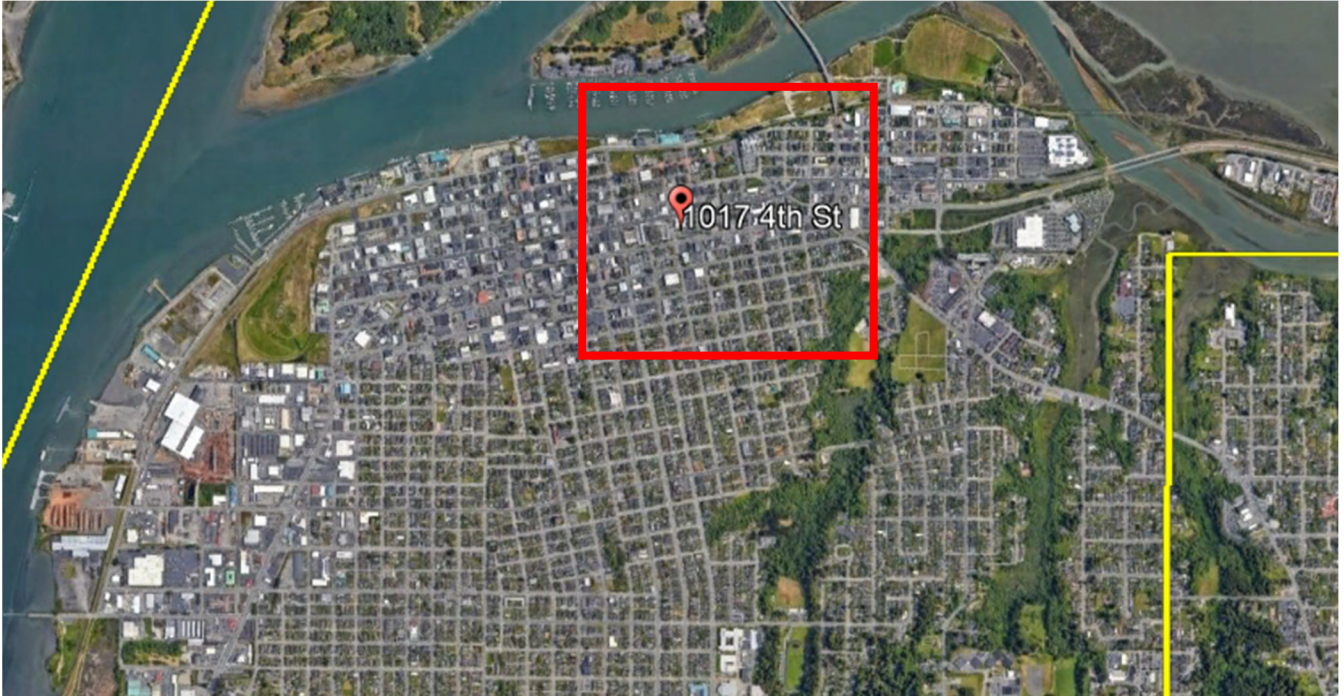


Title:	General Plan Conformance Review for 1017 4 th Street
Project:	GPC-22-0001
Location:	1017 4 th Street
APN:	001-174-008
Applicant:	County of Humboldt
Property Owner:	Gerald and Belinda Rush
Purpose/Use:	Unknown
Application Date:	December 13, 2022
General Plan:	DC – Downtown Commercial
Zoning:	DT – Downtown
CEQA:	Exempt under §15061(b)(3) Common Sense
Staff Contact:	Millisa Smith, Assistant Planner
Recommendation:	Receive report; and Adopt a Resolution finding the conformance review is exempt from CEQA and determining acquisition of the land and demolition of the existing residential structure located at 1017 4 th Street is not in conformance with the City's 2040 General Plan.
Motion:	"I move the Planning Commission adopt a Resolution finding the conformance review is exempt from CEQA and the acquisition of the land and demolition of the existing structure at 1017 4 th Street does not conform with the City's 2040 General Plan"

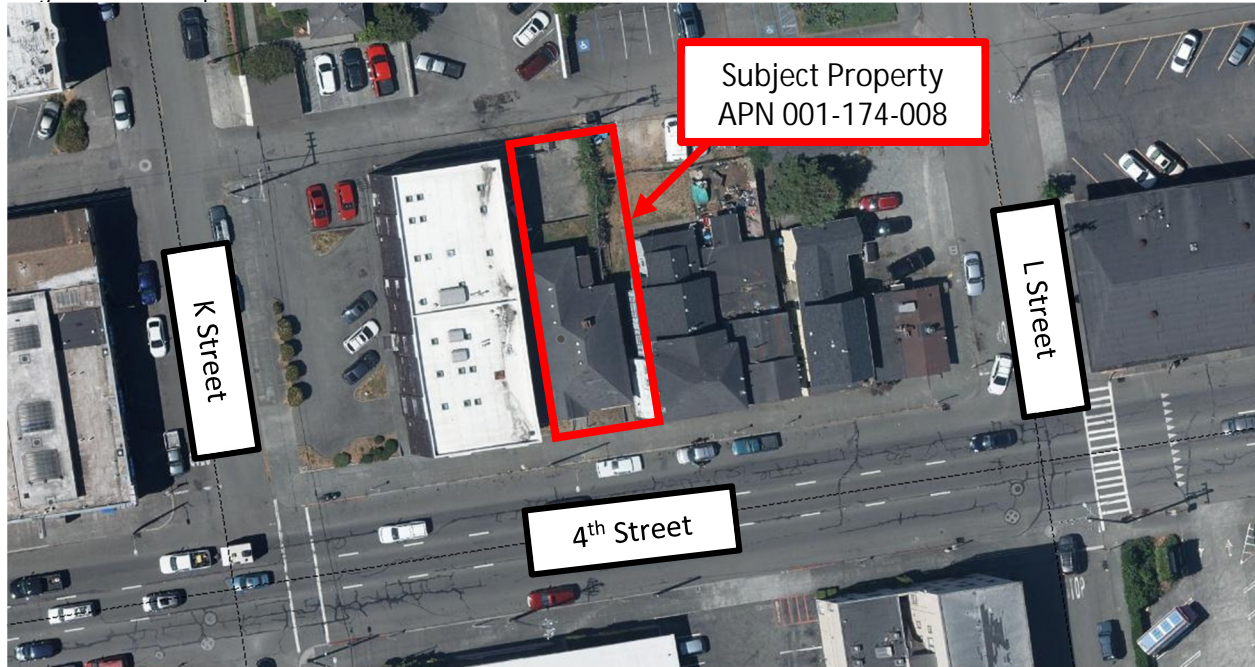
Figure 1: Location Map



PROJECT SUMMARY

The County of Humboldt is requesting General Plan conformance review for the proposed acquisition of an approximately 0.1-acre property located at 1017 4th Street. The County also proposes to demolish the existing 1,748-square-foot (sf) single-family residential structure on the site.

Figure 2: Site Map



Background

Figure 3: Street View from 4th Street (facing north)



The County of Humboldt proposes to take this opportunity to acquire the approximately 4,400-sf parcel, located at 1017 4th Street (APN 001-174-008), from a willing seller, and then demolish the existing residential structure, which is vacant and boarded.

The property owner listed the parcel for sale in June of 2022. The County has not identified a specific use for the parcel, but has indicated they envision using the parcel for some type of municipal facility, but the footprint, height, configuration, and appearance is currently unknown. Therefore, this review for General Plan conformance is focused solely on the acquisition of the property and demolition of the existing structure in preparation for future development.

According to the County, at some point in the future, they will initiate a planning process for redevelopment of the parcel (and potentially other parcels) and will consult with the City of Eureka. Although the County is exempt from the City's zoning regulations, the County has indicated they would seek to develop a plan which conforms with the development standards of the Eureka Municipal Code (EMC), as much as possible. Once the County determines how the parcel will be developed, they will have to request an additional determination from the City of Eureka as to the conformity of the construction of the public buildings or structures with the City's adopted 2040 General Plan, allowing the City to evaluate future construction when redevelopment of the parcel is proposed.

Since the proposed project is located within the City limits of Eureka, California Government Code § 65402 requires the County, prior to either acquisition or disposal of real property, and/or construction of public buildings or structures, to request a determination from the City of Eureka as to the conformity of the proposed project with the City's adopted 2040 General Plan. The report must analyze the location, purpose and extent of the proposed acquisition and subsequent building demolition to allow future development of the site by the County. Section 65402 requires the City provide the report within 40 days after the request is submitted. Failure to provide the report within the 40-day timeframe is conclusively deemed a finding that the proposed acquisition and demolition is in conformity with the City's adopted General Plan. The application for General Plan conformance review was deemed complete by the City on December 13, 2022, and the 40-day response period terminates on January 22, 2023.

In August of 2015, the County Board of Supervisors authorized the submittal of a grant application to fund the Humboldt Community Corrections Reentry Resource Center (HCCRRC) to be located in the gravel lot along K Street between 4th Street and 5th Street, adjacent to the

existing County Courthouse. Although this project is not directly related to the subject property, and new construction in the Downtown (DT) zone district does not require parking, pursuant to an agreement with the State Courts in 2006, the county is obligated to provide 64-off-street parking spaces for Court staff, County staff, jurors and the general public. These spaces are currently provided in the gravel lot, and must be replaced prior to beginning construction of the HCCRRC facility in the gravel lot. With grant money now secured to initiate construction of the HCCRRC facility, the County is required to provide this parking prior to beginning construction. Although the specific future use for the subject parcel is unknown, the County has indicated it does not intend to use the parcel for an off-street parking lot.

The City Council previously reviewed conformance with the General Plan for a County administrative complex on the subject parcel and adjacent parcels to the east, in September of 2019. Prior to the City's review, in January of 2019, the County commissioned a cultural resource survey conducted by William Rich and Associates to evaluate the parcels in the 1000 block of 4th Street, including the subject parcel.

According to the report, the residence on the subject parcel was built in 1912, is described as a one-story Queen Anne house, and does not appear to meet the historical significance criteria for listing on an historic register at the state or national level. However, as noted in the report, the structure is eligible for listing on the City of Eureka's Local Register of Historic Places (LRHP) as it is included in Eureka, An Architectural View (Green Book) as part of the historical inventory; however, when the LRHP was created in 1996, the then-property owner opted out of inclusion on the LRHP. The report goes on to say, although the building is eligible for listing on the LRHP, it has not had appropriate historic stewardship which has led to a loss of building integrity.

One of the recommendations in the resource report was to have the City of Eureka's Historic Preservation Commission (HPC) provide comment in response to the possible demolition of this structure. In June of 2018, the HPC stated the property is listed in the Green Book, and as such has been officially recognized by the City of Eureka as eligible for the LRHP, and there is no evidence it has lost the features qualifying it for inclusion on the LRHP (Attachment 3).

Finally, even if the City of Eureka determines the project is not consistent with the City's adopted 2040 General Plan, the County is not bound by the determination. The County could choose to proceed with acquisition and demolition as they propose, or they could choose to modify the project to become consistent, or more consistent, with the City's General Plan.

Project Location and Land Use Designation

The approximately 0.1-acre site is located at 1017 4th Street, within the city limits of Eureka, one block east and north, across Highway 101 South (4th Street), from the Humboldt County Courthouse. The site is bordered on the north by an alley, across which is a County-owned parcel (APN 001-174-002) which houses a County parking lot containing 15 spaces; on the south by 4th Street (Highway 101); on the west by a County-owned parcel (APN 001-174-0090) which houses the Public Defender's Office, and on the east by a parcel developed with multi-family residential housing, which is listed on the Local Register of Historic Places (LRHP) (Figure 2).

The project is located in the City's Downtown Core Area and the land use designation is Downtown Commercial (DC). The land use designation is defined as follows in the City's 2040 General Plan:

Mix of retail, restaurants, lodging, entertainment, cultural, and visitor services, offices, and upper floor residential uses. Applied to the bulk of the Core Area, which serves as the traditional business and cultural center for the City. Intended to have a high intensity urban form, retain and enhance Eureka's identity and historic character, and promote a vibrant pedestrian environment. Residential and office uses are primarily allowed only on upper floors and non-street-facing portions of buildings, and only as provided by the applied zoning district.

Consistency Determination Objectives

The objective of this consistency determination is to evaluate whether the proposed project supports the vision, goals, and policies of the City's 2040 General Plan.

Because the subject property is identified as eligible for listing on the City's LRHP and the historic resources report does include recommendations for exploration of alternatives to demolition, documentation, and salvage of materials, Staff has specifically reviewed applicable historic preservation policies in the General Plan.

Although proposed demolition is likely to result in ground disturbance and the General Plan includes specific policies regarding identifying and preserving Tribal Cultural resources (HCP-2.1, HCP-2.2, and HCP-2.5), these policies are focused on the City's role in permitting projects. In this case, the City does not have permitting authority over the project. However, the historic resource report did include recommendations for a tribal monitor and inadvertent discovery protocol, which are discussed as possible recommendations at the end of the report.

In addition to historical considerations, the building proposed for demolition, although boarded and dilapidated, has the potential to provide housing within the Downtown Core Area. As such, applicable policies from the City's 2019-27 Housing Element were also reviewed by Staff as part of the consistency determination.

General Plan Consistency

The City of Eureka's 2040 General Plan Community Vision includes planning principles which encourage attractive and well-designed streetscapes, buildings, parking, and public spaces. The Community Vision also aims to promote the Waterfront, Old Town, and Downtown as vibrant destinations for residents, businesses, the arts, and tourists.

Goals and policies in the General Plan were reviewed for applicability to the proposed project, and the following goals and policies were identified for Planning Commissions' consideration:

GOAL LU-1 A Community that values its unique small-town charm and livability while thoughtfully advancing new prospects for growth and economic vitality.

LU-1.3 Beneficial Development. Support development that affords benefits to all segments of the community that: (k) Develops intersection corners and street frontages with buildings instead of parking lots.

Consistent. Although it is yet unknown what will be developed on this site, the County has committed development will not be a parking lot, consistent with Policy LU-1.3. By advancing new prospects for growth in the core area the proposed project is consistent with Goal LU-1.

GOAL LU-2 A thriving, compact, and pedestrian oriented Core Area that serves as the heart of Eureka's civic, cultural, business and visitor activity and is appealing to new investment.

LU-2.1 Core Area Uses and Activities. Support the following uses and activities within the Core Area: [...] (n) Government facilities and services consolidated into a regional center of civic offices, services, and functions.

Consistent. Although it is unknown at this time what will be developed on the subject property, the County has indicated the site will be used for some type of municipal office facility, and the acquisition and demolition currently proposed will allow for such development in the future on a parcel in close proximity to other government facilities and civic offices including the County Court House and City Hall.

GOAL LU-6 New growth and annexation areas that are carefully planned, efficient, and contribute positively to the community.

LU-6.2 Infill First. Promote development of vacant infill properties and redevelopment/reuse of economically underutilized sites and buildings to accommodate new growth and internal densification prior to considering potential annexation.

Consistent. Although the subject property is not currently vacant since it contains a structure, it is an underutilized site as it contains a vacant and boarded, one-story, single-family residential structure, in the Downtown (DT) zone district where maximum building heights of 100 feet and floor area ratios (FAR) of 6.0 are allowed. The current development does not meet the minimum 2-story building height requirement and minimum 1.0 FAR for the DT zone, and therefore would not be allowed to be constructed today at this location for this reason and also because new single-family homes are not permitted in the DT zone. Although the proposed acquisition and demolition will result in removal of a residence and destruction of an eligible historic structure, a vacant lot would be created and any future project would contribute to infill and redevelopment allowing for growth and internal densification consistent with Policy LU-6.2.

GOAL HCP-1: A comprehensive preservation program that identifies, recognizes, protects, and assists in the preservation of Eureka's historic resources.

HCP-1.1 Preservation. Encourage and support the identification, preservation, rehabilitation, and restoration of historically significant buildings, landscape features, significant trees and plantings, hardscapes, fountains, lighting, sculptures, signs and other natural or designed features through incentives such as reduction of Historic Preservation application fees and programs such as the Local Register of Historic Places and the Mills Act.

Inconsistent. According to the resource report provided by the County, the existing structure is not historically significant on a state or national level. However, as a property eligible for listing on the LRHP as determined by the City of Eureka's Historic Preservation Commission, goals and policies of the General Plan related to historic preservation are applicable to the subject parcel. Although the structure has been identified as eligible for local historical recognition, it was opted out of inclusion on the LRHP, and thus the parcel does not have to adhere to standards for restoration, preservation or rehabilitation, nor must its' demolition or future construction be reviewed by the Historic Preservation Commission. However, the proposed demolition of the existing structure is inconsistent with Policy HCP 1.1 as no attempt is being made to preserve the structure or utilize local resources which incentivize preservation of the structure. The cultural resource survey states this property, despite its eligibility for the LRHP, has not received the proper historical stewardship over the last 45 years and has fallen into disrepair. The cultural resource survey recommends detailed architectural documentation prior to building demolition and salvage of any historic building materials in order to reduce impacts resulting from demolition of the structure. By documenting the structure and salvaging historic materials, the structure will be preserved in memory and photographs. If the County were to rehabilitate instead of demolish the structure, or if the County were to adhere to the recommendations of the resource survey, the project could be consistent with Policy HCP-1.1.

Policy HCP-1.4 Discourage Demolition. Consider demolition of Eligible Historic Resources as a last resort, to be permitted only if rehabilitation is not feasible; demolition is necessary to protect health, safety, and/or welfare; or the public benefit of demolition outweighs the loss of the structure consistent with City regulations.

Inconsistent. Although rehabilitation is possible, the existing building is vacant and boarded, and according to the County, the current owners do not have the substantial financial resources necessary to repair and upgrade the structure for occupancy. The County has stated, upon acquisition, no effort for relocation or rehabilitation will be made and demolition is inevitable, inconsistent with HCP-1.4. Although the County has indicated future development may include a municipal office facility, without knowledge of the exact nature of this facility, the net benefit to the public is unknown, and a consistency finding with Policy HCP-1.4 cannot be made.

GOAL M-4 Coordinated transit service within Eureka and surrounding areas as an alternative to automobiles.

M-5.4 Parking Lot Location. Discourage placement of parking lots along major commercial, high pedestrian-use street frontages, and corners in the interest of maintaining continuous building frontages along the primary commercial streets and improving walkability in the Core Area.

Consistent. The County has committed the subject parcel will not be developed as a parking lot, consistent with Policy M-5.4.

GOAL H-5 Existing affordable housing units are retained and preserved, while displacement from housing is minimized.

H-5.3 Retention of Affordable Rental Housing. Support the retention of existing affordable rental housing, where feasible and encourage the replacement of lost units; and [...]

H-5.5 Loss by Neglect. Support proactive measures to prevent the loss of low-income housing by neglect.

Inconsistent. The project proposes to demolish an affordable rental housing unit, inconsistent with Policy H-5.3. This property has reportedly been neglected, contributing to its deterioration over time and resulting in a vacant and boarded structure. The ability to prevent loss from neglect is still possible, either by the current owner, or the County, since rehabilitation of the property is an option. If the County considered dedication of this or another parcel for housing, or other strategies to replace the lost housing unit, the complete loss of an affordable housing unit to neglect would be avoided, consistent with HCP Policies 5.3 and 5.5.

Results

Due to a lack of maintenance, the housing is vacant and boarded. According to the County, if they purchase the property, no attempt to rehabilitate the residence will be made and demolition will occur. Staff believes the loss of housing is regrettable and inconsistent with Housing Element Goal H-5, and the County should consider replacement housing to off-set the loss resulting from this project. Additionally, as the project is eligible for listing on the LRHP, suggestions outlined by the archeological survey (tribal monitor, inadvertent discovery protocol, architectural documentation, in-whole salvage) should be followed. Lastly, without a clear understanding or plan of what future development will be, future benefit to the public cannot be weighed and the General Plan conformance review is isolated only to the property acquisition and residential demolition.

Consistency Finding

The review identified applicable Goals and Policies of the 2040 General Plan related to the project and found the project as proposed is consistent with some policies and inconsistent with others.

If the County incorporated the recommendations listed below, the project could potentially be found consistent with more of the applicable 2040 General Plan goals and policies, but would still be inconsistent with Policy HCP-1.4 (Figure 4).

1. Dedicate land for replacement housing or implement an alternative strategy to off-set loss of one affordable housing unit.
2. Prior to demolition, conduct highly detailed documentation of the building consistent with the Secretary of Interior Standards for architectural documentation.
3. Implement measures to salvage historic building materials which can be reused instead of taken to a landfill. Ensure salvage of the building is conducted by qualified contractors in whole-building recycling, including removal and salvage of historic materials.
4. Conduct tribal monitoring for all ground disturbing activities.
5. Include inadvertent discovery protocol in construction documents and initiate upon any archeological findings discovered during ground disturbance.

Figure 4: General Plan Consistency Findings table

General Plan Consistency Findings		
Policy #	As Proposed	With Recommendations
LUI.3	Consistent	Consistent
LU-2.1	Consistent	Consistent
LU-6.2	Consistent	Consistent
HCP-1.1	Inconsistent	Consistent
HCP-1.4	Inconsistent	Inconsistent
M-5.4	Consistent	Consistent
H-5.3	Inconsistent	Consistent
H-5.5	Inconsistent	Consistent

The project is inconsistent with at least one of the applicable goals and policies, either with or without the recommendations. If the County chose to incorporate the above recommendations, the project could be found more consistent with the General Plan.

The Commission could encourage, but cannot require, the County to incorporate some or all the suggested recommendations, and find General Plan conformance based on potential consistency with a majority of the goals and policies. However, the County is not obligated to adhere to any recommendations made by the Commission, and may proceed with acquisition and demolition whether or not the Planning Commission makes a finding of inconsistency with the General Plan.

The Planning Commission could take the stance that if the project is inconsistent with any goal or policy, then the whole project is inconsistent, or the Commission could weigh the consistent findings against the inconsistent findings. Because the scope of future development is unknown at this site, Staff cannot conclude the overall benefit of the project for the community is a positive

one and thus cannot recommend a finding the project is in conformance with the City of Eureka's General Plan.

Environmental

General Plan Conformance Review is a "project" for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines, §15061(b)(3), there is a general rule CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty there is no possibility the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The request is only for review of project's conformance with Eureka's 2040 General Plan, and regardless of whether the Planning Commission determines the proposed acquisition and demolition is or is not in conformance with the General Plan, the County can still proceed with the project as they've proposed. Therefore, the City's General Plan Conformance Review, by itself, does not have the potential to cause a significant effect on the environment.

STAFF CONTACT

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DOCUMENTS ATTACHED

Attachment 1: Planning Commission Resolution 2023-____

Attachment 2: Humboldt County General Plan Conformance Request Letter

Attachment 3: Historic Preservation Commission Memo