

**RESOLUTION NO. 2023-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA FINDING THE SURPLUS BY THE CITY OF EUREKA OF THE CARRIAGE PROPERTY (APN 001-011-021) IS EXEMPT FROM CEQA AND DECLARING THE CARRIAGE PROPERTY SURPLUS LAND**

WHEREAS, the City of Eureka owns a certain property identified as APN 001-011-021, which is located on the northwest corner of 1st and C Streets, directly south of the Fisherman's Terminal and Jack's Seafood and parking lot; and

WHEREAS, the property is currently vacant and the City has received interest from a local entity in developing it with a mixed-use development including the entity's business offices; and

WHEREAS, the Surplus Land Act (California Government Code [CGC] Section 54220 et seq.) requires Local Agencies, including the City, to comply with the requirements of the Act before disposing of Surplus Land, which is a necessary step in allowing someone other than the City to development and use this long vacant, underutilized infill parcel; and

WHEREAS, pursuant to CGC Section 54221, written notice of availability of surplus land for affordable housing and open space purposes is required, and all entities interested in purchasing or leasing the surplus land for affordable housing and/or open-space purposes will then have 60 days to notify the City of their interest, and if a notice of interest is received, the City must negotiate in good faith with the interested entity for a period of not less than 90 days, and if the local agency does not agree to a price and terms with an interested entity during the negotiation period, or no one responds to the notice, then the local agency can proceed with negotiations with the local entitles interested in developing the site for purposes other than affordable housing and/or open space purposes; and

WHEREAS, the Surplus Property declaration will allow the City to complete the required Surplus Land Act process and negotiate a specific project; however, due to the requirements of the Surplus Land Act, the parcel could be developed as a park (open space), or mixed-use with ground floor coastal-dependent, coastal-related, visitor-serving and/or recreational uses and upper-floor office and/or residential uses, another use allowed by the zone district, or a combination thereof; and

WHEREAS, CGC Section 65402(a) requires the location, purpose, and extent of the property be submitted to, and reported on by, the Planning Commission as to conformity with the adopted General Plan; and

WHEREAS, City of Eureka Policy and Procedure File 2.01, Sale of City-Owned Real Property, requires the Planning Commission's review to determine whether the parcel is

necessary for agency (City's) use; whether the parcel is of such size and shape to allow development of uses permitted in the zone in which it is located; and whether the disposition of the property is in conformance with CGC Section 65402; and

WHEREAS, on July 10, 2023, following public comment, the Planning Commission of the City of Eureka, by a vote of 4 to 0 with one Commissioner absent, adopted Resolution 2023-19, "A Resolution of the Planning Commission of the City of Eureka recommending the City Council declare the Carriage Property located on the northwest corner of 1<sup>st</sup> and C Streets identified as APN 001-011-021 surplus property"; and

WHEREAS, the decision to declare property surplus, and the subsequent lease or sale of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, the Clarke Annex Property is declared Surplus Land on the following basis:

1. The Carriage Property does not meet the definition of "agency's use" in California Government Code 54221, and is therefore not necessary for the "agency's use."
2. The size and shape of the Carriage Property can allow development of uses permitted in the CW-Waterfront Commercial zone district.
3. The General Plan and Local Coastal Program are silent with regard to the necessity of retaining the parcel for City public use, and declaring the Carriage Property parcel surplus does not conflict with the adopted General Plan or the Local Coastal Program.
4. The location, purpose, and extent of the Carriage Property parcel surplus conforms with the adopted General Plan and Local Coastal Program.
5. The Carriage Property surplus is exempt from CEQA pursuant to the Common-Sense exemption in CEQA Guidelines §15061(b)(3) as there is no specific project identified at this time, and any future project at this location will require discretionary review, triggering an Initial Study; therefore, it can be seen with certainty that there is no possibility the surplus property declaration activity may have a significant effect on the environment, thus the activity is not subject to CEQA.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 18<sup>th</sup> day of July, 2023 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

---

Kim Bergel, Mayor of the City of Eureka

*Attest:*

---

Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

---

Miles Slattery, City Manager

---

Autumn Luna, City Attorney