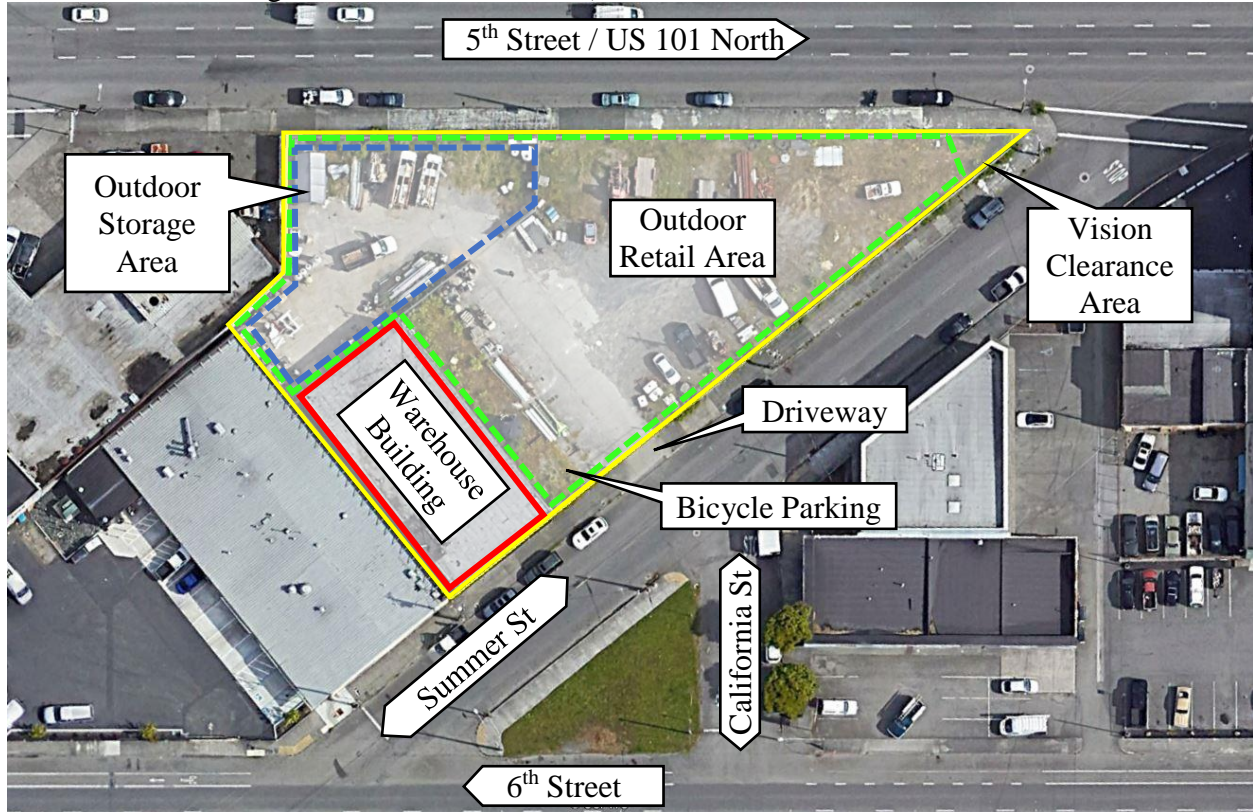


<b>Title:</b>	Shoreline Structures Outdoor Retail
<b>Project:</b>	Conditional Use Permit UP-25-7
<b>Location:</b>	500 (aka 522) Summer Street
<b>APN:</b>	001-035-002
<b>Applicant:</b>	Joseph Picton
<b>Property Owner:</b>	DC & RC Properties LLC CO
<b>Purpose/Use:</b>	Outdoor retail sales and display of prefabricated sheds as a secondary use requiring approval of a Conditional Use Permit, conducted in conjunction with indoor retail sales as a primary use within an existing warehouse building on an existing commercial property.
<b>Complete Application:</b>	January 6, 2026
<b>Deadline for Action:</b>	April 6, 2026
<b>General Plan:</b>	DC – Downtown Commercial
<b>Zoning:</b>	DW – Downtown West
<b>California Environmental Quality Act (CEQA):</b>	Exempt under CEQA Guidelines §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), Environmental Document ED-25-11
<b>Staff Contact:</b>	Henry Baker, Assistant Planner
<b>Recommendation:</b>	Adopt a resolution finding the project is exempt from CEQA conditionally approving the application
<b>Action:</b>	“I move the Planning Commission adopt a resolution finding the project is exempt from CEQA and conditionally approving the Shoreline Structures Outdoor Retail Conditional Use Permit at 500 Summer Street.”

**Figure 1: Location Map** (yellow line= City of Eureka)



**Figure 2: Site Map** (yellow=property boundary, red=warehouse building, blue=outdoor storage area to be removed, green=outdoor retail area)



## **PROJECT DESCRIPTION**

The Applicant, Joseph Picton is proposing to use an existing commercial property for the outdoor retail sales and display of prefabricated sheds on the undeveloped 0.59-acre(ac) portion of a 0.74-ac property at 500 Summer Street (APN: 001-035-002) (the project).

The property is located at the corner of 5th Street/US 101 North and Summer Streets in the Downtown West Zoning District (DW District), where outdoor retail use requires a Conditional Use Permit (CUP). Eureka Municipal Code (EMC) §155.208.020 requires that outdoor retail be allowed only as a secondary use when combined with an allowed primary use. The property's primary use, consistent with this requirement, is the indoor retail sale of sheds and related accessories within an approximately 5,000-square-foot (sf) warehouse building at the rear of the property. The proposed outdoor retail use is secondary to and operates in conjunction with the established indoor retail use.

The warehouse building contains offices for the day-to-day operations of the business, one employee parking space, an inventory intake area, an indoor retail and display area for small- to medium-sized sheds, and an area for the retail sales and display of parts and accessories (see Figure 4, below). The proposed outdoor retail area contains a paved driveway, accessed from Summer Street, for loading and unloading sheds, and an area for the retail sales and display of medium- to large-sized sheds (see Figure 2 above, and Figure 3 below).

The proposed hours of operation are Monday through Saturday, from 10:00 a.m. to 5:00 p.m. The Applicant anticipates employing up to two employees and up to four customers on the property at any given time. It is anticipated that customers will use existing on-street parking along Summer

Street. Operations will involve sales and regular deliveries of prefabricated sheds and related materials, which will occur during normal business hours and utilize the existing street network. Customers will not transport the sheds they purchase themselves; instead, employees deliver the sheds to the customers using a specialized trailer and serve customers throughout the greater area. Access to the property for loading and unloading purposes will occur from the driveway off of Summer Street. See Attachment 2 for the Applicant's submitted material.

Additionally, per Eureka Municipal Code (EMC) §155.424 (Nonconformities), specific uses and site features that do not conform to the Zoning Code must be brought into compliance as part of the CUP process. These required site feature improvements are included as conditions of approval (described further, below). Some minor ground disturbance may be required for site feature improvements involving the installation of landscaping and fencing. The total amount of ground disturbance is expected to be less than 2,500 sf and no more than two feet deep for plantings and post holes. More information on potential ground disturbance can be found in Attachment 5 pages 25, 29, and 34-41.

**Figure 3: Applicant's Site Plan**

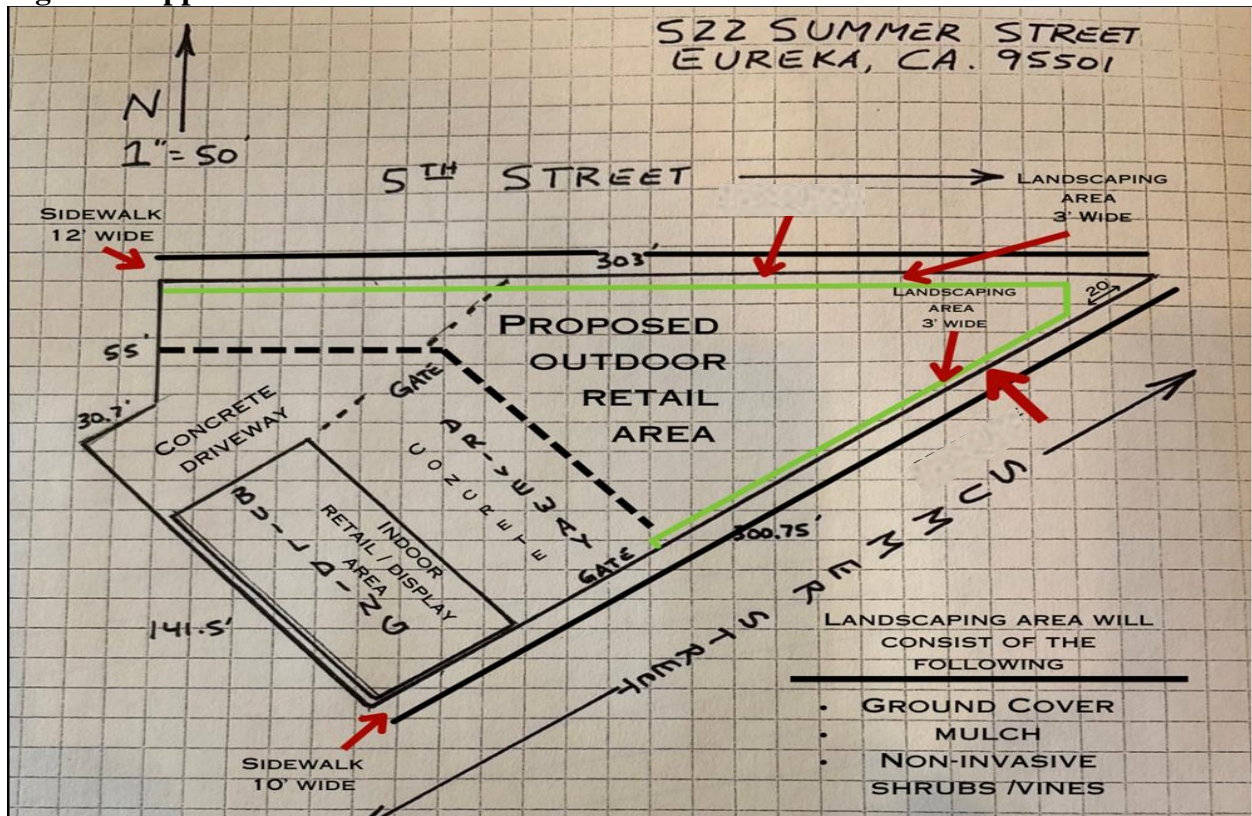
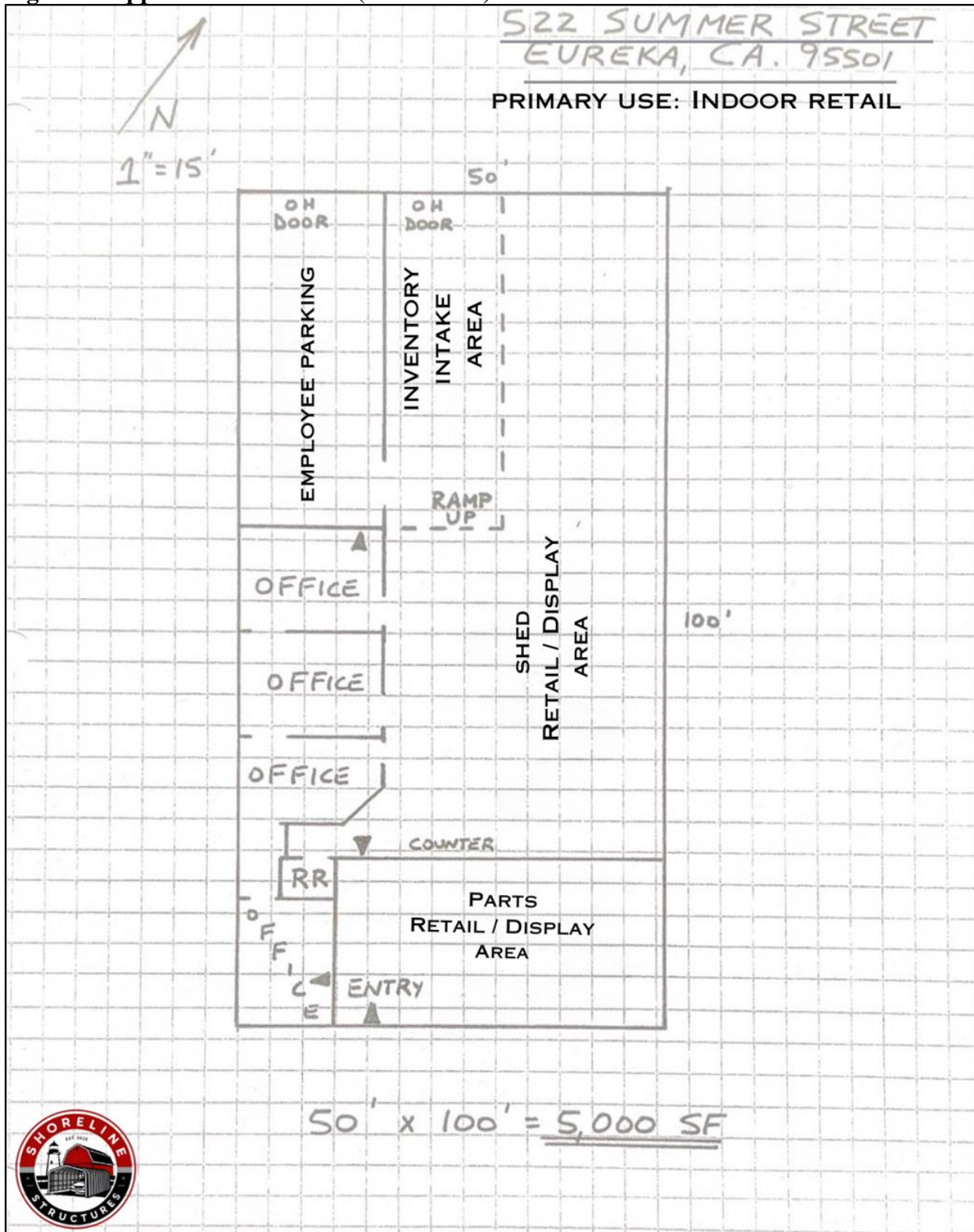


Figure 4: Applicant's Floor Plan (Indoor Use)



## **Background**

### **Site Description, Existing Conditions, and Surrounding Context**

The property is 0.74-ac in size, flat, and triangular. The property is bordered by sidewalks and public streets on two sides and commercial properties on the third side. The property is accessed via a gated driveway off Summer Street. A 5,000-sf commercial warehouse building occupies the property's rear and the front 0.59 acres contains a 0.18-ac fenced outdoor storage area (to be removed) and a 0.41-ac fenced open space area that includes both paved and gravel surfaces (see Figures 2 and 3, above). Part of the fenced open space area at the northeast corner of the property is located within the 5th Street/US 101 North intersection vision clearance area (VCA) (see Zoning Code Consistency [Section 1], below).

The surrounding area is characterized by commercial retail uses. To the north, across 5th Street/US 101 North, is an auto parts store and vehicle sales lot. To the east is a vehicle repair shop, scratch and dent repair, and a pet groomer. To the south is an engine shop, residential properties, an auto glass shop, and a cannabis distribution company. To the west is a tire shop, and an auto repair shop.

### **Site History and Environmental Context**

The following information was gathered from documents on the GeoTracker website (NCRWQCB [Region 1] Case No. 1THU543)<sup>1</sup>, City records, and other sources.

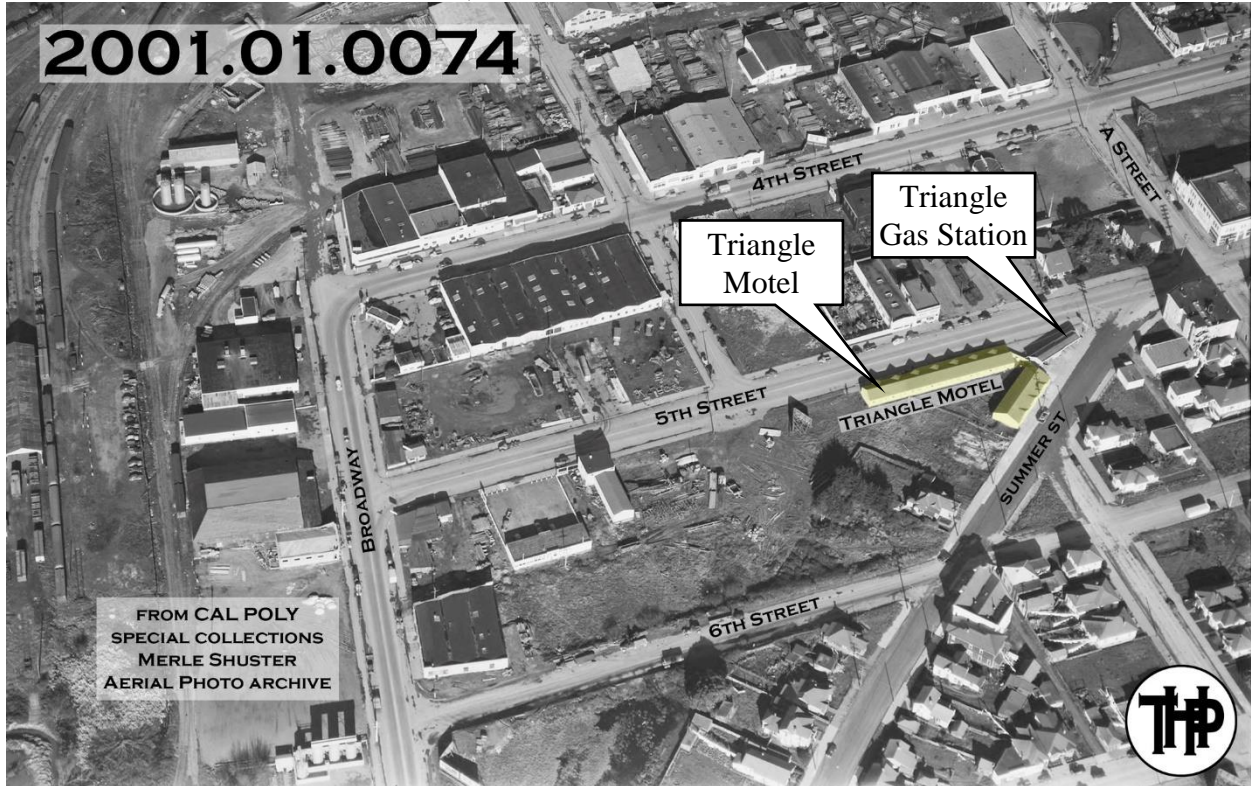
The property is located at the site of the former Triangle Motel and short-lived Triangle Gas Station. The gas station occupied the corner of Summer and 5<sup>th</sup> Streets circa (ca.) 1937 to 1948 (see Figure 5, below). An additional eight commercial lodging units were added in place of the gas station ca. 1949, giving the Triangle Motel its distinctive look (see Figure 6, below). Another nine units were added in the early 1950s for a total of 22 units. The Triangle Motel was demolished in the early 1990s.

Following the demolition of the Triangle Motel, four underground storage tanks (USTs) were discovered and removed in 1995. To delineate and monitor soil and groundwater contamination, seven temporary borings were installed from 1995 to 2003 on the property's northwest corner, near the locations of the former UST cavities. Initial sampling detected high concentrations of total petroleum hydrocarbons as gasoline (TPHg), among other contaminants; while, subsequent sampling showed only moderate TPHg concentrations. The final site assessment, completed in 2004, concluded that over time, the contaminant concentrations will decrease by natural attenuation and biodegradation; water quality objectives will be achieved in a reasonable amount of time; and no further action related to the petroleum release is required. Residual contamination is below the surface and concentrated at the northern edge of the property under the sidewalk. A Contingency Plan for Subsurface work was prepared in the event that ground-disturbance occurs to protect site workers and prevent inadvertent release of contaminants (see Attachment 4).

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<sup>1</sup> For complete site history, see the GeoTracker website:  
[https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=T0602300407](https://geotracker.waterboards.ca.gov/profile_report?global_id=T0602300407)

**Figure 5: Triangle Gas Station ca. 1948** (Photo courtesy of The Humboldt Project and the Merle Shuster Aerial Photo Archive)



**Figure 6: Triangle Motel** (postcard courtesy of The Humboldt Project)



## **Recent Use History**

Since the demolition of the Triangle Motel, the property has been primarily used for outdoor storage associated with an on-site water well and water system services business (Watson Well Service). The property may have also been used for outdoor retail as recently as 2012 based on Google street-view imagery showing trailers and boats displayed for sale. Based on Google street-view imagery, the chain-link perimeter fence was installed sometime between 2012 and 2018. Since then, the underutilized front has persisted in a vacant state, exacerbated by repeated cases of vandalism, degrading the pedestrian environment of the area.

In December 2024, an interested developer participated in a pre-application development review (DEVR-24-19) with Development Services to discuss redevelopment of the property with a new mixed-use development, including food trucks, electric vehicle charging, and a new three-story building fronting Summer Street. The mixed-use development did not proceed.

## **Zoning Framework, Nonconforming Conditions, and Application History**

As described in the Project Description above, outdoor retail in the DW District is only conditionally allowed as a secondary use to a primary, principally permitted use and requires approval of a CUP. In the absence of an approved CUP and associated primary use, no outdoor retail is authorized.

As early as July 2025, sheds had been placed within the open area of the property. Without a CUP in effect, the placement of sheds on the site was only potentially allowable as non-retail outdoor storage. However, non-retail outdoor storage is a prohibited primary use in the DW District pursuant to EMC §155.208.020 (Allowed Land Uses) and may be allowed only as an accessory use if it complies with the screening and development standards of EMC §155.304.110 (Outdoor Storage). Due to fencing height limitations in mixed-use zoning districts (solid fences must be no taller than 36 in and open fences don't meet screening requirements) and the existing site configuration, the property does not meet the requirements for a compliant screened outdoor storage area.

Accordingly, the outdoor storage activity and associated fencing constitute nonconforming conditions subject to EMC §155.424.060 (Nonconforming Uses) and EMC §155.424.030 (Nonconforming Site Features). Additional nonconforming site features identified during application review include bicycle parking, objects within required vision clearance areas (VCAs), and nonconforming outdoor lighting fixtures, which are discussed further in Section 1, below.

On April 23, 2025, the Applicant applied for a business license to sell prefabricated sheds on the outdoor portion of the property. Because outdoor retail requires an approved CUP and must be accessory to a primary use, the business license application was placed on hold on April 29, 2025, pending identification of a primary use and CUP approval. The Applicant applied and paid for a CUP on August 5, 2025, and following staff review, an incomplete letter was issued on September 8, 2025, requesting clarification of the primary use.

In October 2025, the Applicant revised the proposal to establish indoor retail within the existing warehouse building as the primary, principally permitted use. The business license was subsequently approved for indoor retail operations. Approval of the proposed CUP would authorize the accessory outdoor retail and display area for prefabricated sheds and provide a mechanism to address the identified nonconforming site conditions. Lastly, on January 6, 2026,

the Applicant submitted a sufficient proposed landscaping plan (Attachment 2, page 4), satisfying the remaining completeness requirements, and the application was thereafter deemed complete.

### **CEQA Review Pathway**

CEQA applies to discretionary actions such as CUPs (i.e. a “discretionary project”) under CEQA Guidelines §15002(i). Ordinarily, the project would qualify for several categorical exemptions, including §15301 (Class 1) Existing Facilities, §15302 (Class 2) Replacement or Reconstruction, §15304 (Class 4) Minor Alterations to Land, and §15311 (Class 11) Accessory Structures. However, CEQA Guidelines §15300.2(e) prohibits the use of these categorical exemptions for a project located on a site listed on the Cortese list, a State-maintained inventory of sites with known current or historical hazardous material releases. The Cortese List is compiled by the California Environmental Protection Agency (CalEPA)<sup>2</sup> using information from regulatory agencies such as the State Water Resources Control Board (SWRCB) and the Department of Toxic Substances Control.

Despite its closed case status in the SWRCB’s GeoTracker database, the property remains listed on the Cortese list due to residual contaminated soil associated with the former Triangle Gas Station USTs. As a result, the project cannot be exempted using the categorical exemptions listed above. However, the project meets the requirements for a statutory exemption under CEQA Guidelines §15183(a) (Projects consistent with a Community Plan, General Plan, or Zoning). §15183 provides that when a project is consistent with an adopted General Plan and analyzed in a certified Environmental Impact Report (EIR), no additional environmental review is required except as necessary to examine whether there are project-specific significant effects which are peculiar to the project or its location.

In December, 2025, the Applicant, through City staff, procured an environmental consultant to prepare a §15183 Consistency Report, included as Attachment 5. Additional discussion of the §15183 analysis is provided in the Environmental Assessment section, below.

### **USE PERMIT ANALYSIS**

To approve a CUP, the Planning Commission must make all of the following findings:

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.

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<sup>2</sup> CalEPA Cortese List Data Resources webpage: <https://calepa.ca.gov/sitecleanup/corteselist/>

## 1. Plan and Code Consistency

### General Plan Consistency

#### Land Use Designation

The property's Land Use Designation is Downtown Commercial (DC), which the 2040 General Plan describes as:

“Mix of retail, restaurants, lodging, entertainment, cultural, visitor services, offices, and upper floor residential uses. Applied to the bulk of the Core Area, which serves as the traditional business and cultural center for the City. Intended to have a high intensity urban form, retain and enhance Eureka's identity and historic character, and promote a vibrant pedestrian environment. Residential and office uses are primarily allowed only on upper floors and non-street-facing portions of buildings, and only as provided by the applied zoning district.”

The proposed use involves the retail sales of prefabricated sheds, with sales and display occurring both within an existing warehouse building and outdoors on a portion of the property, with the outdoor retail sales functioning as a secondary use. Retail uses are consistent with the types of commercial activities contemplated under the DC designation. The project does not propose new buildings, changes to building height, or increases in floor area. The property's existing floor area ratio (FAR) of approximately 0.16 will remain unchanged and is well below the maximum FAR of 6.0 permitted under the Downtown Commercial designation.

Additionally, approval of the CUP would address existing nonconforming site features by removing noncompliant outdoor storage screening and introducing new landscaping, which would improve the visual quality of the site frontage and better support a pedestrian-oriented environment along 5<sup>th</sup> and Summer Streets. Accordingly, the proposed outdoor retail use, in conjunction with, and secondary to, the primary indoor retail use, is consistent with the DC land use designation in terms of use type, scale, and intensity.

#### Goals and Policies

Staff has reviewed the 2040 General Plan and found the following relevant goals and policies:

**Policy LU-1.1 Diverse Uses.** Maintain a diverse range of compatible land uses that offer adequate flexibility to quickly respond to evolving market opportunities over time.

**Policy LU-1.3 Beneficial Development.** Support development that affords benefits to all segments of the community that: [...]

c. Develops underutilized or vacant parcels.

d. Reuses and expands upon underutilized or dilapidated buildings.

**Policy LU-1.5 Nonconforming Uses, Site Conditions and Structures.** Allow existing nonconforming uses, site conditions, and structures to remain unless specifically targeted in the Zoning Code. When new development occurs, encourage non-conforming uses that are incompatible with surrounding conforming uses or are not in conformance with the General Plan or Zoning Code to become conforming, and in some cases, require nonconforming uses to relocate as specified in the Zoning Code. Consider offering

incentives for some nonconforming uses to either relocate or modify to become more compatible with the surrounding neighborhood.

**Policy LU-1.9 Existing Buildings and Sites.** Support economic investment in and incentives for improvements to existing buildings and sites including facade improvements, new paint and signage, retrofitting, adaptive reuse, and upgraded landscaping and paving.

**Policy LU-1.11 Prior Development.** Encourage the new use/development of properties that have been previously used for industrial and commercial purposes and have since become vacant, overgrown with vegetation or fallen into disrepair [...]

The outdoor retail sales and display of prefabricated sheds are well suited to this property due to the available open area, which allows inventory to be adjusted and rotated based on customer demand, without changes to buildings or site intensity. This operational format provides adequate flexibility to respond quickly to evolving market opportunities overtime while remaining secondary to the primary indoor retail uses, consistent with Policy LU-1.1.

As described above, the property contains a large vacant area fronting 5<sup>th</sup> and Summer Streets. Both the indoor and secondary outdoor retail sales components represent productive uses of the property and the warehouse building and provide community benefits, such as increased economic activity and improvements to site features (landscaping, fencing and outdoor lighting) that will enhance the visual character of the area, consistent with Policies LU-1.3 and LU-1.11.

Approval of the project brings specific existing nonconforming conditions into compliance consistent with Policy LU-1.5. The installation of new perimeter landscaping supports further investment in the property consistent with Policy LU-1.9.

**Policy LU-1.19 Pedestrian-oriented Design.** In the downtown, commercial core, mixed use, and neighborhood commercial areas, promote the creation of a strong and appealing pedestrian environment by requiring the use of transparent commercial storefronts (i.e., windows and doors) and continuous and compatible building facades, while prohibiting the creation of blank walls and discontinuity in building facades.

**Policy LU-1.14 Public Realm.** Provide safe, clean and pedestrian friendly streetscapes and public spaces through careful design and active maintenance of sidewalks, street trees, landscaping, street furnishings, lighting, public art and other elements.

**Policy E-7.6 US 101 through Eureka.** Work with Caltrans to beautify and enhance the physical infrastructure of Broadway, 4th Street, and 5th Street, to create gateways and corridors that create a sense of place that matches Eureka's brand, and work with property owners and businesses to create attractive buildings and storefronts on these same streets in order to make these primary thoroughfares more vibrant and visually appealing to tourists and visitors.

The project enhances the pedestrian environment through site improvements that bring nonconforming conditions into compliance, including the installation of landscaping, removal of non-compliant fencing from the VCA, removal of the nonconforming outdoor storage area, and upgrades to outdoor lighting. The proposed perimeter landscaping will be concentrated along the 5th Street/US 101 North frontage and adjacent City sidewalks which supports the beautification

of the US 101 corridor consistent with Policy E-7.6, as well as a safe, visually appealing, and pedestrian environment consistent with Policies LU-1.14 and LU-1.19.

**Policy LU-3.1 Variety of Commercial Uses.** Provide sufficient land for a broad range of viable commercial, office and mixed uses to meet the needs of the community, capture local and visitor spending, and contribute to the City’s economic vitality.

**Policy E-1.1 Business Friendly Environment.** Work to remove both real and perceived barriers to development and continually reinforce a business-friendly reputation by ensuring:

- c. Flexibility to adjust to unique circumstances;

There are a number of existing outdoor retail uses immediately surrounding the property and the proposed outdoor retail, in conjunction with the indoor retail sales, aligns with the DC Designation’s emphasis on retail activity and represent a viable commercial use that contributes to the City’s economic vitality by supporting local employment and generating commercial activity, consistent with Policy LU-3.1.

The property’s development history and the presence of residual contaminated soil in a limited portion of the property constitute unique circumstance that can present as a perceived barrier to reinvestment, and the CUP process provides a clear and predictable review pathway that helps remove such barriers, consistent with Policy E-1.1.

Based on the discussion above, the project, subject to the conditions of approval, is consistent with the General Plan.

### **Zoning Code (EMC Chapter 155) Consistency**

#### **DW District Purpose**

The specific purpose of the DW District is described as:

“The DW District is an extension of the Downtown (DT) District with a broader range of allowed land uses to further encourage investment and development and to provide a transition zone from Broadway to Downtown.”

The specific purpose of the DT District is described as:

“The DT District maintains, promotes, enhances, and builds upon Eureka’s Downtown as a vibrant center for residents, businesses, the arts, local/regional visitors, and out-of-town tourists. Vertical mixed-use development with a diversity of uses promote daytime and evening activity, including residential, cultural, lodging, civic, professional office, entertainment, retail, and other customer serving and employment-intensive uses. Multi-story buildings built to lot lines fully utilize available land and support a high-intensity economic and cultural center for the surrounding region. Existing buildings are fully utilized with uses that serve residents, employees, visitors, and the broader region. A diversity of building types and architectural styles, many with active ground-floor uses, support a vibrant pedestrian environment and active and inviting public spaces.”

Indoor retail is a principally permitted use in both the DT and DW Districts. Outdoor retail is conditionally allowed in both DT and DW; however, new outdoor retail uses are not permitted in the DT District, while outdoor retail may be approved in the DW District consistent with its purpose as a transition zone to Broadway's Service Commercial District (SC District), where outdoor retail is a principally permitted use. The requirement that outdoor retail in DW District be secondary to a principally permitted use supports the DW District's purpose as a transition zone. Applied to the proposed project, the primary use of indoor retail satisfies this requirement, consistent with the DW District's purpose.

In addition, the proposed use and its operational characteristics are consistent with the DW District's transitional role between the Downtown core and Broadway's more auto-oriented commercial environment. Delivery-based operations, limited hours of activity, and accessory nature of outdoor retail are compatible with surrounding auto-oriented commercial development while maintaining an overall scale and intensity appropriate for the DW District. Required improvements to address nonconforming site features further support reinvestment in the property and advance the DW District's purpose of encouraging development while improving site conditions over time. For these reasons, the project is consistent with the purpose of the DW District.

#### Development Standards

The property is conforming with respect to minimum lot size, density, and site coverage standards for the DW District as found in EMC §155.208.020 (Development Standards), but is legally nonconforming to minimum building stories and minimum FAR development standards. The existing warehouse building is one story where two stories are the minimum standard, and has a FAR of 0.156 where 1.0 is the minimum standard. No development is proposed that will exacerbate these nonconformities (such as demolishing a portion of the legal-nonconforming building), making them irrelevant to the proposed use.

Because outdoor retail is allowed only as a secondary use, approval of the CUP is limited to outdoor retail sales of prefabricated sheds in conjunction with the approved primary indoor retail use within the existing warehouse building. A condition of approval requires the indoor retail use to remain the primary use and limits outdoor retail to the sale and display of prefabricated sheds only; any expansion of change to the type of outdoor retail sales requires approval of a modification to this CUP.

During the application review, multiple non-conforming conditions were identified. As previously mentioned, the project includes site improvements to bring these nonconforming conditions into compliance, including the installation of five short-term bicycle parking spaces, removal of the fencing within the 5th Street/US 101 North and Summer Street VCA (see Figure 2, above), and replacement of one or more nonconforming outdoor lighting fixtures with Dark Sky Compliant fixtures. Conditions of approval require the Applicant to complete these improvements. Therefore, the project is consistent with the applicable Zoning Code development standards.

For these reasons described above, the project, subject to the conditions of approval, is consistent with the Zoning Code.

## **2. Site Suitability**

The property's location, shape, and access are suitable for the proposed outdoor retail use. The existing warehouse building is large enough to accommodate the primary indoor retail use (shed

sales), and the vacant/undeveloped portion of the property can accommodate the secondary outdoor retail use (shed display and sales). Employee parking will occur within the building via the roll-up door. The paved driveway accessed from Summer Street is wide enough to accommodate vehicle maneuvering, loading and unloading, and placing sheds for display. Removal of the nonconforming outdoor storage area fencing creates additional space for the display of sheds. There is also sufficient on-street parking available to serve the anticipated number of customers. For these reasons, the property is suitable for the proposed use.

### **3. Compatibility with Existing and Planned Land Uses in Vicinity**

The property is located in an area characterized by predominantly auto-oriented and outdoor commercial uses and operations (see Figure 7, below). Similar to these surrounding uses, the proposed use will operate during normal business hours and will host a small number of employees and customers at a given time. The proposed use will not significantly alter existing traffic or circulation patterns, as sheds will be loaded, unloaded, and positioned entirely on the property by experienced staff. The proposed perimeter landscaping will enhance the pedestrian experience and visual quality of the area, contributing to a more comfortable and engaging streetscape. Because business activities associated with the sale of sheds will occur only on the property, will be compatible in scale and intensity with surrounding auto-oriented commercial uses, and will include site improvements that enhance the pedestrian environment, the proposed use is compatible with surrounding and planned uses.

**Figure 7: Surrounding Uses** (red=outdoor car sales, blue=auto-oriented repair, orange=other outdoor uses)



### **4. Public Health, Safety, and Welfare**

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. Based on agency and departmental review, the Applicant is required to comply with standard conditions of approval as applicable, further described below, addressing infrastructure, utility safety, traffic safety, environmental health, and cultural resources. Compliance with these requirements ensures the proposed use and required site feature improvements are not be detrimental to the public health, safety, or welfare (see Attachment 3 for received referral responses). Planning received a verbal response from the Chief Building Official, and written responses from City Engineering, Pacific Gas and Electric (PG&E), SWRQCB, Caltrans, and local tribes, as described below.

**City Engineering and Chief Building Official.** City Engineering provided comments regarding work performed in the public right-of-way, sewer lateral, and stormwater requirements. The Applicant must coordinate with City Engineering to confirm whether a sewer lateral certificate is required based on the final scope of work for any tenant improvements made to the warehouse building. Based on a verbal discussion with the Chief Building Official, the existing building occupancy classification is F-1/S (Factory-Industrial and Storage occupancy classifications under the California Building Code) and the proposed indoor retail use may not constitute a change in building use or occupancy. The Chief Building Official also identified that recent tenant improvements to the building were completed without building permits. To address this issue and ensure compliance with applicable building and safety requirements, a condition of approval requires the Applicant to obtain all required building permits to legalize any unpermitted tenant improvements prior to initiation of operations, or as otherwise directed by the Building Division.

**PG&E.** The proposed site improvements are not expected to interfere with existing utilities. However, based on the response from PG&E, a condition has been added altering the Applicant to obtain prior approval for any work conducted near gas or electric facilities and to comply with all applicable requirements identified in PG&E's response.

**SWRCB.** Based on the response received from SWRCB, a condition of approval requires adherence to all recommendations contained in the approved Contingency Plan for Subsurface Work during project construction of required site feature improvements (see Attachment 4, These measures include contractor and site worker safety training; notifications; actions to be taken before working in areas with residual contamination; actions to be taken upon encountering contaminated material; construction practices to minimize the disruption and transport of contaminated material; and practices for the proper handling and disposal of contaminated material. The SWRCB has further identified that infiltration from in-ground landscaping or irrigation could mobilize residual soil contamination in the northwest portion of the property, generally located near the former Triangle Gas Station site and adjacent to the 5th Street/US 101 North frontage. Accordingly, in-ground landscaping and irrigation are prohibited within this portion of the property. Landscaping in this area is limited to xeriscaping and above-ground planter boxes. These measures are incorporated into the project design to comply with SWRCB requirements and to protect public health and the environment.

**Caltrans.** Based on the response received from Caltrans, for the purposes of traffic safety, a condition has been added requiring that the drop curb near the northwest corner of the property on 5th Street/US 101 North not be used. The Applicant has already committed to not use the existing drop curb as they feel it is an unsafe ingress/egress to the property and they intend to maintain landscaping and fencing along the perimeter, preventing vehicles from entering the property from 5th Street/US 101 North.

**Local Tribes.** Based on the responses received from tribes, should ground disturbance be required for the installation of landscaping, lighting, or fencing, a condition has been included requiring the Applicant and their contractors to adhere to City's standard Inadvertent Archeological Discovery Protocol during any ground disturbing activities associated with the proposed project, to ensure that if any cultural resources are inadvertently discovered, they are properly addressed in consultation with the tribes.

Lastly, the property is located within a **mapped tsunami evacuation zone** (see Figure 8 below) and is subject to seismic risk. To address public safety concerns associated with tsunami hazards, a condition of approval requires the Applicant to prepare and maintain a tsunami evacuation plan for the life of the use and post an evacuation route in a clearly visible location on the premises.

**Figure 8: Tsunami Hazard Area Map<sup>3</sup>** (yellow=hazard area; circle = subject property)



For these reasons, the project, as conditioned, will not be detrimental to the public health, safety, and welfare.

### **5. Properly Located and Adequately Served**

The property is served by City water and sewer and all major utilities, and the proposed use does not require the installation of new utility infrastructure.

The property is located in the DW District, a mixed-use zoning district, structured on a grid-pattern of streets, specifically located on the corner of Summer Street and 5th Street/US 101 North. The neighborhood is served by sidewalks and crosswalks, with some nearby bike facilities and bus stops. Loading and unloading of sheds occurs via the driveway on Summer Street, which provides sufficient room for vehicle maneuvering and turnaround. One on-site vehicle parking space is provided for staff inside the warehouse building, and customers utilize available on-street parking. As part of the project's nonconforming site feature improvements, five bicycle parking spaces are required and provided to bring the property into compliance with the City's bicycle parking requirements for commercial uses.

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<sup>3</sup> State of California, 2021. Tsunami Hazard Area Map, County name County; produced by the California Geological Survey and the California Governor's Office of Emergency Services; dated 2021, displayed at multiple scales. <https://www.conservation.ca.gov/cgs/tsunami/maps/humboldt>

Customers without vehicles will be able to visit the business and purchase sheds because the property is accessible by multiple transportation modes. Bicycle access is provided by nearby Class II bicycle lanes on 6th Street (westbound) and 7th Street (eastbound), as well as a two-way Class III bicycle facility on California Street immediately south of the property. Transit access is available from multiple nearby bus stops served by Eureka Transit Service, with additional regional service available at the 4th and B Street stop, which is also served by Redwood Transit Service and Southern Humboldt Intercity routes.

For all these reasons, the proposed use is properly located within the City and adequately served by existing services and infrastructure.

### **CONCLUSION**

Based on the analysis above, the proposed outdoor retail use, limited to the sale and display of prefabricated sheds and conducted in conjunction with and secondary to indoor retail sales as a primary use within an existing warehouse building, is consistent with the General Plan and Zoning Code. The Applicant's compliance with the Conditions of Approval ensures the proposed use is suitable for the property; compatible with existing and planned land uses in the vicinity; not detrimental to the public health, safety, and welfare; properly located within the City; and adequately served by existing utilities and infrastructure. Any expansion or change to the type of outdoor retail sales would require approval of a modification to this CUP.

### **ENVIRONMENTAL ASSESSMENT**

As previously noted above, the City of Eureka, as Lead Agency, has determined that the Shoreline Structures Outdoor Retail CUP is a discretionary action that triggers review under CEQA. However, the project is exempt from CEQA pursuant to CEQA Guidelines §15183 (Projects Consistent with a Community Plan, General Plan or Zoning).

CEQA Guidelines §15183 mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its location [PRC §21083.3(b) and CEQA Guidelines §15183(a)]. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

The City of Eureka certified an EIR for the City of Eureka's 2040 General Plan in conjunction with the adoption of the 2040 General Plan on October 15, 2018 (State Clearinghouse #2016102025). The Shoreline Structures Outdoor Retail CUP qualifies for an exemption from additional environmental review pursuant to CEQA Guidelines §15183 because:

- (1) the project is consistent with the development density established by the 2040 General Plan for the project site;
- (2) there are no project-specific effects which are peculiar to the project or its site, and which the General Plan EIR failed to analyze as significant effects;
- (3) there are no potentially significant off-site or cumulative impacts which the General Plan EIR failed to evaluate;
- (4) there is no substantial new information which results in more severe impacts than anticipated by the General Plan EIR; and

- (5) the project will undertake feasible mitigation measures specified in the General Plan EIR which will be implemented through project design, compliance with regulations and ordinances, and/or through project conditions of approval.

Accordingly, no additional analysis or mitigation is required. Further supporting information on how the Shoreline Structures Outdoor Retail CUP is exempt pursuant to CEQA Guidelines §15183 is found in Attachment 5, including information on applicable EIR mitigation measures, which include 2040 General Plan policies, City regulations, and other laws and regulations which reduce project specific impacts to a less than significant level.

### **PUBLIC HEARING NOTICE**

Public notification consisted of notification by mail of property owners within a 300-ft radius of the property on or before January 30, 2026. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the property on January 30, 2026.

### **DOCUMENTS ATTACHED**

- Attachment 1: Resolution
- Attachment 2: Applicant Submitted Material
- Attachment 3: Referral Responses
- Attachment 4: Contingency Plan for Subsurface Work
- Attachment 5: CEQA §15183 Justification