

**RESOLUTION NO. 2024-xx**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP-24-0002) AND  
COASTAL DEVELOPMENT PERMIT (CDP-24-0005) FOR CARPENTRY AND OTHER  
LIGHT INDUSTRIAL USES WITHIN AN EXISTING BUILDING AT 3415 CHRISTIE  
STREET (APN 007-081-008)

WHEREAS, the Applicant (Ken Bates and Linda Hildebrand) has requested approval to add carpentry and other indoor light industrial uses to the permitted land uses at 3415 Christie Street (APN 007-081-008); and

WHEREAS, the site is zoned and designated Coastal Dependent Industrial (MC Zoning District and CDI land use designation), and is developed with an existing industrial building constructed in 1987 and used continuously since for boat- and fishing-gear-building; and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §10-5.29153, in the MC Zoning District, an existing developed parcel in existence as of January 1, 1984 of less than one-acre shall be allowed to develop with general industrial uses with a Conditional Use Permit (CUP), provided the parcel in question is not proposed for consolidation with other parcels to permit a new or expanded CDI use and is not adjacent to the shoreline; and

WHEREAS, pursuant to EMC §10-5.2401, a Coastal Development Permit (CDP) is required when a CUP is required; and

WHEREAS, due to the location of the project site, approval of the CDP is appealable to the California Coastal Commission; and

WHEREAS, the CUP and CDP 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 July 10, 2024, at 5:30 p.m. in person and via Zoom in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Chapter 155 and the entire certified Local Coastal Program, 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 site qualifies for the CUP because it is an existing, developed 0.20-acre parcel established before 1984, is not directly adjacent to the shoreline, and is not proposed for consolidation with other parcels for a new or expanded CDI use; and
2. The location of the proposed conditional uses, as conditioned, is consistent with the objectives of Chapter 5 and the purposes and intent of the MC Zoning District.

3. The proposed uses, and the conditions under which the site will operate, as conditioned, will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
4. The proposed uses will comply with each of the applicable provisions of Chapter 5.
5. The project, as conditioned, conforms to the policies of the Local Coastal Program.
6. The project is categorically exempt from the provisions of CEQA, in accordance with §15301 (Existing Facilities) of the CEQA Guidelines, as the project will be located within an existing industrial building with no proposed expansion or enlargement of the building.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:

- A. Use Restriction. Carpentry and other light industrial conditional uses authorized by CUP-24-0002 and CDP-24-0005 must meet the following performance standards:
  - 1) be conducted entirely indoors within the existing structure except for off-street parking and loading areas;
  - 2) be non-hazardous and nuisance free, and not involve use or storage of hazardous materials in quantities requiring regulation/reporting under the Hazardous Materials Program of the Humboldt County Division of Environmental Health;
  - 3) be listed as a principally permitted manufacturing (including processing, fabrication, assembly, treatment, and packaging) or warehousing use in the ML District; and
  - 4) comply with all required conditions of the MC District, as outlined in EMC §10-5.29151; and

If a proposed conditional light-industrial use does not meet the above listed parameters, a modification to the existing CUP/CDP or a separate CUP/CDP must be obtained prior to operation. Development Services – Planning will determine whether a new use meets the above parameters during their review of the required Business License (see Condition B).

- B. Business License. The proprietors of any new use proposed at the site will be required to obtain a Business License to the satisfaction of Development Services – Planning prior to operation. Prior to the issuance of a Business License for a new conditional light-industrial use, and prior to the next annual Business License renewal of the existing general carpentry use, the Permittee shall submit a signed statement acknowledging the MC District required conditions and ensuring compliance with said conditions to the satisfaction of Development Services – Planning.
- C. Tsunami Safety Plan. Prior to issuance of a Business License for a new conditional light-industrial use, and prior to the next annual Business License renewal of the existing general carpentry business, the Permittee shall submit a Tsunami Safety Plan to Development Services – Planning for review and approval. The Tsunami Safety Plan shall be implemented and enforced for the life of the development. The plan shall demonstrate procedures are in place for the safe evacuation of all occupants in the event of a tsunami,

and to ensure future occupants of the project site are aware of the tsunami threat, warning signals, and evacuation plan. The plan shall include hazard risk notification procedures, including but not limited to posting of signage at a conspicuous location at the site, explaining: (1) tsunami risks, (2) the need for evacuation if strong earthquake motion is felt or alarms are sounded, and (3) a tsunami evacuation route map for the project site informed by community-wide emergency response plans, showing egress direction(s) and expected assembly area(s) for safe evacuation.

- D. Building and Fire Department Approvals. Prior to commencement of any future construction or change of occupancy type, the applicant shall obtain all required Building and Fire permits to the satisfaction of Development Services - Building and Humboldt Bay Fire.
- E. Inadvertent Archeological Discovery Protocol. In the event any ground disturbing activity occurs at the site in the future, the City's standard protocol for inadvertent archeological discovery (cultural or historical artifacts) shall be followed:
- 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, 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 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 Public Resources Code Section 5097.98 shall be complied with as may be required.

NOW THEREFORE, BE IT RESOLVED 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 10<sup>th</sup> day of July, 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, AICP, Executive Secretary