

IMPARTIAL ANALYSIS OF MEASURE F BY THE EUREKA CITY ATTORNEY

1. Overview

Measure F would change regulations on the use of 21 City-owned public parking lots and the former Jacobs Middle School Site owned by Eureka City Schools. Measure F was placed on the ballot by a petition signed by the requisite number of voters.

2. Parking Lots

Measure F adds a policy to the Mobility Element of the General Plan, limiting the use of 21 City-owned parking lots to the following:

- a. Public parking;
- b. High-density residential development above ground-floor or garaged public parking, with no reduction in current public parking spaces and additional parking if required;
- c. Bike parking;
- d. Wiyot Tribe/Dishgamu Humboldt Community Land Trust development on the parking lots at 5th & D and 6th & L.

Current uses that would no longer be allowed include a variety of commercial, civic, recreational, and public utility uses.

3. Jacobs Site

Measure F adds a policy to the Housing Element of the General Plan, expanding the use of the Jacobs Site, currently limited to Public Facilities, to allow the following:

- a. High-density residential (R3) for at least 40% of the ground area, exclusive of any areas dedicated to public uses;
- b. Medium-density residential (R2);
- c. Low-density residential (R1);
- d. Public and quasi-public uses;
- e. Neighborhood-serving commercial uses under the Neighborhood Commercial, Downtown, Public Facilities, and Neighborhood Market overlay zones.

4. Additional Housing Element Changes

Measure F amends an existing implementation measure of the City's Housing Element, removing the City's commitment to develop a minimum number of affordable housing units on six City-owned parking lots: 8th and G, 6th and M, 5th and D, 6th and L, 3rd and G, 3rd and H.

The City has existing agreements for affordable housing and/or transit projects on these lots. Measure F allows for the Wiyot Tribe's planned project. For the Earth Center and Linc Housing projects, Measure F's parking requirements would pose significant challenges and could trigger state law remedies.

5. State Law Considerations

- a. Housing Element Law. Proposed Housing Element changes must be reviewed by the California Department of Housing and Community Development [Government Code Section 65580 et seq.].
- b. Housing Accountability Act. Existing agreements may be subject to the zoning requirements in place at the time of approval [Government Code Section 65589.5].
- c. Density Bonus Law. Affordable and senior housing developers are entitled to certain concessions, waivers, or reductions of local development standards, including parking requirements [Government Code Section 65915].
- d. AB 2097. With limited exceptions, a public agency cannot impose or enforce minimum parking requirements on a development project located within one-half mile of public transit [Government Code Section 65863.2].
- e. Immunity. School districts and state agencies are generally exempt from local zoning [Government Code 53094; *Regents v. Superior Court* (2024) 102 Cal.App.5th 852].
- f. California Environmental Quality Act. Changes made by Measure F are exempt from CEQA [*Tuolumne v. Superior Court* (2014) 59 Cal.4th 1029].

6. Amendments

Measure F provides that it can only be amended or repealed by another vote of the people.

Respectfully submitted,



Autumn E. Luna
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City of Eureka

The above statement is an impartial analysis of Measure F. If you desire a copy of the measure, please call the election official's office at (707) 441-4175 and a copy will be mailed to you at no cost. You may also access the full text of Measure F online at <https://www.eurekaca.gov/944/Measure-F>.