



## AGENDA SUMMARY EUREKA CITY COUNCIL

**TITLE:** Determination of Use Not Listed for a Martial Arts Studio

**DEPARTMENT:** Development Services - Planning

**PREPARED BY:** Cristin Kenyon, Principal Planner

**PRESENTED FOR:**  Action      Information only       Discussion

### **RECOMMENDATION**

Receive the report of the Planning Commission

### **FISCAL IMPACT**

No Fiscal Impact       Included in Budget       Additional Appropriation

### **COUNCIL GOALS/STRATEGIC VISION**

Strategic Goal: Engage and support sustainable local businesses

### **DISCUSSION**

The Planning Commission of the City of Eureka, at its regular meeting held April 10, 2023, considered a request for a Determination of Use Not Listed to allow a martial arts studio in the Neighborhood Commercial (CN) Zone District within the Coastal Zone (Project No. D-23-0001). Coastal Zoning Code (CZC) Sec. 10-5.2305 requires the Secretary of the Planning Commission to transmit to the City Council written notice of a decision of the Planning Commission on a request for a Determination of Use Not Listed within 5 days following the date of the decision. The City Council may elect to review the decision of the Commission by its own motion.

The applicant is proposing to locate a martial arts studio in an approximately 2,000-square-foot, vacant suite within the CVS Shopping Center at 1105/1111 Myrtle Avenue, located in the Coastal CN District. Martial arts studios are not specifically listed as a permitted or conditional use in the Coastal Zoning Code, but CZC Article 23 allows the Planning Commission to determine the characteristics of a particular unlisted use are sufficiently similar to a listed use to justify a finding that the use should be deemed a permitted use or a conditional use in one or more districts.

“Music and dance studios, if not less than 150 feet from a residential district” are listed as a principally permitted use in the CN District. After discussion and review and upon the recommendation of the Planning Staff, the Commission unanimously determined a martial arts studio is similar to music and dance studios, but does not raise the same noise concerns, and is therefore principally permitted in the CN District without a 150-foot residential district buffer limitation, provided the martial arts studio use does not play loud music or otherwise generate amplified sounds plainly audible at a distance of 50 feet from the building in which the studio is located.

Pursuant to CZC Sec. 10-5.2305, the Planning Commission decision will become effective the day after the City Council meeting at which it is reported (on May 3, 2023), unless the Council elects to review the decision of the Planning Commission.

**STAFF’S RECOMMENDATION**

Receive the report of the Planning Commission.

**REVIEWED AND APPROVED BY:**

- City Attorney
- City Clerk/Information Technology
- Community Services
- Development Services
- Finance
- Fire
- Human Resources
- Police
- Public Works