

**RESOLUTION NO. 2023-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
CONDITIONALLY APPROVING DESIGN REVIEW (AA-21-0004 (mod)) FOR A DRIVE-  
THROUGH AND WALK-UP RESTAURANT ON A NEW PARCEL AT 2525 4<sup>TH</sup> STREET  
(APN 002-201-008)

WHEREAS, MBH Architects is proposing modification of previously approved Design Review for a Jack in the Box drive-through and walk-up restaurant on a new parcel at 2525 4th Street; and

WHEREAS, the modifications will reduce the footprint of the restaurant building from the originally approved 2,800 square feet (sf) to approximately 1,334 sf, change the façades of the building, and add signs; and

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

WHEREAS, the proposed drive-through and walk-up restaurant required a Conditional Use Permit (CUP-21-0003), Coastal Development Permit (CDP-21-0004), and Site Plan Review and Architectural Review (i.e., Design Review; AA-21-0004); 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 December 13, 2021, at 5:30 p.m. via Zoom and in person in the Council Chamber and approved the Conditional Use Permit, Coastal Development Permit, and Design Review for an unidentified, two-lane drive-through fast food restaurant with associated parking, landscaping, and patio; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public meeting at City Hall in the City of Eureka on January 9, 2023, at 5:30 p.m., both in-person in the Council Chamber and via Zoom; 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 comments, and reports offered at the meeting, does hereby find and determine the following facts:

1. The drive-through restaurant as modified, including the proposed restaurant building, parking, landscaping, drive-through canopy, patio, lighting, and signage, will not be ugly, inharmonious, monotonous, or hazardous, and will not have an adverse effect on the value of properties within the vicinity.

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. **Replacement of Invasive Plant Species.**, The applicant shall replace all sixteen proposed *Leptospermum laevigatum*, Australian tea trees with similarly sized,

trees/shrubs of a species native to Eureka as listed by the California Native Plant Society (Calscape).

2. **Resolution 2021-29 Conditions.** All conditions in Planning Commission Resolution 2021-29, dated December 13, 2021, shall remain in full force and effect.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby approve the Design Review modification, 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 9<sup>th</sup> day of January, 2023 by the following vote:

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

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Meredith Maier, Chair, Planning Commission

*Attest:*

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Kristen M. Goetz, Executive Secretary