

RESOLUTION NO. 202X-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY
APPROVING THE MCKENNY RESIDENTIAL UNIT USE PERMIT
(UP-25-3) AT 2328 23RD STREET (APN: 013-113-034)

WHEREAS, the Applicant, Kevin McKenny, is proposing an approximately 458-square-foot residential unit within a recently permitted 1,975-sf medical office building at 2328 23rd Street (APN 013-113-034); and

WHEREAS, the property is zoned Hospital Medical (HM) and has a land use designation of Professional Office (PO); and

WHEREAS, incorporating a residential unit within an office building constitutes a mixed-use development, and Eureka Municipal Code (EMC) §155.504.040(A)(9) defines a residential unit in this type of configuration as a “multi-family dwelling,” which includes “one or more units occupying the same site as a non-residential use (mixed-use development)”;

WHEREAS, pursuant to EMC §155.208.020 (Allowed Land Uses) multi-family dwellings within the HM district are a conditional use; and

WHEREAS, the Conditional Use Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, a public hearing before the Planning Commission on the proposed use was scheduled and noticed for May 14, 2025, but due to lack of quorum, was continued to a duly noticed special meeting held on May 21, 2025 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 Chapter 155, 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 is not 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 proposed project is categorically exempt from the provisions of CEQA, in accordance with §15332 (In-Fill Development Projects) of the CEQA Guidelines as described in the

Staff Report.

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. Inadvertent Discovery Protocol. Ground disturbing activities are subject to the City's standard protocol for inadvertent archeological discovery (cultural or historical artifacts) as follows:
 - 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 must 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.
 - b. 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
 - c. 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.

- B. Exterior Building Lighting Requirements. Outdoor lighting must conform with the City's standards for Outdoor Lighting in EMC §155.308.050 and prior to the installation of any exterior lighting on the building, specifications for all new exterior lighting fixtures shall be submitted to Development Services – Planning for review and approval.

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 21st day of May, 2025, by the following vote:

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

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary