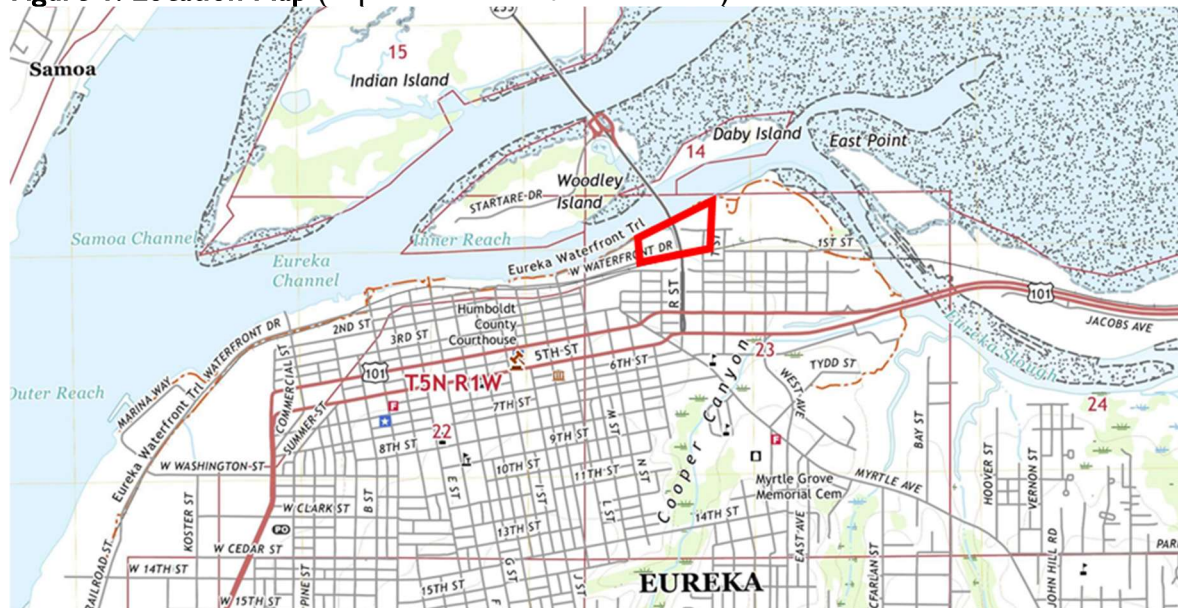


<b>Project Title:</b>	1535 Waterfront Drive Lot Line Adjustment and Street Vacation for Schneider RV Park
<b>Projects:</b>	Lot Line Adjustment (LLA-22-0008) and Street Vacation (SV-19-0005)
<b>Location:</b>	<u>Lot Line Adjustment:</u> Two City-owned parcels north of Waterfront Drive, to the west and north of the intersection of S and Front Streets (APNs 002-241-013 and 002-241-007; 1535 Waterfront Drive) <u>Street Vacation:</u> S Street right-of-way north of Waterfront Drive, and Front Street right-of-way, from its western end to approximately 25' east of the eastern side of the S Street right-of-way.
<b>Applicant:</b>	City of Eureka
<b>Purpose/Use:</b>	Adjust the lot line between two City-owned parcels and vacate portions of S and Front Streets rights-of-way to facilitate development of a recreational vehicle (RV) park.
<b>General Plan:</b>	WFC – Waterfront Commercial
<b>Zoning:</b>	CW – Waterfront Commercial
<b>Application Complete:</b>	October 10, 2023
<b>CEQA:</b>	Mitigated Negative Declaration (SCH No. 2019029149) (ED-19-0003)
<b>Staff Contact:</b>	Caitlin Castellano, Senior Planner
<b>Recommendation:</b>	Hold a public hearing; and Adopt resolutions conditionally approving the lot line adjustment, and recommending the City Council summarily vacate portions of Front and S Streets for the RV park project.
<b>Motion:</b>	<i>“I move the Planning Commission adopt resolutions conditionally approving the lot line adjustment at 1535 Waterfront Drive, and recommending the City Council summarily vacate portions of Front and S Streets for the RV park project.”</i>

Figure 1: Location Map (implicated land outlined in red)



### **Project Summary**

The City (Applicant) proposes a Lot Line Adjustment (LLA) (LLA-22-0008) and Street Vacation (SV) (SV-19-0005) to facilitate development of a recreational vehicle park (RV park) 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. The City and Travis Schneider (Developer) have an agreement for the development of the new RV park on the east side of the Samoa Bridge and for a future mixed-use development on the west side of the Samoa Bridge, which both require separate permitting, and the RV park is proceeding first.

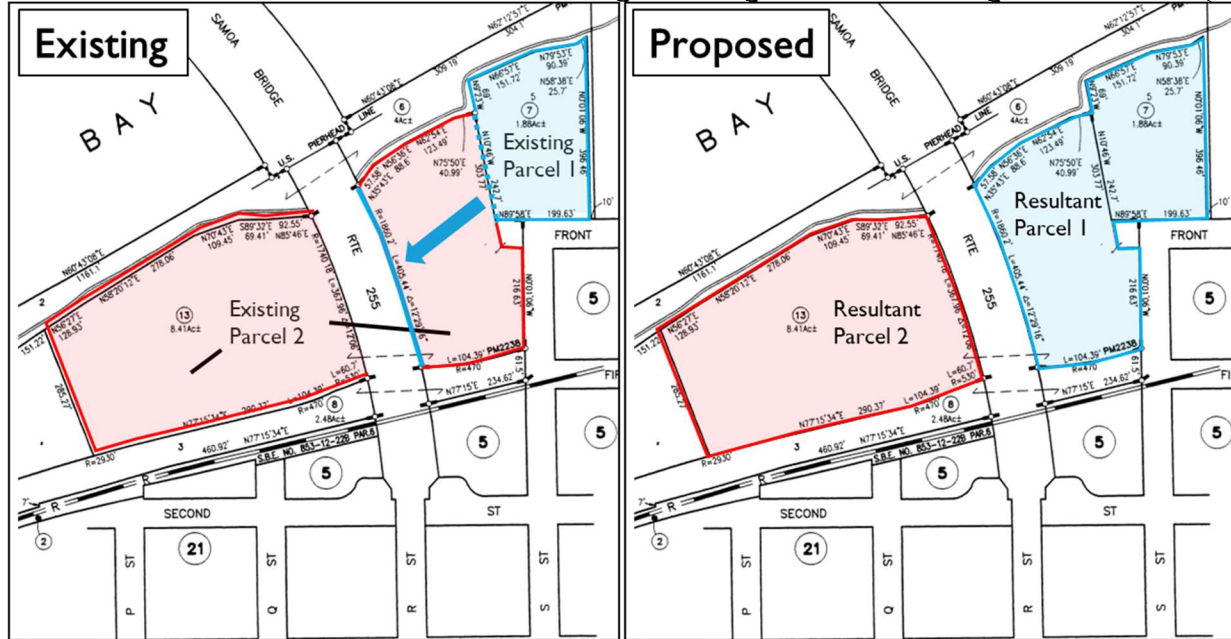
Lot Line Adjustment: The shared lot line between City-owned APNs 002-241-013 and 002-241-007 divides the future RV park project site. In order to remove this division, the LLA will move the shared lot line west, to the western edge of the proposed RV park site (eastern edge of Caltrans' Samoa Bridge right-of-way) (Figure 2 below). Although the City anticipates disposing of both City-owned parcels to the Developer, the LLA is necessary because Coastal Zoning Code (Eureka Municipal Code [EMC]) §10-5.202 stipulates "no use or structure shall extend beyond the property lines of its site." Typically, the Director acts on the LLA at a noticed Director's hearing, but EMC Chapter 154 allows for a public hearing at the Planning Commission when the proposed development arouses public concern. City staff anticipate public interest due to the project site being large, City-owned, and located along the Eureka waterfront. Therefore, the project has been elevated to the Planning Commission.

Street Vacation: The Developer proposes to utilize S Street between Waterfront Drive and Front Street, as well as a portion of Front Street (from its western end to approximately 25 feet [ft] east of the eastern side of the S Street right-of-way) for RV park improvements, including access drives, parking and landscaping (Figure 3). The SV is necessary to facilitate exclusive private use of the underlying land by the RV park. Per EMC §152.01, the Planning Commission is required to advise and make a recommendation on the SV to the City Council who is the approval authority.

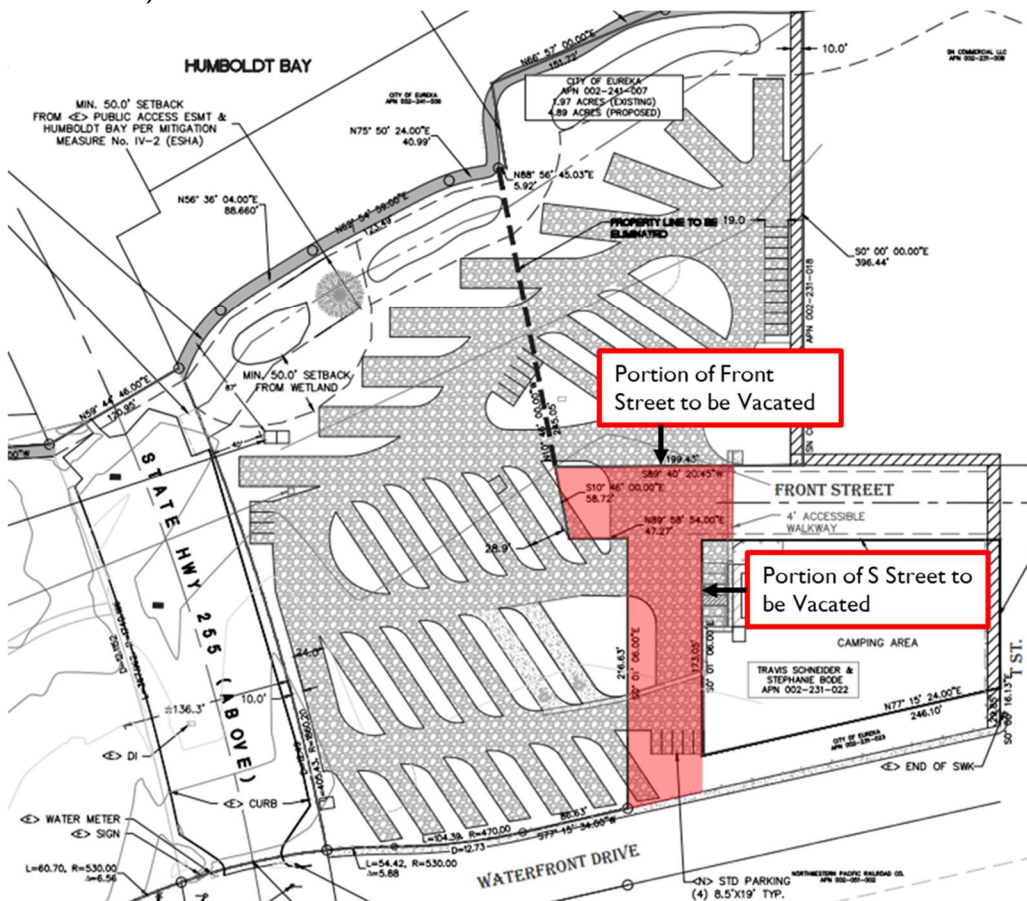
Future Merger: The parcel to the southeast of the S and Front Street intersection (APN 002-231-022) is owned by the Developer and also proposed to be used as part of the RV park. Once the LLA and SV are approved and executed by the City and the implicated City-owned property (Resultant Parcel I of the LLA) is conveyed to the Developer, the Developer will apply to merge APN 002-231-022 with Resultant Parcel I and the vacated portions of S and Front Street, so that the entire RV park site is located on one legal parcel, consistent with EMC §10-5.202.

Additional Permitting: The LLA, SV, and future Merger also require Coastal Development Permit (CDP) authorization. The Developer (as primary applicant) and City (as a co-applicant) have applied for a CDP (CDP-19-0011) for the entire RV park project, including the physical development and use of the project site as an RV park as well as for the LLA, SV, and Merger. The Developer and City have also applied for a Conditional Use Permit (CUP-19-0005) and Design Review (DR) (AA-19-002) for the RV park project. The CDP, CUP, and DR are scheduled to be heard at the same Planning Commission meeting as the LLA and SV. A condition has been added to the LLA entitlement, and a condition will be added to the City Council's approval of the SV entitlement, to ensure the LLA and SV are not recorded until the CDP is approved and effective.

**Figure 2: Lot Line Adjustment** (figure on left shows Existing Parcels 1 and 2 with blue dotted line to be moved, solid blue line to be added; figure on right shows Resulting Parcels 1 and 2)



**Figure 3: Street Vacation** (the portions of Front and S Streets shaded in red are proposed to be vacated)



**Background**

The RV park resulted from a Request for Qualifications (RFQ) the City released in 2018 to develop the City-owned land along the waterfront with commercial and hospitality facilities. A Disposition and Development Agreement (DDA) between the City and Travis Schneider and Stephanie Bode (i.e. the Developer) was approved by City Council on June 16, 2020. The DDA outlines specific conditions that must be met prior to closing on the property transfer, including the LLA and CDP for the RV park.

Prior to the RFQ, the property was included in the City’s Long-Range Property Management Plan which outlined how the property would be disposed of after the dissolution of the City’s Redevelopment Agency in 2012 (the State of California eliminated all redevelopment agencies in the state). The Long-Range Management Plan required the property to be used for “a visitor serving use that promotes access to the waterfront and increases tourism in the area, which could include a hotel or recreational uses.” More information on the history of the site and the DDA can be found in the separate CUP/CDP/DR staff report for the RV park.

**LOT LINE ADJUSTMENT ANALYSIS**

Pursuant to the City’s subdivision regulations in EMC Chapter 154, an LLA may be approved when land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not created; and the LLA does not result in violations of the EMC. Also, for properties in the Coastal Zone, EMC Chapter 154 indicates a CDP may be required for an LLA. The proposed LLA is considered development as defined by the Coastal Act and EMC §10-5.2906.2(u); therefore, a CDP is required pursuant to EMC §10-5.29302, which has been included in the RV park’s separate CUP/CDP/DR staff report under Project No. CDP-19-0011, which analyzes conformance of the entire project with the City’s certified Local Coastal Program. A condition has been added to the LLA to ensure the LLA is not recorded until the CDP is approved and effective.

APN 002-241-007 (Parcel 1) is approximately (~)1.88 acres in size, and APN 002-241-013 (Parcel 2) is ~8.41 acres. The LLA will shift the lot line between Parcel 1 and Parcel 2 to the west, to the eastern edge of Caltrans’ Samoa Bridge 120-ft-wide right-of-way. This will result in Resultant Parcel 1 being ~4.89 acres in size, and Resultant Parcel 2 being ~5.40 acres (Table 1). The exact acreage of each resultant parcel will be determined by the City Surveyor.

**Table 1: Current and Resultant Parcel Areas (measurements are approximate)**

Current Assessor Parcel Number	Current Parcel Area (Acres)	Resultant Parcel	Proposed Parcel Area (Acres)
Parcel 1: 002-241-007	1.88	1	4.89
Parcel 2: 002-241-013	8.41	2	5.40
	10.29		10.29

Both resultant parcels will be conveyed to the Developer after the CDP is approved and effective and the LLA is approved and recorded. Resultant Parcel 1 will be used for the RV park and Resultant Parcel 2 for the future mixed-use development which requires subsequent permitting and environmental review.

Both parcels are located on land designated Waterfront Commercial (WFC) and zoned Waterfront Commercial (CW). The minimum legal parcel size in the CW zoning district is 6,000 square feet (0.14 acres), with a minimum lot width and depth of 60 feet (ft) and 100 ft respectively. Each resultant parcel exceeds these standards. The RV park on Resultant Parcel 1 as proposed and analyzed in the RV park's separate CUP/CDP/DR staff report conforms with all applicable development standards, while Resultant Parcel 2 will remain vacant, except for the existing Humboldt Bay Rowing Association Boathouse located near the shoreline which is not affected by the LLA. The CUP/CDP/DR report includes a condition of approval requiring the Developer to perform a Merger of APN 002-231-022 (Developer's parcel) with Resultant Parcel 1 and the vacated portions of Front and S Streets, prior to the issuance of any Building Permits for the RV park to ensure that the entire RV park is located on one contiguous parcel. Therefore, the proposed LLA conforms to the EMC.

### **STREET VACATION ANALYSIS**

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 through either a Summary Vacation or General Vacation process; and City of Eureka Policy and Procedure 4.02 (Vacation of City Street, Alley, or Easement) describes the process to effectively administer the vacation procedures outlined in SHC §8300 et seq. Additionally, California Government Code §65402 requires the location, purpose and extent of the proposed vacation be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan prior to the City Council vacating the public right-of-way.

The term "vacation" means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement. A "street" or "highway" is defined as all or part of, or any right in, a state highway or other public highway, road, street, alley, trail, or other public right-of-way or easement.

SHC §8331 and City of Eureka Policy and Procedure 4.02 allow for a Summary Vacation when an alley or street has not been used, or has been impassable, for at least 5 years, and no public money has been expended for maintenance. If the proposed vacation does not meet those conditions, then a General Vacation is required. The Summary Vacation is a shortened and simpler process than a General Vacation because adopting and posting on the site a Resolution of Intent which would "declare the City Council's intention to 'Order the Vacation'" is not required.

According to the title report provided by the Developer, the underlying fee title to the land proposed to be vacated is not currently owned in fee by either the City or the Developer. 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 obtain ownership of the underlying fee-title to both streets prior to the CDP becoming effective and prior to the SV being recorded. This condition will also be attached to the City Council's approval of the vacation.

There are also City and PG&E utilities in the segments of S and Front Streets to be vacated. The CUP/CDP/DR report includes a condition of approval requiring the Developer to cap and abandon existing City water, sewer, and storm utilities throughout the RV park site (including in the portion of S and Front Streets to be vacated) and install new private utilities to current City standards. PG&E has requested the City reserve a permanent easement for PG&E to continue to

operate and maintain its facilities within the portions of S and Front Streets to be vacated; this reservation will be included in the City Council's Resolution to Vacate.

### Summary Vacation Eligibility

The portions of Front and S Streets proposed to be summarily vacated were used as streets years ago when there was a historic mill and foundry onsite (further described in the Background section of the RV park's CUP/CDP/DR staff report). However, it is unclear if they were ever constructed to City standards (looking at historic imagery dating back to the 1940's), and they have deteriorated to the point that they no longer function as streets. No access to S Street exists from Waterfront Drive (as there is sidewalk and curb where the access would be) and Front Street has been blocked with concrete barricades (K-rails) at the west side of the T Street right-of way since at least 2018. No public money has been expended on them for the past 5 years, and because they have also been impassible for 5 years, they qualify for a Summary Vacation.

### General Plan/Land Use Plan Conformance:

The land under the portion of S and Front Streets to be vacated is designated WFC in the Land Use Plan (LUP) portion of the City's Local Coastal Program (LCP). As described in the Use Permit analysis section of the RV park's CUP/CDP/DR staff report, the WFC designation is intended to "protect and provide for nearshore development of recreational, visitor-serving, and commercial fishing industry uses that relate to the presence of coastal resources." Also, although not yet certified by the California Coastal Commission, the 2040 General Plan designates the subject property as Bayfront Commercial (BC) which calls for "visitor-related retail, restaurants multi-story lodging, entertainment, recreation, boating, and tourist services, as well as residential, office, and a mix of coastal and non-coastal dependent uses." The SV (along with the LLA and conditioned Merger) are needed to allow the RV park project site to be located on one legal parcel, and to provide adequate access to that parcel. Therefore, the overall RV park project, including the SV, is consistent with the intentions of both the WFC designation in the certified LCP, and the BC designation in the 2040 General Plan because it will provide a visitor-serving recreational use near the Humboldt Bay shoreline.

A review of the 2040 General Plan and certified policies of the LUP finds they are both silent with regard to the necessity of retaining these specific portions of S and Front Streets for City public use. Additionally, there is no goal or policy within the LUP or 2040 General Plan which calls for the retention of these specific portions of Front and S Streets for the City's public purposes (i.e. promotion of the public health, safety, and general welfare), and the City Council deemed the RV park a priority development by executing the DDA with the Developer for its development. Therefore, Staff believes the City's action to summarily vacate these specific portions of Front and S Streets does not conflict with the certified LUP and adopted 2040 General Plan.

Additionally, vacating the street rights-of-way will allow for the development of the RV park, which supports the following goals and policies of the 2040 General Plan:

**Goal LU-1: A community that values its unique small-town charm and livability while thoughtfully advancing new prospects for growth and economic vitality.**

**Policy LU-1.3 Beneficial Development.** Support development that affords benefits to all segments of the community that: ... (c) Develops underutilized or vacant parcels; ... (f)

Enhances the City's tax base; (g) Encourages people to walk, bike, or use transit; (h) Integrates development with public rights-of-way, parks, open spaces, plaza's, boardwalks, trails, and other public spaces; (i) Preserves and/or enhances valuable natural, historic, or cultural resources...

As described in the RV park's CUP/CDP/DR staff report, the RV park will redevelop a brownfield site located on the Eureka bayfront with a new recreational and visitor-serving use. The RV park will enhance the City's tax base through transient occupancy tax, and will encourage people to walk and bike as the project site adjoins the Waterfront Trail and is located near Old Town, the City's premier historic, cultural and visitor-serving district.

The Developer proposes and the CUP/CDP/DR conditions of approval require improvements to the existing public trail access to the Waterfront Trail from Front Street, which includes extending the trail from Front Street east to T Street and then south to Waterfront Drive. Public Works Engineering reviewed the overall project, including the SV, and requested a Public Improvement Plan with specific improvements to the public trail access, and to T Street and the portion of Front Street not being vacated. Improvements requested by Public Works include, but are not limited to, new pavement, curbs, striping, a crosswalk, and storm drains; a requirement for the Public Improvement Plan has been included as a condition of approval of the CUP/CDP/DR. These public improvements integrate the RV park development with the existing trail access and Front and T Streets rights-of-way, allowing the RV park patrons and the general public direct access to the Waterfront Trail, and safe access to Waterfront Drive (via Front and T Streets). Also, the CUP/CDP/DR staff report describes how the overall project will preserve and/or enhance valuable natural and cultural resources, including through conditions requiring the Developer to prepare a landscape plan approved by the Wiyot Tribe for the area closest to the bayfront to screen the RV park from viewers at culturally-sensitive Tuluwat, and to protect an onsite delineated wetland and enhance the wetland with native plants; as well as, obtaining a Wiyot Tribal Monitor and adhering the City's standard protocol for inadvertent archeological discovery (cultural or historical artifacts) for ground disturbing activities.

**Policy LU-1.16 Public Access.** Maintain and improve physical linkages from the community to the coastline, gulches, forests and Eureka's other distinct recreational resources where feasible by creating/preserving view corridors, enhancing trail and roadway connections, and providing signage and other wayfinding cues.

As described in the RV park's CUP/CDP/DR staff report, and briefly described above under Policy LU-1.3, the Developer will improve and expand existing trail access to Waterfront Trail from Waterfront Drive (via T Street to Front Street) and will improve the Front and T Streets rights-of-way which will provide safe pedestrian and bicyclist access between Waterfront Drive, the RV park and the Waterfront Trail.

**Goal E-6: Highly effective, Eureka-centric marketing and branding strategies that maximize return on investment, increase visitation and visitor spending, and thereby Transient Occupancy Tax revenue and sales tax revenue.**

**Policy E-6.3 Year-Round Tourism Destination.** Encourage increased year-round and multi-day tourism by promoting Eureka as a cultural tourism destination rich in local architecture, history, dining, arts, and entertainment and by promoting and developing

Eureka as an ecotourism and adventure tourism destination with activities such as bay kayaking, the Eureka waterfront coastal trail, Zoo, and forested city-parks.

The RV park will increase year-round tourism by providing two additional options for visitors to spend the night/vacation: RV camping and tent camping, near the Waterfront Trail, Samoa Bridge Boat Launch Facility, Halvorsen Park and the Bonnie Gool Public Dock, as well as Old Town, the City's premier historic, cultural and shopping district.

**Goal NR-2: Protection of sensitive biological resources on a sustainable basis to generate long-term public, economic, and environmental benefits.**

**Policy NR-2.6 Buffers.** Require the provision and maintenance of reasonably sized buffers between sensitive habitat and adjacent urban uses to minimize disturbance of the resources, as appropriate. Buffers need not be larger than is recommended by a qualified professional ecologist (such as an ecologist, biologist, or wetland scientist).

The project will provide and maintain native plant buffers between the RV park and both Humboldt Bay and the delineated onsite wetland as described in detail in the RV park's CUP/CDP/DR staff report.

## **ENVIRONMENTAL ASSESSMENT**

In 2019, the City of Eureka, in its capacity as lead agency, and in compliance with 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 (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 MMRP and additional conditions of approval which are included in the CUP/CDP/DR resolution. Therefore, additional environmental review is not required.

Furthermore, although environmental review was completed for the entire RV park project through adoption of an MND and MMRP, the LLA and SV also qualify for the §15305, Minor Alterations in Land Use Limitation, Class 5 categorical exemption of the CEQA Guidelines. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, and do not create any new parcels. The area involved in the LLA and SV have average slopes of less than 20%; the LLA and SV do not change the current land use or density; and the LLA and SV would not create any new parcels



as the LLA only reconfigures 2 parcels resulting in 2 parcels, and the land associated with the SV will be merged with the adjoining parcels comprising the RV park project site.

**PUBLIC HEARING NOTICE**

Public notification consisted of notification by mail of property owners within a 300-foot radius of the site on or before June 14, 2024. In addition, the notice was posted on the City’s website and bulletin boards. A public hearing notice sign was posted on the site on or before June 14, 2024.

**CONCLUSION**

The location, purpose and extent of the proposed summary vacation of specific portions of the Front and S Streets rights-of-way conforms with the certified LUP and 2040 General Plan, and the Planning Commission can recommend approval to the City Council. Also, the project meets the definition of an LLA (i.e., a greater number of parcels than originally existed are not created), there are no violations of the EMC resulting from the LLA, and the LLA has been conditioned to ensure the associated CDP is approved and effective prior to the LLA recordation. As a result, the LLA can be found consistent with the City’s subdivision regulations and the State Subdivision Map Act and can be approved.

**STAFF CONTACT**

Caitlin Castellano, Senior Planner, 531 K Street, Eureka, CA 95501; [planning@eurekaca.gov](mailto:planning@eurekaca.gov); (707) 441-4160

**DOCUMENTS ATTACHED**

Attachment 1: Planning Commission LLA Resolution  
Attachment 2: Planning Commission SV Resolution

**RESOLUTION NO. 2024-xx**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA  
CONDITIONALLY APPROVING THE 1535 WATERFRONT DRIVE LOT LINE  
ADJUSTMENT (LLA-22-0008) ON ASSESSOR PARCEL NUMBERS 002-241-013 AND 002-  
241-007**

WHEREAS, the City of Eureka (Applicant), is proposing a Lot Line Adjustment (LLA-22-0008) to adjust the shared lot line between two City owned parcels, resulting in two parcels at 1535 Waterfront Drive (APNs 002-241-007 [Parcel 1] and 002-241-013 [Parcel 2]); and

WHEREAS, Parcel 1 is approximately (~) 1.88 acres in size, and Parcel 2 is ~8.41 acres, and shifting the lot line between Parcel 1 and Parcel 2 to the west, to the eastern edge of Caltrans' Samoa Bridge 120-ft-wide right-of-way, will result in Resultant Parcel 1 being ~4.89 acres in size, and Resultant Parcel 2 being ~5.40 acres (the exact acreage of each resultant parcel will be determined by the City Surveyor); and

WHEREAS, the purpose of the LLA is to convey Resultant Parcel 1 (~4.89 acres; east of the Samoa Bridge) to Travis Schneider and Stephanie Bode (Developer) for the development of a recreational vehicle park (RV park), and to also convey Resultant Parcel 2 (~5.40 acres; west of the Samoa Bridge) to the Developer for a future mixed-use project, which requires subsequent permitting and environmental review; and

WHEREAS, the proposed RV park and future mixed-use development 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 (DDA) between the City and the Developer was approved by City Council on June 16, 2020; the DDA outlines specific conditions that must be met prior to the closing on the property transfer, which includes completion of the LLA authorization; and

WHEREAS, the RV park project also requires a Coastal Development Permit (CDP) (CDP-19-0011), Conditional Use Permit (CUP) (CUP-19-0004), Design Review (DR) (AA-19-0004), and a Street Vacation (SV) (SV-19-0005) of portions of the S and Front Streets rights-of-way which are being processed concurrently, 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, Eureka Municipal Code (EMC) §10-5.202 stipulates “no use or structure shall extend beyond the property lines of its site” and the RV project site is currently bisected by the shared lot line between Parcel 1 and Parcel 2, and it also includes portions of the S and Front Streets rights-of-way and the Developer-owned parcel (APN 002-231-022); therefore, the CUP/CDP/DR staff report includes a condition of approval requiring the Developer to complete a Merger of all portions of the project site (including Resultant Parcel 1) to ensure the entire RV park is located on one contiguous parcel owned by the Developer; and

WHEREAS, the subject parcels are located within the Coastal Zone with Waterfront Commercial (WFC) and Waterfront Commercial (CW) land use and zoning designations; and

RESOLUTION NO. 2024-xx  
1535 Waterfront Drive Lot Line Adjustment, Project No. LLA-22-0008  
Page 2

WHEREAS, because the project site is located in the Coastal Zone portion of the City, the proposed LLA 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 LLA; and

WHEREAS, the City's subdivision regulations in EMC Chapter 154 give authority for action on the LLA to the Development Services Director; however, EMC Chapter 154 allows for a public hearing at the Planning Commission when the proposed development arouses public concern; City staff anticipate public interest due to the project site being large, City-owned, and located along the Eureka waterfront; therefore, the project has been elevated to the Planning Commission; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly noticed public hearing on the proposed LLA, 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, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with EMC Chapter 154, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

- A. The LLA will not create more parcels than originally existed prior to the LLA (the LLA is adjusting a lot line between 2 parcels resulting in 2 parcels).
- B. The resultant parcels meet the minimum area and dimensions required for parcels in the CW zoning district, and based on the analysis in the staff report, there are no violations of the EMC resulting from the LLA.
- C. Based on the analysis in the RV park's separate CUP/CDP/DR staff report, the proposed RV park project as conditioned is consistent with the certified LCP, with conditions attached to the CUP/CDP/DR approval to ensure impacts to coastal resources, priority uses, and public access are avoided, risk to hazards are minimized, and adequate services are provided.
- D. 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 (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. Additionally, the LLA qualifies for a categorical exemption from CEQA pursuant to §15305, Minor Alterations in Land Use Limitation, Class 5 of the CEQA Guidelines. The Class 5 exemption covers minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, and do not create any new parcels. The area involved in the LLA has an average slope of less than 20%, the LLA will not change the current land use or density, and will not create any new parcels as it only reconfigures 2 parcels resulting in 2 parcels. Therefore, the proposed LLA is exempt from CEQA.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application should be approved subject to the following conditions, and compliance with the conditions will be to the satisfaction of Development Services – Planning unless noted otherwise:

1. The LLA shall not be recorded until CDP-19-0011 for the entire RV park project is final and effective.
2. A “Notice of Lot Line Adjustment and Certificate of Subdivision Compliance” for project LLA-22-0008 shall be recorded. A qualified licensed professional shall prepare the legal description (Exhibit A) of each Notice. All ‘new’ legal descriptions must include a “wet signature” of the licensed preparer of the legal description (i.e. ‘new’ means a legal description that has not been previously recorded on a deed or other legal document). The owner(s) of each parcel for which a Notice of Lot Line Adjustment and Certificate of Subdivision Compliance is being prepared shall sign, in the presence of a Notary Public, the appropriate page of the Notice of Lot Line Adjustment and Certificate of Subdivision Compliance, and shall have their signature notarized by the Notary Public.
3. The City shall record new grant deeds for the new parcel configurations. **NOTE:** The vesting on the title for the grant deeds must be exactly the same as the vesting on the title for the properties receiving the land.
4. Pursuant to Section 8762 of the Business and Professions Code, a record of survey documenting the corners of the new property lines may be required to the satisfaction of Public Works – Engineering.

WHEREAS, the following notes are provided as information only:

1. The review by Development Services - Planning was performed consistent with the Eureka Municipal Code and the State Subdivision Map Act. It has been determined the parcels involved in the Lot Line Adjustment were created in accordance with all applicable

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1535 Waterfront Drive Lot Line Adjustment, Project No. LLA-22-0008  
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laws. Approval of this Lot Line Adjustment does not guarantee developable parcels will result. Final approval for any development will depend upon demonstration of conformance with site suitability requirements in effect at the time development is proposed. Except for the specified LLA stated above, this action does not eliminate the requirement of the Applicant and all successors and assigns to comply with all codes and ordinances, as well as to secure all required permits of local, regional, State and Federal entities which relate to this project or any future development on the resultant parcels.

2. The approval, which is subject to the conditions of approval contained herein, will remain in effect for 12 months from the effective date of this action. If the conditions cannot be completed within the 12-month time limit, an extension of this approval may be granted for an additional period of up to 12 months upon submittal of an extension request and appropriate fees. The application shall be filed no less than 30 days prior to the expiration date and shall state the reasons for requesting the extension.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby approve the Lot Line Adjustment application, subject to the conditions 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 26<sup>th</sup> day of June, 2024 by the following vote:

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

\_\_\_\_\_  
Meredith Maier, Chair, Planning Commission

*Attest:*

\_\_\_\_\_  
Caitlin Castellano, Acting Executive Secretary

**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

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

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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