



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Tirsbeck Surplus Property and Right-of-Way Vacation and Local Coastal Program Amendment

DEPARTMENT: Development Services - Planning

PREPARED BY: Caitlin Castellano, Senior Planner

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

1. Receive Planning Commission report;
2. Hold a public hearing;
3. Adopt a resolution of the City Council of the City of Eureka adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the entire project;
4. Adopt a resolution of the City Council of the City of Eureka declaring a City-owned 20-foot by 30-foot (600-sf) parcel known as APN 003-182-013 surplus property, and summarily vacating an approximate 20-foot by 130-foot right-of-way easement over APNs 003-182-013 and -014;
5. Adopt a resolution of the City Council of the City of Eureka approving a Local Coastal Program Amendment to change the Land Use Plan map designation from General Industrial to General Service Commercial at 936 W Hawthorne Street (APN 003-182-010); and,
6. Waive reading, read by title only and introduce Bill No. 1034-C.S., an Ordinance of the City Council of the City of Eureka amending the Implementation Plan map of the certified Local Coastal Program to change the zoning designation from General Industrial to Service Commercial at 936 W Hawthorne Street (APN 003-182-010).

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

2040 General Plan Goal LU-3: Active, attractive, and prosperous corridors and centers that boost Eureka's role as the regional hub of retail, professional/business services, and tourism.

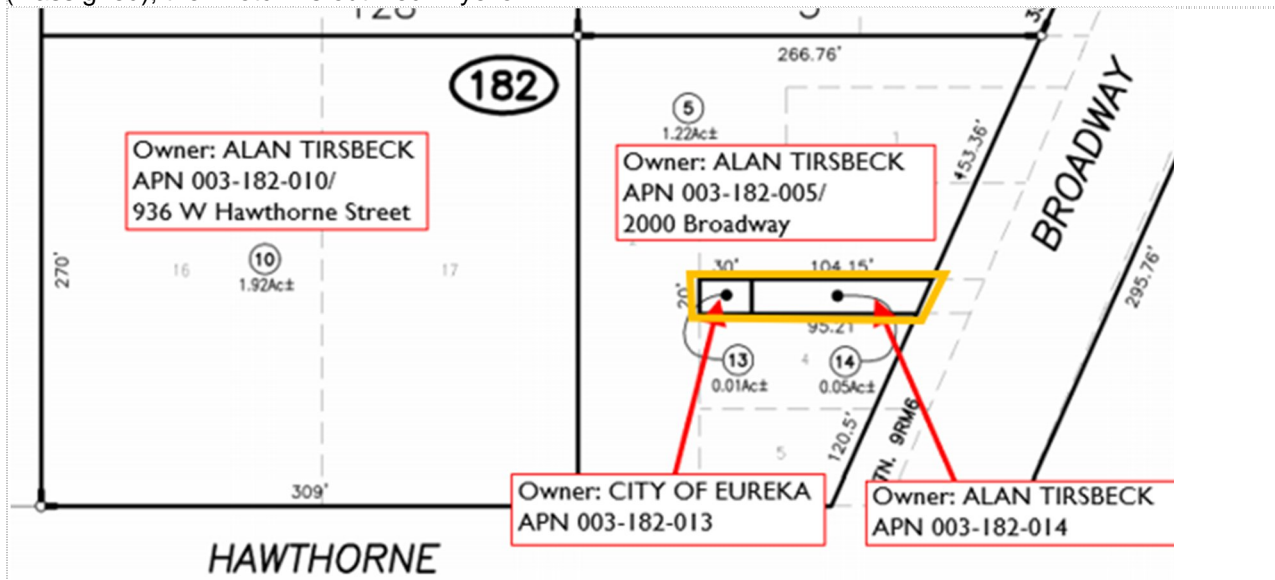
- Policy LU-3.2 Reinvestment. Support public and private efforts to reinvest in, renovate and maintain existing commercial areas to improve aesthetic appearance, elevate community image, increase economic competitiveness, and integrate mixed uses.

DISCUSSION

Project Summary

The applicant is requesting the City of Eureka surplus and convey a City-owned 20-foot by 30-foot (600 square foot [sf]) parcel (APN 003-182-013) to the adjoining property owner (Alan Tirsbeck; APN 003-182-005; 2000 Broadway), and vacate an alley easement over APNs 003-182-013 and -014. The two parcels together are known as “the Notch” and were created in the distant past for a 20-foot-wide, 130-foot-long public alley, which was never developed. Future development and use of the Notch will be combined with the surrounding larger 2000 Broadway parcel.

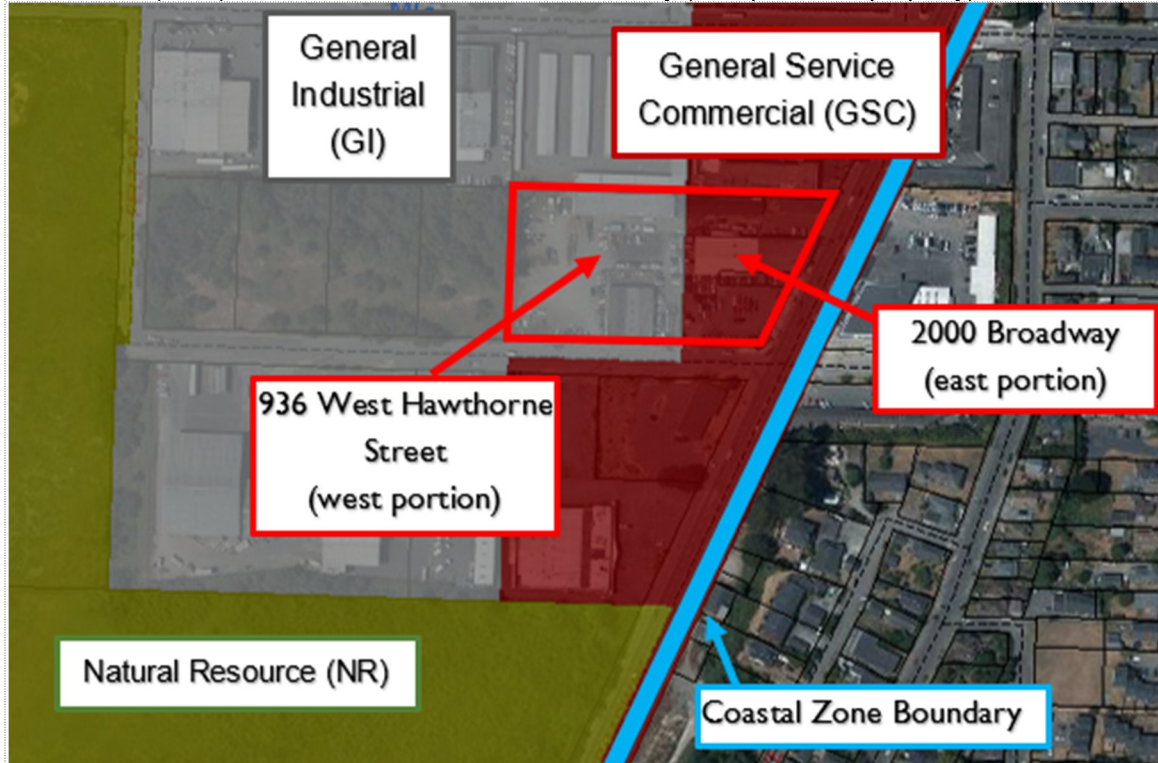
Figure 1: Portion of Assessor’s Parcel Map showing the entire property (2000 Broadway and 936 W Hawthorne Street) with property owner names, Assessor’s Parcel Numbers (APNs), and situs addresses (if assigned); the “Notch” is outlined in yellow.



Additionally, the applicant is proposing a Local Coastal Program (LCP) Amendment to change the Land Use Plan (LUP) (i.e. Coastal General Plan) land use designation and Implementation Plan (i.e. Coastal Zoning Code) zoning district on the parcel adjacent to and west of 2000 Broadway, 936 W Hawthorne Street (APN 003-182-010). The LCP Amendment would change the land use and zoning designations at 936 W Hawthorne Street from General Industrial (GI)/General Industrial (MG) to General Service Commercial (GSC)/Service Commercial (CS). 2000 Broadway currently has GSC/CS land use/zoning designations; therefore, changing the designations of 936 W Hawthorne Street would allow the two adjoining parcels under the same ownership to have consistent land use and zoning designations which would allow for the redevelopment of both parcels with new commercial and/or residential uses not allowed on the W Hawthorne Street parcel under the current industrial land use/zoning designations.

Although there is no specific development project at this time, the entire 3.18-acre property could be redeveloped consistent with the allowed uses and development standards of the CS zoning designation, and the current intent is to redevelop 2000 Broadway and 936 W Hawthorne Street together with new retail and service commercial uses.

Figure 2: Surrounding land use designations. The project proposes to change the land use designation of 936 West Hawthorne Street (west portion of property) from General Industrial (GI) to General Service Commercial (GSC), to be consistent with 2000 Broadway (east portion of property).



Background

2000 Broadway (including the Notch) is 1.27 acres in size and currently houses a commercial motor vehicle sales and repair facility (Eureka Auto Wholesale), and a retail store (Anglin Second Hand Store). 936 W Hawthorne Street (directly west of 2000 Broadway) is 1.91 acres in size and currently utilized for outdoor storage (vehicles and shipping containers), and previously housed the Humboldt Paint Factory. Directly north of the project site is a motel and mini-storage facility, and directly west are undeveloped industrial-zoned parcels with mapped wetland per the U.S. Fish and Wildlife Service's National Wetland Inventory. To the east, across Broadway (Highway 101) is a retail cannabis facility and auto repair shop, and to the south, across W Hawthorne Street, is a hotel under construction and a bowling alley. Motels are also located at the southeast corner of Broadway and W Hawthorne Street and the southeast corner of Broadway and Del Norte Street, to the southeast and northeast of the project site, respectively. Humboldt Waste Management Authority's Waste Transfer Station is located southwest of the project site across W Hawthorne Street.

Figure 3: Location map (2000 Broadway and 936 W Hawthorne Street outlined together in red)



The surplus and vacation requests are based on the fact that the Notch (comprised of the City-owned 600-sf parcel and a 2,000-sf privately owned parcel) is of no practical value to the City of Eureka as it is not needed as originally anticipated in the 1920's when it was created. Per a Historical Resources Report prepared by Raymond W. Hillman in 2018 (See Attachment 5, pages 117-130), the easement over the Notch gave vehicular access from Broadway to a series of structures on each side of the easement which were all removed by circa 1950. Subsequently, the Notch was never further developed and all of the land surrounding it is under the same ownership thereby negating the need for an access easement. The existence of the small City-owned parcel and right-of-way easement was discovered when a title search was conducted on behalf of a group offering to purchase the property from Mr. Tirsbeck; therefore, Mr. Tirsbeck requests, and the City supports, conveying the small parcel to him and vacating the alley easement so that the entire property can be redeveloped.

Because the current intent is to redevelop 2000 Broadway and 936 W Hawthorne Street (the entire property) together, the LCP Amendment is necessary to allow both properties to have consistent land use/zoning designations in order to be subject to the same allowed uses and development standards. Table 1 below provides a comparison of the purposes of the GI and GSC land use designations.

Table 1. Comparison of the purposes of the GI and GSC land use designations.

Land Use/Zoning Designations	Purposes(s)
GI - General Industrial <i>(current designation of 936 W Hawthorne Street)</i>	To provide sites suitable for the development of general and heavy industrial uses, and emergency shelters.
GSC - General Service Commercial <i>(current designation for 2000 Broadway and proposed designation for 936 W Hawthorne Street)</i>	To provide appropriate located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of the city and surrounding market area, and emergency shelters.

The corresponding MG and CS zoning district use tables are included in Attachment 5, pages 108-115. The CS zoning district allows for a broad array of commercial uses, including retail stores, offices, service establishments, amusement establishments, and wholesale businesses. Residences are also principally permitted in the CS zoning district. In contrast to the CS zoning district, the MG zoning district does not allow residential uses, and the only commercial uses allowed are retail and wholesale stores with single occupant floor areas of 40,000 square feet or larger, and offices. Both zoning districts allow for light industrial uses; all uses principally permitted in the Limited Industrial (ML) zoning district are conditionally permitted in the CS zoning district and principally permitted in the MG zoning district. The MG zoning district also allows for a broad array of heavy industrial uses not allowed in the CS zoning district, including manufacturing, assembling, packaging, processing, and warehousing and storage of potentially hazardous materials (e.g., dumps, junk yards and wrecking yards). Therefore, some industrial uses would be allowed on both properties under the CS zoning district, just not as intense as the industrial uses allowed under the MG zoning district.

Table 2 in the Planning Commission staff report (Attachment 5, page 6) provides a comparison of the development standards in the MG and CS zoning districts. The two districts have similar setbacks (all zero, except the MG zoning district has a 10-foot front setback) and the same 1.2 floor area ratio (FAR), but the CS zoning district allows for 20 additional feet of building height for a maximum building height of 55 feet. Both zoning districts would allow a building with a total floor area of 166,000 sf (on the 3.18-acre property meeting the max. 1.2 FAR); and the CS zoning district would allow for a taller building (more stories) which can allow for a smaller building footprint while meeting the allowed maximum FAR.

As described above, the current owner Mr. Tirsbeck is intending to redevelop the entire property or sell it to someone else to redevelop. The intention is to redevelop the entire property with commercial uses, but no specific project has been identified. After the land use and zoning change on the 936 W Hawthorne Street property, the current owner, or a buyer, could also choose to redevelop the Site with residential or light industrial uses allowed in the CS zoning district, or with a mix of different use types (e.g. residential above commercial).

The required findings and analysis for the surplus property, right-of-way vacation, and LCP Amendment are included in the Planning Commission's staff report, Attachment 5, pages 7-17.

ENVIRONMENTAL

The City of Eureka, as Lead Agency, determined the proposed project as a whole (surplus property, right-of-way vacation, and LCP Amendment) requires an Initial Study (IS) pursuant to §15300.2(e) of the California Environmental Quality Act (CEQA) Guidelines because the project is located on land designated as hazardous waste property and the surplus property and right-of-way vacation can therefore not qualify for CEQA categorical

exemptions in Article 19 (CEQA Guidelines §15300 et seq.). The property is designated as a hazardous waste property because of soil and groundwater contamination from former leaking underground storage tanks which resulted in a cleanup case first opened by Humboldt County Department of Environmental Health, and later overseen by the North Coast Regional Water Quality Control Board (RWQCB). The RWQCB issued a No Further Action Letter for the cleanup case on February 2, 2023, with the stipulation that a Soil and Groundwater Management Plan be prepared and implemented for the site. If not for the cleanup case, the surplus property and right-of-way vacation would have qualified for the §15312 Surplus Government Property Sales and §15301 Existing Facilities categorical exemptions. Although the cleanup case is closed, the property remains designated as hazardous waste property and the project cannot rely on CEQA categorical exemptions.

Therefore, an IS and Mitigated Negative Declaration (MND) were prepared and posted for review and comment in accordance with the provisions of CEQA. The LCP Amendment process has been determined to be functionally equivalent to CEQA pursuant to PRC §§21080.9 and 21080.5; nevertheless, the LCP amendment is part of the project and has been included in the IS/MND in order to analyze the project as a whole. The draft IS/MND concludes that with mitigation, no substantial adverse environmental impact will result from the proposed project, and future redevelopment of the entire project site resulting from the project requires subsequent discretionary permitting and environmental review (Attachment 5, pages 25-98).

The City submitted the draft IS/MND to the State Clearinghouse (SCH No. 2024010027) for a 30-day comment period on January 3, 2024, which ended on February 2, 2024. A notice of the 30-day local comment period and the Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration was mailed to all property owners and tenants within 300 feet of the site, posted on the project site in two conspicuous places (one on 2000 Broadway, and one on 936 W Hawthorne Street), and posted on the City's website and City Hall's bulletin board, all on January 3, 2024. A hardcopy of the IS/MND was made available for public review at Eureka City Hall. The NOI was also posted at the County Clerk's office for local review and comment as required by CEQA Guidelines §15072(d) on January 3, 2024. No comments on the draft IS/MND and MMRP were received during the 30-day review period, or at the Planning Commission hearing.

Pursuant to CEQA Guidelines §15074(b), the decision-making body of the lead agency must consider a proposed MND together with any comments received during the public review process prior to approving a project. No comments have been received. The decision-making body can adopt the proposed MND only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence the project will have a significant effect on the environment and the MND reflects the lead agency's independent judgment and analysis.

Pursuant to CEQA Guidelines §15074(d), when adopting an MND, the lead agency must also adopt a program for reporting on or monitoring the changes which are either required in the project or made a condition of approval to mitigate or avoid significant

environmental effects. To meet this requirement, a Mitigation Monitoring and Reporting Program has been prepared and is included in Section 4 of the IS/MND (Attachment 5, pages 94-98)

PREVIOUS ACTIONS

General Plan Amendment Petition: On August 15, 2023, the City Council approved a General Plan Amendment Petition to allow the property owner to apply for an LCP Amendment to change the LUP and IP land use/zoning designations of 936 W Hawthorne Street (APN 003-182-010). City Council found changing the designations from industrial to commercial has the potential to serve the public interest by allowing for more flexible use of the property compatible with the adjoining service commercial uses along Broadway (Highway 101).

Planning Commission: On February 14, 2023, the Planning Commission held a duly noticed public hearing to receive public testimony on the proposed LCP Amendment as well as the proposed surplus property and right-of-way vacation. No public comment was received, and the Planning Commission then voted unanimously, with one Commissioners absent, to adopt two Planning Commission resolutions: Resolution No. 2024-03 and Resolution No. 2024-04 (Attachment 5, pages 19-24) recommending the City Council approve the proposed LCP Amendment for 936 W Hawthorne Street, and approve the surplus property and summary vacation within 2000 Broadway.

NEXT STEPS

LCP Amendment: Once the resolutions approving the CEQA document for the entire project and LUP map amendment (i.e. land use designation change) (Attachments 1 and 3) are adopted, and Bill No. 1034-C.S. is introduced for the IP map amendment (i.e. zoning designation change) (Attachment 4), adoption of both Bill No. 1017-C.S. and a resolution to transmit the Tirsbeck LCP Amendment to the Coastal Commission, will occur at a subsequent meeting. Staff will then prepare the LCP Amendment application and submit to the Coastal Commission for certification. Once the LCP Amendment application is deemed complete by the Coastal Commission, they are required to act on the amendment within 90 working days, but can issue themselves up to a one-year extension of that deadline (Coastal Act §30512 and Title 14 CCR §13535[c]).

Surplus Property and Right-of-Way Vacation: Once the resolutions approving the CEQA document for the entire project and the surplus property and alley easement vacation (Attachments 1 and 2) are adopted, the City will initiate the Surplus Land Act (SLA) noticing requirements for the 600-sf-Notch parcel, and record the resolution to vacate the alley easement. See Attachment 5, page 9 in the Planning Commission's staff report for a summary of SLA noticing requirements. If the Notch parcel is not required for open space purposes, the surplus property and alley easement vacation resolution allows the City Manager to negotiate the sale of the property to the adjacent property owner (the applicant).

PUBLIC HEARING

Public notification of the public hearing before the City Council was provided at least ten working days before the hearing, on or before March 5, 2024, and in the following manner: by mail of property owners within a 300-foot radius of the project site, by a published notice in the Times Standard, by posting a notice on the City's website and bulletin boards, and by posting two public hearing notice signs in conspicuous locations on the project site (one viewable from Broadway and one viewable from W Hawthorne Street).

SUGGESTED MOTION

- *"I move the City Council of the City of Eureka adopt resolutions*
 - *adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the entire project;*
 - *declaring a City-owned 20-foot by 30-foot (600-sf) parcel known as APN 003-182-013 surplus property, and summarily vacating an approximate 20-foot by 130-foot right-of-way easement over APNs 003-182-013 and -014; and*
 - *approving the LCP Amendment to change the Land Use Plan map designation from General Industrial to General Service Commercial at 936 W Hawthorne Street (APN 003-182-010); and*
- *I move the City Council waive reading, read by title only and introduce Bill No. 1034-C.S., an Ordinance of the City Council amending the Implementation Plan map of the certified Local Coastal Program to change the zoning designation on 936 W Hawthorne Street (APN 003-182-010) from General Industrial to Service Commercial."*

REVIEWED AND APPROVED BY:

City Attorney
City Clerk/Information Services
Development Services
Finance
 Fire
 Community Services
 Personnel
 Police
Public Works

ATTACHMENTS:

- Attachment 1: City Council Resolution to adopt the IS/MND and MMRP for the entire project (ED-23-0001)
Attachment 2: City Council Resolution for SP-21-0001 and SV-21-002

- Attachment 3: City Council Resolution for LUP Map Amendment for LCP-23-0001
- Attachment 4: Bill No. 1034-C.S. for IP Map Amendment for LCP-23-0001
- Attachment 5: Planning Commission staff report and attachments (including resolutions and IS/MND and MMRP)