



# STAFF REPORT – CITY COUNCIL MEETING

February 20, 2019

**TO:** Honorable Mayor and City Council Members

**FROM:** David Loya, Director of Community Development

**PREPARER:** David Loya, Director of Community Development

**DATE:** February 13, 2019

**TITLE:** **Consider Relocation of the McKinley Statue.**

## RECOMMENDATION:

Staff recommends the City Council receive a staff report, take public comment, and adopt Resolution 189-43, which will:

1. Certify the Final Environmental Impact Report;
2. Adopt the Findings of Fact and Statement of Overriding Considerations;
3. Amend the necessary General Plan policies to approve the project; and
4. Approve the relocation of the statue of President McKinley.

Staff also recommends the City Council discuss priorities for relocation destinations.

## INTRODUCTION:

The Planning Commission considered the Draft Environmental Impact Report (Draft EIR) and the proposed project at a duly noticed public hearing on October 23, 2018, and the Final EIR on February 12, 2019. Pursuant to California Code of Regulations §15089 (the CEQA Guidelines), the Final EIR was prepared with the contents specified in §15132 of the Guidelines, including responses to the comments received on the Draft EIR. The project involves a General Plan amendment; therefore, the Council is the final review authority. The Planning Commission recommended the Council certify the EIR and approve the project in Resolution PC-19-01. By adopting Resolution 189-43, the City Council will be implementing the relocation project. The Council could also provide staff direction at this meeting on determining a relocation destination.

## DISCUSSION:

### **Environmental Review and Project Approval**

The project has been under review for a little more than one year (Table 1). The City Council directed the removal of the McKinley statue at its February 21, 2018, meeting. This direction was preceded by several meetings, study sessions, and public engagement during which the complexity

around the subject of the statue was explored by the community and the Council. The Planning Commission considered the Draft EIR (Attachment B) on October 23, 2018, and provided staff direction for completing the Final EIR. On November 6, 2018, voters defeated Measure M, a voter initiative to retain McKinley in its current location in perpetuity, with 67% voting no.

**Table 1. Project Milestones.**

Date	Action
2018-Feb 21	Council direction to initiate statue removal
2018-May 09	City prepared and released a Notice of Preparation initiating the EIR and public notice
2018-May 17	Public Scoping Meeting held at D Street Neighborhood Center
2018-May 18	Agency Scoping Meeting held at City Hall
2018-Oct 05	Notice of Completion filed and Draft EIR 45-day circulation initiated
2018-Oct 23	Public Hearing on Draft EIR
2018-Nov 19	45-Day Draft EIR Circulation and public comment period ended
2019-Feb 12	Planning Commission recommendation on Final EIR
2019-Feb 20	City Council to hold hearing on project approval

Staff prepared the Final EIR pursuant to the CEQA Guidelines (Attachment C). Forty individual comments on the Draft EIR (Attachment C, Appendix 1) were submitted during the circulation period, which ended on November 19, 2018. The Final EIR provides responses to the comments and made some clarifying edits and amendments to the Draft EIR in response (Final EIR, Chapter 2). During this analysis, no unidentified significant impacts, or new mitigations required to reduce impacts to less than significant, were identified. The changes to the Draft EIR are clarifications, corrections, or amplification of information to provide better understanding of the environmental impacts of the Proposed Project, or are modifications to mitigation measures that provide a clearer understanding of the measures that will result in a reduction in impacts. These changes do not constitute significant new information, and do not require recirculation of the Draft EIR in accordance with CEQA Guidelines Section 15088.5.

The Planning Commission recommended the City Council adopt Resolution 189-43. This resolution takes the actions necessary to approve the project and implement the relocation of the statue to the City’s Corporation Yard. Included in the resolution are the findings and standards identified in the Historic Resource Preservation and Design Review sections of the Land Use Code. In addition, Resolution 189-43 includes the findings for making a General Plan amendment, as well as the specific proposed amendments to the General Plan. The Council’s resolution also takes action on the environmental document, including the EIR and the Findings of Fact and Statement of Overriding Considerations (Attachment D). The EIR is incorporated by reference into the resolution. Staff recommends the Council consider adopting Resolution 189-43.

**Statue Relocation Options**

The City Council may provide direction on relocation options at this hearing as well. The proposed project in the EIR is the relocation to a City facility for storage. Under the environmental review, the Council also may choose one of the alternatives evaluated: relocation within the City or relocation outside of the City.

Over the past year, the City has been consistently seeking tangible offers for statue relocation both within the City, the region and outside the area. We have received a lot of interest calls but when asked to provide details about their plan for relocation only a few appeared to be viable offers. They are listed in concept below.

## Private Offers

Arcata and local vicinity. A local resident has offered to pay costs to relocate it to one of several private sites in the area or to assist with relocation costs if a public viewing site is identified in Arcata.

Fairbanks Alaska Resort and Wildlife Refuge. The Owner of the Fountainhead Auto Museum / Wedgewood Resort in Fairbanks Alaska has many vintage artifacts within his resort and wildlife refuge. His wife grew up in Arcata and still has family ties here. He has offered to pay all relocation costs and to come to Arcata to retrieve the statue.

East Coast. An anonymous donor has offered to pay all of Arcata's costs including relocation costs to move the statue to a private collection that includes either other pieces of the artist's work or other pieces from the McKinley Presidency. These options could have some limited public viewing opportunities.

## Public Offers

City of Canton Ohio. The City of Canton Ohio has formed a working group that includes a local foundation, County of Stark, a restoration company, members of McKinley descendants and local non-profits to request relocation of the statue to the City. They have several location ideas in mind and would finalize a site if they receive indication that this would be the City's preferred option. They have agreed to pay all relocation costs to Canton and to assist the City with at least a portion of the costs incurred to date.

## Summary

If the Council wishes to decide the destination at this hearing, the Council should give staff direction. The Council may use the following as a framework for the discussion if it is useful.

1. Private collection or public viewing – should the final destination be open for public viewing or installed in a private collection?
2. Should the City work with a private entity or a public entity – offers have been made by both private individuals and public entities. Some private entities will have public viewing. The offer from Canton includes a public location for viewing.
3. Distance to destination – should the statue be relocated locally? If so, discuss maximum distance to relocation.
4. Should the City seek compensation – Expenses to date for the project total approximately \$15,000. The cost of work to remove the statue is not included in this estimate. Should the City seek costs for the work done to relocate the statue? Should the City attempt to sell the statue at a market rate? Or, should the City absorb the cost of removal?

## POLICY IMPLICATIONS:

The action would amend the General Plan policy regarding the McKinley statue to ensure consistency with the action to remove it. The policy implications are considered in depth in the EIR, in particular in the Final EIR.

## COMMITTEE/COMMISSION REVIEW:

The Planning Commission adopted Resolution PC-19-01 on February 12, 2019, recommending the Council adopt Resolution 189-43 approving the project.

**ENVIRONMENTAL REVIEW (CEQA):**

An Environmental Impact Report (EIR) has been completed for the project (Attachments B & C). The EIR identified significant unmitigatable impacts to historic resources. The Findings of Fact and Statement of Overriding Considerations (Attachment D) has been prepared and recommended by the Planning Commission to approve the project in spite of the environmental impact.

**BUDGET/FISCAL IMPACT:**

Expenditures to date on the project total approximately \$15,000. The work to remove the statue and its base from the plaza and put the statue in storage is estimated at less than \$15,000. Depending on the Council's direction, some or all of these costs may be recaptured upon disposition of the statue to the next owner.

**ATTACHMENTS:**

- A. Reso 189-43 (DOCX)
- B. Draft EIR McKinley 2018-10-5 (PDF)
- C. FEIR 2019-02-08 (PDF)
- D. McKinley\_Findings of Fact-SOC final (PDF)

## Resolution 189-43

### A Resolution of the Arcata City Council Authorizing the Relocation of the President William McKinley Statue and Necessary General Plan Amendments

**Whereas**, during meetings on December 4, 2017, February 21, 2018, and March 21, 2018 the City Council of the City of Arcata received more than eleven hours of public testimony over the potential relocation of the McKinley Statue; and

**Whereas**, the testimony captured a broad range of community members, yet the majority supported its relocation from the center of the Plaza; and

**Whereas**, on the basis of this testimony, a significant review of the history demonstrated several periods of community interest in removal dating back at least to 1947 and the significant evidence of the social impact that the Statue has on many residents including local Native American Indians and non-indigenous people of color as well as during periods of anti-war and anti-imperialism in the community; and

**Whereas**, the Plaza is the city center, the economic center, the central community gathering space, and the place where every person, every resident, worker, student, visitor, whether new or with multi-generational roots, are all welcomed community members; and

**Whereas**, the Statue of President William McKinley was a gift to the City of Arcata from George Zehndner and erected at the city center in 1906 when the Euro-American civic leaders predominated civic life and decisions, and in 2019 the civic leaders recognize the social power, strength, and resiliency of diverse, historically marginalized, and oppressed perspectives; and

**Whereas**, President McKinley had no personal ties or connections to the City of Arcata, and the Community does not hold the statue of President McKinley as figure central to the City's history; and

**Whereas**, the City recognized the long history of the statue at the City Center by describing it as a feature to be preserved of the Arcata Plaza Historic Landmark in its General Plan adopted in 2000; and

**Whereas**, pursuant to the CEQA Guidelines (the "Guidelines") CCR §15082, a Notice of Preparation was sent to the Office of Planning and Research on May 9, 2018. Following this notice, the City held EIR scoping meetings on May 17<sup>th</sup> for the public and May 18<sup>th</sup> for agencies; and

**Whereas**, the City prepared a Draft Environmental Impact Report (Draft EIR), circulated the Draft EIR for 45 days at the State Clearinghouse (SCH # 2018052032), the City's website, and numerous public locations, held a noticed public hearing on the Draft EIR at the October 23, 2018, Planning Commission meeting to allow public review and comment; and

**Whereas**, pursuant to the Guidelines CCR §15089, the Final EIR was prepared with the contents specified in §15132 of the Guidelines, including responses to the comments received on the Draft EIR. The Planning Commission reviewed and evaluated the Final EIR on February 12, 2019; and

**Whereas**, the Planning Commission considered the Draft EIR at its October 23, 2018 meeting, at a duly noticed public hearing, considered each section of the EIR in detail, deliberated the environmental impacts of the project within each subject area, considered public comment, and directed staff to prepare a Final EIR with responses to comments; and

**Whereas**, substantive comments to the Draft EIR received prior to the November 19, 2018, circulation period end date have been considered, addressed, and either incorporated in the Final EIR, or have been addressed in staff reports or elsewhere in the administrative record for the project; and

**Whereas**, at its February 12, 2019, duly noticed regular meeting, upon hearing and considering all public comment and facts concerning the Final EIR and reviewing the findings established in Guidelines §15091, the Planning Commission found that project may have a significant and unavoidable effect on historic resources; and

**Whereas**, after its review of the Final Environmental Impact Report, the necessary approval findings, and the proposed project with alternatives, the Planning Commission recommended the City Council adopt this resolution, which was codified in Planning Commission Resolution PC-19-01, adopted February 12, 2019; and

**Whereas**, the City intends in this Resolution to certify an Environmental Impact Report, adopted Findings of Fact, adopt a Statement of Overriding Considerations to approve a General Plan amendment to remove the General Plan citations, and to approve relocation of the statue on February 20, 2019;

**Now Therefore Be It Proclaimed**, the City Council of the City of Arcata:

1. Certifies the McKinley Statue Removal Project Final Environmental Impact Report (SCH # 2018052032) dated February 8, 2019, incorporated herein by reference:
  - a) has been completed in compliance with the California Environmental Quality Act and Chapter 9.78 (Environmental Impact Assessment) of the Land Use Code;
  - b) was reviewed and considered by the Planning Commission and City Council prior to approving the project; and
  - c) reflects the City’s independent judgement and analysis; and
2. Adopts the Findings of Fact and Statement of Overriding Considerations dated February 8, 2019, incorporated herein by reference:
  - a) making the Findings of Fact pursuant to Public Resources Code Section 21081 and State CEQA Guidelines Section 15091 and the Land Use Code 9.78.170; and
  - b) making the finding that the social and economic benefits of removing the statue from its current location outweigh the possibility of environmental damage due to the historic resource impacts identified in the EIR pursuant to Public Resources Code Section 21081.6, State CEQA Guidelines Section 15093, and the Land Use Code 9.78.170.C; and

**Further, Be It Proclaimed:**

1. The Council finds that the alteration to the Plaza Historic District and the Arcata Plaza Historic Landmark associated with the statue’s removal maintains, and does not destroy, the historic or architectural integrity of the Plaza and the immediate neighborhood or the Neighborhood

Attachment: A. Reso 189-43 (1990 : McKinley Statue Relocation)

Conservation Area. This finding is consistent with the requirements of the Land Use Code Section 9.53.050, Alteration of Historic Structures, Districts, and Neighborhoods, and Subsection 9.28.060.D.2, findings for projects in Neighborhood Conservation Areas, both of which are implementing regulations of the Historic Preservation Element. The remaining preservation features identified in the General Plan will remain intact. The project does not negatively affect any other features on the Plaza, and the mitigation measures incorporated in the project will provide enduring context and history of the statue's history on the Plaza.

- 2. The Council finds that the removal is consistent with the community vision as expressed in the General Plan, as amended by this action. The removal was supported by the public testimony, the failure of Measure M (by 67.81%), a voter initiative to retain the McKinley statue in perpetuity, and the Council's desire to make the City's policies, implementing regulations, and public places open and inclusive. This finding is consistent with Land Use Code Subsection 9.72.040.F.5, and the project is consistent with the General Plan.
- 3. The Council makes the following findings for the General Plan amendment pursuant to Land Use Code Subsection 9.92.050.A:
  - a) The proposed amendment is consistent with all other provisions of the General Plan. The amendment will not affect the horizontal consistency of the General Plan. The reference to the McKinley statue is unrelated to policies outside of the Historic Preservation element, so its removal from the General Plan will not affect consistency across elements. The amendment will remove all reference to the statue as an element of the historic Plaza. Therefore, the amendment results in policy consistency after the amendment is made.
  - b) The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City. The amendment and the removal of the statue does not affect public health, safety, convenience, or welfare. There are several community members whose interest will be negatively affected. However, the social implications of the statue's presence as described in the whole of the record, and the supermajority rejection of the 2018 Measure M ballot initiative to retain the statue in perpetuity, support the finding that the public interest is best served by removing the statue.
  - c) The affected site is physically suitable for proposed uses and development. The amendment and removal does not affect the use and development of the site. The General Plan amendment and ultimate statue removal do not change the intended use of the site as a public space and are intended to improve its use by a diverse community.
- 4. The City of Arcata General Plan Design Element Policy D-2a is hereby amended to read:

**Design of Arcata Plaza.** The basic historical pattern or design of the Plaza shall be retained, including the symmetrical arrangement of pathways, the open expanse of lawn, and the open central area as a focal point for community building of the McKinley statue

Attachment: A. Reso 189-43 (1990 : McKinley Statue Relocation)

5. The City of Arcata General Plan Historical Preservation Element Policy H-3g is hereby amended to read:

**Arcata Plaza as a historic site.** The Arcata Plaza Historic District includes at its center the city park known as the Arcata Plaza. The following principal features of the Plaza, which define its historical character, shall be preserved:

- ~~1. The McKinley Statue at the center of the Plaza.~~
  - ~~2. 1. The generally symmetrical pattern of walkways.~~
  - ~~3. 2. The open nature of the Plaza and the absence of buildings within it.~~
  - ~~4. 3. The Women's Christian Temperance Union drinking fountain on "H" Street.~~
  - ~~5. 4. The existing Plaza palm trees.~~
6. On the basis of these findings, the certified Environmental Impact Report, the Findings of Fact, and the Statement of Overriding Considerations, after over 70 years of public debate, the statue of President McKinley shall be removed and relocated to storage or a location, consistent with the alternatives analyzed in the Environmental Impact Report, that is publicly accessible and housed by an entity with the capacity to relocate, erect, and maintain the statue indefinitely.
7. The Council directs staff to take all necessary actions to implement this action.