

**RESOLUTION NO. 2024-xx**

A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA  
CONDITIONALLY APPROVING DESIGN REVIEW (DR-24-0001) FOR THE ACGC FIVE-  
UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON A VACANT PARCEL KNOWN AS  
APN 008-022-028

WHEREAS, the applicant, ACGC Inc., has requested approval to develop a vacant, 9,960-square-foot (sf) (0.23-acre) parcel known as APN 008-022-028 with an approximately 7,072-sf, two-story, five-unit, multi-family residential building; and

WHEREAS, the project site has a land use designation of Medium Density Residential (MDR) and is zoned Residential Medium (R2); and

WHEREAS, multi-family dwellings are principally permitted in the R2 zoning district; and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §155.412.040.B.2, new buildings that are 500 sf or more in the R2 zoning districts must receive Design Review prior to applying for building permits for construction; 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 Eureka Municipal Code §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 project will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity as described in the staff report.
2. The project complies with all applicable Design Review criteria in EMC §155.412.040.J (Design Review Criteria) as described in the staff report.
3. The Design Review process is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and the project is categorically exempt from the provisions of CEQA, pursuant to §15332, In-Fill Development Projects, Class 32 of the CEQA guidelines because: (a) the project is consistent with the General Plan policies and, as conditioned, is consistent with the zoning standards; (b) the project is within City limits on a site less than five acres in size (at 0.23 acres) surrounded by urban uses; (c) the site does not contain any habitat for rare or endangered species as no comments were received from the California Department of Fish and Wildlife during referral; (d) the project will not result in significant effects relating to traffic, noise, air quality, or water quality because the project site adjoins Buhne Street, a major collector roadway, which has adequate carrying capacity for the project and is expected to produce more noise than a new five-unit multi-family residential use, the project promotes alternative modes of transportation by being located near transit/bus

stops and bike lanes (there is an existing Class II bike lane four blocks (.20 miles) south on West Henderson Street [running east/west] and an existing Class III bike route six blocks (.35 miles) east on California Street [running north/south]), both of which can decrease greenhouse gas emissions and improve air quality, and the project will not impact water quality because the project is conditioned to provide construction-phase erosion control and a post-construction stormwater control plans; and (e) the site is adequately served by all required utilities and public services.

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. **Building and Fire Department Approvals.** Prior to commencement of any construction work, the applicant must obtain all required Building and Fire permits to the satisfaction of City of Eureka Public Works, Development Services – Building and – Planning, and Humboldt Bay Fire.
- b. **Business License.** Prior to obtaining a certificate of occupancy, the applicant shall obtain a separate business license if the dwelling units are to be rented/managed by a property management company that does not already have an active City Business License, and as required by EMC §110.59 (business licenses for apartment houses). This condition is to the satisfaction of Development Services – Planning and – Finance.
- c. **Landscaping Plan.** Construction plans submitted as part of the building permit application shall include a completed Water Efficiency in Landscaping Ordinance (WELO) certificate to comply with EMC §155.328.060 (WELO), to the satisfaction of Development Services – Planning and/or Public Works – Engineering.
- d. **Lighting Restrictions.** Construction plans submitted as part of the building permit application shall include outdoor lighting in conformance with EMC §155.308.050 to the satisfaction of Development Services – Planning.
- e. **Construction-Phase Erosion and Sediment Control Plan, and Post-Construction Stormwater Control Plan.** Prior to commencement of construction, the applicant shall submit, for review and approval by Public Works – Engineering, a construction-phase Erosion and Sediment Control Plan and a post-construction Stormwater Control Plan consistent with the City's standards at the time of construction.
- f. **Driveway Drop Curb/Apron.** Construction plans submitted as part of the building permit application shall include a driveway drop curb/apron meeting all City standards sidewalks, curbs, gutters, and drop curb entrances, as outlined by Sidewalk Resolution No. 6219, to the highest extent possible, including containing the entire width of the driveway apron on the subject property. No portion of the drop curb may cross over the western property line. This condition is to the satisfaction of Public Works – Engineering and/or Development Service – Planning.
- g. **Utilities and Impact fees.** During the Building Permit process, the applicant shall comply with the following requirements to the satisfaction of Public Works – Engineering and/or Development Services – Building:
  - a. All utilizes, public and private, shall be constructed to the City of Eureka standards

at the time of development; and

- b. All associated impact fees shall be paid.
- h. **Hold Harmless Agreement.** Prior to receiving a final Certificate of Occupancy from Development Services - Building, the property owner shall enter into a Hold Harmless Agreement with the City for the proposed walkway ramp located within the City right-of-way on Buhne Street. Ongoing insurance for the ramp is required for the life of this agreement. The owner shall provide the City with evidence of current insurance and a copy of the most recent Grant Deed, and the City shall prepare the Agreement. This condition is to the satisfaction of Public Works – Engineering.
- i. **PG&E Gas and Electric Services.** Prior to applying for a Building Permit, the applicant shall contact PG&E and apply for the relocation of any existing PG&E gas and electric services that may exist on the subject parcel. The applicant shall submit evidence of an approved relocation application from PG&E with the building permit application to the satisfaction of Development Service – Planning, and/or – Building, and/or Public Works – Engineering.
- j. **Inadvertent Discovery Protocol.** Ground disturbing activities are subject to the City’s standard protocol for inadvertent archeological discovery (cultural or historical artifacts) as follows:
  - i. 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 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; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
  - ii. 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.
  - iii. 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 approve the application, 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 8<sup>th</sup> day of May, 2024, by the following vote:

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

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Kassidy Banducci, Chair,  
Design Review Committee

*Attest:*

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Caitlin Castellano, Executive Secretary