

RESOLUTION NO. 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 3RD STREET AND OPERA ALLEY,
NORTH OF THE CLARKE HISTORICAL MUSEUM AND IDENTIFIED AS APN 001-093-013
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 (also known as Clarke Annex), 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, 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, the decision to declare property surplus, and the subsequent sale of surplus property is a "project" pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, City of Eureka Policy and Procedure File 2.01, Sale of City-Owned Real Property, states that in the instance where property requested for surplus has been used for a public, quasi-public, or neighborhood purpose, the Planning Commission must conduct a properly noticed public hearing after notifying all property owners within 300 feet of said property of the intent to surplus; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on July 10, 2023 at 5:30 p.m. via Zoom and in person in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the proposed surplus in accordance with City of Eureka Policy and Procedure File 2.01 for the "Sale of City-Owned Real Property," and California Government Code Section 65402, and after due consideration of all testimony, evidence and reports offered at the public hearing, does hereby find and determine the following facts:

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.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Eureka does hereby recommend the City Council declare the Clarke Annex Parcel surplus property.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 10th day of July, 2023 by the following vote:

AYES: COMMISSIONERS BENSON, FREITAS, LAZAR, KRAFT
NOES: NONE
ABSENT: COMMISSIONER MAIER
ABSTAIN: NONE

Craig Benson, Vice-Chair, Planning Commission

Attest:

Cristin Kenyon, Executive Secretary