

**RESOLUTION NO. 2024-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
CONDITIONALLY APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-23-0011)  
AND DESIGN REVIEW (AA-23-0003) FOR THE GRACE MARTON MEMORIAL PARK  
AND WATERFRONT TRAIL IMPROVEMENTS (APNs: 001-161-015, 002-241-006, 002-  
241-007, 002-241-013, 002-241-015, and 001-214-002)

WHEREAS, the City of Eureka is proposing to make improvements to Halvorsen Park, including the development of a maritime-themed playground/recreational facility (Playground) called Grace Marton Park directly north of the Sacco Amphitheater, and maintenance/improvement of approximately 2,500 linear feet of existing Eureka Waterfront Trail extending west to the Adorni Center and east to approximately 600 feet east of the Highway 255 bridge (between S and T Streets), including realignment of a portion of the existing trail around the new Playground; and

WHEREAS, the proposed Playground and trail improvements are located in the coastal zone and constitute development requiring a coastal development permit pursuant to EMC §10-5.29302; and

WHEREAS, pursuant to EMC §§10-5.1801.1 and 10-5.1801.2, the proposed Grace Marton Memorial Park requires Site Plan Review and Architectural Review (i.e., Design Review); and

WHEREAS, the Coastal Development Permit and Design Review approvals are discretionary actions subject to environmental review in accordance with the California Environmental Quality Act (CEQA); 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, 2024 at 5:30 p.m. via Zoom and in person in the Council Chamber; 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:

- A. The proposed Playground and trail improvements will not be ugly, monotonous, hazardous, or inharmonious with the surroundings, and will have a positive effect on the value of properties within the vicinity.
- B. The project as conditioned conforms to the policies of the Local Coastal Program.
- C. The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301 (Class 1 Existing Facilities), Section 15302 (Class 2 Replacement or Reconstruction), Section 15303 (Class 3 New Construction or Conversion of Small Structures), and Section 15304 (Class 4 Minor Alterations to Land).

- D. A CEQA Notice of Exemption was submitted to the State Clearinghouse (SCH No. 2023060491) and filed with Humboldt County on June 16, 2023. The Notice of Exemption did not receive any comments.

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. **Access to Waterfront Drive Lift Station.** No stockpiles or staging shall occur within the access way of the lift station facility. Any damage to the lift station or other City facilities shall be repaired at the sole cost of the contractor. Access shall remain open to the Waterfront Drive Lift Station at all times during construction to the satisfaction of Public Works – Engineering.
2. **Access Management Plan.** Prior to final building plan approval, an Access Management Plan to minimize impacts to public access during project construction must be submitted for review and approval by Development Services – Planning. The management plan must include a site plan showing how temporarily-closed portions of the Eureka Waterfront Trail will be rerouted to ensure a continuous path through the project area during construction, and a plan for adequate signage to inform the public about the closure of public access areas and temporary rerouting of the trail.
3. **Erosion and Sediment Control Plan.** Prior to final building plan approval, an erosion and sediment control plan to prevent water quality and hydrologic impacts during construction, including a map delineating the location of all proposed temporary construction-phase best-management-practices (BMPs), must be submitted for review and approval by Public Works – Engineering.
4. **MS4 Stormwater Program Requirements.** Prior to final building plan approval, documentation demonstrating the project meets the City’s MS4 Stormwater Program requirements must be submitted for review and approval by Public Works – Engineering.
5. **Tree Replacement Requirement.** All trees removed to allow for the trail improvements must be replaced at a minimum ratio of 1:1 with non-invasive tree species able to thrive in the coastal environment. A tree replacement plan shall be submitted as part of the building permit application for the trail improvements and shall be installed to the satisfaction of Development Services – Planning prior to the finalization of the building permit.
6. **Bird-Nesting Impact Avoidance/Minimization.** If feasible, tree removal shall occur between late August and mid-March, when birds are not typically nesting. If tree removal is to take place during the nesting season (March 15 to August 15 for most birds), a qualified biologist shall conduct a pre-construction nesting bird survey for nesting pairs, nests, and eggs. If active nests are encountered, species-specific measures shall be prepared by a qualified biologist in consultation with the California Department of Fish and Wildlife, and implemented to prevent abandonment of the active nests.

- 7. Landscaping.** A minimum of 50% of the ground within the proposed planters onsite must be covered with non-invasive plants at maturity, and the remainder of the ground must be covered in mulch, bark, pebbles, or similar non-plant material so that no bare ground is exposed. No plant species with a “High” rating in the California Invasive Plant Council’s Cal-IPC Inventory of invasive plants shall be planted or allowed to persist onsite. All landscaping must be maintained free of physical damage or injury, and dead or dying plants must be replaced. A landscape planting and maintenance plan consistent with these conditions shall be submitted as part of the building permit application and landscaping shall be installed to the satisfaction of Development Services – Planning prior to the finalization of the building permit.
- 8. Tsunami Warning Signage.** Prior to finalization of the building permit for the Playground, a permanent, weather-resistant tsunami warning sign shall be conspicuously posted within the project area and shall be maintained and replaced as necessary over the life of the Playground.
- 9. Adherence to Soil and Groundwater Management Contingency Plan (SGMCP).** All recommendations of the Soil and Groundwater Management Contingency Plan prepared by SHN Consulting Engineers & Geologists, Inc. and dated August 2013, shall be adhered to during project construction, including recommendations for contractor and worker notification, actions to be taken before working in contaminated areas, actions to be taken upon encountering contaminated material, construction practices to minimize the disruption and transport of contaminated material, and practices for the proper handling and disposal of contaminated material. Adherence to the SGMCP shall be required to the satisfaction of the North Coast Regional Water Quality Control Board.
- 10. 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 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 14<sup>th</sup> day February, 2024 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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Cristin Kenyon, Executive Secretary