



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Dumouchel, Interim Director

531 K Street, Third Floor
Eureka, California 95501-1146
(707) 441-4160 • planning@ci.eureka.ca.gov
www.ci.eureka.ca.gov

NOTICE OF PUBLIC HEARING

EUREKA PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Eureka Planning Commission will hold a public hearing on, **July 13, 2020**, at 5:30 p.m., or as soon thereafter as the matter can be heard. Pursuant to Executive Order N-29-20, by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

Project Title: Surplus Property Sale of portion of 1206 W. 14TH Street (Vacated Street)

Project Applicant: City of Eureka **Case No:** SP-19-004

Project Location: Portion of 1206 W. 14th Street (Vacated Street); APN: 003-082-006

Zoning and General Plan Designations: MC (Coastal Dependent Industrial)/CDI (Coastal Dependent Industrial)

Project Description: The City is proposing to dispose of a portion of the property located at 1206 W. 14th Street; APN: 003-082-006. The subject property is approximately 0.60 acres, is located within the Coastal Zone, and is owned by the City of Eureka. The property is an unimproved, asphalt-capped, previously vacated street right-of-way.

The public is invited to participate in the following manner:

1. You can view the Planning Commission meetings live on the City of Eureka's website at www.ci.eureka.ca.gov or on Cable Channel 10. To view from the website, select Agendas, Meeting and Videos on the home page.
2. If you wish to speak and be heard during the hearing or oral communications, please submit your name, phone number and name of the item you would like to comment on by e-mail to planning@ci.eureka.ca.gov or leave a message at 707-441-4160 on or before July 13, 2020 at 12:00 p.m. A Development Services staff member will call you during the public hearing for the item.
3. If you don't want to participate during the meeting but want to submit comment on a project or for oral communications, please submit your comment via email to planning@ci.eureka.ca.gov or you may leave a message at 707-441-4160 prior to July 13, 2020 at 12:00 p.m. to ensure that the Commission receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but will not be read aloud during the meeting.

Appeals to the City Council of the action of the Planning Commission, may be made within 10 calendar days of the action by filing a written Notice of Appeal with the City Clerk, along with the filing fees as set by the City Council.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review at the Development Services Department. If you have questions regarding the project or this notice, please contact Lisa Savage, Project Manager, lsavage@ci.eureka.ca.gov or (707) 441-4186.



**CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT**

Rob Dumouchel, Interim Director

Lisa Savage, Project Manager

531 K Street • Eureka, California 95501-1146
Ph (707) 441-4186 • lsavage@ci.eureka.ca.gov

EUREKA CITY PLANNING COMMISSION

STAFF REPORT

July 13, 2020

Project Title: Surplus Property Sale of 1206 W. 14TH Street

Project Applicant: City of Eureka

Case No: SP-19-0004

Project Location: Portion of 1206 W. 14th Street (Vacated Street); APN: 003-082-006

Zoning and General Plan Designations: MC (Coastal Dependent Industrial)/CDI (Coastal Dependent Industrial)

Project Description: The City is proposing to dispose of a portion of the property located at 1206 W. 14th Street; APN: 003-082-006. The subject property is approximately 0.60 acres, is located within the Coastal Zone, and is owned by the City of Eureka. The property is an unimproved, asphalt capped, previously vacated street. Eureka Forest Products has expressed an interest in acquiring the property. In order to sell the property, the City must comply with the Surplus Land Act to declare the property exempt surplus land and follow the City's Policies and Procedures for the sale of City-owned real property. A fair market appraisal of the City's property will be obtained from a qualified Real Estate Appraiser prior to surplus.

Staff Contact Person: Lisa Savage, Project Manager; City of Eureka, Development Services Department, 531 "K" Street, Eureka, CA 95501-1165; phone: (707) 441-4186, email: lsavage@ci.eureka.ca.gov

Staff Recommendation: Hold a public hearing and adopt a Planning Commission Resolution finding the subject property proposed for surplus is not required for present or future City public uses, that the surplus of the proposed property is consistent with the City of Eureka's General Plan as required by Government Code §65402, and recommending the City Council surplus the property.

Suggested Motion: "I move the Planning Commission adopt "A Resolution of the Planning Commission of the City of Eureka recommending the City Council determine a portion of the property located at 1206 W. 14th Street, APN: 003-082-006, is exempt surplus land."

Background:

The proposed parcel for surplus was brought to the City's attention as part of a larger project submitted by Eureka Forest Products covering a Lot Line Adjustment (LLA), and related Coastal Development Permit (CDP), Merger, Local Coastal Program Amendment (LCP), and Zoning Reclassification. The parcel is located at the intersection of W. 14th Street and Railroad Avenue, and is the bayside terminus of 14th Street. The parcel is surrounded on three sides by property owned by Eureka Forest Products, and provides vehicular access to the Eureka Forest Products property. No construction or physical site alteration is proposed with any aspect of the above listed projects.

The "Paper Street" was vacated by the City of Eureka via a "Resolution and Order Vacating a Portion of 14th Street" recorded on December 7, 1964, under Recorder's Instrument No. 20834, book 816, Official Records page 414, Humboldt County Records. At that time, the parcel should have been surplussed since it was determined that the City owns the underlying fee, and that the parcel is no longer needed for future City public uses. Any Public Utility or Access Easements required by the City will be retained prior to surplus. A fair market appraisal of the City's property will be obtained from a qualified Real Estate Appraiser prior to surplus

Pursuant to California Government Code §54221 (f)(1)(E), the Paper Street is considered Exempt Surplus Land as it is a former street and is being conveyed to an owner of adjacent property. The parcel is located at the bayside terminus of 14th Street, is surrounded on three sides by property owned by Eureka Forest Products, and provides the only vehicular access across a railroad right-of-way to the Eureka Forest Products property. The property is not needed for City public use and is best utilized as a support property (entrance) for the established Coastal Dependent Industrial business (Eureka Forest Products). In addition, Eureka Forest Products leases the adjacent Tidelands from the City and their continued use via ownership, will therefore, benefit the City.

Environmental: The sale of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA). However, pursuant to CEQA Guidelines, Categorical Exemption 15312 exempts the sale of surplus property except when the property is located in an area of "Statewide, Regional, or Area wide significance" as described in CEQA Guidelines Section 15206. Projects located within the coastal zone may be deemed significant unless the property does not have a significant value for wildlife habitat or other environmental purpose and the property is incapable of independent development or use; or would otherwise qualify for an exemption under any other class of categorical exemption; or the use of the property and adjacent property has not changed since the time of purchase by the public agency.

Although the property is located in an area of "Statewide, Regional, or Area wide significance" the sale of the property would not impact the coastal zone as the property is surrounded by development (Eureka Forest Products) and has no wildlife habitat.

Therefore, the sale of the property is exempt from CEQA pursuant to Guidelines Section 15312.

Applicable Regulations: According to the City's Policies and Procedures, Sale of City Owned Real Property File 2.01, the following steps are required:

- 1) Regardless of the prior use of the property, the Planning Commission shall determine whether the property is required for public use by the City of Eureka; whether the parcel is of such size and shape that it can be developed for a land use permitted in the zone in which it is located; and whether the disposition of the property is in conformance with Government Code §65402.
- 2) After evaluating CEQA for the project, the Planning Commission must prepare a report for review by the City Council which includes a recommendation regarding disposition of the property. The report must also contain, at minimum:
 - a) Whether the parcel is suitable for conforming development; if it is not, the property may be recommended to the City Council for disposal to an adjoining property owner by negotiated sale.
 - b) Whether the property is required for present or future public use by the City.
 - c) Whether the sale of the surplus property is in conformance with the adopted General Plan.

Upon completion, the Planning Commission's report will be submitted to the City Council for review. If the Council finds that property is not required for present or future City public use, it may declare the property surplus real property and establish the minimum acceptable offers.

Pursuant to California Government Code §54222, the City is typically required to distribute written offers to sell surplus property to public agencies and several non-profits who may have potential interest in the property. However, per California Government Code §54222.3, the requirement to distribute written offers does not apply to the disposal of exempt surplus property. Therefore, the City is able to move forward with the sale directly to the only adjacent property owner, Eureka Forest Products.

Analysis:

Public use: There is no public project identified in the 2019-2024 Capital Improvement Program (CIP) which requires the subject property. The subject property has not been used by the City of Eureka for a public purpose. Therefore, the subject property is not needed for a public purpose.

Adequate size and shape for development in MC zone district: The subject property is in a MC (Coastal Dependent Industrial) zone district located at 1206 W. 14th Street within the coastal zone. The property is an asphalt capped unimproved piece of land.

Eureka Forest Products utilizes the property as their entrance and the best use for the property is the continued use by Eureka Forest Products.

The subject property is approximately 25,900 sq ft, or 0.60 acres in size. There is no minimum parcel size for properties in the MC zone district. The property has access from Railroad Avenue.

Conformity with the adopted general plan: The General Plan designation for the subject property is CDI (Coastal Dependent Industrial). The CDI plan designation is intended to reserve and protect land adjacent to Humboldt Bay for coastal-dependent industrial uses. The primary intent of this designation is to encourage industrial uses related to shipping or the fishing industry. The parcel is not adjacent to Humboldt Bay, but does provide access to land and a dock used for shipping.

Staff has reviewed the adopted General Plan and finds that it is silent with regard to the necessity of retaining the subject property for City public use. In addition, there is no Goal or Policy within the adopted General Plan that calls for the retention of the property for the City's public purposes. Therefore, Staff believes that the City's action to surplus the subject property will not conflict with the adopted General Plan.

Discussion with City departments determined that there is no need to retain this property. Selling the property will provide an opportunity for Eureka Forest Products to purchase the property which serves as access to their property.

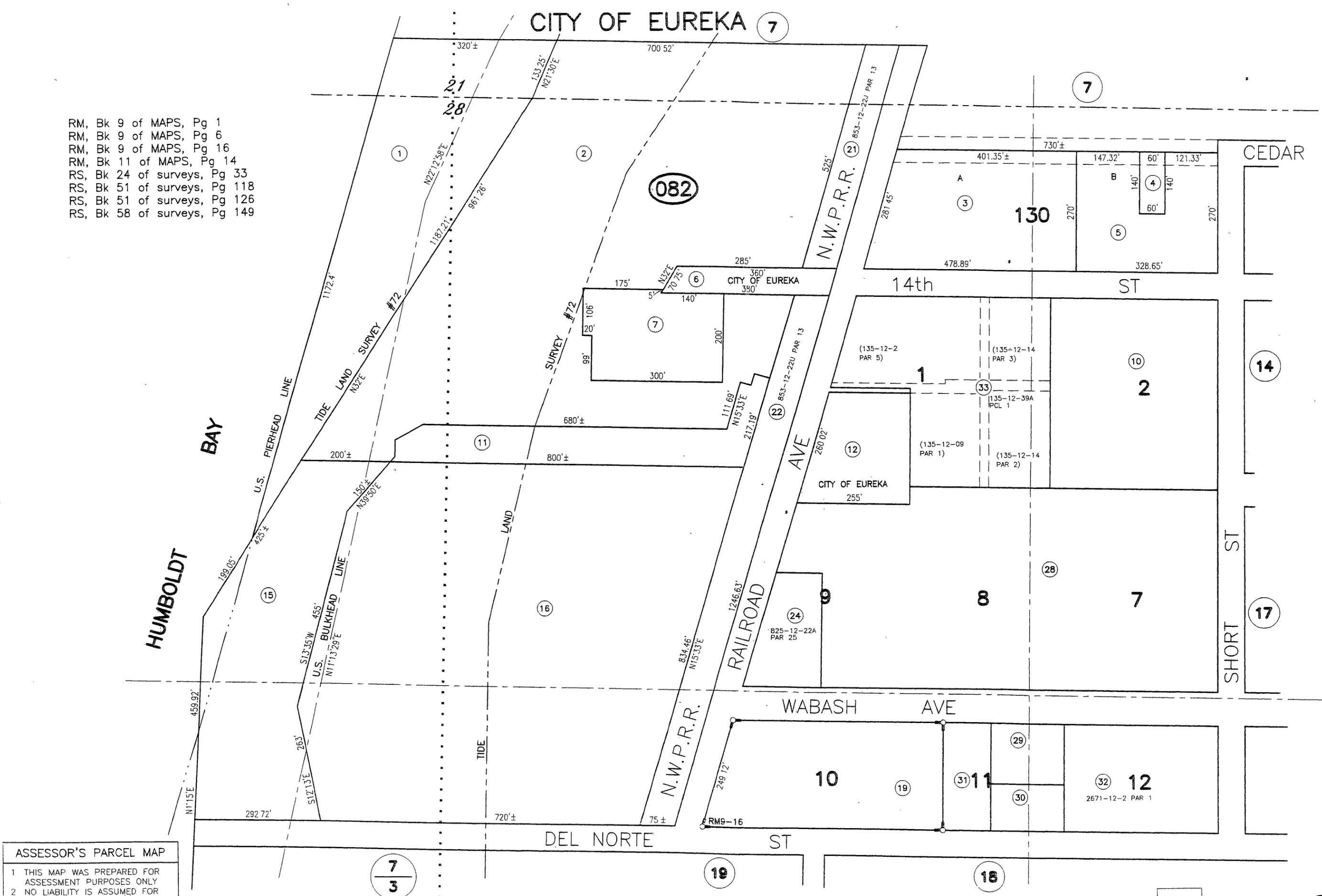
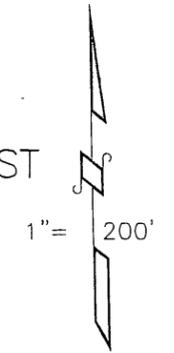
Summary: Based on the above, Staff recommends the Planning Commission determine that the property proposed for surplus is not required for City public use, and recommend the City Council declare the subject property exempt surplus by adopting "A Resolution of the Planning Commission of the City of Eureka recommending the City Council determine the property is exempt surplus land."

Attachments:

- A. Assessor's Parcel Map
- B. Aerial Location Map
- C. Policies and Procedures File 2.01 for the Sale of City Owned Real Property
- D. Planning Commission Resolution

CITY OF EUREKA 7

RM, Bk 9 of MAPS, Pg 1
 RM, Bk 9 of MAPS, Pg 6
 RM, Bk 9 of MAPS, Pg 16
 RM, Bk 11 of MAPS, Pg 14
 RS, Bk 24 of surveys, Pg 33
 RS, Bk 51 of surveys, Pg 118
 RS, Bk 51 of surveys, Pg 126
 RS, Bk 58 of surveys, Pg 149

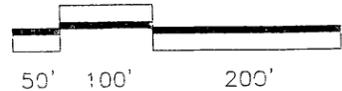


ASSESSOR'S PARCEL MAP

- 1 THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY
- 2 NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN
- 3 ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES

NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map Bk.3, Pg.08
 County of Humboldt, CA.



Nov. 3, 2010



Scale: 1" = 400'



 Project Location

Project Location Map
APN: 003-082-006

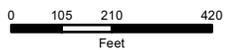


Figure 1

Date: 6/18/2020

Created By: rtopolewski

CITY OF EUREKA

Category: FINANCE

POLICIES & PROCEDURES

Subject: SALE OF CITY-OWNED REAL
PROPERTY

Date Adopted: January 1, 1976

File 2.01

Date Revised: August 20, 1985;
August 1, 2005

Number

POLICY OBJECTIVE

To establish procedures for the disposition of surplus real property or interests therein, owned by the City of Eureka.

ASSIGNED RESPONSIBILITY

City Manager and all Department Heads

APPLICABILITY

Applicable to a City-owned real property judged unnecessary for any present or prospective use by the City of Eureka.

If the City-owned real property is located within the Eureka Redevelopment Agency project area, it shall be first offered for sale at fair market value to the Agency. If the Redevelopment Agency does not agree to purchase the real property within 60 days of the offer, the real property may be disposed of according to the following procedures.

PROCEDURES

1. Inquiries regarding the sale of City-owned real property should be directed through the Department of Community Development to the Planning Commission.
2. In the instance where property requested for surplus has been used for a public, quasi-public, or neighborhood purpose, the Planning Commission shall conduct a public hearing after notifying all property owners within 300 feet of said property of the intent to surplus. The Planning Commission shall then take such public comments into consideration in making the recommendation to the City Council.
3. The Planning Commission shall make recommendations to the City Council based upon its determination whether the property is required for public use and whether the parcel is of such size and shape that it can be developed for land use permitted in the zone in which it is located. If the parcel is determined by the Planning Commission not to be suitable for conforming development, then the property will be recommended to the City Council for disposal to an adjoining property owner by negotiated sale.

CITY OF EUREKA

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Number

4. Upon Completion, the Planning Commission's report will be submitted to the City Council for review. If the council finds that property is not required for present or future public use, it may declare the property surplus real property.
5. Upon declaration of surplus property, the City Manager shall obtain a fair market value appraisal of the property and upon direction by Council shall establish the minimum acceptable offer.
6. Upon receipt of a written offer for purchase of the property, accompanied by a ten percent (10%) deposit, the City Manager shall set a date for hearing before the City Council.
7. At the hearing on the sale, the City Council shall receive all oral bids. If an oral bid in an amount at least five percent (5%) more than the amount of the written offer is made and is confirmed with a ten percent (10%) deposit, the Council may accept such higher offer.
8. At the close of the hearing, the council may confirm the sale and direct conveyance be executed, but the council reserves the right to reject any and all offers of bids for purchase of real property.
9. 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 if after notice to all adjoining property owners, only one owner is interested in purchasing the property, then the City may dispose of the property by negotiated sale, without proceeding with Procedures 6 through 8.

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
RECOMMENDING THE CITY COUNCIL DETERMINE THAT A PORTION OF THE
PROPERTY LOCATED AT 1206 W 14th STREET (VACATED STREET)
APN: 003-082-006 IS EXEMPT SURPLUS PROPERTY

WHEREAS, the City owns the land at 1206 W. 14th Street (APN 003-082-006); and

WHEREAS, staff is proposing to dispose of the property located 1206 W. 14th Street (Vacated Street) as surplus property, APN: 003-082-006; and

WHEREAS, the parcel, a “Paper Street”, was vacated by the City of Eureka via a “Resolution and Order Vacating a Portion of 14th Street” recorded on December 7, 1964, under Recorder’s Instrument No. 20834, book 816, Official Records page 414, Humboldt County Records; and

WHEREAS, the parcel should have been surplussed following the street vacation since it was determined that the City owns the underlying fee, and that the parcel is no longer needed for future City public uses; and

WHEREAS, any Public Utility or Access Easements required by the City will be retained prior to surplus; and

WHEREAS, a fair market appraisal of the City’s property will be obtained from a qualified Real Estate Appraiser prior to surplus; and

WHEREAS, staff has met with City Department Heads regarding the disposition, as required by the Surplus Lands Act, and it was determined there is no need to retain the property; and

WHEREAS, pursuant to California Government Code §54221 (f)(1)(E), the Paper Street is considered Exempt Surplus Land as it is a former street and is being conveyed to an owner of adjacent property; and

WHEREAS, Eureka Forest Products is the only adjacent property owner; therefore, the surplus property will be offered for sale directly to Eureka Forest Products; and

WHEREAS, per California Government Code §54222.3, the requirement to distribute written offers does not apply to the disposal of exempt surplus property; and

WHEREAS, the sale of surplus property is a “project” pursuant to the California Environmental Quality Act (CEQA). However, CEQA Guidelines Section 15312 exempts

the sale of surplus property; and

WHEREAS, on July 13, 2020, the Planning Commission held a duly noticed public hearing to receive public testimony; and

WHEREAS, there is no City of Eureka public project identified for the property in the adopted 2019-2024 CIP and the property has not been used for City public purposes; and

WHEREAS, the subject property is located in a MC (Coastal Dependent Industrial) zone district and the property is an unimproved, asphalt capped, previously vacated street; and

WHEREAS, the subject property is approximately .60 acres in size. There is no minimum parcel size for properties in the MC zone district. The property has access from Railroad Avenue and is suitable for development however, Eureka Forest Products utilizes the property as the only entrance to their Coastal Dependent Industrial land and the best use for the property is the continued use by Eureka Forest Products; and

WHEREAS, the City of Eureka General Plan is silent on the necessity of retaining the subject property for City public use.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka that:

1. The property proposed for surplus located at 1206 W 14th Street (Vacated Street), APN: 003-082-006, is:
 - a) Not required for City public use; and
 - b) The size and shape of the subject parcel is suitable for conforming development; and
 - c) Surplus of the property is in conformance with Government Code §65402 and the City of Eureka's adopted General Plan.
2. The sale of the property will generate revenue for the General Fund.
3. The Planning Commission recommends the City Council determine that the property is a candidate for disposition as exempt surplus property pursuant to City of Eureka Policy and Procedure File 2.01 for the "Sale of City-Owned Real Property," and Government Code §65402.
4. The Planning Commission further recommends:

- a) The City Council authorize the City Manager to negotiate the sale of the Property directly with Eureka Forest Products; and
- b) The City Council utilize an appraisal from a qualified Real Estate Appraiser, to be fair market value for the property.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 13th day of July, 2020 by the following vote:

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Jeff Ragan, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary