

RESOLUTION NO. 2023-\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA DETERMINING THE ACQUISITION OF PROPERTY KNOWN AS APN 006-181-011 ON SUNNY AVENUE CONFORMS WITH THE CITY OF EUREKA'S 2040 GENERAL PLAN

WHEREAS, the City of Eureka is proposing to acquire an approximately 2.1-acre (93,218 square-foot) property, known as APN 006-181-011 on Sunny Avenue, located on the east side of Sunny Avenue, approximately 155 feet south of Myrtle Avenue; and

WHEREAS, the subject property is adjacent to City-owned 1310 Myrtle Avenue to the north, and adjoins recently acquired City-owned 1429 Sunny Avenue to the south; and

WHEREAS, the property adjoins parcels which align with the planned Bay to Zoo Trail, it is mapped as wetland in the U.S. Fish and Wildlife Service's National Wetlands Inventory, and the southwestern corner of the property (or an approximately 0.4-acre area of land on the west side of the property) is higher in elevation (12-20 feet) and may include uplands; and

WHEREAS, the City intends to use the lowland/wetland area for mitigation for the Bay to Zoo Trail, and any upland area may be used for other City facilities projects in the future; 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 to provide suitable land for mitigation for wetland impacts resulting from development of the Bay to Zoo Trail (which is a public use) on the lowland portion of the property, and any upland area may be used for other City facilities projects in the future.
2. The use of the site for mitigation for the Bay to Zoo 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 preserving, protecting, and restoring surface water resources, natural open spaces and wetlands, as well as 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. When mitigation or other 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 known as APN 006-181-011 on Sunny Avenue.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 8<sup>th</sup> day of May, 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