

PLANNING COMMISSION RESOLUTION NO. 2023-\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA APPROVING  
A MINOR USE PERMIT (MUP-22-0014) TO ALLOW A VACATION RENTAL – NO  
PROPRIETOR ON-SITE AT 3539 J STREET, APNs 011-222-018 AND -016**

WHEREAS, the applicants, Lance Morton and Tracy Katelman, have requested approval of a Vacation Rental – No Proprietor On-site in an existing three-bedroom, single-family residence at 3539 J Street, APNs 011-222-018 and -016; and

WHEREAS, the property is zoned Residential Low (RI) and has a land use designation of Low Density Residential (LDR); and

WHEREAS, pursuant to Eureka Municipal Code (EMC) 155.204.020, the proposed use is allowed in the RI zoning district with a Minor Use Permit; and

WHEREAS, the Minor Use Permit 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 did hold a duly noticed public hearing at City Hall in the City of Eureka on ~~May 8~~June 12, 2023, 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 Eureka Municipal Code Chapter 155, 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 proposed use is consistent with the General Plan and Zoning Code 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.
6. The project qualifies for a Class I exemption (Sec. 15301) from CEQA which exempts the operation, permitting, leasing [or] licensing of existing private structures involving negligible or no expansion of use. The proposed use will result in an existing residential structure being used as a vacation rental with no expansion or external modifications proposed.

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. As a portion of the front steps are located on the neighboring property to the west, all guests of the vacation rental are required to enter the dwelling unit through the garage or rear of the residence to avoid crossing over the property line while accessing the vacation rental. The applicants are required to relay this information to vacation rental guests prior to arrival.
- B. ~~Three-Two~~ off-street parking spaces, ~~two-one~~ in the attached garage and one in the driveway, must remain available to vacation rental guests for the duration of vacation rental operation.
- C. The Vacation Rental must be inspected to residential standards by Development Services - Building prior to operating. The applicants shall obtain any necessary building permits and follow-up inspections required by the initial inspection prior to operation of the Vacation Rental.
- D. Once the Vacation Rental is operating, the applicants shall remit Transient Occupancy Tax (TOT) for each Vacation Rental stay of 30 consecutive calendar days or less to the City of Eureka by complying with Eureka Municipal Code Section 35.070 et seq., which addresses the collection, record keeping, reporting and remittance of applicable TOT.
- E. ~~The maximum number of occupants, not including children 12 and under, shall not exceed eight: two persons per bedroom plus two additional persons: six.~~
- F. ~~The applicants are required to inform all vacation rental guests, in writing and prior to arrival, vehicles may not be parked blocking the neighbor's gate or the public right-of-way (J Street).~~
- G. ~~The applicants must enter into a Hold Harmless Agreement with the City of Eureka, to the satisfaction of Public Works – Engineering, for the walk way built in the public right-of-way (J Street), prior to the issuance of the vacation rental permit.~~

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 ~~8<sup>th</sup> day of May~~ 12th day of June, 2023, by the following vote:

AYES: COMMISSIONER  
NOES: COMMISSIONER  
ABSENT: COMMISSIONER  
ABSTAIN: COMMISSIONER

\_\_\_\_\_  
Meredith Maier, Chair, Planning Commission

*Attest:*

\_\_\_\_\_  
~~Kristen M. Goetz~~ Cristin Kenyon, Executive Secretary