

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number: 23-099

Record Number: PLN-2022-18014

Assessor's Parcel Number: 205-432-005

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Gage & Amy Duran Conditional Use Permit request.

WHEREAS, Gage and Amy Duran submitted an application and evidence in support of approving a Conditional Use Permit to allow operation of a hotel establishment with up to nine (9) units on the upper floors of the former Scotia Hospital building, to allow flexibility in leasing these units as monthly rentals as well as on a less-than-monthly basis as short-term lodging; and

WHEREAS, the County Planning Division, the lead agency, determined the project is Categorical exempt from CEQA review per Section 15301 of the CEQA guidelines which permits alteration and permitting of existing structures involving negligible expansion of the former use; and

WHEREAS, the Humboldt County Planning Commission held a duly-noticed public hearing on November 2, 2023, and reviewed, considered, and discussed the application for the Conditional Use Permit and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** A Conditional Use Permit is being requested to allow the upper floors of the former Scotia Hospital building to be adapted for use as a Hotel with up to nine (9) units. The owners/operators are currently in the process of completing interior alterations to the second-floor rooms to create seven (7) self-contained residential apartment-type units (BLD-2023-58510). The Use Permit is sought to allow flexibility in leasing these units as monthly rentals as well as on a less-than-monthly basis as short-term lodging. Transient Habitation includes Hotels, which are a conditionally permitted use in the Community Commercial (C-2) zone in which the property is located. Design Review is not required as no exterior alterations to the building or site are proposed at this time.

EVIDENCE: a) Project File: PLN-2022-18014

- 2. FINDING:** **CEQA.** The requirements of the California Environmental Quality Act have been complied with.

EVIDENCE: a) The project has been determined to be categorically exempt pursuant to section 15301 of the CEQA guidelines which permits alteration and permitting of existing structures involving negligible expansion of the former use. Conversion to a transient habitation will not introduce new environmental impacts or worsen existing impacts. The property has historically been used as a hospital and clinic. These historic uses are comparable in environmental effects to the proposed transient habitation uses.

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING: The proposed development is in conformance with the County General Plan, Open Space Plan, and Open Space Action Program.

EVIDENCE: a) The proposed development is consistent with the purposes of the existing Commercial General (CG) plan designation applied to the area in which the site is located. The Commercial General designation is applied to lands where location, access, and availability of services are suitable for commercial development, including retail trade services that are accessible and geared toward local neighborhood or regional needs. The proposed project is consistent with the County open Space Plan and Open Space Action program because it involves use of existing structures on a parcel with a history of commercial and institutional uses. The upstairs portions of the building targeted for use are already being set up for redevelopment under a residential occupancy. The proposed hotel use will provide the owners greater flexibility and recapturing their investment in the renovation and rehabilitation of the structure. No new structures or ground disturbance will result from the proposal.

4. FINDING: The proposed development is consistent with the Guiding Principles of the Plan, including Guiding Principle #1 "Ensure that public policy is reflective of the needs of the citizenry of a democratic society as expressed by the citizens themselves."

EVIDENCE: a) The proposed hotel use will complement the assemblage of uses in the vicinity. Adaptive reuse of the former hospital building is a cost-effective means of improving commercial use of the structure and incentivizing rehabilitation and enhancement of local historical structures. By requiring a discretionary permit, public notice is performed providing an outlet for feedback and address of localized issues.

5. FINDING: The proposed development is consistent with the Guiding Principles of the Plan, including Guiding Principle #2 “Preserve and enhance the diverse character of Humboldt County and the quality of life it offers.”

EVIDENCE: a) The applicant has worked to address neighborhood compatibility issues through the Operations Plan and House Rules that have been created. Instituting the protocols and procedures found therein will help with tackling common concerns that may arise during operation.

6. FINDING: The proposed development is consistent with the Guiding Principles of the Plan, including Guiding Principle #3 “Promote and facilitate the creation of affordable housing opportunities to meet current and future demands for all income levels.”

EVIDENCE: a) The project involves the redevelopment and rehabilitation of an existing building that has historically hosted commercial and institutional uses. Investment in upgrades to the building will serve to develop potential new housing stock that can dual as transient habitation. These improvements help promote investment in historical preservation of a historical structure while upgrading it to suit modern use. Authorizing use of the upstairs rooms as part of the hotel use does not permanently preclude them from also being used for long-term rental on a monthly basis, especially during periods of the year where tourist visitation is limited.

7. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located. Additionally, the proposed development conforms with all applicable standards and requirements of the zoning regulations.

EVIDENCE: a) The Community Commercial is intended to apply to areas where more complete commercial facilities are necessary for community convenience. Hotel and Motel uses are conditionally permitted. Commercial zones are ideal places for these sorts of uses as they are customary to this type of setting. The Historical Scotia Inn (now: Scotia Lodge) is located within the same zoning district as the subject property. Staff has performed an analysis of parking demand and determined that the number of spaces needed by the proposed Hotel use would not exceed the ceiling of non-conformance established during past occupancy and operation of the building as a Hospital. A variety of conditions have been included requiring that the owner/operator implement and enforce parking and noise restrictions, and requirements that owner/operator contact information be provided

to neighboring landowners and occupants and periodically updated as needed.

- b) Based on the number of beds and a conservative estimate of the employee count (48 beds, 6 employees at peak shift) during the hospital use, approximately 50 spaces would have been needed to comply with the applicable parking formulas for institutional uses found in the zoning regulations. Given the size of the first-floor clinic space and employee count (7000 square feet / 10 employees), approximately 34 additional spaces would be needed for that use. Collectively totaling a historical parking demand of approximately 84 spaces.

8. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) As the site is commercially planned and zoned, it is not included in the County's currently adopted Housing Inventory. Therefore, no loss or underutilization of housing inventory should result.

9. FINDING: The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE: a) A variety of ongoing conditions have been included requiring that the owner/operator implement and enforce parking and noise restrictions, requirements that owner/operator contact information be provided to neighboring landowners and occupants and periodically updated as needed. Staff believe that with the incorporation of these recommended conditions, the required findings for approval can be made. A Condition has been included (COA #6) requiring that the applicant establish and enforce standard protocols for guest conduct.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the Conditional Use Permit for Gage & Amy Duran, based upon the Findings and Evidence and subject to the conditions of approval attached hereto as Attachment 1 and incorporated herein by reference,

Adopted after review and consideration of all the evidence on **November 2, 2023**.

The motion was made by Commissioner Brian Mulder and seconded by Commissioner Thomas Mulder and the following ROLL CALL vote:

AYES: Commissioners: Iver Skavdal, Noah Levy, Lonyx Landry, Thomas Mulder, Peggy O'Neill, Brian Mitchell, Sarah West
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carried 7/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director,
Planning and Building Department

ATTACHMENT 1A

***CONDITIONS OF APPROVAL**

** Conditions A2, A4, B2 & B4 revised by the Planning Commission at November 2, 2023 meeting*

APPROVAL OF THE CONDITIONAL USE PERMIT IS GRANTED ON THE FOLLOWING TERMS AND REQUIREMENTS WHICH MUST BE SATISFIED BEFORE THE USE MAY BE INITIATED AND FOR THE LIFE OF THE PROJECT

A. General Conditions

1. The applicant shall apply for a business license with the Humboldt County Treasurer-Tax Collector.
2. The applicant shall work with the Humboldt County Planning & Building Department – Building Division to determine whether the proposed use of the existing residence as a Hotel will be considered a “Change of Occupancy”. The applicant shall complete any required improvements prior to lease of the facility on a transient (less than monthly) basis.
3. The applicant shall operate in conformance with the Plan of Operations provided for the Hotel use and enforce the house rules.
4. To help ensure all guests of the Hotel facility are respectful and considerate of neighboring landowners and occupants during their stay at the property, the owner/operator shall establish and enforce standard protocols for guest conduct which (at minimum) include:
 - not generating noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence in the area. On weekdays, any noise occurring after 10:00 pm and before 7:00 am should be contained within the residence and shall be kept at levels so that it would not be able to be heard by or offend nearby neighbors.
 - only parking within designated on-site parking areas

All guests shall be notified of these standards of conduct prior to their visit.

5. The applicant is required to pay for permit processing on a time-and-materials basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Planning and Building Department will provide a bill to the applicant after the decision. Any and all outstanding planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning and Building Department, 3015 H Street, Eureka.
6. The applicant is responsible for obtaining all necessary County and State permits and licenses and for meeting all requirements set forth by other regulatory agencies.
7. Any structure that will be occupied by guests must first be inspected for safety and approved for transient use by the Chief Building Official or their designee.
8. Any structure that will be occupied by guests must first pass an inspection by the Humboldt Bay Fire Protection District. Elements of the inspection will include but are not limited to: review for presence of sufficient and functioning smoke and carbon monoxide detectors, fire extinguishers, and means of egress.

B. Ongoing Requirements/Development Restrictions Which Must be Satisfied for the Life of the Project:

1. For the life of the operation, the applicant shall maintain a Business license from the Humboldt County Tax Collector. The owner/operator shall collect and remit to the Humboldt County Tax Collector the transient occupancy tax.
2. All new and existing outdoor lighting shall be compatible with the existing setting and directed within the property boundaries. Exterior lighting shall be controlled by motion sensors after 10 PM on weekdays and midnight on weekends.
3. Occupants and visitors of the hotel shall not generate noise such that it would unreasonably interfere with the quiet use and enjoyment of any other residence or business in the area. On weekdays, any noise occurring after 10:00 pm and before 7:00 am should be contained within the building and shall be kept at levels so that it would not be able to be heard by or offend nearby neighbors. What is reasonable in terms of noise generated shall be determined under existing legal standards applicable to evaluating alleged nuisances, including any County noise standards and ordinances.
4. The owner or manager shall maintain an occupant and vehicle register for each tenancy of the Hotel units. The register shall include the names and vehicle license plate numbers for all occupants as well as the dates of the rental period. The guest registry must be available for inspection by county officials upon request.
5. Guests shall be required to sign a contract governing their use of the property during the rental period. Provisions of each contract shall include observing standard protocols for neighborhood compatibility only parking in designated areas and complying with noise restrictions. The contract shall assert the operators' right to cancel the remainder of the reservation if guests violate neighborhood compatibility protocols in violation of the contract. In the event of cancellation, all persons must leave the property within 30 minutes following notification. Vacation of the premises shall be verified by the owner/operator, or designated contact person.
6. The use shall be conducted, operated and maintained in accordance with the approved project description, site plan, and most recently approved plan of operations, as well as these conditions of project approval.
7. The applicant shall submit a request for Agency Review for substantial conformance on any proposed changes of the operation, design or use. The Department shall require a Modification of this permit unless the changes can be processed as a minor deviation; and if all the findings of §312-11.1 can be made.
8. the area that was surveyed by a certified archaeologist, a new archaeological survey covering the proposed development area will be required.

C. Informational Notes:

1. If cultural resources are encountered during construction activities, the contractor onsite shall cease all work in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist and the appropriate Tribal Historic Preservation Officer(s) are to be contacted to evaluate the discovery and, in consultation with the applicant and the lead agency, develop a treatment plan in any instance where significant impacts cannot be avoided.

Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. If human remains are found, California Health and Safety Code 7050.5 requires that the County Coroner be contacted immediately at 707-445-7242. If the Coroner determines the remains to be Native American, the Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains pursuant to Public Resources Code (PRC) Section 5097.98. Violators shall be prosecuted in accordance with PRC Section 5097.99.