



Planning

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4160 • planning@eurekaca.gov

Title:	Groundswell Housing Density Bonus and Concession Request
Project:	MOD-24-0002 (Modification) [Density Bonus (DB-24-0002)]
Location:	965 W. Harris Street
APN:	008-182-003
Applicant:	Groundswell Housing
Property Owner:	Groundswell Housing
Purpose/Use:	Density Bonus and Concessions to allow construction of two residences on the first floor with two attached Accessory Dwelling Units on the second floor of each of four lots resulting from a minor subdivision to divide one lot into four lots.
Complete Application:	May 31, 2024
Deadline for Action:	August 29, 2024
General Plan:	MDR (Medium Density Residential)
Zoning:	R2 (Residential Medium)
Staff Contact:	Lisa Savage, Senior Planner

Request: Pursuant to State Density Bonus Law (California Government Code [CGC] §65915 et. seq.), 100% of the dwelling units on each of the four resultant lots (16 units total) are being reserved for low-income households, as defined by California Health and Safety Code (HSC) §50079.5. Density Bonus Law therefore allows a total of five concessions, and the following three are requested:

1. Allow Accessory Dwelling Units (ADUs) to be attached to the primary residences when Eureka Municipal Code (EMC) §155.316.040.B.1.a and CGC §66323(4)(A) only allows detached ADUs on lots with multi-family residential units.
2. Allow the front entrance on Resultant Parcel 1 to face the alley instead of W. Harris Street as required by EMC §155.312.040.
3. For each Resultant Parcel, allow a setback from the east property line to the second floor of the proposed structure of 6 feet where 10 feet is required by EMC §155.204.030.

Background: The property was previously used as a single-family residence, with the residence being demolished as a result of Code Enforcement action sometime after 2021. Now, Groundswell Housing is proposing a minor subdivision to divide the existing lot into four lots and construct two residences on the first floor with two ADUs on the second floor on each resulting lot. The site is located in the R2 Residential Medium zone district.

Multi-family residential uses are principally permitted in the R2 zone district, as are a maximum of two detached ADUs. Sites in the R2 zone are allowed 22 dwelling units per acre and require a minimum of 2,000-square-feet (sf) of lot area per dwelling unit. Prior to a subdivision, the development standards would allow for six dwelling units total (four primary residential units plus two detached ADUs) on the approximately 8,000-sf subject property. With the proposed four-lot subdivision, the density would be limited by the proposed 2,000-sf lots, which would allow only one dwelling unit and one ADU per lot, or eight dwelling units total. Pursuant to CGC §65915(i), a development project for the purposes of approving a Density Bonus must be five or more residential units. As discussed above, the development meets the required five unit minimum base density both pre-and post-subdivision.

Groundswell Housing Density Bonus and Concession Request
Project No: MOD-24-0002 (Modification) [Density Bonus (DB-24-0002)]

Page 2

Pursuant to CGC §65915(f)(3)(D)(ii), no maximum controls on density are allowed for housing developments located within one-half mile of a major transit stop and meeting the criteria of CGC §65915(b)(1)(G) that one hundred percent of the dwelling units are reserved for low-income households. The project meets these requirements as one hundred percent of all residential units are deed-restricted for low-income households, and the property is within a one-half mile of a major transit stop, which is located at the Bayshore Mall.

The Applicant is requesting one additional primary dwelling unit per lot (for a total of eight primary dwelling units). The two primary units may either be attached or detached. Per EMC §155.316.050.B.1, on a lot with an existing or proposed multi-family dwelling, not more than two detached ADUs may be allowed. Having two primary units on each lot qualifies as having a multi-family dwelling, which then allows two detached ADUs per lot.

The project is exempt from off-street parking requirements pursuant to EMC §155.324.020.B (Residential Use Exemptions), paragraph 1 which exempts ADUs, and paragraph 2, which exempts new residential units 500 square feet or less. The resultant lots will be configured with the west property line (alley side) considered the front property line, the east line as the rear property line, and the north and south property lines as side lines, except the north property line on Resultant Lot 1 will be an exterior side property line (adjacent to Harris Street).

CGC §65915 et. seq. (State Density Bonus Law) promotes the production of affordable, specialized housing. Per CGC §65915(e), the City is not permitted to apply any development standard which physically precludes the construction of the project either at its permitted density or with any concession/incentive granted under density bonus law. The density bonus or concession/waiver is a state mandate, and a project which meets the requirements of the state law is entitled to receive the density bonus and/or concession/waiver as a matter of right.

EMC §155.344.070.A.1. Findings for Approval of Concessions:

a. The proposed development provides the affordable units or senior housing required by State Density Bonus Law to be eligible for the density bonus and any incentives, parking reduction, or waivers requested, including the replacement of units rented or formerly rented to low- and very low-income households as required by Government Code Section 65915(c)(3).

According to the applicant, all primary units and ADUs will be reserved (through a deed restriction) for 55 years for low-income households (households earning less than 80% of Area Median Income [AMI]). The applicant is proposing to increase the number of primary dwelling units allowed on each resulting lot from one to two units, and to allow two attached ADUs above the ground floor primary units.

c. The proposed density bonus will not be contrary to state or federal law.

Numerous state and federal laws, along with the City of Eureka General Plan and zoning regulations, promote the production of affordable, specialized, and senior housing. Therefore, the use of a density bonus and concessions to allow construction of twice as many dwellings as allowed without the bonus and concessions (16 residences consisting of eight primary residences, and eight ADUs vs. eight residences consisting of four primary residences, and four ADUs) is not contrary to, and is supported by, state and federal law.

d. The proposed density bonus will not have a specific adverse impact on public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources. For the purpose of this subsection, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified,

Groundswell Housing Density Bonus and Concession Request
 Project No: MOD-24-0002 (Modification) [Density Bonus (DB-24-0002)]

Page 3

written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development was deemed complete.

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. PG&E and the Wiyot Tribe responded. PG&E requested their 20'-ft utility easement be shown on the minor subdivision map, and the approved map shows the easement. In addition, the Wiyot Tribe requested that the City require Inadvertent Discovery Protocol, which has been included as a condition of approval of the minor subdivision. No comments were received which would indicate incorporation of the requested concessions into the proposed development would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. The development will also conform with current building and fire code regulations. The development is not located on or adjacent to a parcel listed on the California Register of Historic Resources, or the Local Register of Historic Places. Therefore, the finding can be made the project will not impact the public health, safety or welfare, the physical environment, or historic property.

The Density Bonus application should be approved subject to the following condition:

- I. Prior to the City issuing Certificates of Occupancy for new residential structures, the Applicant is required to provide Development Services– Planning with a copy of the recorded deed demonstrating that 100% of all residential units (four on each parcel) are deed-restricted affordable for 55 years for low-income households (households earning less than 80% of Area Median Income [AMI]).

Cristin Kenyon
 Cristin Kenyon, AICP, Director

9/27/24
 Date

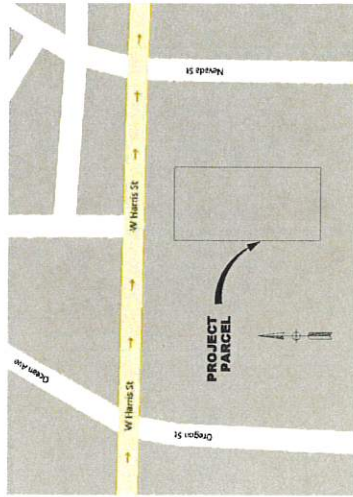
Figure 1: Site Map (site red rectangle)



DOCUMENTS ATTACHED

Attachment 1: Site Plan

BUILDING PLANS FOR NORTHERLY LOT IN NEW SUBDIVISION 965 W HARRIS ST EUREKA, CA 95503 APN: 008-082-003



VICINITY MAP NOT TO SCALE

NOTES:

- ALL LOCATIONS ARE APPROXIMATE. NO SURVEY WAS CONDUCTED FOR THIS PROJECT.
- PROPERTY LINES ARE APPROXIMATE.
- IMAGE SHOWN HEREON IS FROM Bing.
- NO TREES WILL BE REMOVED FOR THIS PROJECT.
- NO SLOPES OVER 15%.

OWNER INFORMATION:

OWNER: BINK STROMBECK
PHONE: 707-347-0284

CODE ANALYSIS:

THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED IN COMPLIANCE WITH CALIFORNIA BUILDING AND FIRE CODES (CBC).

BUILDING TYPE: RB
FIRE RATING: SPRINKLERED
PLANS AND SPECIFICATIONS FOR PROPOSED PROGRAMMER INSTALLATION WILL BE SUBMITTED TO THE CITY OF EUREKA FOR REVIEW AND APPROVAL.

SITE INFORMATION:

1.1.5 ZONES
DRN AND FIRE OF BUILDINGS, STRUCTURES AND WELLS OF ANY KIND.

SHEET LIST TABLE

Sheet Number	Sheet Title
01.0	PLAT PLAN
02.0	CONSTRUCTION NOTES
03.0	FOUNDATION PLAN
A1.1	FLOOR PLAN
A2.0	FRAMING PLAN
A2.1	ELEVATIONS
A4.0	EROSION AND CONTROL PLAN
A5.0	DETAILS
A5.1	DETAILS
L1.0	LANDSCAPE PLAN
T24-1	BUILDING ENERGY REPORT
T24-2	BUILDING ENERGY REPORT
T24-3	BUILDING ENERGY REPORT
T24-4	BUILDING ENERGY REPORT
T24-5	BUILDING ENERGY REPORT
E14	MANDATORY SOLAR PLANS
PV.1	SOLAR PLANS
PV.2	SOLAR PLANS
PV.3	SOLAR PLANS
PV.4	SOLAR PLANS
PV.5	SOLAR PLANS
PV.6	SOLAR PLANS
PV.7	SOLAR PLANS

BUILDING CLASSIFICATION:

OCCUPANCY GROUP: R3
SUBDIVISION: NEW
TOTAL OCCUPANT LOAD: 16

ITEMIZED SQUARE FOOTAGE:

TOP STORY = 853 SF
SECOND STORY = 240 SF
ROOF = 1130 SF
CONCRETE WALK = 82.5 SF
LOT = 2,511 SF

OWNER INFORMATION:

PHONE: 707-347-0284
4.1.7 SINGLE VENT = 6.5 SF OF VENTILATION.

CONSTRUCTION NOTES:

THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED IN COMPLIANCE WITH CALIFORNIA BUILDING AND FIRE CODES (CBC).
THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND SHALL REMAIN HIS/HERS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE PREPARATION AND REVISIONS OF THIS REPORT.
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(707) 401-1538 humboldtdrafting@earthlink.net

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APN: 008-182-003

PLAT PLAN

965 W HARRIS ST. EUREKA, CA 95503

BUILDING PLANS FOR MOST NORTHERLY SUBDIVISION

DRAWN	JR
CHECK	MR
APPROVED	MR
DATE	3/25/2024
SHEET NUMBER	3 OF 30
SHEET	G1.0



NO.	HISTORY / REVISION	BY	CHEK	DATE
1	CITY OF EUREKA COMMENTS 6-17-2024	JDS	MA	7-9-2024
2	CITY OF EUREKA COMMENTS 7-5-2024	JDS	MA	7-23-2024
3	CITY OF EUREKA COMMENTS 7-5-2024	JDS	MA	7-23-2024

965 W HARRIS ST. EUREKA, CA 95603
 ELEVATIONS
 APN: 008-182-003

DRAWN	JDS
CHECK	JDS
APPROVED	JDS
DATE	3.25.2024
JOB NUMBER	3.25.2024
SHEET	A2.1

