

NOTICE OF ACTION ON A SUBDIVISION

Notice Is Hereby Given that on December 22, 2021, the Director of Development Services - Planning approved with conditions the Subdivision referenced below. Please be advised that the review of the Director was performed consistent with the State Subdivision Map Act and local laws enacted pursuant thereto. Please be further advised that the subdivider or any interested person adversely affected by the decision of the Director may, within fifteen (15) days following the date of this action, request a hearing by the Planning Commission. A request for a public hearing must be made in writing and include the reasons why the request is being made. If no request for public hearing is filed within 15 days of the date of this action, this decision will be final.

Project Title: Target Subdivision

Project No: SDMN-21-0004

Project Applicant: Kristine Simmons (Rich Development)Project Location: 2525 4th Street (APN's 002-201-008)

Zoning and General Plan: CS (Service Commercial)/GSC (General Service Commercial)

Description: The applicant is proposing to Subdivide the 11.58 acre "Target" parcel into two (2) parcels. Parcel 1 will be 10.8 acres and will retain the existing Target Retail Store and required off-street parking, including the three spaces adjacent to Humboldt Bay reserved specifically for access to the Bay. Parcel 2 will be 0.78 acres (33,977 square feet) and will be developed with an approximately 2,800 square foot restaurant, including parking, landscaping, a patio, and a two lane drive thru. Parcel 2 will also include thirteen of the Target Store's required off-street parking spaces.

The project is located in the Coastal Zone in the Service Commercial (CS) zone where restaurants are a conditionally permitted use. In addition to the subject subdivision approval (SDMN-21-0004), the project also requires a Coastal Development Permit (CDP), a Conditional Use Permit, and Design Review (CDP-21-0004, CUP-21-0003, and AA-21-0004). In addition, the California Coastal Commission (CCC) staff has determined that an amendment is required to their CDP for the original Target Store development (#A-1-EUR-02-166) to address the proposed modifications to the Target Store parking. The permit amendment will be processed by the CCC at a separate time.

Staff Contact: Lisa Savage, Senior Planner, City of Eureka, Development Services – Planning; 531 K Street, Eureka, CA 95501; phone: (707)441-4160, email: planning@ci.eureka.ca.gov

Findings of Fact Supporting Approval of the Subdivision: The decision to approve with conditions the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not limited to: written and oral testimony; site investigation(s); agency comments; project file; and, the evidence submitted with the permit application. The findings of fact listed below "bridge the analytical gap" between the raw evidence in the record and the Director's decision.

1. The Target Parcel will be subdivided into two legal parcels. Parcel 1 will be 10.8 acres and will retain the existing Target Retail Store and required off-street parking, including the three spaces adjacent to the Humboldt Bay reserved specifically for access to the Bay. Parcel 2 will be 0.78 acres (33,977 square feet) and will be developed with an approximately 2,800 square foot restaurant, including parking, landscaping, a patio, and a two lane drive

- thru. Parcel 2 will also include thirteen of the Target Store's required off-street parking spaces.
2. The subdivision is consistent with the City's General Plan, Zoning Code, and Local Coastal Program. The Eureka Municipal Code (EMC) §10-5.201 prescribes for the CS zone that all parcels be a minimum of 6,000 square feet. Both resultant lots exceed the 6,000 square foot minimum and therefore comply with the minimum lot area requirement in the CS zone.
 3. The subdivision design to create two lots from one parcel is consistent with the Subdivision Map Act and local regulations enacted pursuant thereto.
 4. The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. However, the project qualifies for a Class 15 exemption (Section 15315) from CEQA which exempts minor land divisions. The subdivision involves subdividing one parcel into two, is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels is available, the parcel has not been involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.
 5. Based on information in the application and a review of relevant references in the Department, staff has determined there is no evidence before the Department that the project will have a significant adverse effect on the environment.

Conditions of Approval: Approval of the subdivision is conditioned on the following terms and requirements, which must be completed to the satisfaction of Development Services – Planning, unless otherwise noted. The violation of any term or requirement of this conditional approval may result in the revocation of the permit:

1. Prior to recordation of the final map for the subdivision, and the issuance of building permits for any of the development associated with the proposed drive-through restaurant, the property owner will obtain the Coastal Commission's approval of the necessary amendment of CDP No. A-1-EUR-02-166 for the Target Store.
2. An Access Easement Agreement allowing the newly created parcel to utilize Target's ingress and egress will be recorded at the time of the subdivision.
3. A parking indenture designating thirteen (13) parking spaces for Target's use on the newly created parcel will be executed and recorded at the time of subdivision.
4. The Project must incorporate Low Impact Development (LID) site design, source control, and runoff reduction measures to meet Provisions E.12.b - E.12.e of the Phase II Municipal Separate Storm Sewer System (MS4) Stormwater Permit (Order) before the City approves the Project. The Best Management Practices (BMPs) should be vegetation-based infiltration BMPs (e.g., bioretention) to meet the Order's Maximum Extent Practicable stormwater control standard. On-site Infiltration systems, such as infiltration trenches or basins, dry wells, and subsurface infiltrations systems (shown in the Humboldt LID Manual) are not allowable site design measures per MS4 provision E.12.b.

5. Private easements shall be documented on the Final Parcel Map showing how each parcel shall receive utilities.
6. The Property Owner/General Contractor shall be responsible for notifying and insuring all other contracted or secured service vendors that undertake ground disturbing activities for this project comply with the requirements below. Violations of these conditions shall be subject to penalties as allowed under current laws and codes.
 - a. If archaeological resources are encountered during construction activities, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist shall be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
 - b. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.8. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.
 - c. If needed, costs for monitoring, reporting and/or a consulting archaeologist agreed upon by the three THPOs who will consult, develop and implement a rapid response inadvertent discovery data recovery excavation plan, plus analyses of recovered constituents and reporting of potentially significant discovery(s), shall be borne by the Applicant.
7. The applicant shall provide an erosion and sediment control plan with site specific BMPs in accordance with provision E.10.b of the Phase II MS4 Stormwater Permit with the submission of their building permit application.

- 8. All taxes to which the properties are subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the properties must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Parcel Map to satisfy this condition.
- 9. Once the subdivision is approved, the Subdivider shall submit a Parcel Map for approval by the City Engineer which shall conform to all requirements of the Subdivision Map Act and be prepared by a qualified Registered Civil Engineer or Licensed Land Surveyor. A map review fee shall be submitted with the Parcel Map under the fee schedule at the time of application for review.

Copies of all reference materials used in the preparation of the Parcel Map shall also be submitted, including a title report(s) updated within the last six months, copies of deeds, surveys, computer map checks (not inverses), etc., along with three prints of the Parcel Map to aid in the City Engineer's review.

References for all records of survey, parcel maps, and subdivisions which abut the subject parcels will be required on the final map along with all found existing survey corner monuments. Survey monuments will be required at all corners where existing monuments are not found. The surveyor shall tie and show at least two City centerline GPS monuments on the Parcel Map.

Once approved by the City Engineer, the applicant shall submit the original signed Parcel Map for recording along with a reproducible Conformed Copy Mylar, a digital copy of the map based on GPS coordinates, two prints each, recording fees, and proof of property taxes and/or special tax payments (see condition No. 7, above).

Except for the specified subdivision stated above, this action does not eliminate the requirement of the applicant to comply with all codes and ordinances, as well as to secure all required permits of local, regional, State and Federal entities which relate to this or future projects.

This approval, which is subject to the conditions of approval contained herein, will remain in effect for 24 months from the effective date of this action. If the conditions cannot be completed within the 24-month time limit, an extension of this approval may be granted in accordance with the Subdivision Map Act. The application shall be filed no less than 45 days prior to the expiration date and shall state the reasons for requesting the extension.

Questions regarding this notice should be directed to Development Services - Planning, Eureka City Hall, 531 K Street, Eureka, California, telephone (707) 441-4160.

Prepared By: Lisa Savage, Senior Planner



Miles Slattery, City Manager

December 22, 2021

Date of Determination

cc: Public Works - Engineering
 Public Works
 Fire Department
 Property owners with 300' of the boundaries of each project site.