



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director
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NOTICE OF PUBLIC HEARING

EUREKA CITY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Eureka City Planning Commission will hold a public hearing on Monday, November 19, 2018, 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: *Vacation Dwelling Unit (VDU) Appeal*

Project Applicant: Courtney and Andrew Cochran

Case Nos.: VDU-18-0010

Project Location: 1227 Harris Street, Eureka **APN:** 012-066-011

Project Description:

Appeal of Director’s action to approve a VDU located at 1227 Harris Street.

Staff Contact Person:

Raquel Menanno, Assistant Planner, City of Eureka, Community Development Department; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4113, fax: (707) 441-4202, email: rmenanno@ci.eureka.ca.gov

Environmental:

Section 21080 of the Public Resources Code exempts from the California Environmental Quality Act (CEQA) those projects over which public agencies exercise only ministerial authority.

All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing. Written comments on the project may be submitted at the hearing or prior to the hearing by mailing or delivering them to the Community Development Department, address above. The project file is available for review at the Community Development Department, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact the identified staff contact person.



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EUREKA CITY PLANNING COMMISSION

STAFF REPORT

November 19, 2018

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Project Applicant: Courtney and Andrew Cochrane

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Environmental: Section 21080 of the Public Resources Code exempts from the California Environmental Quality Act (CEQA) those projects over which public agencies exercise only ministerial authority.

Background: Prior to commencing operation, the property owner applied for a Vacation Dwelling Unit (VDU) permit on August 20, 2018. The application proposed a VDU at 1227 Harris Street. The application was deemed complete, and processed, the building inspection was obtained, and Staff approved the application. As required by the VDU Ordinance, notice to neighbors of the approval and the appeal procedure was sent to the residents within a 75-foot radius of the site. On October 11, 2018 an appeal was filed.

APPLICABLE REGULATIONS:

Eureka Municipal Code § 155.502 Vacation Dwelling Unit Permit Required; Application Requirements; Fees; Inspection; Notice, the VDU applicant is required to submit an application and obtain and pass an inspection by the Building Department to confirm compliance with residential building standards.

The applicant applied for a VDU permit on August 20, 2018 which was prior to operation of the proposed VDU (which is still not in operation due to the ongoing appeal process). The applicant's permit covers one unit on the property which meets the definition of a "vacation dwelling unit" set forth in EMC § 155.501.

The Building Department performed the required VDU inspection at 1227 Harris Street on August 21, 2018, during which the unit to be permitted was found to meet residential standards.

According to EMC §155.503, there is a 30-day period in which the VDU permit can be appealed to the Planning Commission by any property owner within 75 feet of the VDU property. The appellant must state specifically wherein an error or abuse of discretion by the Director has been made. Notice of the appeal is then provided to all property owners within 75 feet of the VDU property at least 10 days prior to the appeal meeting. As a result of the filing of the appeal, operation of the VDU has not begun.

Additionally, EMC § 155.506 Vacation Dwelling Unit Development Standards, requires vacation dwelling units comply with the following development standards:

[...](C) In residential zone districts, no more than 75% of the total number of dwelling units on a property may be permitted as vacation dwelling units. The total number of vacation dwelling units on a property may exceed the 75% limit with approval of a vacation dwelling unit - unit increase permit.

There is one VDU proposed on the site: therefore, the number of VDU's on the site does not exceed 75%.

(D) A vacation dwelling unit may either be a principal dwelling or a legally established secondary dwelling unit.

The VDU is located in a legally established principal dwelling unit.[...]

(F) Existing off-street parking spaces, including covered parking, as required for dwellings in §§ 155.115 through 155.124, shall be reserved for occupants of the vacation dwelling unit. Occupants shall be encouraged to park in existing, legal off-street parking spaces, in order to minimize impacts to on-street parking.

The applicant has provided off-street parking through a paved surface on the property and in addition, occupants may use the garage for off-street parking as well.

(G) With the exception of signage as allowed in division (H) of this section, the existence of the vacation dwelling unit shall not be apparent beyond the boundaries of the property. The vacation dwelling unit shall not change the residential or commercial character of the property or neighborhood by the use of colors, materials, or lighting.

There are no alterations to the property site that would make the existence of a VDU apparent.[...]

Appellant Complaint and Staff Findings: On October 11, 2018, within the appeal period which closed on October 12, 2018, an appeal was submitted to the City (see Attachment D). The appeal includes the following reasons, paraphrased by Staff, for appealing the Director's approval of the VDU at 1227 Harris Street:

1. *The appellant states there are issues with parking and trash containers acting as a barrier to street and alleyway access.*

The lot is an interior lot which fronts on Harris Street and has an alley at the rear. The applicant intends to use the existing off-street parking for the VDU. (see also 2, below)

Pursuant to EMC §155.507, “Trash and refuse shall not accumulate or be stored within public view, except in proper containers for the purposes of collection. There shall be no storage of trash and/or debris on the site or within the unit.” Once operational, all trash must be maintained out of the public’s view. No trash is allowed in the alley, and trash containers may not be in the alley except on collection day.

2. *The appellant claims there is not enough parking to accommodate the VDU.*

Per EMC §155.500, one of the purposes of the VDU regulations is to mitigate impacts on parking, “...by requiring the use of existing off-street parking facilities.” The site has two off-street parking spaces, one inside the garage and one outside the garage, both accessed from the alley at the rear of the property. These off-street parking spaces will be available for VDU occupants and/or visitors.

3. *The appellant is also concerned about noise disturbance, traffic increase, and decreasing long term housing in addition to the previous concerns as he believes it will affect the neighborhood character and quality of life.*

Pursuant to EMC §155.507, the maximum number of occupants is limited by the number of bedrooms contained within the VDU and children under the age of 8 years are not counted in the number of allowed occupants. For example, a one bedroom VDU can allow up to 4 occupants; a three-bedroom VDU can allow 8 occupants. In this case, the dwelling contains two bedrooms, which would allow 6 occupants.

Visitors, who are guests of an occupant, visit temporarily, and are not an overnight occupant, are allowed at the site. The maximum number of visitors allowed is the same as the number of occupants allowed. For example, a one bedroom VDU that allows up to 4 occupants also allows up to 4 visitors; a three-bedroom VDU allowing 8 occupants is allowed 8 visitors. Visitors are only allowed on the property between 7:00 a.m. and 10:00 p.m. Additionally, the VDU is limited to 3 events per month and a maximum of 6 events per year. Events are allowed for a limited period of time, and include weddings and receptions. Small parties and gatherings that do not exceed the allowable number of occupant and visitors are not considered events. Events require an Event Permit from Development Services.

The standards and operational limitations for Vacation Dwelling Units are designed to regulate the location and number of VDUs allowed in residential zones, mitigate impacts to parking by requiring the use of any existing off-street parking, and minimize disruptions to the neighborhood. For 1227 Harris Street, if there are existing issues with

noise, increased disturbances or traffic, and/or trash from the subject property's use as a dwelling unit, the fact that someone no longer lives permanently on the site may alleviate those issues. If the concerns raised by the appellant result from other properties along the block, then the use of the property as a VDU is unlikely to resolve, or contribute substantially to, those issues. Neighborhood issues or concerns regarding current noise, traffic, or trash should be relayed to the City for investigation and abatement as necessary.

Once the VDU becomes operational, if issues from noise, traffic, trash, or other concerns arise, the designated Emergency Contact should resolve any issues, and neighbors can also contact the City. Failure by the Emergency Contact to resolve issues more than 2 times in a 12-month period, or the occurrence of more than 2 documented law enforcement violations within a 12 month period, are grounds for revocation of the VDU permit. Likewise, chronic non-compliance with either VDU standards and/or operational requirements, as provided in the Vacation Dwelling Unit Ordinance, are both grounds for revocation of the VDU permit.

Summary:

Staff does not believe there was an error or abuse in approving Vacation Dwelling Unit Permit VDU-18-0010 for 1227 Harris Street. The concerns raised by the appellant either currently exist and are not a result of the operation of the VDU, or could be occurring as a result of the use of the site as a long-term residence. Until operation actually begins, there are no issues attributable to the operation of the subject site as a VDU. And, as discussed above, the concerns the appellant does have may be mitigated by the operation and development standards for the VDU.

Staff Recommendation and Suggested Motion: Staff recommends that the Planning Commission uphold the approval of VDU-18-0010 by adopting a Planning Commission Resolution.

"I move the Planning Commission adopt a Resolution of the Planning Commission of the City of Eureka upholding the approval of Vacation Dwelling Unit Permit VDU-18-0010 located at 1227 Harris."

Staff Contact Person: Raquel Menanno, Assistant Planner; City of Eureka, Community Development Department Planning Division; 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4160, fax: (707) 441-4202, email: rmenanno@ci.eureka.ca.gov

Attachments:

- Attachment A Resolution
- Attachment B Application
- Attachment C Building Inspection Sheet
- Attachment D Appeal Letter

PLANNING COMMISSION RESOLUTION NO. 2018-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
UPHOLDING THE APPROVAL OF VACATION DWELLING UNIT PERMIT VDU-18-
0010 LOCATED AT 1227 HARRIS ST.

WHEREAS, Vacation Dwelling Unit Permit VDU-18-0010 was applied for by Courtney Cochran on August 20, 2018; and

WHEREAS, Staff confirmed conformance of the proposed Vacation Dwelling Unit (VDU) with the provisions and requirements of Eureka Municipal Code § 155.500 et. seq.; and

WHEREAS, the proposed VDU was inspected to residential building standards by the City of Eureka Public Works Building Division, and August 21, 2018; and

WHEREAS, VDU-18-0010 received ministerial approval by the Director of Development Services on September 12, 2018; and

WHEREAS, the VDU permit was appealed on October 11, 2018, within the 30-day appeal period, as allowed by Eureka Municipal Code § 155.503; and

WHEREAS, Eureka Municipal Code § 155.503 requires an appellant to show there was an error or abuse of discretion by the Director in the approval of a vacation dwelling unit.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka:

1. The Director of Development Services' decision to issue the Vacation Dwelling Unit VDU-18-0010 on September 12, 2018 is upheld, and the appeal is denied.

FURTHER, this decision is based on the following:

1. The proposed VDU is located in a One-Family Residential (RS-6000) zone district and residential uses and conversion of residential uses to Vacation Dwelling Units are allowed.
2. The proposed VDU will be located in the principal dwelling unit at 1227 Harris.
3. There are no alterations proposed to the site that would make the existence of the proposed VDU apparent.
4. The VDU is not yet operational.
5. Trash and refuse are not allowed to accumulate or be stored within public view, except in proper containers for the purposes of collection.

6. Off-street parking for the proposed VDU consists of two off-street parking spaces, one inside the garage and one outside the garage; both accessed from the alley at the rear of the property.
7. The maximum number of occupants allowed for the proposed VDU is 6.
8. Up to 6 visitors who are guests of the occupant are allowed on the property, and only between 7:00 a.m. and 10:00 p.m.
9. The proposed VDU is limited to 3 events per month and a maximum of 6 events per year. Events require an Event Permit from Development Services.
10. Once operational, if concerns about noise, traffic, trash, or other impacts arise, the designated Emergency Contact should resolve any issues. Neighbors can also contact the City of Eureka.
11. Compliance with the development standards and operation regulations contained in the City of Eureka's Vacation Dwelling Unit ordinance should alleviate any long-term or on-going issues with noise, traffic, parking, and trash.
12. Until operation actually begins, there are no issues attributable to the operation of the 1227 Harris Street as a VDU.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 19th of November, 2018, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Jeff Ragan, Chair, Planning Commission

Attest:

Rob Holmlund, Director of Development Services

Development Services Department – Community Development Division
531 “K” Street, Eureka, CA 95501, (707) 441-4160

Please complete the information below and on the attached supplemental application form as required. The appropriate application fee and supplemental application form must accompany this application. If you have questions regarding this application form, the application process, or general questions, please do not hesitate to contact the Community Development Division. Office hours are Monday through Friday 8:00 a.m. to noon, and 1:00 p.m. to 5:00 p.m., except holidays.

www.ci.eureka.ca.gov

planning@ci.eureka.ca.gov

OWNER/APPLICANT

Property Owner's Name: Courtney Cochrane and Andrew Cochrane
Mailing Address: 30 Ely Rd **City:** Depew **ST:** NY **Zip:** 14043
Phone: (707) 502-7285 **Email:** Courtney11062003@gmail.com
If there is more than one property owner, please provide the contact information for each property owner on an attached sheet

Applicant's Name (if different than Owner): _____
Mailing Address: _____ **City:** _____ **ST:** _____ **Zip:** _____
Phone: _____ **Email:** _____

VACATION DWELLING UNIT LOCATION

Location Address: 1227 Harris St. **Assessor's Parcel Number:** 012-066-011

VACATION DWELLING UNIT REGULATIONS

Zone District	R	OR	HM	C
Maximum events per month ^{1,2}	3		3	
Maximum events per year ^{1,2}	6		12	
Visitor Hours ²	7 am to 10 pm		7 am to 1 am	

Bedrooms	Max Occupants	Max Occupants and Visitors
1	4	8
2	6	12
3	8	16
4	10	20
5	12	24

Definitions (for complete definition, see EMC §155.501):
Occupant: a person sleeping overnight at a VDU.
Visitor: a guest of an occupant who visits temporarily, but is not an overnight “occupant.”

Note: Occupants do not include children under the age of 8 years.

1 – Event Permit required 2 – May be increased upon the issuance of an Event or Extra Event Permit

OWNER'S AUTHORIZATION

I hereby authorize the City of Eureka to process this application. I have completed or reviewed both sides of this application form, and I know that the contents thereof are true and accurate to my own knowledge and I assume all responsibility for their accuracy. I agree to hold harmless, indemnify and defend the City, its officers, officials, employees, and volunteers from and against all claims, damages, losses, and expenses, including attorney fees, arising out of or in connection with this application.

Property Owner's Signature: Courtney Cochrane Date: 8/20/18

STAFF USE

Case Number	Received by	Date Rec'd	Assigned Planner	Date Finance Approved	Date BD Approved (if necessary)	Date DR Approved (if necessary)
VDU-18-0010	MS	8.20.18				

Development Services Department - Community Development Division

531 "K" Street, Eureka, CA 95501, (707) 441-4160

www.ci.eureka.ca.gov

planning@ci.eureka.ca.gov

NEW VDU • EXTRA VDUs • INFO UPDATE

To apply for a new VDU permit, to request an increase in the number of VDUs allowed on a site, or to update the emergency contact information, please complete the following:

	Existing	Proposed	
Number of dwelling units on the site:	1	1	
Number of vacation dwelling units on the site (>75% requires "unit increase permit"):	1	1	
Total number of bedrooms in new unit(s) proposed to become VDUs:	N/A	N/A	
			Yes No
Will the creation of the new VDU(s) require any new construction? (may require other permits)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Are you converting a non-residential space into a VDU? (will require additional permits)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Will a sign be installed? (specific size regulations apply; see Planner)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Attach additional information if you answered "yes" to any of the above questions.			
Attach one copy of your "Good Guest Guide."			
For complex VDU projects, staff may require a site plan, floor plan, and/or other information for each proposed VDU.			

Provide the following information for the required 24-hour emergency contact:		
Name:	Courtney Cochran	
Address:	30 Ely Rd	
City:	Depew NY 14043	
E-mail:	Courtney11062003@gmail.com	
Phone Number(s):	Business:	Cell: (707) 502-7885
	Home:	Other: (707) 498-1646

FEES

Vacation Dwelling Unit Permit	\$185.00
Unit Increase (existing VDU)	\$345.00
Unit Increase (new VDU)	\$400.00
Event Permit	waived
Extra Event(s) Permit	\$160.00

VDU Inspection

Owner COURTNEY & ANDREW COCHRANE

Address 1227 HARRIS ST.

Project # VDU-18-0010

Smoke/Carbon Monoxide alarms

Yes

No

Water heater strapped/vented

Yes

No

Legally created unit

Yes

No

Evidence of unpermitted work

Yes

No

Fire Extinguishers

Yes

No

Other substandard conditions

Yes

No

If yes, specify:

Completed By: CM Frick Date: 8-21-18

Inspection Date/Time: 8/21/2018 @ 10:30

COURTNEY (707) 502-7285

Robert J Lawton

P. O. Box 700, Eureka, CA 95502

H: 707-445-7968 W: 707-445-3027 Fax: 707-445-3028

E-Mail: Roberto@humboldt1.com

October 1, 2018

To: Rob Holmlund, Director Development Services

**RE: Appeal - VDU Location: 1227 Harris Street, APN 012-066-011
Short Term Vacation Rental**

This appeal claims there was an error or abuse of discretion by the Director on granting approval for one Vacation Dwelling Unit at 1227 Harris Street, Eureka, CA 95501, APN 012-066-011.

The neighborhood that the subject is in is a combination of owner-occupied residents and some monthly renters. We have a challenge with property owners and renters not complying with Municipal Code regarding parking and trash containers obstructing the streets and alleys.

At times, the mentioned subject property owner has not complied with Municipal Code, and when mentioned to the city, no resolve was obtained.

I am concerned the situation will get worse if we have a Short Term Vacation Rental at the subject property. Already we have individuals stealing items in the alley because of Municipal Code not being enforced.

Many communities have limited or banned Short Term Vacation rental property usage, as they change the flavor of the neighborhood. Short term lodging (less than 30 days) is not allowed with most lenders. The tenants are not allowed to sit on school boards or volunteer fire departments. The change of the neighborhood to a commercial use with a business with turnover of parking without commercial zoning, does not seem to make sense.

RECEIVED

OCT 11 2018

**DEPARTMENT OF
COMMUNITY DEVELOPMENT**

Page 2, October 1, 2018, APN 012-066-011 Appeal

Since the City of Eureka has not been able to keep this subject property in compliance of Municipal Code when notified, I object to the Short Term Vacation Rental usage of 1227 Harris Street. There is only one off street parking space available for the subject property, which is in the garage.

Neighborhoods are for neighbors, not vacation rentals. I am concerned about the trash, parking issues and noise disturbance. I am concerned about the change of character and transformation of the quality of life of the area. I am concerned about the lessening of long-term housing in our area by removing a property from the inventory for our community, the use of a house as a mini hotel. Since there will be no one of authority at the home via the owner or manager, I am concerned about the results.

I want the residential character of our neighborhood protected. Short-term rentals with an increase of traffic and noise work against the quiet neighborhood flavor.

The only access to the off street parking for the subject property is a city owned alley that is not maintained by the city. When the calls that have gone in for maintenance of the alley were ignored many times, I have taken it upon myself to put gravel down in the large potholes. Until the City of Eureka can enforce their Municipal Code when notified in this area, they have no right to set up actions that will make the community suffer.

Sincerely,

A handwritten signature in cursive script that reads "Robert J Lawton". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Robert J Lawton