

May 8, 2023

Title:	Sunny Avenue Acquisition No. 2
Project:	Property Acquisition PA-23-0002
Location:	East side of Sunny Avenue, approximately 155 feet south of Myrtle Avenue
APN:	006-181-011
Applicant:	City of Eureka
Property Owner:	Floyd and Betty Squires
Purpose/Use:	Acquisition of 2.1-acre property
Application Date:	March 22, 2023
General Plan:	LDR – Low Density Residential
Zoning:	RI – Residential Low
CEQA:	Exempt under §15061(b)(3) Common Sense
Staff Contact:	Caitlin Castellano, Senior Planner
Recommendation:	Receive report; and Adopt a Resolution finding the acquisition by the City of Eureka of APN 006-181-011 on Sunny Avenue is exempt from CEQA and conforms with the City of Eureka’s 2040 General Plan.
Motion:	<i>“I move the Planning Commission adopt a Resolution finding the acquisition of APN 006-181-011 on Sunny Avenue is exempt from CEQA and conforms with the City’s 2040 General Plan, and direct Staff to report the Commission’s determination, and any comments, to the City Council.”</i>

Figure 1: Location Map

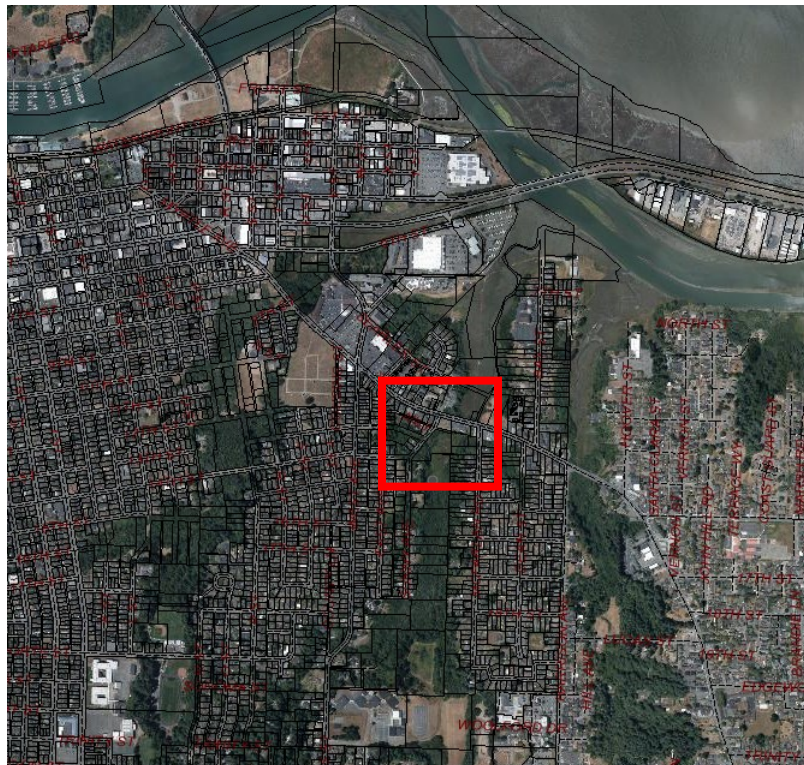


Figure 2: Site Map (red outline is subject property; yellow outlines are City-owned property (1310 Myrtle Avenue and 1429 Sunny Avenue).



PROJECT SUMMARY

The City of Eureka is proposing to acquire an approximately 2.1-acre (93,218-square-foot) undeveloped property located on the east side of Sunny Avenue, approximately 155 feet south of Myrtle Avenue. Most of the site is low-lying land, mapped as wetland in the U.S. Fish and Wildlife Service's National Wetlands Inventory. The southwestern corner of the property (or an approximately 0.4-acre area of land on the west side of the property) is higher in elevation (12-20 feet) and may include uplands. The site is adjacent to parcels containing the planned Bay to Zoo Trail, and it adjoins 1429 Sunny Avenue to the south, which the City recently purchased to use for the Trail and required mitigation. The City also intends to use the subject property's lowland area for required mitigation, and the upland area may be used for other City facilities in the future.

Background

The subject property is directly north of (and adjoins) 1429 Sunny Avenue, which was brought to the Planning Commission for a Property Acquisition (PA-23-0001) General Plan Conformance Review in February 2023. The proposed acquisition was found to conform to several goals and policies of the 2040 General Plan as its intended use is to support development of the Bay to Zoo Trail, and potentially other City facilities or housing. 1429 Sunny Avenue was subsequently purchased by the City in March 2023, which led the City to inquire with the subject property owner whether they were open to selling; the owner was amenable to a sale.

The subject property is also adjacent to City-owned 1310 Myrtle Avenue to the north, which is the site of the Sunny and Myrtle Linc Housing project; but, because the subject property is mainly comprised of low-lying land (associated with Second Slough), the intended use of the property would primarily be for required mitigation to compensate for wetland impacts resulting from development of the Bay to Zoo Trail, and/or other City projects. Any upland area would most likely be used for City facilities or projects in the future.

The subject property and surrounding parcels to the south, east, and west have a land use designation of Low Density Residential (LDR) and are developed with residences or are vacant, vegetated open space, and/or wetlands. The future Linc Housing parcel directly to the north is designated Neighborhood Commercial (NC), and the parcel directly to the northwest, across Sunny Avenue, is designated High Density Residential (HDR) and is developed with multi-family residences.

The property is not on the Local Register of Historic Places or included in *Eureka, An Architectural View* (Green Book) as part of the historical inventory.

APPLICABLE REGULATIONS

Title 15, Chapter 152, of the Eureka Municipal Code, Section 152.01 specifies the powers and duties of the Planning Commission, which include advising with and recommending to the City Council the acquisition, use, or disposition of all city owned real property. In addition, California Government Code Section 65402 states no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition has been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.

ANALYSIS

2040 General Plan Land Use Designation

The land use designation for the subject property is Low Density Residential (LDR). The LDR land use designation is defined as follows in the City's 2040 General Plan:

Single-family detached and attached homes, accessory dwelling units and compatible public/quasi-public uses. Intended to be suburban in character and located in proximity to parks, schools, and public services. Limited neighborhood serving market-commercial uses may be allowed where they enhance the quality of life of the neighborhood and as provided by the applied zoning district. Density: Up to one primary unit and one accessory dwelling unit per lot; greater density may be allowed through a special permit as provided by the applied zoning district.

Currently, the anticipated use of the site is for mitigation for development of the Bay-to-Zoo Trail, and for the development of any needed City facilities in the future, which are public uses. And, since the subject property will preserve and/or enhance open space and wetlands, the use of the site for mitigation measures as part of development of the Trail is compatible with the residential and open space uses on and surrounding the property.

2040 General Plan Goals and Policies

Goals and policies in the City's 2040 General Plan were reviewed for applicability to the proposed acquisition, and the following goals and policies were identified for Planning Commissions' consideration:

LU-1.3 Beneficial Development. Support development that affords benefits to all segments of the community that: [...]

- (f) Encourages people to walk, bike, or use transit.[...]
- (h) Integrates development with public rights-of-way, parks, open spaces, plazas, boardwalks, trails, and other public spaces.
- (i) Preserves and/or enhances valuable natural, historic, or cultural resources.
- (j) Applies practices that help to reduce development's carbon footprint.

LU-1.16 Public Access. Maintain and improve physical linkages from the community to the coastline, gulches, forests and Eureka's other distinct recreational resources where feasible by

creating/preserving view corridors, enhancing trail and roadway connections, and providing signage and other wayfinding cues.

***Consistent.** The proposed acquisition supports the development of the Bay-to-Zoo Trail by providing a location for required mitigation. The Bay to Zoo Trail will link the Waterfront Coastal Trail to Sequoia Park and Zoo via gulches, forests, and City streets. Acquisition of the property supports development of the Trail and preserves and/or enhances valuable natural resources (wetlands), and therefore is supported by Land Use Policy LU-1.3 and the sub-policies noted above, and Policy LU-1.16.*

NR-1.1 Surface Water. Preserve, protect, and restore all surface water resources (including bays, rivers, streams, wetlands, and sloughs) to their natural state, to the maximum extent feasible.

NR-1.3 Natural Open Space Areas. Preserve undeveloped natural open space areas that provide important groundwater recharge, stormwater management, and water quality benefits, such as undeveloped open spaces, gulches, natural habitat, riparian corridors, wetlands, and other drainage areas.

NR-2.4 Wetlands Preservation. Require appropriate public and private preservation and restoration of wetlands, and/or rehabilitation through compensatory mitigation in the development process for impacts to wetlands, consistent with State and federal permitting requirements.

NR-3.5 Recreational Use and Nature Study. Within open space areas, develop compatible recreational uses and opportunities for nature study, such as trails, canopy walks, interpretive centers, viewing platforms, and other compatible uses, especially when such uses provide enhanced opportunities for acquisition, management, and enhancement of the City's public recreation and nature-study opportunities.

NR-3.7 Trails in Gulches and Greenways. Encourage and stimulate the development of public trails within Eureka's gulches and greenways.

***Consistent.** The 2040 General Plan generally promotes the preservation, protection, and restoration of surface water resources, including wetlands, as well as, recreational uses, nature study, and trails in gulches and greenways. Acquisition of the property supports development of the Bay to Zoo Trail by providing space to implement mitigation for impacted wetlands and waters, and therefore is supported by Natural Resource Policies NR-1.1, NR-1.3, NR-2.4, NR-3.5 and NR-3.7.*

E-6.3 Year-Round Tourism Destination. Encourage increased year-round and multi-day tourism by promoting Eureka as a cultural-tourism destination rich in local architecture, history, dining, arts, and entertainment and by promoting and developing Eureka as an ecotourism and adventure tourism destination with activities such as bay kayaking, the Eureka waterfront coastal trail, Zoo, and forested city-parks.

***Consistent.** The Bay to Zoo Trail will add to the activities available for eco- and adventure-tourism, and provide access between the Waterfront Coastal Trail and Sequoia Park and Zoo, which is a forested City-park. Acquisition of the property supports development of the Bay to Zoo Trail by*

providing mitigation for wetland impacts associated with development of the Trail and therefore is supported by Economy; Tourism and Regional Visitation Policy E-6.3.

M-3.2 Extend Facilities. Provide for the extension of sidewalks, trails, and walking/bicycling facilities throughout the City to allow for convenient and safe pedestrian and cyclist movement and to promote walking and bicycling as viable modes of transportation for all types of trips.

***Consistent.** The Bay to Zoo Trail will extend between the Waterfront Coastal Trail and Sequoia Park and Zoo which will allow and promote safe, convenient, walking and bicycle opportunities. Acquisition of the property supports development of the Bay to Zoo Trail by providing space for mitigation for wetland impacts and therefore is supported by Mobility; Pedestrians and Bicyclists Policy M-3.2.*

Consistency Determination

The review identified applicable goals and policies of the 2040 General Plan and found acquisition of the property known as APN 006-181-011 on Sunny Avenue is consistent with, and supported by, the applicable goals and policies.

Environmental

The decision of the City Council to acquire this real property, a decision for which the Planning Commission is providing analysis pertaining to the conformance of the acquisition with the City of Eureka's 2040 General Plan, is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). However, pursuant to CEQA Guidelines Section 15061(b)(3), where it can be seen with certainty there is no possibility the acquisition itself may have a significant effect on the environment, the project can therefore be found exempt from further CEQA review. When mitigation or other projects are proposed for the site in the future, those projects would be subject to separate CEQA analysis.

STAFF CONTACT

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DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution 2023-____
Attachment 2: 2040 General Plan Goals and Policies