

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING MODIFICATIONS TO THE DESIGN OF TWO DRIVE-THROUGH RESTAURANTS TO BE LOCATED AT 1906 4TH STREET AND 1917 5TH STREET (APNs 002-105-017 and 002-105-018) WHEREAS, Humboldt QOZ is proposing modification of a previously approved Architectural Review and Site Plan Review, (i.e. Design Review) for two drive-through restaurants to be located at 1906 4th Street and 1917 5th Street (APNs 002-105-017 and -018); and

WHEREAS, the proposed drive-through restaurants required a Conditional Use Permit (CUP-21-0011), Coastal Development Permit (CDP-21-0014), and Site Plan Review and Architectural Review (i.e., Design Review; AA-21-0013); and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on May 9, 2022, at 5:30 p.m. via Zoom and in person in the Council Chamber and found the project exempt from CEQA pursuant to §15332, Class 32 In-fill Development Projects, and approved the Conditional Use Permit (CUP-21-00014), Coastal Development Permit (CDP-21-00014), and Design Review (AA-21-0013) for two, drive-through fast food restaurants with associated parking, and landscaping; and

WHEREAS, the May 9, 2022 approval included Site Plan Review for the entire site and Architectural Review for the Starbucks' drive-through restaurant located at 1906 4th Street (AA-23-0013); and

WHEREAS, Condition of Approval 15 of Planning Commission Resolution 2022-11 required the Applicant return to the Planning Commission for Design Review Modification for any exterior changes, including landscaping, parking lot layout, and building design; and

WHEREAS, the Applicant has identified Habit Burger as the tenant for 1917 5th Street, has proposed exterior building designs for Habit Burger, and made changes to both restaurant's site plans; and

WHEREAS, a Pole Sign on the Habit Burger Parcel and a Monument Sign on the Starbucks' Parcel, were each proposed and approved in 2022, but require a modification to the approval for the Habit Burger sign copy advertising; and

WHEREAS, the project site is in the Coastal Zone, and zoned Service Commercial (CS), and has a land use designation of General Service Commercial (GCS); and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on February 14 at 5:30 p.m. via Zoom and in person in the Council Chamber to consider the proposed modifications to the projects original design review approval; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with EMC Title 10, Chapter 5, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts relating to the proposed Design Review Modification:

- A. The newly proposed drive-through Habit Burger restaurant will not be ugly, inharmonious, monotonous, or hazardous, and will not have an adverse effect on the value of properties within the vicinity.
- B. The site plan for both parcels as modified is consistent with the intent of Site Plan Review to preserve the natural beauty of the City's sites; prevent the indiscriminate clearing of property and the destruction of trees and shrubs; prevent excessive grading of hillsides and creation of drainage hazards; ensure that structures are properly related to their sites and to surrounding sites and structures and to traffic circulation in the vicinity; and, ensure that parking areas, walkways, and landscaping are arranged to accomplish the objectives of the zoning code.
- C. The proposed signs do not constitute needless repetition, redundancy, or proliferation of signage, are consistent with the purpose and scope of the sign regulations of the zoning code, and will not obscure the view of, or unduly detract from, existing signs on neighboring parcels.
- D. The CEQA Class 32 exemption adopted for the project in May 2022 still fits the project as modified, and thus no additional environmental review is required.

WHEREAS, in the opinion of the Planning Commission 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. Administrative Sign Permit. Prior to the installation of any proposed Habit Burger wall signs, an approved Administrative Sign Permit, and Building Permit if needed, will be required from Development Services – Planning and/or - Building.
- 2. Resolution 2022-11 Conditions. All conditions in Planning Commission Resolution 2022-11, dated May 9, 2022, shall remain in full force and effect.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 14th day of February, 2024 by the following vote:

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| AYES: | COMMISSIONER |
| NOES: | COMMISSIONER |
| ABSENT: | COMMISSIONER |
| ABSTAIN: | COMMISSIONER |

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary