

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA APPROVING A CREATIVE SIGN PERMIT FOR A DIGITAL MONUMENT SIGN AT 3700 BROADWAY; APN 019-231-002

WHEREAS, the applicant, Geoff Wills, has requested approval of a monument sign with a digital display, and the monument sign exceeds the allowed 50-square-foot (sf) total sign area by 14 sf and exceeds the allowed 12-foot maximum height by two feet, at 3700 Broadway (APN 019-231-002); and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §10-5.1707.1(c) unique, high-quality signs that deviate from sign standards are allowed with a Creative Sign Permit; and

WHEREAS, the applicant applied for the Creative Sign Permit for the proposed digital monument sign prior to the digital sign ban under Ordinance No. 937-C.S., therefore the proposed sign is subject to the previous standards in EMC §10-5.1708.1, Table 17-10: Digital Signs under Ordinance No. 936-C.S, which allows digital signs with a Creative Sign Permit when they were incorporated into a monument, pole, or wall sign that also included an additional non-digital sign copy; and

WHEREAS, pursuant to EMC §10-5.1707.4(a)(i), Creative Sign Permits are intended to encourage signs of unique design that exhibit a high degree of thoughtfulness, imagination, inventiveness and spirit, and must meet all five Creative Sign General Design Criteria and at least three of the twelve Sign Features, Materials, and Contextual Criteria in EMC §10-5.1707.4(i); and

WHEREAS, pursuant to EMC §10-5.1707.4(h), the Design Review Committee reviews and acts on Creative Sign Permits at a noticed public hearing; and

WHEREAS, a Creative Sign Permit requires a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Design Review Committee of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on January 24, 2024, at 9:00 a.m. via Zoom and in-person in the Council Chamber, to consider the application; and

WHEREAS, the Design Review Committee of the City of Eureka has reviewed the subject application in accordance with EMC §10-5.1707.4 under Ordinance NO. 936-C.S. (which was effective prior to the digital sign ban under Ordinance No. and 937-C.S.), and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

- A. With the addition of conditions related to landscaping and the digital message display, the proposed monument sign conforms with all five Creative Sign General Design Criteria in EMC §10-5.1707.4(i)(i).
- B. The proposed digital monument sign incorporates four of the 12 Sign Features, Materials, and Contextual Criteria under EMC §10-5.1707.4(i)(ii), when three are required, which are criteria A, B, D and F.
- C. The project is categorically exempt from the provisions of CEQA per §15311, Accessory Structures, Class 11 of the CEQA Guidelines, which consists of construction or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premise signs. Because on-premise signs count as an exempted accessory structure, the proposed project qualifies for a Class 11 CEQA exemption.

WHEREAS, in the opinion of the Design Review Committee of the City of Eureka, the proposed application should be approved subject to the following conditions. Compliance with conditions will be to the satisfaction of Development Services – Planning unless noted otherwise.

1. Approved Deviations for Monument Sign Only. This permit approves a deviation from the 50-sf maximum total sign area by 14 sf, and a deviation from the maximum allowed 12-foot height by 2 feet, and any additional deviations in height, overall sign square footage, or square footage of digital monument sign shall require an amendment to this Creative Sign Permit or approval of a new Creative Sign Permit to the satisfaction of Development Services - Planning.
2. Building Permit. The applicant must obtain all required Building and Fire permits for the new digital monument sign to the satisfaction of City of Eureka Public Works, Development Services – Building and – Planning, and Humboldt Bay Fire Departments.
3. Landscaping. A landscape planting and maintenance plan consistent with the requirements listed below shall be submitted as part of the building permit application for the digital monument sign and landscaping shall be installed to the satisfaction of Development Services – Planning prior to the finalization of the building permit.
 - a. A minimum of 32-sf of ground surrounding the sign must be landscaped and of that landscape area.
 - b. At least 50% of the landscape area must be comprised of plants and the remainder must be covered in mulch, bark, pebbles, or similar non-plant material so that no bare ground is exposed.
 - c. No plant species with a “High” rating in the California Invasive Plant Council’s Cal-IPC Inventory of invasive plants shall be planted or allowed to persist onsite.
 - d. Any plantings within the driveway Vision Clearance Area (i.e. sign visibility triangle) must not exceed 36 inches in height at maturity.
 - e. All landscaping must be maintained free of physical damage or injury, and dead or

dying plants must be replaced.

4. Signage Not Included in this Authorization. Unless otherwise exempted by Eureka Municipal Code (EMC) §10-5.1703, no signs shall be placed or erected onsite (other than the digital monument sign included in this authorization) without a City of Eureka Administrative Sign Permit approved by Development Services – Planning, and, if required, a building permit from Development Services – Building.

5. Digital Sign Standards. As required in Ordinance No. 936-C.S., the digital sign must be consistent with the International Dark Sky Association’s Guidance for Electronic Message Centers (EMCs) for luminance level and curfew, and the message display and brightness must comply with the digital sign standards described in Table 17-10: Digital Signs, as listed below, to the satisfaction of Development Services - Planning:
 - a. Message Display:
 - i. Digital signs may contain static messages only. Signs may not display text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
 - ii. Digital signs may not change message more than once every 15 seconds.
 - iii. The content of a digital sign must transition by changing instantly (e.g., no fade-out or fade-in).
 - iv. Ticker signs are prohibited.
 - b. Brightness:
 - i. During daylight hours between sunrise and sunset, luminance is limited to 10,000 nits.
 - ii. At all other times, luminance is limited to 160 nits.
 - iii. Digital signs may produce no more than 0.3 foot-candle of light when measured from the distance using the following formula:

$$L = \frac{0.3 \times 2.54^2}{d^2} \times 1000$$
 - iv. Each sign must have a light-sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change.

6. Encroachment into Caltrans Right-of-Way. The applicant shall obtain an Encroachment Permit from Caltrans as needed prior to any work within, or from, the Caltrans right-of-way on Broadway (Highway 101), and if any changes to design of the sign is required by Caltrans as a result of an encroachment permit must be reported to Development Services – Planning, who will determine whether an amendment to the Creative Sign Permit is required.

NOW THEREFORE, BE IT RESOLVED the Design Review Committee of the City of Eureka does hereby approve the Creative Sign Permit, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Design Review of the City of Eureka in the County of

Humboldt, State of California, on the 24th day of January, 2024, by the following vote:

AYES: COMMITTEE MEMBER
NOES: COMMITTEE MEMBER
ABSENT: COMMITTEE MEMBER
ABSTAIN: COMMITTEE MEMBER

Kassidy Banducci, Chair,
Design Review Committee

Attest:

Caitlin Castellano, Executive Secretary