

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
RECOMMENDING THE CITY COUNCIL FIND THE C TO F PARCELS LOCATED NORTH
OF FIRST STREET AND IDENTIFIED AS
APNs 001-054-013, -045, and -047 ARE SURPLUS PROPERTY

WHEREAS, the City of Eureka owns certain properties identified as APNs 001-054-013, -045, and -047 and generally located north of First Street, south of the Boardwalk, between C and F Streets; and

WHEREAS, the properties are currently vacant dirt lots and have no habitat for wildlife; and

WHEREAS, the City, in accordance with its adopted 2019-27 Housing Element, desires to increase the supply of affordable housing by providing sites for the development of affordable housing; 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 parcels are necessary for agency (City's) use; whether the parcels are 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 lease or 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 was approved by an EIR, has significant values for wildlife habitat or other environmental purposes, and would not qualify for an exemption under any other class of categorical exemption under the CEQA Guidelines.

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

1. Although the C to F Parcels are intended to be used by the City to provide housing, the proposed use of the parcels does not meet the definition of "agency's use" in California

Government Code 54221, and are therefore not necessary for the “agency’s use”.

2. The size and shape of the C to F Parcels can allow upper-floor residential uses in mixed-use developments on all three parcels.
3. The General Plan and Housing Element, and Local Coastal Program, are silent with regard to the necessity of retaining the parcels for City public use.
4. Declaring the C to F Parcels surplus to allow future developers the option to lease or purchase the parcels to create affordable housing does not conflict with, and is supported by, the adopted General Plan and Housing Element, and the Local Coastal Program.
5. 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).
6. The project is exempt from CEQA pursuant to CEQA Guidelines, Categorical Exemption 15312 (Class 12) because the parcels have no wildlife habitat value and future discretionary action for development on the site should qualify for a Class 1 (New Construction or Conversion of Small Structures) or a Class 32 (Infill Development Project) exemption from CEQA.
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