

PLANNING COMMISSION
STAFF REPORT

February 14, 2024

Subject:	Tirsbeck Surplus Property and Right-of-Way Vacation and Local Coastal Program Amendment
Project:	SP-21-0001, SV-21-0002, and LCP-23-0001
Location:	2000 Broadway and 936 West Hawthorne Street
APN:	003-182-013 and -014 (the "Notch") within 003-182-005, and 003-182-010
Applicant:	Same as owner
Property Owners:	Alan Tirsbeck
Purpose/Use:	Surplus a 600-square-foot (sf) City-owned parcel and summarily vacate a approximately 2,600-sf alley easement within 2000 Broadway; and, amend the City's Local Coastal Program (LCP) to change the land use/zoning designations from industrial to commercial at 936 West Hawthorne Street.
Application Date:	May 13, 2021 for property surplus and right-of-way vacation and August 28, 2023 for LCP Amendment
Current General Plan Land Use/Zoning Designations:	2000 Broadway: General Service Commercial (GSC)/Service Commercial (CS) 936 W Hawthorne Street: General Industrial (GI)/General Industrial (MG)
Proposed Land Use/Zoning Designations:	For only 936 W Hawthorne Street: General Service Commercial (GSC)/Service Commercial (CS)
CEQA:	Initial Study/Mitigated Negative Declaration (SCH No. 2024010027)
Staff Contact:	Caitlin Castellano, Senior Planner
Recommendation:	Hold a public hearing; Consider the draft Initial Study/Mitigated Negative Declaration (IS/MND); Adopt a resolution recommending the City Council declare a 20-foot by 30-foot (600-sf) parcel known as APN 003-182-013 surplus property, and summarily vacate an approximate 20-foot by 130-foot right-of-way easement over APNs 003-182-013 and -014; and Adopt a resolution recommending the City Council approve the Local Coastal Program Amendment to change the land use and zoning designations for the property located at 936 W Hawthorne Street (APN 003-182-010) from General Industrial to Service Commercial.
Motion:	<i>"I move the Planning Commission adopt a resolution recommending the City Council declare a 20-foot by 30-foot (600-sf) parcel known as APN 003-182-013 surplus property, and summarily vacate a right-of-way easement over APNs 003-182-013 and -014, and adopt another resolution recommending the City Council approve a Local Coastal Program Amendment to change the land use and zoning designations for the property located at 936 W Hawthorne Street (APN 003-182-010) from General Industrial to Service Commercial."</i>

Figure 1: Location map (2000 Broadway and 936 W Hawthorne Street outlined together in red)



PROJECT SUMMARY

The applicant is requesting the City of Eureka surplus and convey a City-owned 20-foot x 30-foot (600 square foot [sf]) landlocked 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.

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: Site map showing the “notch” (yellow outline) within the entire property (red outline).

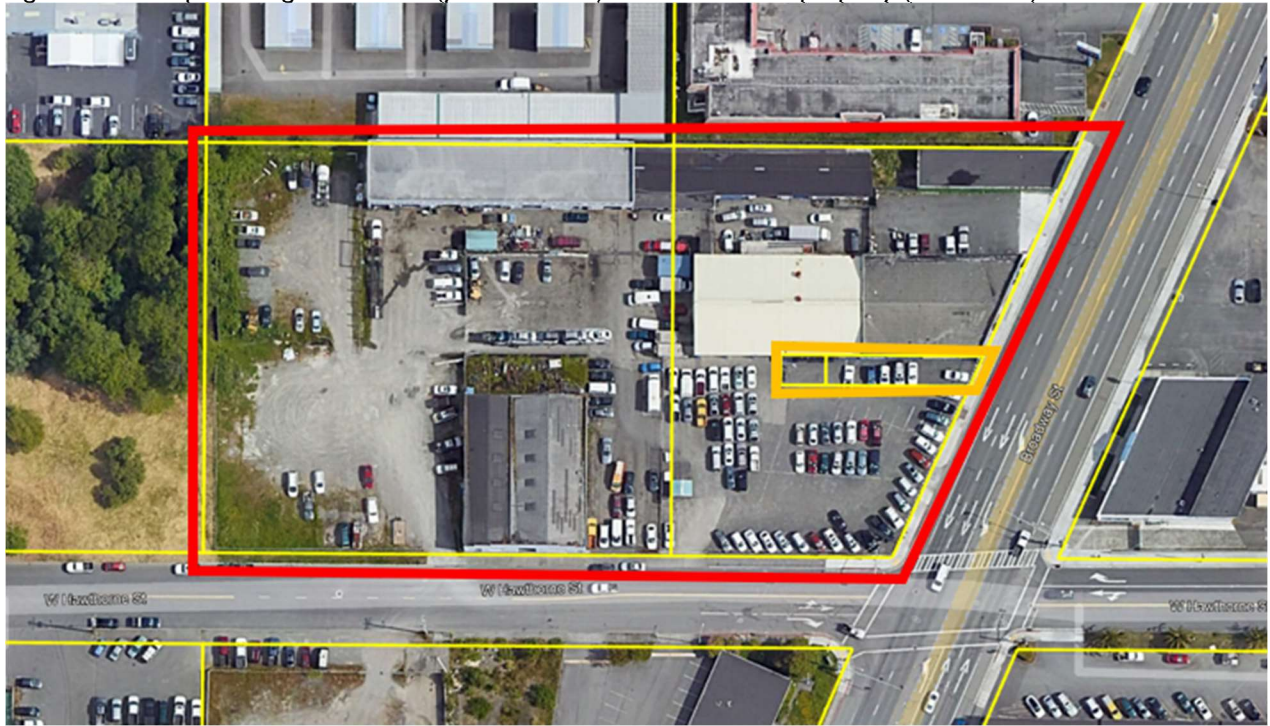


Figure 3: Portion of Assessor’s Parcel Map showing the entire property (2000 Broadway and 936 W Hawthorne Street) with property owner names, Assessor’s Parcel Numbers (APNs), and situs address (if assigned).

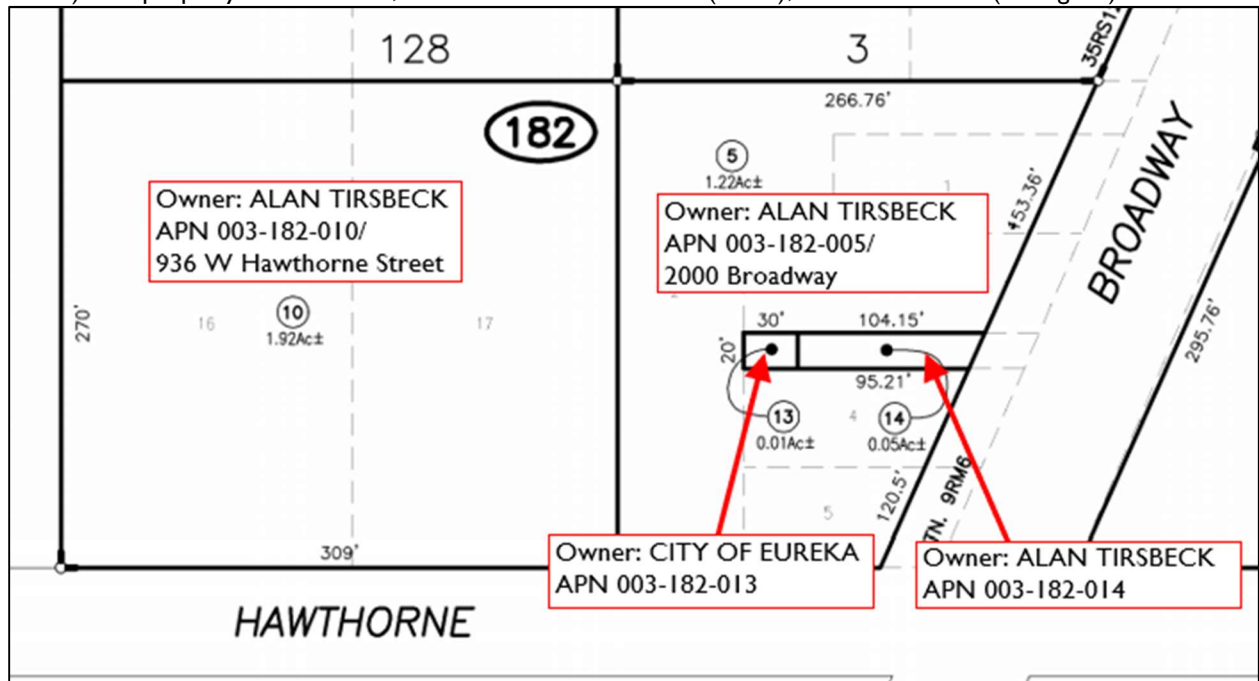
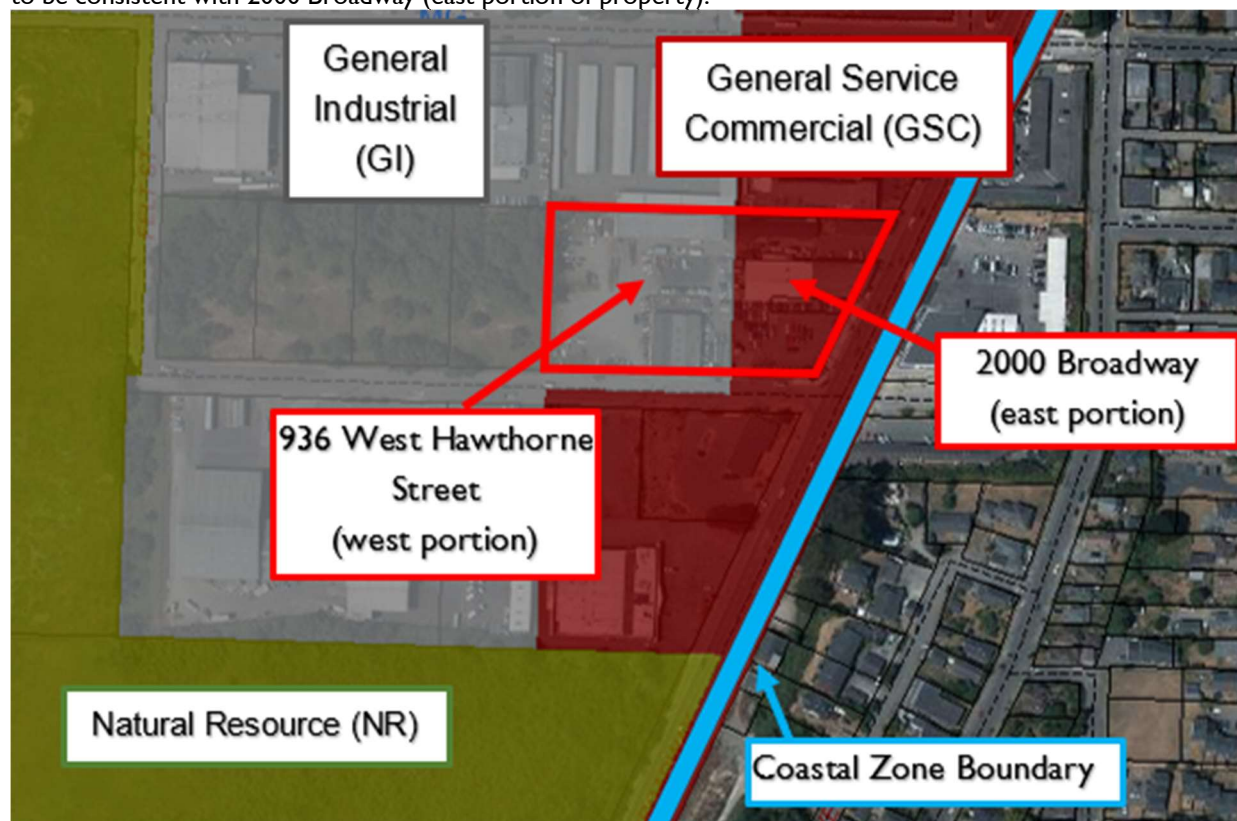


Figure 4: Surrounding land use designations. The project proposes to change the land use designation of 936 West Hawthorne Street (west portion of property) from General Industrial (GI) to General Service Commercial (GSC), to be consistent with 2000 Broadway (east portion of property).



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 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 north). Humboldt Waste Management Authority's Waste Transfer Station is located southwest of the site across W Hawthorne Street.

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 Appendix C of Attachment 3: IS/MND and MMRP), 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.

Figure 5: April 2019 Google street view from Broadway looking west at the “notch” (i.e. a 20-foot wide by 130-foot long right of way easement from Broadway) generally defined by the two red lines.



Because the current intent is to redevelop 2000 Broadway and 936 W Hawthorne Street (the entire property) together with new retail and service commercial uses, the LCP Amendment is necessary to allow both properties to have consistent land use/zoning designations to be able to be subject to the same allowed uses and development standards. Therefore, the requested LCP Amendment would allow for the redevelopment of both properties with new commercial and residential uses not currently allowed on the 936 W Hawthorne Street parcel under its existing industrial land use/zoning designation. Table I below provides a comparison of the purposes and allowed uses in the industrial and commercial land use designations.

Table I. Comparison of Land Use Designations

Land Use/Zoning Designations	Purposes(s)	Principal Uses(s)	Conditional Uses(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.	General manufacturing, boiler works, concrete mixing and batching, chemical products manufacture, breweries and distilleries, meat products processing and packaging, and structural.	Processing of oil and gas, electrical generating and distribution facilities, animal and fish reduction plants, oil and pipelines, and offices.
GSC - General Service <i>(current designation for 2000 Broadway and proposed)</i>	To provide appropriate located areas for retail and wholesale commercial establishments that offer commodities and services required by residents of	Retail stores, service establishments, amusement establishments, wholesale businesses, restaurants and soda fountains (not include drive-in establishments) and	Drive-in theaters, drive-in restaurants, mobile home and trailer parks.

<i>designation for 936 W Hawthorne Street)</i>	the city and surrounding market area, and emergency shelters.	offices, and emergency shelters.	
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The corresponding General Industrial (MG) and Service Commercial (CS) zoning district use tables are included as Appendix B in Attachment 3: IS/MND and MMRP. 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 below provides a comparison of the development standards in the MG and CS zoning districts; as shown, the two districts have the same zero setback and 1.2 floor area ratio, but the CS zoning district allows for 20 additional feet of building height for a maximum building height of 55 feet.

Table 2. Comparison of Development Standards

Zoning Designation	Min. Site Area	Min. Site Depth	Min. Site Length	Setbacks	Floor Area Limit-Percent of Site Area (Floor Area Ratio [FAR])	Max. Height (primary and accessory structures)
MG - General Industrial <i>(current designation of 936 W Hawthorne Street)</i>	6,000 sf	None	None	Front: 10' Side: 0' Rear: 0'	120% (1.2 FAR)	35 feet
CS - Service Commercial <i>(current designation for 2000 Broadway and proposed designation for 936 W Hawthorne Street)</i>	6,000 sf	60 feet	100 feet	Front: 0' Side: 0' Rear: 0'	120% (1.2 FAR)	55 feet

Under the CS development standards, full built-out with a maximum FAR of 1.2 and height of 55 feet on a 3.18-acre property could allow a five-story, 55-foot tall building with a 33,000-sf footprint, 166,000-sf of floor area and a large parking area. A three-story, 35-foot-tall building (which is the maximum height in the MG zoning district) meeting the maximum 1.2 FAR standard could allow a 55,300-sf building footprint with 166,000 sf of floor area and a large parking area. Maximum build-out meeting the maximum 1.2 FAR with a one-story building would allow a building footprint encompassing the entire 3.18-acre (approximately 138,520-sf).

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).

General Plan 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) because they 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).

ANALYSIS FOR SURPLUS PROPERTY AND SUMMARY VACATION

Surplus Property

The Notch at 2000 Broadway is a 20-foot-wide, right-of-way easement comprised of a City-owned 600-sf parcel and a privately-owned 2,000-sf parcel. The City proposes to dispose of the 600-sf City-owned parcel to the property owner of 2000 Broadway. When a General Plan has been adopted, and the City proposes to dispose of City-owned real property, California Government Code (CGC) §65402(a) requires the location, purpose, and extent of the disposition be submitted to, and reported on by, the Planning Commission as to conformity with the adopted General Plan. This requirement is represented in the Eureka Municipal Code (EMC) in §152.01 (Planning Commission) which describes the powers and duties of the Planning Commission. EMC §152.01(B)(5) requires the Commission, “To advise with and recommend to the proper official of the city the acquisition, use, or disposition of all city owned real property.”

Additionally, according to the City’s Policies and Procedures, File 2.01, Sale of City-Owned Real Property, the decision to declare property surplus must be reviewed by the Planning Commission, and a determination made as to whether:

- a. The parcels are necessary for agency (City’s) use;
- b. The parcels are of such size and shape to allow development of uses permitted in the zone in which it is located; and
- c. The disposition of the property is in conformance with CGC §65402 (i.e. the purpose, location, and extent of the disposition are in conformance with the General Plan).

Upon completion of their review, the Planning Commission’s report will be submitted to the City Council for review. If Council finds the property is not required for the City’s use, it may declare the property surplus real property and proceed through the Surplus Land Act requirements discussed below.

1. Agency's Use

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.

The 600-sf parcel is not currently being used for, is not included in a plan to be used for, and is not being disposed of to support, any City work or operations. There is no public project identified in the 2023-24 Capital Improvement Program (CIP), certified LCP or 2040 General Plan which requires use of the subject property.

As described in the Background section of this report, the City-owned 600-sf parcel was intended for an alley from Broadway to give vehicular access to a series of structures which were removed in the 1950s. Subsequently, the land surrounding the 600-sf parcel came under the same ownership, negating the need for an access easement. Therefore, the finding can be made the City-owned Notch parcel is not necessary for “agency’s use”.

2. Size and Shape

The 600-sf parcel is located in the CS – Service Commercial zoning district in the Coastal Zone. Pursuant EMC Title 10, Chapter 5 (i.e. the Coastal Zoning Code), the minimum lot area for parcels in the CS zoning district is 6,000 sf, with a minimum length of 100 feet and a minimum width of 60 feet. The City-owned Notch parcel is 600 sf in area, 30 feet in length, and 20 feet in width. The 600-sf parcel is substandard with respect to parcel area, lot, and width for the CS zoning district, and is not of adequate size for new commercial development or housing on its own. Therefore, the best use of the land is to merge it with 2000 Broadway (which will be facilitated by the surplus), which will allow for a redevelopment project in the future.

3. General Plan/Land Use Plan Conformance

Because the 600-sf parcel is located in the Coastal Zone, the certified land use designation for it is GSC – General Service Commercial. Table I in the Background section above describes the purpose of the GSC designation as well as principal and conditional uses. Currently, the 600-sf parcel is being used for vehicle storage associated with a used automobile sales use on 2000 Broadway which is a principally permitted use.

A review of the adopted 2040 General Plan and certified LUP portion of the City’s LCP, finds they are both silent with regard to the necessity of retaining the 600-sf parcel for City public use. Additionally, there is no goal or policy within the adopted 2040 General Plan or LUP which specifically calls for the retention of the 600-sf parcel for the City’s public purposes (i.e. promotion of the public health, safety, and general welfare).

According to the 2040 General Plan, the 600-sf parcel is located in proximity to the central portion of the Broadway Corridor. “[T]he Broadway Corridor includes a mix of strip and larger-scale retail, lodging and other services... [and] is envisioned to increase in density with taller buildings, and to become a beautiful and well-coordinated entry-way into the City from the south, and a key retail and service-commercial corridor.” Disposing of the 600-sf parcel will

provide an opportunity for the adjoining property owner to legally use the land for the existing automotive sales business without liability to the City, and it will enable the property owner, or another entity, to redevelop the property with new retail and service-commercial uses compatible with the 2040 General Plan’s vision for the Broadway Corridor. Redevelopment of the property would also support 2040 General Plan Policy *LU-3.2 Reinvestment*, which aims to “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.” Therefore, Staff believes the City’s action to surplus the 600-sf parcel will not conflict with, and instead supports, the adopted 2040 General Plan and certified Local Coastal Program.

Conclusion

Based on the analysis above, the City-owned Notch parcel is not necessary for “agency’s use” and is suitable for conforming development when combined with the larger 2000 Broadway parcel surrounding it based on its size and shape and location. Disposing of the 600-sf parcel to the adjoining property owner supports the 2040 General Plan’s vision for the Broadway Corridor and Policy LU-3.2 Reinvestment. Discussion with City departments determined that there is also no need to retain the 600-sf parcel for utility easements. Therefore, the Planning Commission can find the location, purpose, and extent of the proposed surplus to allow for acquisition by the adjoining property owner is consistent with the 2040 General Plan, the certified LCP, and City Policy 2.01.

Surplus Land Act Requirements

The Surplus Land Act (CGC §§54220-54234) is a “right of first refusal” law requiring all local agencies to offer surplus land for sale or lease for affordable housing and/or recreational or open-space purposes before selling or leasing the land to any individual or entity. The 600-sf City-owned Notch parcel qualifies as “exempt surplus land” pursuant to Government Code §54221(f)(1)(B) because the parcel 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. Therefore, no notice to, or negotiation with, housing sponsors is required. However, because the 600-sf 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.

Summary Vacation

In addition to disposing of the City-owned Notch parcel, the City proposes to vacate a 20-foot-by-130-foot right-of-way easement over both Notch parcels. California Streets and Highways Code (SHC), §8300 et. seq., grants authority to vacate public right-of-way within City limits to the Eureka City Council through either a Summary Vacation or General Vacation process; and, like the surplus property process, CGC §65402 requires the location, purpose and extent of the proposed vacation to be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan. Additionally, City of Eureka Policy and Procedure, File 4.02, Vacation of City Street, Alley, or Easement describes the process to effectively administer the vacation procedures outlined in SHC §8300 et seq.

The term “vacation” means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement. A “street” or “highway” is defined as

all or part of, or any right in, a state highway or other public highway, road, street, alley, trail, or other public right-of-way or easement. SHC §8331 and City of Eureka Policy and Procedure 4.02 allow for a Summary Vacation when an alley or street has not been used, or has been impassable, for at least five years, and no public money has been expended for maintenance. If the proposed vacation does not meet those conditions, then a General Vacation is required. The Summary Vacation is a shortened and more simple process than a General Vacation because adoption and posting on the site of a Resolution of Intent (which would “declare the City Council’s intention to ‘Order the Vacation’”) is not required.

1. Summary Vacation Eligibility

The location of the proposed 20-foot by 130-foot alley vacation (i.e. the Notch) has not been used for over five years. The driveway from Broadway has been blocked by stored vehicles or a chain rope for more than five years (which can be seen in Google street views dating back to 2007). Per the City Engineer, the ally has no public utilities, and no public money has been expended for its maintenance. Therefore, the proposed alley vacation of the Notch qualifies as a Summary Vacation.

2. General Plan/Land Use Plan Conformance

The findings describe above in the Surplus Property section for disposition of the City-owned Notch parcel are applicable here for the vacation of an easement over the entire Notch. The 2040 General Plan and certified LCP are silent as to the need for this specific alley, and the alley has not been used and has been impassable for more than 5 years and no public money has been expended on it. Vacating the alley easement over the Notch to allow for a future redevelopment project on the surrounding parcel (2000 Broadway) with new uses more compatible with surrounding uses on Broadway does not conflict with any certified LUP policies, and supports 2040 General Plan’s vision for the Broadway Corridor and Policy LU-3.2 Reinvestment. Therefore, the Planning Commission can find the location, purpose and extent of the proposed alley vacation conforms with the General Plan.

ANALYSIS FOR LOCAL COASTAL PROGRAM (LCP) AMENDMENT

The Local Coastal Program (LCP) is the foundational policy document for areas of the City located in the Coastal Zone. The LCP is divided into two components: the first component is the *Land Use Plan* (LUP), which is the General Plan specific to land in the Coastal Zone. It outlines the existing conditions, permitted uses, and policies needed to achieve the goals of the Coastal Act and includes the general plan map. The second component of the LCP is the *Implementation Plan* (IP), which includes zoning regulations and the zoning map for land in the Coastal Zone, as well as specific Coastal Zone ordinances necessary to implement the policies of the LUP.

The applicant proposes an LCP amendment to change the LUP land use designation and IP zoning district for 936 W Hawthorne Street from General Industrial (GI)/General Industrial (MG) to General Service Commercial (GSC)/Service Commercial (CS) in order to match the commercial zoning designation of the adjacent property to the east (2000 Broadway) to facilitate future redevelopment of the entire site under common ownership.

The standard of review by the California Coastal Commission for LUP amendments is found in §30512 of the California Coastal Act (Public Resources Code [PRC] Division 20). This section requires the Coastal Commission to certify an LUP amendment if it finds that it meets the

requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act. Specifically, PRC §30512(c) states:

“(c) The Coastal Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with §30200).”

Pursuant to PRC §30513, the Coastal Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified LUP. Therefore, to approve an amendment to the IP zoning map to change the zoning designation of a specific property, the Coastal Commission must find that the IP, as amended, is consistent with and adequate to carry out the policies of the City’s certified LUP.

Additionally, EMC §10-5.2707.1 requires a finding be made that the zoning designation change is consistent with the objectives of the Zoning Ordinance (i.e. Zoning Code) as prescribed in EMC §10-5.102 (Objectives). Also, when the proposal involves a change to a commercial district, the following additional findings in EMC §10-5.2707.2 must be made:

1. The development will be of sustained desirability and stability;
2. The development will be harmonious with the character of the surrounding area;
3. The development will be consistent with the General Plan adopted by the Council and subsequent amendments thereto, if any; and
4. The development will not result in undue traffic congestion or traffic hazards.

Analysis of the consistency of the LUP map amendment with Chapter 3 of the Coastal Act, and the IP map amendment with the adopted LUP, as well as the objectives of the Zoning Code and additional findings to change to a commercial district, is as follows:

Land Use Plan (LUP) Map Amendment Analysis

Conformance with Coastal Act Chapter 3 Policies

The standard of review for the proposed amendment to the LUP portion of the City’s LCP is the Chapter 3 policies of the Coastal Act which are divided into seven articles: Public Access, Recreation, Marine Environment, Land Resources, Development, Industrial Development, and Sea Level Rise. The Tirsbeck LCP Amendment will amend the land use map to change the LUP land use designation of 396 W Hawthorne Street from General Industrial (GI) to General Service Commercial (GSC) and does not conflict with any Coastal Act policies as described below.

It is important to note that 396 W Hawthorne Street is not covered by the City’s Categorical Exclusion Order (E-88-2), and therefore any future redevelopment involving new structures or changes in density or intensity of use will require a Coastal Development Permit and will be evaluated for consistency with the LCP.

Public Access and Recreation

Articles 2 and 3 (Public Access and Recreation) require maximum access to the shoreline be provided, and coastal recreational opportunities be protected, encouraged and provided when feasible. 936 W Hawthorne Street does not have frontage on Humboldt Bay and does not impede coastal access or coastal-related recreational activities. The nearest access point to Humboldt Bay is located on the west end of Del Norte Street, northwest of the site, where the Del North

Pier and access points to the Waterfront Trail area located. The Del Norte Pier provides for recreational fishing. The Waterfront Trail (a segment of the California Coastal Trail) provides coastal recreation and travels the shoreline of Humboldt Bay through Eureka. Del Norte Street is located one street north of the subject site, which can be accessed via Broadway, or by traveling from the subject parcel west on W Hawthorne Street to Felt Street, and then north on Felt Street to Del Norte Street (approximately 2,000 feet/0.37 miles from the subject parcel). Therefore, any future redevelopment project at the project site resulting from the proposed LUP map amendment will not impede or alter existing recreation, public access or public parking for visitors to Humboldt Bay, consistent with the Public Access and Recreation policies.

Marine Environment and Land Resources

The policies in Articles 4 and 5 (Marine Environmental and Land Resources) are intended to, among others, maintain and/or restore when feasible the biological productivity and quality of coastal waters, streams, wetlands and estuaries, provide protection from hazardous substances spills, prioritize commercial fishing and recreational boating facilities, minimize the alternation of natural shoreline, and ensure environmentally sensitive habitat areas (ESHAs) and agricultural lands and archeological and paleontological resources are protected when new development is proposed. 936 W Hawthorne Street is developed with commercial uses and structures and is comprised of asphalt and hardpacked surfaces in a predominantly commercial and industrial area of the City. No agricultural land is located nearby. The parcel adjoining the subject parcel to the west has mapped wetlands (an ESHA) which are hydrologically connected to Palco March. Palco Marsh is tidally connected to Humboldt Bay. The LCP Amendment will allow for less intense (potentially polluting) commercial uses on the site than the currently allowed industrial uses which will decrease potential environmental impacts to the nearby wetland ESHAs.

Any future redevelopment project on the subject parcel resulting from changing the land use designation will not significantly impact the nearby wetland ESHAs because new development will be required to prepare and implement a Construction Stormwater General Permit and Stormwater Pollution Prevention Plan to prevent erosion and runoff from leaving the site. Additionally, the mitigation measures included in the MND reduce potential impacts to any nearby biological or water resources (Mitigation Measures Air-1: Measures to Reduce Air Pollution, Visual-1: Exterior Lighting Limitations, Bio-1: Limitations on Site Landscaping, Bio-2: Avoidance and Minimization Measures to Protect Special Status and Nesting Birds, and Haz-2: Soil and Groundwater Management Plan), and protect archeological and paleontological resources (Mitigation Measures Cultural-1: Tribal Cultural Resource Survey with Wiyot Tribe Monitor, Cultural-2: Inadvertent Discovery Protocol During Ground Disturbance,, and Cultural-3: Post TCR Survey Ground Disturbing Activities Requiring Wiyot Tribe Monitor). Furthermore, any project-specific impacts that could not be identified at this time because no specific project has been proposed, can be identified and mitigated in the future through the Coastal Development Permit process which will also require subsequent environmental review. Therefore, the LUP map amendment will maintain or improve the biological productivity of nearby wetlands, estuaries and coastal waters, and protect nearby ESHA, and doesn't conflict with any other polices related to agricultural land and coastal-priority uses (commercial fishing and recreational boating) consistent with the Marine Environment and Land Resources policies.

Development and Sea Level Rise

Article 6 (Development) requires new residential, commercial, and industrial development to be located within, contiguous with, or in close proximity to, existing developed areas able to

accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. 936 W Hawthorn Street is located within the City of Eureka and full urban level services are available. Any future redevelopment project resulting from the LCP Amendment is inherently consistent with the infill policy in Article 6 because the site is already developed with commercial uses (and previously housed industrial uses, such as paint manufacturing), and new hazardous industrial uses will be limited by the new commercial land use designation. Any new retail or service-commercial uses will provide goods and services for residents and visitors in an appropriate location due to the parcel's proximity to Broadway (Highway 101).

Article 6 also specifies that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance. Permitted development must be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. The parcel is not in a designated coastal scenic area under the City's certified LCP. If vegetation on the wetland parcels to the west were lost or removed, construction activities and operation of new business(es) resulting from a redevelopment project would not impede any views that would not already be affected by the existing buildings on the parcel. Because of the lack of elevation change between the subject parcel and the bay, a single-story building would block ground level views the same as a new 55-foot-tall building. Allowing additional building height (but not additional floor area) through the land use/zoning change from industrial to commercial would provide additional flexibility to avoid or minimize view impacts; a tall slender building could result in less of a view impact than a shorter broader building with the same floor area. Therefore, the scenic and visual quality of the shoreline and the Bay itself will not be impacted by the LCP Amendment, consistent with the Development polices of the Coastal Act.

Article 8 (Sea Level Rise) requires the Commission to consider the effects of seal level rise in coastal resources planning and management policies and activities in order to identify, avoid and mitigate any adverse effects. Surface elevations on the subject parcel range from 9 to 15 feet NAVD88, and a portion of the parcel is located in the FEMA-mapped 100-year flood hazard zone. The entire parcel is also located in a tsunami evacuation zone. Therefore, current-level flooding, and future seal level rise, could impact any development on the parcel. Any redevelopment project resulting from the LCP Amendment will require a Coastal Development Permit, and findings of consistency with the LCP will be required, including consistency with IP §10-5.2943.1 which requires development to minimize risk to life and property in areas of high geologic and flood hazard, and to assure stability and structural integrity. Any redevelopment within the flood hazard zone portion of the subject parcel will also require a Flood Development Permit consistent with the City's flood hazard regulations. The Coastal and Flood Development Permit processes will ensure structures are adequately elevated and floodproofed to minimize flood risk. Also, Mitigation Measure Haz-3 requires preparation of a tsunami evacuation plan for any new development resulting from the LCP Amendment. Therefore, a future redevelopment project on the parcel resulting from the LUP map amendment will not conflict with the sea level rise policy in Article 8.

Industrial Development

Article 7 (Industrial Development) calls for coastal-dependent industrial facilities to be encouraged to be located on, or expanded within, existing sites. 936 W Hawthorne Street is not adjacent to Humboldt Bay, is not developed with coastal-dependent uses, and does not have a Coastal Dependent Industrial (CDI) land use designation as it's currently designed General Industrial (GI). According to the 2040 General Plan EIR, the City has 72 acres of CDI designated land of which 33 acres have been identified as developable acres for either new development or redevelopment. Therefore, there is sufficient land to accommodate new CDI uses, the subject parcel is not required for CDI uses, and the proposed LUP map amendment to change from MG to GSC would not impact existing CDI designated parcels and uses, consistent with the policies of Article 8 (Industrial Development).

Implementation Plan (IP) Map Amendment Analysis

Adequacy to carry out the Policies of the City's certified LUP

The standard of review for the proposed IP amendment is whether the amendment conforms with, and is adequate to carry out, the LUP. The proposed IP amendment would change the zoning designation on 936 W Hawthorne Street from General Industrial (GI) to Service Commercial (CS) and would be consistent with the proposed General Service Commercial (GSC) land use designation. Because the amendment will cause the zoning on the property to be consistent with the proposed land use plan designation, it is clear that the proposed IP amendment is consistent with the LUP as amended.

As described in Table I above in the Background section, the purpose of the GSC land use designation is to allow retail stores, offices, service establishments, amusement establishments, and wholesale businesses that offer commodities and services required by residents of the City and the surrounding market area. The applicant has indicated the intent of the rezone is to redevelop the entire Site (936 W Hawthorne Street and 2000 Broadway) with new commercial uses, consistent with the purpose of the GSC land use designation. These new retail and service commercial uses will complement the hotels and other existing retail and service commercial uses along Broadway, the City's primary commercial corridor and entryway into the City.

The certified policies of the LUP are divided into six sections: Land Use and Community Design; Transportation and Circulation; Public Facilities and Services; Recreational and Cultural Resources; Natural Resources; and Health and Safety.

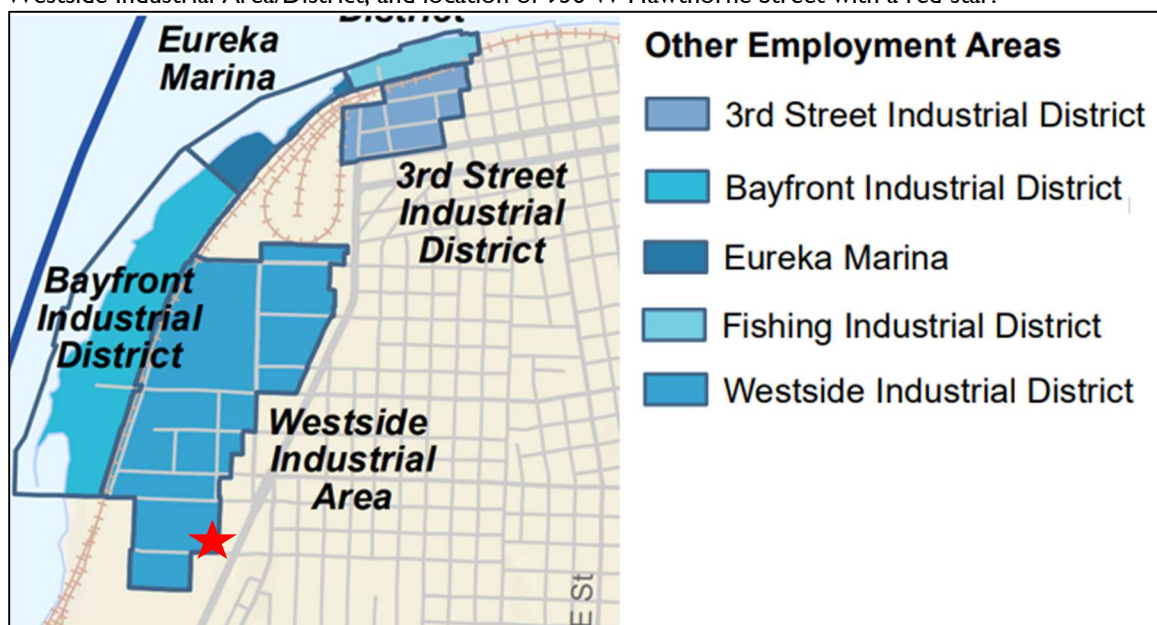
According to Figure 2-7: Other Employment Areas of the 2040 General Plan (Figure 6 below), the 936 W Hawthorne Street parcel is located in the Westside Industrial Area. As a result, the only certified LUP policy that is implicated by the proposed LCP Amendment is *LUP Policy I.M.* which states:

“The City shall promote development and upgrading of the Westside Industrial Area to accommodate industrial growth and the relocation of industry from unsuitable sites and areas.”

936 W Hawthorne Street is located on the southeastern-most edge of this area, adjacent to commercial properties, with hotel/motels located directly to the northeast, south and southeast. The Waste Transfer Station (Humboldt Waster Management Authority) parcels located on the south side of W Hawthorne Street, and east of the subject parcel are the southernmost parcels

in this area. The intention of LUP Policy I.M. is to allow for the relocation of inappropriate light industrial uses (such as tow-truck yards and used car sales lots) from the Old Town and Downtown areas. The CS zoning designation principally permits used-car sales lots, and conditionally allows for light industrial uses that are principally permitted in the Limited Industrial (ML) zoning district. Therefore, changing the zoning designation from MG to CS will still allow for the implementation of this policy on this parcel as needed. The new CS designation will allow for discretionary review if ML-zoned industrial uses are proposed, which will help ensure industrial uses do not have detrimental effects on the nearby wetland ESHA or other retail and service-commercial uses along Broadway (such as the hotels and motels) that serve City residents and visitors. Therefore, the proposed zoning change does not conflict with this policy.

Figure 6: Portion of the 2040 General Plan's Figure 2-7: Other Employment Areas, showing the boundaries of the Westside Industrial Area/District, and location of 936 W Hawthorne Street with a red star.



In Staff's opinion, there are no other conflicts between the certified LUP policies and the proposed IP amendment to change the zoning designation at 936 W Hawthorne Street from General Industrial (MG) to Service Commercial (CS).

Objectives of Chapter 5 (Zoning Ordinance; i.e. Implementation Plan).

In order to change the zoning map of the Coastal Zoning Code (Title 10, Chapter 5 of the EMC), a finding must be made that the proposed map amendment is consistent with the objectives of the zoning regulations as prescribed in EMC §10-5.102. There are eleven objectives specified in EMC §10-5.102 to protect the public health, safety, peace, comfort, convenience, prosperity, and general welfare:

- (a) To provide a precise guide for the physical development of the city in such manner as to achieve progressively the arrangement of land uses depicted in the general plan adopted by the Council;
- (b) To foster a harmonious, convenient, workable relationship among land uses;
- (c) To promote the stability of existing land uses that conform with the general plan and to protect them from inharmonious influences and harmful intrusions;

- (d) To ensure that public and private lands ultimately are used for the purposes which are most appropriate and most beneficial from the standpoint of the city as a whole;
- (e) To prevent excessive population densities and overcrowding of the land with structures;
- (f) To promote a safe, effective traffic circulation system;
- (g) To foster the provision of adequate off-street parking and off-street truck loading facilities;
- (h) To facilitate the appropriate location of community facilities and institutions;
- (i) To promote commercial and industrial activities in order to strengthen the City's tax base;
- (j) To protect and enhance real property values; and
- (k) To safeguard and enhance the appearance of the city.

When a map amendment proposal involves a change to a commercial district, in addition to finding consistency with the objectives of the Coastal Zoning Code, the following findings in EMC §10-5.2707.2 must be made:

- (l) The development will be of sustained desirability and stability;
- (m) The development will be harmonious with the character of the surrounding area;
- (n) The development will be consistent with the General Plan adopted by the Council and subsequent amendments thereto, if any; and
- (o) The development will not result in undue traffic congestion or traffic hazards.

The proposed IP map amendment does not conflict with the eleven objectives specified for the coastal zoning regulations or the four additional requirements to increase the amount of commercially zoned land, and supports several of the objective and additional requirements.

As described throughout the report, rezoning 936 W Hawthorne Street from MG to CS to match 2000 Broadway would allow the two adjoining parcels under the same ownership to have consistent CS zoning designations. Per the applicant, the intention is to redevelop the entire 3.18-acre property (936 W Hawthorne Street and 2000 Broadway) with new retail and service commercial uses that complement the hotel being built directly south (across W Hawthorne Street) as well as the other existing retail and service-commercial uses along this portion of Broadway, and help further revitalize Broadway aesthetically and provide more visitor-serving establishments versus industrial warehouses. Therefore, this intention, and the requested IP map amendment can be seen as providing sustained desirability and stability for this portion of Broadway (the City's major commercial corridor and gateway into the City) (finding l) and will be harmonious with the character of the surrounding area (finding m).

One of the main purposes of the MG zoning district is to reserve appropriately located areas for hazardous industrial uses. Due to the subject parcel's location next to a mapped wetland and other existing commercial uses along Broadway, and due to the 2040 General Plan's community vision to "revitalize and beautify the Broadway Corridor", rezoning 936 W Hawthorne from MG to CS is appropriate and most beneficial from the standpoint of the city as a whole (objective d and finding n) because it will remove the potential for a variety of hazardous heavy industrial uses from being developed at the parcel and instead allow for new commercial uses that provide goods and services for residents and visitors which are better suited along Broadway. Any future development project resulting from the rezone will also help revitalize this portion of Broadway, promote the stability of existing land uses surrounding the site and protect them from

inharmonious influences and harmful intrusions (objective b) and foster a harmonious, convenient, workable relationship among land uses (objective c).

Any future redevelopment project on the subject parcel will require a Coastal Development Permit. Consequently, when a specific project is identified, any project-specific impacts related to the traffic circulation system, or off-street parking and loading facilities (objective g) can be addressed during subsequent permitting and environmental review, which could include, for example, the removal of the existing driveways on Broadway and/or preparation of a traffic impact study to ensure internal circulation and access do not conflict with City or Caltrans goals and policies at that time (objectives f and g; finding o).

Additionally, any future redevelopment project on the subject parcel will likely promote urban-centered growth around the City's primary commercial corridor (Broadway), eliminate blight and improve environmental stewardship of the property (it's a Waterboard GeoTracker clean-up site), improve public infrastructure (such as adding new sidewalks along the south property line adjoining W Hawthorne Street where they are missing), create local jobs, and expand business opportunities. All of which will strengthen the City's tax base (objective i), protect and enhance property values (objective j), and safeguard and enhance the appearance of the City (objective k).

Therefore, the proposed LCP Amendment to change the zoning map designation on 936 W Hawthorne Street does not conflict with the objectives of Chapter 5 (Coastal Zoning Code) as prescribed in EMC §10-5.102, and actually supports several of them, and meets the additional requirements in EMC §10-5.2707.2.

ENVIRONMENTAL ASSESSMENT

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 could therefore not qualify for a categorical exemption (such as Existing Facilities in §15301, or Surplus Government Property Sales in §15312) even though the LCP Amendment process has been determined to be a functional equivalent to CEQA pursuant to PRC §§21080.9 and 21080.5. Therefore, an IS and Mitigated Negative Declaration (MND) were prepared and posted for review and comment in accordance with the provisions of CEQA. The draft IS/MND concludes that with mitigation, no substantial adverse environmental impact will result from the proposed project, and future redevelopment of the project site resulting from the project requires subsequent discretionary permitting and environmental review (Attachment 3: IS/MND and MMRP).

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 to the 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. 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. A Mitigation Monitoring and Reporting

Program (MMRP) has also been prepared and is included in Section 4 of the IS/MND (Attachment 3).

Pursuant to CEQA Guidelines §15074, any advisory body making a recommendation to the decision-making body must consider the proposed MND before making its recommendation. The Planning Commission is making a recommendation to Council on the proposed property surplus, right-of-way vacation, and LCP Amendment, and is therefore required as an advisory body to consider the proposed MND before making its recommendations. Pursuant to CEQA Guidelines §15074, it is the decision-making body's responsibility to adopt the MND. In this case, the City Council is the decision-making body on the surplus property, right-of-way vacation and LCP Amendment and therefore is responsible for adopting the MND. The Planning Commission is not acting on the MND.

Prior to approving a project, CEQA requires the City Council to consider the proposed MND, together with any comments received during the public review process, and then adopt the MND if the Council finds, on the basis of the whole record before it, including the IS and any comments received, there is no substantial evidence the project will have a significant effect on the environment, and that the MND reflects the City's independent judgment and analysis of the proposed project.

PUBLIC HEARING NOTICE

Public notification of the public hearing before the Planning Commission consisted of notification by mail of property owners within a 300-foot radius of the site on January 31, 2024, and published to the Times Standard as a legal advertisement on Saturday, February 3, 2024. In addition, the notice was posted on the City's website and bulletin boards, and a public hearing notice sign was posted on the site on January 31, 2024.

CONCLUSION

Based on the analysis above, the location, purpose and extent of the proposed surplus of a 600-sf parcel and summary alley vacation of an associated 20-foot by 130-foot right-of-way easement conform with the 2040 General Plan, and the parcel proposed for surplus is not required for public use and is suitable for use with the surrounding development. Additionally, the proposed LCP Amendment conforms with the policies of Chapter 3 of the Coastal Act, and does not conflict with the certified policies of the LUP and the objectives of Chapter 5 (Coastal Zoning Code) as prescribed in EMC §10-5.102, and actually supports several objectives, and meets the additional requirements in EMC §10-5.2707.2.

STAFF CONTACT

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DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution for SP-21-0001 and SV-21-0002..pages 19-21
Attachment 2: Planning Commission Resolution for LCP-23-0001pages 22-24
Attachment 3: IS/MND and MMRP.....pages 25-301