

Title:	Morton and Katelman Vacation Rental
Project:	Minor Use Permit MUP-22-0014
Location:	3539 J Street
APN:	011-222-018, -016
Applicant:	Lance Morton and Tracy Katelman
Property Owner:	Lance Morton and Tracy Katelman
Purpose/Use:	Vacation Rental – No Proprietor On-site
Application Date:	September 1, 2022
General Plan:	LDR – Low Density Residential
Zoning:	RI – Residential Low
CEQA:	Exempt under §15301, Class I Existing Facilities
Staff Contact:	Millisa Smith, Assistant Planner
Recommendation:	Hold a Public Hearing; and Adopt a Resolution finding the project is exempt from CEQA and conditionally approving the application.
Action:	<i>“I move the Planning Commission adopt a Resolution finding the project is exempt from CEQA and conditionally approving a Minor Use Permit for a vacation rental at 3539 J Street.”</i>

Figure 1: Location Map

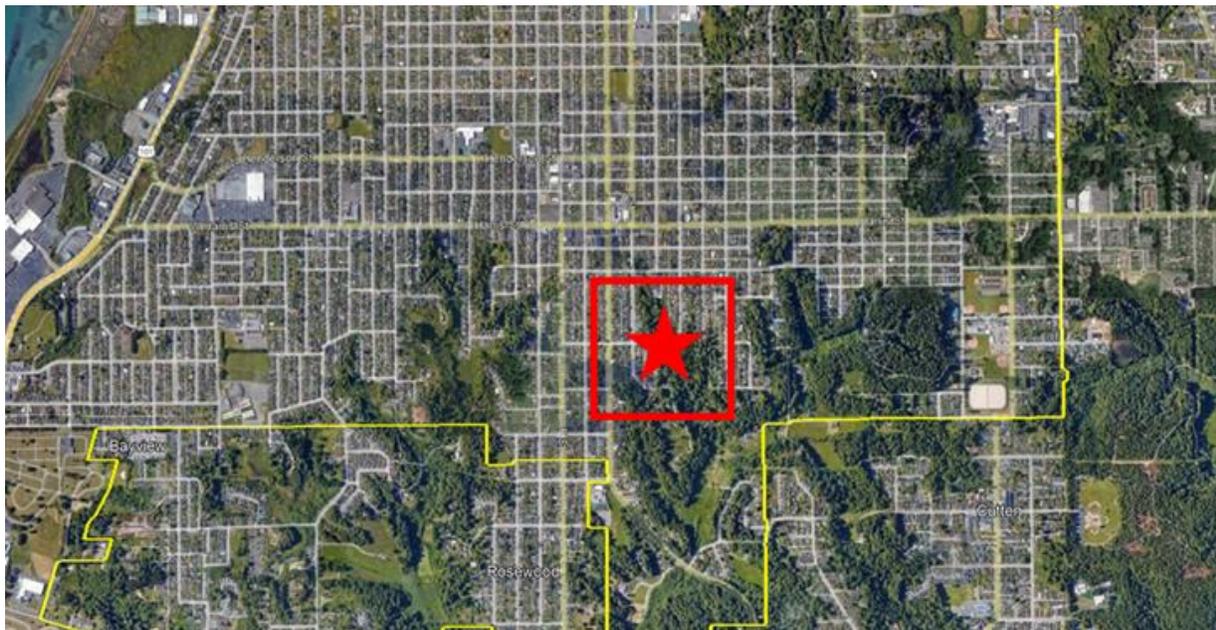


Figure 2: Site map



Figure 3: Street view from J Street (facing east)



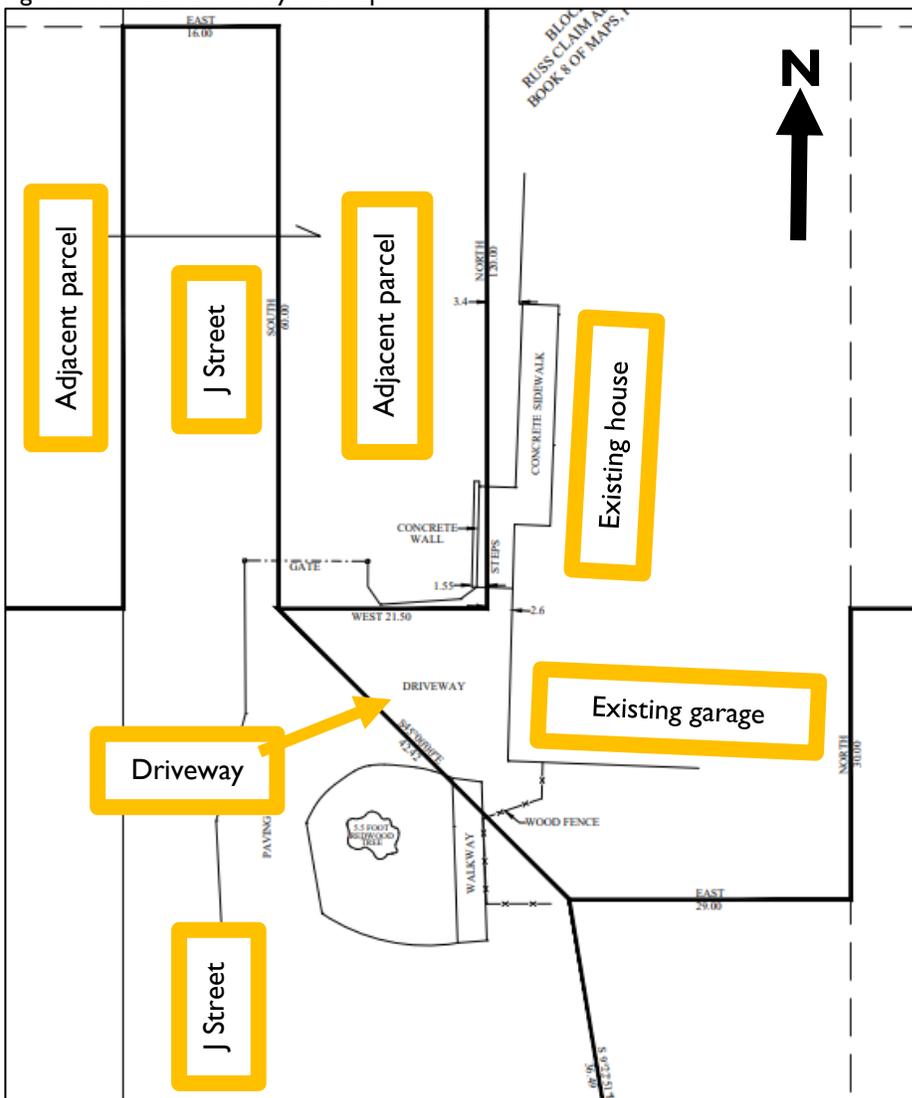
PROJECT SUMMARY

The applicant is proposing to utilize an existing single-family residence as a Vacation Rental (VR) with No Proprietor On-Site. The project site is located in the Residential Low (R1) zoning district, where a vacation rental with no proprietor on-site requires a Minor Use Permit (MUP).

BACKGROUND

The subject property is an approximately 19,166-square-foot (sf) comprised of two interior lots located at the north end of a dead-end portion of J Street between Manzanita Avenue and Madrone Avenue. The subject property is surrounded to the west and south by single-family residences, and to the north and east by undeveloped forested gulch (Figure 2). The property contains an existing approximately 1,434-sf three-bedroom, single-family residence with an attached approximately 462-sf, two-car garage (Figures 3, 5 and 6). Guests will have access to the entire property, except for the kitchen pantry and two closets (Figures 5 and 6). A small portion of the front stairs leading to the front door is located on

Figure 4: Portion of surveyor’s map



the adjacent parcel to the west; therefore, to avoid guests crossing over neighboring property lines, a condition has been added requiring all guests to enter the unit through the garage (Figures 3 and 4), or rear of the residence. The garage can accommodate two vehicles for off-street parking, with one additional off-street parking space available in the driveway, resulting in a total of three tandem off-street parking spaces (Figures 3 and 4). Due to the limited on-street parking in the vicinity, the project has been conditioned to continue to provide the three off-street parking spaces for the duration of vacation rental operation. The applicant has indicated

the driveway has steep slopes and will be advising guests to use discretion using the garage and driveway during severe rain storms.

Per Eureka Municipal Code (EMC) 155.304.150.H.6, the maximum number of occupants is two persons per bedroom plus two additional persons. With three bedrooms, a total of eight guests, not including children aged 12 and under, are allowed. The applicant has indicated house rules will prohibit all parties or events, and require quiet hours between 10 p.m. and 8 a.m. No interior or exterior modifications to the residence are proposed, and no ground disturbing activity will occur. The designated emergency contact is located in Arcata, approximately 10 miles from the subject property.

ANALYSIS

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

- I. The proposed use is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

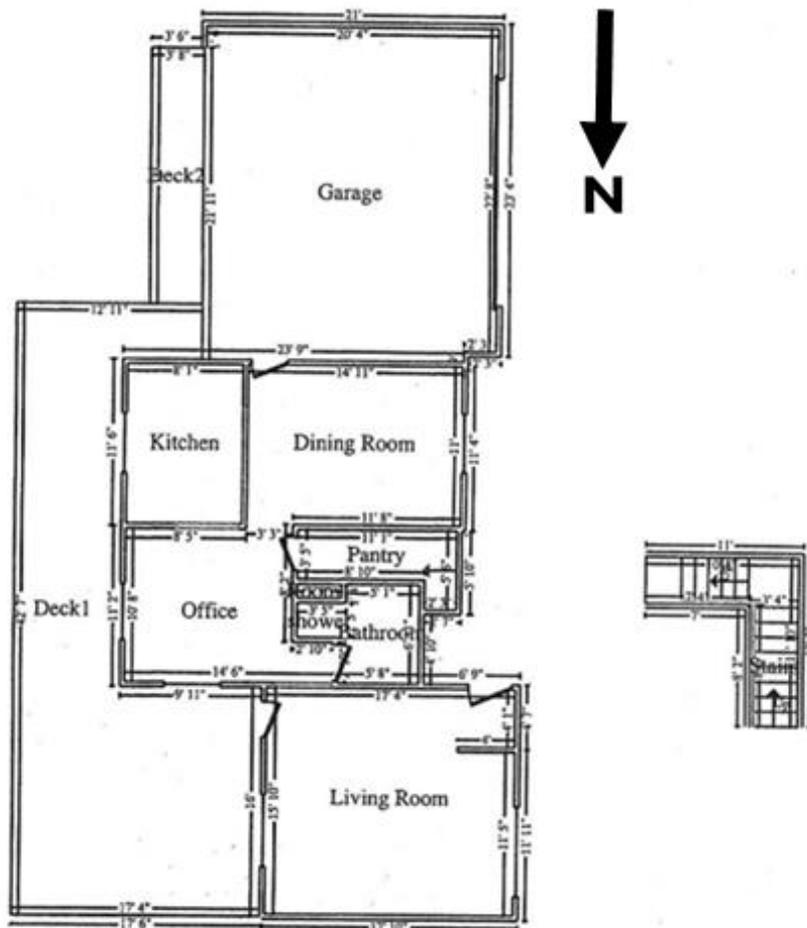
2. The site is suitable for the size, design, and operating characteristics of the proposed use.
3. The proposed use will be compatible with existing and planned land uses in the vicinity of the property.
4. The proposed use will not be detrimental to the public health, safety, and welfare.
5. The proposed 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, vacation rentals are allowed in all residential zone districts and are thus allowed on the subject property.

Figure 5: Main level floor plan

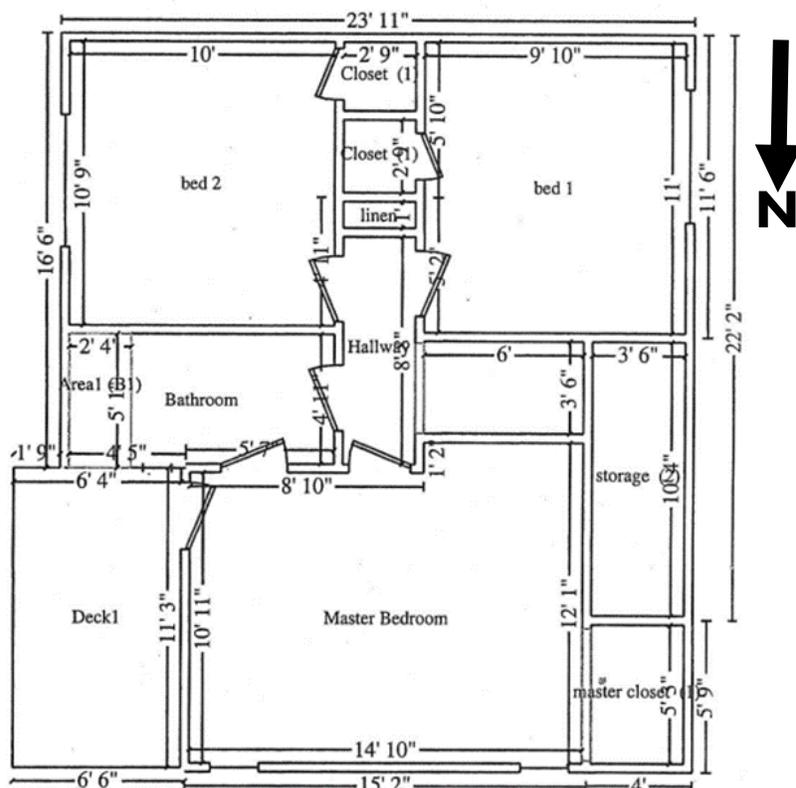


The 2040 General Plan indicates LDR-designated areas allow for single-family detached and attached homes, accessory dwelling units, and compatible uses, and are intended to be suburban in character. The subject property is located in an established neighborhood which is suburban in character, and the proposed vacation rental will occupy an existing residence, consistent with the suburban character.

The subject MUP will allow use of a single-family residence as a short-term rental for up to eight occupants, not including children age 12 and under. The EMC limits vacation rentals to

six events per year, and the applicant proposes to further restrict guests to no events or parties. Given the occupancy limit and other limitations on vacation rentals imposed by the EMC, the

Figure 6: Second level floor plan



proposed short-term vacation rental 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. Additionally, a permitted vacation rental can be utilized as both a short-term and long-term rental, thereby maintaining the neighborhood housing stock. Thus, the proposed vacation rental 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 and groups (e.g., cost savings on parking and meals), and can provide special amenities (e.g., yard space and washers/dryers). The subject vacation rental will provide a three-bedroom lodging option, appropriate for families or small groups, located 1.1-miles from Carson Park, 2-miles from Downtown and Old Town, 2.2-miles from Cooper Gulch Recreation Area, 1.3-miles from Sequoia Park Zoo, and .8-miles from shopping and dining in Henderson Center. 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 Eureka Municipal Code Section 94.02 (Loud Noises). The vacation rental is limited to eight guests, 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 68 legally authorized vacation rentals operating in the City under active business licenses, two of which are operating on this portion of J Street, one two doors down from the subject property and one on the corner of J Street and Madrone Avenue. The City has hired a specialized consultant who has been monitoring 60 short-term rental listing platforms since January 2020, and based on monthly data, the total number of vacation rentals (permitted and unpermitted) in the City has ranged from 98 to 163 rentals over the past two years. Given the total number of vacation rentals (both permitted and unpermitted) is less than 1.5% of the total number of housing units in the City, vacation rentals 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 vacation rental activity, and the City Council has the ability to impose a cap on the number of vacation rentals 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 subject property is located in the Residential Low (RI) zoning district where “Vacation Rentals – No Proprietor On-Site” are allowed with a MUP (EMC 155.204.020). The specific purpose of the RI zoning district is to accommodate single-family homes in a moderately low-density setting, located in proximity to parks, schools, and public services. As described in the General Plan consistency findings, the proposed vacation rental use will not affect the existing suburban residential character of the area.

The proposed vacation rental will occupy an existing single-family home on a site which is conforming with respect to minimum lot size, maximum density, maximum floor area ratio, and maximum site coverage development standards for the RI zoning district (EMC 155.204.030 Table 204-2). The proposed vacation rental use will not affect the existing site and structures’ consistency with the RI development standards.

The Zoning Code also includes supplemental use regulations specific to vacation rentals (EMC 155.304.150) which proprietors must adhere to in order to minimize potential adverse impacts to the adjoining neighborhood. The proposed use is consistent with those regulations. For all these reasons, the proposed vacation rental can be found consistent with the Zoning Code.

2. Site Suitability

The site is approximately 19,166-sf in area and contains a three-bedroom, single-family residence accessed from J Street. Guests will have access to three off-street parking spaces, two in the attached garage and one in the driveway. A condition has been added requiring the three off-street parking spaces remain available to vacation rental guests for the duration of the vacation rental operation. The proposed short-term vacation rental use, with a maximum occupancy of eight adults, is appropriate for this residential site.

3. Compatibility with Existing and Planned Land Uses in Vicinity

The subject property is located in the heart of an established residential neighborhood. Surrounding land uses are single-family residences, including other vacation rentals. The proposed use will be visually compatible with the surrounding residential uses because it will be contained within an existing single-family residence, with no proposed changes to the structure. The limitations imposed by the City's supplemental use regulations for vacation rentals will also ensure the proposed short-term vacation rental use will be visually and functionally compatible with the surrounding existing and future long-term residential uses in the vicinity.

4. Protection of Public Health, Safety, and Welfare

The property owner has designated a local emergency contact person, and contact information will be provided to all neighboring properties within 200 feet of the site and to the Eureka Police Department. If the emergency contact is negligent in responding to emergency situations or the vacation rental is non-compliant with the aforementioned vacation rental standards, the City has a right to revoke the vacation rental 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. No comments were received indicating the proposed vacation rental use would be detrimental to the public health, safety, or welfare. No exterior or interior modifications will be made to the subject property. A condition has been imposed requiring, prior to operating, the vacation rental 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 area is 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 in a low-density residential neighborhood, served only by a narrow, dead-end segment of J Street. Although this portion of J Street does not have sidewalks, the surrounding neighborhood allows for walking and biking, including sidewalks and an existing

class III bike route .4-miles east along F Street and class II bike lane .5-miles north along Harris Street. The subject property has the advantage of being close to goods and services including a Eureka Transit System bus stop .25-miles away, at the corner of J Street and Manzanita, and shopping in Henderson Center approximately .8-miles to the northwest. The property is in close proximity to recreational opportunities: 1.1-miles from Carson Park, 2.2-miles from Downtown and Old Town, 2.8-miles from Cooper Gulch Recreation Area, and 1.3-miles from Sequoia Park Zoo. There are three off-street parking spaces on the subject property.

For all these reasons, the proposed use is properly located within the City and adequately served by existing services and infrastructure.

ENVIRONMENTAL ASSESSMENT

The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15301, Existing Facilities, Class I of the CEQA Guidelines, which consists of the operating of private structures involving negligible or no expansion of use. As there is no proposed expansion to the existing building, the proposal for a vacation rental use is exempt from the California Environmental Quality Act.

PUBLIC NOTICE

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before April 28, 2023. In addition, the notice was posted on the City's website and bulletin boards. A public hearing notice sign was posted on the site on or before April 28, 2023.

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.

STAFF CONTACT

Millisa Smith, Assistant Planner, 531 K Street, Eureka, CA 95501; planning@eureka.gov; (707) 441-4160

DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution 2023-____

Attachment 2: Survey Map