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City Clerk
Eureka City Council
531 K Street
Eureka, CA 95501

Re: Comments on Crowley Site Local Coastal Program Amendment

To the Members of the Eureka City Council:

We represent Pierson Building Center. This letter is intended to provide public comment and urge the council to disapprove the proposed "Crowley Site Local Coastal Program Amendment" which includes an amendment to the Land Use Plan (LCP) portion of the Local Coastal Program (Case No. LCP-18-001).

The stated purpose of this LCP Amendment is to facilitate immediate development of transitional housing located on a parcel owned by the City of Eureka (the "City") known as the "Crowley Site." The parcel in question was created through a lot line adjustment (LLA 18-0001), is currently classified as Coastal Dependent Industrial (CDI), and is proposed to be reclassified as Service Commercial (CS).

The resolution should be denied for multiple reasons. First, the proposed reclassification to CS from MC is in direct contravention of the City's General Plan and Local Coastal Plan. The CDI designation is intended to reserve and protect land adjacent to Humboldt Bay for coastal-dependent and coastal-related industrial uses, while also allowing "commercial uses incidental to the primary coastal dependent industrial use." In contrast, the proposed CS designation is more restrictive than the current zoning designation with uses inconsistent with coastal dependent industrial uses. Also, the City's Planning Commission has not recommended this zoning change for approval.

Second, the staff report prepared for approval of this resolution offers very little analysis of the effects this zoning change will have. Coastal dependent industrial zoning is given priority under the Coastal Act and should receive deference in any analysis between a competing use. (California Public Resources Code §30255.) The zoning change's effect on coastal dependent zoning capacity within the City for future need is not analyzed, nor is their any alternative site analysis of the proposed transitional housing site offered in this staff report. The more logical alternative for a site for transitional housing would be in an area already zoned for that use, yet

the staff report fails to consider any alternative sites for rezoning. Without proper alternatives analysis for the location of the proposed housing development, there is no substantial evidence supporting this zoning change.

Likewise, there has been no analysis of whether this new commercial development and proposed transitional housing site will not have adverse effects, either individually or cumulatively, on coastal resources. (California Public Resources Code §30250.) The staff report lacks any analysis on the efficacy of the placement of a transitional housing site between areas zoned CDI and the impact that will have on any future coastal dependent development on the remaining parcels. The staff report does not discuss the possible future uses of the surrounding parcels, which would presumably be impeded by the presence of the housing development, nor the creation of conflicting uses between the two zoning districts. Is the proposed rezone simply the result of the random placement of the trailers? If so, the City is piecemealing this zoning decision to justify the location of this proposed zoning change instead of analyzing the long-term effects such a change would have on coastal resources development.

Third, the area where this zoning change is proposed is not suitable for the proposed transitional housing area. Eureka's Local Coastal Program Goals and Policies Section 7.D provides that the City shall prohibit high density residential, with a gross density of eight (8) units per acre or more, from locating in a flood hazard area, as designated on the Federal Emergency Management Agency Flood Insurance Rate Maps (FIRM) dated June 1, 1982 unless the units are constructed with a finished foundation that extends above the 100 year flood level and meet all applicable drainage policies of the general plan. Attached hereto is a copy of the FIRM map covering the area of the proposed transitional housing area. In analyzing this map, portions of the proposed zone change parcel are within the flood areas depicted on that map. As stated in the staff report, the rezone would affect 1.1 acres of land. The transitional housing site consists of eleven "construction trailers" located on the site. The travel trailers presumably would not be placed on finished foundation sites, and therefore, based on the density and construction of the proposed development, would violate the City's Local Coastal Program Goals and Policies.

For the foregoing reasons, the resolution adopting the "Crowley Site Local Coastal Program Amendment" should not be approved.

Regards,



Jeffrey Slack
JANSSEN MALLOY, LLP
Attachment
JS/ld