

**RESOLUTION NO. 202X-xx**

A RESOLUTION OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF EUREKA CONDITIONALLY APPROVING DESIGN REVIEW (DR-25-2) AND ADMINISTRATIVE ADJUSTMENTS (ADJ-25-2) FOR THE LEACH MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 1822 I STREET (APN 005-072-005)

WHEREAS, the Applicant, Donald (DJ) Cleek (Authorized Agent), is proposing to construct a new two-story, seven-unit multi-family residential building and associated site improvements at 1822 I Street (APN 005-072-005); and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §155.412.040, the proposed development requires Design Review because the new building is more than 500 square-feet in size and has more than four units; and

WHEREAS, pursuant to EMC §155.312.040 (Building Entries) and EMC §155.308.040 (Vision Clearance Area [VCA]), the proposed development requires Administrative Adjustments because: (1) two street-facing units do not have entrances that face the street, as required; and (2) fencing and gates associated with the parking area are located within the alley driveway VCAs and are taller than 3 feet in height and therefore do not conform to the VCA standards; and

WHEREAS, pursuant to EMC §155.412.020, projects requiring multiple permits must be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the application; therefore, the Design Review Committee must also serve as the review authority for the Administrative Adjustments; and

WHEREAS, a public hearing before the Design Review Committee on the proposed development was scheduled and noticed for June 11, 2025, but due to lack of quorum, was continued to a duly noticed meeting held on June 25, 2025 at 9:00 a.m. in person and via Zoom in the Council Chamber; and

WHEREAS, the Design Review Committee of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code §155.412.040 (Design Review), and §155.412.040 (Administrative Adjustments) 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 development will not be detrimental to public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity, and;
2. The proposed project complies with all applicable Design Review criteria in §155.328.050(J) (Design Review Criteria).
3. The adjustments to the Building Entries and VCA standards are consistent with the purpose of the zoning district, the General Plan.
4. The adjustments to the Building Entries and VCA standards will not deprive neighboring

property owner on the reasonable economic use and enjoyment of their property.

5. The adjustment to the Building Entries and VCA standards will not be materially detrimental to the public health, safety, or welfare.
6. The street-facing building wall incorporates architectural features and design details beyond the minimum requirements in 155.312.050 (Architectural Features).
7. The Building Entries exception allows for a clearly superior project to that which can be achieved while complying with the building entry requirement.
8. Compliance with the VCA standard is unnecessary for traffic safety.

WHEREAS, in the opinion of the Design Review Committee of the City of Eureka, the proposed applications 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 and Referral Comments.** The Applicant shall obtain all required Building and Fire 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:

- i. **Public Works – Engineering Referral Comments.** The Developer shall address all referral comments from, and to the satisfaction of, the Engineering Department as included in Attachment 3 of the staff report.
- ii. **Zoning Code Standards.** The project plans submitted for the Building Permit shall be in substantial compliance with the plans approved through Design Review, but shall also include adequate information to demonstrate compliance with:
  - a. **Outdoor Lighting Specifications.** The Applicant must demonstrate compliance with EMC §155.308.050 (Outdoor Lighting) on the Building Permit plans to ensure lighting is appropriately shielded and directed down to minimize glare and light spillover. Specifications for all new exterior lighting fixtures must be included with the Building Permit plans.
  - b. **Model Water Efficiency in Landscaping Ordinance (MWELo) and Maintenance Plan.** The Applicant must demonstrate compliance with EMC §155.328.060 and California Government Code §65591 et seq. (MWELo) on the Building Permit plans to ensure water-efficient landscaping design. In accordance with EMC §§155.238.030(B)(8) and 155.328.070, the plans must also include a landscape maintenance plan describing how landscaping will be maintained in a healthy and thriving condition, including provisions for replacing plant materials as needed. These requirements must be addressed on the Building Permit plans.

**B. Pedestrian Warning Sign.** The Applicant shall install a “Watch for pedestrians” sign on the

inside of the gate to alert drivers' merging into the alley.

**C. Inadvertent Discovery Protocol.** Ground disturbing activities are subject to the City of Eureka'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 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.
- 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 the Design Review Committee of the City of Eureka does hereby approve with conditions the applications, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Design Review of the City of Eureka in the County of Humboldt, State of California, on the 25<sup>th</sup> day of June, 2025, by the following vote:

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

---

Kassidy Banducci, Chair,  
Design Review Committee

*Attest:*

---

Caitlin Castellano, Executive Secretary