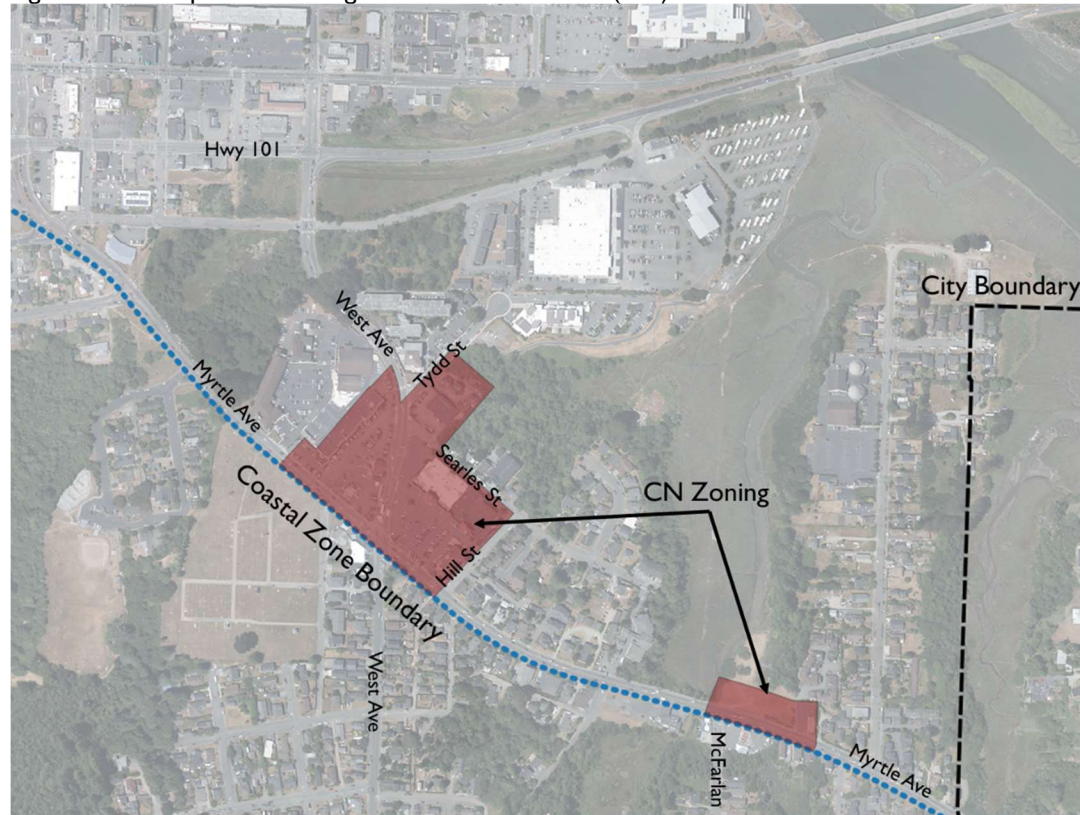


Title:	Martial Arts Studio
Project:	Determination of Use Not Listed D-23-0001
Location:	Neighborhood Commercial (CN) Zone District in the Coastal Zone
APNs:	Various
Applicant:	Timothy Macias
Property Owners:	Various
Purpose/Use:	Determination of Use Not Listed for Martial Arts Studios in CN District
Application Date:	March 20, 2023
General Plan:	NC – Neighborhood Commercial
Zoning:	CN – Neighborhood Commercial
CEQA:	Exempt under §15305, Class 5 Minor Alteration in Land Use Limitation
Staff Contact:	Cristin Kenyon, Principal Planner
Recommendation:	Adopt a Resolution to find the project is exempt from CEQA, and determine a martial arts studio is similar to the listed use “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.
Motion:	<i>I move the Planning Commission adopt a Resolution finding the project is exempt from CEQA and adopting Alternative 2.</i> <i>See Suggested Motion Alternatives 1-3 on page 8.</i>

Figure 1: Location Map: Coastal Neighborhood Commercial (CN) District



Figure 2: Site Map: Coastal Neighborhood Commercial (CN) District



PROJECT SUMMARY

The applicant is requesting a Determination of Use Not Listed to allow a martial arts studio in the Neighborhood Commercial (CN) Zone District within the Coastal Zone. This application is to determine whether a martial arts studio, which is not a listed use in the Eureka Municipal Code Title 10, Chapter 5 (Coastal Zoning Code), is similar to other specifically allowed uses in the CN Zone District.

APPLICABLE REGULATIONS

Coastal Zoning Code Chapter 5, Article 23, Section 10-5.2301 et seq. allows for the Planning Commission to determine if a specific unlisted use should be included as a permitted or conditional use in an F (Flood Plain), A (Agriculture), OR (Office and Multi-family Residential), HM (Hospital Medical), C (Commercial) or M (Industrial) District on the basis of similarity to uses specifically listed. Coastal Zoning Code Section 10-5.2301 specifies the purpose of the determination process:

In order to ensure that the zoning regulations will permit all similar uses in each district, the Planning Commission, upon its own initiative or upon written request, shall determine whether a use not specifically listed as a permitted use or a conditional use in an F, A, OR, HM, C, or M District shall be deemed a permitted use or a conditional use in one or more districts on the basis of similarity to uses specifically listed. The procedures of this article shall not be substituted for the amendment procedure as a means of adding new uses to the lists of permitted uses and conditional uses but shall be followed to determine whether the characteristics of a particular use not listed 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.

For context, the Planning Commission has previously made two similar Determinations of Use Not Listed for Inland Districts, prior to the comprehensive update to the Inland Zoning Code, when the Inland and Coastal Zoning Codes were similar:

- In 2002, a women’s fitness studio was proposed in the Inland CN District, and the Planning Commission determined a small private exercise studio without bathing or dressing facilities and of similar size (square footage), operation, number of clientele, sound levels, and products for sale to a neighborhood beauty salon or barbershop is similar in nature to a “barber shop and beauty shop,” a principally permitted use in the CN District.
- In 2009, an exercise studio was proposed in the Inland Office and Multi-Family Residential (OR) District, and the Planning Commission determined it fell under the listed use “Private schools and colleges, including music and dance studios not less than 150 feet from an R District” in the OR District.

The Planning Commission also recently determined a martial arts studio was similar to a Gymnasium use when they approved a Conditional Use Permit and Coastal Development Permit for a Jiu-jitsu use at 2nd and G Streets in the CW District. Although “Music and dance studios” are also a conditionally permitted in the CW (Waterfront Commercial) District, Staff recommended a Martial Arts Studio in the CW District is similar to a “Gymnasiums” use.

BACKGROUND ON APPLICANT

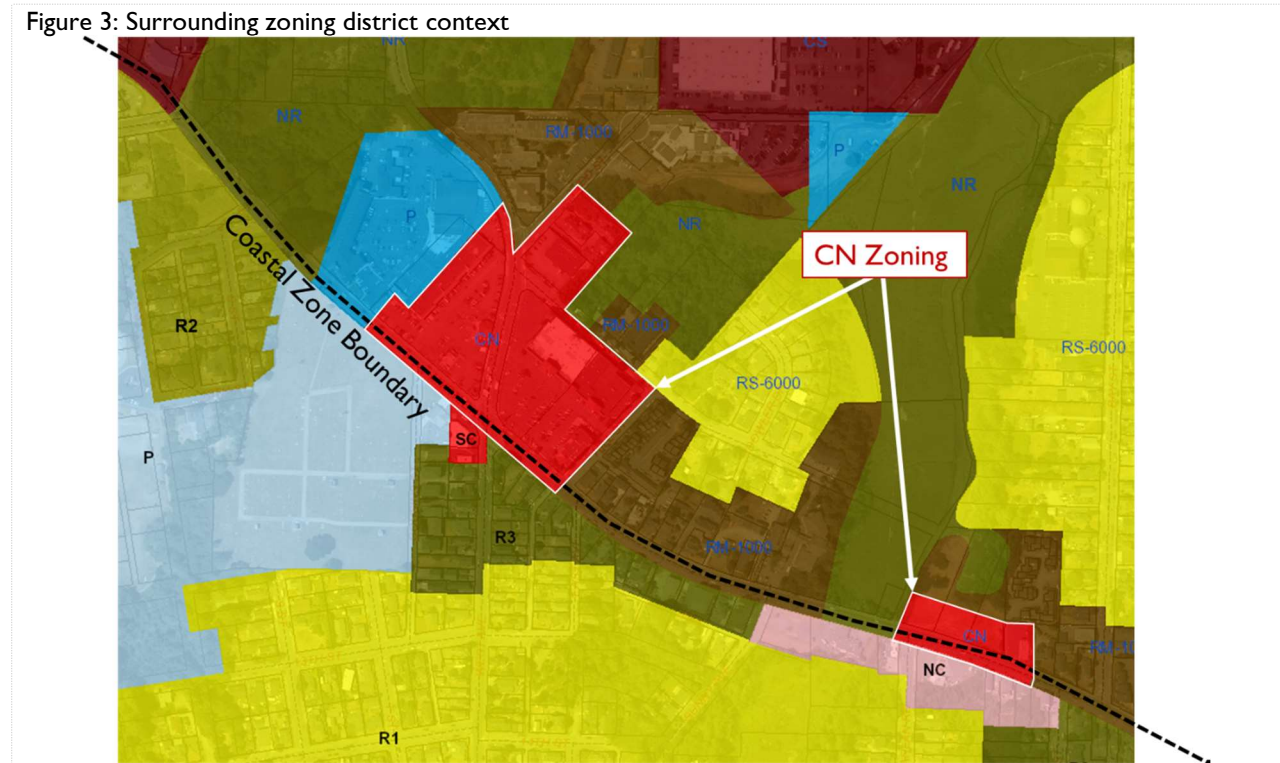
The applicant is proposing to locate a martial arts studio in an approximately 2,000-square-foot, vacant suite within the CVS Shopping Center at 1105/1111 Myrtle Avenue, previously occupied by Broese’s Uniforms. The site is located in the Coastal CN District and across Hill Street from a Multi-Family Residential District (RM-1000). The Hill Street right-of-way is 50 feet wide and the distance from the rear of the building proposed to house the Martial Arts Studio is approximately 65 feet from the nearest residential structure. At the beginning of operation, the applicant intends to be the sole employee, with 60-minute classes of up to 30 students, and hours of operation from 4 p.m. to 8 p.m., Monday – Thursday, and Saturdays from 9:30 a.m. to 12:30 p.m. Once the operation has a sufficient roster of paying students, the applicant intends to hire up to two additional instructors and up to two service representatives and add more morning and evening classes throughout the week.

BACKGROUND ON COASTAL CN ZONE DISTRICT

Because the Determination of Use Not Listed is being made relative to the CN District in its entirety, site specific circumstances or geographic location of a proposed use for which the determination is being made cannot be considered. Unless, of course, the site-specific circumstances or issues of geographic location are applicable to the entire zoning district.

There are only two clusters of properties in the Coastal CN District, with a combined total of approximately 11.4 acres, both located along the northern side of Myrtle Avenue, which is the Coastal Zone boundary in eastern Eureka (See Figure 2). The first cluster includes seven developed parcels on the northeastern side of the intersection of Myrtle and West Avenues, including the Burre and CVS Shopping Centers. The second cluster includes one developed parcel (a medical office) and the street-fronting portion of three undeveloped parcels directly northeast of the intersection of Myrtle Avenue and McFarlan Street.

Current and recent uses in the Coastal CN District include a pharmacy, dollar store, restaurants, medical and dental offices, laundromat and dry cleaners, boutiques, beauty salons, offices, and multi-family housing. Surrounding zone districts include Coastal One-Family Residential (RS-6,000), Multi-Family Residential (RM-1,000), Public (P), and Natural Resources (NR) Districts, as well as Inland Residential High (R3), Neighborhood Commercial (NC), Service Commercial (SC), and Public Facilities (P) Districts (See Figure 3).



The purposes of the CN District include providing appropriately located areas for retail stores, offices and personal service establishments patronized primarily by residents of the immediate area; and permitting neighborhood shopping centers that minimize adverse impacts on adjoining residential uses. Coastal Zone Code Section 10-5.29121 includes required conditions for all uses in the CN District, including a requirement that no use shall be permitted which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic. See Attachment 2 for the full list of purpose statements and required conditions.

For context, “Fitness, Dance, or Health Facility” is a listed use type in the City’s Inland Zoning Code, defined as “an indoor fitness center, gymnasium, athletic club, dance studio, yoga studio, or other similar use.” The Inland Zoning Code further categorizes a “Fitness, Dance, or Health Facility” as either large or small; if the use is 8,000 square feet or more in size, it is considered large. “Fitness, Dance, or Health Facility – Large” is not allowed in the Inland Neighborhood Commercial District, while “Fitness, Dance, or Health Facility – Small” is principally permitted. The applicant for this Determination of Use Not Listed requests to rent a space that is approximately 2,000 square feet in size, and thus would be principally permitted if it were located in the Inland Neighborhood Commercial District.

ANALYSIS

The Planning Commission can deem a martial arts studio a permitted or conditional use in the CN District based on the similarity of its nature and characteristics to uses specifically listed. Staff has reviewed the full lists of principally and conditionally permitted uses in the CN District (included in Attachment 2), as well as listed uses in the other coastal commercial districts [the Planned Shopping Center (CP), Waterfront Commercial (CW), and Service Commercial (CS) Districts]. The most similar uses are included below in Table I. It is important to note none of the listed uses in Table I are defined in the glossary of the Coastal Zoning Code.

Table I. Listed Use Types Most Similar to Martial Arts Studio
 P = Principally Permitted Use
 C = Allowed with Conditional Use Permit

Use	CN	CP	CW	CS
Arts and crafts schools and colleges	P	-	C	P
Barber shops and beauty shops	P	P	C	P
Business, professional, and trade schools and colleges	C	-	C	P
Dance halls	-	-	C	P
Gymnasiums	-	P	C	P
Hobby shops	P	P	-	P
Massage and physical culture studios	-	P	C	P
Meeting halls	P*	P	C	P
Music and dance studios	P*	P	C	P
Private clubs and lodges	P*	-	-	P

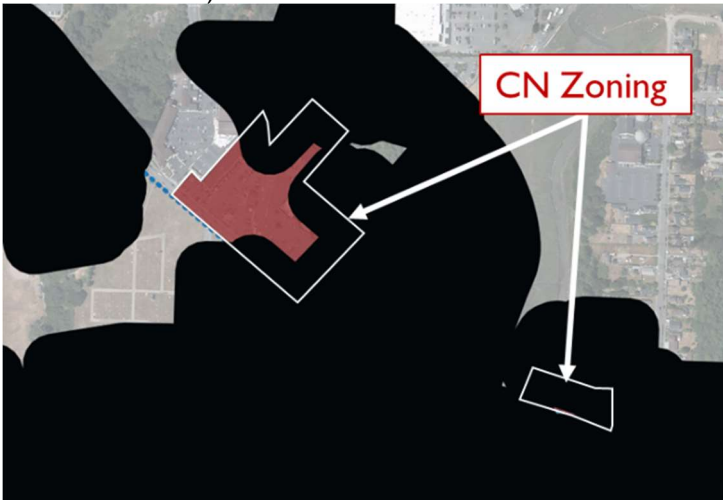
*Only permitted if not less than 150 feet from a residential district

Out of the narrowed list of uses in Table I, the most similar uses appear to be gymnasiums, which are not allowed in the CN District, and music and dance studios, which are principally permitted, provided they are located at least 150 feet from a residential district. Both these uses are commercial service uses involving indoor physical activity, like a martial arts studio.

Staff believes the proposed use is more similar to a dance studio than a gym. Gyms typically provide both scheduled classes and anytime member walk-in use, while dance and martial arts studios tend to both be classes-only. Gyms tend to provide an array of spaces for different exercise activities such as exercise equipment rooms, ball courts, and matt space, while dance and martial arts studios each focus on one genre of physical activity in one type of open workout space. A gym also typically has shower facilities, while dance and martial arts studios are less likely to provide bathing facilities.

Determination Alternative 1

Figure 4: CN District showing 150-foot buffer from residential districts in black (CN-zoned area shaded red is over 150 feet from residential districts)



As a result of all of the similarities outlined above, the Commission could find the characteristics of a martial arts studio are sufficiently similar to a dance studio to allow a martial arts studio to be principally permitted in the CN District in the same manner as a dance studio, if located not less than 150 feet from a residential district. Under this determination, the applicant will not be able to open a studio at his proposed location because it is located within 150 feet of a residential district.

Figure 4 shows a 150-foot-wide buffer added to the residential districts nearest to the CN District. The only existing commercial spaces 150 feet or more from residential districts are located in the Burre Shopping Center.

Determination Alternative 2

Alternatively, the Planning Commission could determine a martial arts studio is similar to a music or dance studio, but without the same concerns requiring the 150-foot buffer from residential districts.

In addition to music and dance studios, there are a six other listed principally permitted uses in the Coastal CN district with the added limitation the use must be 150 feet or more from a residential district:

- banquet rooms,
- bars,
- meeting halls,
- pet and bird stores,
- private clubs and lodges, and
- restaurants and soda fountains, not including drive-in establishments.

When comparing these uses to other principally permitted uses, there are other listed uses without the buffer restriction which would arguably generate similar or more traffic and parking demand than these uses, such as drugstores, supermarkets, liquor stores, banks, post offices, and medical and dental offices. What the uses with the 150-foot separation requirement do have in common is, they all have the potential to generate sustained loud noise, such as from animals or amplified music. As a result, it appears the 150-foot distance provision attached to the listed use “music and dance studios” is most likely related to noise concerns.

The two CN-zoned areas of the Coastal Zone are located along Myrtle Avenue, which is a major arterial street and by far the highest traffic volume street under the City’s jurisdiction. Myrtle at McFarlan has an average daily trip (ADT) count of 15,198, while east/west-bound Myrtle at West and north/south bound West at Myrtle have ADTs of 18,452 and 12,250, respectively. In the

context of the traffic-generated noise on Myrtle and West Avenues, noise likely generated by unamplified human voices and movements at a martial arts studio will not likely make a discernable difference to nearby residences.

As outlined by the applicant in their application (Attachment 3), there are two differences regarding noise between a dance studio and a martial arts studio:

1. Dance studios require music to function; sound systems are a necessary component of a dance studio.
2. Dance studios typically have hardwood floors which amplify and echo sound, while martial arts studios cover the floor and other surfaces with thick foam mats, which act as sound proofing.

Based on these differences, Planning Commission could determine a martial arts studio in a CN District is similar to the listed use “music and dance studios,” but does not require the same 150-foot buffer from residential districts. However, while a martial arts studio does not necessarily require amplified music to function, its operators may decide to play loud music equivalent to a music or dance studio. Therefore, if the Planning Commission chooses Alternative 2, Staff recommends specifying a martial arts studio is allowed as a principally permitted use without the 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. Under this determination, the applicant will be able to open a studio at his proposed location. The use would be a principally permitted use in the Coastal Zone Categorical Exclusion Area, so no Use Permit or Coastal Development Permit would be required.

Determination Alternative 3

Alternatively, the Planning Commission could determine a martial arts studio less than 150 feet from a residential district is a conditional use in the CN District. This would allow the Planning Commission to address noise and other residential impact concerns on a case-by-case basis. Under this determination, the applicant will be able to open a studio at his proposed location with a Conditional Use Permit and Coastal Development Permit from the Planning Commission, in addition to other necessary City approvals (e.g., business license, sign permit, etc.).

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, pursuant to Section 15305 of the State CEQA guidelines, which exempts minor alterations in land use limitations. The project can be considered a minor alteration in land use limitations because the determination will allow a use sufficiently similar to a listed use in the zoning code to justify a finding the use should be deemed allowed, rather than requiring a zoning code amendment to add a new listed use.

CONCLUSION

Martial arts studios are not a listed use in the Coastal Zoning Code, but their characteristics are sufficiently similar to the listed use “music and dance studios” to justify a finding that martial arts studios should be deemed an allowed use in the CN District. In the CN District, music and dance studios are allowed as a principally permitted use if located 150 feet or more from a residential district, and are not allowed if located less than 150 feet from a residential district. The Planning

Commission can decide to include this same restriction on martial arts studios, determine such a buffer is not required for martial arts studios without loud music or other amplified sounds plainly audible at a distance of 50 feet from the building in which they are located, or allow martial arts studios less than 150 feet from a residential district with a Conditional Use Permit. Under all three of these alternatives, martial arts studios can be permitted in the CN District in a manner which is not objectionable to nearby residents by reason of noise or other externalities, consistent with Coastal Zoning Code Section 10-5.29121. This conclusion is specific to the CN District.

SUGGESTED MOTIONS

Alternative 1 – require 150-foot buffer from residential districts

“I move the Planning Commission adopt a Resolution finding the project exempt from CEQA, and determining a martial arts studio is similar to the listed use ‘music and dance studios,’ and is therefore principally permitted in the CN District, if located not less than 150 feet from a residential district.”

Alternative 2 – don’t require buffer from residential districts

“I move the Planning Commission adopt a Resolution finding the project exempt from CEQA, and determining a martial arts studio is similar to the listed use “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.”

Alternative 3 – allow within 150 feet of residential districts with a Conditional Use Permit

“I move the Planning Commission adopt a Resolution finding the project exempt from CEQA, and determining a martial arts studio is similar to the listed use ‘music and dance studios,’ but potentially does not require the same 150-foot buffer from residential districts, and is therefore principally permitted in the CN District if located 150 feet or more from a residential district, and conditionally permitted if located less than 150 feet from a residential district.”

[Note: The attached Resolution will be updated depending on which alternative the Planning Commission adopts.]

STAFF CONTACT

Cristin Kenyon, Principal Planner, 531 K Street, Eureka, CA 95501; planning@ci.eureka.ca.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolutionpages 9-11
Attachment 2: CN District Purposes and Listed Usespages 12-16
Attachment 3: Applicant Submitted Materialpages 17-22

RESOLUTION NO. 2023-xx

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
DETERMINING A MARTIAL ARTS STUDIO IS SUFFICIENTLY SIMILAR TO A LISTED USE IN
THE NEIGHBORHOOD COMMERCIAL ZONE DISTRICT TO BE ALLOWED**

WHEREAS, the applicant, Timothy Macias, is requesting a Determination of Use Not Listed to allow a martial arts studio in the Neighborhood Commercial (CN) Zone District within the Coastal Zone; and

WHEREAS, a martial arts studio is not a listed use in the Coastal Zoning Code [Eureka Municipal Code (EMC) Title 10], and EMC Chapter 5, Article 23, Section 10-5.2301 et seq. allows for applications for determinations that specific uses should be included as permitted or conditional uses in C Districts on the basis of similarity to uses specifically listed; and

WHEREAS, although the applicant is only interested in one particular lease space at 1111 Myrtle Avenue, the Determination is being made relative to the CN District in its entirety, and site-specific circumstances and geographic location of the proposed use cannot be considered unless applicable to the entire CN District, which includes two clusters of properties totaling approximately 11.4 acres along the northern side of Myrtle Avenue; and

WHEREAS, pursuant to EMC Section 10-5.29121(d), in a CN District, no use shall be permitted which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity; and

WHEREAS, a Determination of Use Not Listed is 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 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. A martial arts studio is not a listed use in the Coastal Zoning Code, but is similar in nature to a dance studio, which is principally permitted in the CN District, provided the dance studio is located not less than 150 feet from a residential (R) district.
2. A martial arts studio is sufficiently similar to the listed use “music and dance studios” to be allowed as a principally permitted use in the CN District. However, a martial arts studio does not raise the same noise concerns as a music or dance studio, and should therefore be allowed 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.
3. Martial arts studios can be allowed in the CN District in a manner which is not objectionable to nearby residents by reason of noise or other externalities, consistent with Coastal Zoning Code Section 10-5.29121.

4. The project qualifies for a Class 5 exemption from CEQA as a minor alteration in land use limitations, Section 15305 of the CEQA Guidelines, because the determination will allow a use sufficiently similar to a listed use in the zoning code to justify a finding the use should be deemed allowed, rather than requiring a zoning code amendment to add a new listed use.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby determine a martial arts studio is similar to the listed use “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.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of April, 2023, by the following vote:

AYES: COMMISSIONERS FREITAS, KRAFT, BENSON
NOES: NONE
ABSENT: COMMISSIONERS LAZAR AND MAIER
ABSTAIN: NONE

Craig Benson, Vice Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary

Attachment 2: CN District Purposes, Conditions and Listed Uses

Part 12 CN — NEIGHBORHOOD COMMERCIAL DISTRICTS.

Sec. 10-5.29120. Purposes.

In addition to the objectives prescribed in Section 10-5.2902 (Objects and Purposes), the CN Neighborhood Commercial Districts are included in the zoning regulations to achieve the following purposes:

(a) 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;

(b) To provide opportunities for retail stores, offices, service establishments, amusement establishments, and wholesale businesses to concentrate for the convenience of the public and in a mutually beneficial relationship to each other;

(c) To provide space for community facilities and institutions that appropriately may be located in commercial areas;

(d) To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading areas;

(e) 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;

(f) To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic, and other objectionable influences incidental to industrial uses;

(g) To protect commercial properties from fire, explosion, noxious fumes and other hazards;

(h) To provide appropriately located areas for retail stores, offices and personal service establishments patronized primarily by residents of the immediate area; and

(i) To permit the development of neighborhood shopping centers of limited size and in locations shown on the Eureka Area General Plan according to standards that minimize adverse impact on adjoining residential uses.

Sec. 10-5.29121. Required conditions.

(a) All uses shall comply with the regulations prescribed in Article 2 of this chapter (Site, Yard, Bulk, Usable Open Space, and Screening and Landscaping Regulations).

(b) In a CN District, all businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, exhibits of goods sold, manufactured, or processed on the premises, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots, and utility substations and equipment installations.

(c) In a CN District, all products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced.

(d) No use shall be permitted, and no process, equipment or material shall be employed which is found by the Planning Commission to be objectionable to persons residing or working in the vicinity or injurious to property located in the vicinity of by reason of odor, insect nuisance, fumes, dust, smoke, cinders, dirt, refuse, water-carried wastes, noise, vibration, illumination, glare, unsightliness, or heavy truck traffic or to involve any hazard of fire or explosion.

Sec. 10-5.29122. Permitted uses.

The following uses shall be permitted:

Accessory uses and structures, not including warehouses, located on the same site as a permitted use;

Administrative, business, and professional offices, except medical and dental offices;

Art galleries;

Arts and artists' supply stores;

Arts and crafts schools and colleges;

Bakeries, including baking for sale on the premises only;

Banks;

Banquet rooms not less than one hundred fifty (150') feet from an R District;

Barber shops and beauty shops;

Bars not less than one hundred fifty (150') feet from an R District;

Bicycle shops;

Book stores and rental libraries;

Candy stores;

Christmas tree sales lots;

Cigar stores;

Cleaning and dyeing;

Cleaning and dyeing, including the use of one synthetic dry cleaning machine using nonexplosive solvents and having a capacity of not more than forty (40) pounds per cycle only;

Cleaning, coin operated;

Clothing and costume rental establishments;

Clothing stores;

Computer and communications equipment stores;

Dairy products manufacturing for retail sales on the premises only;

Delicatessen stores;

Drugstores;

Dry goods stores;

Electrical appliance sales and repair stores, provided repair services shall be incidental to retail sales;

Finance companies;

Florists;

Food lockers;

Food stores and supermarkets;

Fur shops;

Furniture stores;

Garden shops;

Gift shops;

Hardware stores;

Hobby shops;

Household appliance stores;

Ice vending stations;

Interior decorating shops;

Jewelry stores;

Laundries, self-service type;

Leather goods and luggage stores;
Liquor stores;
Locksmiths;
Medical and dental offices;
Medical and orthopedic appliance stores;
Meeting halls not less than one hundred fifty (150') feet from an R District;
Mens' furnishing stores;
Messengers' offices;
Millinery shops;
Mobile vendors as prescribed in Article 19.5;
Music and dance studios not less than one hundred fifty (150') feet from an R District;
Music stores;
Musical instrument repair shops;
Newsstands;
Nurseries and garden supply stores provided all equipment, supplies and merchandise other than plants shall be kept within a completely enclosed building, and fertilizer of any type shall be stored and sold in packaged form only;
Office and business machine stores;
Offices and office buildings;
Optician and optometrical shops;
Paint, glass, and wallpaper shops;
Parking facilities, including fee parking facilities;
Pet and bird stores;
Pet and bird stores not less than one hundred fifty (150') feet from an R District;
Phonograph record stores;
Photographic supply stores and studios;
Picture framing' shops;
Post offices;
Prescription pharmacies and dental and optical laboratories;
Pressing establishments;
Private clubs and lodges not less than one hundred fifty (150') feet from an R District;
Realtors and real estate offices;
Residential uses permitted under permitted uses in RM Districts shall be permitted in a CN District provided the minimum size of such dwelling units shall be not less than as set forth in the Building Code and Housing Code of the city;
Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District;
Saving and loan offices;
Scientific instrument shops;
Self-service laundries and self-service dry cleaning establishments;
Shoe repair shops;
Shoe stores;
Sporting goods stores;
Stamp and coin stores;
Stationery stores;
Stenographic services;

Tailor and dressmaking shops;
Taxicab stands;
Telegraph offices; towers and other support structures, commercial satellite dishes, antennas, and equipment buildings necessary for the specific facility are subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities);
Television and radio sales and repair stores;
Ticket agencies;
Toy stores;
Travel agencies and bureaus;
Umbrella repair shops;
Video sales and rental stores;
Watch and clock repair shops;
Wholesale establishments without stocks; and
Women's apparel accessory stores; and
Wireless telecommunication facilities located more than 100' from an R District subject to a wireless telecommunication facility permit issued pursuant to Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29123. Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses):

Accessory uses and structures located on the same site as a conditional use;
Ambulance service;
Blueprint and photostat shops;
Business, professional and trade schools and colleges;
Cannabis retail facilities subject to the provisions of Article 30 of this chapter (Cannabis);
Charitable institutions;
Churches, parsonages, parish houses, monasteries, convents, and other religious institutions;
Oil and gas pipelines;
Parking facilities, including required off-street parking facilities, located on a site separated from the use which the facilities serve;
Public utility and public service pumping stations, power stations, equipment buildings and installations, drainage ways and structures, storage tanks, and transmission lines found by the Planning Commission to be necessary for the public health, safety or welfare;
Restaurants and soda fountains, not including drive-in establishments, one hundred fifty (150') feet or more from an R District; and
Service stations, not including automobile, truck, and trailer rentals as accessory uses, provided all operations, except the sale of gasoline and oil and the washing of cars, shall be conducted within a building enclosed on at least three sides; and
Wireless telecommunication facilities located within 100' of an R District subject to the provisions of Article 31 of this chapter (Wireless Telecommunication Facilities).

Sec. 10-5.29123.1 Minor use permits.

The following conditional uses shall be permitted upon the granting of a minor use permit in accord with the provisions of Article 24 of this chapter (Conditional Uses). The application

shall demonstrate and the City shall find that granting of a minor use permit will not diminish recreational or visitor-serving opportunities.

(a) Cannabis general use, subject to the provisions of Article 30 of this chapter (Cannabis);

March 2023



Objective

To show a martial arts studio is similar in use to a dance studio, and as such should be considered for principal use inside neighborhood commercial zones.

Current Permitted Use

Under current zoning guidelines, the city of Eureka lists dances studios as a principally permitted use within neighborhood commercial zones.

Target Market

The Target market for most dance studios are families with school-age children, high school students, middle-aged men and women, professional/ amateur competitive dancers.

Building, Layout and Interior Components

A dance studio is the facility where dancers go to learn, train or rehearse. Dance studios consists of a dance space, common space, lobby, office, dressing room and storage. The dance space is the primary use space for dancers. The dance surface where classes take place is made of hardwood or lament flooring and have mirrors mounted on the walls. Common spaces are used to navigate the studio and include hallways, walkways and bathrooms. The lobby is the transition area for entering and exiting the studio and as a place where non-dances - parents and/ or guardians - wait while students take class. Offices, dressings rooms and storage areas are self-evident and used to conduct the purpose they describe.

In addition to the physical layout of a dance studio, specialized equipment is needed. Balance bars may be installed along the walls to assist dancers during warm-up or practice. Balance bars can also be portable and moved on and off the dance floor as needed. A dance studio requires the use of a sound system or other type of PA system. These systems are needed to play the music accompanying a dance routine. Additionally, some dance studios may utilize specialized lighting systems to mimic the atmosphere of a stage where a performance would take place.

Class Types, Times, Ages & Size

A dance studio can offer one or multiple styles of dance to a range of age groups. Examples of dance styles offered at studios in the greater Humboldt-metro area include: Ballet; Hip Hop; Jazz; Tap; Contemporary; Latin.

Classes begin in the early afternoon and carry on into the evening. A survey of local dance studios shows class times as early as 3pm and as late as 8pm. Classes range in time from 40 minutes to 90 minutes in duration.

Ages for classes start as young as three years old. Age groups extend one – three years in length (e.g., ages 3-4; 5-8; 10-12 etc.). Depending on the size of the facility and age of the group, a class can contain 10-20 students.

Proposed Use

The martial arts studio, Lost Coast San Soo, is proposed to be located at 1117 Myrtle Ave, suite C.

Target Market

The primary target market are families with one to three children, 4-17 years old, who want an alternative to conventional sports or as an auxiliary component to their children's greater physical aspirations. These families are active, community minded and looking for ways to keep their children moving. The parents are enthusiastic about their children having a unique, life-long skill and want to be involved with a close-knit community. A goal is to have parents begin training as well; either already having wanted to train or having developed an interest after watching their children participate. Some families will have experience in other martial arts and most others will have never trained before.

The secondary market are adults, 18-55+. These adults want to better their physical, emotional and mental health and are avid and/ or former athletes; but the person who has had little exposure to athletics or martial arts will be comfortable too. Regardless of their physical abilities, these adults are eager to learn a new skill set, inspired to try something less conventional and are seeking a community of people with diverse backgrounds. Some of these students will have a lifelong fascination with martial arts, a few will have had participated in their youth.

Building, Layout and Interior Components

The martial arts studio is where students go to learn and train one, many or blended styles of martial arts. Martial arts studios consist of a workout space, common space, lobby, office, dressing room and storage. The workout space is the primary use space for the students and is a large matted, or padded floor area. There are often mirrors or more padding mounted to the walls. Common spaces, lobby, offices, dressings rooms and storage area perform the actions they describe.

Specialized equipment is utilized in a martial arts studio depending on the specific style(s). Examples pf specialized equipment include: heavy bags, focus mitts (hand pads), kicking shields, crash pads or extra floor padding.

Class Types, Times, Ages & Size

The studio will focus on a style of Kung Fu, known as San Soo.

Hours of operation will be 4:00pm until 8:00pm, Monday – Thursday. And Saturdays from 9:30am-12:30pm. The studio will open its doors to students one-half-hour before the first class and remain open one-half-hour after the last class. During the week there will be three classes a day. Each class is scheduled for 60 minutes. However, actual instruction time is closer to 50 minutes; allowing time to check-in students, address comments/ concerns with parents and adult students and time to transition between each class.

Groups are divided by student's age. The youngest students can begin training is age 4. After this, groups progress in 3 – 4 year increments: Kids 4-8; Youth 9-12; Teens 13-16; and adults 17+. The size of a class fluctuates between 15-20 students.

The hours of operation, class times and ages are in line with other martial arts schools in the greater Humboldt-metro area.

Similarities

Target demographics

Dance and martial arts studios have overlap in their target audience. Both studios target market includes families with children. School age children will make up significant portions of the student base for dance and martial arts studios. Adults make up the next most significant portion of the student base.

Building, Layout and Interior Components

The dance and martial arts studio possess similar building, layout and interior components. The generic layout both include a workspace, common space, lobby, office, dressing room and storage. The workspace is the central activity hub for each studio. Within the workspace, specialty equipment is need and is mounted or stored in similar fashion. The rest of the buildings defining characteristics are the same and serve the same purpose; common spaces to navigate the building; lobbies for transitions and waiting; office, dressing room and storage for their namesake use.

Class Types, Times, Ages & Size

Class types, times and ages are congruent in martial arts and dance studios. Class times begin in the late afternoon hours from 3-4pm. They then run until the early/ mid evening, about 7-8pm. Classes run 60-90 minutes in length and are divided by age group. Age groups are distributed similarly, with the minimum age being 3-4 and moving through late adulthood. For both studios, class sizes are going to fluctuate between 15-20 students per class.

Possible Concerns & Considerations

The applicant was asked to address three specific areas of concern: parking, noise and start-up/ progress of the purposed business.

Parking

Parking is a top priority for busy commercial complexes. Frequent turnover in customer traffic is preferred. A business offering instructional services can be seen as impacting traffic turnover. This concern is eased by highlighting four considerations. First, the complex of the purposed martial arts studio possesses 170+ parking spaces for five business. A high parking to business ratio. Second, it is often the case for youth classes, parents/ guardians drop off their students and return to pick them up after class. Leaving many spaces still available. Third, the time frame of each class, 60 minutes. This is not much longer than what some might spend shopping or waiting for their prescription to be filled. Fourth, class times. Schedules class times in the late afternoon and evenings do not interfere with peak traffic or shopping hours.

Noise

A martial arts studio will create some noise. The sound of vocalizations during strikes, the impact of strikes on pads and break falls are standard noises in any martial arts studio. It should be considered these noises are insulated by the mats. Unlike the hardwood floors of a dance studio which amplify and echo sound, the thick foam covering most of the studio surface acts as sound proofing. The mats affectively absorb much of the noise produced by students vocalizing, striking and falling.

The physical building and complex location will provide insulation from excessive noise. There is a large bathroom area separating the units. This space helps to muffle noise made within the studio. The shopping centers' location protects the outlining residential zones from any noise produced by the studio. The shopping centers' location is surrounded by one of the highest volume traffic areas in Eureka - Myrtle and West Avenues. The traffic from the intersection will stifle any noise produced by the martial arts studio. And more so produces higher volumes of noise than what could be produced from the martial arts studio.

The principally permitted use of a dance studio produces more noise than the proposed martial arts studio. As outlined in earlier sections, the surface of the dance space is hardwood or laminate. This type of flooring amplifies the sounds of students moving across the floor. Styles of dance such as tap, jazz and contemporary are percussive steps using jumps or acrobatics to emphasize the sound of dancer's feet moving across these hard floors. The sound of dancers' feet moving across the floor certainly produces excessive noise. The sound system adds to noise production of the studio. Without music, there is little dancing to be done. Depending on the style of dance and its accompanying music, high volumes or deep bass only cease when class is over.

Start-up & Progress

Tim Macias will teach all classes and be the sole employee of the studio at start up. Upon successful growth and operation of the studio, additional instructors and service representatives will be added. Successful growth and operation will be a roster of 100+ current, actively paying students. Once this milestone is achieved, two instructors and two service representatives can be on-boarded. While service representatives require no specialty skills, instructors must be trained and ranked by Master Tim Macias. Additionally, successful growth and operation of the studio will allow an expanded number of classes. Accordingly, morning classes will be added three days a week: Monday, Wednesday and Friday. The time frame to reach this millstone is projected to take two – three years.

Sample Class Schedule at Start-up:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00					Closed	All Ages Youth	Closed
11:00					Closed	Adults 17+	Closed
4:30	Youth 9-12	Kids 4-8	Youth 9-12	Kids 4-8	Closed		Closed
5:30	Teen 13-16	Youth 9-12	Teen 13-16	Youth 9-12	Closed		Closed
6:30	Adults 17+	Adults 17+	Adults 17+	Adults 17+	Closed		Closed
					Closed		Closed

Sample Class Schedule 2+ Years of Operation:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
10:00	Adults 17+		Adults 17+		Adults 17+	All Ages Youth	Closed
11:00						Adults 17+	Closed
4:30	Youth 9-12	Kids 4-8	Youth 9-12	Kids 4-8			Closed
5:30	Teen 13-16	Youth 9-12	Teen 13-16	Youth 9-12			Closed
6:30	Adults 17+	Adults 17+	Adults 17+	Adults 17+			Closed
							Closed