

RESOLUTION NO. 2023-\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA DETERMINING THE ACQUISITION OF 1429 SUNNY AVENUE, APN 006-191-015 CONFORMS WITH THE CITY OF EUREKA'S 2040 GENERAL PLAN

WHEREAS, the City of Eureka is proposing to acquire an approximately 223,898 square foot/5.14-acre property, APN 006-191-015, located at 1429 Sunny Avenue on the east side of Sunny Avenue, south of Myrtle Avenue; and

WHEREAS, the site has approximately two acres of upland area and three acres of wetlands and contains an existing sewer easement along a portion of the eastern property line, which aligns with the planned Bay to Zoo Trail; and

WHEREAS, the City intends to use the lowland area for the Bay to Zoo Trail and required mitigation, and the upland area may be used for other City projects in the future, such as City facilities or housing; and

WHEREAS, Title 15, Chapter 152, of the Eureka Municipal Code, Section 152.01 specifies the Planning Commission must advise and recommend to the City Council the acquisition, use, or disposition of all city owned real property; and

WHEREAS, 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 an adopted general plan or part thereof applies to the property, 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; and

WHEREAS, the subject property has a land use designation of Low Density Residential (LDR) and compatible public/quasi-public uses are allowed by the land use designation; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Chapter 152 and Government Code 65402, and after due consideration of all comments and reports offered at the public meeting, does hereby find and determine the following facts:

1. The anticipated use of the site is for a portion of the Bay to Zoo Trail, which is a public use, on the lowland portion of this site and the upland area may be used for other City projects in the future, such as City facilities or housing.
2. The future Trail will be a quiet, non-motorized pedestrian and bicycle trail, and the use of the site as part of the Trail is compatible with the residential and open space uses on, and surrounding, the property.

3. The acquisition furthers a number of 2040 General Plan goals and policies related to developing underutilized properties, and supporting trails, recreation, tourism, and public access and therefore conforms with the City of Eureka 2040 General Plan.
4. The decision by 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).
5. 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 be found exempt from further CEQA review.
6. The intended use of the site for the Bay to Zoo Trail has already undergone CEQA review, and if additional projects are proposed for the site in the future, those projects would be subject to separate CEQA analysis.

NOW THEREFORE, BE IT RESOLVED, the Planning Commission of the City of Eureka does hereby recommend the City Council acquire the property at 1429 Sunny Avenue, APN 006-191-015.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 2<sup>nd</sup> day of February, 2023, by the following vote:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS

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Meredith Maier, Chair, Planning Commission

Attest:

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Kristen M. Goetz, Executive Secretary