

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
RECOMMENDING THE CITY COUNCIL FIND THE CLARKE ANNEX PARCEL
LOCATED ON THE WEST SIDE OF E STREET, BETWEEN 3RD STREET AND OPERA
ALLEY, NORTH OF THE CLARKE HISTORICAL MUSEUM AND IDENTIFIED AS APN
001-093-013
IS SURPLUS PROPERTY

WHEREAS, the City of Eureka owns a certain 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 Nealis Hall, an annex of the Clarke Historical Museum; and

WHEREAS, the City desires to surplus the property to allow its continued use by the Clarke Historical Museum or development of other visitor-serving and/or housing use; 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, 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 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 §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, the decision to declare property surplus, and the subsequent 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 a project was approved by an Environmental Impact Report.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Eureka:

1. The Clarke Annex parcel does not meet the definition of "agency's use" in California Government Code 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 visitor-serving or mixed-use development.
3. The General Plan and Local Coastal Program are silent with regard to the necessity of retaining the parcel for City public use.
4. Declaring the Clarke Annex parcel surplus does not conflict with the adopted General Plan or the Local Coastal Program.
5. The decision to declare property surplus, and the subsequent 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 although the parcel is located in the coastal zone, no project for the site, including a project using an EIR, has been or is anticipated to be approved for the site.
7. The Planning Commission recommends the City Council determine the property is surplus land pursuant to City of Eureka Policy and Procedure File 2.01 for the “Sale of City-Owned Real Property,” and California Government Code §65402.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 13th day of March, 2023 by the following vote:

AYES: COMMISSIONER
NOES: COMMISSIONER
ABSENT: COMMISSIONER
ABSTAIN: COMMISSIONER

Meredith Maier, Chair, Planning Commission

Attest:

Kristen M. Goetz, Executive Secretary