

RESOLUTION OF THE CITY OF EUREKA CITY COUNCIL FINDING THE SURPLUS
BY THE CITY OF EUREKA OF THE C TO F PARCELS IS EXEMPT FROM CEQA
AND DECLARING THE C TO F PARCELS SURPLUS LAND

WHEREAS, the City of Eureka ("City") owns real property ("C to F Parcels") in fee identified as:

APN 001-054-047 - NE corner of First and C Streets

APN 001-054-013 - NE corner of First and D Streets

APN 001-054-045 - S of the Boardwalk between D and F Streets

WHEREAS, the City, in accordance with its adopted and certified 2019-2027 Housing Element, desires to increase the supply of affordable housing by providing sites for the development of very-low- and low-income housing; and

WHEREAS, the City has determined the C to F Parcels are suitable sites for the development of affordable housing and, development of the C to F Parcels with affordable housing will address a significant need within the City for additional affordable housing units; and

WHEREAS, the Surplus Land Act (Government Code § 54220 et seq.) requires Local Agencies, including the City, comply with the requirements of the Act before disposing of Surplus Land; and

WHEREAS, CGC § 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 201, Sale of City Owned Real Property, requires the Planning Commission's review to determine whether the parcels are necessary for agency (City's) use; whether the parcels are of such size and shape to allow development of uses permitted in the zone in which they are located; and whether the disposition of the property is in conformance with CGC §65402; and

WHEREAS, 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; and

WHEREAS, on March 13, 2023, following public comment, the Planning Commission for the City of Eureka, by a vote of 4 to 0 with one Commissioner absent, adopted Resolution 2023-09, "A Resolution of the Planning Commission of the City of Eureka recommending

the City Council find the C to F Parcels located north of First Street and identified as APNs 001-054-013, -045, and -047 are 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). CEQA Guidelines, Section 15312 can exempt the sale of surplus land unless the project is located in the Coastal Zone and was approved by an EIR, has significant values for wildlife habitat or other environmental purposes, and would not qualify for an exemption under any other class of categorical exemption under the CEQA Guidelines.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUREKA, the C to F Parcels are designated as Surplus Land on the following basis:

1. Although the C to F Parcels are intended to be used by the City to provide housing, the proposed use of the parcels does not meet the definition of “agency’s use” in California Government Code 54221, and are therefore not necessary for the “agency’s use”.
2. The size and shape of the C to F Parcels can allow upper-floor residential uses in mixed-use developments on all three parcels.
3. The General Plan and Housing Element, and Local Coastal Program, are silent with regard to the necessity of retaining the parcels for City public use.
4. Declaring the C to F Parcels surplus to allow future developers the option to lease or purchase the parcels to create affordable housing does not conflict with, and is supported by, the adopted General Plan and Housing Element, and the Local Coastal Program.
5. 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).
6. The project is exempt from CEQA pursuant to CEQA Guidelines, Categorical Exemption 15312 (Class 12) because the parcels have no wildlife habitat value and future discretionary action for development on the site should qualify for a Class 1 (New Construction or Conversion of Small Structures) or a Class 32 (Infill Development Project) exemption from CEQA.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 4th day of April, 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:

Miles Slattery, City Manager

Approved as to form:

Autumn Luna, City Attorney