

RESOLUTION NO. 2025-__

A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA
CONDITIONALLY APPROVING THE ACGC KOSTER SHOP AT 1606 KOSTER STREET
(APN 003-172-011-000)

WHEREAS, the Applicant, Adams General Contracting is proposing to demolish an existing dilapidated structure and replace it with a new 8,550 square-foot warehouse development and associated parking and site improvements on a 17,750-sf lot at 1606 Koster Street (APN 003-172-011-000); and

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

WHEREAS, warehouses and contractor's storage yards 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:

1. 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.
2. The Design Review process is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA) and the project is categorically exempt from the provisions of CEQA, pursuant to §15332, In-Fill Development Projects, Class 32 of the CEQA guidelines as described in the staff report.

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 the following referral comments (included as Attachment 3 of the staff report):

(1) City of Eureka Engineering, dated April 2025

(2) Humboldt County Division of Environmental Health, dated April 2025

(3) North Coast Unified Air Quality Management District, dated April 2025

(4) Pacific Gas & Electric Company, dated April 2025

- B. Landscaping Restrictions. No plant species with a "High" rating in the California Invasive Plant Council's Cal-IPC inventory of invasive plants shall be planted or allowed to persist in on-site landscaping.
- C. Ground Disturbance Monitoring. All ground disturbing project activities shall be monitored by a Wiyot Tribe and/or Bear River Band Tribal Representative, who shall maintain daily field notes and have the authority to temporarily halt work at a potential "find" location to allow for resource assessment and treatment, in consultation with the City, three Wiyot area THPOs (Blue Lake, Bear River, Wiyot) and the applicant's representative.

This condition shall be completed to the satisfaction of the Wiyot Tribe and/or Bear River Band THPO and City of Eureka. Violations of the conditions relating to ground disturbing activities and requirements for a Tribal Monitor shall be subject to penalties as allowed under current laws and codes. Costs for monitoring, reporting and, if needed, a consulting archaeologist agreed upon by the three THPOs who shall consult, develop and implement a rapid response inadvertent discovery data recovery excavation plan, plus analyses of recovered constituents and reporting of potentially significant discoveries, shall be borne by the Applicant.

A monitoring contract between the Applicant and monitoring tribe shall be fully executed prior to beginning any ground disturbing activities. A copy of the fully executed monitoring contract shall be provided to Development Services – Planning prior to issuance of a building permit for ground disturbance. The contract with the monitoring tribe shall include the requirement for the applicant to provide at least 48-hour notice to the monitoring tribe of the need for a monitor to be on site.

- D. 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 28th day of May, 2025 by the following vote:

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

Kassidy Banducci, Chair

Attest:

Caitlin Castellano, Executive Secretary