

**RESOLUTION NO. 2024-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
RECOMMENDING THE CITY COUNCIL VACATE PORTIONS OF S AND FRONT  
STREETS RIGHTS-OF-WAY FOR THE SCHNEIDER RV PARK**

WHEREAS, the City (Applicant) is proposing to summarily vacate (Street Vacation [SV] SV-19-0005) the portion of the S Street right-of-way north of Waterfront Drive, and a portion of the Front Street right-of-way, from its western end to approximately 25 feet east of the eastern side of the S Street right-of-way to facilitate development of a recreational vehicle park (RV park) by Travis Schneider (Developer); and

WHEREAS, the proposed RV park is located on the east side of the Samoa (Hwy 255) Bridge, between Waterfront Drive to the south and the Eureka Waterfront Trail and the City's northern Humboldt Bay waterfront to the north, and the SV will allow the Developer to utilize that space for RV park improvements, including access drives, parking and landscaping; and

WHEREAS, the RV park resulted from a Request for Qualifications the City released in 2018 to develop the City-owned land along the waterfront with commercial and hospitality facilities, and a Disposition and Development Agreement between the City and the Developer was approved by City Council on June 16, 2020; and

WHEREAS, in addition to the SV, the RV park project also requires a Coastal Development Permit (CDP) (CDP-19-0011), Conditional Use Permit (CUP) (CUP-19-0004), and Design Review (DR) (AA-19-0004) which are being processed separately, and a Lot Line Adjustment (LLA) (LLA-22-0008) which is included in a joint LLA-22-0008/SV-19-0005 staff report; and background information on the history of the project site and the DDA can be found in the separate RV park CUP/CDP/DR staff report; and

WHEREAS, according to a Title Report provided by the Developer, the land under the portions of S and Front Streets to be vacated is not currently owned in fee by either the City or the Developer, and since the SV is needed for the RV park's project site, the CUP/CDP/DR report includes a condition of approval requiring the Developer to obtain ownership of the underlying fee-title to both streets prior to the City completing the SV; and

WHEREAS, Eureka Municipal Code (EMC) §10-5.202 stipulates "no use or structure shall extend beyond the property lines of its site"; therefore, the CUP/CDP/DR staff report includes a condition of approval requiring the Developer complete a Merger after Developer-ownership of all portions of the project site are confirmed to ensure the entire RV park and its associated improvements are owned by the Developer and located on one contiguous parcel; and

WHEREAS, because the project site is located in the Coastal Zone portion of the City between the first public road and the sea, the proposed SV constitutes non-exempt development, and therefore requires a CDP, and CDP-19-0011 is being processed under the RV park's CUP/CDP/SR staff report and covers the entire project, including the SV; and

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

RESOLUTION NO. 2024-xx

Portions of Front and S Streets Rights-of-Way Vacation for the Schneider RV Park, Project No. SV-19-0005

Page 2

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

WHEREAS, the Planning Commission of the City of Eureka did hold a duly notice public hearing on the proposed SV at a special meeting on June 26, 2024 at 5:30 p.m. via Zoom and in-person in the Council Chamber at City Hall in the City of Eureka; and

WHEREAS, in 2019, the City of Eureka, in its capacity as lead agency, and in compliance with the California Environmental Quality Act (CEQA), prepared an Initial Study (IS) and Mitigated Negative Declaration (MND) (SCH No. 2019029149) and Mitigation Monitoring Reporting Program (MMRP) for a larger project which included the RV park project and proposed SV (Attachment 5 of the RV park's CUP/CDP/DR staff report). Comments were received during the required 30-day review period, after which an Errata and Response to Comments were prepared. On September 9, 2019, the Planning Commission of the City of Eureka adopted the IS/MND, Errata and Response to Comments and MMRP. Pursuant to Public Resources Code §21166 and CEQA Guidelines §15162, no subsequent or supplemental environmental impact report shall be required by the lead agency unless substantial changes are proposed, substantial changes occur with respect to the circumstances in which the project is being undertaken, or new information is provided that was not available at the time the environmental review was completed. The requested entitlements (CUP, CDP, DR, SV, LLA, and Merger) allow the RV park portion of the larger project to proceed as originally approved and do not result in any substantial changes to the original project description. During the processing of the CUP, CDP, DR, SV, and LLA applications, no new information was provided which was not previously available. Substantial changes are not expected to occur upon the approval of the proposed RV park entitlements, and the development will be facilitated in compliance with the previously approved MND and additional conditions of approval. Therefore, additional environmental review is not required; and

WHEREAS, although environmental review was completed for the entire RV park project through adoption of an MND and MMRP, the SV qualifies for the CEQA Guidelines §15305, Minor Alterations in Land Use Limitation, Class 5 categorical exemption from CEQA because the area involved in the SV has average slopes of less than 20%, the SV does not change the current land use or density, and the land associated with the SV would merge with the adjoining parcels comprising the RV park project site; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with SHC §8300 et. seq., and CGC §65402, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and report that the location, purpose and extent of the proposed SV conforms with the adopted General Plan and certified Local Coastal Program as described in the joint LLA-22-0008/SV-19-0005 staff report, and is covered under the adopted MND and MMRP for the larger project and subsequent environmental review under CEQA is not required.

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

RESOLUTION NO. 2024-xx

Portions of Front and S Streets Rights-of-Way Vacation for the Schneider RV Park, Project No. SV-19-0005

Page 3

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hereby recommend the City Council vacate portions of the S Street and Front Street rights-of-way for the development of the RV park by the Developer.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 26<sup>th</sup> day of June, 2024 by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Meredith Maier Chair, Planning Commission

*Attest:*

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Caitlin Castellano, Acting Executive Secretary