

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP-24-0001) AND COASTAL DEVELOPMENT PERMIT (CDP-24-0003) TO ALLOW AN INTERNET LOUNGE USE AT 326 SECOND STREET (AKA 320 SECOND STREET) (APN 001-093-004)

WHEREAS, Andrew Casperson (DBA The Hard Drive Cyber Lounge) proposes to use an existing two-story commercial tenant space at 326 Second Street (APN 001-093-004) for an internet lounge (i.e. cybercafé); and

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

WHEREAS, Eureka Municipal Code (EMC) §10-5.29112 and §10-5.29113, do not list internet lounges as an allowed use in the Coastal Zone; and

WHEREAS, EMC §10-5.29113 allows for other uses not listed in the allowed uses of the CW zoning district, but determined by the Planning Commission to be similar to listed conditional uses and which conform to the policies of the Land Use Plan, to be permitted with a Conditional Use Permit (CUP); and

WHEREAS, the proposed internet lounge use is 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 (CDP); and

WHEREAS, approval of the CUP and CDP for the proposed internet lounge use 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 did hold a duly noticed public hearing at City Hall in the City of Eureka on May 8, 2024 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 internet lounge use is in accord with the objectives of Chapter 5 and the purposes and intent of the CW zone district.
2. The proposed location of the internet lounge use and the conditions under which the conditional use 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 internet lounge use will comply with each of the applicable provisions of Chapter 5.
4. The proposed internet lounge use as conditioned conforms to the policies of the Local Coastal Program.
5. The proposed internet lounge use has the same essential characteristics as a permitted or conditional use in the CW zoning district.
6. The proposed internet lounge use will not create significantly more vehicular traffic or congestion than associated with listed permitted or conditional uses in the CW zoning district.
7. The proposed internet lounge use will not negatively affect priority recreation or visitor-serving facilities and coastal-dependent uses in the CW zoning district.
8. 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 enlargement of the building or no expansion of use.

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

- A. Window Display. The internet lounge use must 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.
- B. Limits to Occupancy. The occupancy shall be limited to no more than 49 occupants at any time (including employees). A sign stating the maximum occupancy shall be displayed in the entrance, to the satisfaction of Development Services - Building.
- 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. Historic Preservation Commission Approval. Prior to commencement of any exterior alterations to the structure, including the attachment of any sign(s) to the outside of the building, the applicant shall obtain approval from the Historic Preservation Commission.

- E. Building and Fire Department Approvals. Prior to commencement of any tenant improvements to support the new use, the applicant shall obtain all required Building and Fire permits to the satisfaction of Development Services - Building and Humboldt Bay Fire.
- F. 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.
- G. Humboldt County Division of Environmental Health (DEH) Approval. The applicant/owner may be required to submit plans for the retail food space for review and approval by DEH.

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 8th day of May, 2024 by the following vote:

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

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary