

## HISTORIC PRESERVATION COMMISSION RESOLUTION NO. 2023-14

### A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF EUREKA CONDITIONALLY APPROVING THE HISTORIC PRESERVATION REVIEW AND DESIGN REVIEW FOR THE ACGC MIXED-USE DEVELOPMENT AT THE NORTHWEST CORNER OF THIRD AND G STREETS, APN: 001- 091-009

WHEREAS, the applicant has requested approval to construct an 18,002 square-foot, four-story, mixed-use building on a vacant lot located on the northwest corner of Third and G Streets; and

WHEREAS, the subject property has been vacant since the two-story Russ Market Building, constructed in 1880, was destroyed by fire on December 8, 2006; and

WHEREAS, the subject property was added to the Local Register of Historic Places in October 2006, when the Russ Market Building was still present at the site and the property was part of a larger parcel that also included the adjacent Joseph Russ Building, which was constructed in 1897; and

WHEREAS, the property remains on the Local Register of Historic Places (LRHP) and thus the project must undergo Historic Preservation Review as required by Title XV, Chapter 157 of the Eureka Municipal Code (EMC), §157.003(A)(1); and

WHEREAS, the project is in the Design Review Area and pursuant to EMC §157.06(D), the Historic Preservation Commission is charged with Design Review authority over historically designated properties; and

WHEREAS, the project also requires a Conditional Use Permit, Coastal Development Permit and Variance, which will be reviewed separately by the Planning Commission; and

WHEREAS, the Historic Preservation Review and Design Review approvals are discretionary actions subject to environmental review in accordance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Historic Preservation Commission of the City of Eureka did hold a duly noticed public hearing at City Hall in the City of Eureka on December 6<sup>th</sup>, 2023 at 4:00 p.m. in the Council Chamber; and

WHEREAS, the Historic Preservation Commission of the City of Eureka has reviewed the subject application in accordance with Eureka Municipal Code Chapter 157, and in accordance with Eureka Municipal Code Title 10, Chapter 5, Article 18 Sec. 10-5.1801 et. seq, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and determine the following facts:

1. No distinctive materials, features, spaces or spatial relationships currently exist at the vacant project site, and therefore a number of the Secretary of the Interior's Standards for Rehabilitation that speak to preserving and repairing existing historic features are not applicable to the proposed project.
2. There will be no changes that create a false sense of historical development such as adding conjectural features or elements from other historic properties.
3. No chemical or physical treatments will be used at the site that could potentially cause damage to nearby historic structures.
4. At a minimum, any ground disturbing activities will be conditioned with Inadvertent Discovery Protocol.
5. The new building will be differentiated from nearby historic buildings, but will be compatible in regards to size, scale, proportion, and massing to protect the integrity of the property and environment.
6. The project, as conditioned, is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
7. The proposed mixed-use building, as proposed, is not ugly, inharmonious, monotonous or hazardous, and will not have an adverse effect on the value of property or improvements in the vicinity.
8. The project as conditioned qualifies for a Class 32 exemption (§15332) from CEQA because: (1) the project site is less than five acres in size (approximately 0.10 acres); (2) the project is consistent with the LUP (i.e. General Plan) designation and policies, as well as all applicable IP (i.e. Zoning Code) designations and regulations; (3) the project is located within the City limits and surrounded by urban uses; (4) the project site has no value for habitat for endangered, rare, or threatened species; (5) approval of the project will not result in any significant effects relating to traffic, noise, air or water quality; and (6) the site can be adequately served by all required utilities and public services.

WHEREAS, in the opinion of the Historic Preservation Commission of the City of Eureka, the proposed application should be approved subject to the following conditions:

1. The applicant shall undertake the project as approved by the Historic Preservation Commission. Any deviation in proposed design, architectural style, or exterior appearance from those currently proposed shall have prior approval.
2. Prior to initiating any work, the applicant shall apply for and be issued an approved building permit to the satisfaction of Development Services-Building.
3. Ground disturbing activities are subject to the City's standard protocol for inadvertent archeological discovery (cultural or historical artifacts) as follows:
  - a. If archaeological resources are encountered during construction activities, 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, 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.

- b. 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.
- c. 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 (PRC) 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 PRC section 5097.98 shall be complied with as may be required.

NOW THEREFORE, BE IT RESOLVED that the Historic Preservation Commission of the City of Eureka does hereby approve the application, subject to the conditions listed above.

PASSED, APPROVED AND ADOPTED by the Historic Preservation Commission of the City of Eureka in the County of Humboldt, State of California, on the 6<sup>th</sup> day of December, 2023, by the following vote:

AYES: COMMISSIONERS SEIVERTSON, PETTY, SMITH, LORING, SUMMERS

NOES: NONE

ABSENT: COMMISSIONER KNIGHT, HERLIHY

ABSTAIN: NONE

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Ted Loring, Chair, Historic Preservation Commission

*Attest:*

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Lisa Savage, Executive Secretary