

NOTICE OF ACTION ON A SUBDIVISION

Notice Is Hereby Given that on September 16, 2024, the Director of Development Services - Planning approved with conditions the Subdivision referenced below. Please be advised the review of the Director was performed consistent with the State Subdivision Map Act and local laws enacted pursuant thereto. Please be further advised the subdivider, or any interested person adversely affected by the decision of the Director, may, within fifteen (15) days following the date of this action, request a hearing by the Planning Commission. A request for a public hearing must be made in writing and include the reasons why the request is being made. If no request for public hearing is filed within 15 days of the date of this action, this decision will be final.

Project Title: Groundswell Housing Minor Subdivision

Project No: SDMN-24-0002

Project Applicant: Groundswell Housing **Project Location:** 965 W. Harris Street (APN 008-182-003)

Zoning and General Plan: R2 (Residential Medium)/MDR (Medium Density Residential)

Description: The applicant is proposing a minor subdivision to subdivide the existing parcel into four parcels, and then utilize a Density Bonus and Concessions to construct two primary residences and two Accessory Dwelling Units (ADUs) on each resulting lot.

The existing parcel is 8,494.26 square feet (sf), and the resulting parcels will each be at least 2,120 sf as shown in the table below. The minimum parcel size allowed in the R2 zone is 2,000 sf.

Existing Parcel (sf)	Resultant Parcels (sf)	
8,494.26	Parcel 1	2,120.72
	Parcel 2	2,120.16
	Parcel 3	2,123.19
	Parcel 4	2,130.19
	Total	8,494.26

The resulting parcels will be accessed via the alley on the west side of the parcels, and a 20-foot-wide PG&E easement will be created along the west side of the parcels, adjacent and parallel to the alley. A 5-foot-wide water and sewer easement for the benefit of resulting parcels 2-4 will be created on the east side of the parcels.

Staff Contact: Lisa Savage, Senior Planner, City of Eureka, Development Services – Planning; 531 K Street, Eureka, CA 95501; phone: (707)441-4160, email: planning@ci.eureka.ca.gov

Findings of Fact Supporting Approval of the Subdivision: The decision to approve with conditions the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not limited to: written and oral testimony; site investigation(s); agency comments; and the project file. Based on the evidence in the record, the Director finds:

1. The subdivision design to create four lots from one parcel is consistent with the Subdivision Map Act and local regulations enacted pursuant thereto.
2. Approving the minor subdivision is consistent with all applicable 2040 General Plan and 2019-2027 Housing Element policies and furthers a number of policies that support the infill

of vacant and underutilized land; creation of compact, walkable, and transit-friendly development; and maximization of housing density potential to increase housing supply and diversity (Policy LU-1.3 Beneficial Development; Policy LU-5.1 Range of Densities; Policy LU-6.2 Infill First; Policy H-2.1 Facilitate Diverse Options; Policy H-1.12 Diverse Housing Development Options; Policy H-2.4 Maximum Density Infill; Policy M-1.6 Dense Development; and, Policy LU-1.2 Compact Form). The subdivision furthers the above policies by facilitating development of a vacant property that is centrally located on W. Harris Street, a major arterial with a Class II bike lane and transit lines, where the property is in close proximity to goods and services including a short walk to a pharmacy and grocery store. The subdivision will allow for additional ADUs and thus denser development of the property (2 ADUs are allowed per lot with an existing or proposed multi-family primary residence; as a result, subdividing one lot into four increases the number of potential ADUs from two to eight).

3. The minor subdivision is consistent with the City's zoning code (Eureka Municipal Code [EMC] Chapter 155). EMC §155.204.030 Table 204-3, prescribes all parcels in the R2 (Residential Medium) zone district be a minimum of 2,000 sf. The parcels resulting from the minor subdivision will range from 2,120.16 to 2,130.19 sf, and therefore comply with the minimum lot area requirement in the R2 zone district. EMC §155.308.010.B.2 only allows approval of a subdivision if the resulting lots are "buildable," meaning the resulting lots can reasonably accommodate a structure in compliance with applicable zoning code development standards. The resulting lots are flat, rectangular lots with adequate width and depth to accommodate one or more residential structures with adequate utility and street access, as evidenced by submitted building plans. Also, EMC §155.308.010.C.1.a requires newly created lots in residential zoning district to have frontage on and take direct access from a public street, an alley, or recorded access easement; the resulting lots have frontage on and take direct access from an alley, consistent with this standard.
4. The subject parcels are not in the Coastal Zone.
5. The parcels resulting from the minor subdivision will be adequately served by utilities to City standards. The parcels will be accessible via the public alley, and the Applicant has paid the deposit for paving their segment of the alley to W. Harris Street, and is currently having it surveyed. A 20-foot wide PG&E easement will be created along the west property line, adjacent to the existing alley, and a 5-foot water and sewer easement for the benefit of resulting parcels 2-4 will be created on the east side of the resulting parcels.
6. The proposal is a "project" as defined by the California Environmental Quality Act (CEQA), and is subject to the provisions of the Act. However, the project qualifies for a Class 15 exemption (CEQA Guidelines Section 15315 – Minor Land Divisions) from the preparation of environmental documents. The project qualifies for the Class 15 exemption because the project consists of a subdivision of residential land in an urbanized area involving four parcels, the project is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed resulting parcels are available, the existing parcel was not been involved in a division of a larger parcel within the previous two years, and the existing parcel does not have an average slope greater than 20 percent.

Conditions of Approval: Approval of the subdivisions is conditioned on the following terms and requirements, which must be completed to the satisfaction of Development Services – Planning and any other agency or department as noted. The violation of any term or requirement of this conditional approval may result in the revocation of the permit:

1. Private easements shall be documented on the Final Parcel Map showing how each parcel shall receive utilities.
2. Prior to the City issuing Certificates of Occupancy for new residential structures, the Applicant is required to provide a Maintenance Agreement for common sewer and water service lines.
3. The Property Owner/General Contractor shall be responsible for notifying and insuring all other contracted or secured service vendors who undertake ground disturbing activities for this project comply with the requirements below. Violations of these conditions shall be subject to penalties as allowed under current laws and codes.
 - 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 shall 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; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.
 - b. 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 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted to determine whether 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 5097.8. In part, PRC Section 5097.98 requires the Native American Heritage Commission (NAHC) be contacted within 24 hours if it is determined 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.

- c. If needed, costs for monitoring, reporting and/or a consulting archaeologist who will consult, develop and implement a rapid response inadvertent discovery data recovery excavation plan, plus analyses of recovered constituents and reporting of potentially significant discovery(s), shall be borne by the Applicant.
4. All taxes to which the properties are subject shall be paid in full if payable, or secured if not yet payable, to the satisfaction of the County Tax Collector's Office, and all special assessments on the properties must be paid or reapportioned to the satisfaction of the affected assessment district. Please contact the Tax Collector's Office approximately three to four weeks prior to filing the Parcel Maps to satisfy this condition.
5. Once the subdivisions are approved, the Subdivider shall submit Parcel Maps for approval by the City Engineer which shall conform to all requirements of the Subdivision Map Act and be prepared by a qualified Registered Civil Engineer or Licensed Land Surveyor. A map review fee shall be submitted with the Parcel Maps under the fee schedule at the time of application for review.

Copies of all reference materials used in the preparation of the Parcel Maps, shall also be submitted, including a title report(s) updated within the last six months, copies of deeds, surveys, computer map checks (not inverses), etc., along with three prints of the Parcel Map to aid in the City Engineer's review.

References for all records of survey, parcel maps, and subdivisions which about the subject parcels will be required on the final map along with all found existing survey corner monuments. Survey monuments will be required at all corners where existing monuments are not found. The surveyor shall tie and show at least two City centerline GPS monuments on the Parcel Map.

Once approved by the City Engineer, the applicant shall submit the original signed Parcel Maps for recording along with a reproducible Conformed Copy Mylar, a digital copy of the maps based on GPS coordinates, two prints each, recording fees, and proof of property taxes and/or special tax payments (see condition No. 4 above).

Except for the specified subdivisions stated above, this action does not eliminate the requirement of the applicant to comply with all codes and ordinances, as well as to secure all required permits of local, regional, State and Federal entities which relate to this or future projects.

This approval, which is subject to the conditions of approval contained herein, will remain in effect for 24 months from the effective date of this action. If the conditions cannot be completed within the 24-month time limit, an extension of this approval may be granted in accordance with the Subdivision Map Act. The application shall be filed no less than 30 days prior to the expiration date and shall state the reasons for requesting the extension

Questions regarding this notice should be directed to Development Services - Planning, Eureka City Hall, 531 K Street, Eureka, California, telephone (707) 441-4160; email planning@eurekaca.gov.

Prepared By: Lisa Savage, Senior Planner

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Cristin Kenyon, AICP, Director

9/12/24
Date of Determination

cc: Public Works - Engineering
Public Works
Fire Department
Property owners with 300' of the boundaries of each project site

