

RESOLUTION NO. 2025-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING THE NORTH COAST SUBSTANCE ABUSE COUNCIL NON-MEDICAL CARE HOUSING FACILITY LOCATED AT 309 HARRIS STREET (AKA 319 AND 325 HARRIS STREET; APN: 010-251-016)

WHEREAS, the Applicant, North Coast Substance Abuse Council Inc., proposes to utilize a 0.30-acre parcel with three existing structures for residential therapy services for up to 12 people at 309 Harris Street (aka 319 and 325 Harris Street; APN 010-251-016); and

WHEREAS, the two-story building with four rooms and two bathrooms will be used as a residence, and the other two single-story buildings will be used for individual and group therapy sessions and staff office space; and

WHEREAS, the project site is within the Inland Zone, in the Henderson Center Zoning District (HC District) and has a land use designation of Neighborhood Commercial (NC); and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §155.208.020 (Allowed Land Uses), the proposed use falls under the Non-Medical Care Housing, Large land use type because seven or more persons will be served, which is a conditionally permitted use in the HC District and requires a Conditional Use Permit (CUP); and

WHEREAS, the CUP approval is a discretionary action and considered a project 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 12, 2025 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:

- 1) The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
- 2) The site is suitable for the size, design, and operating characteristics of the proposed use.
- 3) The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
- 4) The proposed use will not be detrimental to the public health, safety, and welfare.
- 5) The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

- 6) 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), pursuant to §15301, Existing Facilities, Class 1 of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. As there is no proposed expansion to the existing buildings, and the buildings will be used for housing and personal services (individual and group therapy/counseling) which are similar to the previous residential and commercial uses on the parcel, there is a negligible expansion of use, and the proposed use meets the criteria for the Class 1 exemption under CEQA Guidelines §15301.

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. Building and Fire Department Approvals. The Applicant shall address the Building Departments referral comments dated December 31, 2024 (and included as Attachment 3 of the staff report), obtain all required Building and Fire permits and clearances, and receive appropriate Certificates of Occupancy to the satisfaction of Development Services – Building and Humboldt bay Fire prior to operating.
- B. Non-Conforming Site Features. As required by EMC §155.424.030.B (Required Compliance), prior to the issuance of a Certificate of Occupancy as part of the Building Permit process (Condition A), the Applicant shall bring the following site features into compliance:
 - i) Remove invasive landscaping, including pampas grass near the entrance of 309 Harris Street. Any new landscaping must comply with EMC §155.328.050 (General Landscaping Requirements), including but not limited to: not planting invasive species, planting at least 75% native species to Eureka (per the California Native Plant Society), using noncompeting exotic species for the remainder, and covering at least 50% of the landscaped area with groundcover, shrubs, turf, or other plants at maturity.
 - ii) Repaint parking lot striping in compliance with in EMC §155.324.060 (Parking Design and Development Standards).
 - iii) Install one short-term bicycle parking in compliance with EMC §155.324.070 (Table 324-3: Required Bicycle Parking Spaces).
 - iv) Remove the nonconforming pole sign near 325 Harris Street and apply for an Administrative Sign Permit for any new signage in compliance with EMC §155.340 (Signs).
 - v) Remove and replace any noncompliant outdoor lighting fixtures and install dark-sky compliant outdoor lighting in compliance with EMC §155.308.050 (Outdoor Lighting)
- C. Limits to Window Frosting. To maintain a pedestrian-friendly environment, a condition has been added that prohibits frosting on the transom (upper) windows. Additionally, the window frosting must be applied in a way that allows for easy removal in the future, ensuring that full storefront transparency can be restored if the use of the structure changes. The

Applicant is encouraged to include creative/artistic elements to street-facing windows including transparent cut-outs, nature-inspired designs, and community-themed graphics.

- D. Protocol for Inadvertent Discovery Protocol. All ground disturbing activities are also 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, ground stone 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 §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 §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 §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 12th day of February, 2025 by the following vote:

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

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary