

**RESOLUTION NO. 2023-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
REPORTING ON THE CONFORMITY WITH THE GENERAL PLAN OF THE VACATION  
OF THE 5<sup>TH</sup> STREET AND MYRTLE AVENUE RIGHTS-OF-WAY, AND  
RECOMMENDING THE CITY COUNCIL APPROVE THE APPLICATION TO  
SUMMARILY VACATE THE RIGHTS-OF-WAY**

**WHEREAS**, as a result of the 5<sup>th</sup> and R Street realignment, portions of the 5<sup>th</sup> Street and Myrtle Avenue rights-of-way became unnecessary for public road use;

**WHEREAS**, in 2003, the City accepted the right-of-way from Caltrans, but the property has not been vacated; and

**WHEREAS**, the City of Eureka is proposing to vacate two portions of right-of-way, one is the “parking lot” portion and is approximately 9,050 square feet, and the second is the “triangular” piece which is roughly 1,175 sf;

**WHEREAS**, California Streets and Highways Code, Section 8300 et seq., grants authority to vacate public right-of-way within City limits to the Eureka City Council; and

**WHEREAS**, California Government Code Section 65402 requires, prior to the City Council vacating a street right-of-way, the location, purpose and extent of the proposed right-of-way vacation must be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan; and

**WHEREAS**, the Planning Commission of the City of Eureka did hold a duly notice public hearing at City Hall, in the City of Eureka on June 12, 2023 at 5:30 p.m. in the Council Chamber; and

**WHEREAS**, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with California Streets and Highways Code, Section 8300 et. seq., 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 report the following facts:

1. The location, purpose and extent of the 5<sup>th</sup> and Myrtle rights-of-way vacation is in conformance with the existing General Plan.
2. The proposed vacation is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 5 exemption (Section 15305) from CEQA which exempts minor alterations in land uses.

**WHEREAS**, in the opinion of the Planning Commission of the City of Eureka, the proposed application to surplus property should be approved subject to the following conditions:

- A. The City shall retain the appropriate utility easement as shown on Attachment 2, Right-of-Way Vacation and Public Utilities Easement and Access (C and D) of the Planning Commission Staff Report.

**NOW THEREFORE, BE IT RESOLVED** the Planning Commission of the City of Eureka does hereby recommend the City Council vacate the 5<sup>th</sup> and Myrtle rights-of-way as proposed, subject to the condition listed above.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 12<sup>th</sup> day of June, 2023 by the following vote:

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

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Meredith Maier Chair, Planning Commission

*Attest:*

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Cristin Kenyon, Executive Secretary