

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA FINDING THE ENTIRE 25-1 AND PROSPECT PROJECT EXEMPT FROM CEQA AND CONDITIONALLY APPROVING THE GREEN PHASE 44-UNIT MULTI-FAMILY HOUSING DEVELOPMENT LOCATED AT 3230 HILER STREET (AKA 708 BURRILL STREET) (APN 009-073-001)

WHEREAS, the Housing Authority of the City of Eureka (HACE) is proposing to redevelop their public housing portfolio on eight adjacent properties (APNs 009-072-001, 009-073-001, 009-074-001, 009-075-001, 009-076-001, 009-083-001, 009-083-002, and 009-083-003) which will replace 106 dwelling units with 256 new units (for a net gain of 150 units) as part of a seven-phase project, titled the 25-1 and Prospect Project; and

WHEREAS, the Housing Authority of the City of Eureka has requested Design Review and Density Bonus approval for the Green Phase (phase one of seven of the 25-1 and Prospect Project) to demolish eight dwelling units and construct a 44-unit, two-story, multi-family, affordable housing complex, located at 3230 Hiler Street, APN 009-073-001; and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §155.412.040(b)(1) all new buildings 500 square feet or more in the R2 zoning district must receive Design Review prior to construction; and

WHEREAS, because all units, except for a manager's unit, will be reserved for lower-income households, the development qualifies for an 80% increase of units above the base density per State Density Bonus Law (California Government Code [CA Gov Code] §65915 et seq.) and EMC §155.344; therefore, an additional 22 bonus dwelling units may be added to the allowed maximum R2 zoning distinct density for the project site, which is 27 units (for a total of 49 units), but the project is only proposing 17 bonus units, for a total of 44 units; and

WHEREAS, the applicant submitted documentation showing the affordable housing project would be infeasible without a waiver and concession/incentive pursuant to State Density Bonus Law and EMC §155.344 for the following development standards: 1) the "Parking Placement" development standard in EMC §155.324.060(B)(2); and 2) the "Building Entries" development standard in EMC §155.312.040(B); and

WHEREAS, the entire seven-phase 25-1 and Prospect Project is subject to the provision of the California Environmental Quality Act (CEQA); and although the City is only acting on the Design Review and Density Bonus for the Green Phase at this time, CEQA requires the City to review the environmental impacts of the "whole of the action" at one time, rather than dividing a project into two or more pieces and evaluating each piece in a separate environmental document (known as piecemealing or segmenting); and

WHEREAS, a comprehensive environmental evaluation was completed for the entire 25-1 and Prospect Project by a local consulting firm and reviewed by City staff to support a CEQA statutory exemption determination under §15183 of the CEQA Guidelines (Projects Consistent with a

Community Plan, General Plan, or Zoning); 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 May 8, 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 §155.412.040, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The proposed development will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
2. The proposed project complies with all applicable Design Review criteria in EMC §155.412.040(J) (Design Review Criteria) as described in the staff report.
3. Without the requested Density Bonus waiver and concession permitted by CA Gov Code §65915, the development standards for Parking Placement and Building Entries will have the effect of physically precluding the construction and making it financially infeasible to construct the development at the proposed density.
4. As discussed in the comprehensive environmental evaluation completed for the project, the 25-1 and Prospect Project qualifies for the §15183 CEQA exemption from additional environmental review because it is consistent with the City's 2040 General Plan, as analyzed by the City of Eureka General Plan Update Environmental Impact Report (State Clearinghouse #2016102025). The project is consistent with the development density and use characteristics established by the 2040 General Plan; there are no project specific effects which are peculiar to the project or its site which the General Plan Update Environmental Impact Report (GPU EIR) did not analyze as significant effects; there are no potentially significant off-site or cumulative impacts which the GPU EIR failed to evaluate; there is no substantial new information which results in more severe impacts than anticipated by the GPU EIR; and the project will undertake feasible mitigation measures, performance standards, policies, and programs specified in the GPU EIR.

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:

- a. **Lot Line Adjustment (LLA) and/or Subdivision(s).** The applicant shall apply for the necessary City authorizations under EMC Chapter 154 (Subdivision Regulations) to adjust parcel boundaries to ensure the Green Phase is located on one legal lot. The applicant shall submit a complete application for the necessary boundary adjustments/subdivisions including all documentation demonstrating compliance with EMC Chapter 154 prior to final building permit approval, and have the newly formed parcel boundaries recorded prior to issuance of a Certificate of Occupancy for the Green Phase to the satisfaction of Development Services – Planning.

- b. Alley Vacation.** The applicant shall apply to vacate the City-owned alley located on the north side of Burrill Street, between Hiller Street and Prospect Avenue, prior to the issuance of a Certificate of Occupancy for the Green Phase to the satisfaction of Development Services – Planning.
- c. Sign Permit.** No signs shall be placed or erected onsite without a City of Eureka Administrative Sign Permit approved by Development Services – Planning, and, if required, a building permit from Development Services – Building.
- d. Stormwater.** Prior to final building permit approval, documentation demonstrating the project meets the City’s MS4 Stormwater Program and site design measure requirements must be submitted for review and approval by Public Works – Engineering.
- e. Inadvertent Discovery Protocol.** Ground disturbing activities are subject to the City’s standard protocol for inadvertent archeological discovery (cultural or historical artifacts) as follows:

 - 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 will 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, 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; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
 - b. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.
 - c. 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 section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 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 (PRC) section 5097.98. 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 PRC section 5097.98 shall be complied with as may be required.

NOW THEREFORE, BE IT RESOLVED the Design Review Committee of the City of Eureka does hereby find the entire 25-1 and Prospect Project exempt from CEQA and approve the Design Review and Density Bonus applications for the Green Phase, 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 8th day of May, 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