



CITY OF EUREKA  
PUBLIC WORKS DEPARTMENT  
Brian Gerving, Director  
Planning Division

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## NOTICE OF PENDING ACTION ON A MINOR USE PERMIT DIRECTOR OF PUBLIC WORKS

**NOTICE IS HEREBY GIVEN** that the Director of Public Works is considering the following application. Unless a specific written request to hold a public hearing is received no later than 5:00 p.m. on Friday, July 31, 2020, the Director will act on the application on August 3, 2020. If a member of the public requests a public hearing, a hearing date will be determined and a notice of the public hearing will be mailed at least 10 days prior to the hearing date pursuant to Cal Gov Code § 65090 et. seq.

**Project Title:** *JL Automotive Minor Use Permit*

**Project Applicant:** Lyle Rychlik dba JL Automotive

**Case No:** MUP-20-0008

**Project Location:** 505 Summer Street; APN: a portion of 001-033-004 (building), and a portion of 001-033-005 (gated lot)

**Project Zoning and Land Use:** Downtown West (DW) and Downtown Commercial (DC)

**Project Summary:** The applicant is seeking a Minor Use Permit (MUP) to operate a vehicle repair shop which is listed as a minor use in the Downtown West (DW) zoning district pursuant Eureka Municipal Code Sec. 155.208.020. The use is proposed in a building located at the southeast corner of the intersection of 5<sup>th</sup> and Summer Streets, along with a small fenced area directly south of the building. The existing structure is approximately 4,933 square feet [sf] and is located on APN 001-033-004. The building has three roll up garage doors on the south side which open to a gated lot (approximately 2,500 sf) located on the adjacent parcel, APN 001-033-005. Both parcels are under the same ownership and are developed with several structures and uses. The subject site was previously used for a custom and vintage automotive repair shop. No changes to the existing building footprint or gated lot area are proposed, and no ground disturbing activities are anticipated.

**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.

All interested persons are invited to comment on the project in writing on or before 5:00 p.m., Friday, July 31, 2020. Written comments may be mailed or delivered to the Planning Division of the Public Works Department, 531 K Street, Eureka, CA 95501.

### **How to request a hearing:**

A public hearing may be requested by mailing or delivering a written request to hold a public hearing to the Planning Division of the Public Works Department, 531 K Street, Eureka, CA 95501, or e-mail [planning@ci.eureka.ca.gov](mailto:planning@ci.eureka.ca.gov), on or before Friday, July 31, 2020, at 5:00 p.m.

The project file is available for review at the Planning Division of the Public Works Department, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact Caitlin Castellano, Senior Planner, phone: (707) 268-5265; e-mail: [ccastellano@ci.eureka.ca.gov](mailto:ccastellano@ci.eureka.ca.gov)

August 3, 2020

<b>Subject:</b>	JL Automotive Minor Use Permit MUP-20-0008
<b>Location:</b>	505 Summer Street
<b>APN:</b>	A portion of 001-033-004 (building), and a portion of 001-033-005 (gated lot).
<b>Applicant:</b>	Lyle Rychlik dba JL Automotive
<b>Property Owner:</b>	Fredric and Victoria Divine
<b>Purpose/Use:</b>	Vehicle Repair Use
<b>Application Date:</b>	June 24, 2020
<b>General Plan:</b>	DW – Downtown West
<b>Zoning:</b>	DC – Downtown Commercial
<b>CEQA:</b>	Exempt under §15301, Class 1 Existing Facilities
<b>Staff Contact:</b>	Caitlin Castellano, Senior Planner
<b>Recommendation:</b>	Adopt a Resolution of the Director to approve with conditions

Figure 1: Location Map – 505 Summer Street

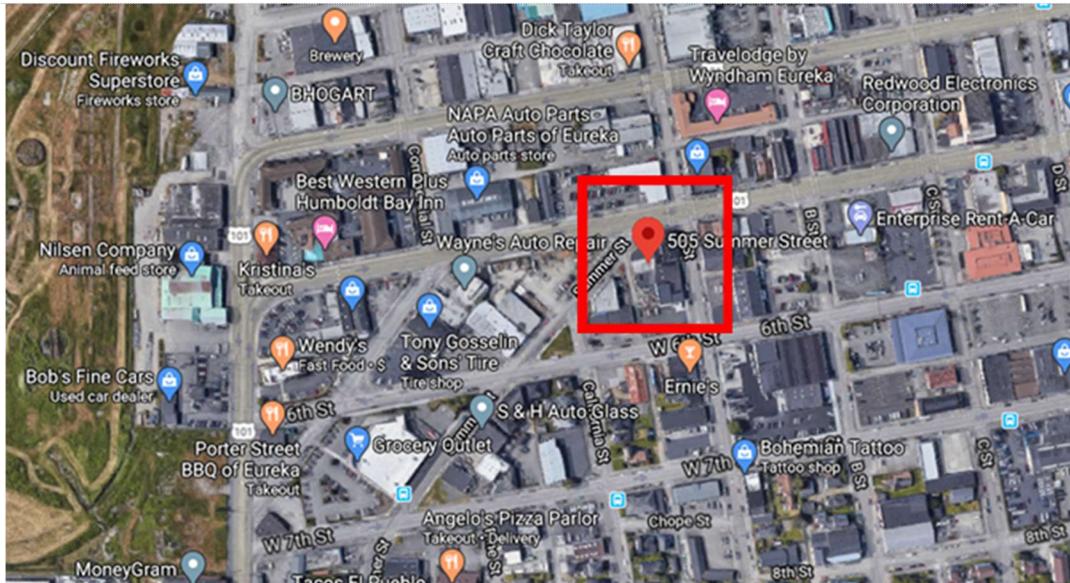
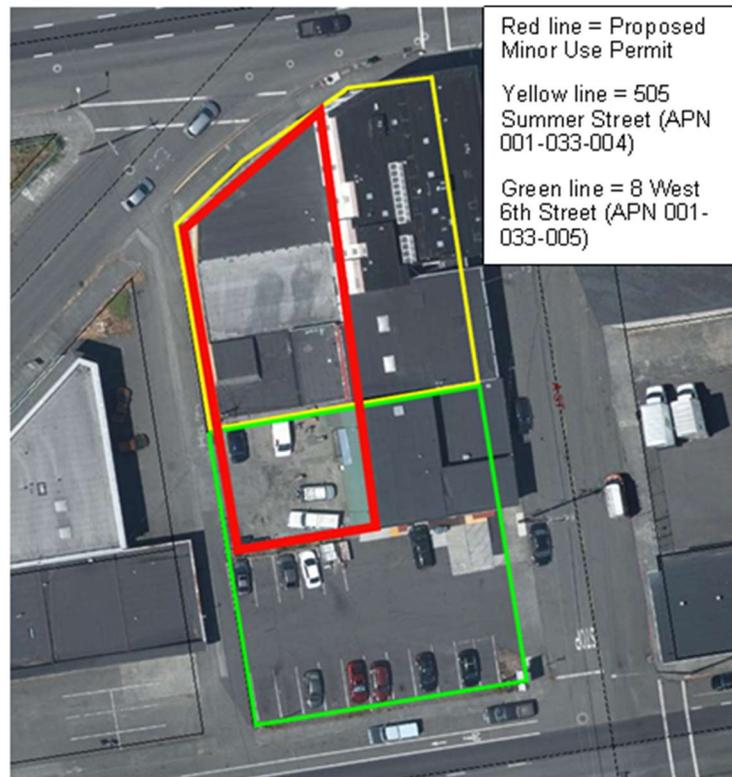


Figure 2: Site Map



## **PROJECT SUMMARY**

The applicant, Lyle Rychlik dba JL Automotive, is requesting approval of a Minor Use Permit (MUP) to operate a vehicle repair shop at 505 Summer Street in the DW zone district. Per the applicant, two owners will operate the shop initially, and they anticipate adding two additional employees within a year. Hours of operation will be from 8:00 a.m. to 5:00 p.m., Monday through Friday, and Saturday by appointment only. The building is located on the southeast corner of the intersection of 5th and Summer Streets, and includes a small fenced area directly south of the building. The existing structure is approximately 4,933 square feet [sf] and is located on APN 001-033-004. The building has three roll up garage doors on the south side which open to a gated lot (approximately 2,500 sf) located on the adjacent parcel, APN 001-033-005. Both parcels are under the same ownership and are developed with

several structures and uses, such as a salon and wellness service, an animal rescue, the Kinetic Museum, office/storage space (contractor and electrician), residences, and a new business license was recently issued for a wholesale and retail glass pipe shop. The subject site was previously used as a custom and vintage automotive repair shop. The applicant will display their “show” cars through the large front windows, and the fenced lot will store vehicles awaiting repair. No changes to the existing building footprint or gated lot area are proposed, and no ground disturbing activities are anticipated. Additionally, should the applicant need signage for their business, a sign permit will be processed separately.

The site is primarily surrounded by commercial and retail uses. To the north, across 5<sup>th</sup> Street (Highway 101), is an auto parts store, retail car lot, and mattress sales and insurance businesses. To the east of the site, across A Street, are several commercial businesses including computer sales and services, agricultural supplies, wood stove sales and service, and a printing shop. West and southwest of the building, across the alley, is a vacant building listed for sale which was previously a smog shop, and directly south and adjacent of that, is a paint store. To the west of the block, across Summer Street, is a water well system installation and treatment company. Furthermore, south of the site, across 6<sup>th</sup> Street, is an auto electric shop and machine shop, and an auto glass shop is nearby as well.

Access is via 5<sup>th</sup> Street, a major arterial, which serves as northbound Highway 101, and 6<sup>th</sup> Street or Summer Street, which are both local streets. Existing Class II bike lanes are located south of the site on both 6<sup>th</sup> and 7<sup>th</sup> Streets, and Eureka Transit System, Redwood Transit System and Southern Humboldt Intercity bus routes are within a short walking distance from the site.

Figure 3: Street/Frontage View from Summer Street looking east with 5th Street (Highway 101 north) to the left, and the gated lot located off the alley to the right.



## **ANALYSIS**

To approve a Minor Use Permit, the Director must make all of the following findings:

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.
2. The site is suitable for the size, design, and operating characteristics of the proposed use.
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
4. The proposed use will not be detrimental to the public health, safety, and welfare.
5. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

### **1. Plan and Code Consistency**

#### **General Plan**

*The Downtown Commercial (DC) land use designation provides for a mix of retail, restaurants, lodging, entertainment, cultural, visitor services, offices, and upper floor residential uses. Applied to the bulk of the Core Area, which serves as the traditional business and cultural center for the City. Intended to have a high intensity urban form, retain and enhance Eureka's identity and historic character, and promote a vibrant pedestrian environment. Residential and office uses are primarily allowed only on upper floors and non-street-facing portions of buildings, and only as provided by the applied zoning district. The maximum Floor Area Ratio is 6.0.*

The site is located in the western portion of the Downtown Core Area, near the North Broadway Commercial Corridor where Highway 101 follows Broadway (north and south) then transitions to 4<sup>th</sup>

and 5<sup>th</sup> Streets (east and west). 4<sup>th</sup> and 5<sup>th</sup> Streets transect the City's traditional downtown business district. The area has its own urban form with historic buildings and a mix of structures from various eras. The area where Broadway meets 4<sup>th</sup> and 5<sup>th</sup> Streets is primarily auto-oriented, but has wide sidewalks to support a pedestrian environment. The proposed use can draw people to the Downtown Core Area because customers can drop off their vehicle for service, then leave and walk to visit, shop or explore Downtown which has a broad range of retail store fronts, restaurants, museums, cultural facilities, art galleries etc. Additionally, Old Town is within walking distance and offers more visitor amenities. By allowing the proposed use to be centrally located in the Core Area, its customers can also become visitors and/or shoppers of the surrounding businesses which can help revitalize the area and support the City's Core Area as a regional center.

The proposed use is also consistent with the following goals in the General Plan:

- i. *LU-1.3 (Beneficial Development): Support development that affords benefits to all segments of the community that: (d) Reuses and expands upon underutilized or dilapidated buildings; (f) Enhances the City's Tax Base; and (g) Encourages people to walk, bike, or use transit.*

The proposed use would occupy a vacant building in an area with other vacant buildings, such as the former smog shop located southwest of the site, across the alley. Vacant buildings are considered underutilized, and a concentration of unoccupied buildings contributes to blight, vandalism, and crime. The proposed use would occupy a vacant building and create new jobs, which helps reduce blight, minimizes vandalism and can reduce crime. Also, the proposed use will enhance the City's tax base by generating sales tax revenue from the sale of services and parts; and, the site is centrally located near numerous businesses and uses and has access to Class II bike lanes and several bus routes which can encourage employees to walk, bike or use transit to get to work, or encourage customers to walk, bike or use transit to other destinations in the City while their vehicle is being serviced.

- ii. *LU-2.1 (Core Area Uses and Activities) Support the following uses and activities within the Core Area: (a) Mixed-use emphasizing a highly-interactive retail and service environment at the street level with office and residential uses primarily above the first floor and in portions of buildings that do not have street frontage.*

The two parcels where the subject site is located already support mixed-use due to the various commercial and residential uses on the site. The applicant intends to display their show cars in the front showroom on 5<sup>th</sup> Street, which has numerous large windows adjacent to the sidewalk, and will create a highly-interactive retail and service environment at the street level. Visitors and residents can see the show cars from the street, which could draw them into the business to take a closer look, and create and/or increase future customers for the applicant and maintain jobs.

- iii. *HS-3.1 (Regulatory Compliance): Ensure the use and disposal of hazardous materials in Eureka complies with local, State, and federal safety standards.*

Per the applicant, they will be registered with the appropriate environmental regulatory body, and will use and store oil, antifreeze and grease onsite, but not gasoline. Gasoline will be in the vehicles themselves, but not stored onsite. All used liquids will be properly stored to ensure safety until they can be collected by a licensed recycle/disposal company. The project is conditioned to ensure environmental compliance is achieved with the Humboldt County

Environmental Health Division, who administers the Hazardous Materials Program as required by the State.

### **Zoning Code**

In General, the purpose of the Zoning Code is to implement the General Plan and to protect the public health, safety, and welfare. Specifically, the Zoning Code is intended to:

1. Preserve and enhance Eureka's unique sense of place, small city charm, livability, and sense of community;
2. Support a pedestrian-friendly built environment, increase transportation choices, and expand opportunities for residents to walk, bike, and take transit to destinations;
3. Maintain and expand the variety of housing types to serve a diverse population;
4. Encourage and incentivize a diversity of residential, commercial, industrial, and mixed-use developments;
5. Encourage pedestrian-friendly urban development through a streamlined approval process;
6. Where appropriate, encourage vertical mixed-use development with upper story residential units above ground floor commercial uses;
7. Protect and enhance the distinctive character of Eureka's neighborhoods and commercial districts;
8. Enhance the appearance, economic vitality, and livability of Eureka's neighborhoods and commercial districts;
9. Encourage active and inviting streetscapes, buildings, and public spaces;
10. Realize the full development potential of Eureka's industrial and commercial waterfront areas;
11. Enhance the vitality of Downtown and Old Town as the core of the community with a diversity of land uses and pedestrian-oriented urban design;
12. Encourage infill development and the reuse of existing structures to strengthen established neighborhoods;
13. Establish flexible performance-based standards to encourage design creativity and address unique circumstances;
14. Protect Eureka's natural beauty and conserve valuable natural resources; and
15. Enhance the urban/wildland interface zones around the edges of the city and promote recreation opportunities within these zones.

The general purposes of the mixed-use zoning districts are to:

1. Protect, enhance, and build upon Eureka's unique identity, historic character, and sense of community;
2. Promote a compact development pattern with high-intensity activity centers, infill development, adaptive reuse of existing buildings, and redevelopment of vacant lots and underutilized properties;
3. Encourage a mix of commercial, residential, professional office, and civic land uses;
4. Accommodate a broad range of commercial uses to serve the community and allow properties to quickly respond to evolving market opportunities over time;
5. Promote a diversity of multi-family housing choices in higher density mixed-use settings, especially on upper floors;
6. Provide a pedestrian-friendly environment while accommodating the needs of automobiles where appropriate;
7. Promote transportation alternatives, reduce the reliance on automobiles, and increase opportunities to walk, bike, or take transit to destinations;
8. Foster a diverse and resilient local economy, friendly to new business investment and the creation and retention of quality jobs;
9. Encourage growth in the City's tax base to support City services and infrastructure; and
10. Provide attractive and well-designed streetscapes, buildings, parking, and public spaces.

The specific purpose of the Downtown West (DW) zoning district is as an extension of the Downtown (DT) zoning district located to the east, with a broader range of allowed land uses to further encourage investment and development and to provide a transition zone from Broadway to Downtown.

The site is vacant, and the applicant seeks to relocate their existing business to this location because the previous use was also a vehicle repair shop, thus no major building modifications or tenant improvements are needed to support their business. However, while the proposed use is the same as the previous use, a vehicle repair use is no longer principally permitted in this area due to the adoption of a new Inland Zoning Code, which became effective in June, 2019. Vehicle repair is a minor use in the DW zone district. As a result, a MUP is needed to allow the applicant to relocate their existing business to the subject site. The goal of the new DW zone is to allow this area to grow into a more pedestrian-focused environment, so while the proposed use is predominately auto-related, the showroom aspect (which can be seen at street level) creates and contributes to an inviting pedestrian-friendly built environment.

The proposed use will keep an existing business within the City, which contributes to the preservation of Eureka as the economic hub and major employment center of the region. Additionally, the subject site is centrally located and has access to Class II bike lanes and several bus routes, which can encourage employees to walk, bike or use transit to get to work, or encourage customers to walk, bike or use transit to other destinations in the City while their vehicle is being serviced. Furthermore, the proposed use will occupy a vacant building and create jobs. For these reasons, the proposed use can enhance the appearance, economic vitality, and livability of Eureka's neighborhoods and commercial districts; as well as provide a pedestrian-friendly environment while accommodating the needs of automobile owners. Lastly, the subject site is an existing single-story commercial structure with a gated lot, and the adjacent buildings located on the same parcels are developed for commercial, residential, and retail uses, so they do not affect existing or future housing options in the vicinity; however, the proposed use will not preclude the ability to encourage vertical mixed-use development of the site in the future.

### **Specific or Area Plan**

The proposed automotive repair shop use is consistent with the Economic Development Strategic Plan's (EDSP) overarching goal to "Improve the quality of life for Eureka's residents, businesses and employees, and visitors through positive actions to attract, retain, and expand businesses within the city." The proposed use supports two of four EDSP Sub-Goals because it 1) proposes to relocate an existing business that has been operating in Eureka for three years, to a vacant building located on northbound Highway 101, which can increase their visibility to locals and visitors, and attract more customers, which in turn maintains and creates more quality jobs (Sub Goal A: Maintain and Create High Quality Jobs); and, 2) the proposed use will contribute to sales tax revenue from the sale of services and parts. (Sub-Goal D: Strengthen the City's Revenue Base).

## **2. Site Suitability**

The project site consists of an existing single-story 4,933 sf building located on a portion of one parcel. The building has three roll up garage doors on the south side, which open to a 2,500 sf gated lot located on an adjacent parcel. Both parcels are under the same ownership and are developed with several structures and uses such as a salon and wellness service, an animal rescue, the Kinetic Museum, residences, and a contractor and an electrician. The subject site was previously used for a vintage and custom auto repair shop, and the applicant indicated the site contains appropriate air and power to support all their needs. Two owners will operate the shop initially, and they anticipate adding two additional employees in a year. Hours of operation will be from 8:00 a.m. to 5:00 p.m., Monday through Friday, and Saturday by appointment only. The applicant intends to store vehicles waiting to be serviced or picked-up in the gated lot, which is accessed from the alley on the west side of the structure, between 5<sup>th</sup> and 6<sup>th</sup> Streets. This results in no reduction of available on-street parking for the proposed use. New off-street parking is not required per EMC § 155.324.020(C)(6), which exempts new off-street parking requirements when the proposed use is a change from a non-residential use to another non-residential use within an existing building. As a result, the project is conditioned to prohibit overnight parking or storage of vehicles on any City street or alley right-of-way to limit potential impacts to on-street parking for other adjacent uses. However, there is available on-street parking to accommodate employees and customers on nearby streets. Additionally, approval of the permit is limited to the specific building area and gated lot and cannot be expanded to other portions of the adjacent properties or structures without modification of the use permit. Based on the above analysis, the site and the building are of sufficient size and design to accommodate the proposed use, but not so large that the proposed use would be out of scale with the neighborhood. Accordingly, the site is suitable for the proposed use.

### **3. Existing and Proposed Uses**

The subject site is centrally located in the Downtown West (DW) zone district, and is primarily surrounded by commercial, residential, and retail uses. To the north of the site, across 5th Street (Highway 101), is an auto parts store, retail car lot, a mattress sales business and insurance business. To the east of the site, across A Street, are several businesses including computer sales and service, agricultural supplies, wood stove sales and service, and a printing shop. To the west of the block, across Summer Street, is Watson Well Water Systems, an auto repair shop and a tire shop, and west and southwest of the site, across the alley is a vacant building for sale which was previously a smog shop. Directly south of the former smog shop is a paint store; and, south of the site, across 6th Street, is an auto electric shop and machine shop, and an auto glass shop is nearby as well. The proposed use is compatible with existing nearby uses because no exterior changes to the existing building are proposed (except for the addition of a sign), and the building will continue to be used as an auto repair shop. The applicant indicated some existing nearby uses will be beneficial to the success of their business as they have already been working with those businesses for several years, such as the auto parts store, tire shop and machine shop. The surrounding commercial uses are similar in that customers arrive on site, purchase a good or service, and either 1) leave with purchased goods shortly after, 2) wait for a service to be completed, typically within a limited amount of time, or 3) leave goods (such as vehicle, computer etc.) to be serviced, and return to retrieve said good later that same day, or some amount of days after.

The applicant intends to store vehicles awaiting service in the gated lot which insures available on-street parking is not reduced, which could impact available on-street parking for other nearby uses. As a result, the project is conditioned to prohibit overnight parking or storage of vehicles on any City street or alley right-of-way. Additionally, if the MUP is granted, the vehicle repair use would only apply to specific portions of the subject sites, and does not apply to any other portions of the subject parcels, which limits the ability to expand the proposed automobile-dominated use, in order to promote the City's desire for more pedestrian-oriented uses in this area, in the future. For these reasons, the proposed use is compatible with the existing and anticipated uses in the vicinity.

### **4. Public Health, Safety, and Welfare**

The previous vehicle repair shop was a principally permitted use before the new Inland Zoning Code became effective in June, 2019, and the City did not receive any complaints indicating the former use was a nuisance. As a result, there is no indication that the continuation of a vehicle repair use would negatively impact public health, safety and welfare. Additionally, in order to prevent any possible nuisances related to on-street parking, the project is conditioned to prohibit overnight parking or storage of customer vehicles on any City street or alley right-of-way. Furthermore, if the vehicle repair use handles hazardous materials at any one time, in a quantity equal to, or greater than: a total weight of 500 pounds, a total volume of 55 gallons, or 200 cubic feet of gas at standard temperature and pressure, the business, as a condition of approval, must report these activities to the DEH who administers the Hazardous Materials Program as the County's CUPA.

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 vehicle repair use would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. The Blue Lake and Wiyot Tribal Historic Preservation Officers (THPO)

indicated they had no project concerns because no ground disturbing activities were proposed (no response was received from the Bear River Band Tribe), and recommended the project be conditioned with appropriate protocols for inadvertent archeological discovery of cultural or historical artifacts in the event any future ground disturbing activities occur that were previously unanticipated. Also, a standard form letter was received from PG&E indicating that, if any existing gas and electric facilities are within current or proposed development areas, PG&E must be contacted prior to commencing any work. The applicant indicated the subject site has adequate power to meet their needs, thus no upgrades would be needed. 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.

## **5. Location**

The subject site is located on the southeast corner of the intersection of 5<sup>th</sup> and Summer Streets. Access is via 5th Street, a major arterial which serves as northbound Highway 101, and 6<sup>th</sup> Street or Summer Street, which are both local streets. Existing Class II bike lanes are located south of the site on both 6<sup>th</sup> and 7<sup>th</sup> Streets, and Eureka Transit System, Redwood Transit System and Southern Humboldt Intercity bus routes are within a short walking distance from the site. The proposed use is located in a predominately commercial services related area situated near Highway 101, and the area is fully served by City water and sewer and all major utilities. Off-street parking is available in the gated lot, and, the applicant intends to store vehicles there that are awaiting service or pick-up. On-street parking is available on the adjacent streets.

## **DESIGN REVIEW**

The applicant proposes a sign, which should be processed separately with an Administrative Sign Permit. If Design Review is ultimately required for the sign, it will occur separately.

## **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 consists of the operating of private structures involving negligible or no expansion of use. The project qualifies for this exemption because the proposed use is within an existing structure and no expansions or external modifications (except a sign) are proposed.

## **NOTICE OF PENDING ACTION**

Public notification consisted of notification of the pending action by mail of property owners within a 300-foot radius of the site on July 21, 2020. In addition, the notice was posted on the City's website and bulletin boards. If a member of the public requests a public hearing, a hearing date will be determined and a notice of the public hearing will be mailed at least 10 days prior to the hearing date, pursuant to Cal Gov Code § 65090 et. seq.

## **CONCLUSION**

Based on the analysis above, the proposed vehicle repair use is consistent with the General Plan, Zoning Code, and the Economic Development Plan. If the MUP is granted, the vehicle repair use would only apply to the building and gated lot, and not apply to any other portions of the parcels. The project is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The use 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.

**STAFF CONTACT**

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

**DOCUMENTS ATTACHED**

- Attachment 1: Director Resolution 2020-\_\_\_\_ ..... pages 11-13
- Attachment 2: Applicant submitted material ..... pages 14-18

**DIRECTOR OF PUBLIC WORKS RESOLUTION NO. 2020-\_\_**

A RESOLUTION OF THE DIRECTOR OF PUBLIC WORKS OF THE CITY OF EUREKA APPROVING A MINOR USE PERMIT (MUP-20-0008) ALLOWING VEHICLE REPAIR AT 505 SUMMER STREET ON A PORTION OF APN 001-033-004 (BUILDING), AND A PORTION OF APN 001-033-005 (GATED LOT).

**WHEREAS**, the applicant is planning to operate a vehicle repair shop in an existing 4,933 square foot [sf] building which has three roll up garage doors on the south side which open to a 2,500 sf gated lot; and

**WHEREAS**, the proposed site is located at 505 Summer Street on a portion of 001-033-004 (building), and a portion of 001-033-005 (gated lot), is zoned Downtown West (DW), and has a land use designation of Downtown Commercial (DC); and

**WHEREAS**, a vehicle repair use is a minor use in the DW district and requires a Minor Use Permit pursuant to Eureka Municipal Code (EMC) § 155.208.020; and

**WHEREAS**, on July 21, 2020, a notice of pending action was mailed to property owners within 300 feet of the subject parcel because the MUP requires a 10-calendar day period to allow for submission of comments, or to request a public hearing be held on the MUP, prior to the Director's decision; and

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

1. The proposed use is consistent with the General Plan, Zoning Code, and Economic Development Plan adopted by the City Council; and
2. The site is suitable for the size, design, and operating characteristics of the proposed uses; and
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property; and
4. The proposed use will not be detrimental to the public health, safety, and welfare; and
5. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure; and
6. Action on the Minor Use Permit is discretionary, 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 existing facilities. It qualifies for this exemption because the the proposed use is within an existing structure and no expansions or external modifications (except a sign) are proposed.

**WHEREAS**, in the opinion of the Director of Public Works of the City of Eureka, the proposed Minor Use permit application should be approved subject to the following conditions:

**CONDITION 1:** Prior to commencement of any demolition, remodeling, construction, or installation of signage, the applicant must obtain all required Building and Fire permits to the satisfaction of the City of Eureka Public Works Building and Humboldt Bay Fire Departments.

**CONDITION 2:** Vehicles, prior to or following servicing are prohibited from being parked, or stored overnight, on any City street or alley right-of-way, and shall be legally parked at all times.

**CONDITION 3:** A Sign Permit, or Design Review if required, must be obtained, pursuant to the provisions in EMC § 155.340 (Signs), prior to the installation of any proposed sign which does not meet the requirements for Signs Allowed Without Permits as described in EMC § 155.340.030.

**CONDITION 4:** If the business handles hazardous materials at any one time, in a quantity equal to, or greater than: a total weight of 500 pounds, a total volume of 55 gallons, or 200 cubic feet of gas at standard temperature and pressure, the business must report these activities to the Humboldt County Environmental Health Division (DEH) that administers the Hazardous Materials Program as the County's Certified Unified Program Agencies (CUPA) via the California Environmental Reporting System (CERS) and a Hazardous Materials Business Plan (HMBP) must be completed and submitted via CERS. HMBP information must be updated in CERS within 30 days of beginning storage of chemicals, or operation. Business must maintain compliance with all HMBP requirements and inspections.

**CONDITION 5:** In the event a building permit involving any ground disturbing activity is issued, the City's standard protocol for inadvertent archeological discovery (cultural or historical artifacts) shall be followed:

- a) If archaeological resources are encountered during construction activities, 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.
- b) 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.

- c) 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 Director of Public Works of the City of Eureka does hereby approve the Minor Use Permit application for a vehicle repair shop, subject to conditions. 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 Director of Public Works of the City of Eureka in the County of Humboldt, State of California, on the 3<sup>rd</sup> day of August, 2020.

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Brian Gerving  
Director of Public Works

City of Eureka

Minor Use permit

Supplemental Application Form Answers

1,a. The property was used as an automotive repair shop before us.

We are JL Automotive. We are going to use the property as it was built to use.

1, b. This sight fits so well, we have show cars that will be seen through the front window, there are 3 roll up door around back so we will be repairing cars and pickups. The fenced lot is great for work waiting to get done. The building is plumed for air, and all the electrical we need.

1, c. This is a great spot because the parts store in across the street and down on block, the tire store is on the next street south, the machine shop is out the back door and across the street. We all have been working together for 3 years. Across the street is Roy's used cars, next to us was a smog shop. Most all the businesses are of the same type.

1, d. This is a very nice shop space and it looks great from the street, which makes it the perfect spot to be.

1, e. Same as 1, c

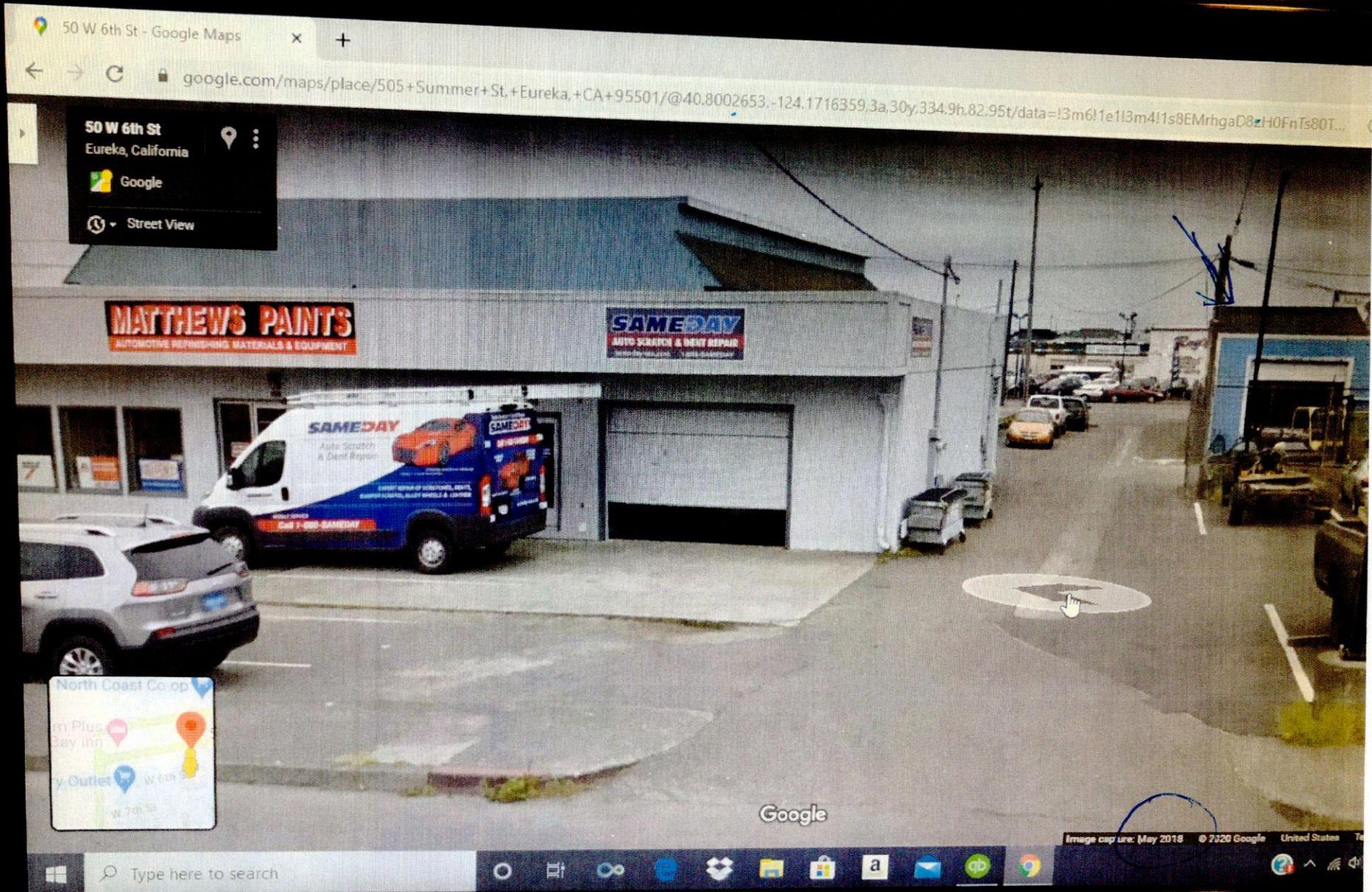
1, f. 8am to 5 PM Monday – Friday Saturday by appointment.

1, g. There will be the two owners there doing the work at first, and maybe 1-2 employees after a year or so.

#### Project work sheet

1. The sight is a auto repair and they were selling Humboldt bags, too. To the south was a smog shop (now up for sale). Across the street is Roy's Auto (a Car Lot). Behind us is Johns Auto electric. Beside him is Walley's Machine shop. In the parking lot behind us is a contractor, an electrician, and another business, across the parking lot to the south is a dent and scratch place, and Mathews Paint. Inside the building there are cement floors, the back parking is blacktop and fenced. There are no green aeras.

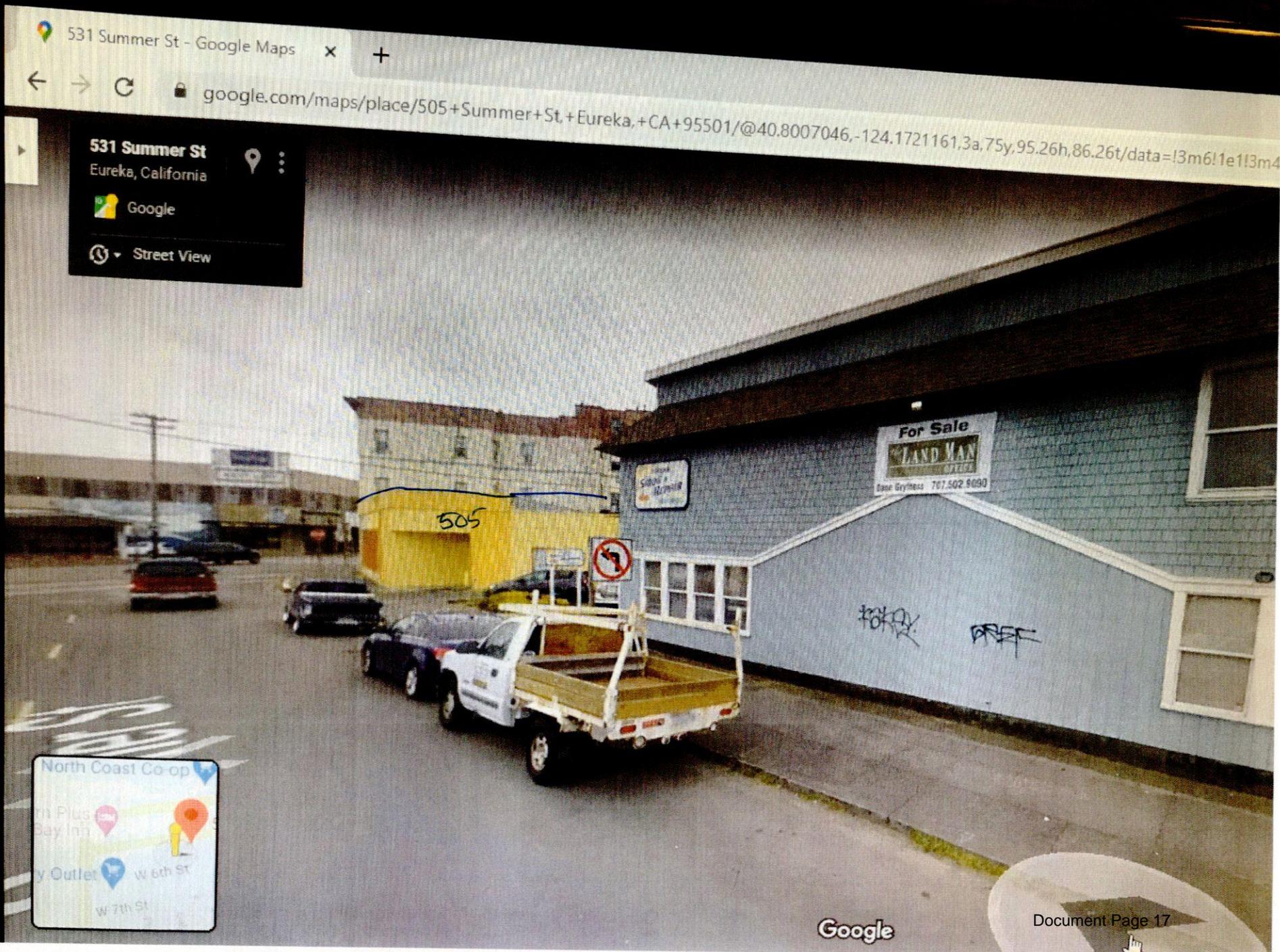
3, g We will have oil, antifreeze, and grease. The vehicles will have gas in them but we won't store any. We will be registered with environmental and the used liquids will be safely stored, until the recycle company picks them up.



place/505+Summer+St,+Eureka,+CA+95501/@40.8002653,-124.1716359,3a,15y,358.27h,83.97t/data=!3m6!1e1!3m4!1s8EMrhgaD8zH0FnTs80... Ⓡ ☆



2018 to the South of 505





North Coast Coop

Plus

Outlet

w 6th St

w 7th St

Google

Type here to search

Taskbar icons: Windows Start, Search, File Explorer, Edge, OneDrive, Mail, Photos, Amazon, Outlook, Chrome

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