

**RESOLUTION NO. 2023-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA FINDING THE SURPLUS BY THE CITY OF EUREKA OF THE CLARKE ANNEX PROPERTY (APN 001-093-013) IS EXEMPT FROM CEQA AND DECLARING THE CLARKE ANNEX PROPERTY SURPLUS LAND**

WHEREAS, the City of Eureka (“City”) owns real property identified as APN 001-093-013 and generally located on the west side of E Street, between 3rd Street and Opera Alley, north of the Clarke Historical Museum; and

WHEREAS, the property is currently developed with the Clarke Annex (also known as Nealis Hall), an annex of the Clarke Historical Museum; and

WHEREAS, the City has leased the property to the Clarke Historical Museum for decades, but now wishes to transfer ownership and maintenance responsibilities to the Clarke Historical Museum; and

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

WHEREAS, pursuant to CGC Section 54221(f)(2), because the parcel is located in the Coastal Zone, a written notice of availability of surplus land for open-space purposes 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, and entities interested in purchasing or leasing the surplus land for 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

WHEREAS, pursuant to CGC Section 54221(f)(1)(B), no notice to, or negotiation with, housing sponsors is required 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; 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 2023-20, "A Resolution of the Planning Commission of the City of Eureka recommending the City Council declare the Clarke Annex Parcel located on the west side of E Street, between 3<sup>rd</sup> Street and Opera Alley, north of the Clarke Historical Museum and identified as APN 001-093-013 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 Clarke Annex parcel does not meet the definition of "agency's use" in California Government Code Section 54221, and is therefore not necessary for the "agency's use".
2. The size and shape of the Clarke Annex parcel can allow its continued use as an annex to the Clarke Historical Museum or other 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.
4. The location, purpose, and extent of the Clarke Annex parcel surplus conforms with the adopted General Plan and Local Coastal Program.
5. The project is exempt from CEQA pursuant to CEQA Guidelines, Categorical Exemption 15312 (Class 12) because although the parcel is located in the Coastal Zone, the property does not have value for wildlife habitat or other environmental purposes, the property would qualify for other CEQA categorical exemptions including the Class I §15301 Existing Facilities exemption, and the use of the property and adjacent property has not changed since the time of purchase by the City.

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

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Kim Bergel, Mayor of the City of Eureka

*Attest:*

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Pamela J. Powell, City Clerk

*Approved as to Administration:*

*Approved as to form:*

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Miles Slattery, City Manager

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Autumn Luna, City Attorney