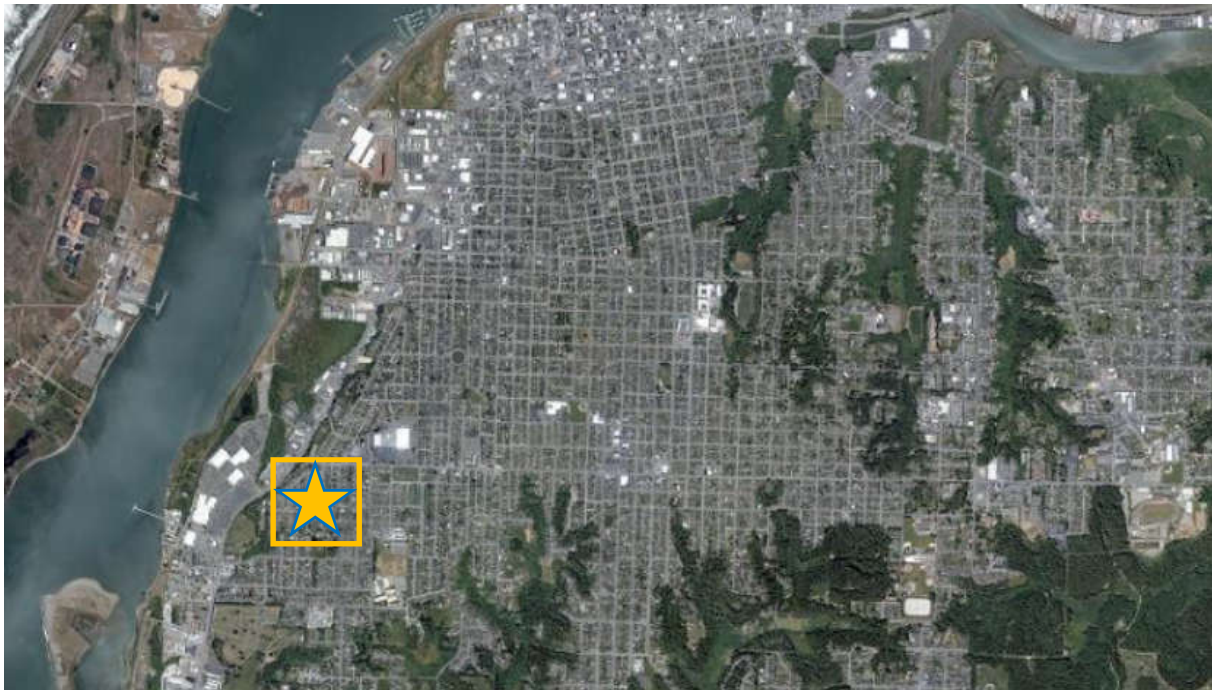


<b>Title:</b>	Brown Vacation Rental
<b>Project:</b>	Vacation Rental Minor Use Permit VRM-23-6
<b>Location:</b>	1105 McDonald Street
<b>APN:</b>	008-123-003
<b>Applicant:</b>	Michael Brown
<b>Property Owner:</b>	Michael Brown
<b>Purpose/Use:</b>	Vacation Rental – No Proprietor On-Site
<b>Complete Application:</b>	December 4, 2024
<b>Deadline for Action:</b>	February 11, 2025
<b>General Plan:</b>	LDR – Low Density Residential
<b>Zoning:</b>	RI – Residential Low Zoning District
<b>California Environmental Quality Act (CEQA):</b>	Exempt under §15301, Class I Existing Facilities
<b>Staff Contact:</b>	Miguel Guerrero, Assistant Planner
<b>Recommendation:</b>	Hold a public hearing; and Adopt a resolution finding the project exempt from CEQA and approving with conditions
<b>Motion:</b>	<i>“I move the Planning Commission adopt a resolution finding the project exempt from CEQA and conditionally approving the Vacation Rental Minor Use Permit at 1105 McDonald Street.”</i>

Figure 1: Location Map



**Figure 2: Vicinity Map**



### **PROJECT SUMMARY**

The Applicant seeks to utilize an existing single-family residence on a 6,600-square-foot (sf) parcel located on the southwest corner of McDonald and Glen Streets (Figure 2) as a Vacation Rental (VR) - No Proprietor On-Site. The subject parcel is located in the Residential Low (R1 District) Zoning District, where VRs with No Proprietor On-Site require a Minor Use Permit (MUP) (per Eureka Municipal Code [EMC] §155.204.020).

### **REQUEST FOR PLANNING COMMISSION HEARING**

A Notice of Pending Action (NOPA) was mailed to property

owners within 300-feet of the single-family residence on November 13, 2024, which described how to request a public hearing; and subsequently, a hearing was requested. The concerns expressed generally pertained to lack of available housing for Eureka residents, parking, and safety. For more details regarding the comments received as a result of the NOPA mailing, refer to Attachment 3 - Request for Public Hearing Email. The concerns, except for the issue regarding parking, are addressed below within the staff report, as they were in the original Director's Staff Report. Any new information, is incorporated into this Staff Report in underlined text.

### **BACKGROUND**

The single-family residence located at 1105 McDonald is 1,404 sf in size and contains four bedrooms and one bathroom. There is also an attached garage that will not be available for guest use. (Figure 3). The residence is surrounded by other R1-zoned parcels developed with single-family residences.

Per EMC §155.304.150(H)(6), the maximum number of occupants for a VR is two persons per bedroom plus two additional persons, not including children aged 12 and under. Therefore, with four bedrooms, up to 10 occupants are allowed. The Applicant has indicated the residence will prohibit all parties and events, require quiet hours between 10 p.m. and 8 a.m., prohibit smoking and allow up to two pets in the VR with the exception of Pit Bull and German Shepard breeds. No interior or exterior modifications to the residence are proposed, and no ground disturbing activity will occur. The Applicant has also indicated they will be the local emergency contact person and they live in Arcata, approximately 14 miles from the proposed VR.

Figure 3: Interior Layout/Floor Plan (1105 McDonald – See Attachment 2 for larger image)

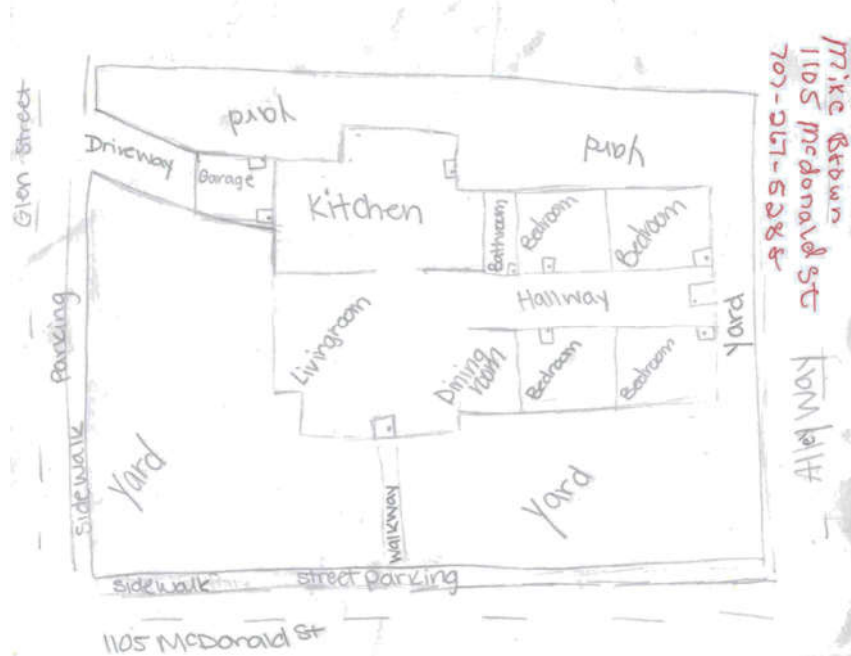


Figure 4: 2012 Google Street View from McDonald Street (looking south at the northern-facing front of the single-family residence)



## ANALYSIS

To approve a Minor Use Permit, the Planning Commission must make all of the following findings:

1. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. The site is suitable for the size, design, and operating characteristics of the proposed use.
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
4. The proposed use will not be detrimental to the public health, safety, and welfare.

5. The proposed use is properly located within the City and adequately served by existing or planned services and infrastructure.

## **I. Plan and Code Consistency**

### **General Plan**

The subject property has a Low Density Residential (LDR) land use designation. Pursuant to the City's adopted 2040 General Plan, VRs are allowed in all residential zone districts and are thus allowed on the subject property.

The description of the LDR designation included in the 2040 General Plan indicates LDR designated areas allow "for single-family detached and attached homes, accessory dwelling units, and compatible public/quasi-public uses. Intended to be suburban in character and located in proximity to parks, schools, and public services." The subject property is located in an established suburban-like neighborhood. The proposed VR will occupy an existing residence, consistent with that existing character.

The proposed VR will occupy an existing single-family residence, and no modifications to the residence or property are proposed to accommodate the VR use. The EMC limits VRs to six events per year, and the Applicant proposes to further restrict VR occupants by prohibiting guest events and parties. Given the occupancy limit and other limitations on VRs imposed by the EMC and the Applicant, the proposed short-term VR use will be similar to surrounding long-term residential uses and will not affect the suburban character of the LDR designated area.

Staff has reviewed the 2040 General Plan, including the 2019-2027 Housing Element, and found the following relevant policies:

- i. **Policy LU-5.5 (Existing Neighborhoods) Protect and enhance the integrity of Eureka's existing neighborhoods by: (b): Supporting efforts to improve and maintain neighborhood appearance and the existing housing stock.**

The proposed use does not require interior or exterior physical modifications to the subject property and will not be detrimental to the neighborhood appearance. Furthermore, the proposed use will likely incentivize the property owner to maintain the property so it is a successful rental, and generate revenue the owner can invest back into the property. Thus, the proposed VR use supports maintenance of the residence and the appearance of the neighborhood, and can be found consistent with Policy LU-5.5.

- ii. **Policy E-6.3 (Year-Round Tourism Destination): Encourage increased year-round and multi-day tourism by promoting Eureka as a cultural-tourism destination rich in local architecture, history, dining, arts and entertainment and by promoting and developing Eureka as an ecotourism and adventure tourism destination with activities such as bay kayaking, the Eureka waterfront coastal trail, Zoo, and forested City-parks.**

Vacation rentals provide a unique visitor experience different from a standard hotel/motel room. Vacation rentals can be a more affordable vacation option, especially for extended stays (e.g., cost savings on meals), and can provide special amenities (e.g., yard space and washers/dryers). The proposed VR will provide one four-bedroom lodging option, appropriate for a family or small group, is located a 206 ft walk from Highland Park, 0.5

miles from Fort Humboldt State Historic Park, 0.6 miles from shopping at the Bayshore Mall, 1.4 miles from Henderson Center, 2.6 miles from Sequoia Park Zoo and 2.8 miles from Old Town and Downtown. Thus, the proposed use will support Eureka tourism, consistent with Policy E-6.3.

**iii. Policy N-1.3 (Noise and Land Use Compatibility): Consider the compatibility of new development with the existing noise environment when reviewing discretionary proposals.**

The proposed use will not contribute to issues related to noise for the adjacent residences, as any use may not create a noise nuisance in violation of EMC §94.02 (Loud Noises). The proposed VR is limited to ten occupants, not including children age 12 and under. In addition, the Applicant is restricting guests to no events or parties and quiet hours from 10 p.m. to 8 a.m. Thus, the proposed use will not create noise above the existing noise environment, and can be found consistent with Policy N-1.3.

**iv. Policy H-5.1 (Vacation Rentals): Balance the need for housing with the market for residential lodging by evaluating the impact of the number of full-unit rentals on residential availability. Consider establishing and maintaining a cap on the number of full unit vacation rentals in residential zone districts.**

Based on the 2017-2021 American Community Survey 5-year average, there are 12,089 housing units within the City of Eureka, and, according to City staff records, there are 88 legally authorized VRs operating in the City under active business licenses. The City has hired a specialized consultant who has been monitoring short-term rental listing platforms since January 2020, and based on monthly data, the total number of VRs (permitted and unpermitted) in the City has ranged from 105 to 172 rentals over the past four years. Given the total number of VRs (both permitted and unpermitted) is less than 1.5% of the total number of housing units in the City, VRs are not yet cumulatively having an impact on residential availability, and can be found consistent with Policy H-5.1. City staff is actively monitoring VR activity, and the City Council has the ability to impose a cap on the number of VRs without a proprietor on-site if and when cumulative impacts on residential availability are anticipated by Council (EMC §155.304.150[E]).

Based on the discussion above, the finding can be made the proposed project is consistent with the General Plan.

### **Zoning Code (EMC Chapter 155) Consistency**

The residence is located in the R1 zoning district where “Vacation Rentals – No Proprietor On-Site” are allowed with a MUP (EMC §155.204.020). The specific purpose of the R1 zoning district is to accommodate a variety of low-density housing types close to mixed-use areas.

The proposed VR will occupy an existing residence on a parcel that conforms with development standards for the R1 District [(EMC §155.204.030(A))] (i.e. minimum lot size, maximum density, maximum floor area ratio, and maximum site coverage, etc.) except for the front setback, which is a legal non-conforming setback of less than 10 ft. The proposed VR will not affect the existing parcel’s and structure’s consistency with the R1 development standards.

In addition, per EMC §155.304.150(H)(2)(a), no on-site parking is required to utilize an existing residential use as a vacation rental use.

The Zoning Code also includes supplemental use regulations specific to VRs (EMC §155.304.130) proprietors must adhere to, in order to minimize potential adverse impacts to the adjoining neighborhood, and the proposed use is consistent with those regulations. For all these reasons, the proposed VRs can be found consistent with the Zoning Code.

## **2. Site Suitability**

The subject property (i.e. the site) is 6,600 sf in size and contains a one-story single-family residence with an attached garage and private driveway, and a small fenced yard. The driveway will be reserved for guests of the VR and can fit one vehicle. However, the property is on a corner lot and there is ample street parking adjoining the property. The proposed short-term VR use, with a maximum occupancy of ten adults, is appropriate for this residential site.

## **3. Compatibility with Existing and Planned Land Uses in Vicinity**

The proposed use will be visually compatible with the surrounding single-family residential uses because the VR will be contained within an existing residence with no proposed changes to the structure. The limitations imposed by the Applicant's house rules and by the City's supplemental use regulations for VRs (e.g., limits on occupancy, events, signage, and quiet hour requirements) will also ensure the proposed VR use will be visually and functionally compatible with the surrounding existing and future long-term residential in the vicinity.

## **4. Protection of Public Health, Safety, and Welfare**

The Applicant has indicated they will be the local emergency contact person, and their contact information will be provided to all neighboring properties within 200 feet of the residence, and to the Eureka Police Department. If the Applicant (serving as the emergency contact) is negligent in responding to emergency situations or the VR is non-compliant with the aforementioned VR standards, the City has a right to revoke the VR permit. Thus, any issues with public health, safety, and welfare can be promptly addressed.

Referrals were sent to agencies and City departments with interest or jurisdiction over the property or the intended use of the property. Responses were received from the Wiyot Tribe, Bear River Band, PG&E, City of Eureka – Engineering, and City of Eureka – Building; however, no comments were received indicating the proposed VR use would be detrimental to the public health, safety, or welfare. No exterior or interior modifications have been proposed to the subject property. A condition has been imposed requiring, prior to operating, the VR be inspected to residential standards by Development Services - Building to ensure the safety and welfare of the guests. For all these reasons, the project will adequately protect public health, safety, and welfare.

## **5. Properly Located and Adequately Served**

The subject property and surrounding area are served by City water and sewer and all major utilities. As analyzed in the adopted 2040 General Plan Environmental Impact Report, the City has adequate utility capacity to serve existing and potential future development in the City envisioned by the General Plan, including short-term rental uses.

The subject property is located about a half mile east of Broadway, which serves as a principle arterial street and Highway 101 and can take guests to various destination areas through the City and region. The immediate neighborhood is safe for walking and biking, including adequate

sidewalks. Existing eastbound Class II Bikeways (Bike Routes) are located two blocks and four blocks respectively to the north on W Harris and W Henderson Streets. The subject property has the advantage of being close to goods and services including the Bayshore Mall, Eureka Mall, and Henderson Center shopping areas, and a Eureka Transit System bus stop is located 0.6 miles to the west near the Bayshore Mall. The property is also in close proximity to recreational opportunities: 528 ft from Highland Park, approximately 2.5 miles from the Eureka Waterfront, and 2.5 miles from Sequoia Park Zoo. For all these reasons, the proposed use is properly located within the City and adequately served by existing services and infrastructure.

### **CONCLUSION**

Based on the analysis above, the proposed Vacation Rental – No Proprietor on Site is consistent with the General Plan and Zoning Code. The project is suitable for the site, and is compatible with existing and planned land uses in the vicinity. The use is not detrimental to the public health, safety, and welfare, and is properly located within the City and adequately served by existing utilities and infrastructure.

### **ENVIRONMENTAL ASSESSMENTS**

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to §15301, Existing Facilities, Class I of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. The proposed use will result in an existing residential structure being used as a VR with no expansion of use or external modifications proposed. As there are no proposed modifications to the existing building, the proposal for a VR use meets the criteria for exemption under CEQA Guidelines §15301.

### **PUBLIC HEARING NOTICE**

Public notification consisted of sending notification by mail of property owners within a 300-ft radius of the site on or before January 24, 2025. In addition, the notice was posted on the site, on January 24, 2025.

### **DOCUMENTS ATTACHED**

- Attachment 1: Resolution
- Attachment 2: Applicant Submitted Material
- Attachment 3: Request for Public Hearing Email