

**RESOLUTION NO. 2025-\_\_**

**A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA  
CONDITIONALLY APPROVING THE VISSER OFFICE-WAREHOUSE DEVELOPMENT AT  
2235 3<sup>RD</sup> STREET; APN 002-127-004**

WHEREAS, the Applicant, Sarah Atkins on behalf of the property owner Kyle Visser, is proposing a new 3,788 square-foot office-warehouse development and associated parking and site improvements on a 4,840-sf lot at 2235 3<sup>rd</sup> Street (APN 002-127-004); and

WHEREAS, the lot is located in the CS - Service Commercial Zoning District (CS District), with a GCS - General Service Commercial land use designation; and

WHEREAS, offices and warehouses are principally permitted in the CS District; and

WHEREAS, the proposed development is in the Design Review Area, and Architectural and Site Plan Review are required; and

WHEREAS, the Design Review Committee of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Title 10, Chapter 5, Article 18 §10-5.1801 et. seq, and after due consideration of all public comment, evidence and reports offered at the public meeting, does hereby find and determine the following facts:

- I. The proposed development is not ugly, inharmonious, monotonous or hazardous, and will not have an adverse effect on the value of property or improvements in the vicinity.

WHEREAS, in the opinion of the Design Review Committee, the proposed application should be approved subject to the following conditions:

- A. **Building and Health Department Approvals and Referral Comments.** The Applicant shall obtain all required Building and Health Department permits prior to commencement of any construction activities, to the satisfaction of Development Services – Building and Humboldt Bay Fire. Prior to Building Permit issuance or issuance of a certificate of occupancy, as appropriate, the Applicant shall include on construction plans, implement, and/or comply with all referral comments from City of Eureka Engineering (included as Exhibit A, attached to this resolution) to the satisfaction of City Engineering.
- B. **Inadvertent Discovery Protocol.** 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 of Rohnerville Rancheria, 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 that the Design Review Committee of the City of Eureka does hereby approve the application for the office-warehouse development.

PASSED, APPROVED AND ADOPTED by the Design Review Committee of the City of Eureka in the County of Humboldt, State of California, on the 26<sup>th</sup> day of March, 2025 by the following vote:

AYES: COMMITTEE MEMBER  
NOES: COMMITTEE MEMBER  
ABSENT: COMMITTEE MEMBER  
ABSTAIN: COMMITTEE MEMBER

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Kassidy Banducci, Chair

*Attest:*

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Caitlin Castellano, Executive Secretary



To: Planning Department

From: Albert Figueroa, Assistant Engineer

Subject: 2235 3rd (AA-25-1)

Date: March 10<sup>th</sup>, 2025

Engineering has received and reviewed the submitted Design Review (AA) for 2235 3rd Street, APN: 002-127-004. Please address the comments below and provide an updated plan prior to building permit approval.

**General**

1. Before beginning any work within the City right of way, including the sidewalk area, alleys, or on City property, each Contractor shall obtain an Encroachment Permit from the City Engineering Division. Certificates of Insurance and Endorsements with all required language shall be provided and approved prior to issuance of an Encroachment Permit. A City of Eureka business license is also required. There is a \$200 Encroachment Permit fee under the current fee schedule, applicable if any work is done within or from the City right of way. Encroachment Permit Fees are currently waived for sidewalk repairs.
2. Additional Public Improvements may be required if damage occurs to sidewalk, street, or other public appurtenances during construction. Any damage to public property shall be corrected by the Applicant as directed by the City.

**Stormwater**

1. As a result of the creation and replacement of greater than 2,500 SF of impervious surface the project classifies as a Small Project. Please provide documentation that your project meets the City's MS4 stormwater program requirements (details can be found in the Humboldt County LID Manual). Please submit paperwork and a Stormwater Control Plan that specifically meets requirements from Part B for Small Projects (>2,500 sf of impervious surface). See the City's stormwater site for more information: <https://www.eureka.gov/309/Post-Construction-Standards>.
2. An ESCP will be required to demonstrate how non-stormwater discharges will be mitigated and appropriate BMPs are in place during construction.

**Engineering**  
Construction  
Development  
Transportation Safety  
Stormwater

## **Utilities**

1. The existing lower lateral appears to be comprised of clay and will require replacement to comply with current standards.
  - a. Requires a Class "A" General Engineering Contractor to perform the work under an issued Encroachment Permit.
  - b. Can be resolved by paying a fee-in-lieu to the City through a Sewer Lateral Certificate (SLC) application. The City will then replace the lower lateral as part of a larger project.
2. Relocating the existing water meter and service will require that the applicant apply for a Water Service Order so that the City can abandon the existing service and install the new service.
3. Impact fees for water and sewer waived due to fire incident.

## **Public right-of-way (ROW)/Access**

1. No gates or fences, or any part thereof, shall enter or obstruct the Public ROW.
2. Ensure the gate complies with the City's Sight Obstruction Regulations, EMC 71.55 and 98.03.
3. PIRs waived due to fire incident.

Thank you,

Albert Figueroa  
Assistant Engineer