to strengthen the city's tax base.**

**(j) To protect and enhance real property values.**

**(k) To safeguard and enhance the appearance of the city.**

The existing building is a Varco Pruden brand steel building. A site visit conducted by staff on May 20, 2024, confirmed the structure has not deteriorated substantially over the 37 years after being constructed (Figures 5 and 6) and is compatible with the aesthetic of the area: it is a sheet metal shop building with no distinct architectural features, in a relatively hidden industrial corner of the City. No changes to the building's appearance are proposed and the structure obtained Design Review approval in 1987 (Permit # AA-51-87). Allowing flexibility in land use will help ensure the site remains legally occupied with a revenue generating business. The existing tenants will continue to occupy the existing structure and contribute to the City's tax base. The proposed CUP will prevent the property owners from needing to occupy the site with a CDI use, a land use category in low demand in the area. Requiring occupancy by a CDI use could lead to the building being vacant and falling into disrepair, and allowing flexibility in land use will help avoid vacancy and protect property values of the site and surrounding parcels. The site is only visible from the western third of Truesdale Street, hidden from view from Highway 101 by a large big-box retailer (Sportsman's Warehouse), and no changes to the building's exterior are proposed.

It is for all the above reasons the proposed project will strengthen the City's tax base, enhance property values, and safeguard the appearance of the City.

### **Purposes of the MC District**

In addition to the objectives prescribed in EMC §10-5.102 (Objectives) and §10-5.2902 (Objectives and purposes), the MC Districts are included in the zoning regulations to achieve the following purposes;

- (a) To reserve and protect parcels adjacent to the sea for coastal-dependent and coastal-related uses;
- (b) To provide for coastal-dependent energy and industrial uses;
- (c) To provide development standards which will ensure that potential environmental damage will be avoided, minimized, or mitigated;
- (d) To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- (e) To protect residential and commercial properties and to protect nuisance-free, non-hazardous industrial uses from noise, odor, insect nuisance, dust, dirt, smoke, vibration, heat and cold, glare, truck and rail traffic, and other objectionable influences, and from fire, explosion, noxious fumes, radiation, and other hazards incidental to certain industrial uses;
- (f) To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;
- (g) To provide adequate space to meet the needs of modern industrial developments, including off-street parking and truck loading areas and landscaping;
- (h) To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impact of industrial plants on nearby residential and agricultural districts; and,
- (i) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them.

Although zoned MC, the site is not particularly suitable for CDI uses as discussed below in the LCP analysis for relevant Land Use and Community Design goals and policies. Rather than rezone the site from MC to MG or ML, the Applicant has instead requested to add certain conditional general industrial uses as discussed above in the CUP analysis for Chapter 5 consistency. As analyzed above in the project summary section and in the Chapter 5 consistency analysis, subsection (a), granting of the use permit is consistent with the prioritization and protection of CDI lands.

Manufacturing and light industrial uses are appropriate for this location, as the site is off the beaten path, at the end of a dead-end road, surrounded by other industrial uses, and hidden from the nearby major commercial corridor (Broadway). Additional analysis of the site's circulation, roadways, parking, and loading births can be found above in Code Consistency analysis subsections (f) and (g). The building will not be expanded nor is any new construction proposed, thus existing utility infrastructure will not be overloaded.

For all of the reasons discussed above, the location of the proposed conditional uses is in accord with the objectives of Chapter 5 and the purposes and intent of the MC District.

## **2. Public Health, Safety, and Welfare**

Referrals were sent to agencies and City departments with interest or jurisdiction over the proposed project. One Comment was received from the Wiyot Tribe's Tribal Historic Preservation Officer (THPO) indicating that although the project activities do not appear to represent a source of significant impact on cultural resources, a request was still made that standard inadvertent discovery protocol be in place for any ground disturbing activities in the future. A condition has been included to ensure the Applicant is aware of the required inadvertent discovery protocol (Condition E of Attachment I).

No comments were received which indicate the proposed conditional uses will be detrimental to public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

As discussed above in the analysis for Code Consistency subsections (b)(c)(d), the project has been conditioned so that new uses under this CUP/CDP must adhere to specific performance standards, which is critical to ensuring public health and safety because it will prevent the City from allowing potentially hazardous or unsafe uses without proper additional analysis and/or discretionary review. Because no impacts were identified by other agencies, by City Staff, or through site investigation, Staff believes that a finding can be made the proposed conditional uses as conditioned will not impact public health, safety, or welfare.

## **3. Provisions of Chapter 5**

The MC District has no minimum front, side, or rear yard setback requirements, or requirements for maximum building height, floor area ratio (FAR), landscaping, or open space. Because no objective standards are outlined for the MC District, Staff has, in the past, relied on the development standards for the MG District when evaluating code consistency in the MC District. The MG District requires a 6,000-sf lot size, a 60-ft lot width, a 10-ft front setback, and allows for structures with a 200% FAR with a maximum height of 100 ft. The 8,530-sf site contains an existing 6,000-sf building, including a 128-sf second-floor office (for an existing FAR of 0.71 [71%]) which is approximately 24 ft in height and setback from the front property line 23.5 ft, and thus compliant with these development standards of the MG District. The parcel is 43.3 ft wide, and although this is not compliant with lot width standards for the MG District, this is a continuing non-conforming site feature which will not be made more non-conforming by this project. No changes to the building footprint or height are proposed. Analysis of the site's consistency with parking and loading birth standards can be found above in the analysis for Code Consistency, subsections (f) and (g).

The site is not located in the Design Review area; thus, no other discretionary permits are required. No signage is currently proposed, but future signage will be reviewed under an Administrative Sign Permit, or, if deviations from sign standards are requested, a discretionary Creative or Master Sign Permit.

EMC §10-5.2915I includes eight required conditions of approval for uses in the MC District as follows:

- (a) All uses shall comply with the regulations prescribed in Article 2 of EMC Chapter 5 (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations);

- (b) In an MC District, no use shall be permitted which emits any air pollutant detectable by the human senses without the aid of instruments beyond the boundaries of the MC District or any adjoining MG District;
- (c) No use shall be permitted which creates any emission which endangers human health, can cause damage to animals, vegetation, or other property, or which can cause soiling at any point beyond the boundaries of the site;
- (d) No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the M District when diluted in the ratio of one volume of odorous air to four volumes of clean air;
- (e) No use, except a temporary construction operation shall be permitted which creates vibration, changes in temperature, direct or sky reflected glare, or electrical disturbances detectable by the human senses without the aid of instruments beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site;
- (f) In an MC District, no use except a temporary construction operation, shall be permitted which creates at any R District boundary, noise of a maximum sound pressure level greater than the values given (Octave Table in EMC 10-5.29151[f]);
- (g) No use shall be permitted which emits dangerous radio activity; and
- (h) No use shall be permitted which creates insect nuisance beyond the boundaries of the site.

The Use Restriction and Business License conditions (Conditions A and B of Attachment I), ensure the applicant is aware of the required conditions of the MC District and require compliance with the aforementioned conditions for all existing and future conditional uses of the site (Condition B of Attachment I).

For all of the reasons described above, the proposed conditional uses, as conditioned, can be found consistent with the provisions of Chapter 5.

#### **4. Local Coastal Program**

The LCP includes the 1997 Coastal General Plan land use designations and map and the EMC zoning district regulations and map, among other provisions. The LCP also includes policies and development standards that apply to all development in the Coastal Zone regardless of district or land use designation. Consistency of the proposed project as a whole with these policies and standards of the LCP is discussed in the CDP analysis below. As discussed below, with the imposition of conditions, the proposed conditional uses can be found consistent with the LCP.

### **COASTAL DEVELOPMENT PERMIT ANALYSIS**

To approve a CDP, the Planning Commission must find the proposed development conforms to the policies of the certified LCP. The LCP is divided into 2 components: the LUP and Implementation Plan (IP). The first component, the LUP, is the General Plan specific to land in the Coastal Zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map.

#### **I. Land Use Plan Analysis**

The purpose of the CDI land use designation is to protect and reserve parcels on, or adjacent to, the Bay for coastal-dependent and coastal-related uses. The consistency of the proposed conditional uses with the purpose of the land use designation is discussed above in the CUP analysis subsection I(a).

Conformance of the proposed project with the applicable goals and policies of the LUP is discussed below.

*Relevant Land Use and Community Design Goals and Associated Policies*

**Goal I.A: Land Use and Development Framework - To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.**

I.A.4 To promote the public safety, health, and welfare, and to protect private and public property, to assure the long-term productivity and economic vitality of coastal resources, and to conserve and restore the natural environment, the City shall protect the ecological balance of the Coastal Zone and prevent its deterioration and destruction.

I.A.5 Within the Coastal Zone, the City shall ensure that coastal-dependent developments have priority over other developments on or near the shoreline. Except as provided elsewhere in this General Plan, coastal-dependent development shall not be sited in a wetland. Coastal-related developments shall generally be accommodated proximate to the coastal-dependent uses they support.

**Goal I.L: Commercial Development - To ensure an adequate supply of commercial land for and promote the development of commercial uses to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality.**

I.L.11 The City shall protect and, where feasible, upgrade facilities serving the commercial fishing and recreational boating industries. Existing commercial fishing and recreational boating space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. New recreational boating facilities shall, to the maximum extent feasible, be designed and located so as not to interfere with the needs of the commercial fishing industry.

**Goal I.M: Industrial Development - To ensure an adequate supply of industrial land for and promote the development of industrial uses to meet the present and future needs of Eureka and to maintain economic vitality.**

I.M.7 The City shall encourage coastal-dependent industrial facilities to locate or expand within existing sites. Non-coastal-dependent uses located along the waterfront shall, if feasible, be relocated to other more appropriate areas within the city.

**Analysis:**

The Coastal Act prioritizes certain land uses over other competing uses. Priority uses under the Coastal Act include visitor-serving facilities and particularly lower-cost visitor-serving facilities, recreational facilities, coastal-dependent uses, and agriculture. The City of Eureka's LCP implements this prioritization in part through restrictive land use designations and zoning districts that reserve lands for priority uses, including CDI.

Historically, 2 of the largest industries in the Humboldt Bay region were forest products and commercial fishing, but both of these industries have seen significant long-term declines resulting in significant vacancy of CDI lands along the Bay shoreline. Comprehensive market studies analyzing current and long-term supply and demand for CDI land on the Bay were produced in 2003<sup>1</sup> and 2018.<sup>2</sup> According to the 2018 market analysis, the Bay currently has 1,100 acres of land zoned for coastal-dependent industry but only 121 of these acres are currently in CDI use.<sup>3</sup> The 2018 market analysis projects future demand for CDI use on the Bay to range from 120 to 492 acres.<sup>4</sup> The study concludes that even after accounting for the fact that projected sea level rise (SLR) may impact as much as 400 acres of CDI land by 2100, there would still be a surplus of CDI land in excess of 200 acres under the highest future demand estimate. As a result, adequate land will continue to be reserved for CDI uses on the Bay even if the subject parcel was not occupied by a CDI use.

Staff conducted an inventory of CDI properties in the City in preparation for a comprehensive LCP update, and determined there are 59 parcels<sup>5</sup> totaling 131 acres of land zoned MC in the City, with only 11 parcels (totaling approximately 34 acres) predominately in current CDI use. The inventory sought to identify which sites are most suitable for CDI uses, and the subject property is not proposed for retention as a CDI parcel. The inventory/analysis indicates commercial fishing uses are concentrated at Woodley Island and between C Street and the Eureka Marina along the City's northwestern shoreline, and the City wants to continue to reserve these areas for commercial fishing. There is ample recreational boating space at the Eureka Marina and along the northern waterfront in proximity to the visitor-serving Old Town, or Core Area, of the city. The City of Eureka's MC lands are congregated along an approximately mile-long stretch of the City's western shoreline. The subject parcel is located near the southern end of these MC-zoned lands. The City does own much of the shoreline north and south of the project site, predominately zoned MC, and the City would like to prioritize natural resource protection/restoration and public access/recreation in the vicinity of the site in the future with sea level rise.

The suitability of current Bay CDI land for CDI uses varies significantly, and the lands most suitable for current and future potential CDI uses should be retained for CDI uses. Variables that affect parcel suitability include, but are not limited to, direct access to the Bay, access to a deep-

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<sup>1</sup> PB Ports & Marine, Inc. (in association with Winzler & Kelly & BST Associates). (2003, February). Port of Harbor Revitalization Plan Final Report. Prepared for the Humboldt Bay Harbor, Recreation and Conservation District.

<sup>2</sup> BST Associates. (2018, May 31). Humboldt Bay Maritime Industrial Use Market Study Final Report. Prepared for Humboldt County.

<sup>3</sup> Nearly half of existing CDI uses are related to marine cargo and half to fishing and recreational boating. A smaller share is used for mariculture. The 2018 market analysis discusses how existing industries most likely to show growth in demand are local marine cargo, commercial fishing, mariculture, marine research, and recreational boating.

<sup>4</sup> Humboldt Bay's competitive limitations for future additional CDI uses include a small local market size, lack of proximity to a large metropolitan market, limited inland truck and rail access, lack of maintained existing CDI infrastructure, and limitations on deep draft-vessels due to relatively shallow navigation channels with shoaling issues. The large range for the projection of future potential demand is due to the potential need for large areas of land for offshore wind energy support facilities; the federal government has leased waters offshore of Humboldt for wind development. Offshore wind support facilities are most likely to be located on CDI lands on the Samoa Peninsula in the unincorporated County, where the Humboldt Bay Harbor, Recreation and Conservation District is working on the development of a wind terminal.

<sup>5</sup> These parcels are combined into roughly 25 properties.

water channel, presence of a dock and other existing industrial facilities/infrastructure, and current use of the site and surrounding parcels for coastal-dependent industry.<sup>6</sup>

Adequate land is reserved in CDI designations in Eureka and around the Bay without the subject parcel, and the parcel is not particularly suitable for CDI use given that the parcel is landlocked and does not have access to a dock. Even if the property owner was able to purchase the bayfront parcel across Christie Street to the west, there is a wide shallow area as a result of sediment released from the mouth of the Elk River, and as a result a long dock (and likely dredging) would be required to gain access to the deep-water channel, and may not be feasible given the close proximity to the Chevron dock.

*Relevant Public Access Goal and Associated Policies*

**Goal 5.B: Coastal Recreation and Access – To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.**

- 5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:
- a. Develop Waterfront Drive from the Elk River Interchange to a terminus near Eureka Slough, with provisions for bicycle lanes, pedestrian walkways, and supporting facilities.
  - b. Establish a walkway system located on or near the shoreline throughout the city's waterfront Core Area.
  - c. **Establish scenic vista points at numerous locations along the waterfront, including construction of a public access vista point at the foot of Truesdale Street.**
  - d. **Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.**
  - e. The City, in cooperation with the Coastal Commission and Coastal Conservancy, shall provide for attractive directional signs that are meaningful on the North Coast so as to assist area residents and visitors alike in identifying visitor-serving, recreational, and historical facilities in the city.

**Analysis:** There is a public access vista point at the foot of Truesdale street (Truesdale Vista Point) where the Hikshari' Trail segment of the Eureka Waterfront Trail begins. The vista point includes a parking area, restroom, and benches. The proposed conditional uses will be in close proximity to the Truesdale Vista Point but will not affect or impede access to the scenic vista point, or the Eureka Waterfront Trail, as the existing building will not be enlarged or expanded in any way and all allowed conditional uses will be required to be nuisance-free, non-hazardous manufacturing or warehousing type uses contained completely indoors of the existing structure. It is for all these reasons the proposed adaptive reuse of the subject property is found consistent with the relevant public access goals and policies of the certified LUP.

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<sup>6</sup> Other variables include but are not limited to: direct access to an existing road, width of waterfront and depth of backland, presence of upland areas large enough to accommodate immediate CDI use without significant wetland fill, ownership of the site and surrounding parcels, and presence of incumbrances on the site that limit or preclude CDI use (i.e., open space easements).

*Relevant Hazardous Materials and Toxic Contamination Goals and Associated Policies*

**Goal 7.A: Seismic Hazards - To minimize loss of life, injury, and property damage due to seismic hazards.**

**Goal 7.B: Geological Hazards – To minimize loss of life, injury, and property damage due to geological hazards.**

7.B.2 The City shall ensure that development on or near the shoreline of Elk River, Humboldt Bay, and Eureka Slough neither contributes significantly to, nor is subject to, high risk of damage from shoreline erosion over the life span of the development.

**Goal 7.D: Flooding – To minimize the risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.**

**Analysis:** The site is within a seismically active area in which large earthquakes are expected to occur during the lifespan of the existing structure, but the site is not within an earthquake fault zone<sup>7</sup> or a liquefaction or landslide hazard zone<sup>8</sup>. Any new construction, major alterations to the existing structure, or a change of occupancy type will trigger the need for a Building Permit, at which time structural calculations would be evaluated, and, if necessary, structural upgrades would be required. The site is located in the seismic safety zone C0 (Relatively Stable), the lowest/safest rating of seismic stability on Humboldt County Web GIS<sup>9</sup>.

In a letter from Vroman Engineering and Construction dated January 25, 1989, written in preparation of the second-floor office addition, an evaluation was provided of the concrete slab floor to support load bearing walls for the addition of the second-floor office. It was noted in that letter, due to the light loading, thick floor slab, heavy reinforcing, and good bearing soils, new footings for the second-floor office would not be required. An additional letter was received from Varco-Pruden Buildings dated August 24, 1988, which confirms the now-existing sheet metal building was designed in accordance with existing wind load criteria at the time of construction.

Prior to the structure's construction, detailed structural calculations were also conducted and submitted to the City with the Building Permit application from Burke Structural Systems, a registered professional engineer at the time of construction, which analyzed the wind and seismic loads of the proposed structure and concluded the tilt-up wall panels were designed to resist perpendicular and in-plane wind and seismic loads. Additional structural evaluation was provided by Varco Pruden Buildings prior to construction, indicating the structural integrity of the framing system components were checked by a professional engineer. The concrete slab underwent compression testing by LACO in 1989 to ensure the slab met the required strength standards and could withstand the weight and pressure of the structure.

Due to the preponderance of evidence that due diligence was done in ensuring structural stability of the existing building at the time of its' construction, and the fact that no new construction or expansion is proposed at this time, it can be concluded the existing structure was designed to, constructed to, and will continue to, minimize the threat of loss of life, injury, or property damage due to seismic or geological hazards.

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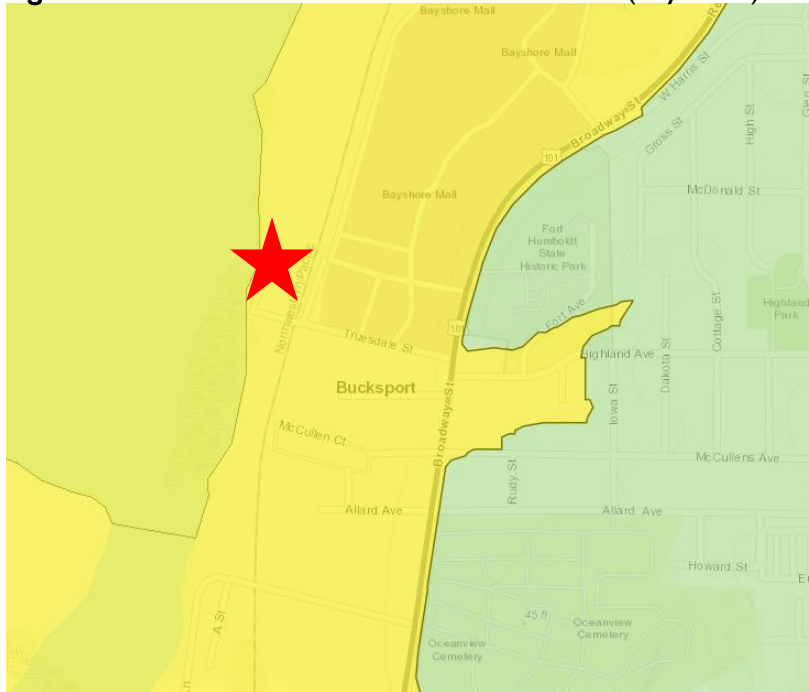
<sup>7</sup> California Department of Conservation (CDC). 2024. EQ Zapp Viewer. Online: California Earthquake Hazards Zone Application - <https://maps.conservation.ca.gov/cgs/EQZApp/app/>.

<sup>8</sup> County of Humboldt (Humboldt). 2015. Central Humboldt Seismic Safety Map. Online: <https://humboldt.gov/DocumentCenter/View/1745/Bedrock-Geology---Central-PDF>.

<sup>9</sup> ---. 2024. *County of Humboldt - Web GIS System*. Online: <https://webgis.co.humboldt.ca.us/HCEGIS2.0/>.



Figure 7: Site Relative to Tsunami Hazard Area (in yellow)



The project site is located approximately 100 ft from the Bay, within the mapped tsunami inundation area on the Tsunami Inundation Map for Emergency Planning (Figure 7)<sup>10</sup> and is at risk of tsunami inundation from waves generated from a variety of local and distant sources. If the region were to suffer a major earthquake along the Cascadia Subduction Zone, a local tsunami could hit the Humboldt Bay Shoreline within minutes and tsunami run-up could affect the project site. The tsunamis risk can best be minimized through timely evacuation from the tsunami

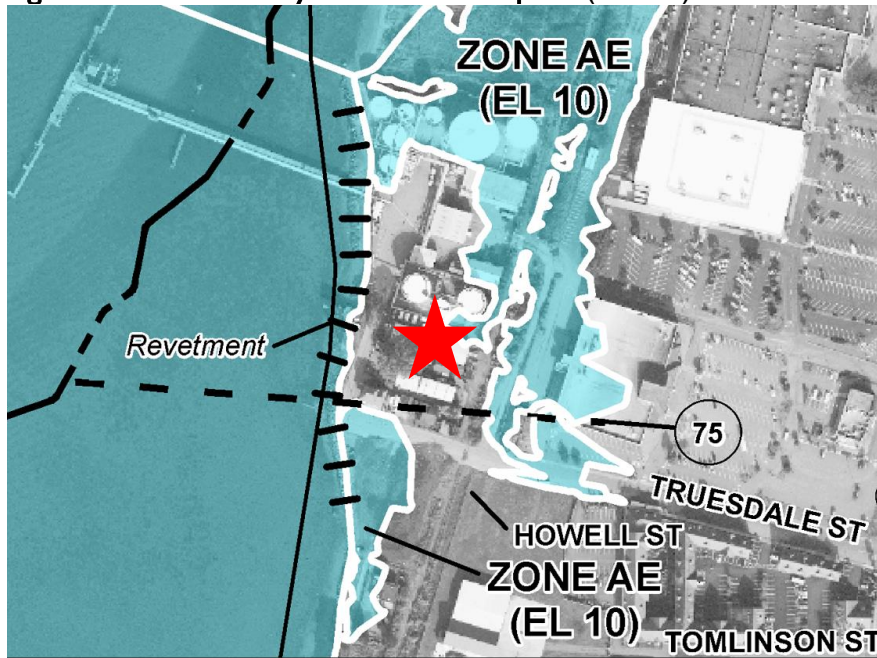
inundation zone. Therefore, to address the project being located within the tsunami hazard area, a condition has been added requiring a “Tsunami Safety Plan” (Condition C of Attachment I) for review and approval by Development Services – Planning. The plan shall demonstrate procedures are in place for the safe evacuation of all occupants in the event of a tsunami, and to ensure future occupants of the project site are aware of the tsunami threat, warning signals, and evacuation plan. The plan shall include hazard risk notification procedures, including but not limited to posting of signage at a conspicuous location at the site, explaining: (1) tsunami risks, (2) the need for evacuation if strong earthquake motion is felt or alarms are sounded, and (3) a tsunami evacuation route map for the project site informed by community-wide emergency response plans, showing egress direction(s) and expected assembly area(s) for safe evacuation.

A small portion of the site is within the mapped Federal Emergency Management Agency (FEMA) flood plain (Zone AE [EL 10]) (Figure 8). The extent of the flood hazard area is expected to increase in the future with SLR, with median scenario values ranging from 1.8 to 7.3 ft of SLR by 2100 based on the 2024 Ocean Protection Council’s State of California Sea-Level Rise guidance. The current 100-year Stillwater event at the North Spit tide gage is 10.2 ft in elevation. With projected SLR, this 100-year water level could increase to 12 to 17.5 ft in elevation. The project site is at approximately 10 to 11 ft in elevation<sup>11</sup>. No physical development including any improvements to the existing structure are proposed at this time. Any future new construction or substantial improvements will trigger review under the City’s floodplain regulations and LCP, and a condition has been added to ensure the Applicant is aware of the requirement for a Building Permit for future physical development (Condition D of Attachment I). Additionally, new tenants would be required to obtain a Business License, a review of which will be conducted by both

<sup>10</sup> California Geological Survey, August 13, 2020.

<sup>11</sup> All elevations in this section are referenced to NAVD88.

**Figure 8: Site Proximity to FEMA Floodplain (in blue)**



Development Service – Planning and – Building, with a change of occupancy type possibly triggering the need for a Building Permit as well. All Building Permits will be reviewed by Development Services – Planning and – Building, and due to the sites 10-11-ft elevation and proximity to the flood zone, the site may be required to obtain a Flood Development Permit in tandem with any future Building Permits. Due to the fact the site is not flooding now, coupled with the fact that no construction is occurring

and if construction does occur necessary Building Permits, and possibly associated Flood Development Permit, will be required, it can be concluded the site is minimizing the risks associated with potential flooding. Additionally, the project is conditioned with a performance standard that any existing and future uses of the site allowed by this use permit may not involve use or storage of hazardous materials in quantities requiring regulation/reporting under the Hazardous Materials Program of the Humboldt County Division of Environmental Health (Condition A of Attachment 1) to avoid potentially hazardous materials being mobilized and spread by flooding, thus further protecting the site and surrounding area from increased negative impacts during a flood.

For all the above reasons, it can be concluded the proposed adaptive reuse is found consistent with the relevant seismic, geologic and flood hazard goals and associated policies of the certified LUP.

Based on the discussion above, the finding can be made that the proposed project as conditioned conforms with the certified LUP.

## **2. Implementation Plan Analysis**

The Implementation Plan (IP) includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific Coastal Zone ordinances necessary to implement the policies of the LUP. Discussion of the project’s conformance with the objectives of the zoning code and purposes and standards of the MC District are provided in the CUP Analysis section above.

In addition to specifying the regulations pertaining to specific zoning districts, the IP (EMC §10-5.2940 et. seq.), specifies development standards that apply to all development in the Coastal Zone, including standards for public access, environmental resources, natural hazards, visual resources, public works, and new development. These standards largely reiterate certified LUP policies discussed in the LUP policy analysis above, and the applicable findings are incorporated as if set forth in full herein. There is one additional standard not covered under the LUP policy analysis above, which is EMC §10-5.2946.9:

**10-5.2946.9 Archaeological Areas**

- a) When development is proposed within a known archaeological area, project design shall avoid or minimize impacts to the resource.
- b) When development in archaeological sites cannot be avoided, adequate mitigation measures shall be required. Mitigation shall be designed in accord with guidelines of State Office of Historic Preservation and the State of California Native American Heritage Commission. When, in the course of grading, excavation, or any other development activity, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and the City Planning Director shall be notified immediately of the discovery.
- c) The City Planning Director shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological survey can be made and appropriate and feasible mitigation measures are developed.

There is no ground disturbance anticipated at this time. Project referrals with this information were sent to the THPOs of the Wiyot Tribe, the Bear River Band, and the Blue Lake Rancheria on May 2, 2024. The THPO for the Wiyot Tribe responded to the referral indicating the project activities do not appear to represent a source of significant impact on cultural resources, but, regardless, requested the project be conditioned with standard inadvertent archeological discovery protocol. To ensure consistency with EMC §10-5.2946.9, a condition has been added requiring any future ground disturbing activities adhere to the City's standard protocol for inadvertent archaeological discovery (Condition E of Attachment I).

Based on the discussion above, the finding can be made that the proposed project as conditioned conforms with the certified IP.

**ENVIRONMENTAL ASSESSMENT**

City action on a Conditional Use Permit and Coastal Development Permit is discretionary and therefore the project is subject to environmental review in accordance with CEQA. The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of CEQA, in accordance with §15301, Existing Facilities, Class I of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. Since the proposed project will be located entirely within an existing industrial building with no proposed expansion or enlargement of the building, the project is exempt from CEQA.

**PUBLIC HEARING NOTICE**

Public notification consisted of notification by mail of property owners and residents within a 300-ft radius of the site on or before June 28, 2024. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on or before June 28, 2024.

**CONCLUSION**

Based on the analysis above, the proposed land uses are consistent with the General Plan, Zoning Code, and LCP. The project is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The project is not detrimental to the public health, safety, and welfare, and is adequately served by existing utilities and infrastructure.

**STAFF CONTACT**

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**DOCUMENTS ATTACHED**

Attachment 1: Planning Commission Resolution .....pages 21-24  
Attachment 2: Applicant Submitted Materials .....pages 25-28  
Attachment 3: Table A: Allowed Land Uses in the MC and ML Zone Districts .....pages 29-31  
Attachment 4: Acronym Table .....page 32