



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 **June 8, 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: Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit

Project Applicant: Patrick Griego **Case No:** MUP-20-0006; RL-20-0005

Project Location: 2323 O Street **APN:** 012-121-020

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 a full-unit Residential Lodging (RL) (vacation rental) which is listed as a minor permitted use in the R1 (Residential Low) zoning district. A maximum of 6 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.

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 June 8, 2020 at 12:00 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 or you may leave a message at 707-441-4160 prior to June 8, 2020 at 12:00 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 Lisa Savage, Project Manager, lsavage@ci.eureka.ca.gov or (707) 441-4186.



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PLANNING COMMISSION

STAFF REPORT

June 8, 2020

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Project Applicant: Patrick Griego **Case No.:** MUP-20-0006; RL-20-0005

Project Location: 2323 O Street **APN:** 012-121-020

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) (vacation rental) which is listed as a minor permitted use in the R1 (Residential Low) zoning district. A maximum of 6 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 Planning Commission of the City of Eureka approving with conditions a minor use permit allowing full-unit Residential Lodging at 2323 O Street (APN 012-121-020).

Staff Contact Person: Lisa Savage, Project Manager; City of Eureka, Development Services Department; 531 “K” Street, Eureka, CA 95501; (707) 441-4186, Email: lsavage@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.

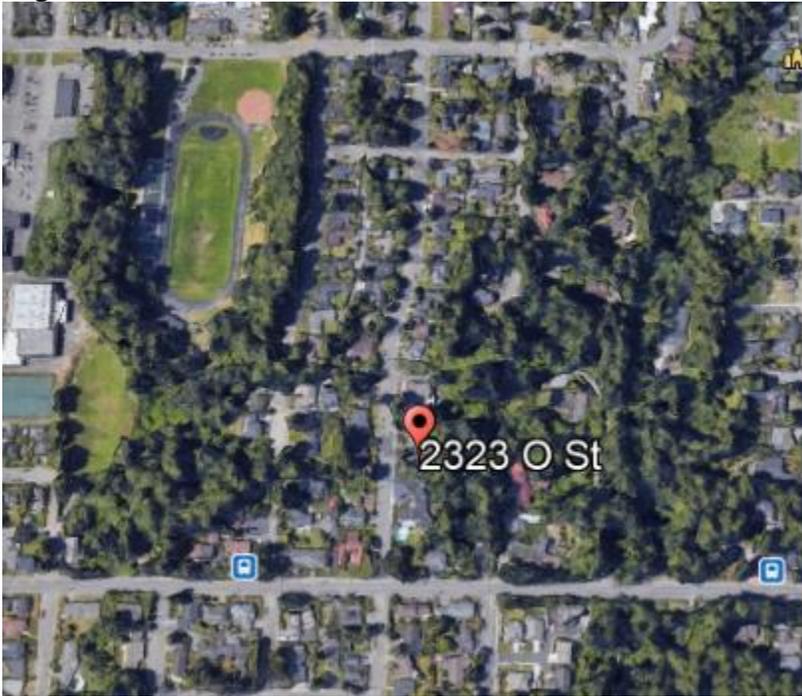
Background: The subject property, located at 2323 O Street, is on the East side of O Street between Trinity (North) and Buhne Streets (South) (Figure 1). O Street and Trinity are local streets and Buhne Street is a minor arterial between S and E Streets and is a major collector between E and Fairfield Streets. The parcel is in an area that is zoned R1 (Residential Low) with Eureka High School’s Albee Stadium, baseball field, and classrooms to the northwest, zoned PF

Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit, 2323 O Street

Project Number: MUP-20-0006 and RL-20-0005

(Public Facilities). Per County Assessor’s Office records, the residence was built in 2001; and, appears to exhibit modern architectural features and design. Nearby uses include other single-family residences, and residential lodging, in an established neighborhood with a variety of architectural styles, designs and age ranges.

Figure 1



The 0.96-acre parcel contains an existing two-story, 2,490 square foot single-family residence with a 700 square foot detached two-car garage (Figure 2). Per the applicant, three (3) off-street parking spaces are available via the driveway (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 Street may be available as well (Figures 2 and 3). No changes are proposed to either the interior or the exterior of the building.

Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit, 2323 O Street
Project Number: MUP-20-0006 and RL-20-0005

Figure 2



Figure 3



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.

Use Permit

EMC §155.204.020 (A); Table 204-1: Allowed Uses in Residential Zoning Districts provides that full-unit Residential Lodging are 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 the objectives of the Zoning Regulations and with respect to their effects, or potential effects, on surrounding properties. The Planning Commission is empowered to act on applications for minor uses and to impose reasonable conditions, provided the Planning Commission 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 full-unit 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 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 (three (3) spaces) accessed via O 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, will retain the modern architecture of the structure, and will not change the appearance of the neighborhood.

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.*

Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit, 2323 O Street

Project Number: MUP-20-0006 and RL-20-0005

The full-unit 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 small family or group. The existing home will retain its modern 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.*

A referral was sent to the Bear River Band, Blue Lake and Wiyot; Blue Lake and Wiyot 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, as any use may not create a noise nuisance in violation of Eureka Municipal Code Section 94.02 (Loud Noises). Additionally, per the applicant, house rules will require no noise or guests after 10 p.m., and the residence is concrete and below grade so sound is well contained inside the structure.

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 2,490 SF single-family home comprised of two-bedrooms and two bathrooms, with a detached two-car garage, located on a 0.96-acre parcel. Interior recreation includes a home theatre, ping pong, and foosball. An outdoor area in the backyard includes mature

Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit, 2323 O Street

Project Number: MUP-20-0006 and RL-20-0005

landscaping, a hot tub, 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 full-unit rental, and off-street parking is available for three (3) 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 2001; and, it exhibits modern 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 two (2) blocks northwest (approximately .5 miles) on Del Norte Street and the school's main entrance is located 0.75 miles northwest on J Street between Del Norte Street and Humboldt Street. The rental is not expected to impact school 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 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 p.m. 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. The operation and maintenance of the full-unit Residential Lodging will be performed by the applicant who is also the emergency contact and works within 3 miles of the Residential Lodging. Cleaning will be done by a professional cleaner, who will also serve as an additional emergency contact. Additionally, three (3) 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 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.

Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit, 2323 O Street

Project Number: MUP-20-0006 and RL-20-0005

- 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 east side of O Street between Trinity (North) and Buhne Streets (South). O Street is a local street that serves interior neighborhoods and is not intended for through-traffic, and Del Norte Street (two blocks north) 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 (0.5 miles) west of the site.

Support Material:

Attachment 1 Planning Commission Resolution page 8-9

PLANNING COMMISSION

RESOLUTION NO. 2020-___

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING THE MINOR USE PERMIT (MUP-20-0006) TO ALLOW A FULL UNIT RESIDENTIAL LODGING AT 2323 O STREET; APN 012-011-002

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

WHEREAS, the property at 2323 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 Planning Commission prior to granting a minor use permit; and

WHEREAS, the Planning Commission of the City of Eureka held a duly noticed public hearing on June 8, 2020 via 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 submitted evidence and reports, does hereby find and determine the following facts:

- a. The subject property, located at 2323 O Street, on the East side of O Street between Trinity street (North) and Buhne Street (South) 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 2,490 square foot two-bedroom, two-bath, single-family home with a detached two-car garage on 0.96-acre parcel.
- d. No exterior or interior modifications are proposed in order to accommodate the Residential Lodging use.
- e. Three (3) off-street parking spaces are available via the drive way in front of the garage directly off O Street.
- 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.

Resolution 2020-___

Concrete Loft in the Redwoods Full-Unit Residential Lodging Minor Use Permit, 2323 O Street

Project Number: MUP-20-0006 and RL-20-0005

- 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 (0.5 miles) west of the site.

WHEREAS, in the opinion of the Planning Commission, 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 six (6): two persons per bedroom plus two additional persons.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the 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 8th day of June, 2020.

Jeff Ragan, Chair
City of Eureka Planning Commission

Kristen M. Goetz
Executive Secretary