



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Clarke Annex Property Surplus

DEPARTMENT: Development Services

PREPARED BY: Cristin Kenyon, AICP, Development Services Director

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Adopt a resolution finding the surplus by the City of Eureka of the Clarke Annex Property is exempt from CEQA and declaring the Clarke Annex Property surplus land.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

Strategic Vision: Effective Governance

DISCUSSION

The City of Eureka is proposing to declare the approximately 3,145-square-foot parcel containing the Clarke Historical Museum Annex (Clarke Annex; also known as Nealis Hall) as surplus land under the California Surplus Land Act. The parcel is located on the west side of E Street, between 3rd Street and Opera Alley, north of the Clarke Historical Museum building.

The Clarke Annex was built in 1979 and is attached to the north side of the Clarke Historical Museum building. The annex building was designed



Figure 1: Clarke Annex Property (APN 001-093-013)



Figure 2: Clarke Annex Property (APN 001-093-013)

specifically for display purposes and is joined to the main museum building by an interior entrance.

The City has leased the property to the Clarke Historical Museum for decades, but now wishes to transfer ownership and maintenance responsibilities to the museum. The City is pursuing this surplus because the City can no

longer afford the maintenance costs associated with the property after reviewing the Facility Master Plan that was recently completed. Public use of other City-owned facilities has to be prioritized within the City's financial capacity.

Pursuant to the Surplus Land Act, because the property is located in the Coastal Zone, the City is required to first notice the availability of the land for open space purposes, and notice must be sent to the State Resources Agency and to any city or county park or recreation department and any regional park authority having jurisdiction within the area in which the land is situated. If no one responds to the notice within 60 days of sending, or if the City does not agree to a price and terms with an interested entity during a subsequent 90-day, good-faith negotiation period, the City has the discretion to sell or lease to an entity of the City's choosing.¹ At that point, after the requirements of the Surplus Land Act have been fulfilled, the City could dispose of the property to the Clarke Historical Museum for the community benefit. Ultimately, it will be up to the City Council to negotiate the terms and determine what best serves the interest of the community. City Staff have met with representatives of the Clarke Historical Museum and the museum board has voted in favor of the City moving ahead with the surplus process.

ANALYSIS

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.

¹ Because the parcel is less than 5,000 square feet in area, is not used for open space or low- and moderate-income housing purposes, and is anticipated to be sold to the owner of the contiguous parcel, the Clarke Historical Museum, no notice to, or negotiation with, housing sponsors is required pursuant to §54221(f)(1)(B) of the Surplus Land Act.

Additionally, according to the City's Policies and Procedures, File 2.01, Sale of City-Owned Real Property (Attachment 2), the decision to declare property surplus must be reviewed by the Planning Commission, and a determination made as to whether:

1. The parcels are necessary for agency (City's) use;
2. The parcels are of such size and shape to allow development of uses permitted in the zone in which it is located; and
3. The disposition of the property is in conformance with Government Code §65402.

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.

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 Clarke Annex 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. Therefore, the finding can be made the Clarke Annex parcel is not necessary for "agency's use".

2. Size and Shape

The Clarke Annex parcel is located in the CW Waterfront Commercial zone district. Pursuant to the coastal zoning code, the minimum lot area for parcels in the CW zone is 6,000 square feet, with a minimum length of 100 feet and a minimum width of 60 feet. The Clarke Annex parcel is approximately 3,145 square feet in area, 85 feet in length, and 37 feet in width. Therefore, the Clarke Annex parcel is substandard with respect to parcel area, lot, and width for the CW zone.

However, the zoning code does not prohibit development on substandard lots, and the Clarke Annex parcel is already developed with the annex itself, and there are other parcels in the CW zone and other Coastal Zone districts which are approximately 3,000 square feet in area and can and do support various types of development. The size and shape of the parcel could allow continued use as an annex to the Clarke Historical Museum, or the parcel could be remodeled to become a different use allowed in the CW zone district.

Therefore, the size and shape of the Clarke Annex parcel does not preclude the continued use or redevelopment of the site for various uses permitted in the CW zone.

3. Location, Purpose and Extent of Disposition Conforms with General Plan

The land use designation for the parcel is C-RC Core – Retail Commercial. The purposes of the C-RC designation are to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses which relate to the presence of coastal resources. Principal uses are hotels, motels, and visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreation facilities, and commercial fishing industry facilities. Conditional uses include professional offices, multiple-family units, residential uses on the upper floors of multi-story structures, oil and gas pipelines, public works projects, and warehouses.

Staff has reviewed the adopted General Plan and Land Use Plan portion of the Local Coastal Program, and finds they are silent with regard to the necessity of retaining the parcel for City public use. Disposing of the parcel will provide an opportunity for the Clarke Historical Museum or another entity to acquire the property for visitor-serving museum purposes or another appropriate use. Therefore, Staff believes the City's action to surplus the subject property will not conflict with the adopted General Plan or Local Coastal Program.

4. Planning Commission

During public comment at the July 10, 2023, Planning Commission meeting, the following public comments were made pertaining to declaring the sites surplus:

- Josh Buck, Executive Director Curator at the Clarke Historical Museum spoke to clarify to the public that the Museum has been in communication with City Staff on this project and is very enthusiastic about the idea of acquiring the building in the future. He then said a point of concern for the Museum is a roof leak. He stated that the Museum has been leasing the annex for a long time from the City with the condition the City maintain the outside of the structure, and he hopes the roof will be repaired under the current lease, prior to transfer of ownership.
- Lynn Sturgis, President of the Museum Board spoke to clarify that the reason roof repairs on the annex building have cost the City \$30,000 to date is because the roof was left to leak for two years. She stated that the City came out to inspect the roof at the Museum's request, but only looked from the outside, and as a result of the delay, the roof leak went into the walls, which resulted in the majority of the repair costs.

Following public comment, the Planning Commission made the required findings in City of Eureka Policy and Procedure File 2.01 for the "Sale of City-Owned Real Property," and California Government Code Section 65402, and adopted Resolution No. 2023-20 recommending the City Council declare the Carriage Property as surplus property.

ENVIRONMENTAL ASSESSMENT

The sale of surplus property is a “project” pursuant to the California Environmental Quality Act (CEQA). However, CEQA Guidelines §15312 (Class 12 Categorical Exemption) exempts the sale of surplus property. To be eligible for a Class 12 exemption in the Coastal Zone, the property cannot have significant value for wildlife habitat or other environmental purposes, and one or more of the following conditions must exist:

1. The property is of such size, shape, or inaccessibility that it is incapable of independent development or use; or
2. The property to be sold would qualify for an exemption under any other class of categorical exemption in these guidelines; or
3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

The Clarke Annex parcel is located in the Coastal Zone, but is covered by the annex building and therefore does not have significant value for wildlife habitat or other environmental purposes. Also, any project on the property to be sold is likely to be exempt under a Class 1 exemption (§15301 Existing Facilities), as operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (the Clarke Annex), involving negligible or no expansion of use. And the use of the subject parcel and adjacent parcel to the south has been for museum purposes since the time the City took ownership in the late 1970s. Therefore, the sale of the property is exempt from CEQA pursuant to CEQA Guidelines §15312.

Attachments:

1. City Council Resolution
2. City of Eureka Policy and Procedure File 2.01, Sale of City-Owned Real Property
3. Planning Commission Resolution No. 2023-20

REVIEWED AND APPROVED BY:

City Attorney

City Clerk/Information Technology

Community Services

Development Services

Finance

Fire

Human Resources

Police

Public Works

