NOTICE OF PUBLIC HEARING

EUREKA PLANNING COMMISSION

Notice Is Hereby Given that the Eureka Planning Commission will hold a public hearing on Monday, April 12, 2021, 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 Newson, 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: DAP Props Vacation Rental – Minor Use Permit

Project Applicant: David Adams, DBA DAP Props

Project No: MUP-21-0001

Project Location: 3405 Dolbeer Street APN: 013-201-016

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

Project Description: On February 25, 2021, the Director of Development Services conditionally approved a Vacation Rental Minor Use Permit (MUP) to utilize an existing four-bedroom, two-bath, single-family home as a Vacation Rental (VR) with No Proprietor On-Site with up to 10 occupants, and three off-street parking spaces provided between the residence and an existing detached garage and attached carport, neither of which were to be included as part of the Vacation Rental. Applicant proposed house rules approved by the Director included: no events, no noise after 10 p.m., and no more than one (1) visitor per VR guest (i.e. four VR guests allowed for four visitors, for a total of eight persons allowed onsite at one time).

On March 9, 2021, a request was received to hold a public hearing before the Planning Commission. Subsequently, the applicant proposed to make changes to the approved MUP to utilize the existing detached garage as a game room, and instead of visitors, to allow up to six (6) events as provided in Eureka Municipal Code 155.304.130.H.3. These requested modifications are also being submitted to the Planning Commission for consideration and action.

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 Friday, April 9, 2021 at 5:00 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 Friday, April 9, 2021 at 5:00 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 may 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, along with the filing fees as set by the City Council, with the City Clerk.

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 by appointment at Development Services - Planning. If you have questions regarding the project or this notice, please contact Caitlin Castellano, Senior Planner.
# DAP Props Vacation Rental – Minor Use Permit MUP-21-0001

**Location:** 3405 Dolbeer Street  
**APN:** 013-201-016  
**Applicant:** David Adams, DBA DAP Props  
**Property Owner:** Philip Johnson  
**Purpose/Use:** Vacation Rental – No Proprietor On-site  
**Application Date:** January 12, 2021  
**General Plan:** LDR – Low Density Residential  
**Zoning:** R1 – Residential Low  
**CEQA:** Exempt under §15301, Class 1 Existing Facilities  
**Staff Contact:** Caitlin Castellano, Senior Planner  
**Recommendation:** Hold a public hearing  
**Action:** “I hereby adopt a Resolution to conditionally approve the Minor Use Permit for the vacation rental at 3405 Dolbeer Street.”
PROJECT SUMMARY

On January 12, 2021, the applicant proposed to utilize an existing four-bedroom, two-bath, single-family home as a Vacation Rental (VR) with No Proprietor On-Site. An existing detached garage and carport located on the property was not part of the Vacation Rental. Per EMC Sec. 155.304.130, the maximum number of occupants is two persons per bedroom plus two additional persons (with four bedrooms, a total of ten [10] guests [not including children aged 12 and under] are allowed); tenancy will be less than 30-days; and, a designated emergency contact is located approximately 5.3 miles from the VR (less than the 50-mile requirement). The 0.17-acre (7,500 sf) parcel contains an existing one-story, 1,750 square foot single-family residence with a detached garage and covered carport (Figure 2). Per the applicant, up to three (3) compact off-street parking spaces are available between the residence and detached garage (Figure 2), or the space can comfortably fit two large vehicles. No changes to the interior or exterior of the building are proposed. Additionally, per the applicant, house rules include: no events, no noise after 10 p.m., and no more than one (1) visitor per VR guest (i.e. four VR guests allows for four visitors, for a total of eight persons allowed onsite at one time).

On February 25, 2021, the Vacation Rental Minor Use Permit (MUP) was approved with conditions by the Director (Attachment 2) and a Notice of Action was subsequently mailed to all property owners within a 300-foot radius of the proposed use. On March 9, 2021, as provided by Eureka Municipal Code 155.408.090, a request to hold a public hearing was received (Attachment 3). Concerns expressed include congested parking space, no fencing between the subject property and adjoining properties or along the drive, issues with previous renters, and an apparent lack of garbage service. These concerns are addressed below.

The purpose of the Planning Commission Public Hearing is to review and either uphold or overturn the Director’s decision to approve the MUP. However, on March 10, 2021, the applicant requested modifications via email to the Director approved MUP. Through subsequent e-mails,
the applicant has requested to: 1) allow events and remove their voluntary house rule of “one VR visitor per guest;” and, 2) utilize the garage as a game room.

In the interest of moving the MUP forward for the applicant, the requested modifications have been added, and the Planning Commission can decide whether or not to approve the modifications. Additional analysis is provided for the requested modifications and to address neighbor concerns, and additional recommended conditions of approval have been added to the Planning Commission Resolution in Attachment 1.

The revised project description is as follows:

A Minor Use Permit (MUP) to utilize an existing four-bedroom, two-bath, single-family home as a Vacation Rental (VR) with No Proprietor On-Site. An existing detached garage located on the property will be utilized as a game room. The 0.17-acre (7,500 sf) parcel contains an existing one-story, 1,750 square foot single-family residence with a detached garage and covered carport (Figure 2); however, the carport does not appear to be a legal conforming structure, and is not part of the Vacation Rental. Per EMC Sec. 155.304.130, the maximum number of occupants is two persons per bedroom plus two additional persons (with four bedrooms, a total of ten [10] guests [not including children aged 12 and under] are allowed); up to six (6) events (e.g. wedding receptions, graduation parties etc.) are allowed; tenancy will be less than 30-days; and, a designated emergency contact is located approximately 5.3 miles from the VR (less than the 50-mile requirement). Per the applicant, up to three (3) compact off-street parking spaces are available between the residence and detached garage (Figure 2), or the space can comfortably fit two large vehicles. No changes to the interior or exterior of the building are proposed. Additionally, per the applicant, house rules include: no noise after 10 p.m., and no use of the garage game room between 9 p.m. and 9 a.m.

1. Allow events instead of one visitor per guest:
Originally, the applicant proposed no events, and instead requested they be allowed to have one visitor per guest, which was granted. Now, the applicant is proposing to allow events as permissible in EMC § 155.304.130.H.3 (Standards for all Vacation Rental Uses – Events). The Building Official determined the total occupant limit for events would be 16 persons, including the vacation rental guests. Additionally, events must not create a noise nuisance in violation of EMC § 94.02 (Loud Noises Unlawful). Per the applicant, outdoor security cameras will allow their staff to remotely monitor the site to mitigate any potential issues related to events. Based on the neighbor concern received, and additional information provided by the applicant, staff recommends approval of the modification to remove the applicant house rule of “one visitor per VR guest” and to allow events consistent with EMC § 155.340.130.H.3.

2. Utilize the garage as a game room:
Previously, the existing garage was not included in the Vacation Rental (Figure 3). However, the applicant now requests the garage be added to the MUP for use as a game room so a recreational pool table and/or dart board can be added for use by their guests. They have indicated the garage will only be accessible between 9 a.m. – 9 p.m., which will be controlled by an automatic door lock which will allow guests to leave, but will not be able to enter again after 9 p.m. as the door
will be locked from the outside. The applicant and/or their staff will remotely monitor the interior of the garage through video and audio surveillance to enforce their hours of use rules, and they will post signs regarding the time limitations. Based on the neighbor concern received, and the additional information provided, staff recommends approval of the modification with the condition that the applicant strictly enforce the time of use between 9 a.m. and 9 p.m. to limit noise impacts to the adjacent neighbor’s as a result of guests utilizing the garage for games.

![Figure 3: Street View from School Parking Lot, Across Dolbeer Street](image)

**ANALYSIS**

To approve a Minor Use Permit, the Planning Commission 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 Low Density Residential (LDR) land use designation provides for “single-family detached and attached homes, accessory dwelling units and compatible public/quasi-public uses. Intended to be suburban in character and located in proximity to parks, schools, and public services. Limited neighborhood serving market-commercial uses may be allowed where they enhance the quality of life of the neighborhood and as provided by the applied zoning district. Up to one primary unit and one accessory dwelling unit per lot are allowed although greater density may be allowed through a special permit as provided by the applied zoning district.”

The applicant is proposing a Vacation Rental with no proprietor on-site in an existing four-bedroom single family home within the Low Density Residential (LDR) land use designation. The General Plan specifically allows Vacation Rentals in all residential land use designations as established by the Zoning Code. Additionally, the proposed use is consistent with the following Goals in the General Plan:

i. LU-5.5 (Existing Neighborhoods) (b): Supporting efforts to improve and maintain neighborhood appearance and the existing housing stock.

The proposed use does not require any exterior modifications to accommodate the proposed Vacation Rental use, and although the garage will be utilized as a game room for guests, and up to six (6) events would be allowed with a maximum of 16 occupants as determined by the occupancy limit allowed in the Building Code and in EMC § 155.304.130.H.3, the applicant will strictly enforce the house rule to not allow use of the garage game room between the hours of 9 p.m. – 9 a.m. The game room will be remotely monitored by the applicant and/or their staff, and the roll-up garage door will remain closed. Additionally, the Vacation Rental use will not affect the existing housing stock because the residence will still be available for long-term rental, or primary residence should the owner choose to occupy it, in the future. Thus, the use will not affect the neighborhood’s appearance.

ii. 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 Vacation Rental will be available year-round and provide a tourism lodging option to house up to ten (10) guests, not counting children under the age of 12, such as a large family or small group. The existing home has access to tourism destinations such as the Sequoia Park and the Zoo, and the proposed Bay to Zoo Trail will easily link the site to both Old Town and the Eureka Waterfront.

iii. 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 Vacation Rental will contribute to the City’s Transient Occupancy Tax, which could be reinvested back into tourist-related assets.

iv. **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 limit potential issues related to noise for the adjacent single-family residential uses because the applicant will only be allowed six (6) events (wedding receptions, graduation parties, etc.) per year, per EMC § 155.304.130.H.3 (Events); and, per the applicant, they will monitor events through a remote video surveillance system located in the garage, and on the exterior of the house, to help mitigate potential issues. Furthermore, the Vacation Rental use may not create a noise nuisance in violation of Eureka Municipal Code Section 94.02 (Loud Noises). As a result, the applicant’s house rules, in addition to event and noise standards in EMC § 155.304.130.H.3, limit potential impacts to the neighborhood as a result of noise.

**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 Vacation Rental will provide a tourism lodging option, not located along the Broadway Commercial Corridor; and, having available lodging for tourists in the area of Sequoia Park and the Zoo, as well as for visitors of the Hospital Medical District, will help increase revenues and in turn economic vitality of those areas. No modifications to the exterior or interior of the residence are proposed, which preserves Eureka’s sense of place and small-town charm. And, the Vacation Rental will expand the variety of housing types to serve a diverse population, providing short-term lodging to those who may be in Eureka for not only vacation/pleasure, but for business, or for medical reasons, as well. Also, the proximity of the home to major arterial roads, bus stops, and bike lanes provides opportunities for visitors to take advantage of the Eureka Commercial Waterfront area, Downtown, and Old Town, which will enhance the vitality of those districts and spur further development.

The general purposes of the residential zoning districts are to:

1. **Maintain stable neighborhoods offering a range of housing choices for residents with varied incomes and lifestyle needs;**

2. **Provide sufficient land in a range of residential densities to enable citizens from a wide array of economic levels and stages of life to live in Eureka, and to accommodate the existing and future workforce;**

3. **Accommodate increased development of high-density housing to balance Eureka’s housing inventory and enhance affordability;**

4. **Encourage the construction of new high-density multi-family housing in zoning districts where multi-family housing is allowed;**

5. **Promote housing in close proximity to parks, schools, and public services;**
6. Promote new development that supports a pedestrian-friendly environment and allows residents to easily walk, bike, and take transit to destinations;

7. Ensure that development protects and enhances the positive qualities of existing neighborhoods and strengthens Eureka’s unique sense of place;

8. Encourage the development of vacant lots and the redevelopment of underutilized properties;

9. Allow improvements to existing homes consistent with the historic neighborhood character and the need to produce more housing units;

10. Allow for public and quasi-public uses compatible with a residential setting; and

11. Allow limited neighborhood-serving commercial uses to enhance residents’ quality-of-life where allowed by the Neighborhood Market (NMO) overlay zone.

Additionally, the specific purpose of the Residential Low (R1) zoning district is to “contain neighborhoods of single-family homes and accessory dwelling units in a moderately low-density setting, located in proximity to parks, schools, and public services.”

The applicant is proposing a Vacation Rental with No Proprietor On-Site in an existing four-bedroom single family home within the Residential Low (R1) zone district. Vacation Rental – No Proprietor On-Site is listed as a minor conditionally permitted use in the R1 zone per EMC §155.204.020. The use will not affect the existing housing stock because it will still be available for long-term rental, or for occupancy by the owner, which maintains the stability of the neighborhood and still allows for a range of housing choices. The applicant-imposed limitation of no noise after 10 p.m., and limiting use of the garage to between the hours of 9 a.m. – 9 p.m. will protect the positive qualities of the neighborhood. Also, there is a bus stop approximately one block west on W Street, adjacent to the Zoo; and, there are major transit lines located on Harris Street (approximately 980 feet/0.2 miles north of the site), all of which can lead to many destinations in the City.

Furthermore, according to the 2040 General Plan, a Class II bike lane is proposed on Dolbeer Street, and W Street has an existing Class III bike lane, which leads to Harris Street to the north, which has an existing Class III bike lane between Harrison Avenue and T Street, and then transitions to an existing Class II lane traveling west. There are also existing Class I bike trails in Sequoia Park, and the proposed Bay to Zoo trail will provide connectivity to the Waterfront Trail, all of which supports a pedestrian-friendly environment, allowing visitors to easily walk, bike, and take transit to destinations.

Specific or Area Plan
The proposed Vacation Rental 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.
2. **Site Suitability**

The Vacation Rental will be located in an existing one-story, 1,750 square foot single-family home comprised of four-bedrooms and two-bathrooms, with a detached garage and covered carport, on a 0.17-acre (7,500 sf) parcel. The detached garage will be utilized as a game room (with a pool table and/or dart board) for the guests to use between 9 a.m. – 9 p.m. which will be controlled by an automatic locking door, and monitored by a surveillance system inside the garage to help mitigate any potential disruptions to the neighbors. Additionally, there is an outdoor surveillance system which will also be monitored by the applicant and/or their staff to help mitigate any potential disruptions to the neighbors. The carport is not part of the Vacation Rental as it is not a legal structure, and access appears to require crossing over the property line to access it. Per the applicant, up to three (3) off-street parking spaces are available between the residence and the detached garage (Figure 2). No modifications to the interior or exterior of the structure are proposed to accommodate the Vacation Rental, and in order for the garage to be utilized as a game room, the project is conditioned to strictly enforce the limitation to use the garage only between the hours of 9 a.m. – 9 p.m. in order to limit impacts to the neighbors as a result of noise. Although the applicant has indicated the Vacation Rental 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 ten (10) occupants (two per bedroom, plus two) over the age of 12 may be housed at one-time in the Vacation Rental. Should any events be held, the total occupancy limit for the property is 16 as determined by the Building Official through the Building Code; and, they are limited to six (6) events per year, pursuant to EMC § 155.304.130.H.3.

The surrounding area is an established neighborhood, with an elementary school across the street. Many of the other homes have off-street parking; thus, it is likely that on-street parking on Dolbeer Street will continue to be available should the guests of the Vacation Rental need to park more than three (3) vehicles. Therefore, the site is suitable for the size, design and operating characteristics of the proposed Vacation Rental – No Proprietor On-Site use.

3. **Existing and Proposed Uses**

Existing land uses in the vicinity are comprised of Low Density Residential (LDR), Public Facilities (PF), and Parks and Recreation (PR). Nearby uses include an elementary school, National Guard Armory, water treatment plant, and other single-family residences in an established neighborhood with homes immediately surrounding the subject property depicting similar architectural styles and designs as they were built in the 1940's and 1950's, per Assessor's Office records. A little farther out, the neighborhood encompasses varying architectural styles and age ranges. The home is within walking distance to Sequoia Park and Zoo, and the County's neighborhood commercial center at the north and southeast corners of Harris and Harrison Streets, providing access to retail and service establishments (Walgreen's, Safeway, Ace Hardware, a gas station, and drive-thru Coffee Kiosk), and the proposed Bay to Zoo Trail will connect the area to Old Town and the Waterfront. 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 Vacation Rentals in all residential zoning districts.
4. Public Health, Safety, and Welfare

On March 9, 2021, a written request to hold a public hearing was received (Attachment 3). Concerns expressed include congested parking space, no fencing between the subject property and adjoining properties or along the drive, issues with previous renters, and an apparent lack of garbage service.

EMC § 155.304.030.H.2 does not require on-site parking to utilize an existing residence as a Vacation Rental; however, per the applicant, up to three (3) compact, or two (2) larger vehicles can park between the house and the garage (Figures 2 and 3). The subject site, and the adjacent property to the north (Figures 2 and 3) share an access driveway which does not provide adequate space to install a fence which could increase privacy; however, per the applicant, the garage door will remain closed while guests are utilizing it (for pool table games etc.) in order to not visually disturb the neighbors. Additionally, when vehicles are parked in the designated off-street parking area between the house and detached garage, the vehicles provide a visual buffer between the adjacent residence to the north, from the small backyard which is located at the rear of the house, and behind the detached garage. Furthermore, the backyard is screened from the other adjoining properties by mature vegetation (Figure 2).

Allowing events as provided by EMC 155.340.130.H.3 also prohibits the applicants from allowing events held on the site to create a noise nuisance in violation of EMC § 94.02 (Loud Noises Unlawful). Additionally, per the applicant, outdoor security cameras allow their staff to remotely monitor the site to mitigate any potential issues related to events. Based on the neighbor concern received, staff recommends approval of the modification to remove the applicant house rule of “one visitor per VR guest” and to allow events consistent with EMC § 155.340.130.H.3. Furthermore, per the applicant, house rules require no noise after 10 p.m.; so, the applicant-imposed limitation will also decrease potential noise impacts that can be detrimental to the public health, safety and welfare of the surrounding residents and neighborhood.

A designated 24-hour emergency contact is located approximately 5.3 miles from the Vacation Rental (which meets the required 50-mile minimum), and pursuant to EMC § 155.304.130.H.7, the Department will provide the applicant’s emergency contact information to all neighboring properties within 200 feet of the Vacation Rental, and to the Eureka Police Department. Should the City either receive two or more notifications within a rolling 12-month period showing the applicant, property owner, or emergency contact has been negligent in responding to an emergency situation; or there are documented law enforcement violations; or the Vacation Rental is chronically non-compliant with the requirements of the Vacation Rental subsection in EMC § 155.304.130 et seq.; or fails to pay the required occupancy taxes; or fails to correct any Building or Fire code violations, the Vacation Rental MUP may be revoked pursuant to EMC § 155.304.130.I (Enforcement).

Operation and maintenance of the Vacation Rental will be performed by employees of DAP Props. Due to the concerns with lack of solid waste and recycling service, and an incident where trash was left outside the door and was subsequently scattered into the neighboring property,
staff recommends the project be conditioned to ensure trash and recycling is located in a secure bin, or kept indoors, and removed promptly by DAP Props employees, either weekly or after each guest checks-out, whichever occurs first, to prevent release into the neighborhood.

Lastly, referrals for the original MUP application 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 Vacation Rental use would be detrimental to the public health, safety, or welfare. Furthermore, prior to operating, the Vacation Rental will be inspected to residential standards by Development Services - Building to ensure the safety and welfare of the guests.

5. **Location**

The subject property is located near the southeastern edge of the Eureka City Limits, across the street from Washington Elementary School (Figure 4, which separates the property from Sequoia Park and Zoo. Also, the Hospital Medical District is approximately 0.3 miles north. The area is served by City water and sewer and all major utilities.

Dolbeer Street is a minor arterial which connects to Walnut Drive and the Cutten community to the south, and Dolbeer Street connects to Harris Street to the north (approximately 980 feet/0.2 miles), which is a major east/west arterial leading to other arterial streets that accommodate regional, intra-city and sub-regional travel to and from each side of the City. Also, Harris Street serves several transit lines, and has existing Class II and Class III bike lanes. Furthermore, there is a bus stop on W Street, adjacent to the Zoo; and, there are existing Class I bike trails in Sequoia Park and the Bay to Zoo Trail is proposed for the future, all of which allow visitors to easily walk, bike, and take transit to destinations. Therefore, the proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

Figure 4: Surrounding Neighborhood
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 (CEQA) pursuant to Section 15301, Existing Facilities, Class 1 of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. The project qualifies for this exemption because the proposed use is within an existing structure and no expansions or external modifications are proposed.

PUBLIC NOTICE
Public notification consists of notification by mail of property owners within a 300-foot radius of the site on April 2, 2021. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on April 2, 2021.

CONCLUSION
Based on the analysis above, the proposed Vacation Rental–No Proprietor On-Site with applicant requested modifications is consistent with the General Plan, Zoning Code, and the Economic Development Plan. 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; (707) 441-4160

DOCUMENTS ATTACHED
Attachment 1: Planning Commission Resolution 2021-___.............................................pages 13-15
Attachment 2: Director Staff Report and Resolution No. 2021-01 .........................pages 16-29
Attachment 3: Request for a Public Hearing and List of Concerns...............................page 30
RESOLUTION NO. 2021-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
APPROVING A MINOR USE PERMIT (MUP-21-0001) TO ALLOW A VACATION RENTAL –
NO PROPRIETOR ON-SITE AT 3405 DOLBEER STREET; APN 013-201-016

WHEREAS, the applicant, DAP Props, has submitted an application and requested approval of a
Vacation Rental – No Proprietor On-site in the existing four-bedroom, two-bath, single-family
home located at 3405 Dolbeer Street, APN 013-201-016; and

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

WHEREAS, pursuant to Eureka Municipal Code (EMC) §155.204.020, the proposed use requires
a Minor Use permit because a Vacation Rental with No Proprietor On-site is a minor
conditionally permitted use in the R1 zone; and

WHEREAS, on February 25, 2021, the Director of Development Services acted to approve with
conditions, the application, and a Notice of Action was mailed to property owners within 300
feet of the subject parcel pursuant to EMC § 155.048.090; and

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

WHEREAS, the applicant subsequently requested modifications to the Director-approved MUP
to: 1) allow events and remove their voluntary house rule of “one VR visitor per guest”; and, 2)
utilize the garage as a game room; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing
at City Hall in the City of Eureka on April 12, 2021 at 5:30 p.m. via Zoom in the Council Chamber;
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 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.

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.
6. 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 as a Vacation Rental with no expansion of the existing or former use.

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 Development Services - Building prior to operating. The applicant will obtain any necessary building permits and follow-up inspections required by the initial inspection.

2. Once the Vacation Rental 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 Vacation Rental (not including children 12 and under), will not exceed ten (10): two persons per bedroom plus two additional persons.

4. The maximum number of events at the Vacation Rental is six (6) per year, event attendance may not exceed 16 persons including Vacation Rental occupants, and events must not create a noise nuisance in violation of EMC § 94.02 (Loud Noises Unlawful).

5. The garage shall not be utilized between the hours of 9 p.m. and 9 a.m.

6. Trash and recycling must be located in a secure bin, or kept indoors, and removed promptly by DAP Props employees, either weekly or after each guest checks-out, whichever occurs first.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby approve the application with the addition of events and use of the garage for a game room, 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 12th day of April, 2021.

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER
Jeff Ragan, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary
<table>
<thead>
<tr>
<th><strong>Subject:</strong></th>
<th>DAP Props Vacation Rental – Minor Use Permit MUP-21-0001</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location:</strong></td>
<td>3405 Dolbeer Street</td>
</tr>
<tr>
<td><strong>APN:</strong></td>
<td>013-201-016</td>
</tr>
<tr>
<td><strong>Applicant:</strong></td>
<td>David Adams, DBA DAP Props</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>Philip Johnson</td>
</tr>
<tr>
<td><strong>Purpose/Use:</strong></td>
<td>Vacation Rental – No Proprietor On-site</td>
</tr>
<tr>
<td><strong>Application Date:</strong></td>
<td>January 12, 2021</td>
</tr>
<tr>
<td><strong>General Plan:</strong></td>
<td>LDR – Low Density Residential</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td>R1 – Residential Low</td>
</tr>
<tr>
<td><strong>CEQA:</strong></td>
<td>Exempt under §15301, Class 1 Existing Facilities</td>
</tr>
<tr>
<td><strong>Staff Contact:</strong></td>
<td>Caitlin Castellano, Senior Planner</td>
</tr>
<tr>
<td><strong>Recommendation:</strong></td>
<td>Adopt a Resolution to conditionally approve the application</td>
</tr>
<tr>
<td><strong>Action:</strong></td>
<td>“I hereby adopt a Resolution to conditionally approve the Minor Use Permit for the vacation rental at 3405 Dolbeer Street.”</td>
</tr>
</tbody>
</table>

**Figure 1: Location Map**
PROJECT SUMMARY

The applicant seeks a Minor Use Permit (MUP) to utilize an existing four-bedroom, two-bath, single-family home as a Vacation Rental with No Proprietor On-Site. An existing detached garage and carport located on the property are not part of the Vacation Rental. Per Eureka Municipal Code (EMC) Sec. 155.204.050, a Vacation Rental in the R1 zone district with no proprietor on-site requires a minor use permit. Additionally, per EMC Sec. 155.304.130, the maximum number of occupants is two persons per bedroom plus two additional persons (with four bedrooms, a total of ten [10] guests [not including children aged 12 and under] are allowed); tenancy will be less than 30-days; and, a designated emergency contact is located approximately 5.3 miles from the VR (less than the 50-mile requirement). The 0.17-acre (7,500 sf) parcel contains an existing one-story, 1,750 square foot single-family residence with a detached garage and covered carport (Figure 2). Per the applicant, up to three (3) compact off-street parking spaces are available between the residence and detached garage (Figure 2), or the space can comfortably fit two large vehicles. Many of the other homes in the neighborhood have off-street parking, thus it is likely that on-street parking on Dolbeer will be available. No changes to the interior or exterior of the building are proposed. Additionally, per the applicant, house rules include: no events, no noise after 10 p.m., and no more than one (1) visitor per VR guest (i.e. four VR guests allows for four visitors, for a total of eight persons allowed onsite at one time).
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 Low Density Residential (LDR) land use designation provides for “single-family detached and attached homes, accessory dwelling units and compatible public/quasi-public uses. Intended to
be suburban in character and located in proximity to parks, schools, and public services. Limited neighborhood serving market-commercial uses may be allowed where they enhance the quality of life of the neighborhood and as provided by the applied zoning district. Up to one primary unit and one accessory dwelling unit per lot are allowed although greater density may be allowed through a special permit as provided by the applied zoning district.”

The applicant is proposing a Vacation Rental with no proprietor on-site in an existing four-bedroom single family home within the Low Density Residential (LDR) land use designation. The General Plan specifically allows Vacation Rentals in all residential land use designations as established by the Zoning Code. Additionally, the proposed use is consistent with the following Goals in the General Plan:

i. **LU-5.5 (Existing Neighborhoods) (b): Supporting efforts to improve and maintain neighborhood appearance and the existing housing stock.**

   The proposed use does not require any interior or exterior modifications to accommodate the proposed Vacation Rental use, thus the use will not affect the neighborhood’s appearance; and, the Vacation Rental use will not affect the existing housing stock because the residence will still be available for long-term rental, or primary residence should the owner choose to occupy it, in the future.

ii. **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 Vacation Rental will be available year-round and provide a tourism lodging option to house up to ten (10) guests over the age of 12, such as a large family or small group. The existing home has access to tourism destinations such as the Sequoia Park and the Zoo, and the proposed Bay to Zoo Trail will easily link the site to both Old Town and the Eureka Waterfront.

iii. **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 Vacation Rental will contribute to the City’s Transient Occupancy Tax, which could be reinvested back into tourist-related assets.

iv. **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 after 10 p.m. Although standards for vacation rentals in EMC § 155.304.130(H)(3) require the applicant to limit events (wedding receptions, graduation parties, etc.) to six per year, and to ensure event attendance does not create a noise nuisance in violation of EMC § 94.02 (Loud Noise Unlawful), per the applicant, house rules include: no events, no noise after 10 p.m., and no more than one (1) visitor per VR guest (i.e. four VR guests allows for four visitors, for a total of eight persons allowed onsite at one time). As a result, the applicant’s house rules, in addition to events and noise standards in EMC § 155.304.130(l)(3), limit potential impacts to the neighborhood as a result of noise.

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 Vacation Rental will provide a tourism lodging option, not located along the Broadway Commercial Corridor; and, having available lodging for tourists in the area of Sequoia Park and the Zoo, as well as for visitors of the Hospital Medical District, will help increase revenues and in turn economic vitality of those areas. No modifications to the exterior or interior of the residence are proposed, which preserves Eureka’s sense of place and small-town charm. And, the Vacation Rental will expand the variety of housing types to serve a diverse population, providing short-term lodging to those who may be in Eureka for not only vacation/pleasure, but for business, or for medical reasons, as well. Also, the proximity of the home to major arterial roads, bus stops, and bike lanes provides opportunities for visitors to take advantage of the Eureka Commercial Waterfront area, Downtown, and Old Town, which will enhance the vitality of those districts and spur further development.

The general purposes of the residential zoning districts are to:

1. Maintain stable neighborhoods offering a range of housing choices for residents with varied incomes and lifestyle needs;

2. Provide sufficient land in a range of residential densities to enable citizens from a wide array of economic levels and stages of life to live in Eureka, and to accommodate the existing and future workforce;

3. Accommodate increased development of high-density housing to balance Eureka’s housing inventory and enhance affordability;

4. Encourage the construction of new high-density multi-family housing in zoning districts where multi-family housing is allowed;

5. Promote housing in close proximity to parks, schools, and public services;

6. Promote new development that supports a pedestrian-friendly environment and allows residents to easily walk, bike, and take transit to destinations;

7. Ensure that development protects and enhances the positive qualities of existing neighborhoods and strengthens Eureka’s unique sense of place;

8. Encourage the development of vacant lots and the redevelopment of underutilized properties;
9. Allow improvements to existing homes consistent with the historic neighborhood character and the need to produce more housing units;

10. Allow for public and quasi-public uses compatible with a residential setting; and

11. Allow limited neighborhood-serving commercial uses to enhance residents’ quality-of-life where allowed by the Neighborhood Market (NMO) overlay zone.

Additionally, the specific purpose of the Residential Low (R1) zoning district is to “contain neighborhoods of single-family homes and accessory dwelling units in a moderately low-density setting, located in proximity to parks, schools, and public services.”

The applicant is proposing a Vacation Rental with no proprietor on-site in an existing four-bedroom single family home within the Residential Low (R1) zone district. Vacation Rental – No Proprietor On-Site is listed as a minor conditionally permitted use in the R1 zone per EMC §155.204.020. The use will not affect the existing housing stock because it will still be available for long-term rental, or for occupancy by the owner, which maintains the stability of the neighborhood and still allows for a range of housing choices. The applicant-imposed limitation of no events, and no noise after 10 p.m. will protect the positive qualities of the neighborhood. Also, there is a bus stop approximately one block west on W Street, adjacent to the Zoo; and, there are major transit lines located on Harris Street (approximately 980 feet/0.2 miles north of the site), all of which which can lead to many destinations in the City.

Furthermore, according to the 2040 General Plan, a Class II bike lane is proposed on Dolbeer Street, and W Street has an existing Class III bike lane, which leads to Harris Street to the north, which has an existing Class III bike lane between Harrison Avenue and T Street, and then transitions to an existing Class II lane traveling west. There are also existing Class I bike trails in Sequoia Park, and the proposed Bay to Zoo trail will provide connectivity to the Waterfront Trail, all of which supports a pedestrian-friendly environment, allowing visitors to easily walk, bike, and take transit to destinations.

Specific or Area Plan
The proposed Vacation Rental 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.

2. Site Suitability

The Vacation Rental will be located in an existing an existing one-story, 1,750 square foot single-family home comprised of four-bedrooms and two-bathrooms, with a detached garage and covered carport, on a 0.17-acre (7,500 sf) parcel. The detached garage and carport are not part of the Vacation Rental. Per the applicant, up to three (3) off-street parking spaces are available between the residence and the detached garage (Figure 2). The home has a small fenced yard which provides opportunities for outdoor activities. No modifications to the interior or exterior of the structure are proposed to accommodate the Vacation Rental. Although the applicant has indicated the Vacation Rental 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 ten (10) occupants (two per bedroom, plus two) over the age of 12 may be housed at one-time in the Vacation Rental.

The surrounding area is an established neighborhood, with an elementary school across the street. Many of the other homes have off-street parking; thus, it is likely that on-street parking on Dolbeer Street will continue to be available should the guests of the Vacation Rental need to park more than three (3) vehicles. Therefore, the site is suitable for the size, design and operating characteristics of the proposed Vacation Rental – No Proprietor On-Site use.

3. Existing and Proposed Uses

Existing land uses in the vicinity are comprised of Low Density Residential (LDR), Public Facilities (PF), and Parks and Recreation (PR). Nearby uses include an elementary school, National Guard Armory, water treatment plant, and other single-family residences in an established neighborhood with homes immediately surrounding the subject property depicting similar architectural styles and designs as they were built in the 1940’s and 1950’s, per Assessor’s Office records. A little farther out, the neighborhood encompasses varying architectural styles and age ranges. The home is within walking distance to Sequoia Park and Zoo, and the County’s neighborhood commercial center at the north and southeast corners of Harris and Harrison Streets, providing access to retail and service establishments (Walgreen’s, Safeway, Ace Hardware, a gas station, and drive-thru Coffee Kiosk), and the proposed Bay to Zoo Trail will connect the area to Old Town and the Waterfront. 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 Vacation Rentals in all residential zoning districts.

4. Public Health, Safety, and Welfare

Per the applicant, house rules require no noise after 10 p.m. The applicant-imposed limitation will decrease potential noise impacts that can be detrimental to the public health, safety and welfare of the surrounding residents and neighborhood. A designated 24-hour emergency contact is located approximately 5.3 miles from the Vacation Rental (which meets the required 50-mile minimum), and operation and maintenance of the Vacation Rental will be performed by employees of DAP Props. 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 Vacation Rental use would be detrimental to the public health, safety, or welfare. Furthermore, prior to operating, the Vacation Rental will be inspected to residential standards by Development Services - Building to ensure the safety and welfare of the guests.

5. Location

The subject property is located near the southeastern edge of the Eureka City Limits, across the street from Washington Elementary School (Figure 4, which separates the property from Sequoia Park and Zoo. Also, the Hospital Medical District is approximately 0.3 miles north. The area is served by City water and sewer and all major utilities.
Dolbeer Street is a minor arterial which connects to Walnut Drive and the Cutten community to the south, and Dolbeer Street connects to Harris Street to the north (approximately 980 feet/0.2 miles), which is a major east/west arterial leading to other arterial streets that accommodate regional, intra-city and sub-regional travel to and from each side of the City. Also, Harris Street serves several transit lines, and has existing Class II and Class III bike lanes. Furthermore, there is a bus stop on W Street, adjacent to the Zoo; and, there are existing Class I bike trails in Sequoia Park and the Bay to Zoo Trail is proposed for the future, all of which allow visitors to easily walk, bike, and take transit to destinations.

Figure 4: Surrounding Neighborhood

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 (CEQA) pursuant to Section 15301, Existing Facilities, Class 1 of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. The project qualifies for this exemption because the proposed use is within an existing structure and no expansions or external modifications are proposed.

PUBLIC NOTICE
Public notification consists of notification by mail of property owners within a 300-foot radius of the site on February 25, 2021 of the Director’s decision and the process to request a public hearing before the Planning Commission.
CONCLUSION
Based on the analysis above, the proposed Vacation Rental – No Proprietor On-Site is consistent with the General Plan, Zoning Code, and the Economic Development Plan. 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; (707) 441-4160

DOCUMENTS ATTACHED
Attachment 1: Director Resolution 2021-____________________________pages 11-12
Attachment 2: Applicant submitted material______________________________________pages 13-14
DIRECTOR OF DEVELOPMENT SERVICES RESOLUTION NO. 2021-01

A RESOLUTION OF THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF EUREKA APPROVING A MINOR USE PERMIT (MUP-21-0011) TO ALLOW A VACATION RENTAL – NO PROPRIETOR ON-SITE AT 3405 DOLBEER STREET; APN 013-201-016

WHEREAS, the applicant, DAP Props, has submitted an application and requested approval of a Vacation Rental – No Proprietor On-site in the existing four-bedroom, two-bath, single-family home located at 3405 Dolbeer Street, APN 013-201-016; and

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

WHEREAS, pursuant to Eureka Municipal Code §155.204.020, the proposed use requires a Minor Use permit because a Vacation Rental with No Proprietor On-site is a minor conditionally permitted use in the R1 zone; and

WHEREAS, the Director has reviewed the subject application in accordance with Eureka Municipal Code Chapter 155, and after due consideration 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.

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.

6. 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 as a Vacation Rental with no expansion of the existing or former use.

WHEREAS, in the opinion of the 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 Development Services - Building prior to operating. The applicant will obtain any necessary building permits and follow-up inspections required by the initial inspection.
2. Once the Vacation Rental 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 Vacation Rental (not including children 12 and under), will not exceed ten (10): two persons per bedroom plus two additional persons.

NOW THEREFORE, BE IT RESOLVED that the 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 Director of Development Services of the City of Eureka in the County of Humboldt, State of California, on the 25th day of February, 2021.

Miles Slattery, City Manager
Hi Raylene, thank you for taking the time to talk to me. My husband and I would like to request a public hearing regarding proposed VR at 3405 Dolbeer St. Eureka, Ca. Some of our concerns are as follows:
Congested parking space. It is not possible for the suggested # of cars to park without entering/blocking the easement to the house at the end of the drive and encroaching on our parking area. It is a single entry drive with no other access. Property is also directly across the street from a public school so during the day there is no parking available in front of their house or ours.

Their yard nor ours is fenced along drive giving us no privacy to people coming and going while we are in our yard...our windows also look directly into each other.

Issues with previous renters. One went off his meds and thought he was a werewolf. One threatened to rape and murder woman who lived on other side of them resulting in her moving. One who went out of her way to speak to everyone who came to our home to talk of her cancer diagnosis. One rarely showed up but when he did he was usually with several people who spoke very little English saying they were so happy to shower and sleep in a bed. They would be living in tents in Garberville. Originally renters were called roommates but the property owner lives back East and his boyfriend was only here a night or two a month.

My husband and I were told over a month ago, by a young man staying there that he was "AirB&Bing it for 2 weeks. When my husband asked David if he was still there he had no idea who he was talking about. Said he didn't know who was staying there;

I have seen no indication that this residence is being used for anything other than a pay by the night flop house. With no regard for the fact that there are very close neighbors. We have to worry about people wandering around our home, having a clear view into our house and shop. We are very also very concerned with the safety of the two children that live down the drive and what they may be exposed to given the people they have a history of renting to.

Shortly after buying the home the garbage service was stopped. Even though this has not been their main residence and renters come and go there has been no garbage service at that address. Renters often leave their garbage by the back door and then the animas have it scattered all over.

Sorry, I know that's alot...didn't know if I was supposed to include stuff or not.
Thanks again and look forward to hearing from you.