

Title:	Jack's Seafood Security Fence
Projects:	Coastal Development Permit CDP-25-5 and Design Review AA-25-5
Location:	4 C Street
APN:	001-011-026
Applicant:	Jack Wu
Property Owner:	City of Eureka
Purpose/Use:	Install a seven-foot-tall, open, wrought-iron fence with four gates along the existing covered walkway and entrance to Jack's Seafood Restaurant as well as the alcove leading to the Fisherman's Terminal Building's tenant bathrooms.
Complete Application:	August 1, 2025
Deadline for Action:	November 1, 2025
General Plan / Zoning	Core Coastal Dependent Industrial (C-CDI) / Coastal Dependent Industrial (MC)
California Environmental Quality Act (CEQA):	Exempt under §15061(b)(3), Common Sense Exemption
Staff Contact:	Alexandra Gonzalez, Assistant Planner
Appeal Status:	The City's final action on the Coastal Development Permit is appealable to the California Coastal Commission
Recommendation:	Hold a public hearing; and Adopt a resolution finding the project exempt from CEQA and approving with conditions.
Action:	"I move the Planning Commission adopt a resolution finding the project exempt from CEQA and conditionally approving the Jack's Seafood Security Fence."

Figure 1: Location Map



PROJECT DESCRIPTION

The Applicant, Jack Wu, proposes to install a seven-foot(ft)-tall, open, wrought-iron fence with four gates along the existing covered walkway and entrance to Jack's Seafood Restaurant, as well as across the alcove leading to the Fisherman's Terminal tenant bathrooms (project site; Figures 2-5). According to the Applicant, the project site has experienced ongoing issues, including broken windows, graffiti, unauthorized campfires, human waste, and attempts to access the building's electricity and water systems. These issues primarily occur under the covered walkway and within the alcove. Fence posts will either be surface mounted/bolted or embedded up to two ft into existing concrete, resulting in less than seven square feet of ground disturbance. The dock and boardwalk at the rear of the building will remain open and accessible during and after construction and will not be impacted by this project.

Figure 2: Placement of Proposed Project (red lines = location of fencing/gates along the covered walkway and tenant bathroom alcove)

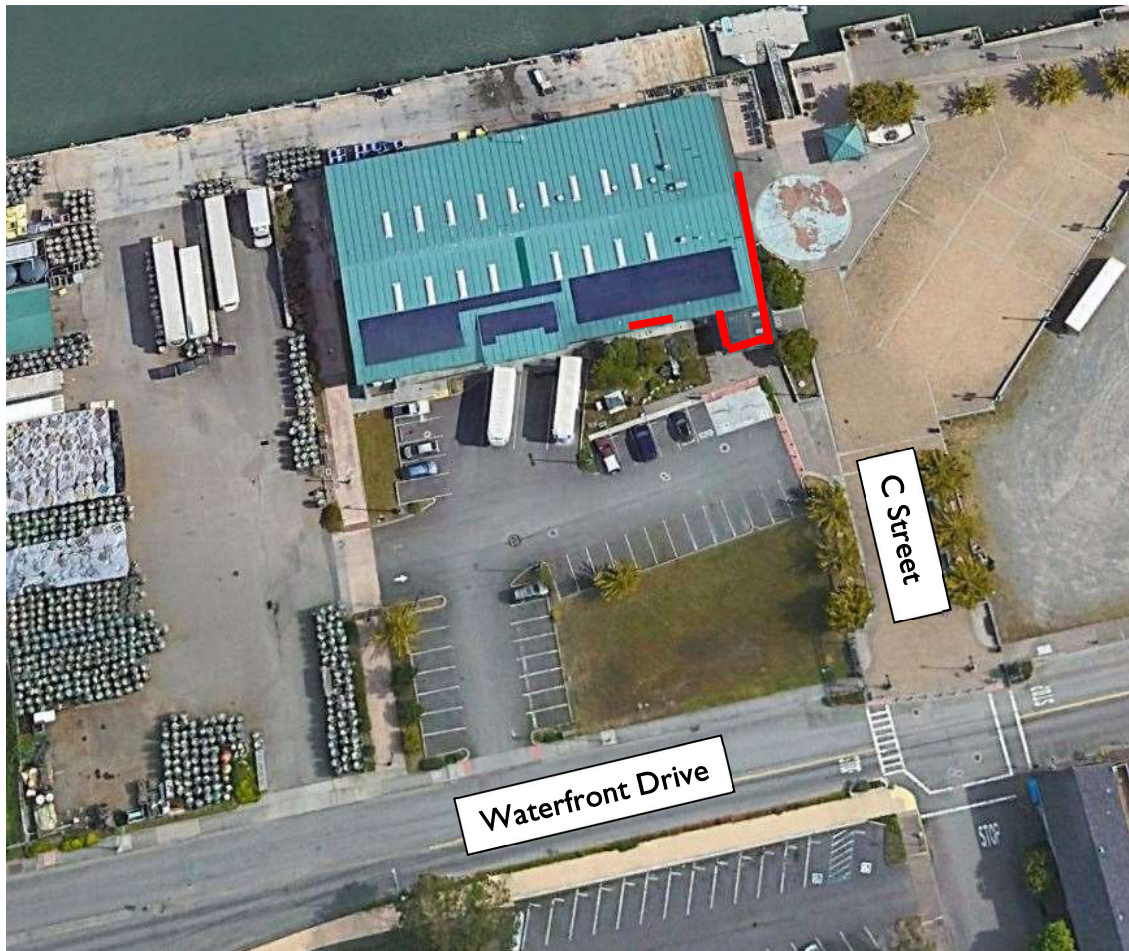


Figure 3: Proposed Fence Design (gates will be similar in design to the fence shown below; see Attachment for the Applicant's submitted material)

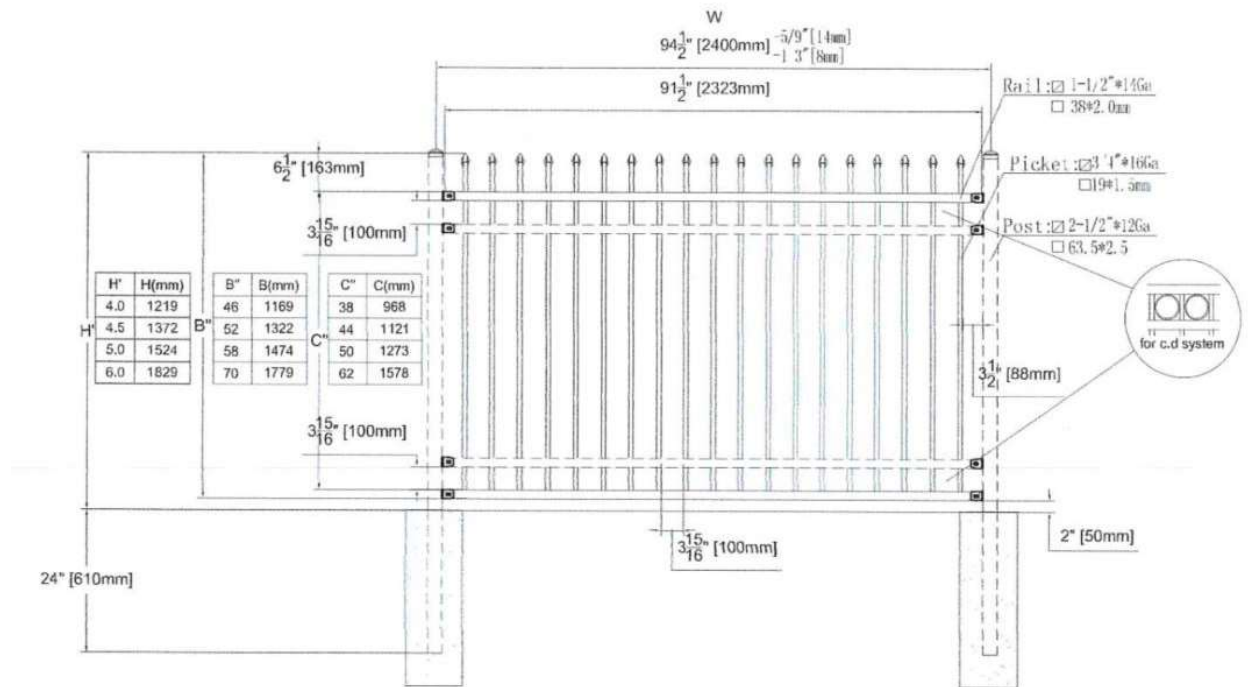


Figure 4: Existing Walkways To Be Fenced





Figure 5: Fisherman's Terminal Tenant Bathroom



BACKGROUND

The project site is part of a larger 1.96-acre City-owned property containing the Fisherman's Terminal Building, which is currently divided into two main areas: Jack's Seafood Restaurant (Jack's Seafood) on the eastern half and a crab transportation operation on the western half. Just outside Jack's Seafood's covered main entrance is an outdoor seating area adjacent to a docking area for fishing vessels, and both areas will not be enclosed or blocked with fencing and will remain open and accessible during and after construction (Figure 6). A paved on-site parking lot is located south of Jack's Seafood, separated from Waterfront Drive (which transitions to First Street east of C Street) by an undeveloped parcel. Along the northern property line, Jack's Seafood connects to a dock/wharf on City-owned tidelands adjacent to Humboldt Bay (Bay). To the east, is the Madaket Plaza and the Eureka Boardwalk.

Figure 6: Outdoor Seating Area and Docking Area for Fishing Vessels



APPLICABLE REGULATIONS

In the Coastal Zone, all fences located between the first public road and the sea are considered structures and therefore constitute development requiring a Coastal Development Permit (CDP). Furthermore, the project is located within the Coastal Design Review Area and therefore requires Site and Architectural Review (Design Review). According to Eureka Municipal Code (EMC) §10-5.29304.6.e (Action on Coastal Development Permit), when multiple permits require approval from more than one decision-making body, the body with the highest review authority shall act on the CDP. In this case, the CDP must be reviewed either by the Director or elevated to the Planning Commission. Therefore, because the project requires two permit approvals from

different review authorities, the Director has elevated the CDP to the Planning Commission, and the Planning Commission will act on the CDP and Design Review for the project. The City of Eureka has permit jurisdiction for issuing the CDP, and the City's final decision on the CDP is appealable to the California Coastal Commission.

COASTAL DEVELOPMENT PERMIT ANALYSIS

Pursuant to EMC §10-5.29310.1, to approve the CDP, the Planning Commission must find the project conforms to the policies of the certified Local Coastal Program (LCP). The LCP is divided into two components: The Land Use Plan (LUP) and Implementation Plan (IP). The LUP and IP together (the City's LCP) implement the provisions and policies of the California Coastal Act at the local level by:

1. Protecting public access;
2. Prioritizing coastal-dependent, coastal-related, visitor-serving, recreational, and agricultural uses;
3. Protecting the scenic and visual qualities of coastal areas;
4. Conserving biological resources;
5. Preserving archaeological resources;
6. Ensuring adequate services; and
7. Minimizing coastal hazard risk.

Relevant goals and policies of the LCP are included in the analysis below.

Public access / Priority uses

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.

Policy 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.

Policy 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.D: Core Area: Waterfront - To revitalize the Core Area waterfront, enhancing coastal-related tourism and recreation, while maintaining the economic base and employment provided by the fishing industry.

Policy I.D.2 Except for safety reasons in industrial operations, the City shall ensure public access along the full length of the shoreline within the Core Area through development of multiple access points such as walkways, paths, docks, and piers.

Policy 1.D.3 The City shall promote the continued operation of existing fisheries-related industry throughout the Core Area waterfront.

Goal 1.E. Core Area: Tourism - To expand and enhance the Core Area as a tourist destination.

Policy 1.E.3 Where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses. To the extent feasible and permitted pursuant to other applicable law, fish processing facilities should incorporate educational and tourist activities and facilities such as tours, fish markets or shops, restaurants and other attractions that support the fishing industry.

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.

Policy 5.B.2 On shoreline parcels where recreation or visitor-serving uses are integrated with coastal-dependent uses, the City shall ensure that the recreation or visitor-serving uses are secondary to and compatible with the coastal-dependent uses

Policy 5.B.10 To the maximum extent feasible, the City shall ensure universal public access to the waterfront, including support facilities.

The project supports Jack's Seafood, a priority visitor-serving use located along the waterfront in the City's Core Area, by addressing safety and security issues that have negatively impacted operations. The project will improve site usability and security while maintaining public access. Pedestrian circulation and scenic views will remain available through the existing plaza to the east, the dock to the north, the Eureka Boardwalk, and all other walkways outside the covered awnings. A condition has been added to ensure these access points remain open during and after construction. As conditioned, the project is consistent with the above goals and policies by: (1) promoting public safety and protecting coastal resources (Goal 1.A and Policy 1.A.4); (2) supporting visitor-serving and coastal-related uses within the waterfront Core Area (Goals 1.E and 1.D, and Policies 1.A.5, 1.D.3, 1.E.3, 5.B.2); and (3) ensuring universal public access along the shoreline and adjacent waterfront amenities (Goal 5.B and Policies 1.D.2 and 5.B.10).

Scenic and Visual Qualities

Policy 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: (d) Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways.

Although a seven-ft-tall fence may create a sense of separation or exclusion, diminishing the perception of public access as well as the overall inviting, visitor-serving character and visual quality of the area, the ongoing, unsanctioned activity occurring beneath the building's awnings currently poses a greater detriment to those same qualities. The fence will alleviate the economic and physical deficiencies on the site that, according to the Applicant, are causing deterioration and underutilization of the property. To minimize visual impacts, the project is limited to the covered areas, reducing visibility from scenic public viewpoints and waterfront walkways to the greatest extent possible. A condition has also been added requiring the fence to be constructed in a way that allows for easy removal in the future, should the camping issue be resolved or reduced. As conditioned, the project is consistent with Policy 5.B.1.

Biological resources

Goal 6.A: Aquatic Resources and Marine, Wetland, and Riparian Habitat - To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.

Policy 6.A.7 Within the Coastal Zone, the City shall ensure that environmentally sensitive habitat areas are protected against any significant disruption of habitat values, and that only uses dependent on such resources shall be allowed within such areas. The City shall require that development in areas adjacent to environmentally sensitive habitat areas be sited and designed to prevent impacts which would significantly degrade such areas, and be compatible with the continuance of such habitat areas.

Due to the project's proximity to the Bay, a condition of approval has been added requiring implementation of Best Management Practices (BMPs) for erosion and sediment control, as well as material and waste management, to prevent runoff or construction materials from entering Humboldt Bay. As conditioned, the project is consistent with Goal 6.A and Policy 6.A.7 by ensuring that adjacent aquatic resources are protected from construction impacts and that development does not degrade habitat values.

Adequate Services

Jack's Seafood is already adequately served by public utilities, and the limited scope of the project does not require any expansion of public services or affect the site's access to adequate services.

Archaeological resources

A referral was sent to the Tribal Historic Preservation Officers of the Wiyot Tribe, Bear River Band, and Blue Lake Rancheria. As requested by the Wiyot Tribe, the City's standard inadvertent discovery protocol is included as a condition of approval and therefore archeological resources will be protected.

Coastal hazard risk

Policy 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.

The project does not involve new habitable structures or significant grading, and therefore does not increase risk of exposure of people or property to coastal hazards, including flooding and erosion. The project is limited in scale, located on an already developed site, and designed to improve site safety and functionality without expanding the building footprint or encroaching toward the shoreline. In addition, a condition of approval requires a building permit be obtained to ensure the fence is properly anchored and constructed to meet applicable structural and safety standards. As conditioned, the project is consistent with Policy 7.B.2 by avoiding increased exposure to coastal hazard risks.

DESIGN REVIEW ANALYSIS

As previously mentioned, Site Plan and Architectural Review are required for the project, and in this case, the Planning Commission has authority over the Design Review process. Pursuant to Eureka Municipal Code (EMC) §10-5.1801.1, Site Plan Review is intended to: 1) preserve the natural beauty of the City's site; 2) prevent the indiscriminate clearing of property and the

destruction of trees and shrubs; 3) prevent excessive grading of hillsides and creation of drainage hazards; 4) ensure that structures are properly related to their sites and to surrounding sites and structures and to traffic circulation in the vicinity; and, 5) ensure that parking areas, walkways, and landscaping are arranged to accomplish the objectives of the zoning code. Pursuant to EMC §10-5.1801.2, the purpose of Architectural Review is to prevent the erection of structures that would be inharmonious with their surroundings or would have an adverse effect on the value of property or improvements in the vicinity.

Pursuant to EMC §10-5.1801 et seq., the Planning Commission's scope includes review of exterior design, materials, textures, and colors, but excludes elements that do not affect exterior appearance. The EMC notes "the ugly, the inharmonious, the monotonous, and the hazardous shall be barred, but originality in architecture and site planning shall not be suppressed." The Planning Commission must "recommend disapproval of drawings for a structure that would be inharmonious with surrounding development, but the Planning Commission cannot require new structures duplicate an historic architectural style as a condition of approval."

The project will not require tree removal or clearing. Since the site is already developed and not located on a hillside, no significant grading or drainage hazards are anticipated. The project is located along the entrances of a commercial use and therefore there will be no impacts to existing traffic circulation patterns. No new landscaping is proposed, and access to the surrounding docks and boardwalk will not be impacted.

The project incorporates a seven-ft-tall, wrought-iron fence and controlled access gates designed in a simple, functional style (see Figures 2 and 3 above) that may complement the existing industrial and maritime setting of the Eureka waterfront. The open picket design minimizes visual massing and maintains sightlines, while the gates ensure both safety and accessibility. Therefore, the project is compatible with the existing building design and surrounding land uses, and will enhance the usability of the site without adversely affecting property values in the vicinity.

The project was referred to partnering City departments and agencies for review, and comments were received from Development Services - Building and the Engineering Department. Development Services - Building requires that a Building Permit be issued to verify minimum egress requirements, accessible gate hardware, and Fire Department access if applicable. The Engineering Department requires an Encroachment Permit. These requirements have been added as conditions of approval. For these reasons, the project is consistent with the intent and standards of the Design Review process and will not result in a structure that is ugly, inharmonious, monotonous, or hazardous.

CONCLUSION

Based on the analysis above, the proposed project, as conditioned, is consistent with the certified LCP and required findings in EMC §10-5.1801 (Site Plan and Architectural Review).

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed fence is considered a "project" for the purposes of the California Environmental Quality Act (CEQA). While the project could otherwise qualify for a categorical exemption under CEQA Guidelines §15301 (Existing Facilities) and §15303 (New Construction or Conversion of Small Structures), because it involves installation of a security fence without any expansion of use, the site is listed as a contamination

cleanup site pursuant to Government Code §65962.5 (Cleanup Case #INHU529). Under CEQA Guidelines §15300.2 (Exceptions), categorical exemptions do not apply to projects on such sites.

Review of the case file for the site indicates the contamination was identified in 1994 west of the Jack's Seafood building, within the western half of the APN, approximately 250 ft from C Street. The contamination was remediated by excavation in 2005, followed by groundwater monitoring. In 2007, the California Regional Water Quality Control Board issued a case closure letter confirming that no further action was required.

Under CEQA Guidelines, §15061(b)(3), an activity is exempt when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (the "Common Sense Exemption"). The fence will either be bolted to existing concrete or set in shallow (approximately two-ft-deep) concrete footings, resulting in little to no ground disturbance. Given the limited scope of work, the distance between the proposed fence location and the remediated area, and the fact that the cleanup case is closed, there is no reasonable potential for the project to encounter, expose, or mobilize hazardous materials or otherwise cause a significant environmental effect. Accordingly, the Lead Agency has determined the project qualifies for the Common Sense exemption in §15061(b)(3).

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners and residents within a 300-ft radius of the site. The notice was mailed on or before August 29, 2025, meeting the requirement that notice be mailed at least 10 days prior to the public hearing (EMC §10-5.29307). In addition, the notice was posted on the City's website and bulletin boards, and a notice sign was placed at the site.

DOCUMENTS ATTACHED

Attachment 1: Resolution

Attachment 2: Applicant's Submitted Materials

Attachment 3: Referral Comments