

RESOLUTION NO. 2024-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (CUP-24-0003) AND A COASTAL DEVELOPMENT PERMIT (CDP-24-0008) TO ALLOW A VARIETY OF CONDITIONAL USES IN THE FOUR GROUND-FLOOR TENANT SPACES IN THE HEALY BUILDING AT 325 2ND STREET (APN 001-052-005)

WHEREAS, the Applicant (Healy, LLC) has requested to add the following conditional uses to the permitted land uses for all four ground-floor tenant spaces in the Healy Building at 325 2nd Street: arts and crafts schools, barber and beauty shops, food stores, furniture stores, neighborhood health clubs, interior decorating shops, massage and physical culture studios, music and dance studios, and musical instrument repair shops; and

WHEREAS, the Applicant has requested to add the following additional conditional uses to the permitted land uses of the two ground-floor alley-adjacent tenant spaces: administrative, business, and professional offices, except medical and dental offices, as well as warehouses (i.e., storage); and

WHEREAS, three of the four ground-floor tenant spaces are currently occupied by uses that require a Conditional Use Permit (CUP), with Suite 102 occupied by a physical culture studio (Vida Sana Pilates Studio), Suite 103 occupied by an office (Summit Funding), and Suite 104 occupied by storage (for Radiant Living), and this use permit would provide after-the-fact approval, allowing these three existing tenants to operate legally; and

WHEREAS, the site is zoned CW – Commercial Waterfront (CW District), has a land use designation of Core Retail Commercial (C-RC), and is developed with the existing three-story brick Healy Building constructed in 1908 and occupied overtime by a variety of local- and visitor-serving commercial and office uses; and

WHEREAS, pursuant to Eureka Municipal Code (EMC) §10-5.29113, in the CW District, all of the proposed conditional uses are allowed with a Conditional Use Permit (CUP); and

WHEREAS, pursuant to EMC §10-5.2401, a Coastal Development Permit (CDP) is required when a CUP is required; and

WHEREAS, due to the location of the subject property, approval of the CDP is not appealable to the California Coastal Commission; and

WHEREAS, the CUP and CDP approvals are discretionary actions 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 August 14, 2024 at 5:30 p.m. in person and via Zoom 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 with the entire certified Local Coastal Program (LCP), 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 conditional uses as conditioned, and where they located, are consistent with the objectives and standards of the Coastal Zoning Code, and with the purpose of the CW District and the C-RC land use designation.
2. The conditional uses as conditioned will not be detrimental to public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.
3. The conditional uses as conditioned comply with each of the provisions of Chapter 5.
4. The conditional uses as conditioned conform to the policies of the LCP.
5. The project qualifies for a Class 1 exemption from CEQA (§15301 [Existing Facilities]) as the project will be located within an existing commercial 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. **Conditional Use Allowances.** The conditional “administrative, business, and professional offices, except medical and dental offices” and “warehouses” uses may be allowed in the two alley-adjacent tenant spaces on the north half of the building’s ground-floor (i.e., in Suites 103 and 104 as depicted on pages 1, 4, and 5 of Attachment 2), and the following conditional uses may be allowed in all four ground-floor tenant spaces (i.e., Suites 101, 102, 103, and 104 as depicted in Attachment 2): arts and crafts schools, barber and beauty shops, food stores, furniture stores, neighborhood health clubs, interior decorating shops, massage and physical culture studios, music and dance studios, and musical instrument repair shops. The existing conditional use allowances approved by Use Permit C-12-0004 for a hardware store on the ground floor of the building and for offices, besides medical or dental, on the upper floors of the building, remain in effect. No other conditional uses are allowed without additional CUP and CDP approval.
- B. **Street-Facing, Ground-Floor Storefront Requirements.** The following requirements apply to permitted conditional uses occupying ground-floor tenant spaces with street-facing storefronts:
 - i. Businesses occupying the tenant spaces must maintain and utilize the transparent ground-floor storefronts during operating hours to support an active and engaging pedestrian environment on 2nd 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) ensuring visually interesting displays (e.g., retail items, artwork, etc.) and/or business activities (e.g., customers exercising, barbers cutting hair, etc.) are highly visible to pedestrians on 2nd Street.
 - ii. Businesses occupying the tenant spaces must be open for regular daytime and/or evening business hours (i.e., regularly open at least five days a week for at least seven hours – 35 hours total) and must regularly participate in major Old Town

community events including, but not limited to, Friday Night Market and Arts Alive; and

- iii. The property owner/manager must prioritize leasing the tenant spaces to businesses that are generally open to the public (versus uses that are less accessible to tourists because they require membership, signing up for a series of classes, significant advanced scheduling for appointments, etc.).
- C. **Business License.** All businesses operating at the site must obtain a Business License prior to operation and renew the business license annually to the satisfaction of Development Services – Planning. All existing ground-floor tenants must obtain a Business License within three months of the date of approval of this CUP.
- D. **Loading/Unloading Restrictions.** The Permittee shall insure all tenants direct loading/unloading vehicles to the alley at the rear of the building. This condition shall be enforced at all times to the satisfaction of Public Works – Engineering and the Eureka Police Department.
- E. **Master Sign Permit.** Within six months from the date of approval of this CUP, the Permittee shall obtain a Master Sign Permit approval from Development Service – Planning to legalize the existing west-facing multi-tenant sign and the south-facing “Healy Brothers Building” sign. All subsequent proposed signs on site consistent with the approved Master Sign Permit will be allowed with an approved Administrative Sign Permit.
- F. **Administrative Sign Permits.** Prior to the placement of any future non-exempt signs, the Permittee (or licensed tenants) shall obtain an Administrative Sign Permit approval from Development Service – Planning.
- G. **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.
- H. **Tsunami Safety Signage.** Prior to issuance of a Business License or Business License renewal for any conditional use of the four ground-floor tenant spaces allowed under this CUP, the business operator shall provide evidence to Development Services – Planning that signage has been posted at a conspicuous location within the implicated tenant space, 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 14th day of August, 2024, by the following vote:

AYES: COMMISSIONER

NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Cristin Kenyon, AICP, Executive Secretary