NOTICE OF PUBLIC HEARING

EUREKA CITY COUNCIL

PUBLICATION OF RESOLUTION OF INTENT TO VACATE

On August 3, 2021, the Eureka City adopted Resolution No. 2021-43, a “RESOLUTION OF THE COUNCIL OF THE CITY OF EUREKA DECLARING ITS INTENTION TO ORDER THE VACATION OF THE SOUTHERN 60-FOOT-WIDE PORTION OF A CITY OF EUREKA ALLEY LOCATED BETWEEN L AND M STREETS, AND MANZANITA AVENUE AND BRYANT STREET (adjacent to APNs 011-212-023 AND 011-212-018) (Project No. SV-21-0001).” The resolution may be reviewed in its entirety at the office of the City Clerk, 531 "K" Street, Eureka, California, Monday through Friday, 9:00 a.m.-12:00 noon, and 1:00 p.m.-4:00 p.m.

Notice is hereby given that the Eureka City Council will hold a public hearing via Zoom on Tuesday, September 7, 2021, at 6:00 p.m., or as soon thereafter as the matter can be heard, to adopt a “Resolution of the City Council of the City of Eureka Ordering the Vacation of the southern 60-foot-wide portion of a City of Eureka Alley located between L and M Streets, and Manzanita Avenue and Bryant Street (adjacent to APNs 001-212-023 and 011-212-018 (Project No. SV-21-0001).” Pursuant to Executive Order N-29-20 and subsequent extensions by Governor Gavin Newsom, this meeting will be conducted telephonically through Zoom. Please be advised that pursuant to the Executive Order and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, City Hall will not be open for the meeting.

The proposed alley 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 1 exemption (Section 15301) and Class 5 exemption (Section 15305) from CEQA which exempts minor alterations to existing facilities involving negligible expansion of the existing or former use, and minor adjustments which do not result in any changes in land use or density, or result in the creation of a new parcel.

The proposed City of Eureka alley vacation proceeding is being conducted in accordance with Chapter 3. General Vacation Procedure of the Public Streets, Highways, and Service Easement Vacation Law (State of California Streets and Highways Code, Section 8300 et seq.).

The public is invited to participate in the following manner:

1. You can view the City Council meetings live on the City of Eureka’s website at www.ci.eureka.ca.gov or on Cable Channel 10. To view from the website, select Agendas, Meeting and Videos on the home page.

2. If you wish to speak and be heard during the hearing, you may participate via the Zoom link that will be provided on the City Council agenda posted prior to the meeting or by requesting the link from the City Clerk, or you may submit your name, phone number, and name of the item you would like to comment on by e-mail to cityclerk@ci.eureka.ca.gov with a copy to planning@ci.eureka.ca.gov, or leave a message at 707-441-4175 on or before Tuesday,
September 7, 2021 at 4:00 p.m. The City Clerk will call you during the public hearing for the item.

3. If you don’t want to participate during the meeting but want to submit comment on the project, please submit your comment via email to cityclerk@ci.eureka.ca.gov with a copy to planning@ci.eureka.ca.gov, or you may leave a message at 707-441-4175 prior to Tuesday, September 7, 2021 at 4:00 p.m. to ensure that the Council receives your comment before the meeting. All comments received by email or mail will be part of the public record for consideration but may not be read aloud during the meeting.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at the public hearing or written correspondence received during or prior to the public hearing. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting. The project file is available for review by appointment at Development Services - Planning. If you have questions regarding the project or this notice, please contact Caitlin Castellano, Senior Planner at planning@ci.eureka.ca.gov or 707-441-4160.
AGENDA SUMMARY
EUREKA CITY COUNCIL

TITLE: Cooke and Callison Alley Vacation

DEPARTMENT: Development Services - Planning

PREPARED BY: Caitlin Castellano, Senior Planner

PRESENTED FOR: ☒Action      ☐Information only      ☐Discussion

RECOMMENDATION

1. Hold a Public Hearing; and
2. Order the Street Vacation by adopting the “Resolution of the City Council of the City of Eureka ordering the vacation of the southern 60-foot-wide portion of a City of Eureka alley located between L and M Streets, and Manzanita Avenue and Bryant Street between 1113 Manzanita Avenue (APN 011-212-023) and 3484 M Street (APN 011-212-018) (Project No. SV-21-0001).”

FISCAL IMPACT

☒No Fiscal Impact    ☐Included in Budget    ☐Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

• 2040 General Plan Goal LU-5: Safe, walkable, and well-maintained neighborhoods that provide a diversity of housing choices.

DISCUSSION

The applicant, Thomas Cooke, requests the City of Eureka vacate a 20’ x 60’ (1,200-square foot) portion of a City of Eureka alley between L and M Streets, and Manzanita Avenue and Bryant Streets. The portion proposed for vacation is at the southern end of the alley, between two single-family residentially zoned properties known as 1113 Manzanita Avenue and 3484 M Street (APNs 011-212-023 and 011-212-018) (subject alley). The alley dead ends at the north line of Manzanita Avenue which was previously vacated, and the alley does not accommodate through-traffic.

On August 3, 2021, the City Council declared its intention to vacate the subject alley by adopting Resolution No. 2021-43 (Attachment 2). The Resolution directed the City Clerk to give notice of this Public Hearing, and directed Public Works – Engineering to post the portion of the subject alley to be vacated; and, both of these tasks are complete in accordance with the adopted Resolution and local and state law.
The purpose of this hearing before the City Council is to receive testimony from all persons interested in or objecting to the proposed vacation, and to order the street vacation by adopting a “Resolution of the City Council of the City of Eureka Ordering the Vacation of the southern 60-foot-wide portion of a City of Eureka alley located between L and M Streets, and Manzanita Avenue and Bryant Street between 1113 Manzanita Avenue (APN 011-212-023) and 3484 M Street (APN 011-212-018)” (Attachment 2).

**Environmental Assessment:** The City of Eureka, as Lead Agency, has determined the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with Section 15301, Existing Facilities, Class 1, and Section 15305, Minor Alterations in Land Use Limitation, Class 5 of the CEQA Guidelines. Section 15301 consists of the minor alteration of existing facilities involving negligible expansion of the existing or former use; and, Section 15305 consists of minor adjustments in land uses which do not result in any changes in land use or density, or result in the creation of a new parcel. The project qualifies for the Class 1 and Class 5 exemptions because there is a negligible expansion of the existing residential uses (by adding 10 feet of the former alley to each adjoining parcel), and no new parcels will be created. Furthermore, the alley has a land use designation of Low Density Residential (LDR) and a zoning designation of Residential Low (R1), and vacating the alley will not result in any changes to the existing residential land uses or density on each site as allowed in the LDR land use and R1 zoning designations.

**Staff Recommendation:** Hold a Public Hearing, and order the alley vacation by adopting the “Resolution of the City Council of the City of Eureka Ordering the Vacation of the Southern 60-foot-wide Portion of a City of Eureka Alley Located Between L and M Streets, and Manzanita Avenue and Bryant Street, between 1113 Manzanita Avenue (APN 011-212-023) and 3484 M Street (APN 011-212-018).”

**SUGGESTED MOTION:**

“I move the City Council adopt a “Resolution of the City Council of the City of Eureka ordering the vacation of the southern 60-foot-wide portion of a City of Eureka alley located between L and M Streets, and Manzanita Avenue and Bryant Street between 1113 Manzanita Avenue (APN 011-212-023) and 3484 M Street (APN 011-212-018).”

**REVIEWED AND APPROVED BY:**
- City Attorney
- City Clerk/Information Technology
- Community Services
- Development Services
- Finance
- Fire
- Human Resources
- Police
- Public Works
ATTACHMENTS:

1. Resolution Ordering the Vacation - Resolution of the City Council of the City of Eureka with Exhibit A (Legal Description) and Exhibit B (Vacation Map)
2. Resolution No. 2021-43 (Resolution of Intention)
RESOLUTION NO.  2021-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ORDERING THE VACATION OF THE SOUTHERN 60-FOOT-WIDE PORION OF A CITY OF EUREKA ALLEY LOCATED BETWEEN L AND M STREETS, AND MANZANITA AVENUE AND BRYANT STREETS (adjacent to APNs 001-212-023 AND 011-212-018) (Project No. SV-21-0001)

WHEREAS, the Council of the City of Eureka on August 3, 2021, duly passed and adopted the Resolution of Intention No. 2021-43, wherein the Council declared its intention to order the vacation of the southernmost 20' x 60' (1,200-square foot) portion of a City of Eureka alley located between L and M Streets, and Manzanita Avenue and Bryant Street between 1113 Manzanita Avenue (APN 011-212-023) and 3484 M Street (APN 011-212-018) as shown in Exhibits A and B attached hereto and made a part hereof; and

WHEREAS, the City Clerk did transmit to Public Works - Engineering a certified copy of said Resolution No.2021-43 and said Public Works - Engineering did, upon receipt of said Resolution, cause to be posted in the manner required by the Streets and Highways Code Section 8300 et seq., notice of the passage of said Resolution; and,

WHEREAS, the City Clerk duly and regularly provided notice of the Public Hearing on said Resolution of Intention No. 2021-43 as required by the Streets and Highways Code Section 8300 et seq.; and

WHEREAS, all of these tasks are complete in accordance with the adopted Resolution No. 2021-43 and local and state law; and

WHEREAS, the City Council of the City of Eureka held a duly noticed public hearing at City Hall in the City of Eureka on September 7, 2021, at 6:00 p.m. via Zoom, in accordance with the date, time and place fixed therefore in said Resolution of Intention.
NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, that:

Section 1. The vacation, described in Exhibit “A” and shown on Exhibit “B”, is hereby vacated with the following conditions:

a. The applicant must install a permanent solid or open fence as a barrier to the vacated alley, may not connect any portion of the future barrier to the adjoining private properties north of the vacated alley at 3470 M Street (APN 011-212-017) and 3461 L Street (APN 011-212-028), and must obtain a building permit if the fence is taller than 7 feet.

b. In the event any ground disturbing activity is undertaken in the future, the City’s standard protocol for inadvertent archeological discovery (cultural or historical artifacts) shall apply as follows:

   i. In the event of any future ground disturbing activities, if archaeological resources are encountered, all onsite work shall cease in the immediate area and within a 50-foot buffer of the discovery location. A qualified archaeologist will be retained to evaluate and assess the significance of the discovery, and develop and implement an avoidance or mitigation plan, as appropriate. For discoveries known or likely to be associated with native American heritage (prehistoric sites and select historic period sites), the Tribal Historic Preservation Officers for the Bear River Band of Rohnerville Rancheria, Blue Lake Rancheria, and Wiyot Tribe are to be contacted immediately to evaluate the discovery and, in consultation with the project proponent, City of Eureka, and consulting archaeologist, develop a treatment plan in any instance where significant impacts cannot be avoided. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, shellfish or faunal remains, and human burials. Historic archaeological discoveries may include 19th century building foundations; structure remains; or concentrations of artifacts made of glass, ceramic, metal or other materials found in buried pits, old wells or privies.

   ii. If paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the nature and importance of the find and, if necessary, develop appropriate treatment measures in conformance with Society of Vertebrate Paleontology standards, and in consultation with the City of Eureka.

   iii. In the event of discovery or recognition of any human remains during construction activities, the landowner or person responsible for excavation
would be required to comply with the State Health and Safety Code Section 7050.5. Construction activities within 100 feet of the find shall cease until the Humboldt County Coroner has been contacted at 707-445-7242 to determine that no investigation of the cause of death is required. If the remains are determined to be, or potentially be, Native American, the landowner or person responsible for excavation would be required to comply with Public Resources Code Section 5097.98. In part, PRC Section 5097.98 requires that the Native American Heritage Commission (NAHC) shall be contacted within 24 hours if it is determined that the remains are Native American. The NAHC would then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the landowner or the person responsible for the excavation work for the appropriate means of treating the human remains and any associated grave goods within 48 hours of being granted access to the site. Additional provisions of Public Resources Code Section 5097.98 shall be complied with as may be required.

Section 2. That the City Clerk is directed to record a copy of this resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 7th day of September, 2021 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

________________________________________
Susan Seaman, Mayor of the City of Eureka

Attest:

________________________________________
Pamela J. Powell, City Clerk

Approved as to Administration: Approved as to form:

________________________________________
Miles Slattery, City Manager

________________________________________
Robert N. Black, City Attorney
EXHIBIT A
Legal Description

For APN/Parcel ID(s): 011-212-023 and 011-212-018

PARCEL ONE:


PARCEL TWO:

Exhibit B
Location of Alley Vacation Map

Alley to be Abandoned

CITY OF EUREKA

MANZANITA

NOTE: — Assessor’s Block Numbers Shown in Ellipses
Assessor’s Parcel Numbers Shown in Circles.
Assessor’s Map Bk. 11, Pg.21
County of Humboldt, CA.
RESOLUTION NO. 2021-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA DECLARING ITS INTENTION TO ORDER THE VACATION OF THE SOUTHERN 60-FOOT-WIDE PORTION OF A CITY OF EUREKA ALLEY LOCATED BETWEEN L AND M STREETS, AND MANZANITA AVENUE AND BRYANT STREETS (adjacent to APNs 001-212-023 AND 011-212-018) (Project No. SV-21-0001)

WHEREAS, the applicant, Thomas Cooke, has requested the City of Eureka vacate the southernmost 20’ x 60’ portion of a City of Eureka alley located between L and M Streets, and Manzanita Avenue and Bryant Street between 1113 Manzanita Avenue (APN 011-212-023) and 3484 M Street (APN 011-212-018) as shown in Exhibits A and B attached hereto; and

WHEREAS, the City of Eureka desires to vacate the proposed portion of the alley described in Exhibit A and shown in Exhibit B; and

WHEREAS, the City Engineer has reported that the area to be vacated is not paved, contains no public utilities, and the adjoining Manzanita Avenue “paper street” to the south was vacated in 2003 (VAC. 2003-2721-4); and

WHEREAS, the City is authorized to vacate all or part of a public street or public service easement within the City pursuant to the Public Street, Highways and Service Vacation Easements law (State of California Streets and Highways Code, Section 8300 et. seq.); and

WHEREAS, the Planning Commission, at a duly noticed public hearing on July 12, 2021, found the proposed alley vacation satisfied the required findings for an alley vacation as set forth by the State of California Streets and Highways Code, and voted unanimously (5-0) to recommend approval to the City Council.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Eureka, that:

1. The City Council hereby declares its intention to vacate that portion of the alley located between L and M Streets, and Manzanita Avenue and Bryant Streets.

2. The proposed alley vacation shall be subject to conditions of approval requiring implementation of Inadvertent Discovery Protocol for any future ground disturbance, installation of a fence or gate that is not attached to the adjoining neighbors’ private property (fence) at the north end of the portion of the alley being vacated.

3. The City Council will conduct a public hearing on the subject of the proposed vacation at a regularly scheduled public meeting of the City Council on Tuesday,
September 7, 2021, at 6:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers in City Hall, at 531 K Street, Eureka, California following publication of the notice of the public hearing on the proposed vacation in the Times-Standard, for two successive weeks prior to the hearing.

4. The City Clerk is directed to transmit to Public Works – Engineering, a certified copy of this resolution, and Public Works – Engineering is hereby directed to give notice of such proposed vacation in the manner required by law; and, the City Clerk is directed to cause this resolution to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 3rd day of August, 2021 by the following vote:

AYES: COUNCILMEMBERS CASTELLANO, MOULTON, ARROYO, BAUER, BERGEL
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

Susan Seaman, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Miles Slattery, City Manager

Approved as to form:

Robert N. Black, City Attorney
EXHIBIT A
Legal Description

For APN/Parcel ID(s): 011-212-023 and 011-212-018

PARCEL ONE:
THE WEST HALF OF THAT PORTION OF THE ALLEY LYING BETWEEN LOTS 4 AND 5 OF BLOCK 7
OF THE RUSS CLAIM ADDITION, FILED IN BOOK 8 OF MAPS, PAGE 44, HUMBOLDT COUNTY
RECORDS; BEING BOUNDED ON THE NORTH AND SOUTH, BY THE EASTERLY PROLONGATIONS

PARCEL TWO:
THE EAST HALF OF THAT PORTION OF THE ALLEY LYING BETWEEN LOTS 4 AND 5 OF BLOCK 7
OF THE RUSS CLAIM ADDITION, FILED IN BOOK 8 OF MAPS, PAGE 44, HUMBOLDT COUNTY
RECORDS; BEING BOUNDED ON THE NORTH AND SOUTH, BY THE WESTERLY
PROLONGATIONS OF THE NORTH AND SOUTH LINES OF LOT 5.
Exhibit B
Location of Alley Vacation Map

Alley to be Abandoned

NOTE - Assessor’s Block Numbers Shown in Ellipses
Assessor’s Parcel Numbers Shown in Circles.
Assessor’s Map Bk. 11, Pg.21
County of Humboldt, CA.