

Notice of Intention to Circulate Petition

Notice is hereby given by the person(s) whose names appear hereon of their intention to circulate a petition within the City of Eureka for the purpose of amending the City of Eureka 2040 General Plan to provide a better comprehensive plan to accommodate the City's need for more housing and to protect the accessibility, safety, and economic vitality of the City downtown area. A statement of the reasons for the petition is as follows:

Due to the City of Eureka's growth as a result of its beautiful environment, vibrant employer base, proximity to Cal Poly Humboldt, and anticipated port and renewable energy projects, and due to a statewide mandate to increase residential housing units, the City of Eureka is facing pressure to increase the supply and availability of housing within the City.

Within City limits, the Eureka City Unified School District ("School District") owns a large vacant property, the former Jacobs Middle School site ("Jacobs Site"). The Jacobs Site is an excellent location for urgently-needed housing, if properly General Plan designated, and could accommodate almost the entirety of the City's housing needs, including low, medium and market rate housing. Located adjacent to an existing bus line and proximate to stores and services, development of the Jacobs Site would help the City of Eureka to provide urgently-needed housing with a development plan that would reduce reliance on automobiles, increase the use of transit, include state-of-the art technology to conserve energy and minimize the carbon footprint that new housing ordinarily entails.

Additionally, rezoning the Jacobs Site would enable the City to abandon its current, poorly conceived plan to sell off the City's existing downtown off-street public parking facilities to housing developers for the purpose of turning these lots into high-density low-income and very low-income housing. This plan would serve only low-income residents, would eliminate almost all off-street parking in the downtown area, and would simultaneously increase demand for parking.

The City plan is severely flawed for several reasons:

- It is based, in part, on a "Traffic Study" conducted during the height of the COVID-19 pandemic that fails to reflect the critical need for parking in the downtown area and the extent to which City residents, employees, shoppers, customers, clients, and tourists rely on those parking lots for convenient, safe access to downtown businesses, shops, restaurants, critical services and jobs; and
- Further, virtually all of the residential units in the City's current parking lot housing plan are solely for low-income and very low-income residents; the City's plan does not address the severe housing crisis affecting Eureka's working- and middle-class residents. The City's plan is based on how to get subsidies to low-income housing developers, and has nothing to do with creating a thoughtful plan to accommodate housing for all while preserving the vitality of the downtown area.

Instead, as part of a comprehensive update to the City's 2040 General Plan, this initiative will enhance the viability of developing housing downtown by requiring the City to maintain the badly-needed downtown public parking lots (as first floor or garaged parking) as the City pursues housing on those sites.

The City of Eureka is obligated by state law to plan for enough housing to accommodate all economic segments of the community, and to demonstrate, in its Housing Element, how the City will meet these housing needs. This initiative, entitled "Housing for All and Downtown Vitality Initiative" will help the City meet its obligation. Rezoning the Jacobs Site will allow for a larger number of new units to be constructed than the City calls for in its current flawed parking lot housing plan, will enable the City to expand the availability of affordable housing for not only low-income residents, but also for working- and

middle-class residents, and will protect access to businesses and economic, social, and cultural vitality of the downtown area.

This Initiative will provide Eureka residents with the opportunity to participate in comprehensive planning for the City's housing needs and to avoid the consequences of the City's current flawed parking lot housing plan. These decisions, which will impact the City's economic vitality, accessibility, and safety, should be made by the residents of the City of Eureka.

PROPONENT



Michael Munson

Date: 7-12-23

PROPONENT



Michelle Costantine-Blackwell

Date: 7/12/23

CITY OF EUREKA HOUSING FOR ALL AND DOWNTOWN VITALITY INITIATIVE

The People of the City of Eureka do ordain as follows:

Section 1: Title

This initiative measure will be known as the “City of Eureka Housing for All and Downtown Vitality Initiative.” It will sometimes be referred to as the “Initiative.”

Section 2: Purpose and Effect

The purpose of this Initiative is to accommodate the City’s need for more housing for residents at all income levels and to protect the accessibility, safety, and economic vitality of the City downtown area. This Initiative would serve this purpose by (1) rezoning a large vacant property within City limits known as the former Jacobs Middle School site (“Jacobs Site”), which is owned by the Eureka City Unified School District (“School District”), to allow for the development of low, medium and market rate housing; and (2) requiring the City to maintain current levels of public parking on specified downtown City-owned off-street public parking lots. Important decisions about how to accommodate the City’s housing needs without jeopardizing the accessibility, safety, and economic vitality of the City downtown area should rest with the residents of the City of Eureka.

Section 3: Findings

The voters of the City of Eureka find that this Initiative promotes the health, safety, welfare, and quality of life of the City’s residents based upon the following:

(a) The City of Eureka is required by State law to plan for a significant number of new residential units to meet existing demand and future growth. However, the City is largely built-out and there are relatively few sites within City limits that provide realistic opportunities for new development. As a result, the City’s current plan to meet its housing needs relies, in part, on the redevelopment of City-owned off-street parking lots into housing. Redevelopment of the City’s parking lots will accommodate subsidized, deed-restricted residential units solely for very low- and low-income residents, to the exclusion of working- and middle-class residents.

(b) The City of Eureka is a regionally-important economic center. The City contains only 20 percent of Humboldt County’s overall population, but generates approximately 50 percent of the County’s overall sales tax and is home to nearly half the jobs in the County. The City is the region’s primary center of professional and business services such as attorneys, realtors, architects, engineers, investment specialists, and other office-based businesses and institutions, a local shopping and dining destination, a regional manufacturing and industrial center, and a tourism destination. All of these economic, social, and cultural activities depend on the City’s current off-street public parking lots for convenient, safe access to downtown businesses, shops, restaurants, critical services and jobs. The City has no plan to replace the public parking lots that would be turned into housing, while increasing the demand for parking, and the City has failed to explain how downtown services, businesses, shops, restaurants, industries, and tourism destinations will function without convenient and safe parking.

(c) It is vital for the City to adopt a smart, balanced and comprehensive land use plan that will accommodate high-quality and affordable housing for City residents of all income levels, while protecting and promoting the economic, social, and cultural vitality of the City downtown area. This Initiative is designed to further these objectives by (1) identifying and designating a location for new housing that would meet the City’s housing mandate under State law, and that would reduce reliance on automobiles, increase

the use of transit, include state-of-the art technology to conserve energy and minimize the carbon footprint that new housing would ordinarily entail; and (2) protecting existing City-owned off-street public parking lots that provide City residents, employees, shoppers, customers, clients, and tourists convenient, safe access to downtown businesses, shops, restaurants, critical services and jobs, and which are essential to the economic vitality of the downtown area and of the City of Eureka as a whole.

(d) This Initiative is consistent with and furthers a number of the City's 2040 General Plan goals and policies, including those in the Land Use, Housing, Economy, Arts and Culture, Mobility and Community Services elements.

(e) Because affordable housing for City residents of all income levels and off-street public parking are critical to the City's continued growth and economic, social, and cultural vitality, the residents of the City of Eureka must be provided the opportunity to participate in the planning decisions regarding these important resources.

Section 4: Definitions

As used in this Initiative:

Filing Date: The date the Notice of Intent to Circulate Petition for this Initiative was presented to the City.

Initiative: The City of Eureka Housing For All And Downtown Vitality Initiative placed upon the ballot and adopted by the voters of the City of Eureka.

Section 5: General Plan Amendments

This Initiative hereby amends the City of Eureka's 2040 General Plan ("General Plan") as described below. The General Plan amendments set forth in this Section 5 may be changed only by a vote of the people. Text to be amended in the General Plan is indicated as follows: deleted text is shown in ~~striketrough~~ text, and new text is shown in underline text.

Page 20 of the General Plan Housing Element is amended to add new Policy H-2.24 below existing Policy H-2.23, to read:

H-2.24

Creation of the Housing For All Overlay Designation. In 2024, the people of the City of Eureka approved the City of Eureka Housing For All and Downtown Vitality Initiative ("Initiative"), which, among other things, created a new Housing For All overlay designation ("HFA Overlay") within the Housing Element of the General Plan. The purpose of the HFA Overlay is to identify and facilitate a suitable location to accommodate a sufficient number of new housing units to satisfy State law requirements and City growth generally through the construction of new residential housing units suitable for City residents of all income levels. The HFA Overlay shall apply to the following property:

- Former Jacobs Middle School Site – 674 Allard Avenue (APNs 009101018 and 009111006)

The HFA Overlay shall authorize the following uses by right:

- 1) high density residential uses, as allowed in the Residential High (R3) zone;
- 2) medium density residential, as allowed in the Residential Medium (R2) zone;

- 3) low density residential, as allowed in the Residential Low (R1) zone;
- 4) public and quasi-public uses compatible with a residential setting;
- 5) all principally permitted neighborhood-serving commercial uses allowed under the Neighborhood Commercial (NC) zone and Neighborhood Market (NMO) overlay zone;
- 6) all principally permitted uses allowed under the Downtown (DT) zone; and
- 7) all principally permitted uses allowed under the Public Facilities (PF) zone.

At least forty percent of the total ground area subject to the HFA Overlay shall be dedicated to high density residential uses, exclusive of any areas dedicated to public facility uses. The City shall amend the zoning regulations applicable to the property specified hereinabove to be consistent with this Policy H-2.24. The HFA Overlay as applied to the property specified herein shall not be amended or removed except by a vote of the people. (Implemented by: Imp H-2; Imp H-3; Imp H-4; Imp H-5; Imp H-6; Imp H-9; Imp H-16; Imp H-23; Imp H-29; Imp H-30; Imp H-31; Imp H-35)

Page 150 of the General Plan Mobility Element is amended to add new Policy M-5.9 below existing Policy M-5.8, to read:

M-5.9

Creation of the Off-Street Public Parking Overlay Designation. In 2024, the people of the City of Eureka approved the City of Eureka Housing For All and Downtown Vitality Initiative (“Initiative”), which, among other things, created a new Off-Street Public Parking overlay designation (“OSPP Overlay”) within the Mobility Element of the General Plan. The purpose of the OSPP Overlay is to ensure that the existing City-owned off-street public parking lots specified herein remain available to provide convenient, safe access to downtown businesses, shops, restaurants, critical services and jobs. The OSPP Overlay shall apply to the following City-owned off-street public parking lots:

- City Parking Lot – 8th and G (APN 001155005)
- City Parking Lot – 6th and M (APN 001233013)
- City Parking Lot – 5th and D (APN 001103003)
- City Parking Lot – 6th and L (APN 001192004)
- City Parking Lot – 3rd and D (APN 001061017)
- City Parking Lot – 3rd and E (APN 001096003)
- City Parking Lot – 3rd and G (APN 001136001)
- City Parking Lot – 3rd and G (APN 001094002)
- City Parking Lot – 3rd and H (APN 001136002)
- City Parking Lot – 3rd and I (APN 001132004)
- City Parking Lot – 104 C Street (APN 001013004)
- City Parking Lot – 222 1st Street (APN 001053011)
- City Parking Lot – 314 1st Street (APN 001052001)
- City Parking Lot – 1st and E (APN 001051013)
- City Parking Lot – Opera Alley and E (APN 001092014)
- City Parking Lot – 312 3rd Street (APN 001090002)
- City Parking Lot – 2nd and H (APN 001132001)
- City Parking Lot – Waterfront Dr. and L (APN 001161009)
- City Parking Lot – 1111 2nd Street (APN 001214002)

- City Parking Lot – 1103 3rd Street (APN 001213005)
- City Parking Lot – 1103 3rd Street (APN 001213006)

The following uses are permitted under the OSPP Overlay:

- 1) public parking for passenger and light commercial vehicles;
- 2) high-density residential above ground-floor public parking or garaged public parking, where two conditions are met:
 - a. the number of public parking spaces is at least equal to the number of spaces currently available at the parking lot proposed for residential development; and
 - b. if any parking spaces are required for the occupants of the residential development, such parking spaces must be in addition to the public parking spaces; and
- 3) bike parking, with space for permanently-anchored bicycle racks that can accommodate a number of bicycles equal to 5% of the number of vehicular parking spaces available in each respective parking lot.

The City shall amend the zoning regulations applicable to the parking lots specified hereinabove to be consistent with this Policy M-5.9. The OSPP Overlay as applied to the properties specified herein shall not be amended or removed except by a vote of the people.

Implementation Policy IMP H-34 (Affordable Housing on City-owned Properties), on pages 65 through 72 of the General Plan Housing Element is amended to read:

IMP H-34: Affordable Housing on City-owned Properties

The vacant, non-vacant and City-owned parcels listed in Tables 63, 64, and 65 of the Technical Appendix, provide appropriately zoned parcels to accommodate a significant number of the 952 dwelling units required by the City of Eureka's share of RHNA for 2019-2027. In an effort to help alleviate our local housing crisis, the City intends to utilize an RFP process over the course of the Housing Element, with a goal of contractually requiring developers to construct ~~at least 330~~ deed-restricted units on City-owned parcels.

City-owned parcels present an excellent opportunity to create affordable housing. They afford a local agency the greatest degree of control to guide development in a way that meets community housing needs. Typically, an agency will release a Request for Proposals (RFP) which effectively puts the property "up for sale/lease" to an affordable housing developer. The sale or lease is subject to conditions placed on the project. For example, a property could be sold on the condition at least 20 units of affordable housing be built on the site. Staff conducted a detailed site inventory looking for parcels that might be suitable for this purpose. The City-owned parcels currently identified are listed in Table 65 in the Technical Appendix.

2022 update: In July 2020, the City released an RFP for the first three parking lot sites: Site City - 1 at Myrtle and Sunny, Site City - 2 at 8th and G Streets and Site City - 3 at 6th and M Streets. In September 2020, the City received a total of three RFP responses, and eventually, Linc Housing was awarded the projects. See the **2022 update** under Sites City - 1, - 2, and - 3 below for additional information about the status of those sites.

As the City prepared to release the second round of RFPs for July 2021, the City held three community meetings in April, 2021, via Zoom, to invite property and business owners to ask questions and provide comments to help shape the RFP before its release in July, 2021. More than 65 (two meetings) and 74 (one meeting) participants (including Staff and several Councilmembers) joined the meeting each night. While there was definitely some support for the developments on each site, the majority of the participants vehemently expressed their concerns about safety and reductions in available parking, believing these issues could or would impact both tenants and surrounding businesses and offices and would result from the development of housing on these three sites.

~~However, f~~Following the April meetings, local citizens and business owners scoured the City to find parcels that could support the same number of units required by Sites 5, 6, 7, and 9 with the idea the citizen or business would then acquire the new parcel(s), and the new parcels would then be traded for one or more of the four City-owned parking lots intended for development along the Highway 101 corridor. The City would then own and have site-control of the new parcels and use them for development of affordable housing to meet the Housing Element requirements, and the parking lot uses could continue under private ownership, ~~which would then resolve the public's concerns related to the loss of parking, and safety for residents.~~

The City is close to finalizing acquisition of four lots located on a bluff high above Highway 101/Broadway between W. Harris and W. Henderson Streets. The current property owner of those lots will receive the City parking lots at 4th and G, 5th and H, and 5th and K (originally Sites #6, 7, and 9 from IMP H-34, respectively).

These actions, while potentially helpful, do not address City resident, worker, and business concerns regarding the safety and economic impacts of eliminating the City's off-street public parking lots.

The City is also removing Site 8, **Portion of Cooper Gulch** (APN 006-021-006), and Site 12: **Sheriff's Woodlot** (APNs 013-101-006 and 013-111-003) since the City learned these sites are constrained by Land and Water Conservation Fund protection, which limits the allowed uses on the sites to parks and recreation. Site 11: **Broadway and McCullen** (DOT Surplus) is also being removed at the request of HCD Staff because they felt it was too small for development.

There are a number of key housing objectives the City intends to accomplish with this program:

Award RFPs to Developers to create 327-Deed-Restricted Affordable Housing Units on City-owned Parcels by 2028. Utilize an RFP process which will specify a minimum number and type of affordable units to be included in the proposal. All deed restrictions will be recorded. Within six months of HCD's certification of the City of Eureka Housing Element, and in accord with the Surplus Lands Act process as required, an RFP will be issued for all City-owned parcels in Table 65 not already contracted either through a previous RFP process, a contractual agreement between the City and a private developer to provide affordable housing on a listed site, or through the sale of a City-owned parcel to a developer.

Ensure Appropriate Unit Type (Number of Bedrooms). To ensure the deed-restricted affordable housing units created under this program meet the needs of the various household sizes found in Eureka, the RFPs will establish required proportions. The following ratios are based on existing household sizes found in Eureka (See Table 5 in Technical Appendix). These ratios do not apply to market-rate units.

- Studio or 1-Bedroom Apartments: No more than 70 percent
- 2-Bedroom Apartments: At least 25 percent
- 3- to 5-Bedroom Apartments: At least 5 percent

Encourage Mixed-Income and Mixed-Use Developments. The RFPs will prioritize projects that include a diversity of housing units such as Affordable-by-design studios, student housing, condominiums, and/or luxury penthouses. Mixed-use components such as corner stores, ground level or rooftop bars/restaurants, or child care facilities will also strengthen the application. The most strongly weighted scoring criterion will be the overall number of housing units.

Maximize Development Potential. The RFPs will specify a minimum Floor Area Ratio (FAR) for each site to ensure that full development potential is realized. Proposals that meet the minimum unit number threshold, but not minimum FAR, will need to be augmented to be selected. Additional FAR can be achieved by adding additional affordable and/or market-rate units or office/commercial floor area.

High Quality Design. As required by the Eureka Municipal Code, all inland development associated with this program must comply with the objective design standards contained in Section 155.312 of the Eureka inland Zoning Code. These regulations require varying levels of architectural detail with regard to façade/roof articulation and materials. As appropriate, all projects will go before the Design Review Committee for further refinement prior to approval. Design Review approval is also required for any sites located in the Coastal Zone.

Active Transportation and Transit Focused/Reduced Green House Gas

Emissions. Selected proposals will clearly indicate ways in which residents will be encouraged and incentivized to use active/collective modes of transport, such as walking, biking, transit, or car shares. Examples of this include convenient/secure bicycle parking, complimentary annual bus passes provided to each resident, or an on-site car share facility. Measures such as these will help the City meet greenhouse gas emission targets by providing the residents a realistic alternative to conventional motor vehicle usage.

The City recognizes that the success of this implementation program hinges more than anything on the ability to construct housing with little to no on-site parking spaces. Given the ample transit and nearby jobs/services, all of these proposed parking-less developments are likely to coexist harmoniously with the existing neighborhood. The specific parking exemptions/reductions are listed below and apply to all sites unless otherwise noted:

■ **Deed-Restricted Affordable Units:** Deed-restricted affordable units (80 percent or less of the County AMI including one manager's unit), are exempt from the requirement to provide on-site parking by EMC Section 155.324.020.B.3

■ **Affordable-by-Design Units:** Market-rate residential units smaller than 500 square feet (i.e. Affordable-by-design) are exempt from the requirement to provide on-site parking by EMC Section 155.324.020.B.2

■ **Market Rate Units:** Market-rate units are required to provide on-site parking unless otherwise exempted by EMC Section 155.324.020.B or reduced via EMC Section 155.324.040.

■ **Commercial Uses:** New construction of commercial uses (e.g. offices, retail, restaurants, etc.) in the Downtown and Downtown West zone districts are not required to provide on-site parking per EMC Section 155.324.020.C.4.

The primary means of mitigating potential parking impacts will come via a parking management strategy in the Downtown area, as called for in the General Plan and prescribed in the Eureka Parking Management Plan. The City received a \$50,000 SB2 Planning Grant in October 2019 to complete the plan, which is estimated to be adopted by the end of 2022. This document will provide detailed analysis of existing

parking facilities and needs, and contain actionable recommendations for how to make the most efficient use of existing facilities to meet the needs of Downtown visitors, residents, and workers.

Shovel Ready Projects. The City will work to identify and mitigate potential regulatory barriers that may prevent or delay the development of the sites as intended. Specifically, both CEQA and traffic will be analyzed prior to the release of the RFP and be disclosed therein.

■ **CEQA:** The majority of the sites, especially the downtown parking lots, qualify for at least one of the following CEQA exemptions: Class 32 Urban Infill Exemption (CEQA Guidelines Section 15332), High Density Housing Near Transit (CEQA Guidelines Section 15195); and Affordable Housing Projects (CEQA Guidelines Section 15194).

■ **Traffic:** City Engineering staff has conducted a preliminary evaluation of the proposed development sites (number of units and minimum FAR) and believe most or all traffic/parking related impacts can likely be mitigated by active/public transportation focused measures. City Engineering will evaluate each specific development proposal prior to City approval.

■ **Public Parking Maintenance:** For some sites, the ground-level public parking lot may need to be maintained, i.e. the development will need to contain a ground-level parking podium. For other sites, the ground level public parking will not need to be maintained i.e. the ground level of the building may contain housing or commercial space. The determination of whether ground-level parking will be required will be made by the City Council, on a site-by-site basis, prior to the release of the RFP.

■ **Parking Assessment District.** For parking lots developed within the Parking Assessment District during the 1950s to 1960s, and on which public parking will be eliminated, the City will comply with California Streets and Highway Code § 35705. State statute provides a legal path forward for the developments proposed on Parking Assessment District lots in this Implementation Program.

■ **General Plan Consistency:** The 2040 Eureka General Plan Environmental Impact Report (EIR) analyzed the impact of the creation of up to 1,886 additional housing units in the City. This is approximately double the 2019-2027 Regional Housing Needs Allocation (RHNA) of 952 units, and as such, demonstrates the potential environmental impacts related to this program are well within the analysis contained in the adopted 2040 General Plan EIR.

■ **Density Bonus Law:** The Density Bonus Law (found in California Government Code Sections 65915-55918) is a law that provides incentives to build affordable housing. Typically, in exchange for building affordable units, the developer is allowed to build more market rate units than they otherwise would. Additionally, they gain concessions and waivers that allow them relief from development standards such as parking requirements or building setbacks. Because all of the proposed developments qualify under the law, all allow the developer additional ways to overcome unexpected regulatory hurdles.

The City will issue the RFP for the creation of affordable housing on City-owned property; however, there is no guarantee developers will respond to any of the sites included in the RFP. Although the RFP for the sites identified below will be released within six months of HCD's certification of the City of Eureka Housing Element, and in accord with the Surplus Lands Act process as required, all the City-owned parcels included in the list below are available for development at any time. Developers do not have to wait for the RFP process to approach the City regarding development of affordable housing on these sites, or on any City-owned sites. And, as long as the City-owned sites in Table 65 remain undeveloped, even if they have been previously included in the RFP process, the sites will remain available for affordable housing development.

The City will also comply with the Surplus Lands Act, Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 as required. The City also anticipates the properties will be exempt surplus land.

Site City - 1: City Parking Lot – Sunny & Myrtle (APN 006-181-001)

- RFP Release: July 1, 2020
- Site Area: 18,286 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: 2.0 (36,572-square-foot building)

2022 Update: RFP awarded to Linc Housing for 32 total units: 25 VLI, 6 LI, 1 manager unit in a 55,120-square-foot building; in an effort to make the project more appealing for financing, and to qualify for grant funding, in May, 2022, Linc Housing revised the proposed development to include 31 total units; 15 VLI, 15 LI, and one AMI manager unit in a 36,913-square-foot building.

Site City - 2: City Parking Lot – Eighth & G (APN 001-115-500). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

- RFP Release: July 1, 2020
- Site Area: 14,668 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: 3.0 (44,004-square-foot building)

2022 Update: RFP awarded to Line Housing for 40 total units: 31 VLI, 8 LI, 1 manager unit in a 44,004-square-foot building; in an effort to make the project more appealing for financing, and to qualify for grant funding, in May, 2022, Line Housing revised the proposed development to include 31 total units; 15 VLI, 15 LI, and one AMI manager unit in a 43,216-square-foot building.

Site City - 3: City Parking Lot – 6th & M (APN 001-233-013006,–007). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

- RFP Release: July 1, 2020
- Site Area: 13,200 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: 3.0 (39,900-square-foot building)

2022 Update: RFP awarded to Line Housing for 35 total units: 15 VLI, 19 LI, 1 manager unit in a 57,502-square-foot building; in an effort to make the project more appealing for financing, and to qualify for grant funding, in May, 2022, Line Housing revised the proposed development to include 28 total units; 15 VLI, 12 LI, and one AMI manager unit in a 40,036-square-foot building.

Site City - 4: City Parking Lot – 5th and D (APN 001-103-003). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

- Site Area: 13,200 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: 3.0 (39,600-square-foot building)

Site City - 5: City Hall Parking Lot – 6th and L Streets (APN 001-192-004). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

- Site Area: 13,200 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: 3.0 (39,600-square-foot building)

Site City - 6: Sunset Heights #1 - 1200 West Harris Street (APN 008-052-027)

- Site Area: 31,000 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: No minimum

Site City - 7: Sunset Heights #2 – between Harris and Henderson (APN 008-052-024)

- Site Area: 41,000 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: No minimum

Site City - 8: Sunset Heights #3 – between Harris and Henderson (APN 008-052-025)

- Site Area: 30,000 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: No minimum

Site City - 9: Sunset Heights #4 – south of Henderson (APN 008-052-026)

- Site Area: 50,000 square feet
- Minimum Affordable Units: 15 VLI and 5 LI
- Minimum FAR: No minimum

Site City - 10: City Parking Lot – 3rd and G Streets (APN 001-136-001). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

- Site Area: 13,200 square feet
- Minimum Affordable Units: 10 VLI and 5 LI
- Minimum FAR: 1.5 (39,600-square-foot building)

Site City - 11: City Parking Lot – 3rd and H Streets (APN 001-136-002). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

- Site Area: 13,200 square feet
- Minimum Affordable Units: 10 VLI and 5 LI
- Minimum FAR: 1.5 (39,600-square-foot building)

Site City - 12: Vacant Lot –First and D Streets (APN 001-054-013)

- Site Area: 9,000 square feet
- Minimum Affordable Units: 30 VLI
- Minimum FAR: No minimum

Site City - 13: Vacant Lot – 1 E Street (APN 001-045)

- Site Area: 58,000 square feet
- Minimum Affordable Units: 30 VLI
- Minimum FAR: No minimum

Site City - 14: Vacant Lot – First and C to D Streets (APN 001-054-047)

- Site Area: 52,000 square feet
- Minimum Affordable Units: 30 VLI
- Minimum FAR: No minimum

Three Two sets of these sites are contiguous: Sites City - 6, - 7, - 8, and - 9, Sites City - 10 and - 11, and Sites City - 12, - 13, and - 14. The RFP will allow development on individual parcels, or the City will merge two or more parcels at each site at the request of the developer.

Implements Policies: H-2.19, H-6.1, H-6.2, H-6.3, H-6.4, H-7.2

Timeframe: 2020-2027

Responsible Parties: Development Services and Finance

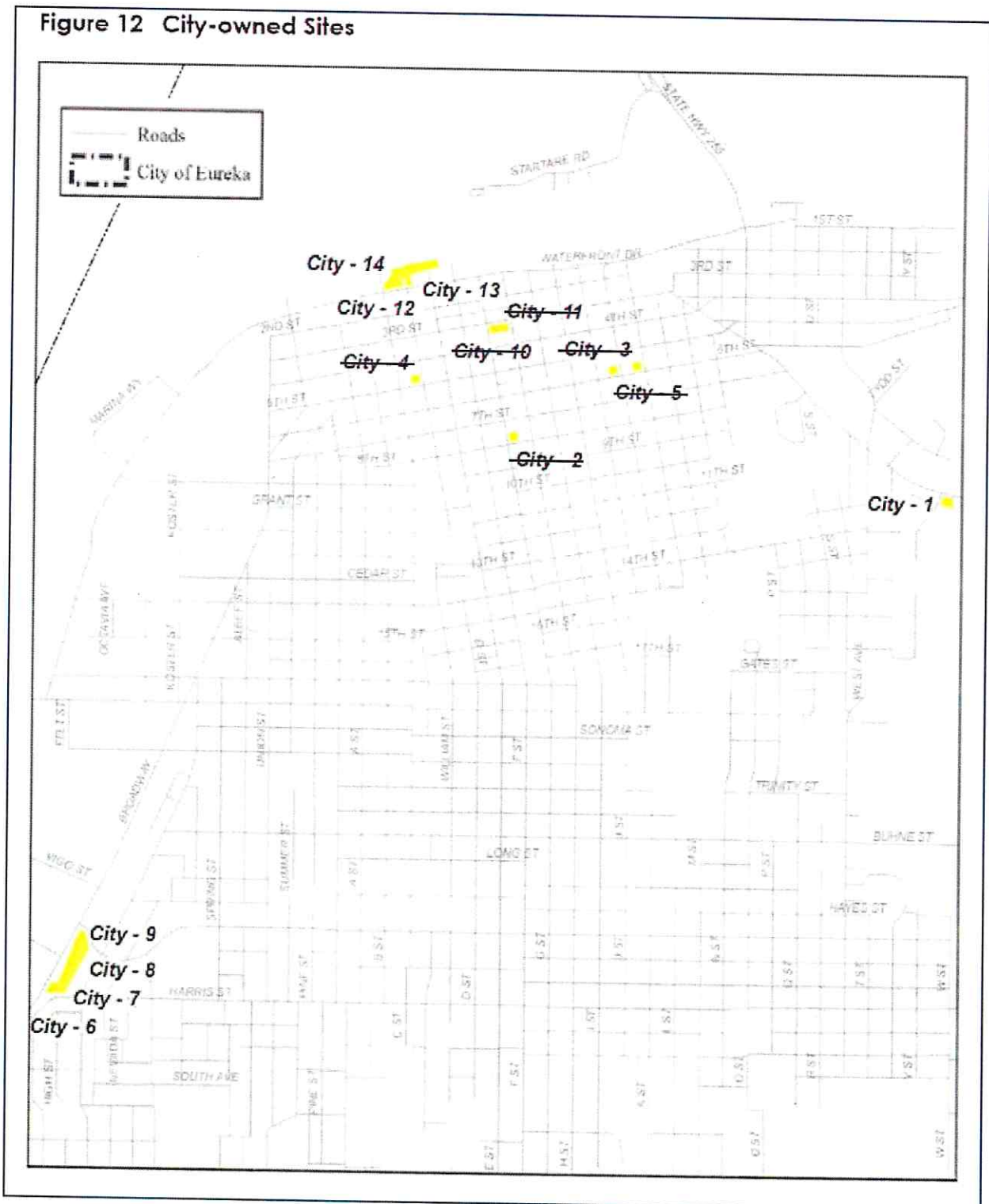
Funding: Departmental budget

Table 65 on page 104 of the General Plan Housing Element Technical Appendix is amended to read:

Table 65 City-owned Sites										
Site	APN	Area (sf)	Zoning	Land Use	Location	VLI	LI	MI	AMI	DUAC
City - 1	006181001	18,286	NC	NC	City Parking Lot - Sunny and Myrtle	15	15		1	74
City - 2	001155005	14,668	DT	DC	City Parking Lot - 8th and G	15	15		1	92
City - 3	001233013	13,200	DT	DC	City Parking Lot - 6th and M	15	12		1	92
City - 4	001103003	13,200	DW	DC	City Parking Lot - 5th and D	15	5			66
City - 5	001192004	13,200	DT	DC	City Hall Parking Lot - 6th and L	15	5			66
City - 6	008052027	31,000	SC	GC	Sunset Heights #1 - 1200 West Harris	15	5			28
City - 7	008052024	41,000	R2	MDR	Sunset Heights #2 - b/n Harris and Henderson	15	5			21
City - 8	008052025	30,000	R2	MDR	Sunset Heights #3 - b/n Harris and Henderson	10	5			22
City - 9	008052026	50,000	R2	MDR	Sunset Heights #4 - south of Henderson	15	5			17
City - 10	001136001	13,200	DT	DC	City Parking Lot - 3rd and G	10	5			50
City - 11	001136002	13,200	DT	DC	City Parking Lot - 3rd and H	10	5			50
City - 12	001054013	9,000	CW	C-WFC	Vacant Lots - First and C to First and F Street	5				24
City - 13	001054045	58,000	CW	C-WFC	Vacant Lots - First and C to First and F Street	45				34
City - 14	001054047	52,000	CW	C-WFC	Vacant Lots - First and C to First and F Street	45				38
Totals						245	82	0	3	390

Sites shown in strikethrough are subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

Figure 12 (City-owned Sites) on page 105 of the General Plan Housing Element Technical Appendix is amended as shown below:



Sites shown in strikethrough are subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

Pages 107 and 108 of the General Plan Housing Element Technical Appendix is amended to read as follows:

Site 1 (City Parking Lot – Sunny and Myrtle) This site contains a severely under-utilized 18-space parking lot. It has frontage on Myrtle Avenue, and is very well served by transit. Located on the green and purple bus lines, there is a large bus shelter immediately adjacent to the site. Surrounding land uses include neighborhood commercial uses (hair salon, restaurants, gas station, etc.) and high density multifamily residential uses (quadplexes, eight-plexes, etc.). The site is also located along a proposed spur to the Waterfront/Bay trail. When the spur is completed, it would provide residents with direct trail access to the vast majority of jobs and services both in Eureka and Arcata. Parking lot utilization data for this site is not available because the City does not collect data on account of the extremely low usage rate. Density has been estimated at 20 units, or 48 du/ac. This is consistent with the adjacent R3 zone. This site will be targeted for development via Implementation Program H-34. (See 2022 Update in Implementation Program H-34)

Site 2 (City Parking Lot - Eighth and G). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people. ~~This site is an under-utilized City-owned parking lot located on the border of the downtown and high-density residential zones. According to parking lot usage data collected in the summer of 2019, the utilization rate of the parking lot is 11 percent. The site was selected because of its location on the edge of downtown, which puts many jobs and resources within comfortable walking distance. Also because of its low utilization rate, it may be suitable for a development scenario where the ground level is not used to preserve public parking. Density has been estimated at 20 units, or 59 du/ac. This site will be targeted for development via Implementation Program H-34. (See 2022 Update in Implementation Program H-34)~~

Site 3 (City Parking Lot - 6th and M). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people. ~~This site is a City-owned parking lot located on the border of the downtown and high-density residential zones. The site was selected because of its location on the edge of downtown, which puts many jobs and resources within comfortable walking distance. Although the average utilization rate of the lot is 86 percent, it may be suitable for a development scenario where the ground level is used to preserve public parking. Density has been estimated at 20 units, or 66 du/ac. This site will be targeted for development via Implementation Program H-34. (See 2022 Update in Implementation Program H-34)~~

Site 4 (City Parking Lot - 5th and D). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people. ~~This site is a parking lot located in Downtown West, a mixed-use zone very similar to Downtown. Similar to the other sites, it is close to a wide variety of jobs and services. This site is proposed to be developed such that the ground level parking will likely be maintained for public parking due to the average 78 percent utilization rate. Density has been estimated at 20 units, or 66 du/ac. This site will be targeted for development via Implementation Program H-34.~~

Site 5 (City Hall Parking Lot – 6th and L). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people. This site is a parking lot located adjacent to Eureka City Hall that provides employee and City vehicle parking. It is surrounded by job, transit, and entertainment rich areas making it an ideal candidate for low-carbon living. This site is proposed to be developed such that the ground level parking will be maintained for City employees. Density has been estimated at 20 units, or 66 du/ac. This site will be targeted for development via Implementation Program H-34.

Site 6 (Sunset Heights #1 - 1200 West Harris) This site is situated on a bluff well above Highway 101 (Broadway) with views of Humboldt Bay, and is contiguous with Site 7. A previous office structure has been relocated to an adjoining site. It is surrounded by residential properties on three sides, and is close to a wide variety of jobs and services, with nearby bicycle lanes and transit stops. Although the site contains slopes greater than 30%, there is ample flat land to develop residences. This site will be targeted for development via Implementation Program H-34.

Site 7 (Sunset Heights #2 – btn Harris and Henderson) This site is generally flat and situated on a bluff well above Highway 101 (Broadway) with views of Humboldt Bay and is contiguous with Sites 6 and 8. Access to the site is provided through adjoining lots, or the existing alley. It is surrounded by residential properties on two sides, and is close to a wide variety of jobs and services, with nearby bicycle lanes and transit stops. This site will be targeted for development via Implementation Program H-34.

Site 8 (Sunset Heights #3 – btn Harris and Henderson) This site is on a bluff well above Highway 101 (Broadway), is generally flat, and is contiguous with Sites 7 and 9. Access to the site is provided through adjoining lots, or the existing alley. It is surrounded by residential properties on three sides, and is close to a wide variety of jobs and services, with nearby bicycle lanes and transit stops. This site will be targeted for development via Implementation Program H-34.

Site 9 (Sunset Heights #4 – south of Henderson) This site is situated on a bluff well above Highway 101 (Broadway) with views of Humboldt Bay and is contiguous with Site 8. It is surrounded by residential properties on three sides, and is close to a wide variety of jobs and services, with nearby bicycle lanes and transit stops. Although the site contains slopes greater than 30%, there is ample flat land to develop residences. This site will be targeted for development via Implementation Program H-34.

Sites 10 and 11 (City Parking Lots – 3rd and G and 3rd and H Streets). This parking lot is subject to the Off-Street Public Parking (“OSPP”) overlay designation in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people. These two sites are contiguous parking lots located in Downtown. Similar to other sites, they are close to a wide variety of jobs and services. At a special meeting held February 9, 2022, the City Council adopted a Resolution agreeing to lease the Sites to develop the Sites with a mix of uses, including residences and a possible transit center through a public/private partnership. These sites will be targeted for development via Implementation Program H-34.

Sites 12, 13, and 14 (Vacant Lots – First and C to First and F Street) These three sites are contiguous, vacant, City-owned land, located in the Coastal Zone, adjacent to the Eureka Boardwalk and Humboldt Bay in the Bayfront Commercial area. These sites will have visitor-serving commercial uses on the ground floor, with residential uses on the upper floors. They are close to a wide variety of jobs and services, as well as transportation and recreation areas. These sites will be targeted for development via Implementation Program H-34.

2022 update: For the new sites being added to the City-owned Sites list, the methodology for choosing these specific sites is discussed below.

Site City - 6 – Sunset Heights #1 – 1200 West Harris (APN 001-192-004)

1. **Slope.** Portions of the site have slopes in excess of 30 percent and were considered unbuildable. The estimated portion of the site with a slope less than 30 percent is 20,873 square feet.
2. **Utilities and Dry Utilities.** All utilities, including water and sewer, exist in the adjoining street rights-of way at the northerly and southerly ends of the site or in the adjacent alley to the east.
3. **Access.** Located in the southwest portion of Eureka, situated on a bluff well above Highway 101 (Broadway) with views of Humboldt Bay. Adjoining streets are one-way major arterials, with west-bound Henderson Street located to the north of the site, and east-bound Harris Street located to the south. Class II bicycle lanes are located on Henderson and Harris Streets approximately 1½ blocks east of the site, and bus stops for three of Eureka Transit Service's routes are located approximately 1,000 feet from the site. The Eureka Mall/Winco shopping center with a grocery store, bank, VA medical clinic, and pharmacy, Victoria Place Mall, and the Bayshore Mall are all located within 1,500 feet of the site.
4. **Zoning.** The parcel is zoned SC, and has no density limitations; the number of units is limited only by the area of the parcel, floor area and height limitations, and requirements for off-street parking, landscaping, and bicycle parking. Multi -family residential uses are allowed by-right.

Pages 110 and 111 of the General Plan Housing Element Technical Appendix is amended to read as follows:

Site City - 9 – Sunset Heights #4 – South of Henderson (APN 008-052-026)

1. **Slope.** Portions of the site have slopes in excess of 30 percent and were considered unbuildable. The estimated portion of the site with a slope less than 30 percent is 25,500 square feet.
2. **Utilities and Dry Utilities.** All utilities, including water and sewer, exist in the adjoining street rights-of way at the northerly and southerly ends of the site or in the adjacent alley to the east.
3. **Access.** Located in the southwest portion of Eureka, situated on a bluff well above Highway 101 (Broadway) with views of Humboldt Bay. Adjoining streets are one-way major arterials, with west-bound Henderson Street located to the north of the site, and east-bound Harris Street located to the south. Class II bicycle lanes are located on Henderson and Harris Streets approximately 1½ blocks east of the site, and bus stops for three of Eureka Transit Service's routes are located approximately 1,000 feet from the site. The Eureka Mall/Winco shopping center with a grocery store, bank, VA medical clinic, and pharmacy, Victoria Place Mall, and the Bayshore Mall are all located within 1,500 feet of the site.
4. **Zoning.** The parcel is zoned R2 (Residential Medium), and has an allowed density of 22 du/acre. Multi -family residential uses are allowed by-right.
5. **Size.** The parcel is approximately 50,965 square feet, or 1.17 acres. This site may be developed as a stand-alone parcel or in conjunction with Site City - 8, depending on the developer's needs.

6. **Previously Existing Low-Income Housing.** The site has not been developed with any housing, including low income housing, within the previous 5 years.

Sites City – 10 and City - 11 – Parking Lots – 3rd and G and 3rd and H Streets (APNs 001-136-001, and 001-136-002). These parking lots are subject to the Off-Street Public Parking (“OSPP”) in the 2040 General Plan following a vote of the people approving the City of Eureka Housing For All and Downtown Vitality Initiative, and may not be redeveloped for any use other than those specified in Policy M-5.9 except by a vote of the people.

1. ~~Slope.~~ The sites are generally flat, and no portion of the sites have a slope in excess of 30 percent.
2. ~~Utilities and Dry Utilities.~~ All utilities, including water and sewer, exist in the adjoining street rights-of way.
3. ~~Access.~~ Located on the north side of the Downtown zone, just south of the Coastal Zone, and just south of Eureka’s historic Old Town. Adjoining streets are Third Street and G and H Streets. Third Street is a two-way east/west major collector, and H Street is a one-way, southbound major arterial. Class II bicycle lanes are located three and four blocks south on Sixth and Seventh Streets, and a Class I bicycle facility is located three blocks north at the Waterfront Trail and Boardwalk. Eureka Transit Service’s transit hub is located on the corner of Third and H Streets, and bus stops for Redwood Transit Service’s routes are located one and two blocks south on Fourth and Fifth Streets. Various retail stores, restaurants, and services are located within blocks of the site in all directions.
4. ~~Zoning.~~ The parcels are zoned DT (Downtown), and have no density limitations; the number of units is limited only by the area of the parcels, floor area and height limitations, and requirements for off-street parking, landscaping, and bicycle parking. Multi-family residential uses are allowed by right.
5. ~~Size.~~ The two parcels total approximately 26,400 square feet, or 0.60 acres. These sites may be developed as one lot, or two depending on the developer’s needs.
6. ~~Previously Existing Low Income Housing.~~ The sites have not been developed with any housing, including low income housing, within the previous 5 years.

Sites City – 12, City – 13, and City - 14 – Vacant Lots – First and C to First and F Streets (APNs 001-054-013, 001-054- 045, and 001-054-047)

1. **Slope.** The sites are generally flat, and no portion of the sites have a slope in excess of 30 percent.
2. **Utilities and Dry Utilities.** All utilities, including water and sewer, exist in the adjoining street rights-of way.
3. **Access.** Located on the north side of First Street and Eureka’s historic Old Town, just south of the Eureka Boardwalk, and in the Coastal Zone. Adjoining streets are First Street and C, D, E, and F Streets. First Street is aa two-way east/west major collector, and E Street is a two-way north/south minor arterial. Class II bicycle lanes are located five and six blocks south on Sixth and Seventh Streets, and a Class I bicycle facility is located on the north side of the sites at the Waterfront Trail and Boardwalk. Eureka Transit Service’s transit hub is located on the corner of Third and H Streets, and bus stops for both Eureka and Redwood Transit Service’s routes are located three and four blocks south on Fourth and Fifth Streets. Various retail stores, restaurants, and services are located within blocks to the west, south, and east of the site.

4. **Zoning.** The parcels are zoned CW (Waterfront Commercial – anticipated to change to BC – Bayfront Commercial with the LCP update), and have no density limitations; the number of units is limited only by the area of the parcels, floor area and height limitations, and requirements for off-street parking, landscaping, and bicycle parking. Residential uses are conditionally permitted in the CW zone, and a Use Permit and Coastal Development Permit would be required. The City of Eureka has permit jurisdiction for both Use Permits and Coastal Development Permits. Findings required to approve Use Permits generally require the use: to be consistent with the purposes and intent of the district in which the site is located; to not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; to comply with the applicable provisions of the code; and to be consistent with the certified Local Coastal Program. To approve a Coastal Development Permit, the review authority must find the project conforms to the certified Local Coastal Program. The Planning Commission acts on Use Permits, and the Director, Planning Commission, or City Council may act on a Coastal Development Permit. The City’s action on a Coastal Development Permit would be appealable to the Coastal Commission.
5. **Size.** The parcels total approximately 119,000 square feet, or 2.73 acres. These sites may be developed as one, two or three lots, depending on the developer’s needs.
6. **Previously Existing Low-Income Housing.** The sites have not been developed with any housing, including low income housing, within the previous 5 years.

Changes to originally listed sites:

~~Site 5 (5th and D Parking Lot) has been changed to City 4 on Table 67 (City-owned Sites).~~

~~Site 10 (City Hall Parking Lot 6th Street) has been changed to City 5 on Table 67 (City-owned Sites).~~

~~For Site 5/City 4 (5th and D Parking Lot) the number of units has decreased from 30 to 20, and the dwelling units per acre has decreased from 99 du/ac to 66 du/ac.~~

Section 6. Effective Date and General Plan Land Use Map and Zoning Map Updates.

This Initiative shall be binding and effective as of the earliest date allowed by law (the “Effective Date”). The City of Eureka Development Services Department is ordered to update the 2040 General Plan Land Use Map and City zoning information and zoning maps to reflect the application of the Housing For All Overlay and the Off-Street Public Parking designations to the properties specified in this Initiative within 90 days of the Effective Date. The purpose of these updates is solely to reflect the addition of the Housing For All Overlay and the Off-Street Public Parking designations as adopted in this Initiative.

Section 7. General Plan Designations as of the Filing Date.

The City’s General Plan in effect on the Filing Date, as amended by this Initiative, comprises an integrated, internally consistent, and compatible statement of policies for the City of Eureka. In order to ensure that nothing in this Initiative measure would prevent the General Plan from being an integrated, internally consistent, and compatible statement of the policies of the City, as required by State law, and to ensure that the actions of the voters in enacting this Initiative are given effect, any amendment or update to the General Plan that is adopted between the Filing Date and the date that the General Plan is amended by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General Plan amendments adopted by this Initiative, be amended as soon as possible to ensure consistency between the provisions adopted by this Initiative and other provisions of the General Plan.

Section 8. Other City Plans, Ordinances, and Policies.

The City of Eureka is hereby authorized and directed to amend the General Plan, the City Municipal Code (including its zoning ordinances), and any other City plans, ordinances and policies affected by this Initiative as soon as possible and periodically thereafter as necessary to ensure consistency between the provisions adopted in this Initiative and other sections of the City General Plan, Municipal Code and other City plans, ordinances and policies.

Section 9. Reorganization.

The General Plan may be reorganized or updated, or readopted in different format, and individual provisions may be renumbered or reordered, in the course of ongoing updates of the General Plan in accordance with the requirements of State law, provided that the provisions of Section 5 of this Initiative shall remain in the General Plan unless repealed or amended by vote of the people of the City of Eureka.

Section 10. Construction.

This Initiative shall be interpreted liberally to further its stated purpose. Nothing herein shall be construed to make illegal any lawful use being made of any land in accordance with City land use and zoning regulations in force before the effective date of this ordinance.

Section 11. Conflicts with State and Federal Law.

The provisions of this Initiative shall not apply to the extent that they would violate state or federal laws. This Initiative shall not be applied in a manner that would result in an unconstitutional taking of private property.

Section 12. Relationship to Municipal Code.

If any provision of this Initiative conflicts with other provisions contained in the City of Eureka Municipal Code, the provisions of this Initiative shall supersede any conflicting provision of the Municipal Code.

Section 13. Consistency with Other Ballot Measures.

If another ballot measure is placed on the same ballot as this Initiative and deals with the same subject matter, and if both measures pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 14: Amendments.

This Initiative may be amended or repealed only by City of Eureka voters. The City Council may make technical, non-substantive modifications to the provisions of this Initiative for clarity. However, such modifications or amendments must be fully consistent with the intent and purpose of this Initiative. The City Council may amend this Initiative to designate additional locations for new housing and to enhance the protection of downtown area parking areas, however, such amendments must be fully consistent with the purpose and intent of this Initiative.

Section 15: Severability

If any section, subsection, clause, phrase, part, word or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, sentence, clause, phrase, part, word or portion of this Initiative would have been adopted or passed even if one or more section, subsection, sentence, clause, phrase, part, word, or portion of this Initiative are declared invalid or unconstitutional. If any provision of this Initiative is declared invalid as applies to any person or circumstance, such invalidity shall not affect the application of this Initiative that can be given effect without the invalid application.

Section 16. Judicial Enforcement.

Any aggrieved person shall have the right to bring an action to enjoin any violation of this Initiative or to enforce the duties imposed on the City of Eureka by this Initiative. The proponents of this Initiative may defend the provisions of this Initiative in any litigation brought to challenge the Initiative.

* * *