



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • Fx (707) 441-4202
planning@ci.eureka.ca.gov • www.ci.eureka.ca.gov

NOTICE OF PUBLIC HEARING

EUREKA CITY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Eureka City Planning Commission will hold a public hearing for this project on Monday, July 10, 2017, at 5:30 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 “K” Street, Eureka, California to consider the following application:

Project Title: Modification of Komak Height Variance **Project #:** V-16-00 (mod)

Location: 137 W. Washington, Eureka **APN:** 004-011-001

Description: The applicant is proposing to construct a two story garage, with a bedroom/bath on the first floor, and a game room and bedroom/bath on the second floor, of the 4400 square foot, 40 foot wide by 110 foot long corner lot currently developed with a single family dwelling unit and a 19 foot tall, two-story, 4 room guest house. A variance was granted in 2000 to allow the guest house to exceed the maximum 12 foot height limitation for accessory structures. The garage addition will be attached to the existing guest house and therefore modification of the prior variance is required.

All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing. Written comments may be submitted at the hearing or prior to the hearing by mailing or delivering them to the Development Services Department 531 K Street, Eureka, CA. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. Appeals to the City Council of the action of the Planning Commission may be made within 10 days of the action by filing a written Notice of Appeal, along with applicable appeal fees, with the City Clerk. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Development Services Department, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact Kristen M. Goetz, Senior Planner. Phone: (707) 441-4160; e-mail: kgoetz@ci.eureka.ca.gov



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director
Community Development Division
Kristen M. Goetz, Senior Planner
531 K Street • Eureka, California 95501-1146
Ph (707) 441-4166 • Fx (707) 441-4202
kgoetz@ci.eureka.ca.gov • www.ci.eureka.ca.gov

EUREKA CITY PLANNING COMMISSION

STAFF REPORT

July 10, 2017

Project Title: Modification of Komak Height Variance

Location: 137 W. Washington, Eureka

APN: 004-011-001

Description: The applicant is proposing to construct a two-story garage, with a bedroom/bath on the first floor, and a game room and bedroom/bath on the second floor, of the 4,400 square foot, 40 foot wide by 110 foot long corner lot currently developed with a single family dwelling unit and a 19 foot tall, two-story, 4 room guest house. A variance was granted in 2000 to allow the guest house to exceed the maximum 12 foot height limitation for accessory structures. The proposed addition will be attached to the existing guest house.

A one-story accessory structure was previously located in the same footprint as the proposed addition, and was voluntarily raised prior to the construction of the current guesthouse. Pursuant to Eureka Municipal Code §155.249, the structure may be restored. However, because the applicant is proposing the addition of the second story, and because it will be attached to the existing guest house which was permitted with a variance, a modification of the previously granted height variance is required.

Staff Contact Person: Kristen M. Goetz, Senior Planner; City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4166, fax: (707) 441-4202, email: kgoetz@ci.eureka.ca.gov

Environmental: The variance is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, it qualifies for a Class 1 exemption from the preparation of environmental documents. Class 1 exempts additions that are less than 50% of the original structure’s area.

Staff Recommendation and Suggested Motion: Adopt a Planning Commission Resolution conditionally approving the modification to the height variance V-16-00 for 137 W. Washington Street.

“I move that the Planning Commission adopt “A Resolution of the Planning Commission of the City of Eureka conditionally approving the modification to a Variance (V-16-00) to allow an addition to a guesthouse to exceed the maximum height limitation for an accessory structure at 137 W. Washington Street.”

Background:

The project site is a relatively narrow lot (40' wide) located at the southeast corner of the intersection of Washington and Pine Streets. The site is currently developed with a one-family residence constructed c. 1904, and a detached 19-foot tall two-story, four-bedroom, two-bath guesthouse. In November, 2000, the Planning Commission approved a variance from the 12-foot accessory structure height limit to permit construction of the guesthouse.



The parking regulations specify that for a one-family dwelling, at least two off-street parking spaces be provided, with at least one space located either in a garage or under a carport. In March of 2000, a building permit was issued for the demolition of the garage/accessory structure. Prior to demolition of the garage, the property was non-conforming in that only one space was provided. Because the City granted a demolition permit for the garage without requiring replacement parking, the City had, in essence, “grand fathered” the absence of all off-street parking. And, because the parking regulations do not require off-street parking for guesthouses, no new off-street parking was required. Since the construction of the guest house, the concrete pad at the rear of the property has been available for uncovered, off-street parking.



In the original variance application, the applicant indicated that the guesthouse was intended to house family members of the property owner. The City Fire Department responded that, pursuant to the Uniform Building Code, provided the inhabitants of the guesthouse were relations of the property owner that the use was considered an “R-3” or single-family occupancy. This meant that the existing residence and the guesthouse would operate as a single housekeeping unit and therefore, no special fire separate would be required between the existing residence and the guesthouse. However, if the property owner converted the guesthouse to full living quarters (i.e., addition of a kitchen area) or rented the rooms separate from the house, the building’s Occupancy would change to “R-1” and a fire separation would then be required. Conditions of approval were included notifying the property owner that changing from a guesthouse to a residential use by adding kitchen facilities was not allowed without prior City approval. During the hearing in 2000, the Planning Commission added a description of what constituted a kitchen to the condition. The property owner has not indicated any plans to add kitchens to the existing guesthouse, and no kitchen facilities are shown on the proposed plan. When Staff checked, the Building Official indicated that the addition of kitchen facilities could still trigger a change in the occupancy of the guesthouse and the original condition has been included as a condition of approval for the modification.



In 2010 the property owner submitted an application for variances to allow the addition of a two-story garage and entertainment room to the existing guesthouse. A total of five variances were required to construct the garage/entertainment room in its proposed location: construction less than 15 feet from the centerline of an alley, exceeding maximum height, reduced side yard setback, reduced rear yard setback, and exceeding rear yard coverage. On August 8, 2011, the Planning Commission considered the application for the five variances. The application was denied because the required legal findings could not be made at that time.

Since 2011, aerial photographs showing the original garage have been found and are shown below. Additionally, the regulations in the Eureka Municipal Code have changed to allow the reconstruction of historic structures in their previous footprint. The applicant is proposing to construct the garage/game room in the same footprint as the previous garage/accessory structure with the only difference being the height of the structure.

The height variance granted in 2000 was for the construction of a guest house with an approximate footprint of 1,224 square feet. Because the proposed garage/game room will be added onto the existing guesthouse, thereby increasing its footprint by approximately 500 square feet, a modification to the original variance is needed to allow the increased height over a larger portion of the site.



Shuster Collection, HSU



Shuster Collection, HSU

Applicable Regulations: Title 15, Chapter 155, of the Eureka Municipal Code, Section 155.316, specifies the findings that must be made to grant the variance, they are:

- 1) *That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and*
- 2) *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and*
- 3) *And one of the following findings:*
 - a) *That the strict or literal interpretation and enforcement of the specified regulation would result in a practical difficulty or an unnecessary physical hardship inconsistent with the objectives of this chapter; or*

b) That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district; or

c) That the strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

Analysis: The findings for granting the original height variance were made by the Planning Commission in 2000. The following discussion analyzes whether the findings for the proposed modification project can be made for each of the required findings listed above. The analysis and recommendations included herein are based upon adopted regulations, current law, sound planning principals, and including site investigations, agency comments, and information submitted with the permit application.

1) **Public health, safety, or welfare:**

Staff sent referrals to agencies with jurisdiction over the project to determine if there were any issues, recommendations or concerns from those agencies. No agency responded with comments of concern or raised any issues or objections. Some agencies had standard responses that have been incorporated into Exhibit “B” as conditions of approval.

The proposed addition to the guesthouse will be constructed within the footprint of the previous garage accessory structure. Because the lots in this block are oriented north/south, the proposed addition to the two-story guesthouse will be west of the adjacent lot and will not impact the solar access to that lot, nor to the lot on the south side, across the alley. Based on a site visit and the referral responses, Staff did not identify any adverse impacts to the public health or safety and believe this finding can be made.

2) **Grant of special privilege:**

A number of accessory structures are located in the rear yards of properties in the immediate vicinity and appear to be greater than 12 feet in height. A portion of the existing guest house is located in the rear yard of the property (within 20 feet of the rear property line). Although the past grant or denial of variances for other properties in the area does not mandate similar action on the part of the hearing body (Miller v. Board of Supervisors of Santa Barbara County (1981) 122 Cal.App.3d 539), a variance for height was granted to this parcel in 2000. At that time, the Planning Commission found that it was not a grant of special privilege to allow the guesthouse to be 19-feet tall, and staff does not believe it would be a grant of special privilege to allow the height variance to be expanded to include the proposed addition.

Staff believes that granting the requested modification to the variance will not be a grant of special privilege.

3. **Exceptional or Extraordinary Circumstances Applicable to Property or Intended Use:**

The applicant is proposing to reconstruct a garage/game room in the footprint of the original garage/accessory structure. As can be seen in the Shuster photographs included in this report, the original garage/accessory structure was located at the rear of the property, and appears to have extended from the west property line, which is located 12 feet east of the face of the curb on Pine Street, to a point in line with the east wall of the residential structure, which is 5 feet west of the east property line. Therefore, the original setbacks and distance from the centerline of the alley will be recreated with the proposed construction. Granted, the bulk and massing will be different since the proposed structure is two story instead of one like the original garage/accessory structure, but Staff does not believe there will be any effects on the surrounding properties.

The substandard width of the property and the location of the existing guesthouse both limit the area available on the site for new construction or additions. The proposed garage/game room will be located in the footprint of the original garage/accessory structure, and will restore the previously existing covered off-street parking space to the site. The restoration of the covered space will bring the property closer to conformity with the off-street parking requirements by providing the required covered off-street space.

Based on the discussion above, Staff believes this finding can be made.

Support Material:

- Attachment 1: Resolution pages 1.1 to 1.4
- Attachment 2: Vicinity Maps pages 2.1 to 2.2
- Attachment 3: Applicant Submitted Materials..... pages 3.1 to 3.3

Kristen M. Goetz
Senior Planner

Rob Holmlund, AICP
Director of Development Services

June 30, 2017

RESOLUTION NO. 2017-0__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING THE MODIFICATION TO A VARIANCE (V-16-00) TO ALLOW AN ADDITION TO A GUESTHOUSE TO EXCEED THE MAXIMUM HEIGHT LIMITATION FOR AN ACCESSORY STRUCTURE AT 137 W. WASHINGTON STREET.

WHEREAS, the project site is a 40-foot wide, 110-foot deep lot located on the corner of Washington and Pine Streets; and

WHEREAS, the site is developed with a one-family residence constructed c. 1904, and a detached 19-foot tall two-story, four-bedroom, two-bath guesthouse c. 2000; and

WHEREAS, the Planning Commission granted a variance in 2000 to allow the existing guesthouse to be constructed to a height of 19 feet, which exceeded the 12 foot maximum height limitation for accessory structures; and

WHEREAS, in 2000, prior to the construction of the guesthouse, the City of Eureka issued a demolition permit for the existing single car garage/accessory structure sited at the south end of the property, parallel with the alley; and

WHEREAS, the applicant is proposing to construct a two-story garage/game room in the footprint of the previous garage/accessory structure; and

WHEREAS, the new garage/game room will be attached to the south end of the existing guesthouse, will increase the footprint of the guesthouse by approximately 500 square feet, and will match the existing 19-foot height; and

WHEREAS, a modification of the previously approved variance to allow the increased height over a larger portion of the site is required.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka that the modification to the height variance as described in the Staff Report, is approved with conditions.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Eureka that the decision to approve with conditions the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not be limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); agency comments; project file; and, evidence submitted before and with the permit application. The findings of fact listed below “bridge the analytical gap” between the raw evidence in the record and the Planning Commission’s decision.

1. The variance is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, it qualifies for a Class 1

exemption from the preparation of environmental documents which exempts additions that are less than 50% of the original structure's area.

2. The subject property is forty feet wide and is a corner lot.
3. The subject property is currently developed with an historic single family residence, and a 19-foot tall guest house.
4. A garage/accessory structure existed on the south end of the parcel until 2000.
5. Eureka Municipal Code §155.249, allows an historic structure that is voluntarily razed to be restored in its previous footprint.
6. Because the garage/accessory structure has previously existed in the same footprint, the proposed guesthouse addition will not require variances for setbacks, rear lot coverage, or construction within 15 feet of the centerline of the alley.
7. Solar access on adjacent lots will not be impacted as a result of the guesthouse addition.
8. The guesthouse addition will not contain kitchen facilities.
9. In 2000, the Planning Commission made the findings required to grant the original height variance.
10. No new impacts have been identified that would result from the proposed addition.
11. No agency with jurisdiction over the project responded with any issue of concern or any objection to approval of the variance request.
12. No adverse impacts to the public health, safety, or welfare will result from the proposed project.
13. Modifying the original height variance is not a grant of special privilege.
14. The substandard width of the property and the fact the applicant will utilize the footprint of the previous garage/accessory structure are extraordinary circumstances that apply to the property.

FURTHER approval of the Variance is conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

1. The applicant shall obtain all required building permits for the additions approved under this variance modification.
2. The variance approval is for the addition of a garage/game room to the existing

guesthouse only. No conversion to residential use (i.e. installation of kitchen facilities; “kitchen” defined herein means any area for food preparation that may include cooking or food storage appliances such as microwave oven, hot plate and/or refrigerator) is authorized or implied in the variance modification. Any conversion from guesthouse to residence(s) without prior City review and approval is a violation of the Eureka Municipal Code.

3. The guesthouse is approved for occupancy by family members only and shall not be rented to other than family without prior authorization from the City Building and Fire Departments. Rental of the guesthouse to non-family members may require a Change of Occupancy pursuant to the Uniform Building Code.

4. Prior to building permit issuance, approval by the Design Review Committee is required.

5. 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; structural remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

6. In the event that human remains are discovered during development of the site, the project proponent would be required to comply with the State Health and Safety Code 7050.5, which prohibits further disturbance until the County Coroner has made a determination of the origin and disposition pursuant to PRC Section 5097.98. The County Coroner must be notified immediately of the find, and has two working days to examine human remains after being notified. If the remains are determined to be Native American, the coroner is required to notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will identify and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 48 hours of being granted access to the site and may recommend means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The MLD’s preferences for treatment may include the nondestructive removal and analysis of human remains and items associated with the Native American human remains, their preservation in place, their relinquishment to the MLDs for treatment, or other culturally appropriate treatment.

7. 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 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted 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 Section 5097.8. In part, PRC Section 5097.8 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 Public Resources Code Section 5097.98 shall be complied with as may be required.

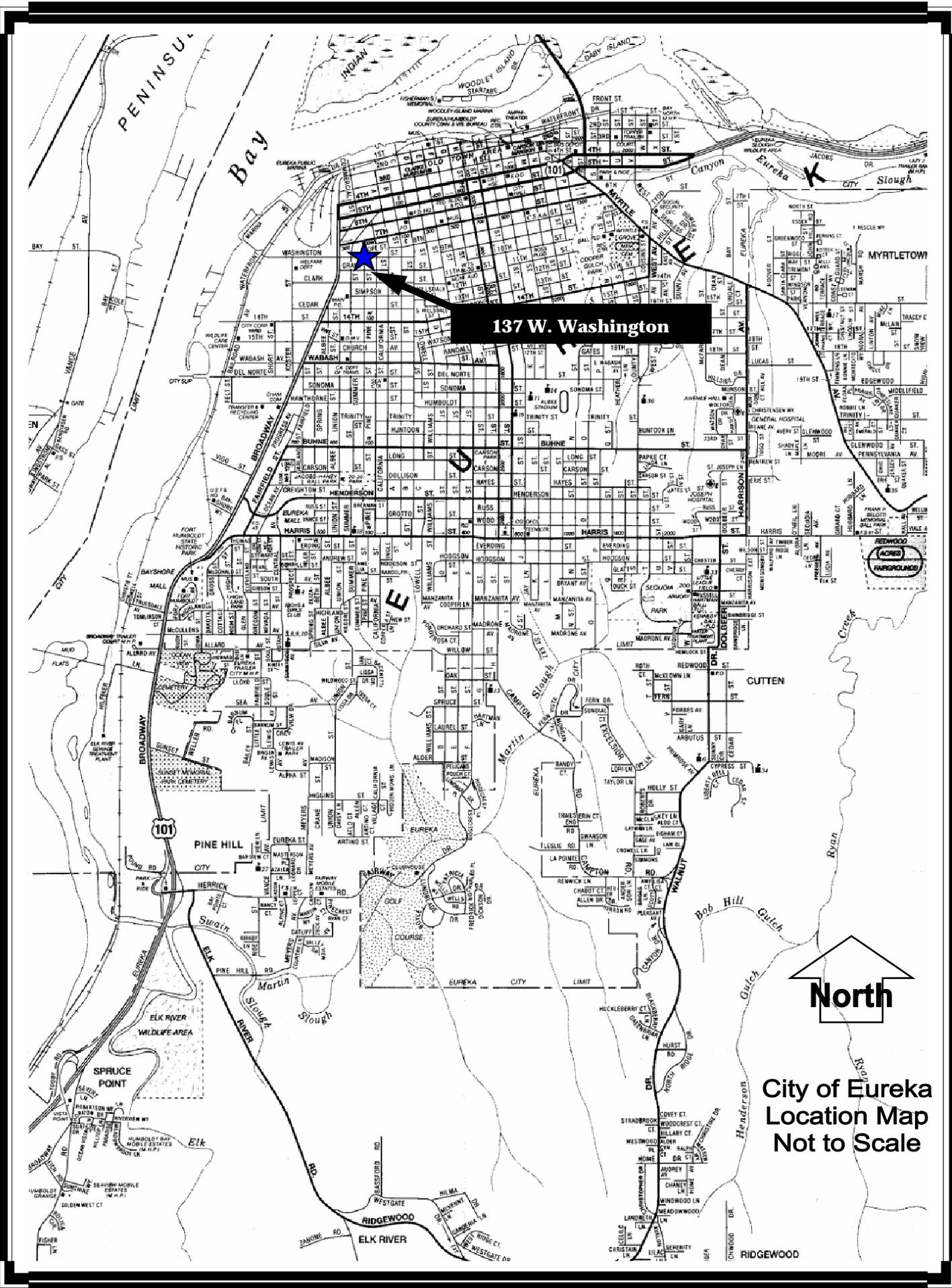
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of June, 2017 by the following vote:

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

Jeff Ragan, Chair, Planning Commission

Attest:

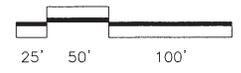
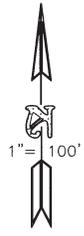
Pamela J. Powell, City Clerk



City of Eureka
 Location Map
 Not to Scale

RS, Bk. 53 of surveys, Pg. 77
 RS, Bk. 70 of surveys, Pg. 99

2.2



ASSESSOR'S PARCEL MAP
 1. THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY.
 2. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN.
 3. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Small Circles



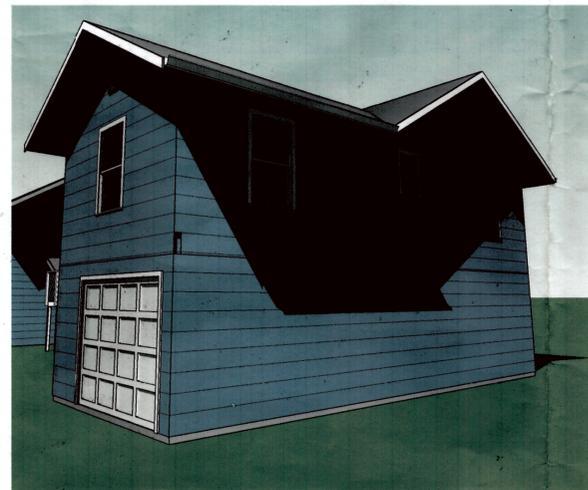
KOMAK ADDITON

137 WEST WASHINGTON STREET
EUREKA, CA. 95501

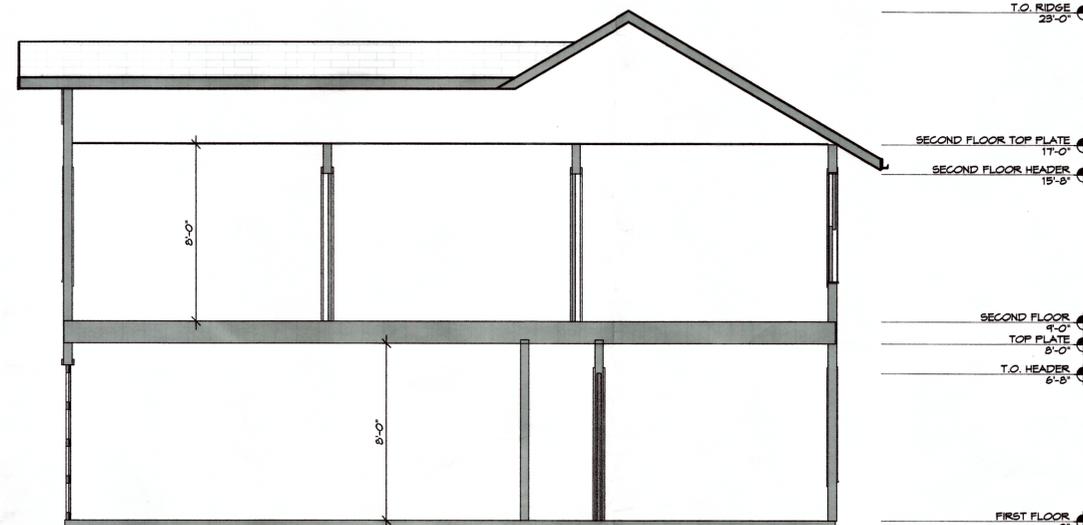
APN: 004-011-001



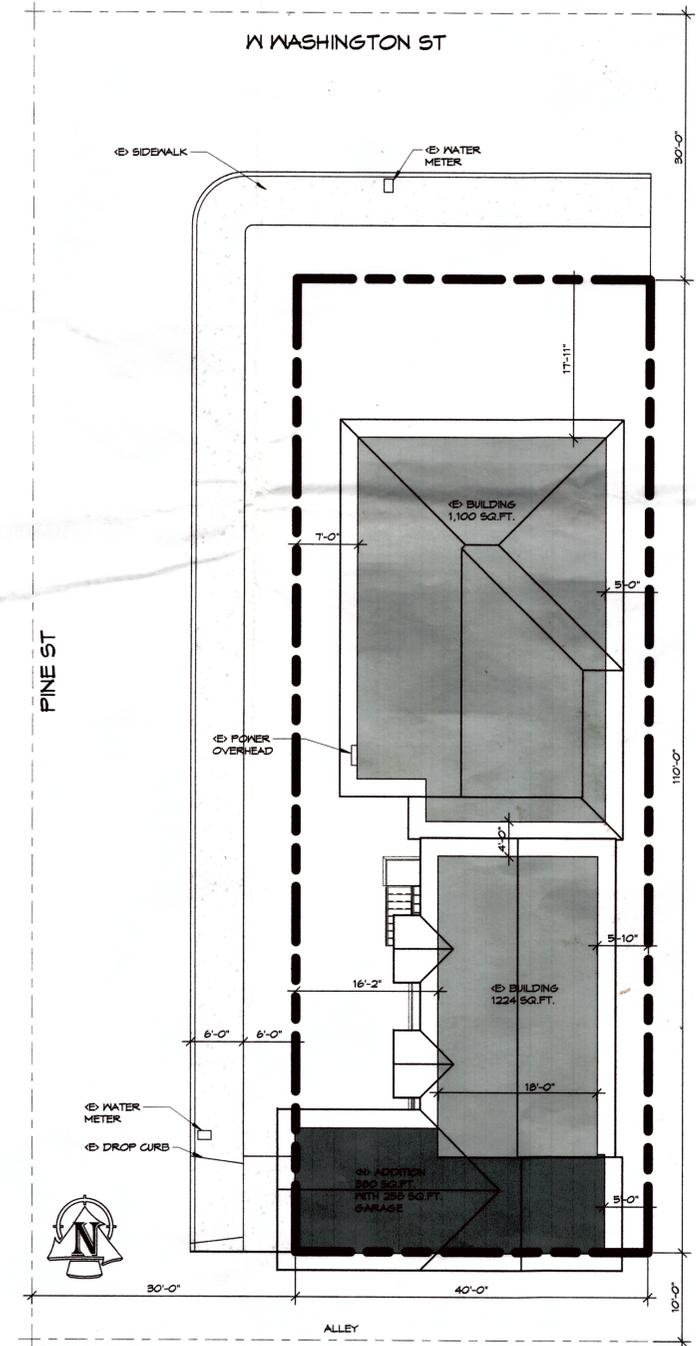
3 3D View 1



5 3D View 2



2 Section 1
1/4" = 1'-0"



1 SITE PLAN
1" = 10'-0"

REVISIONS

RECEIVED
FEB 24 2017
DEPARTMENT OF
COMMUNITY DEVELOPMENT

NOT FOR
CONSTRUCTION

REPRODUCTIONS
DESIGN
DRAFTING
CLEEKCO
304 H.S. Suite C
Eureka, CA 95501
(707) 444-3440
www.cleekco.com

KOMAK ADDITON
137 WEST WASHINGTON STREET
EUREKA, CA 95501
APN: 004-011-001

SHEET NAME
COVER SHEET
RECEIVED
FEB 24 2017
COMMUNITY DEVELOPMENT

SHEET NUMBER
A1
DATE 1/3/17
DRAWN BY: JAT
CHECKED BY: DJC
KOMAK ADDITON
1814

2/27/2017 4:52:13 PM

