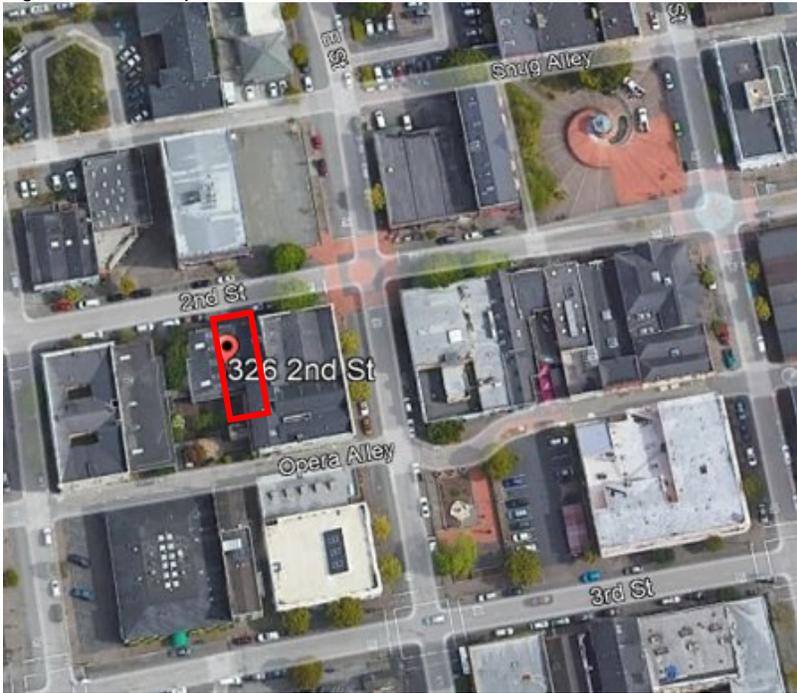


Title:	The Hard Drive Cyber Lounge
Projects:	Conditional Use Permit (CUP-24-0001) and Coastal Development Permit (CDP-24-0003)
Location:	326 Second Street (AKA 320 Second Street)
APN:	001-093-004
Applicant:	Andrew Casperson
Property Owner:	Jr. Steiner LLC & Rojelio & Guillermina Luna
Purpose/Use:	Internet lounge (i.e. internet café/cybercafe) use
General Plan:	C-RC - Core Retail Commercial
Zoning:	CW - Waterfront Commercial
CEQA:	Exempt under §15301, Class 1 Existing Facilities
Application Date	March 8, 2024
Appeal Status:	Not appealable to Coastal Commission
Staff Contact:	Lisa Savage, Senior Planner
Recommendation:	Hold a public hearing; and Adopt a resolution finding the project is exempt from CEQA and conditionally approving the new use.
Motion:	"I move the Planning Commission adopt a resolution finding the project is exempt from CEQA and conditionally approving a Conditional Use Permit and Coastal Development Permit to allow an internet lounge use at 326 Second Street."

Figure 1: General Project Location – 326 Second Street



Figure 2: Site Map – 326 Second Street



PROJECT SUMMARY

The applicant, Andrew Casperson, is requesting approval of a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) for an internet lounge/cyber cafe (DBA The Hard Drive Cyber Lounge) within an existing two-story commercial space located at 326 Second Street in Old Town.

The Hard Drive Lounge will rent out computers for use on-site, typically by the hour, with games, software, and

productivity tools pre-installed on each machine. Initially, there will be ten high-end computers, four consoles, and various miscellaneous machines, such as a custom arcade cabinet and classic game consoles available to the public. The equipment is not intended to be rented off-premise. They plan to sell artisan keyboard accessories and parts, retail merchandise such as miniatures (i.e. small-scale reproduction of something), as well as minimal concessions in the form of pre-packaged and self-serve food and beverage. They also intend to host events incidental to the internet lounge such as gaming tournaments, birthday parties, and cybersecurity awareness lectures. Initially, the internet lounge will be open to the public from 9:00 AM to 10:00 PM daily, but they may expand their hours in the future. The CUP/CDP will authorize the internet lounge use for both the first and second floors.

Applicable Regulations

The project site is located in the Coastal Zone within the Waterfront Commercial (CW) zoning district, and internet lounges are not listed as a principally permitted or conditionally permitted use. However, per Eureka Municipal Code (EMC) §10-5.29113, "any other use which is determined by the Planning Commission to be similar to the listed conditional uses [in the CW zoning district] and which conforms to the policies of the Land Use Plan [may be permitted with a CUP]." In making such a determination, in addition to the findings prescribed in Article 24 of this chapter (Conditional Uses), the Planning Commission must find:

- (a) that consideration of all determinable characteristics of the use that is subject to the application indicates that the use has the same essential characteristics as a permitted or conditional use;
- (b) that the use conforms to the purposes of the CW Waterfront Commercial District;

- (c) that the use will not create significantly more vehicular traffic or congestion than associated with permitted or conditional uses; or
- (d) that the proposed use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.”

The four additional findings will be analyzed throughout the Use Permit Analysis section below. Pursuant EMC §10-5.2401(c), projects located in the Coastal Zone and requiring a CUP also require a CDP.

Figure 3: Second Street Façade - 326 Second Street (APN 001-093-004)



Background

The proposed new use would be located at 326 Second Street, in a vacant approximately 1,500-square-foot (sf), two-story, historic, multi-storefront commercial building on a 0.3-acre lot (Figure 3). The first floor, which will contain the internet lounge, is roughly 800-sf (Figure 4). The second floor will be utilized for storage, network equipment and an office space for the owners.

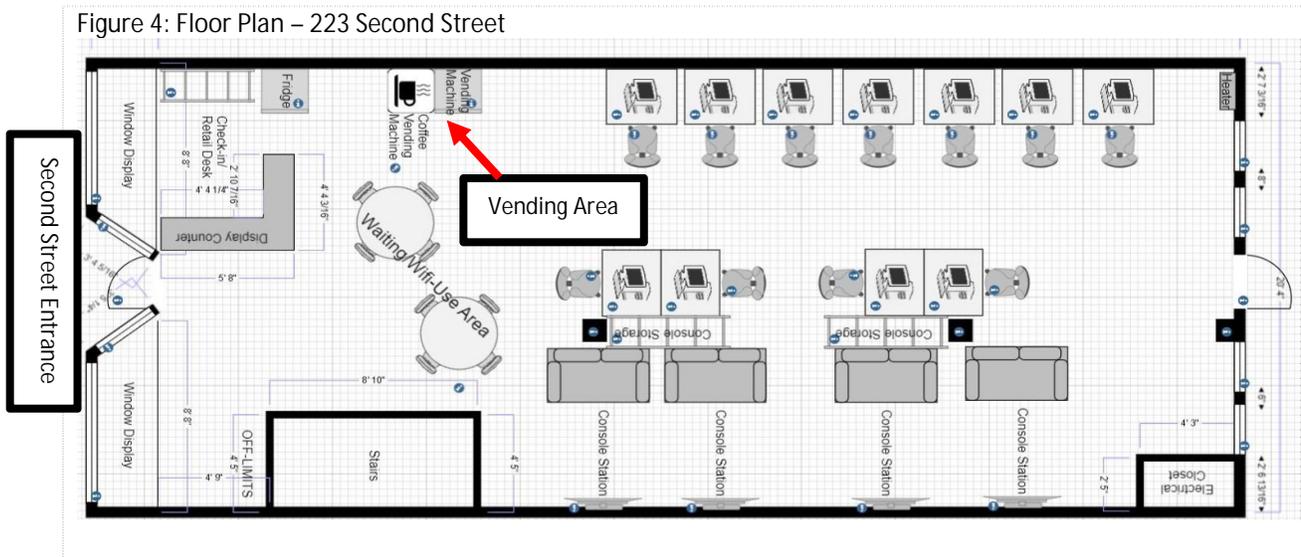
The subject property is located on the southwest corner of Second and E Streets, and spans from the street corner to the middle of the Second Street block, between D and E Streets. Opera Alley runs directly behind the building (Figure 2), and the Imperial Plaza pedestrian passageway is located directly to the west of the subject building, which connects Opera Alley to 2nd Street. The surrounding area is a mix of restaurants, stores, bars, offices, and various other commercial uses, as well as public recreation associated with Humboldt Bay one block to the north (e.g., the Eureka Boardwalk, Madaket Plaza and C Street Dock), surface parking lots, and second-story residential uses. The subject property and surrounding properties are all zoned CW; one and a half blocks to the west, the zoning designation changes to Limited Industrial (LI), and two and a half blocks to the northwest, the zoning designation changes to Coastal Dependent Industrial (MC).

A building is seen at this location on the first available Sanborn Map from 1886, and appears to be used as a clothing store. Then, as seen in the 1892 Sanborn Map, the building footprint expands and takes its current form. The property has since been occupied by commercial uses. The subject first-floor, street-facing commercial space has been used for a variety of shops, with the most recent tenant being a boutique clothing store. The building is on the Local Register of

Historic Places, and is described in the Green Book as a two-story frame Italianate commercial building constructed in 1892.

Any future proposed changes to the exterior of the building, including signs attached directly to the structure, will need to go before the Historic Preservation Commission for review and approval.

Figure 4: Floor Plan – 223 Second Street



USE PERMIT ANALYSIS

To approve a Use Permit, the Planning Commission must make all of the following findings:

- a) The proposed location of the conditional use is in accord with the objectives of Chapter 5 and the purposes and intent of the district in which the site is located;
- b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity;
- c) The proposed conditional use will comply with each of the applicable provisions of Chapter 5; and
- d) The proposed conditional use is consistent with the certified Local Coastal Program.

1. Code Consistency

Chapter 5 Objectives and Purpose and Intent of Zoning District

Pursuant to EMC §10-5.102, the zoning regulations are adopted by the City Council in accordance with the City Charter to protect the public health, safety, peace, comfort, convenience,

prosperity, and general welfare. More specifically, the chapter is adopted in order to achieve the following objectives:

- (a) To provide a precise guide for the physical development of the City in such a manner as to achieve progressively the arrangement of land uses depicted in the General Plan adopted by the Council.
- (b) To foster a harmonious, convenient, workable relationship among land uses.
- (c) To promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.
- (d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole.

The property is located on land designated Core Retail Commercial (C-RC); the purpose of the C-RC land use designation is “to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources.” The 1997 Coastal General Plan defines visitor-serving facilities as “public or private developments that provide accommodations, food and services, including hotels, motels, campgrounds, restaurants, and commercial-recreation developments such as shopping, eating, and amusement areas, for tourists.” The proposed internet lounge use includes visitor-serving components, such as retail sales, concessions, and amusement. The internet lounge will be open for walk-in customers so that tourists could stop in to play video games while visiting the Old Town shopping area. Initially, it will be open from 9:00 AM to 10:00 PM daily, with a plan to expand hours in the future. The applicants also intend to keep the internet lounge open for Old Town community events that bolster tourism including Friday Night Markets and Arts Alive. For all these reasons, the proposed conditional use will support and not detract from nearshore development of coastal-related recreational and visitor-serving uses consistent with the purpose of the C-RC land use designation.

The proposed internet lounge will be located in a vacant, two-story, approximately 1,500-sf (800 sf on the first floor), long-standing retail commercial space fronting 2nd Street. The 1997 Coastal General Plan specifies primary and secondary uses for both the ground floors and upper floors of buildings in the Core Area. According to the 1997 Coastal General Plan, Section 1: Land Use and Community Place design, “the primary ground floor uses reflect the type of development that the City would prefer on the first floor of buildings facing the public sidewalk,” while “the primary upper floor uses are those that the City would also like to encourage in the Core Area, but primarily above the street level in multi-story buildings” and secondary uses “complement the primary uses, but do not accomplish the City’s principal objectives for the designation.” The C-RC ground-floor/street level primary uses are limited to visitor-serving retail commercial, restaurants, bars, theater, museums and art galleries. The upper floor/secondary uses include primarily offices, residential, and commercial lodging uses.

Given that the internet lounge use is located at ground-floor/street level and is not a ground-floor/street level primary use in the C-RC designation, it is critical that the visitor-serving components of the business are prominently displayed in the front of the space visible from the public sidewalk. Therefore, because the applicant seeks CUP/CDP approval for the internet lounge use, Condition A has been added requiring the internet lounge to maintain and utilize the transparent ground-floor storefront during operating hours to support an active and engaging pedestrian environment on Second Street, including by: (1) ensuring at least 75% of the total glass area remains transparent and free of signage to promote views into the business; and (2) prominently displaying visitor-serving aspects of the business so that they are highly visible to pedestrians on Second Street, such as by maintaining inviting window displays that include goods sold onsite or by prominently displaying gaming stations open for walk-in customer use.

For all the reasons described above, the proposed internet lounge use, as conditioned, will help facilitate and achieve the arrangement of land uses depicted in the 1997 Coastal General Plan, will foster a harmonious, convenient, workable relationship among land uses, will not be an inharmonious influence or a harmful intrusion in the area, and will ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the City as a whole. Therefore, the proposed use is consistent with objectives a, b, c, and d, and additional required findings a and d in EMC §10-5.29113.

(e) To prevent excessive population densities and overcrowding of the land with structures.

The proposed internet lounge use will not contribute to an increase in population densities, and will not cause overcrowding of land with structures, as the use will occupy an existing commercial space previously occupied by a retail shop. Thus, the proposed use is consistent with this objective.

(f) To promote a safe, effective traffic circulation system.

(g) To foster the provision of adequate off-street parking and off-street truck loading facilities.

The proposed internet lounge use will be located in an existing commercial retail space previously occupied by a clothing store. The space is accessed from Second Street, and will be served by two full time employees (the owners), and additional employees if needed in the future. The proposed project is not expected to have an impact on the existing traffic circulation system, as it will not result in a significant addition of employees or customers compared to the previous use of the property as a retail store. In addition, in order to retain the current occupancy, Condition B limits the occupancy to no more than 49 occupants at any time (including employees). Since the subject property is fully built out, and it is also located in the City's Parking Assessment District, no off-street parking is required. In addition, there are a number of nearby public parking lots and available on-street parking spaces surrounding the use; thus, no parking issues are

anticipated. There is no truck loading facility, and none is proposed or required, as the storefront is under the minimum 4,000 square feet of gross floor area that would require a loading berth. Thus, the proposed use is consistent with objectives f and g, and additional finding c in EMC §10-5.29113.

- (h) To facilitate the appropriate location of community facilities and institutions.

No community facilities or institutions are affected by the proposed use as no community facilities or institutions exist or are proposed on the subject property and there is ample vacant and underutilized land in the area to accommodate any future demand for such uses.

- (i) To promote commercial and industrial activities in order to strengthen the city's tax base.

The proposed use will occupy a vacant storefront for an indoor commercial recreational entertainment activity (an internet lounge) for both locals and tourists. Currently, there are no internet lounges in Eureka. Being the only one will help the applicant be financially successful, strengthening the City's tax base. As a result, the proposed use is consistent with this objective.

- (j) To protect and enhance real property values.
(k) To safeguard and enhance the appearance of the city.

The proposed use will infill a vacant commercial space previously occupied by a clothing store, which will support both continued maintenance of the historic building and the vibrancy of the area. Thus, the proposed use protects and enhances property values, and safeguard and enhance the appearance of the City, consistent with objectives j and k.

Purposes of the CW Zoning District

In addition to the objectives prescribed in EMC §§10-5.102 (Objectives), the CW (Waterfront Commercial) zoning district is included in the zoning regulations to achieve the following purposes:

- (a) To encourage, protect and maintain coastal-dependent and coastal-related uses;
- (b) To encourage development of recreational and visitor-serving uses;
- (c) To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale businesses offering commodities and services required by residents of the city and its surrounding market area;
- (d) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in mutually beneficial relationships to each other;

- (e) To provide space for community facilities and institutions that appropriately may be located in commercial areas;
- (f) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;
- (g) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- (h) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;
- (i) To protect commercial properties from fire, explosion, noxious fumes, and other hazards;
- (j) To encourage upgrading of the use of strategically located sites between the central business district and Humboldt Bay by creating an environment suitable for establishments catering to tourists; and
- (k) To protect and maintain certain industrial uses that require waterfront locations.

No coastal-dependent or related uses currently occupy the site or surrounding sites; the building is not directly on the waterfront; and the City has significant vacant waterfront land, including ample underutilized space reserved for both coastal-dependent industrial uses and coastal recreational uses. The subject storefront is currently vacant and infilling the building with the proposed internet lounge use, which will be open daily and also during Old Town events, will serve both the community and visitors. The project is conditioned to ensure the proposed conditional internet lounge use contributes positively to an active and engaging Old Town environment by maintaining and utilizing its transparent storefront to create visual interest for pedestrians on Second Street. No off-street parking is required as the property is already fully built-out, is located in the Parking Assessment District, and there is ample on-street parking and public parking lots available nearby. The internet lounge use will not produce noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences, and will not create a fire, explosion, noxious fume, or other hazard as the proposed business is an internet lounge where individuals can rent computers and computer game consoles. Based on the above discussion, the proposed use conforms to the purposes of the CW zoning district and additional finding c in EMC §10-5.29113.

2. Public Health, Safety, and Welfare

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. Development Services - Building requested that the occupancy be limited to no more than 49 occupants at any time (including employees) which is included as Condition B. No other comments were received which would indicate the proposed

internet lounge use with an associated principally permitted visitor-serving retail use would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. Therefore, based on the discussion herein and included above in the consistency analysis with the objectives of Chapter 5, the finding can be made the project will not impact the public health, safety or welfare.

3. Provisions of Chapter 5

The applicable provisions of Chapter 5 include the development standards for yards; building height, size, and bulk; off-street parking and loading; landscaping; etc. The proposed use will occupy an existing tenant storefront within a larger building which meets applicable development standards, with no additions or exterior modifications proposed to support the new use. Additionally, no new off-street parking or loading facilities are required by the EMC or proposed by the applicant. No signs are currently proposed by the applicant, but any future non-exempt sign(s) must meet the sign regulations in EMC Article 17 (Signs), and will require an Administrative Sign Permit, and potentially review and approval by the Historic Preservation Commission. Therefore, a Condition C has been added to ensure the applicant is aware of the requirement to apply for an Administrative Sign Permit if any signs are proposed in the future, and Condition D has been added to ensure the applicant is aware of the requirement to apply for Historic Preservation review if any changes are made to the exterior of the building, including signs.

Because an internet lounge is not specifically listed as an allowed use in the CW zoning district, but it could be allowed as a conditional use with a use permit pursuant to EMC §10-5.29113, the applicant must demonstrate, and the City must find, that the granting of a use permit in the CW zoning district will not diminish recreational or visitor serving opportunities.

Although the proposed internet lounge use is not a principally-permitted, tourist-focused visitor-serving or coastal recreational use which the CW zoning district prioritizes, it includes visitor-serving components, such as retail sales, concessions, and services of a personal and recreational nature. It will draw visitors to Old Town and will be regularly open for drop-in visitors and customers. In addition, the internet lounge will be open for Old Town community events including Friday Night Markets and Arts Alive. Finally, to ensure the space will remain inviting and visually interesting from the street, Condition A has been added requiring the internet lounge to maintain and utilize the transparent ground-floor storefront during operating hours to support an active and engaging pedestrian environment on Second Street, including by: (1) ensuring at least 75% of the total glass area remains transparent and free of signage to promote views into the business; and (2) prominently displaying visitor-serving aspects of the business so that they are highly visible to pedestrians on Second Street, such as by maintaining inviting window displays that include goods sold onsite or by prominently displaying gaming stations open for walk-in customer use.

4. Local Coastal Program

The Local Coastal Program includes the 1997 Coastal General Plan land use designations and map, and the EMC zoning district regulations and map, among other provisions. The proposed

conditional use as conditioned is consistent with the C-RC land use designation and CW zoning district, as described in detail above.

The LCP also includes policies and development standards that apply to all development in the Coastal Zone regardless of district or land use designation. The proposed internet lounge use as conditioned is also consistent with these additional policies and development standards, as discussed in the Coastal Development Permit analysis section below. For all these reasons, the conditional internet lounge use is consistent with the certified Local Coastal Program.

COASTAL DEVELOPMENT PERMIT ANALYSIS

To approve a Coastal Development Permit (CDP), the Planning Commission must find that the proposed development conforms to the policies of the certified Local Coastal Program. The Local Coastal Program is divided into two components: the Land Use Plan and Implementation Plan. The first component, the Land Use Plan, is the General Plan specific to land in the Coastal Zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the General Plan map.

1. Land Use Plan Analysis

The project location is designated C-RC – Core Retail Commercial, and consistency of the proposed conditional internet lounge use with the purpose of the C-RC land use designation is discussed in the Use Permit Analysis section above. As analyzed above, the use, as conditioned, can be found consistent with the purpose of the C-RC land use designation.

Staff reviewed the goals and policies in the adopted and certified Land Use Plan (LUP) to determine whether the project conforms to the LUP. The review found the project does not conflict with any adopted LUP goals or policies, and is consistent with and supported by the following:

Goal 1.A To establish and maintain a land use pattern and mix of development in the Eureka area that protects residential neighborhoods, promotes economic choices and expansion, facilitates logical and cost-effective service extensions, and protects valuable natural and ecological resources.

Goal 1.L To ensure an adequate supply of commercial land for and promote the development of commercial uses to meet the present and future needs of Eureka residents and visitors and to maintain economic vitality.

The proposed internet lounge use will occupy an existing ground-floor commercial space in Old Town, a mixed-use area that includes restaurants, stores, bars, offices, and various other commercial uses as well as public recreation, surface parking lots, second-story residential, and nearby industrial uses. Although there are second-story residences throughout the Old Town area, the internet lounge will contain a relatively quiet use with individual gaming stations and computers; therefore, the project will protect residential neighborhoods. The site is already connected to water, sewer, electrical, and gas utilities. As the proposed use will be located within

an existing building and there are no proposed ground disturbing activities, there are no anticipated impacts to nearby wetlands and bay waters. By allowing for the use within an existing building, it will have a positive effect on the City's economic vitality and will not adversely impact available commercial land. For all these reasons, the proposed project, as conditioned, is consistent with Goal 1.A and Goal 1.L.

Goal 1.I: Core Area: Architectural/Landscape Character- To maintain the distinctive architecture, historic character, and landscape quality within the Core Area.

Policy 1.I.1 The City shall ensure that structures of historic or architectural interest are preserved and, wherever feasible, rehabilitated to protect the variety and quality of older buildings in the Core Area. In cases where such structures might be used to better advantage in new surroundings, the City shall encourage relocation.

The subject property is on the Local Register of Historic Places. At this time there are no proposed changes to the exterior of the building. Condition D has been added notifying the applicant of the requirement to apply for Historic Preservation Commission approval if any changes to the exterior are proposed in the future, including the attachment of any signs to the outside of the building. Continued occupation of the historic building by new uses helps ensure the building will be maintained and preserved consistent with Goal 1.1 and Policy 1.1.1.

Goal 5.B To provide public open space and shoreline accessways throughout the Coastal Zone, consistent with protecting environmentally sensitive habitats and other coastal priority land uses.

Policy 5.B.1 The City shall provide public open space and shoreline access through the Coastal Zone, particularly along the waterfront and First Street, through all of the following:
...d. Consider and protect the scenic and visual qualities of coastal areas that are visible from scenic public vista points and waterfront walkways...

Goal 6.A To protect and enhance the natural qualities of the Eureka area's aquatic resources and to preserve the area's valuable marine, wetland, and riparian habitat.

The proposed internet lounge use will occupy a former retail clothing space near the heart of Old Town, along Second Street between D and E Streets, one block south from the C Street Dock, Madaket Plaza and Eureka Boardwalk/Waterfront Trail, which provide direct access to the bay. The project will not impact the Eureka Waterfront Trail or any other existing access facilities either through direct conflict or anticipated increases in demand as the proposed use will either be similar to the previous retail use, or potentially less demanding as visitors to the internet lounge may be smaller in number and remain longer at the site. The proposed use will not block or otherwise obstruct any existing public views of the waterfront because it's located within an existing tenant space. In addition, there are no wetland or riparian habitats adjacent to the site, and by accommodating growth through utilization of an existing building, with no associated new exterior construction, expansion of the building, or ground disturbing activity proposed, the new use will avoid any adverse impacts to coastal resources or public access. Therefore, the proposed project can be found consistent with Goal 5B, Policy 5.B.1, and Goal 6.A.

Goal 7.A To minimize loss of life, injury, and property damage due to seismic hazards; and

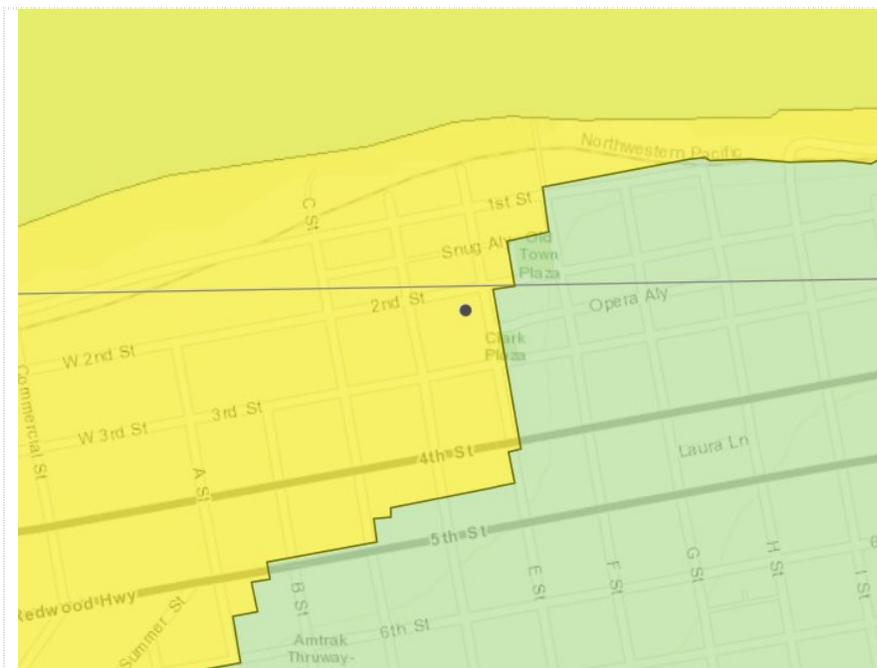
Goal 7.B To minimize loss of life, injury, and property damage due to geological hazards.

Goal 7.D To minimize the risk of loss of life, injury, damage to property and economic and social dislocations resulting from flood hazards.

The project site is within a seismically active area in which large earthquakes are expected to occur during the lifespan of the proposed use. The proposed project will occupy an existing tenant space within a larger building, and will not result in a significant addition of employees or customers compared to the previous use of the space as a retail store. Condition E has been included to ensure the applicant is aware of the need to obtain Building and Fire permits for any tenant improvements.

The project site is located outside of the FEMA mapped 100- and 500-year flood zones; however, the building is located within the mapped tsunami inundation area on the Tsunami Inundation Map for Emergency Planning (Figure 5; California Geological Survey, August 13, 2020) and is at risk of tsunami inundation.

Figure 5: Tsunami Hazard Map– 326 (AKA 320) Second Street (yellow shading represents tsunami inundation area)



The tsunami risk can best be minimized through timely evacuation from the tsunami inundation zone. Therefore, Condition F has been added requiring the applicant to submit a "Tsunami Safety Plan" prior to issuance of their business license. The plan is required to demonstrate that procedures are in place for the safe evacuation of all occupants in the event of a tsunami, and to ensure future occupants

of the project site are aware of the tsunami threat, warning signals, and evacuation plan. The plan is required to include hazard risk notification procedures, including information on where tsunami evacuation information, including an evacuation route map, will be conspicuously posted.

For all the reasons discussed above, the project as conditioned will minimize risk to life and property from seismic, geologic, and flood hazards consistent with Goals 7.A, 7.B, and 7D and associated policies.

Based on the above analysis, the project as conditioned does not conflict with any, and is supported by several of the adopted goals and policies of the certified LUP; therefore, the finding the project conforms with the LUP can be made.

2. Implementation Plan Analysis

The Implementation Plan (IP) includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific coastal zoning ordinances necessary to implement the policies of the LUP discussed above. The project site is zoned CW – Waterfront Commercial and internet lounges are not listed as a principally permitted or conditionally permitted use. As described above, EMC §10-5.29113, allows the City to conditionally permit uses which are determined by the Planning Commission to be similar to the listed conditional uses and which conform to the policies of the LUP. As discussed above, the proposed internet lounge use is similar to other conditional uses and meets the additional criteria, as required. The proposed use will infill a vacant existing building with no additions or exterior modifications proposed to support the new use. The proposed internet lounge use, as conditioned, conforms with the zoning code and CW zone district as described under the Use Permit analysis above.

In addition to specifying the regulations pertaining to specific zoning districts, IP (i.e. EMC) §10-5.2940 et. seq., specifies development standards that apply to all development in the Coastal Zone, including standards for public access, environmental resources, natural hazards, visual resources, public works, and new development. These standards largely reiterate certified LUP goals and policies discussed in the LUP Analysis above, and the applicable findings are incorporated as if set forth in full herein. There is one additional standard not covered under the LUP Analysis above, which is EMC §10-5.2946.9:

10-5.2946.9 Archaeological areas.

- a) When development is proposed within a known archaeological area, project design shall avoid or minimize impacts to the resource.
- b) When development in archaeological sites cannot be avoided, adequate mitigation measures shall be required. Mitigation shall be designed in accord with guidelines of State Office of Historic Preservation and the State of California Native American Heritage Commission. When, in the course of grading, excavation, or any other development activity, evidence of archaeological artifacts is discovered, all work which could damage or destroy such resources shall cease and the City Planning Director shall be notified immediately of the discovery.
- c) The City Planning Director shall notify the State Historic Preservation Officer and the Sonoma State University Cultural Resources Facility of the find. At the request of the State Historic Preservation Officer, development of the site may be halted until an archaeological survey can be made and appropriate and feasible mitigation measures are developed.

No ground disturbing activity is anticipated and thus no impacts to archaeological resources will result from the project. The project was referred to the local Tribal Historical Preservation Officers of the Wiyot Tribe, the Bear River Band of Rohnerville Rancheria, and the Blue Lake Rancheria, with no response received.

Based on the discussion above, the finding can be made that the proposed project as conditioned conforms with the certified IP.

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), in accordance with §15301, Existing Facilities, Class 1 of the CEQA Guidelines, which covers the operating of private structures involving negligible or no expansion of use. Since the proposed project will be located entirely within an existing building with no proposed enlargement of the building, or no expansion of previous commercial uses, the project qualifies for the Class 1 exemption.

PUBLIC HEARING NOTICE

Public notification consisted of notification by mail of property owners and residents within a 300-foot radius of the site on or before April 26, 2024, and posting on the City's website and bulletin boards. A public hearing notice sign was also posted on the project site on or before April 26, 2024.

CONCLUSION

Based on the analysis above, the internet lounge use, as conditioned, is consistent with the General Plan, Zoning Code, and Local Coastal Program. The internet lounge use as conditioned is in accord with the objectives of Chapter 5 and the purposes and intent to the C-RC and CW land use and zoning designations, and will not be detrimental to the public health, safety, and welfare or materially injurious to properties or improvements in the vicinity, and instead will help protect public health, safety and welfare by occupying an existing storefront which will support both continued maintenance of the historic building and the vibrancy of the area, protecting property values and strengthening the City’s tax base. In addition, all determinable characteristics of the proposed internet lounge use (which is not listed as a use in the coastal zoning regulations) indicates that the use has the same essential characteristics as a permitted or conditional use of the CW zoning district; the use conforms to the purposes of the CW zoning district; the use will not create significantly more vehicular traffic or congestion than associated with listed permitted or conditional uses; and the use will not negatively affect recreation or visitor-serving facilities and coastal-dependent uses.

STAFF CONTACT

Lisa Savage, Senior Planner, 531 K Street, Eureka, CA 95501; planning@eurekaca.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolutionpages 15-17
Attachment 2: Applicant submitted material.....pages 18-20