



**CITY OF EUREKA**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
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May 20, 2010

Cathy E. Creswell, Deputy Director  
Division of Housing and Policy Development  
California Department of Housing and Community Development  
P.O. Box 942053  
Sacramento, CA 94252-2053

**Subject: HCD's April 22, 2010, Comments Regarding the City of Eureka  
2009-2014, Draft Housing Element**

Dear Cathy,

Thank you for your review and comments regarding the City of Eureka's Housing Element. It is our highest priority to draft a Housing Element that not only meets the statutory requirements of a certifiable element, but produces a realistic document that improves upon past Housing Element efforts in providing housing opportunities for all income levels. Staff is confident that with the continued assistance of HCD, the 2009-2014 Housing Element will achieve both aforementioned goals.

Staff has conducted further research and edited the Housing Element as a result of HCD's evaluation. Below is a summary of each edit which is listed beneath the specific April 22, 2010, HCD comment. Staff has also modified the draft Housing Element and mapping to reflect your staff's suggestions and corrections. A copy of the revised draft has been enclosed for your review.

**A. HOUSING NEEDS, RESOURCES, AND CONSTRAINTS**

**Comment - Realistic Capacity** *The element relies on non-residentially zoned sites to accommodate the regional housing need for lower income households. In estimating residential capacity for non-residential sites, the element must account for the extent to which non-residential uses are allowed. For example 100, percent non-residential uses may occur on some commercially zoned sites and projected residential development capacity should not, for example, assume residential-only development of all mixed use or commercial facilities.*

**Response/Edit** As noted in Table 2-II-32, the City has approximately 33 acres of vacant commercially zoned property, predominately located within, or near the central business district, available for multi-family unit development. The vacant property was analyzed by staff to accommodate 444 units within the low to above moderate income housing categories. The low to moderate housing would accommodate well sited “smart-growth” workforce housing. Condominium ownership is also a realistic opportunity for above moderate income earners who desire a “downtown” lifestyle especially near the waterfront of Humboldt Bay.

The analysis quantitatively took into consideration an assumed 1,200 square-foot housing unit, wetlands, parking, landscaping, and required setbacks. The total “build-out” was also calculated by assuming approximately 40-percent of the available commercially zoned property would accommodate residential units. Utilizing a two-story, 100-percent residential build-out of the 33 acres, the City could develop 1,154 housing units. However, given Eureka’s demographics and the zoning district designations, this is an unrealistic conclusion. Ongoing, but hardly brisk, building trends within Old Town Eureka do favor “above commercial-storefront” residential construction. As previously explained within this Element, the City Redevelopment and Housing Department is actively promoting mixed land uses for most income earners within this subject area. A 100-percent commercial build-out of these subject properties is highly unlikely.

Juxtaposed with Eureka’s downtown smart-growth opportunities are the City’s Euclidian or “one use” multi-family zoning districts (RM-1000 & RM-2500) which currently consist of 13 acres of vacant property with a projected density of 224 units. Generally, these units are widely dispersed throughout the City and have small parcel sizes typically capable of accommodating two to four units. In general, federal and state funding for high density, multi-family housing construction is allotted to 50 to 80 unit housing projects. Only one parcel, APN 002-191-020, currently fits this criterion with an estimated density of 75 units.

Nevertheless, as noted within this Element, the City of Eureka Housing and Redevelopment Department has a successful track record of producing and conserving affordable housing on small properties. The City Redevelopment Department has, and will continue to strive to fund new construction of affordable housing at or below the fourplex size limit, within the Multi-Family Zoning Districts. The Redevelopment Department’s larger unit efforts are currently proximate to Eureka’s central business district. An increase in Euclidian high density zoning, within the 2009-2014 Housing Element cycle, would be counter productive to the City’s efforts to redevelop the Central business district in a smart-growth manner.

**Comment - Environmental Constraints:** *Since the element identifies some parcels in the inventory with potential wetland constraints, it should generally discuss how and where these conditions impact development feasibility in the planning period.*

**Response/Edit** The City of Eureka has numerous types of wetlands and does possess a system of slopes associated with the gulches that traverse the City in a north-south manner. The City’s GIS Division appropriately labeled the Housing Opportunity Land Inventory Maps with slopes greater than 30-percent. Federally mapped wetlands from the U.S. Fish and Wildlife Wetland Inventory maps were also added to the Housing Inventory Maps. As depicted in the maps, a majority of the housing opportunity sites are relatively free of wetlands and steep slopes. Ground

truthing and air photo interpretation, conducted by City staff, also confirmed housing sites within this element as having upland areas suitable for site development. The individual parcels, enumerated within the previous tables, shown to have a “constraint,” were listed in a full disclosure manner which alerts the reader that the usable acreage may be limited, and that wetlands, lot geometry, and slope, may limit the usable acreage possibilities. The projected density is a direct result of staff’s findings inclusive of possible constraints. The parcels were given a prospective density based on the most effective constraint mitigation a municipality can employ, which is geographic avoidance of the identified issue.

As shown in the listed parcels, the most constrained inventory is the Above Moderate category, wherein prospective builders may have to further investigate the extent of the constraints in order to mitigate wetland intrusion, guarantee slope stability, or attain setback variances to address lot configuration. Based on the City’s history of accommodating housing on small and non-traditional parcels, while still addressing the aforementioned constraints, housing development is expected on the properties identified within this Element through 2014 and beyond.

Specific exceptions to the previously described constraint analysis are noted within the Element, wherein a majority of APNs 002-231-009, 002-231-013, and 002-231-004, were noted to contain delineated wetlands. These parcels were subjected to a more detailed constraint analysis which is on file at the City. The projected mixed use density calculation of the properties is a direct reflection of ESHA, or Environmentally Sensitive Habitat Areas and their respective 100-foot setbacks. Future development of this property for housing or mixed uses would be best facilitated by integrating a design of a proposal around, and 100 feet away, from Environmental Sensitive Habitat Areas. The projected density on these properties was calculated utilizing this method of site planning.

***Comment - Small Sites:*** *Most of the identified higher density sites are small and allow less than 10 units. While it may be possible to build housing on a very small parcel, the nature and conditions necessary to construct the units often render the provision of affordable housing infeasible. For example, assisted housing developments utilizing State or federal financing resources typically include 50-80 units. If small sites are necessary to accommodate the regional housing need for lower-income households, the element must include an analysis demonstrating the potential of these sites to accommodate new residential development, given necessary economies of scale particularly for new multi-family rental development affordable to lower-income households. The element could also include existing and/or proposed policies or incentives the City will offer to facilitate small lot development, especially lot consolidation opportunities. Depending on the outcome of the analysis, the element may need to identify additional, appropriately sized sites that facilitate the development of housing for lower income households.*

***Response/Edit*** As noted previously, juxtaposed with Eureka’s downtown smart-growth opportunities are the City’s “Euclidian” or “one use” multi-family zoning districts (RM-1000 & RM-2500) which currently consist of 13 acres of vacant property with a projected density of 224 units. Generally, these units are widely dispersed throughout the City and have small parcel sizes typically capable of accommodating two to four units. The Housing Element also

recognizes that this particular zoning district contains many large Victorian homes that in some cases are being converted to multi-family dwellings.

It is understood by Staff, that in general, federal and state funding for high density, multi-family housing construction is allotted to 50 to 80 unit housing projects. Only one parcel, APN 002-191-020, currently fits this criterion with an estimated density of 75 units. However, as noted within the Element, the City of Eureka Housing and Redevelopment Agency has a successful track record of producing and conserving affordable housing on small properties. It is also our understanding that while state Housing Element law requires an inventory of land suitable for residential development it does not require a minimum lot size standard for low income housing. The City Redevelopment Agency has, and will continue to strive to fund new construction of affordable housing at or below the four-plex size limit, within the Multi-Family Zoning Districts.

The Redevelopment Department's larger multi-plex efforts are currently proximate to Eureka's central business district. Some of these projects are listed within the Element. An increase in Euclidian high density zoning, within the 2009-2014 Housing Element cycle, would be counter productive to the City's efforts to redevelop the central business district in a smart-growth manner. Public testimony received by the City Council during the Housing Element update also supported mixed-use housing development within Eureka's commercial areas. This effort is a stated objective within the Eureka Redevelopment Agency's Five Year Plan listed on page 2-77 of the Element.

**Comment - Emergency Shelters:** *The element includes a program to amend zoning to permit emergency shelters without discretionary action and includes some general discussion of average lot sizes for emergency shelters. However, the element should identify and evaluate sufficient total capacity on candidate sites to accommodate the need for emergency shelters without discretionary action, particularly, given location such as distance from a bus line.*

**Response/Edit** Utilizing the existing density of the *Eureka Mission's Emergency Shelter* which is approximately 40 guests per 4,400 square feet of lot size, the City was able to locate a number of Senate Bill 2 candidate sites within the inland portion of the Service Commercial Zone. The SB2 complaint zone is comprised of 311 parcels totaling 93.13 acres. Staff drafted a set of maps and data base to the Housing Element that clearly denotes possible Senate Bill 2 emergency shelter sites, which would accommodate the approximate unmet need of 333 homeless persons.

Additionally, the draft Housing Element submitted to HCD identified a feasible homeless shelter site on APN 007-121-005, which based on estimates, could serve up to 352 persons. Although, APN 007-121-005, would require a Coastal Development Permit. The City is also currently undertaking pre-application review meetings with John Shelter, formerly of the *Arcata Endeavor*, regarding a City administered Coastal Development Permit for a shelter at the foot of Vigo Street (APN 007-041-005) within an underutilized warehouse. Ironically, all of Eureka's operating shelters are located within non-SB2 compliant Coastal Zoning districts. Based on Staff's review of potential shelter sites within Eureka, it is apparent that capacity for future shelters is not an issue within the City limits of Eureka.

The City is confident that if site control of a property were to be gained by a shelter operator within this geographic area, that shelter space could be maintained and operated, meeting the additional needs of the homeless. This geographic area is identified within the Housing Opportunity Map within the Element.

**Comment - Transitional and Supportive Housing:** Pursuant to Chapter 633, Statutes of 2007 (SB2), transitional and supportive housing must be permitted as a residential use and only subject to those requirements that apply to the residential uses of the same type in the same zone. The element indicates that transitional housing is allowed in the RM and other zones under the classification of a "lodging house" for 15 or fewer persons and does not mention supportive housing. Transitional and supportive housing are residential uses and should not be limited to certain residential zones or limited based on size/number of persons. The element should demonstrate consistency with the requirements of SB 2 or add or revise programs as appropriate.

**Response/Edit** See revised policy below:

- 2.11. The City shall continue to allow emergency shelters to be located, by right, within the CS (Service Commercial), ML (Limited Industrial), and MG (General Industrial) districts as principally permitted uses. The City shall undertake a review of its current standards codified in Sections 155.040 et. seq. and revise said City code sections to be consistent with Senate Bill 2 which amended Cal Gov. Code Sections 65582, 65583 & 65589.5. Said consistency shall also apply to the administration of transitional and supportive housing within the City, which shall be considered residential uses subject only to those requirements and procedures that apply to other residential uses of the same type in the same zone.

**Comment - Constraints on Persons with Disabilities:** The element must include a complete analysis of potential constraints on the development, maintenance, and improvement of housing for persons with disabilities. While the element addresses various potential constraints such as reasonable accommodation, zoning to facilitate group homes, and spacing requirements, it should identify and analyze the City's definition of family for impacts on housing for persons with disabilities and include programs as appropriate.

**Response/Edit** See policy below:

- 2.32 The City shall revise the definition of "Family" within Eureka Municipal Code to not include a numerical reference of persons who constitute a "Family."
- Responsibility: Community Development Department/Housing Department/City Council
  - Funding Source: General Fund
  - Time Frame: 2010

## **B. HOUSING PROGRAMS**

**Comment** *As noted in the Finding A-1, the element does not include a complete sites inventory or analysis; as a result, the adequacy of sites and zoning has not been established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites and zoning for a variety of housing types.*

**Response/Edit** Pursuant to Staff's analysis, additional housing programs are not warranted at this time.

**Comment - Emergency Shelters and Transitional and Supportive Housing:** *The element requires analysis of emergency shelters and transitional and supportive housing, depending on the result of a complete analysis, programs to comply with SB2 may be needed (see finding A-1). The element also includes Program 2.11 to review and revise the City's current standards for emergency shelters consistent with SB 2. However, the program should commit to actual standard to be revised to ensure consistency with SB 2, particularly Government Code Section 65583(a) (4) (i-viii).*

**Response/Edit** As noted in Policy 2.11, the City of Eureka will update the current outdated Emergency Shelter Policy to reflect the State's enabling legislation set forth by Senate Bill 2, especially Section 65583 (a) (4) (i-viii). The City's current Emergency Shelter Ordinance has similar code sections that outline site development, management, and security requirements of a prospective shelter operation. Those code sections found not consistent with SB2 will be modified for consistency, statutorily within one year of adoption of the Housing Element. Staff is currently working on a revision of this ordinance. However, the City's limited Staff resources, at this time, are committed to the certification of the Housing Element itself. Community Development Block Grants are being discussed at this time for low income housing projects which are reliant on the certification of the 2009 Housing Element. As noted previously, Staff has revised Policy 2.11 to read as shown below. The revision of the Ordinance is a priority to be completed by the summer of 2010.

- 2.11. The City shall continue to allow emergency shelters to be located, by right, within the CS (Service Commercial), ML (Limited Industrial), and MG (General Industrial) districts as principally permitted uses. The City shall undertake a review of its current standards codified in Sections 155.040 et. seq. and revise said City code sections to be consistent with Senate Bill 2 which amended Cal Gov. Code Sections 65582, 65583 & 65589.5. Said consistency shall also apply to the administration of transitional and supportive housing within the City, which shall be considered residential uses subject only to those requirements and procedures that apply to other residential uses of the same type in the same zone.

**Comment** *As noted in Finding A-2, the Element requires a complete analysis of potential governmental restraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.*

**Response/Edit** Analysis complete. See above comments. No significant governmental restraints noted which require major program modifications.

I trust that the above addresses all of the issues and concerns identified by HCD regarding inadequacies of the City of Eureka's 2009-2014 Housing Element. As always, should you have any questions or need any more information or data, please contact Robert S. Wall, AICP, Senior Planner at (707) 441-4163 or at [rwall@ci.eureka.ca.gov](mailto:rwall@ci.eureka.ca.gov)

We look forward to HCD's certification of our Housing Element and I thank you and your staff for all of the support and advice that you have provided in this process.

Respectfully,

A handwritten signature in black ink, appearing to read "S. Olson", with a long horizontal flourish extending to the right.

Sidnie L Olson, AICP  
Director of Community Development

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cc: Robert S. Wall, Senior Planner  
David W. Tyson, City Manager  
Sheryl Schaffner, City Attorney  
Cindy Trobitz-Thomas, Redevelopment Director  
Melinda Petersen, Housing Programs Coordinator