

RESOLUTION NO. 2026-xx

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
CONDITIONALLY APPROVING THE SHORELINE STRUCTURES OUTDOOR RETAIL
CONDITIONAL USE PERMIT (UP-25-7) AT 500 SUMMER STREET, APN: 001-035-002**

WHEREAS, the Applicant, Joseph Picton, is proposing outdoor retail sales and display of prefabricated sheds as a secondary use requiring approval of a Conditional Use Permit (CUP), conducted in conjunction with indoor retail sales as a primary use within an existing warehouse building on an existing commercial property at 500 Summer Street (APN 001-035-002); and

WHEREAS, the property is zoned Downtown West (DW) and has a land use designation of Downtown Commercial (DC); and

WHEREAS, pursuant to EMC §155.208.020 (Allowed Land Uses) General Retail – Outdoor is allowed in the DW Zoning District with a CUP, but is only allowed only as a secondary use when combined with an allowed primary use; and

WHEREAS, the primary use of the property is Indoor Retail of prefabricated sheds and shed accessories, and the secondary use is the Outdoor Retail of prefabricated sheds; and

WHEREAS, the Planning Commission’s decision on the CUP is a discretionary action and thus a project subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on February 11, 2026 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 Eureka Municipal Code 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:

- A. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council
- B. The site is suitable for the size, design, and operating characteristics of the proposed use.
- C. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
- D. The proposed use will not be detrimental to the public health, safety and welfare.
- E. The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.
- F. The project is consistent with the provisions of CEQA pursuant to §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) as described in the staff report and Attachment 5, and no additional environmental review is required.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions to the satisfaction of Development Services – Planning (Planning Division) unless otherwise noted: **Maintenance of a Primary Use and Scope of Outdoor Retail.** The approved outdoor retail use is limited to the sale and display of prefabricated sheds and is authorized only as a secondary use to the on-site indoor retail operation within the existing warehouse building. The indoor retail use shall remain the primary use for the duration of the outdoor shed sales. Any expansion or change to the type of outdoor retail sales shall require approval of a modification to this CUP.

B. Building and Fire Department Approvals. Prior to commencement of outdoor retail operations, confirmation shall be obtained from Development Services – Building (Building Division) regarding whether building permits are required for any tenant improvements previously completed within the existing building and for any required site feature improvements.

If the Building Division determines that building permits are required, all necessary Building and Fire permits shall be obtained and all required inspections completed to the satisfaction of Development Services – Building and Humboldt Bay Fire, or as otherwise approved by the Building Division. If the Building Division determines that no building permits are required, written confirmation of that determination shall be provided to the Planning Division.

C. Nonconforming Site Features. Prior to commencement of outdoor retail operations, the following nonconforming site features must be brought into compliance, unless an alternative compliance schedule is approved by the Director of Development Services:

- 1. Outdoor Storage.** The nonconforming outdoor storage area must be removed. Nonconforming solid fences and walls shall be removed or modified to meet the requirements of EMC §155.320 (Fences and Walls).
- 2. Vision Clearance Area (VCA).** Sight lines for traffic safety must be maintained by ensuring that no fence, wall, landscaping, vehicle, or object over 36 inches in height is placed within a VCA as defined by EMC §155.308.040.C.
- 3. Landscaping.** Perimeter landscaping must be installed as shown on the approved landscaping plan, including a minimum five-foot-wide landscaped strip along 5th Street/US 101 North, and a minimum three-foot-wide landscaped strip along Summer Street, and landscaping within the street corner VCA. The width of these landscaped areas must not be reduced. All landscaping must comply with EMC §155.328 and include pedestrian-scaled landscape elements (such as layered planting beds, ornamental grasses, shrubs, planter boxes, or similar features designed at a human scale) that enhance the visual quality of the streetscape. Landscaping within a VCA must comply with the height limitations in Condition C.1, and the landscaping restrictions in Condition G.
- 4. Outdoor Lighting.** All exterior/outdoor lighting must comply with EMC §155.308.050 (Outdoor Lighting), including dark sky compliance and shielding requirements.
- 5. Bicycle Parking.** Five bicycle parking spaces must be installed and maintained in compliance with EMC §155.324.070 (Bicycle Parking).

- D. Engineering Referral Comments.** All applicable referral comments from the Engineering Department, as included in Attachment 3 of the staff report, must be addressed to the satisfaction of the Engineering Department prior to commencement of outdoor retail operations, unless otherwise approved by the Director of Development Services.
- E. PG&E Referral Comments.** All applicable referral comments from Pacific Gas and Electric (PG&E), as included in Attachment 3 of the staff report, must be addressed to the satisfaction of PG&E.
- F. 5th Street/ US 101 North Site Access Restrictions.** The drop curb near the northwest corner of the property along US 101 North/5th Street must not be used for ingress/egress for the duration of the approved use.
- G. Tsunami Preparedness.** Prior to commencement of outdoor retail operations, a tsunami evacuation plan must be prepared and maintained for the life of the approved use, and post an evacuation route in a prominent location on the premises.
- H. Residual Contaminated Soil Area – Subsurface Work and Landscaping Restrictions.** All ground disturbing activities must comply with the Contingency Plan for Subsurface Work prepared by LACO Consulting Engineers (dated December 2004), included as Attachment 4 of the staff report. must be adhered to during ground disturbing activities, including required notifications to the North Coast Regional Water Quality Control Board (NCRWQCB) prior to commencing such activities. Compliance with the Contingency Plan is required to the satisfaction of the NCRWQCB.

In addition, no low-impact development (LID) stormwater features or in-ground irrigation can be installed within the northwest portion of the property where residual soil contamination may be present as shown in the Contingency Plan for Subsurface Work. Landscaping in this area must be limited to xeriscaping, above-ground planter boxes, or similar non-invasive methods that do not require ground disturbance or increase stormwater infiltration.

- I. 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 must 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 must 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 must 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) must 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 must be complied with as may be required.

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 11th day of February, 2026, by the following vote:

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

Meredith Maier, Chair, Planning Commission

Attest:

Cristen Kenyon, Executive Secretary