

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-24-0006) AND DESIGN REVIEW (AA-24-0001) FOR TENANT IMPROVEMENTS FOR THE DMV AND PICO AT 2500 6TH STREET (APN: 002-252-027)

WHEREAS, Pierson Properties & Development, LLC (Applicant) is proposing to convert a vacant commercial property (formerly Redwood Harley Davidson) into offices for the Department of Motor Vehicles (DMV), and storage and workshop space for the Pierson Company (PICO) at 2500 6th Street, (APN 002-252-027); and

WHEREAS, the proposed DMV office space and PICO shop and storage uses are listed as principally permitted per EMC §10-5.29132; and

WHEREAS, the proposed improvements are located within the Coastal Zone and constitute development requiring a Coastal Development Permit (CDP)(CDP-24-0006) pursuant to EMC §10-5.29302; and

WHEREAS, pursuant to EMC §10-5.1801, the proposed project requires Site Plan Review and Architectural Review (i.e., Design Review [DR]) (AA-24-0001); and

WHEREAS, the CDP and DR 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 EMC Title 10, Chapter 5, and the entire 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 project as conditioned conforms to the policies of the Local Coastal Program.
2. The proposed tenant improvements for the DMV offices and PICO storage and shop activities 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.
3. The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with §15301, Existing Facilities, Class 1 of the CEQA Guidelines, which covers the operating of private structures involving negligible or no expansion of use. Since the proposed project will utilize an existing commercial building on a developed site with

negligible enlargement of the building or expansion of use (because the site was previously used as a motorcycle showroom and service facility), the project qualifies for the Class 1 exemption.

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.

- a. Stormwater Requirements. Prior to final Building Permit approval, documentation demonstrating the project meets the City's MS4 Stormwater Program and site design measure requirements, including but not limited to a construction-phase Erosion and Sediment Control Plan and post-construction Stormwater Control Plan consistent with City standards at the time of construction, must be submitted for review and approval by Public Works – Engineering.
- b. Certified Unified Program Agency (CUPA) Requirements for Storing and/or Generating Hazardous Materials. Prior to any machinery repair and storage of hazardous materials on any portion of the site, the Applicant shall register with the CUPA through the County's Division of Environmental Health (DEH) to the satisfaction of DEH.
- c. Soil Management Contingency Plan and Groundwater Protocol. All recommendations of the Soil Management Contingency Plan prepared by Closure Solutions, Inc. and dated July 2011 for the Big Oil & Tire Station – Mall 101 BP Cleanup Case (T0602300453), shall be adhered to during all ground disturbing activities, and in the event that groundwater is encountered, the Applicant shall properly handle, store, and test any groundwater pumped prior to disposal, to the satisfaction of the North Coast Regional Water Quality Control Board.
- d. Building and Fire Department Approvals. The Applicant shall obtain all required Building and Fire permits prior to commencement of any construction activities, to the satisfaction of Development Services – Building and Humboldt Bay Fire.
- e. Lighting Restrictions. To minimize the trespass of artificial light, all outdoor lighting fixtures shall be fully shielded and downward facing and shall meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant"). Prior to installation of any exterior lighting, lighting specifications shall be submitted to Development Services – Planning for review and approval consistent with this standard.
- f. Landscaping Restrictions. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be planted on the project site. Planting of species native to Eureka as listed by the California Native Plant Society is encouraged.
- g. Inadvertent Discovery Protocol. All 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, 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 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 10th day of July, 2024, by the following vote:

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

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary