

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. *[Alternative 1 – require 150-foot buffer from residential districts] The characteristics of a martial arts studio are sufficiently similar to a dance studio to allow a martial arts studio use to be principally permitted in the CN District in the same manner as the listed use “music and dance studios,” with a 150-foot buffer from residential districts.*
3. *[Alternative 2 – don’t require buffer from residential districts] 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.

4. *[Alternative 3 – allow within 150 feet of residential districts with a Conditional Use Permit] A martial arts studio is sufficiently similar to the listed use “music and dance studios” to be allowed in the CN District. A martial arts studio may raise the same noise concerns as a music or dance studio, and therefore should only be allowed in the CN District as a principally permitted use if located 150 feet or more from a residential district, and may be allowed as a conditional use if located less than 150 feet from a residential district.]*
5. 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.
6. 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

[Alternative 1 – require 150-foot buffer from residential districts] 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] 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] 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.

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: COMMISSIONER
NOES: COMMISSIONER

ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary