

**CITY OF EUREKA
PUBLIC WORKS DEPARTMENT**

Brian Gerving, Director

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NOTICE OF PUBLIC HEARING

EUREKA PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Eureka Planning Commission will hold a public hearing on **Monday, August 10 2020**, at 5:30 p.m., or as soon thereafter as the matter can be heard. Pursuant to Executive Order N-29-20, by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

Project Title: Luker Use Permit and Coastal Development Permit

Project Applicant: Galon George Luker **Case No:** CUP-20-0005/CDP-20-0006

Project Location: 214 E Street (tenant space within 320 2nd Street)

APN: 001-093-004

Project Zoning and Land Use: Waterfront Commercial (CW)/Core-Retail Commercial (C-RC)

Project Description: The applicant seeks a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) to operate a tattoo parlor in an existing approximately 1,400 square foot (SF) tenant space within a larger retail/office and residential mixed-use building, which is on the Local Register of Historic Places. This use is included in the “massage and physical culture studios” use category, and is a conditional use per Eureka Municipal Code (EMC) Sec. 10-5.29113. Additionally, all conditional uses require a CDP per EMC Sec.10-5.2401(c); however, the CDP is not appealable to the Coastal Commission. The applicant plans to be the only tattoo artist at this time, but anticipates hiring one or two additional artists in the future. The tattoo parlor will operate from 12 p.m. to 6 p.m., seven days per week.

Date of Project Application: July 9, 2020

The public is invited to participate in the following manner:

1. You can view the Planning Commission meetings live on the City of Eureka’s website at www.ci.eureka.ca.gov or on Cable Channel 10. To view from the website, select Agendas, Meeting and Videos on the home page.
2. If you wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on

by e-mail to planning@ci.eureka.ca.gov or leave a message at 707-441-4160 on or before Monday, August 10, 2020 at 12 p.m. A Planning Division staff member will call you during the public hearing for the item.

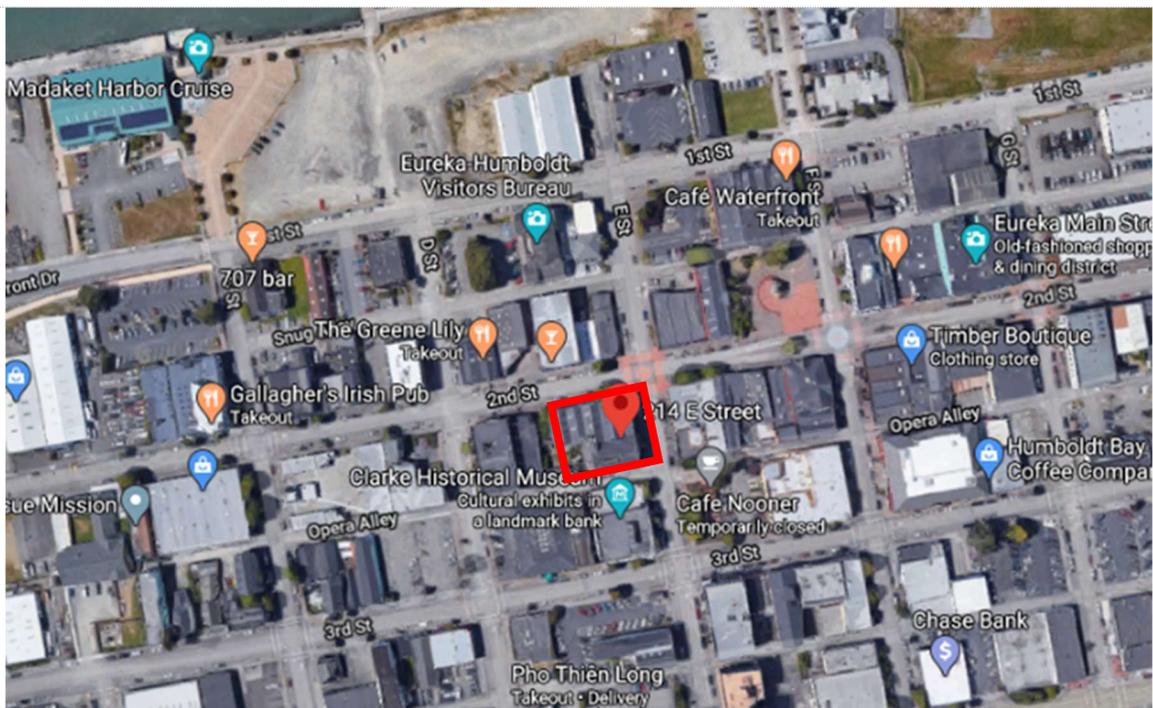
3. If you don't want to participate during the meeting but want to submit comment on a project or for oral communications, please submit your comment via email to planning@ci.eureka.ca.gov or you may leave a message at 707-441-4160 prior to Monday, August 10, 2020 at 12 p.m. to ensure that the Commission receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but will not be read aloud during the meeting.

Appeals to the City Council of the action of the Planning Commission, may be made within 10 calendar days of the action by filing a written Notice of Appeal with the City Clerk, along with the filing fees as set by the City Council. Fees to appeal the Coastal Development Permit are waived. Action on the Coastal Development Permit is not appealable to the Coastal Commission.

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 or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Planning Division of the Public Works Department. If you have questions regarding the project or this notice, please contact Caitlin Castellano, Senior Planner, ccastellano@ci.eureka.ca.gov or (707) 268-5265.

Subject:	Luker Use Permit CUP-20-0005 and Coastal Development Permit CDP-20-0006
Location:	214 E Street (tenant space within 320 2nd Street)
APN:	001-093-004
Applicant:	Galon George Luker
Property Owner:	Imperial Square LLC
Purpose/Use:	Tattoo Parlor (Massage and physical culture studios)
Application Date:	July 9, 2020
General Plan:	C-RC – Core-Retail Commercial
Zoning:	CW – Waterfront Commercial
CEQA:	Exempt under §15301, Class 1 Existing Facilities
Staff Contact:	Caitlin Castellano, Senior Planner
Recommendation:	Hold a Public Hearing; and Adopt Resolutions to approve with conditions
Motion:	<i>“I move the Planning Commission adopt Resolutions to conditionally approve the Luker Tattoo Parlor at 214 E Street in the CW Waterfront Commercial zone district.”</i>

Figure 1: Location Map



PROJECT SUMMARY

The applicant, Galon George Luker, is requesting approval of a Use Permit and Coastal Development Permit to relocate his existing tattoo parlor to an existing approximately 1,400 square foot tenant space within a larger retail/office and residential mixed-use building, located in the CW (Waterfront Commercial) zone district. This use is included in the “massage and physical culture studios” use category, and is a conditional use per Eureka Municipal Code (EMC) § Sec. 10-5.29113. Additionally, all conditional uses require a Coastal Development Permit per EMC §.10-5.2401(c); however, the CDP is not appealable to the Coastal Commission. The applicant plans to be the only tattoo artist at this time, but anticipates hiring one or two additional artists in the future. The tattoo parlor will operate from 12 p.m. to 6 p.m., seven days per week. The applicant desires to relocate the business to the proposed location to generate more interest by being located in the City’s premier regional center for tourism and shopping. The applicant plans to participate in City sponsored events such as Arts Alive and Friday Night Markets. Furthermore, the applicant intends to display and sell original

Figure 2: Site Map and Street View



artwork paintings at the proposed location.

The applicant will apply for Design Review and a Sign Permit for any proposed signage for the business if the CUP/CDP is approved. Approval of the use and coastal development permits are limited to the specific tenant space and cannot be expanded to other portions of the larger structure without modification of the use permit.

The 13,200-sf parcel is located on the southwest corner of 2nd and “E” Streets, near the heart of Old Town, and is developed with two attached structures containing mixed uses, such as, boutique clothing and beauty shops, a beauty supply store, a destination day spa, a restaurant, and offices and residential uses above the first floor. Old Town is a Historic District, and is included in the National Register of

Historic Places. As a result, the site is surrounded by other historic multi-story buildings with pedestrian-scale shops and storefronts, restaurants, bars, museums and cultural facilities, and offices and residential uses above the first floor.

USE PERMIT ANALYSIS

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

- (a) The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- (b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (c) The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
- (d) The proposed conditional use is consistent with the certified Local Coastal Program.

1. Code Consistency

Chapter 5 Objectives and Purpose

Pursuant to Eureka Municipal Code (EMC) § 10-5.102, the zoning regulations are adopted by the City Council in accordance with the City Charter to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the chapter is adopted in order to achieve the following objectives:

- (a) To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.**

The site is located in the Core Retail Commercial (C-RC) land use designation which provides for a wide variety of uses, with emphasis on visitor and local serving uses. The proposed use is consistent with the intent of the C-RC land use designation as it will provide services to visitors and local residents. The applicant desires to relocate the existing business to this location to increase visibility of the business and participate in City sponsored events such as Arts Alive and Friday Night Market. The proposed use is consistent with the General Plan's C-RC land use designation, and the General Plan goals to promote cultural arts and bring more visitors and locals to the area which helps revitalize Old Town and the Downtown area.

- (b) To foster a harmonious, convenient, workable relationship among land uses.**

The proposed use will be located within an existing approximately 1,400 square foot tenant space within a larger retail, office and residential mixed-use building on a developed 13,200-sf parcel located on the southwest corner of 2nd and E Streets, near the heart of Old Town. Existing nearby uses include boutique clothing and beauty shops, a beauty supply store, destination day spa uses, a restaurant, and offices and residential uses above the first floor. Per EurekaHistory.com, the subject building, known as 320 2nd Street, is a commercial building designed by E. C. Mowry and built by J. Simpson. The second story was originally the home of Craddock's Business College and later the Eureka Business College. The site is surrounded by

other historic multi-story buildings with pedestrian-scale shops and storefronts, restaurants, bars, museums and cultural facilities, and offices and residential uses above the first floor. There is no indication the proposed use will impact other uses in the area, nor will it divide an established community because the tattoo parlor is a visitor and resident serving use, and it will occupy a vacant storefront (street-level tenant space). Granting the use permit will foster a harmonious, convenient, workable relationship among land uses by providing artistic tattoo services to local residents and visitors, and the applicant intends to participate in local events such as Arts Alive and Friday Night Markets.

(c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.

Old Town is a Historic District and is developed with other historic multi-story buildings with pedestrian-scale shops and storefronts, restaurants, bars, museums and cultural facilities, and offices and residential uses above the first floor. The City desires Old Town to continue its legacy as a premiere historic district, and become a primary regional center for tourism, recreation, leisure activities, and shopping. The proposed tattoo parlor use will occupy a vacant storefront (street-level tenant space) near several other vacant storefronts. Occupation of the storefront will reduce blight and crime, and the tattoo parlor is visitor and local resident serving like many adjacent retail uses. No referral comments were received which would indicate the proposed tattoo parlor will introduce harmful influences in the area, and referral responses from the Wiyot, Blue Lake and Bear River Band Tribes expressed no project concerns as there will be no ground disturbing activities to support the proposed use.

(d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.

The proposed tattoo parlor will occupy a vacant tenant space on a developed lot among other retail-commercial serving uses on the street-level first floors, and office and residential uses on the upper floors. The proposed use will draw clients and visitors to the Old Town and Downtown area, which will help continue the revitalization efforts of the City to ensure the area is the regional center for tourism, recreation, leisure activities, and shopping.

(e) To prevent excessive population densities and overcrowding of the land with structures.

The proposed tattoo parlor will occupy an existing vacant storefront in a larger mixed-use building with other vacant tenant spaces. The applicant intends to be the only artist for the foreseeable future, serving one to two patrons at a time, until one or two additional, qualified artists can be hired, which will increase jobs and business, but will not contribute to population densities, and will not cause overcrowding of land with structures as the use will be conducted within an existing structure.

(f) To promote a safe, effective traffic circulation system.

The proposed use will be located in an existing building located within the Parking Assessment District. Access is via E Street, a north/south minor arterial, which transects 4th and 5th Streets (Highway 101) a couple blocks south. The applicant anticipates being the only tattoo artist serving one to two clients for the foreseeable future, with a desire to add more qualified artists in the future, but is not expected to have an impact on the existing traffic circulation system.

(g) To foster the provision of adequate off-street parking and off-street truck loading facilities.

The proposed use will be located in an existing building located within the Parking Assessment District which does not require new off-street parking to accommodate the use. There is available on-street parking, and several City-owned public parking lots (3rd and E Streets, 3rd and D Streets, 1st and E Streets, and 1st and D Streets) which are within a short walking distance.

(h) To facilitate the appropriate location of community facilities and institutions.

No community facilities or institutions are affected by the proposed use.

(i) To promote commercial and industrial activities in order to strengthen the city's tax base.

The proposed use will draw clients and visitors to the Old Town and Downtown area which can strengthen the City's tax base through sales tax and transient occupancy tax. The applicant will also obtain and maintain a City Business license.

(j) To protect and enhance real property values.

The proposed use will occupy a vacant tenant space within a larger building, which will decrease blight and vandalism, and help contribute to a vibrant, lively and well-used area which will protect and enhance property values.

(k) To safeguard and enhance the appearance of the city.

No exterior modifications to the existing building are proposed. However, if a sign is proposed in the future, it will require Design Review and a Sign Permit. Therefore, the proposed use will not impact the appearance of the City.

Purposes of the Zone District

In addition to the objectives prescribed in Sections 10-5.102 (Objectives) and 10-5.2902 (Objectives and purposes), the CW Waterfront Commercial Districts are included in the zoning regulations to achieve the following purposes:

(a) To encourage, protect and maintain coastal-dependent and coastal-related uses;

(b) To encourage development of recreational and visitor-serving uses;

(c) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;

(d) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationships to each other;

(e) To provide space for community facilities and institutions that appropriately may be located in commercial areas;

(f) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;

- (h) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (i) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- (j) To encourage upgrading of the use of strategically located sites between the central business district and Humboldt Bay by creating an environment suitable for establishments catering to tourists; and
- (k) To protect and maintain certain industrial uses that require waterfront locations.

The proposed use is located within an existing building two blocks south of Humboldt Bay, and does not affect coastal-dependent or coastal-related uses. It is not an industrial use and will not create objectional influences on surrounding commercial properties such as noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic etc., nor will it increase the hazard of fire, explosion, noxious fumes, or other hazards. The proposed tattoo parlor use is centrally located in Old Town, between the City's central business district (Downtown) and Humboldt Bay, in an area that caters to tourists and locals, which is what the proposed tattoo parlor use will do. Additionally, the tattoo parlor customers can explore the area before or after their tattoo service, and subsequently patronize the nearby Boardwalk and recreation- uses as well as the other visitor-serving and retail establishments. The proposed use is appropriately located, is consistent with, and complements the surrounding retail, service and amusement-type businesses that offer the commodities and services required by local residents and visitors. No community facilities or institutions are affected by the proposed use, and no new structures are proposed which would increase traffic congestion or overload utilities; and, no new off-street parking is required because the site is located with the Parking Assessment District. However, there is available on-street parking, as well as several City-owned parking lots within a short walking distance.

2. 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. No comments were received that indicated the proposed tattoo parlor use would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. Therefore, because no potential impacts were identified by any agency, by City Staff, or through analysis; and, through the application of the conditions of approval and enforcement of other existing City regulations; and based on the discussion herein, the finding can be made that the project would not impact the public health, safety or welfare.

3. Provisions of Chapter 5

The applicable provisions include the development standards specified in the Eureka Municipal Code for yards, building height, size, and bulk, off-street parking and loading, landscaping, etc. The proposed use would be located in an existing building with no proposed additions, or exterior modifications, to the existing building. Additionally, no new off-street parking or loading facilities are required by the Municipal Code. Therefore, the proposed use and location comply with the applicable provision of Chapter 5.

4. Local Coastal Program

The site of the proposed use is located in the Coastal Zone and the Eureka Municipal Code requires a Use Permit and Coastal Development Permit be approved by the Planning Commission. The City of Eureka has permit jurisdiction for issuing the Coastal Development Permit, which is not appealable to the State Coastal Commission.

The site is zoned CW - Waterfront Commercial which is intended to support coastal-dependent uses, and promote visitor-serving uses. The proposed use meets the intent of the zoning designation as it will be visitor-serving, as well as local resident serving, and will not impact existing coastal-dependent uses or lands that support said uses. The proposed use will occupy a vacant storefront within a larger mixed-use building, which is surrounded by other local and visitor-serving uses.

Discussion of the project's conformance with the land use plan and purposes of the Coastal Zone are provided under the Coastal Development Permit analysis. Based on the discussion in the Use Permit analysis, the project conforms with the purposes of the zone district and the CW – Waterfront Commercial zone district.

DESIGN REVIEW ANALYSIS

The project is subject to Design Review; however, no new construction is being proposed that would trigger Architectural Review or Site Plan Review (Design Review). Also, the proposed project does not include any proposed signage at this time. If signs or exterior modification are proposed in the future, a Sign Permit and Design Review may be required.

COASTAL DEVELOPMENT PERMIT ANALYSIS

To approve a Coastal Development Permit, the Planning Commission must make all of the following findings:

(a) The proposed development conforms to the policies of the Certified Local Coastal Program.

The Local Coastal Program is the foundational policy document for areas of the City located in the coastal zone. It establishes farsighted policy that forms the basis for and defines the framework by which the City's physical and economic resources in the coastal zone are to be developed, managed and utilized. The Local Coastal Program is divided into two components: the first component is the *Land Use Plan*, which is the General Plan specific to land in the coastal zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the Local Coastal Program is the *Implementation Plan*, which includes zoning regulations and the zoning map for land in the coastal zone, as well as specific coastal zone ordinances necessary to implement the policies of the Land Use Plan.

Land Use Plan Analysis

Below are the purposes of the C-RC Core Retail Commercial land use, and the goals and policies of the Land Use Plan portion of the adopted and certified LCP applicable to the project, followed by a brief discussion how the project conforms to each goal or policy.

The purpose of the C-RC Core Retail Commercial land use designation is to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources. Examples of conditionally permitted uses include but are not

limited to professional offices, multiple-family units, residential uses on the upper floors of multistory structures, oil and gas pipelines, public works projects, and warehouses.

The proposed use is consistent with the C-RC land use designation as it will provide services to visitors and local residents, and will not impact the nearshore commercial fishing industry or recreational uses. Although establishments that offer retail sales and services to visitors are usually considered principally permitted uses in the C-RC land use designation, the proposed tattoo parlor (Massage and physical culture studios) is conditionally permitted to allow additional scrutiny to insure it is properly located within the C-RC-designated area of Old Town.

Staff reviewed the goals and policies in the adopted and certified Land Use Plan (LUP) to determine whether the project conforms to the LUP. The review found the project supports the following adopted goals and policies:

Concentrated Mixed-Use [in the] Core [Area] - Goal 1.B

To create a compact, pedestrian-oriented, economically robust central Core Area that provides a clear geographic focus for attracting visitors and residents and for increasing private sector investment.

Policies

1.B.1 The City shall promote the development of a compact Core Area of concentrated commercial, residential, fishing-related, civic, ***cultural***, and recreational activities by unifying parts of the three historical central “districts” (i.e., Old Town, Downtown, and the Waterfront).

1.B.2 The City shall actively encourage, support, and provide incentives, where feasible, for the types of development it prefers in the Core Area, including the following:

- a. Mixed-use projects.
- b. Housing in upper stories of buildings.
- c. Professional offices in upper stories of buildings.
- d. Projects that reinforce viable existing uses, such as fisheries.
- e. Projects that reinforce the identity of the Core Area.

1.B.4 The City shall promote the development of major public and private facilities that attract numerous patrons—such as a performing arts center, conference center, cinema, transit center, public market—within or directly adjacent to the Core Area where they have the maximum positive effect of the economic and social vitality of the Core Area. The City shall discourage development of these same uses outside the Core Area and directly adjacent areas.

1.B.5 The City shall promote the establishment and maintenance of pedestrian-oriented commercial uses such as retail stores, cafes, and restaurants along F Street and 2nd Street, particularly at the street level. The City shall encourage the establishment and maintenance of less pedestrian-oriented uses such as professional offices and multi-family residential uses on the upper floors of multi-story buildings.

Arts and Culture - Goal 1.C

To promote cultural arts within the Core Area that help to activate and economically revitalize the Core Area.

Policies

1.C.1 The Core Area shall be the City's first choice in siting or relocating new cultural facilities, museums, and performing or visual arts facilities. The City shall promote the development of a cultural arts/theater district within the Core Area that focuses primarily on the F Street Corridor.

Based on the above goals and policies from the adopted and certified Land Use Plan (LUP), the project does not conflict with any, and is supported by several, of the adopted goals and policies; therefore, the finding the project conforms with the LUP can be made.

Implementation Plan Analysis

The Coastal Development Permit must be found to conform with the purposes and objectives of the zoning code (EMC §10-5.102), the CW – Waterfront Commercial zone district (EMC §10-5.29110), and the overall objectives of the Coastal Zone (EMC §10-5.2902). Discussion of the project's conformance with the zoning code and CW zone district are provided under the Use Permit analysis. Analysis of conformance to the overall objectives of the Coastal Zone is below:

(a) Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and human-created resources.

The proposed use will be conducted exclusively within an existing commercial tenant space within a larger mixed-use building. Approval of the proposed use is anticipated to have no negative effects on the quality of the coastal zone environment and its natural and human-created resources.

(b) Assure orderly, balanced utilization and conservation of coastal zone resources, considering the social and economic needs of the people of this region, state, and nation.

The proposed use will be contained within an existing structure within an already developed commercial area, which is located two blocks south of the Humboldt Bay shoreline. The project supports the social and economic needs of the region by occupying a vacant commercial space, keeping an existing business within the City, and creating a new destination business to attract visitors and retain local resident business. Approval of the proposed use will have no impact on the utilization and conservation of coastal zone resources.

(c) Maximize public access to and along the Humboldt Bay shoreline, and maximize public recreational opportunities in the coastal zone, consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

The proposed use will be contained within an existing structure within an already developed commercial area, which is located two blocks south of the Humboldt Bay shoreline, and is not anticipated to impact coastal access or conservation.

(d) Assure priority for coastal dependent and coastal-related development over other development on the shoreline.

The property is not located along the Humboldt Bay shoreline and does not take property away from coastal-related or coastal-dependent uses.

(e) Provide a definite plan for development so as to guide the future growth of the City within the Coastal Zone.

The Local Coastal Program provides for the development and growth of the City within the coastal zone. The proposed use is consistent with the purposes of the Coastal Land Use Plan and the Coastal Implementation Plan (zoning) because a tattoo parlor, although not specifically

listed in the Coastal Implementation Plan, is considered a “massage and physical culture studio” use which is allowed in the CW zone with a use permit, and it will not impact coastal resources. Also, the proposed use is appropriately located for visitor and resident serving establishments.

(f) Protect the social and economic character and stability of residential, commercial, agricultural, and industrial areas within the City.

The proposed tattoo studio will be contained within an existing commercial tenant space within a larger mixed-use building and will not negatively affect the stability of the existing surrounding uses. Due to the fact the proposed use is compatible with and similar to the former uses (boutique clothing and beauty shops, and destination spas), the proposed use will not be inharmonious with the existing commercial character, nor the long-standing businesses, of the area.

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, in accordance with CEQA Guidelines pursuant to Section 15301, Existing Facilities, Class 1 of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. As there is no proposed expansion to the existing building or proposed tenant space, the Use Permit and Coastal Development Permit for the proposed tattoo parlor use is exempt from the California Environmental Quality Act.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on July 31, 2020. In addition, the notice was published in the Times Standard newspaper on Sunday, August 2, 2020, and posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on July 31, 2020

CONCLUSION

Based on the analysis above, the proposed tattoo parlor use is consistent with the General Plan, Zoning Code, the Economic Development Plan, and Local Coastal Program. The project is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The proposed tattoo parlor would be located within an existing tenant space within a larger mixed-use building. The project is not detrimental to the public health, safety, and welfare, and is properly located within the city and adequately served by existing utilities and infrastructure. Further, the project conforms with the Local Coastal Program.

STAFF CONTACT

Caitlin Castellano, Senior Planner, 531 K Street, Eureka, CA 95501; planning@ci.eureka.ca.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission CUP Resolution pages 11-13
Attachment 2: Planning Commission CDP Resolution pages 14-15
Attachment 3: Applicant submitted material pages 16-17

PLANNING COMMISSION RESOLUTION NO. 2020-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
APPROVING A USE PERMIT (CUP-20-0005) TO ALLOW A TATTOO PARLOR AT
214 E STREET; APN 001-093-004

WHEREAS, 214 E Street is a tenant space located within a larger building known as 320 2nd Street which are located within the Coastal Zone, with coastal Waterfront Commercial (CW) zoning, and a coastal land use designation of Core-Retail Commercial (CR-C); and

WHEREAS, the applicant is planning to operate a tattoo parlor use which is included in the “massage and physical culture studios” use category; and

WHEREAS, massage and physical culture studios are conditionally permitted and require a Use Permit; and

WHEREAS, conditionally permitted uses in the Coastal Zone require a Coastal Development Permit and CDP-20-0006 is being processed separately; and

WHEREAS, the Eureka Municipal Code §10-5.2407.1 prescribes the findings required to be made by the Planning Commission prior to granting a Use Permit; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed Public Hearing on August 10, 2020, telephonically through Zoom; and

WHEREAS, the Planning Commission has reviewed the proposed project in accordance with Eureka Municipal Code Title 10 Chapter 5 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 location of the tattoo parlor at 214 E Street is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- (b) The proposed location of the tattoo parlor and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- (c) The proposed tattoo parlor will comply with each of the applicable provisions of Chapter 5; and
- (d) The proposed tattoo parlor is consistent with the certified Local Coastal Program.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. Prior to commencement of any demolition, remodeling or construction, the applicant will obtain all required Building and Fire permits to the satisfaction of the City of Eureka Building and Humboldt Bay Fire Departments.

2. Prior to the installation of any signage, the applicant must obtain Design Review and a Sign Permit to the satisfaction of the Planning Division of the Public Works Department.
3. In the event of any necessary ground disturbing activities, if archaeological resources are encountered, 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; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.

In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation would be required to comply with the State Health and Safety Code Section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.98. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the Use Permit 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 10th day of August, 2020 by the following vote:

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

Jeff Ragan, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary

PLANNING COMMISSION RESOLUTION NO. 2020-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING A COASTAL DEVELOPMENT PERMIT (CDP-19-0006) TO ALLOW A TATTOO PARLOR AT 214 E STREET; APN 001-093-004.

WHEREAS, 214 E Street is a tenant space located within a larger building known as 320 2nd Street, of which both are located within the Coastal Zone, with coastal Waterfront Commercial (CW) zoning, and a coastal land use designation of Core-Retail Commercial (CR-C); and

WHEREAS, the applicant is planning to operate a tattoo parlor use which is included in the “massage and physical culture studios” use; and

WHEREAS, massage and physical culture studios are conditionally permitted and require a Use Permit and conditionally permitted uses located in the Coastal Zone also require a Coastal Development Permit; and

WHEREAS, the Eureka Municipal Code §10-5.29310.1 prescribes the findings required to be made by the Planning Commission prior to granting a Coastal Development Permit; and

WHEREAS, the Planning Commission has reviewed the proposed tattoo parlor use in accordance with Eureka Municipal Code Title 10 Chapter 5 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 tattoo parlor use conforms to the policies of the Local Coastal Program.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. Any tattoo parlor use operating at the subject tenant space will comply with the Conditions of Approval of the Use Permit (CUP-20-0005).

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the coastal development permit 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 10th day of August, 2020 by the following vote:

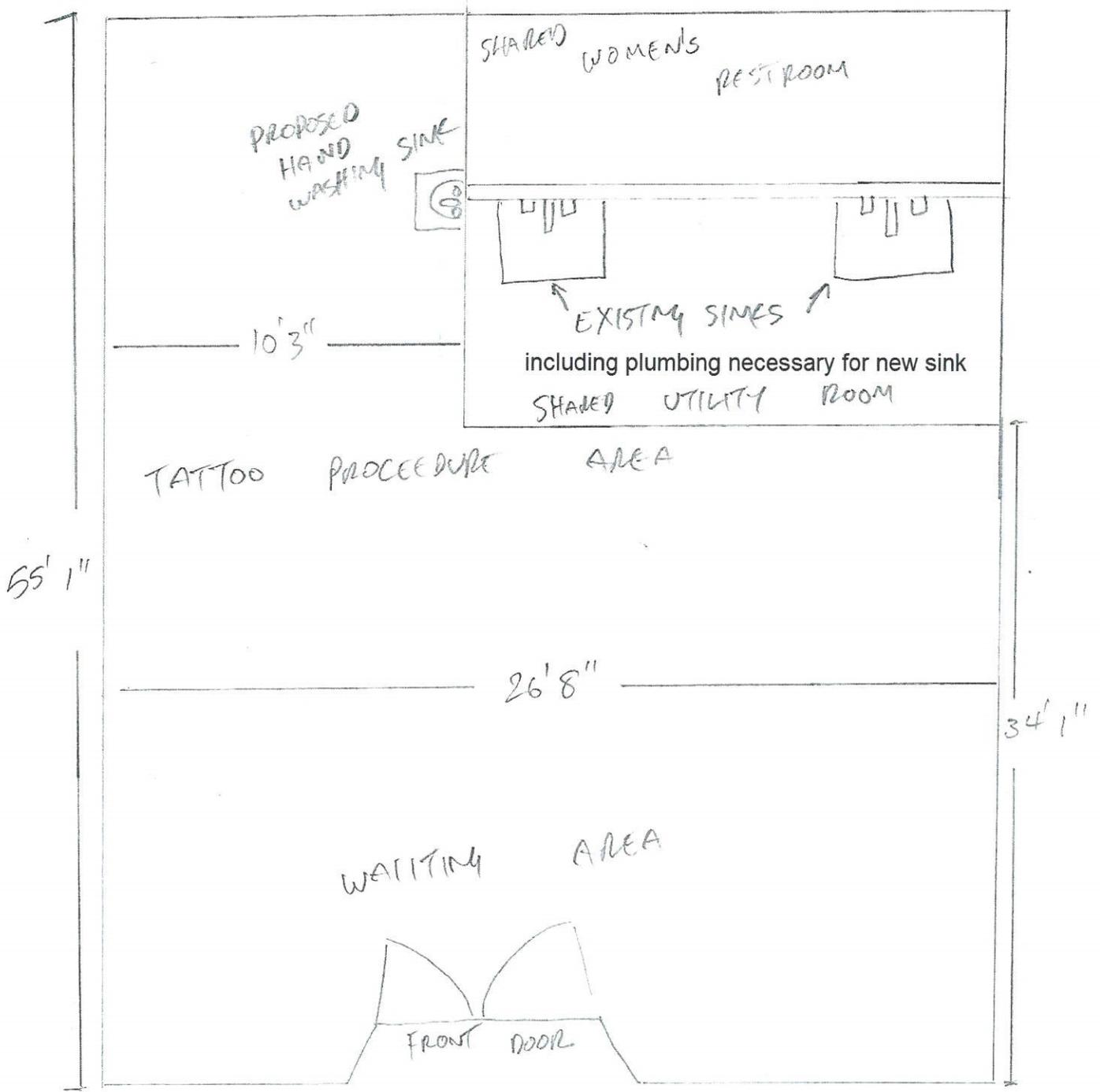
AYES: COMMISSIONER
 NOES: COMMISSIONER
 ABSENT: COMMISSIONER
 ABSTAIN: COMMISSIONER

Jeff Ragan, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary

HAND WASHING SINK INSTALLATION
FOR 214 E STREET EUREKA CA 95501



E STREET

WRITTEN DESCRIPTION FOR USE OF 214 E STREET
EUREKA CA.

I PLAN TO USE THE EXISTING SPACE TO PERFORM
TATTOOS. I HAVE BEEN TATTOOING FOR 11 YEARS
PROFESSIONALLY AND INTEND TO CONTINUE DOING SO
IN THIS LOCATION.

I DON'T PLAN TO CHANGE THE SITE OR
SURROUNDING AREA. A HAND WASHING SINK WILL
BE INSTALLED INSIDE NEAR THE PROCEDURE AREA.

THE TATTOO SHOP WILL BE OPEN SEVEN
DAYS A WEEK FROM 12PM - 6PM. TRAFFIC
WILL NOT BE AFFECTED AS THERE WILL ONLY
BE ONE OR TWO CLIENTS AT A TIME IN THE SHOP.
THIS WILL BE JUST ME TATTOOING, NO OTHER EMPLOYEES

ajf gf

7-8-20