

RESOLUTION NO. 2023-xx

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP-23-0008) AND
COASTAL DEVELOPMENT PERMIT (CDP-23-0012) TO ALLOW DANCE AND MASSAGE
STUDIOS USES AT 223 SECOND STREET (APN 001-053-005)**

WHEREAS, Joy Holland (DBA Joy Emporium) proposes to use an existing ground-floor commercial space at 223 Second Street for visual art, movement and bodywork businesses, including massage therapy, yoga and pole dancing instruction, and an art gallery with artwork for sale, an artist workstation, and regular educational workshops; and

WHEREAS, the project site is zoned Waterfront Commercial (CW), and has a land use designation of Core Retail Commercial (C-RC); and

WHEREAS, pursuant to (Eureka Municipal Code) EMC §10-5.29113, the proposed dance and massage studio uses are conditionally permitted uses in the CW zone and are allowed with a conditional use permit; and

WHEREAS, the proposed dance and massage studio uses are located within the coastal zone and, pursuant to EMC §10-5.2401(c), projects requiring a use permit in the coastal zone also require a coastal development permit; and

WHEREAS, the proposed art gallery use does not require a conditional use permit or coastal development permit because art galleries are a principally permitted in the CW zone (EMC §10-5.29112), and principally permitted uses at the subject location are exempt from coastal development permitting pursuant to Eureka Categorical Exclusion Order E-88-2; and

WHEREAS, the conditional use permit and coastal development permit approvals for the proposed dance and massage studio uses are a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); 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 October 9, 2023 at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with EMC Title 10, Chapter 5, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. The location of the proposed dance and massage studio uses are in accord with the objectives of Chapter 5 and the purposes and intent of the CW zone district.
2. The proposed location of the dance and massage studio uses and the conditions under which the conditional uses will be operated and maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

3. The proposed dance and massage studio uses will comply with each of the applicable provisions of Chapter 5.
4. The project as conditioned conforms to the policies of the Local Coastal Program.
5. The project is categorically exempt from the provisions of CEQA, in accordance 15301 (Existing Facilities) of the CEQA Guidelines, as the project will be located entirely within an existing building with no proposed expansion or enlargement of the building.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:

- A. **Visitor-Serving Component.** As long as the subject approximately 1,100-sf, ground-floor, street-fronting commercial space is occupied by a conditional dance studio and/or massage studio use, there must also be a principally-permitted, visitor-serving component in the front two-thirds of the space, such as the proposed art gallery. The visitor-serving use must be prominently displayed and visible through the entryway and windows facing Second Street to provide visual interest for pedestrians on the adjacent sidewalk, and regularly open for drop-in visitors and customers.
- B. **Historic Preservation Commission Approval.** Prior to commencement of any future exterior alteration to the structure, including the attachment of any signs to the outside of the building, the applicant shall obtain approval from the Historic Preservation Commission.
- C. **Sign Permit.** Prior to the placement of any future non-exempt signs, the applicant shall obtain Administrative Sign Permit approval from Development Services - Planning.
- D. **Building and Fire Department Approvals.** Prior to commencement of any future construction, the applicant shall obtain all required Building and Fire permits to the satisfaction of Development Services - Building and Humboldt Bay Fire.
- E. **Tsunami Safety Plan.** Prior to the issuance of a City business license, the Permittee shall submit a Tsunami Safety Plan to Development Services – Planning for review and approval. The Tsunami Safety Plan shall be implemented and enforced for the life of the development. The plan shall 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 shall include hazard risk notification procedures, detailing the provision of informational materials to building occupants and the posting of placards, flyers, or other materials at conspicuous locations within the building, provided in English and Spanish, explaining: (1) tsunami risks, (2) the need for evacuation if strong earthquake motion is felt or alarms are sounded, and (3) a tsunami evacuation route map for the project site informed by community-wide emergency response plans, showing egress direction(s) and expected assembly area(s) for safe evacuation.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby approve the application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 9th day of October, 2023 by the following vote:

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary