

RESOLUTION NO. 2024-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DECLARING A 20-FOOT BY 30-FOOT (600-SQUARE-FOOT) PARCEL KNOWN AS APN 003-182-013 SURPLUS PROPERTY (SP-21-0001), AND SUMMARILY VACATING AN APPROXIMATELY 20-FOOT BY 130-FOOT RIGHT-OF-WAY EASEMENT OVER APNs 003-182-013 AND -014 (SV-21-0002)

WHEREAS, the applicant, Alan Tirsbeck, is requesting the City of Eureka surplus and convey a City-owned 20-foot by 30-foot (600 square foot [sf]) landlocked parcel known as Assessor's Parcel Number (APN) 003-182-013 to the adjoining property owner (Alan Tirsbeck; APN 003-182-005; 2000 Broadway), and vacate an approximately 20-foot by 130-foot alley easement over APNs 003-182-013 and -014, of which the APN ending in -014 is also owned by the applicant; and

WHEREAS, APNs 003-182-013 and -014 together are known as "the Notch" and were created in the distant past for a 20-foot-wide public alley from Broadway which was never developed, and the intent of the surplus and vacation is to allow future development and use of the Notch in combination with the surrounding larger 2000 Broadway parcel; and

WHEREAS, the land use and zoning designations over the Notch are General Service Commercial (GSC) and Service Commercial (SC), and the minimum parcel size for properties in the CS zoning district is 6,000 sf with a minimum lot width of 60 feet and a minimum lot length of 100 feet, and the 600-sf parcel does not meet these standards; 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; and

WHEREAS, the 600-sf parcel qualifies as "exempt surplus land" pursuant to Government Code CGC §54221(f)(1)(B), because it is less than 5,000 sf in area, is not used for open space or low- and moderate-income housing purposes, and is anticipated to be conveyed to the owner of the contiguous parcel, Alan Tirsbeck; therefore, no notice to, or negotiation with, housing sponsors is required. However, because the parcel is located in the Coastal Zone, the City must notice the availability of the land for open-space purposes, wait 60 days for any responses, and negotiate in good faith for a minimum of 90 days with any entity interested in using the lands for open-space purposes, prior to having the opportunity to dispose of the property to Alan Tirsbeck; and

WHEREAS, CGC §65402(a) requires that prior to the City Council disposing of City-owned property or vacating an alley right-of-way within City limits, the location, purpose and extent of the proposed disposition and vacation must be submitted to and reported upon by the Planning Commission to the City Council 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 City of Eureka Policy and Procedure File 2.01, if the property is determined by the City Council not to be suitable for development in conformance with planning, zoning, or other applicable regulations, and only one owner is interested in purchasing the property, then the City may dispose of the property to the adjoining property owner by negotiated sale; and

WHEREAS, City of Eureka Policy and Procedure, File 4.02, Vacation of City Street, Alley, or Easement describes the process to administer the vacation procedures outlined in California Streets and Highways Code (SHC) §8300 et seq., which grants authority to vacate public right-of-way within the City limits to the Eureka City Council; and

WHEREAS, pursuant to City of Eureka Policy and Procedure, File 4.02, the City Council may summarily vacate a City street or alley if they find that 1) the alley has not been used or has been impassible for a period of at least five consecutive years, and 2) no public money was expended for maintenance of the street or alley; and

WHEREAS, on February 14, 2023, following the public hearing where no public comments were received, the Planning Commission of the City of Eureka, by a vote of 4 to 0 with one Commissioner absent, adopted Resolution No. 2024-04, "A Resolution of the Planning Commission of the City of Eureka recommending the City Council declare a 20-foot by 30-foot (600-square-foot) parcel known as APN 003-182-013 surplus property (SP-21-0001), and summarily vacate the approximate 20-foot by 130-foot right-of-way easement over APNs 003-182-013 and -014 (SV-21-0002);" and

WHEREAS, the City Council of the City of Eureka held a duly noticed public hearing at City Hall in the City of Eureka on March 19, 2024 at 6:00 p.m. via Zoom and in person in the Council Chamber, to consider the requests; and

WHEREAS, the City Council's decision to surplus the 600-sf parcel and summarily vacate the 130-foot by 21-foot alley easement is considered a project subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, an Initial Study (IS) and Mitigated Negative Declaration (MND) pursuant to the provision of CEQA has been prepared for the proposed surplus property and summary alley vacation within the larger 2000 Broadway parcel, as well as for a proposed LCP Amendment to change the land use and zoning designations on 936 W Hawthorne Street which adjoins 2000 Broadway to the west (under the same ownership), comprising the entire project; and 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; and

WHEREAS, the City Council adopted Resolution No. 2024-xx adopting “A Resolution of the City Council of the City of Eureka adopting the Mitigated Negative Declaration and Mitigation Monitoring Program for the Tirsbeck Surplus Property and Summary Vacation and Local Coastal Program Amendment Project” (ED-23-0002); and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, that the proposed surplus and summary vacation have been reviewed in accordance with CGC §§54220 et seq. and 65402, SHC §8300 et seq., City of Eureka Policy and Procedure File 2.01, Sale of City-Owned Real Property, and City of Eureka Policy and Procedure, File 4.02, Vacation of City Street, Alley, or Easement, and after due consideration of the MND, the Mitigation Monitoring and Reporting Program, and all testimony, evidence, and reports offered at the public hearing, does hereby find and report the following facts:

1. The 600-sf City-owned parcel does not meet the definition of “agency’s use” in California CGC §54221, and is therefore not necessary for the “agency’s use.”
2. The size and shape of the 600-sf parcel is not of a suitable size to accommodate its own new development allowed in the CS zoning district, but it is suitable to be combined with the larger surrounding parcel (2000 Broadway) with the same zoning designation, which is the intent of the surplus and vacation.
3. The 2040 General Plan and Local Coastal Program, as well as the City’s CIP (fiscal years 2023-24 through 2027-28) are silent with regard to the necessity of retaining the 600-sf parcel for City public use.
4. The location, purpose, and extent of the proposed surplus and right-of-way easement summary vacation conform with the adopted 2040 General Plan and certified Local Coastal Program, as described in the Planning Commission’s staff report.

NOW THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Eureka does hereby:

1. Declare the 600-sf property known as APN 003-182-013 surplus property, and if no interest is received after notification pursuant to CGC §54221(f)(2), the City Manager may dispose of the surplus property to the adjoining property owner.
2. Vacate an approximately 20-foot by 130-foot alley easement over APNs 003-182-

013 and -014, described in Exhibit “A” and shown on Exhibit “B” attached herein.

- 3. Condition the project to adhere to, and implement, the adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Tirsbeck Surplus Property and Right-of-Way Vacation and Local Coastal Program Amendment Project (ED-23-0002).

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 19th day of March, 2024 by the following vote:

AYES: COUNCILMEMBERS
 NOES: COUNCILMEMBERS
 ABSENT: COUNCILMEMBERS

Kim Bergel, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney