

Title:	Clarke Annex
Project:	Surplus Property SP-23-0002
Location:	E Street between 3 rd Street and Opera Alley
APN:	001-093-013
Applicant:	City of Eureka
Property Owner:	City of Eureka
Purpose/Use:	Surplus Clarke Historical Museum Annex
Application Date:	March 1, 2023
General Plan:	C-RC – Core – Retail Commercial
Zoning:	CW – Waterfront Commercial
CEQA:	Exempt under §15312, Class 12 Surplus Property
Staff Contact:	Kristen M. Goetz, Principal Planner
Recommendation:	Receive report; and Adopt a Resolution finding the surplus by the City of Eureka of the Clarke Annex is exempt from CEQA and the location, purpose, and extent of the surplus conforms with the City of Eureka’s General Plan.
Motion:	<i>I move the Planning Commission adopt a Resolution finding the surplus of the Clarke Annex is exempt from CEQA and the location, purpose, and extent of the surplus conforms with the City’s General Plan, and direct Staff to report the Commission’s determination, and any comments, to the City Council.”</i>

Figure 1: Location Map

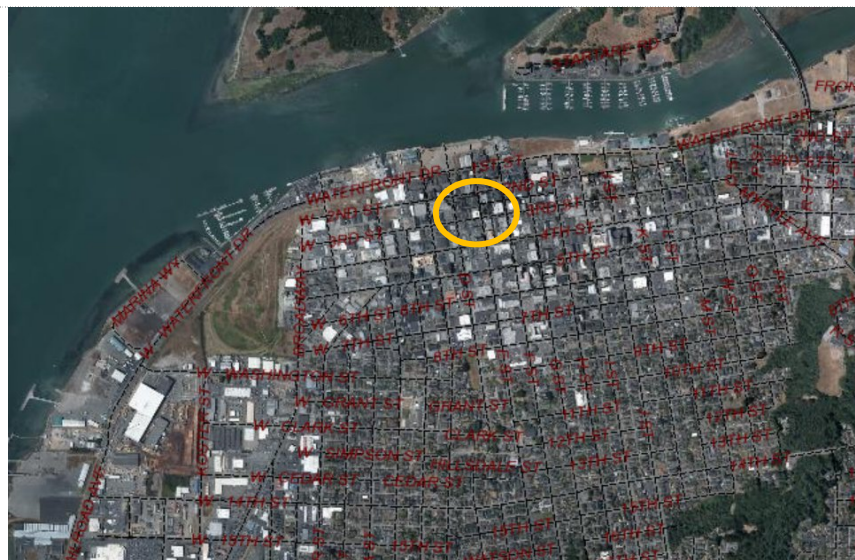
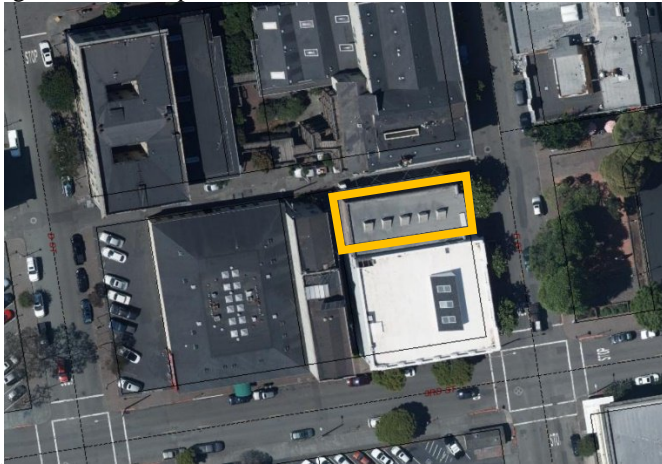


Figure 2: Site Map



PROJECT SUMMARY

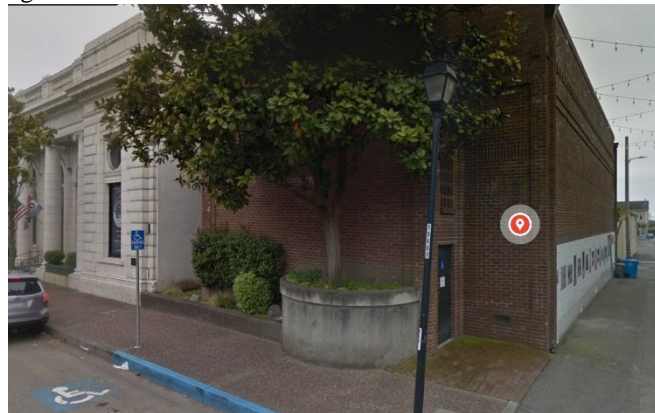
The City of Eureka is proposing to declare the approximately 3,145 square foot parcel containing the Clarke Historical Museum Annex as surplus land under the California Surplus Land Act. The parcel is located on the west side of E Street, between 3rd Street and Opera Alley, north of the Clarke Historical Museum building.

Background

The Clarke Historical Museum, owned by Cecile Clarke, opened on June 8, 1960, in the former Bank of Eureka building at the northwest corner of 3rd and E Streets. In 1979 Nealis Hall annex opened on the site of the former Liberty Theater.

Nealis Hall is the brick addition on the north side the Museum structure and is named after James A. Nealis, President of the Redwood Empire Association (October 16, 1970 – September 21, 1972). Through the efforts of Mr. Nealis, the generous donation of the land by Richard Mann, in cooperation with the Eureka City Council, and funds from the Economic Development Administration, Nealis Hall was dedicated on June 15, 1979.

Figure 3: APN 001-093-013



Pursuant to the Surplus Lands Act, in order to dispose of City-owned property, the City must go through a process to declare the land as surplus land.

ANALYSIS

When a General Plan has been adopted, and the City proposes to dispose of City-owned real property, California Government Code (CGC) 65402(a) requires the location, purpose, and extent of the property to be submitted to, and reported on by, the Planning Commission as to conformity with the adopted General Plan. This requirement is represented in the Eureka Municipal Code (EMC) in §152.01 (Planning Commission) which describes the powers and duties of the Planning Commission. EMC §152.01(B)(5) requires the Commission, “To advise with and recommend to the proper official of the city the acquisition, use, or disposition of all city owned real property.”

Additionally, according to the City’s Policies and Procedures, File 201, Sale of City Owned Real Property, the decision to declare the C to F Parcels surplus must be reviewed by the Planning Commission, and a determination made as to whether:

1. The parcels are necessary for agency (City’s) use;

2. The parcels are of such size and shape to allow development of uses permitted in the zone in which it is located; and
3. The disposition of the property is in conformance with Government Code §65402.

Upon completion of their review, the Planning Commission’s report will be submitted to the City Council for review. If Council finds the property is not required for the City’s use, it may declare the property surplus real property.

As required by the Surplus Lands Act, subsequent to Council declaring the land surplus, the City will distribute written offers to dispose of the property to all agencies and entities as required by the Surplus Land Act.

1. Agency’s Use

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.

The Clarke Annex is not currently being used for, is not included in a plan to be used for, or is being disposed of to be used for any City work or operations related to utilities, watershed property, conservation purposes, demonstration, exhibition, or educational purposes related to greenhouse gas emissions, or a buffer site near a sensitive governmental use. Therefore, the finding can be made the Clarke Annex parcel is not necessary for the “agency’s use”.

2. Size and Shape

The Clarke Annex parcel is rectangular in shape and approximately 3,145 square feet in area. The parcel is located in the CW Waterfront Commercial zone district. The coastal zoning code prescribes the minimum lot area for parcels in the CW zone is 6,000 square feet, with a minimum length of 100 feet and a minimum width of 60 feet. The Clarke Annex parcel is approximately 3,145 square feet in area, 85 feet in length, and 37 feet in width. Therefore, the Clarke Annex parcel is substandard to parcel area, lot, and width for the CW zone. However, the zoning code does not prohibit development on substandard lots, and the Clarke Annex parcel is already developed with the annex itself, and there are other parcels in both the CW and other coastal zone districts which are approximately 3,000 square feet in area and can and do support various types of development. The shape of the parcel could allow it to continue its use as an annex to the Clarke Historical Museum, or the parcel could be remodeled to become a different visitor-serving use, or a mixed-use parcel with commercial and housing uses.

Therefore, the size and shape of the Clarke Annex parcel does not preclude the continued use or redevelopment of the site for various uses.

3. General Plan/Land Use Plan

The land use designation for the parcels is C-RC Core – Retail Commercial. The purposes of the C-RC designation are to protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses which relate to the presence of coastal resources. Principal uses are hotels, motels, and visitor-serving developments, such as antique shops, art galleries, restaurants, taverns, commercial recreation facilities, and commercial fishing industry

facilities. Conditional uses include professional offices, multiple-family units, residential uses on the upper floors of multistory structures, oil and gas pipelines, public works projects, warehouses.

Staff has reviewed the adopted General Plan and Land Use Plan portion of the Local Coastal Program, and finds they are silent with regard to the necessity of retaining the parcel for City public use. In addition, there is no Goal or Policy within the adopted General Plan or Land Use plan which specifically calls for the retention of the property for the City's public purposes. Disposing of the parcel will provide an opportunity for a developer, or the Clarke Historical Museum to purchase the property and use it for an appropriate use. Therefore, Staff believes the City's action to surplus the subject property will not conflict with the adopted General Plan or Local Coastal Program.

Location, Purpose, and Extent

Based on the analysis above, the Clarke Annex parcel is not necessary for the "agency's use" and is suitable for conforming development based on its size and shape. Therefore, the Planning Commission can find the location, purpose, and extent of declaring the Clarke Annex parcel surplus to allow for acquisition by the Clarke Historical Museum or development of other visitor-serving use and/or housing is consistent with the General Plan, the Local Coastal Program, and with City Policy 2.01.

ENVIRONMENTAL ASSESSMENT

The sale of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA). However, pursuant to CEQA Guidelines, Categorical Exemption 15312 (Class 12) exempts the sale of surplus property except when the property is located in an area of "Statewide, Regional, or Area wide significance" as described in CEQA Guidelines Section 15206. Section 15206 states projects located within the coastal zone for which an Environmental Impact Report (EIR) and not a Negative Declaration was prepared, are considered to be located within an area of Statewide, Regional or Area wide significance. The parcel is located in the coastal zone, but no project for the site, including a project using an EIR, has been, or is anticipated to be, approved for the site. Therefore, the sale of the property is exempt from CEQA pursuant to Guidelines Section 15312.

STAFF CONTACT

Kristen M. Goetz, Principal Planner, 531 K Street, Eureka, CA 95501; planning@eurekaca.gov; (707) 441-4160

DOCUMENTS ATTACHED

- Attachment 1: Planning Commission Resolution 2023-___
- Attachment 2: General Plan Goals and Policies
- Attachment 3: Local Coastal Program Goals and Policies