

CEQA NOTICE OF EXEMPTION

TO: County Clerk
County of Humboldt
825 5th Street
Eureka, CA 95501

Office of Planning Research
State Clearinghouse

FROM: City of Eureka, Lead Agency
Development Services - Planning
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PROJECT TITLE: Carriage Property Surplus

PROJECT APPLICANT: City of Eureka City Manager's Office

PROJECT LOCATION: Northwest corner of 1st and C Streets; APN 001-011-021

PROJECT DESCRIPTION: The City of Eureka has declared an approximately 0.16-acre (6,970-square-foot) vacant parcel as surplus land under the California Surplus Land Act. The City has received interest in developing the vacant parcel with a mixed-use development including the interested party's business offices. The declaration will allow the City to complete the required Surplus Land Act process (described below), and negotiate a specific project. However, due to the requirements of the Surplus Land Act, the City must first notice the availability of the property for open space and affordable housing purposes, wait 60 days for responses, and negotiate in good faith for a minimum of 90 days with any entity interested in using the property for open-space and/or affordable housing purposes. Given the site is zoned Waterfront Commercial (CW) under the City's certified Local Coastal Program, and housing is only allowed above the ground floor in the CW zone, any affordable housing would need to be part of a mixed-use project containing a permitted ground floor use, such as a coastal-dependent, coastal-related, visitor-serving, or public or commercial recreational use (which are all prioritized in the CW zone).

If no one responds to the notice of availability within 60 days of sending, or if the City does not agree to a price and terms with an interested entity during the subsequent 90-day, good-faith negotiation period, the City has the discretion to sell or lease to an entity of the City's choosing. At that point, after the requirements of the Surplus Land Act have been fulfilled, the City could sell or lease the property to the local entity who has already expressed interest, or to someone

else. Ultimately, it will be up to the City Council to negotiate the terms and determine what best serves the interest of the community. The surplus process is a necessary step in allowing someone other than the City to develop and use the long vacant, underutilized infill parcel in the City's commercial core. Once a specific project is identified, a subsequent Coastal Development Permit (and Use Permit should a conditional or minor use be proposed), Design Review and environmental document will be required.

EXEMPTION FINDINGS: Declaring City-owned property as Surplus Property is a "project" for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines, §15061(b)(3), there is a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Declaring the property as surplus property only sets forth the ability for the City to complete the Surplus Land Act requirements (to notice and negotiate with any entity interested in using the property for upper-floor affordable housing and/or open-space purposes) prior to the City having the opportunity to negotiate with a local entity for a mixed-use development or another project consistent with the CW zone.

At this time, because of the Surplus Land Act process, the City cannot know what project will ultimately be developed on the site, other than the fact that it will be a use or mix of uses allowed by the CW zone. The site could be developed with any CW-allowed uses now, and ever since the site was zoned and designated CW and C-WFC, at which time the site's suitability for CW uses was analyzed by both the City and the Coastal Commission. The surplus process just opens up the land to being developed by someone other than the City. Because the project at this time is just the surplus of the land so that it can be sold or leased to an outside entity, there is no potential for a significant effect on the environment.

Furthermore, any future project at this location will require a discretionary permit triggering CEQA (i.e., a Coastal Development Permit and Design Review at a minimum, and a Use Permit should a conditional or minor use be proposed, such as housing), and environmental review will be required prior to any development or use of the site. Therefore, the current request to declare the land as Surplus Property qualifies for the Common-Sense exemption in §15061(b)(3) as described above.

The material supporting the above finding is on file with the City of Eureka's Development Services – Planning. Copies of the documents related to the evaluation of this project are available for review upon request at the City of Eureka, 531 K Street, Eureka, CA 95501.



Caitlin Castellano
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July 19, 2023

Date