

RESOLUTION NO. 2023-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA RECOMMENDING THE CITY COUNCIL DECLARE THE CARRIAGE PROPERTY LOCATED ON THE NORTHWEST CORNER OF 1ST AND C STREETS IDENTIFIED AS APN 001-011-021 SURPLUS PROPERTY

WHEREAS, the City of Eureka owns a certain property identified as APN 001-011-021, which is located on this northwest corner of 1st and C Street, directly south of the Fisherman's Terminal and Jack's Seafood and parking lot; and

WHEREAS, the property is currently vacant and the City has received interest from a local entity in developing it with a mixed-use development including the entity's business offices; and

WHEREAS, the Surplus Land Act (California Government Code [CGC] Section 54220 et seq.) requires Local Agencies, including the City, to comply with the requirements of the Act before disposing of Surplus Land, which is a necessary step in allowing someone other than the City to development and use this long vacant, underutilized infill parcel in the City's Core Area as identified in the 2040 General Plan; and

WHEREAS, the Surplus Property declaration will allow the City to complete the required Surplus Land Act process and negotiate a specific project; however, due to the requirements of the Surplus Land Act, the parcel could be developed as a park (open space), or mixed-use with ground floor coastal-dependent, coastal-related, visitor-serving and/or recreational uses and upper-floor office and/or residential uses, another use allowed by the zone district, or a combination thereof; and

WHEREAS, the property is zoned Waterfront Commercial (CW) with a Core Waterfront Commercial (C-WFC) land use designation, and any future project will be required to conform to the certified Local Coastal Program which promotes recreation and visitor-serving uses compatible with coastal-dependent uses, and only allows residential uses above ground floor commercial uses; and

WHEREAS, CGC 65402(a) requires the location, purpose, and extent of the property be submitted to, and reported on by, the Planning Commission as to conformity with the adopted General Plan; and

WHEREAS, City of Eureka Policy and Procedure File 2.01, Sale of City Owned Real Property, requires the Planning Commission's review to determine whether the parcel is necessary for agency (City's) use; whether the parcel is of such size and shape to allow development of uses permitted in the zone in which it is located; and whether the disposition of the property is in conformance with CGC §65402; and

WHEREAS, pursuant to CGC 54221(c)(1), the definition of "agency's use" for the purposes of surplus land includes, but is not limited to, land which is being used, or is planned to be used pursuant to a written plan adopted by the local agency's governing board, or is disposed of, to support [...] agency work or operations, including, but not limited to, utility sites, watershed property, land being used for conservation purposes, land for demonstration, exhibition, or educational purposes related to greenhouse gas emissions, and buffer sites near sensitive governmental uses, including, but not limited to, waste water treatment plants; and

WHEREAS, the decision to declare property surplus is a "project" pursuant to the California

Environmental Quality Act (CEQA).

WHEREAS, the Planning Commission of the City of Eureka has reviewed the proposed surplus in accordance with City of Eureka Policy and Procedure File 2.01 for the “Sale of City-Owned Real Property,” and California Government Code Section 65402, 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 Carriage Property does not meet the definition of “agency’s use” in California Government Code 54221, and is therefore not necessary for the “agency’s use.”
2. The size and shape of the Carriage Property can allow development of uses permitted in the CW-Waterfront Commercial zone district.
3. The General Plan and Local Coastal Program are silent with regard to the necessity of retaining the parcel for City public use, and declaring the Carriage Property parcel surplus does not conflict with the adopted General Plan or the Local Coastal Program.
4. The location, purpose, and extent of the Carriage Property parcel surplus conforms with the adopted General Plan and Local Coastal Program.
5. The Carriage Property surplus is exempt from CEQA pursuant to the Common-Sense exemption in CEQA Guidelines §15061(b)(3) as there is no specific project identified at this time, and any future project at this location will require discretionary review, triggering an Initial Study; therefore, it can be seen with certainty that there is no possibility the surplus property declaration activity may have a significant effect on the environment, thus the activity is not subject to CEQA.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby recommend the City Council declare the Carriage Property surplus property.

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 July, 2023 by the following vote:

AYES: BENSON, FRIETAS, KRAFT, LAZAR
NOES: NONE
ABSENT: COMMISSIONER MAIER
ABSTAIN: NONE

Craig Benson, Vice-Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretar