



CITY OF EUREKA  
DEVELOPMENT SERVICES DEPARTMENT  
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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, May 11, 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:** *Martinez Residential Lodging (Vacation Rental) – Multiple Rooms*

**Project Applicant:** Sherri Lynn Martinez

**Case No:** MUP-20-0005 /RL-20-0004

**Project Location:** 2427 G Street;      **APN:** 011-031-018

**Zoning:** Residential Low (R1) and Low Density Residential (LDR)

**Project Summary:** The applicant is seeking a Minor Use Permit (MUP) for a two-room Residential Lodging (RL) permit (Vacation Rental) which is listed as a minor permitted use in the R1 (Residential Low) zoning district. A maximum of six occupants are allowed. Per the applicant, the RL will only be operated when the proprietors are not in residence.

**Environmental:** 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 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](http://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](mailto:planning@ci.eureka.ca.gov) or leave a message at 707-441-4160 on or before Friday, May 8<sup>th</sup> 2020 at 5:30 p.m. A Development Services 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](mailto:planning@ci.eureka.ca.gov) or you may leave a message at 707-441-4160 prior to Friday, May 8<sup>th</sup> 2020 at 5:30 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.

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. If you have questions regarding the project or this notice, please contact Riley Topolewski, Senior Planner, [rtopolewski@ci.eureka.ca.gov](mailto:rtopolewski@ci.eureka.ca.gov) or (707) 441-4160.



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## PLANNING COMMISSION

### STAFF REPORT

*May 11, 2020*

**Project Title:** *Martinez Residential Lodging (Vacation Rental) – Multiple Rooms*

**Project Applicant:** Sherri Lynn Martinez      **Case No.:** MUP-20-0005 /RL-20-0004

**Project Location:** 2427 G Street      **APN:** APN 011-031-018

**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 two-room Residential Lodging (RL) permit (Vacation Rental) which is listed as a minor permitted use in the R1 (Residential Low) zoning district. A maximum of six occupants are allowed. Per the applicant, the RL will only be operated when the proprietors are present.

**Staff Recommendation:**

1. Hold a public hearing; and
2. Adopt a Resolution of the Planning Commission approving with conditions a minor use permit allowing two-room Residential Lodging at 2427 G Street (APN 011-031-018).

**Recommended Motion:** *“I move the Planning Commission adopt a Resolution of the Planning Commission approving with conditions a minor use permit for full-unit Residential Lodging (Vacation Rental) at 2427 G Street.”*

**Staff Contact Person:** Riley Topolewski, Senior Planner; City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501; (707) 268-1971, Email: [rtopolewski@ci.eureka.ca.gov](mailto:rtopolewski@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 (vacation rental). 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.

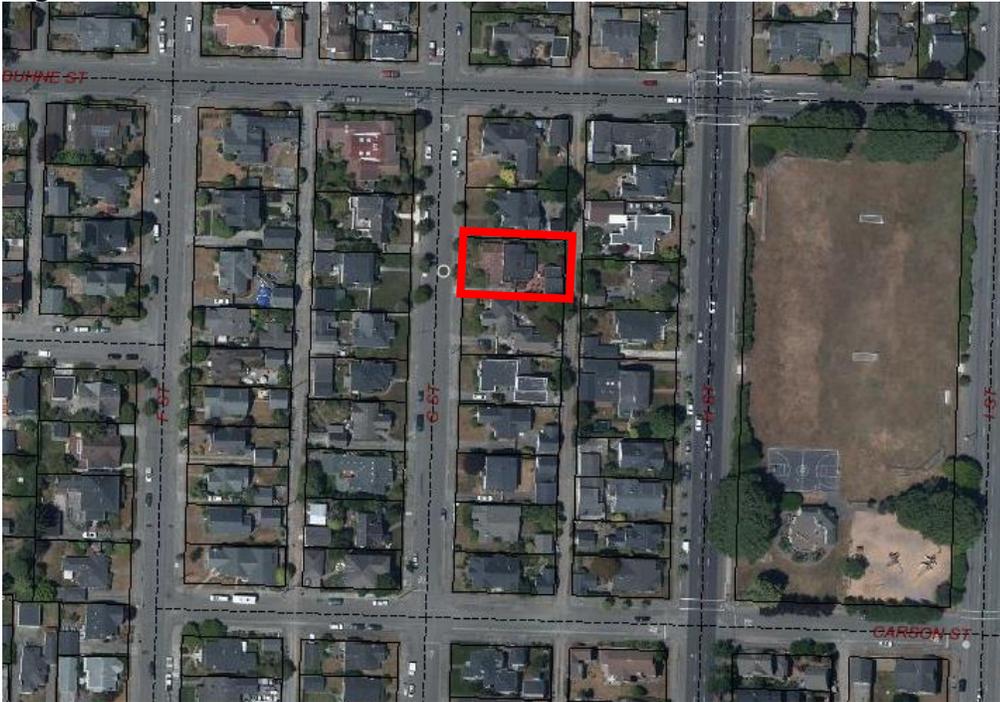
**Background:** The subject property, located at 2427 G Street, is located between Buhne and Carson Streets (Figure 1). G Street and Carson Street are local streets and Buhne Street is a minor arterial to the north. H Street (one block east) between Harris and 3<sup>rd</sup> Streets, and

**Martinez Two-Room Residential Lodging Minor Use Permit, 2427 G Street**

Project Number: MUP-20-0005 and RL-20-0004

Henderson Street (two blocks south) between I Street and Broadway are major arterials. The parcel is in an area that is zoned R1 (Residential Low) with Carson Park on the adjacent block to the east zoned P (Public) (Figure 2). 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**



**Martinez Two-Room Residential Lodging Minor Use Permit, 2427 G Street**

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The 7,400 square foot (SF) parcel contains an existing 2,350 SF single-family residence with a 650 SF, detached office space, which is not included a part of the Residential Lodging, that is accessed via an alley off Buhne or Carson Street between G and H Streets. Up to three (3) tandem off-street parking spaces are available via the driveway which is on the south side of the parcel (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 G Street may be available as well (Figure 4). An outdoor area is available in the backyard with 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**



Multiple-Room Residential Lodging is defined in EMC §155.304.130 (C)(2) as the rental of two or more rooms within a dwelling unit with the proprietor in residence for the duration of the rental. No employees, outside of the proprietor, 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 Multiple-Room 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.*
  - a. The applicant is proposing Multiple-Room Residential Lodging in an existing 2-bedroom single-family home within the Low Density Residential (LDR) land use designation and inland Residential Low (R1) zone. The General Plan specifically

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allows Residential Lodging (vacation rentals) in all residential land use designations as established by the Zoning Code; and, Multiple-Room 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 (three (3) tandem spaces) accessed via the driveway on G 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 Multiple-Room Residential Lodging will be available year-round and provide a tourism lodging option to house up to six (6) 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 Multiple-Room 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.*

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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 Multiple-Room 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 Multiple-Room Residential Lodging would occur in an existing 2,350 SF single-family home comprised of two bedrooms, two baths and a bonus room with an detached 650 SF office space, located on a 7,400 SF lot. An outdoor area in the backyard includes mature landscaping, 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 six (6) occupants over the age of 12 may be housed at one-time in the Multiple-Room rental, and tandem off-street parking is available for three (3) vehicles. Therefore, the site is suitable for the size, design and operating characteristics of the proposed Multiple-Room 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). Nearby uses include a park, as well as other single-family residences in an established neighborhood with a variety of architectural styles, designs and age ranges. Carson Park is located one (1) block east (approximately 200 feet) on H and I Streets between Buhne and Carson Streets and Henderson Center is located within walking distance. The rental is not expected to impact park operations or 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

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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 (3) events (wedding receptions, graduation parties, etc.) per month. Additionally, the applicant states house rules will require no noise or guests after 10 pm. The operation, maintenance and cleaning of the Multiple-Room Residential Lodging will be performed by the applicant who is also the emergency contact and lives onsite 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, three (3) tandem 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 G Street 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 G Street, between Buhne and Carson Streets. G Street and Carson Street are local streets and Buhne Street to the north is a minor arterial. H Street (one block east) between Harris and 3<sup>rd</sup> Streets, and Henderson Street (two blocks south) between I Street and Broadway are major arterials. The area is served by City water and sewer and all major utilities. Eureka Transit bus stops are located at the intersections of Buhne and F and E and Dollison Streets, and a Class II bike lane can be accessed on J Street, approximately 1,000 feet east of the site.

**Support Material:**

Attachment 1 Planning Commission Resolution ..... page 8-9

## PLANNING COMMISSION RESOLUTION NO. 20-\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING THE MINOR USE PERMIT (MUP-20-0005) TO ALLOW A MULTIPLE-ROOM RESIDENTIAL LODGING AT 2427 G STREET; APN 011-031-018

**WHEREAS**, the applicant is proposing a Multiple-Room Residential Lodging in an existing two-bedroom, two-bath, single-family home with detached office space; and

**WHEREAS**, the property at 2427 G Street is zoned Residential Low (R1) and has a land use designation of (LDR) Low Density Residential; and

**WHEREAS**, a Multiple-Room 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 Planning Commission prior to granting a minor use permit; and

**WHEREAS**, the Interim Director of Development Services of the City of Eureka did hold a duly noticed Public Hearing at City Hall in the City of Eureka on April 16, 2020, at 10:00 AM, telephonically through Zoom; and

**WHEREAS**, The Planning Commission of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Chapter 155, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

- a. The subject property, located at 2427 G Street, is on the east side of G Street between Buhne and Carson 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 Multiple-Room Residential Lodging because the General Plan and Zoning Code specifically allow Residential Lodging in residential land use designations and zoning districts.
- c. The Multiple-Room Residential Lodging will utilize an existing 2,350 square foot three-bedroom, two-bath, single-family home with a detached 650 square foot office space on a 7,400 square foot lot.
- d. No exterior or interior modifications are proposed in order to accommodate the Residential Lodging use.
- e. Three (3) tandem off-street parking spaces are available: all three are located on the south side of the parcel in the driveway.
- 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. Buhne Street (Minor Collector) connects to H and I Streets (Major Arterials) and provides access to Highway 101, Downtown, Old Town and Henderson Center.

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

**Martinez Multiple-Room Residential Lodging Minor Use Permit, 2427 G Street**

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- 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 Buhne and F Streets and E and Dollison Streets, and a Class II bike lane can be accessed on J Street, approximately 1,000 feet east of the site.

**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. 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 Multiple-Room Residential Lodging (not including children 12 and under), will not exceed six (6): two persons per bedroom plus two additional persons.

**NOW THEREFORE, BE IT RESOLVED** the Planning Commission of the City of Eureka does hereby approve the application, subject to the conditions listed above. The violation of any term or requirement of this conditional approval may result in the revocation of the permit.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on May 11, 2020 by the following vote:

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

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Jeff Ragan, Chair, Planning Commission

*Attest:*

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Kristen M. Goetz, Executive Secretary