



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**  
Brian Gerving, Interim Director

531 K Street, Third Floor  
Eureka, California 95501-1146  
(707) 441-4160 • [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov)

## NOTICE OF PUBLIC HEARING

### INTERIM DIRECTOR OF DEVELOPMENT SERVICES

**NOTICE IS HEREBY GIVEN** that the Director of Development Services will hold a public hearing on **Friday, March 13, 2020 at 10:00 a.m.** in the Council Chamber, Eureka City Hall, 531 K Street, Eureka, California to consider the following application:

**Project Title:** *Compton Full-Unit Residential Lodging Minor Use Permit*

**Project Applicant:** Craig and Mercedes Compton    **Case No:** MUP-20-0001 /RL-20-0001

**Project Location:** 1906 O Street

**APN:** 012-011-002

**Project Zoning and Land Use:** Residential Low (R1) and Low Density Residential (LDR)

**Project Description:** The applicant is seeking a Minor Use Permit (MUP) for full-unit residential lodging [vacation rental] in an existing three-bedroom single-family home which is listed as a minor permitted use in the R1 (Residential Low) zoning district. Per the applicant, the vacation rental will be available for rent year-round, no events will be allowed, and house rules will require no noise or guests after 10 p.m.

**Date of Project Application:** 1/21/2020

**Staff contact person:** Caitlin Castellano, Senior Planner, City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501-1165; phone: (707) 441-4160, email: [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov)

**Environmental:** A minor use permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). This project qualifies for a Class 1 exemption (Section 15301) from CEQA because the proposed use will result in an existing residential structure being used for residential lodging. The Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the existing or former use.

All interested persons are invited to comment either in person at the scheduled public hearing, or in writing. Written comments may be submitted prior to or during the hearing

by mailing or delivering them to the Development Services Department, Third Floor, 531 K Street, Eureka.

Appeals of the Interim Director's action may be made to the Planning Commission 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. Appeals of the Planning Commission's action may be made to the City Council in the same manner.

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 Development Services Department.



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Brian Gerving, Interim Director  
Caitlin Castellano, Senior Planner  
531 K Street • Eureka, California 95501-1146  
Ph (707) 268-5265  
[planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov) • [www.ci.eureka.ca.gov](http://www.ci.eureka.ca.gov)

## **INTERIM DIRECTOR OF DEVELOPMENT SERVICES**

### **STAFF REPORT**

*March 13, 2020*

**Project Title: Compton Full-Unit Residential Lodging Minor Use Permit**

**Project Applicant:** Craig and Mercedes Compton    **Case No.:** MUP-20-0001; RL-20-0001

**Project Location:** 1906 O Street                      **APN:** 012-011-002

**Zoning and General Plan Designations:** Residential Low (R1) and Low Density Residential (LDR)

**Project Description:** The applicant is seeking a Minor Use Permit (MUP) for a full-unit Residential Lodging (RL) which is listed as a minor permitted use in the R1 (Residential Low) zoning district. A maximum of 8 occupants are allowed. Per the applicant, the RL will be available for rent year-round, no events will be allowed, and house rules will require no noise or guests after 10 pm.

**Staff Recommendation:**

1. Adopt a Resolution of the Interim Director of Development Services approving with conditions a minor use permit allowing full-unit Residential Lodging at 1906 O Street (APN 012-011-002).

**Staff Contact Person:** Caitlin Castellano, Senior Planner; City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501; (707) 268-5265, Email: [ccastellano@ci.eureka.ca.gov](mailto:ccastellano@ci.eureka.ca.gov)

**Environmental:** A minor use permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). This project qualifies for a Class 1 exemption (Section 15301) from CEQA because the proposed use will result in an existing residential structure being used for residential lodging. The Class 1 exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the existing or former use.

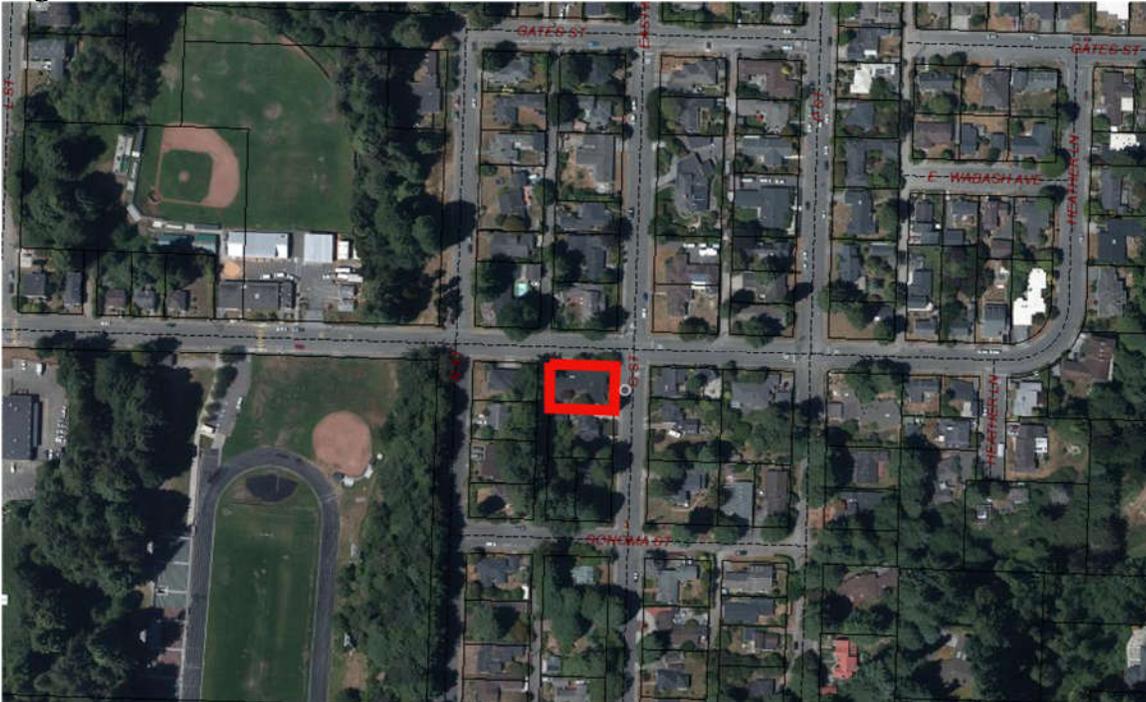
**Background:** The subject property, located at 1906 O Street, is on the southwest corner of O and Del Norte Streets (Figure 1). O Street is a local street and Del Norte Street is a major collector between P Street (one block east) and E Street (minor arterial to the west). Del Norte Street between P Street and Heather Lane (two blocks east) and west of E Street to A Street is a local street which then jogs slightly into W. Del Norte Street and ends at Humboldt Bay, west of

**Compton Full-Unit Residential Lodging Minor Use Permit, 1906 O Street**

Project Number: MUP-20-0001 and RL-20-0001

Broadway. The parcel is in an area that is zoned R1 (Residential Low) with Eureka High School's Albee Stadium, baseball field, and classrooms farther to the east, zoned PF (Public Facilities) (Figure 2). Per County Assessor's Office records, the residence was built in 1961; and, appears to exhibit mid-century classic architectural features and design. Nearby uses include other single-family residences in an established neighborhood with a variety of architectural styles, designs and age ranges.

**Figure 1**



**Figure 2**



**Compton Full-Unit Residential Lodging Minor Use Permit, 1906 O Street**

Project Number: MUP-20-0001 and RL-20-0001

The 8,250 square foot (SF) parcel contains an existing 2,500 SF single-family residence with attached two-car garage that is accessed via an alley off Del Norte Street between O and N Streets. Per the applicant, four (4) off-street parking spaces are available: two (2) inside the garage and two (2) in front of the garage that do not block the alley (Figure 3). Because the surrounding area is an older and established neighborhood, many homes have off-street parking thus it is likely that on-street parking on O and Del Norte Streets may be available as well (Figure 4). Per the applicant, an outdoor area is available in the backyard with built-in seating, barbecue, outdoor furniture and mature landscaping. No changes are proposed to either the interior or the exterior of the building.

**Figure 3**



**Figure 4**



Full-Unit Residential Lodging is defined in EMC §155.304.130 (C)(3) as the rental of an entire dwelling unit, either with or without a proprietor in residence elsewhere on the property for the duration of the rental. No employees will be utilized. Operation, maintenance and cleaning of the residential lodging unit will be conducted by the owners.

## **Use Permit**

EMC §155.204.020 (A); Table 204-1: Allowed Uses in Residential Zoning Districts provides that full-unit Residential Lodging is listed as a minor permitted use in the R1 (Residential Low) zoning district.

### **Applicable Regulations:**

In order to give the district use regulations flexibility, in certain zone districts conditional uses may be permitted subject to the granting of a use permit. Because of their unusual characteristics, conditional uses require special consideration so they are located properly with respect to objectives of the Zoning Regulations and with respect to their effects, or potential effects, on surrounding properties. The Director is empowered to act on applications for minor uses and to impose reasonable conditions, provided the Director can make the following findings pursuant to EMC§ 155.412.110 (F)(1-5):

### **Findings for Approval:**

- 1. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.*

**Compton Full-Unit Residential Lodging Minor Use Permit, 1906 O Street**

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- a. The applicant is proposing full-unit Residential Lodging in an existing 3-bedroom single-family home within the Low Density Residential (LDR) land use designation and inland Residential Low (R1) zone. The General Plan specifically allows Residential Lodging (vacation rentals) in all residential land use designations as established by the Zoning Code; and, full-unit Residential Lodging is listed as a minor permitted use in the R1 zone per EMC §155.304.130. Additionally, the proposed use is consistent with the following Goals in the General Plan:

- i. *LU-5.2 (Parking Access of Residential Uses): Where feasible and desirable, require off-street parking for residential uses to be accessed from alleys and in the rear of the parcel.*

Existing off-street parking (four (4) spaces) accessed via the alley between O and N Street is preserved and will be available for guest use.

- ii. *LU-5.5 (Existing Neighborhoods) (a): Retaining unique and/or historic residences and architecture.*

The proposed use does not require any interior or exterior modifications and will retain the classic mid-century architecture and the neighborhood appearance.

- iii. *E-6.3 (Year-Round Tourism Destination): Encourage increased year-round and multi-day tourism by promoting Eureka as a cultural-tourism destination rich in local architecture, history, dining, arts and entertainment and by promoting and developing Eureka as an ecotourism and adventure tourism destination with activities such as bay kayaking, the Eureka waterfront coastal trail, Zoo, and forested city-parks.*

The full-unit Residential Lodging will be available year-round and provide a tourism lodging option to house up to eight (8) persons over the age of 12, such as a large family or group. The existing home will retain its mid-century classic architectural features and has access to tourism destinations such as the Zoo, Old Town and the Eureka waterfront.

- iv. *E-7.17 (TOT Reinvestment): Establish a data-driven revenue reinvestment program for Transit Occupancy Tax (TOT) generated revenue. Program would reinvest some TOT revenue back into tourism-related assets, infrastructure, events, and marketing with the intent of continually increasing TOT revenue.*

The full-unit Residential Lodging will contribute to the City's Transient Occupancy Tax which could be reinvested back into tourist-related assets.

- v. *HCP-2.2 (Coordination with Tribes): Continue to solicit input from local Native American Tribes, and/or a qualified cultural resource professional early in project planning and review processes in areas known or believed to contain buried archaeological or cultural resources.*

**Compton Full-Unit Residential Lodging Minor Use Permit, 1906 O Street**

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A referral was sent to the Bear River Band, Blue Lake and Wiyot who each responded with no project concerns.

- vi. *N-1.3 (Noise and Land Use Compatibility): Consider the compatibility of new development with the existing noise environment when reviewing discretionary proposals.*

The proposed use will not contribute to issues related to noise for the adjacent single-family residential uses because the applicant states they will not allow events (graduation parties, wedding receptions etc.) and will implement house rules that will require no noise and no guests after 10 pm.

Furthermore, the City Council has not set an annual limit for full unit rentals per EMC §155.304.130(D) and the proposed use is consistent with the Economic Development Strategic Plan (EDSP) as it will provide a lodging option that is not oriented around the primary automotive corridors of Broadway and Highway 101, and it supports the EDSP Sub-Goal D: *Strengthen the City's Revenue Base* through payment of the Transient Occupancy Tax. Therefore, the request for full-unit Residential Lodging is consistent with the General Plan and Zoning Code.

*2. The site is suitable for the size, design, and operating characteristics of the proposed use*

- a. The full-unit Residential Lodging would occur in an existing 2,498 SF single-family home comprised of three-bedrooms, two baths and a bonus room with an attached two-car garage, located on an 8,250 SF (0.189 acre) lot. An outdoor area in the backyard includes mature landscaping, built-in seating, a barbecue and outdoor furniture for use by the guests. High speed internet will also be available for guests. No modifications to the interior or exterior of the structure are proposed to accommodate the Residential Lodging use. Although the applicants have indicated the Residential Lodging will be available year-round, the potential to utilize the single-family residence as a long-term rental (more than 30-days) will remain. No more than eight (8) occupants over the age of 12 may be housed at one-time in the full-unit rental, and off-street parking is available for four (4) vehicles. Therefore, the site is suitable for the size, design and operating characteristics of the proposed full-unit Residential Lodging use.

*3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.*

- a. Existing land uses in the vicinity are comprised of Low Density Residential (LDR) and Public/Quasi Public (PQP). Per County Assessor's Office records, the residence was built in 1961; and, it exhibits mid-century classic architectural features and design. Nearby uses include other single-family residences in an established neighborhood with homes depicting a variety of architectural styles, designs and age ranges. The Eureka High School sports fields are located one (1) block west (approximately 200 feet) on Del Norte Street and the school's main entrance is located 0.25 miles northwest on J Street between Del Norte Street and Humboldt Street. The rental is not expected to impact school operations or

**Compton Full-Unit Residential Lodging Minor Use Permit, 1906 O Street**

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activities. The proposed use will be compatible with the existing land uses because no exterior changes to the existing structure are proposed and the structure will continue to be available as a dwelling unit. Additionally, the General Plan and Zoning Code specifically allow Residential Lodging in all residential designations and residential zoning districts.

4. *The proposed use will not be detrimental to the public health, safety, and welfare.*
  - a. Per the applicant, no events will be allowed even though EMC § 155.304.130 allows up to six (6) events (wedding receptions, graduation parties, etc.) per year. Additionally, the applicant states house rules will require no noise or guests after 10 pm. The operation, maintenance and cleaning of the full-unit Residential Lodging will be performed by the applicants who are also the emergency contact and live within 0.5 miles of the Residential Lodging. The applicant-imposed limitations will decrease potential noise impacts that can be detrimental to the public health, safety and welfare of the surrounding residents and neighborhood. Additionally, four (4) off-street parking spaces are available and due to the surrounding area being an established neighborhood with many homes having off-street parking, it is likely that on-street parking on O and Del Norte Streets may be available. As a result, potential parking impacts to the surrounding neighborhood as a result of guests parking in front of adjacent single-family homes is low. Furthermore, prior to operating, the Residential Lodging will be inspected to residential standards by the Building Department to ensure the safety and welfare of the guests.
  
5. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*
  - a. The subject property is located on the southwest corner of O and Del Norte Streets, with residential uses located on all four sides. O Street is a local street that serves interior neighborhoods and is not intended for through-traffic, and Del Norte Street is a Major Collector that connects arterials to local streets and accommodates intra-city travel. Del Norte Street connects to H and I Streets (Major Arterials) to the west, and provides access to Highway 101, Downtown, Old Town and Henderson Center. The area is served by City water and sewer and all major utilities. Eureka Transit bus stops are located at the intersections of Del Norte and H and I Streets, and a Class II bike lane can be accessed on J Street, approximately 1,415 feet (0.27 miles) west of the site.

**Support Material:**

Attachment 1 Interim Director of Development Services Resolution..... page 9-10

# **INTERIM DIRECTOR OF DEVELOPMENT SERVICES**

## **RESOLUTION NO. 20-\_\_**

A RESOLUTION OF THE INTERIM DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF EUREKA APPROVING THE MINOR USE PERMIT (MUP-20-0001) TO ALLOW A FULL UNIT RESIDENTIAL LODGING AT 1906 O STREET; APN 012-011-002

**WHEREAS**, the applicant is proposing a full-unit Residential Lodging in an existing three-bedroom, two-bath, single-family home with attached two-car garage; and

**WHEREAS**, the property at 1906 O Street is zoned Residential Low (R1) and has a land use designation of (LDR) Low Density Residential; and

**WHEREAS**, a full-unit Residential Lodging is a minor permitted use in the R1 zone and requires a Minor Use Permit per Eureka Municipal Code §155.204.020; and

**WHEREAS**, the Minor Use Permit is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 1 exemption (Section 15301) from CEQA which exempts the operation, permitting, leasing [or] licensing of existing private structures involving negligible or no expansion of the existing or former use. The proposed use will result in an existing residential structure being used for Residential Lodging with no expansion of the existing or former use; and

**WHEREAS**, the Eureka Municipal Code §155.412.110 prescribes the findings required to be made by the Interim Director of Development Services prior to granting a minor use permit; and

**WHEREAS**, on February 18, 2020, notice of pending action was mailed to property owners within 300 feet of the subject parcel; and

**WHEREAS**, a request for a public hearing was received during the notice period; and

**WHEREAS**, the Interim Director of Development Services of the City of Eureka held a duly noticed public hearing on March 13, 2020 in the Council Chamber of Eureka City Hall; and

**WHEREAS**, the Interim Director of Development Services of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Chapter 155, and after due consideration of all submitted evidence and reports, does hereby find and determine the following facts:

- a. The subject property, located at 1906 O Street, is on the southwest corner of O and Del Norte Streets with single-family residential uses located on all four sides.
- b. The subject property is located within an R1 zone and is suitable for full-unit Residential Lodging because the General Plan and Zoning Code specifically allow Residential Lodging in residential land use designations and zoning districts.
- c. The full-unit Residential Lodging will utilize an existing 2,489 square foot three-bedroom, two-bath, single-family home with an attached two-car garage on an 8,250 square foot lot.
- d. No exterior or interior modifications are proposed in order to accommodate the Residential Lodging use.
- e. Four (4) off-street parking spaces are available: two (2) inside the garage and two (2) in front of the garage.

**Resolution 2020-\_\_\_**

**Compton Full-Unit Residential Lodging Minor Use Permit, 1906 O Street**

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- f. The applicant will not allow events (wedding receptions, graduation parties etc.) and will implement house rules that require no noise or guests after 10 p.m. to avoid impacts to public health, safety, and welfare.
- g. Del Norte Street (Major Collector) connects to H and I Streets (Major Arterials) and provides access to Highway 101, Downtown, Old Town and Henderson Center.
- h. The area is served by City water and sewer and all major utilities.
- i. Eureka Transit bus stops are located at the intersections of Del Norte and H and I Streets, and a Class II bike lane can be accessed on J Street, approximately 1,415 feet (0.27 miles) west of the site.

**WHEREAS**, in the opinion of the Interim Director of Development Services, the proposed application should be approved subject to the following conditions:

- 1. The residence must be inspected to residential standards by the Building Department prior to operating. The applicant will obtain any necessary building permits and follow-up inspections required by the initial inspection.
- 2. Once the Residential Lodging is operating, the applicant will pay Transient Occupancy Tax (TOT) by complying with Eureka Municipal Code Section 35.070, which addresses the collection, record keeping, reporting and remittance of applicable TOT.
- 3. The maximum number of occupants in the Residential Lodging (not including children 12 and under), will not exceed eight (8): two persons per bedroom plus two additional persons.

**NOW THEREFORE, BE IT RESOLVED** that the Interim Director of Development Services of the City of Eureka does hereby approve the application, subject to the conditions listed above.

**PASSED, APPROVED AND ADOPTED** by the Interim Director of Development Services of the City of Eureka in the County of Humboldt, State of California, on the 13<sup>th</sup> day of March, 2020.

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Brian Gerving  
Interim Director of Development Services



**CITY OF EUREKA**  
**DEVELOPMENT SERVICES DEPARTMENT**

Brian Gerving, Interim Director  
Caitlin Castellano, Senior Planner

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## MEMO

**DATE:** March 3, 2020  
**TO:** Brian Gerving, Interim Director  
**FROM:** Kristen M. Goetz, Principal Planner  
**SUBJECT:** Compton Full-Unit Residential Lodging Minor Use Permit  
1906 O Street; APN 012-011-002; MUP-20-0001 and RL-20-0001

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**Project Description:** The applicant is seeking a Minor Use Permit (MUP) for a full-unit Residential Lodging (RL) which is listed as a minor permitted use in the R1 (Residential Low) zoning district. A maximum of 8 occupants are allowed. Per the applicant, the RL will be available for rent year-round, no events will be allowed, and house rules will require no noise or guests after 10 pm.

On February 18, 2020, a Notice of Pending Action was mailed to property owners within 300 feet of the subject parcel. One written request for a public hearing was received during the notice period (see attached

Attachment            Request for hearing

Richard Gustafson  
P.O. Box 6482, 95502  
19110 Street  
Eureka, CA 95504

2/26/2020

Caitlin Castellano  
Development Services Dept  
531 K Street  
Eureka, CA 95501

Dear Ms Castellano:

Please schedule a hearing regarding

Case No: MUP-20-0001 / RL-20-0001

Project location: 1906 O Street, APN 012-011-002

Richard Gustafson

RECEIVED

FEB 26 2020

DEPARTMENT OF  
COMMUNITY DEVELOPMENT

Convo @ Cantor

re: Concerns

① parking on street  
- req. they use off street.

② rental adjacent to  
it.