



CITY OF EUREKA
DEVELOPMENT SERVICES DEPARTMENT
Rob Holmlund, AICP, Director

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NOTICE OF PUBLIC HEARING

EUREKA CITY HISTORIC PRESERVATION COMMISSION

NOTICE IS HEREBY GIVEN that the Eureka City Historic Preservation Commission will hold a public hearing on Wednesday, September 5, 2018 at 4:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 “K” Street, Eureka, California, to consider the following application:

Project Title: Removal of 2237 2nd Street from the Local Register of Historic Places

Project Applicant: Humboldt Transit Authority (HTA)

Case No: HPO-17-0007

Project Location: 2237 2nd Street; APN 002-124-009

Zoning and General Plan Designations: CS (Service Commercial)/GSC (General Service Commercial)

Project Description: The applicant is requesting the Historic Preservation Commission remove the subject property from the Local Register of Historic Places on the grounds the property does not possess sufficient historic or architectural attributes to qualify as a designated property.

All interested persons are invited to comment on the project either in person at the scheduled public hearing, or in writing. Written comments on the project may be submitted at the hearing or prior to the hearing by mailing or delivering them to the Community Development Division, 531 K Street, Eureka, CA 95501. Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of 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 described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The project file is available for review at the Development Services Department, Third Floor, City Hall. If you have questions regarding the project or this notice, please contact Raquel Menanno, Assistant Planner; phone: (707) 441-4113; fax: (707) 441-4202; email: rmenanno@ci.eureka.ca.gov



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Appeal of Denial of Removal of 2237 2nd Street from the Local Register of Historic Places

DEPARTMENT: Development Services

PREPARED BY: Raquel Menanno, Assistant Planner

PRESENTED FOR: Action Information only Discussion/Direction

RECOMMENDATION

1. Grant appeal of HPO-17-0007; and
2. Adopt a Resolution of the City Council authorizing the removal of 2237 2nd Street from the Local Register of Historic Places.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

Not Applicable

DISCUSSION

Overview

Before Council is an appeal of Historic Preservation permit #HPO-17-0007, which was denied by the City's Historic Preservation Commission. The permit application consisted of a request by the property owner to remove 2237 2nd Street from the Local Register of Historic Places (LRHP). Council's options are to:

1. Uphold the decision of the Historic Preservation Commission and thereby deny the appeal; or
2. Grant the appeal and allow the removal of the property from the Local Register of Historic Places. – This is staff's recommendation.

According to a report conducted on May 4, 2018 by a Historic Preservation Consultant, the structure no longer possesses the architectural integrity to qualify as a historically significant resource. The report satisfies the required Eureka Municipal Code findings to remove the property from the Local Register of Historic Places. Accordingly, staff recommends granting the appeal and allowing the removal of the property from the LRHP. A detailed history of the case is presented below.

History of Property

The subject property is located in what was known as the “Eddy Tract,” which was a subdivision of land created in March, 1885. According to “Eureka: An Architectural View” (aka “the Green Book”), the existing residence was constructed in 1899 by an unknown builder and architect. The structure is listed as being originally owned by C. Nixon, and is described as a “one-story frame Italianate cottage.”

Local Register of Historic Places

The Eureka City Council created the Local Register of Historic Places (LRHP) in 1996 as a public record for structures considered to be of historic significance and that are subject to regulations. According to Eureka Municipal Code, Chapter 157, the Historic Preservation Commission has approval authority over proposed alterations, additions, and demolitions for properties included on the LRHP as well as purview over adding or removing properties from the LRHP. The Nixon House property, located at 2237 2nd Street, is listed on the Local Register of Historic Places.

Current Owner

Prior to the year 2000, the Humboldt Transit Authority (HTA) purchased the property on which the Nixon House is located. The Humboldt Transit Authority’s bus parking and maintenance facility covers two city blocks and is located between 1st and 2nd Streets and V and X Streets. HTA desires to demolish the existing structure and to utilize the Nixon property as part of their facility.

Exploration of Options for Nixon House

From 2014 through late 2017, HTA conducted a review of its property holdings, determined that the organization was in need of additional space, and began exploring options for the Nixon House property. HTA hired Planwest Partners in 2014 and then Greenway Partners in 2017 to complete a series of assessments and options for disposition of the Nixon House. In 2014, HTA hired an architect to prepare a plan and cost estimate for the reuse of the house as office space for HTA. The construction cost estimate was approximately \$580,000, at prevailing wage rates. After much discussion, HTA decided not to pursue this option as it was cost prohibitive and the office space was not suitable for their expanding needs.

In 2015, HTA released an RFP to inquire if there were any property owners interested in relocating the structure to their property. HTA did not receive any responses to the RFP. Also in 2015, HTA’s consulting architect drew up conceptual plans for relocating the house to another lot owned by HTA at 1st and W Streets. A wetland delineation revealed that most of the lot was unusable and the relocation to that site was not feasible. In addition, the cost to move the house and rehabilitate it would be more than the market value of the house and lot.

In 2016, Greenway Partners reviewed all the studies generated by other consultants, obtained a cost estimate from a local house mover, completed an asbestos survey, and then contacted the owners of seven vacant properties within the neighborhood bounded by Target, the bay, Highway 255, and US 101. None of the owners contacted wanted the house nor would they sell their property to HTA in order to allow relocation of the structure.

The Blue Ox expressed interest in receiving the relocated structure, but the Blue Ox property is located in the Coastal Zone and had no viable locations unencumbered by wetlands or wetland setbacks. This was confirmed by a memorandum from Coastal Commission staff indicating that relocation to Blue Ox was not an option. An additional study indicated that the logistics and cost of moving the house outside of the immediate neighborhood was excessive due to the requirement to “lift” utility lines out of the way and due to requirements to temporarily close Highway 101.

In 2017, HTA’s consultant presented the above information to the Historic Preservation Commission (HPC). The HPC indicated that the body was unlikely to approve demolition of the structure unless the property owner could demonstrate that a change had occurred to the structure in such a way that the property no longer possessed sufficient historic or architectural attributes to qualify as a designated property. Accordingly, the HPC suggested that HTA continue to explore options other than demolition.

Greenway went on to request an estimate of cost from George Kurwitz (local house mover) to determine the logistics and cost to move the house. Greenway conducted a structural inspection of the Nixon House with Mr. Kurwitz to determine if the house could be moved safely. An inspection was conducted of the foundation, the girders, floor joists, and floor boards from under the house and the roof structure from existing holes in the ceilings in various rooms. The structural members appeared to be intact. It was concluded that the house could be moved, but would probably have to be split in two and reassembled after the move. The roof membrane had failed and the interior of the house has extensive water damage and moldy drywall. Kurwitz indicated that he would require that the drywall be removed prior to moving it for health and safety reasons.

Due to Kurwitz’s suggested removal of drywall, Greenway retained a licensed asbestos consultant to conduct an asbestos survey. Friable asbestos was discovered (vinyl floor covering and asbestos/concrete pipe) and asbestos was also found to be present in the drywall. If the house was to be moved, the drywall, floor covering, and pipe would need to be removed first. On the other hand, if the house was to be demolished, only the vinyl and pipe would need to be removed, while the drywall could be disposed with the rest of the demolition debris. Greenway received a cost estimate from New Life Services to complete the asbestos and mold abatement and gut the house. The cost to abate asbestos and mold, then move the house and set it on a foundation within four or five blocks would be approximately \$132,000.

According to the applicants, Greenway Partners and other consultants believe they have exhausted all feasible efforts to move the house. There are no lots available and no one has expressed an interest in spending the funds required to move the house. Additionally, there are no public funds available to HTA for rehabilitation. Accordingly, HTA directed Greenway to estimate the cost to demolish and dispose of the house, which came to approximately \$20,000 and would require less than a week to complete.

A summary of the options evaluated follows:

- Rehabilitate house and convert to office
 - \$580,000

- Does not satisfy HTA's need for space
- Cost prohibitive
- Relocate house within 4 to 5 blocks of current site
 - \$132,000
 - HTA's vacant property is not viable due to wetland setbacks
 - Blue Ox's property is not viable due to wetlands and wetland setbacks
 - No other interested property owners
- Demolition
 - \$20,000
 - Preferred option
 - Only apparently viable option

Current Application

In order to accomplish HTA's goal of utilizing the property for various operational purposes, HTA is obligated by Eureka Municipal Code, Chapter 157 to receive approval from the Historic Preservation Commission to either demolish the structure or remove the property from the LRHP, which could then allow demolition of the structure. Per EMC Chapter 157, removal of a property from the LRHP requires a finding that the structure no longer possesses the architectural integrity to qualify as a historically significant resource. Such a finding is best provided by a qualified specialist in Historic Preservation. HTA hired Jill Macdonald, Historic Preservation Consultant, to complete an historic assessment of the Nixon House. Based on the report dated May 4, 2018, the structure no longer possesses the architectural integrity to qualify as a historically significant resource.

According to Macdonald, the home is currently in a state of disrepair as the roof has failed leading to excessive mold issues within the structure. As for the exterior of the building, it displays a compromised membrane with rotten soffits and fascia boards; the stairs leading to the front and side porches are unusable. "For the last eighteen years, the home has been deteriorating due to neglect," as stated by Macdonald.

Also according to Macdonald, the current condition and context of the structure excludes it from being an eligible historic resource. The neighborhood (surrounding context) has substantially changed since 1899. Examples of this substantial change include Target and Red Lion. The Macdonald report concludes that the structure is disqualified as a historic resource as it no longer possesses the architectural integrity that would qualify it as a locally significant structure.

Historic Preservation Commission:

On August 16, 2018, based on the historic assessment by Jill McDonald, HTA modified a previously-submitted demolition application and instead requested to remove the property from the Local Register of Historic Places. The Eureka Municipal Code¹ specifies for "delisting," a finding must be made that, "*a change has occurred since the effective date so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a designated property.*" Based on the analysis by Jill

¹ Title 15, Chapter 157, Section 157.004(A) of the Eureka Municipal Code.

Macdonald and Greenway's Report of Findings, staff determined that the finding could be met and recommended that the Commission adopt a Resolution finding that the subject property no longer possessed sufficient historic or architectural attributes to qualify as a designated property. Staff recommended approval of the application to remove the property from the Local Register of Historic Places.

However, at their September 5, 2018, meeting, the Historic Preservation Commission did not agree with staff's recommendation or the assessment of the qualified Historic Preservation specialist. Instead, the Historic Preservation Commission denied HTA's application to remove the property from the Local Register of Historic Places and made the following findings:

1. The historic character of the structure is still visible from the street; therefore, the structure has not "lost its historic character."
2. The demolition, construction, or existence of a large commercial building at the Target site is not a contributing factor to the change in the neighborhood. The neighborhood context has changed somewhat but not enough to be a factor in de-listing.
3. The demolition of other surrounding structures does not diminish the historic character of the Nixon house itself.
4. The Nixon House is a treasure and an artifact of what the neighborhood was like, which makes it more valuable, not less.
5. Pursuant to CEQA Guidelines §15061(b)(4), projects the City rejects or disapproves are not subject to CEQA. Because the Historic Preservation Commission is disapproving the project, no CEQA review is required.

Appeal:

On September 7, 2018, HTA appealed the action of the Historic Preservation Commission. The City Council hears appeals pursuant to Eureka Municipal Code, Section 155.287, applying an abuse of discretion standard. Under this standard, if the City Council determines that HPC's findings were not supported by the evidence, the City Council must grant HTA's appeal. . Based on Title 15, Chapter 157, of the Eureka Municipal Code, Section 157.004(A) as referenced above, if a change has occurred so that the property does not possess sufficient historic or architectural attributes to qualify as a designated property, it must be removed from the Local Register of Historic Places. Based on the expert's analysis and reports, Staff deems the finding for removal should be made, and recommends Council overturn the decision the Historic Preservation Commission and approve removing the property from the Local Register of Historic Places.

Environmental:

This project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA). The project qualifies for Class 5 Categorical Exemption under 15305, Article 19, Title 14 Chapter 3 California Code of Regulations: 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. The exemption does not qualify for any of the exceptions for Class 5 Categorical Exemption under 15300.2., Article 19, Title 14 Chapter 3 California Code of Regulations.

REVIEWED AND APPROVED BY:

- City Attorney
- City Clerk/Information Services
- Development Services
- Finance
- Fire
- Community Services
- Personnel
- Police
- Public Works

RESOLUTION NO. 2018-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ADOPTING A RESOLUTION TO REMOVE 2237 2ND STREET FROM THE LOCAL REGISTER OF HISTORIC PLACES.

WHEREAS, 2237 Second Street, located on the northwest corner of the intersection of 2nd and X Streets, is currently listed on the Local Register of Historic Places; and

WHEREAS, the subject property, known as the Nixon House, is a vacant residential structure owned by Humboldt Transit Authority (HTA); and

WHEREAS, Humboldt Transit Authority's (HTA) bus parking and maintenance facility covers two city blocks and is located between 1st and 2nd Streets and V and X Streets; and

WHEREAS, HTA desires to utilize the Nixon property to expand their bus yard facility; and

WHEREAS, per research conducted by HTA, rehabilitating the structure to convert it to an office use would not satisfy HTA's needs, would cost an estimated \$580,000, and would be cost prohibitive; and

WHEREAS, per research conducted by HTA, moving the house would cost an estimated \$120,000, there are no available lots within the study area for relocation, and none of the nearby property owners want the house nor do they want to sell their lots for relocation; and

WHEREAS, HTA's 1st Street property and Blue Ox's property are affected by wetlands and/or wetland setbacks and coastal zone regulations, making relocation to those locations infeasible; and

WHEREAS, remodeling, selling, and/or moving the house could be seen as a misuse of HTA's public funds, as could selling it for less than the total value; and

WHEREAS, HTA believes they have exhausted all realistic options for relocating the house and exhausted all realistic options for preserving the house; and

WHEREAS, HTA hired Jill Macdonald, a qualified Historic Preservation Specialist, to complete historic assessments of the Nixon House. Based on a the report dated May 4, 2018: the home is currently in a state of substantial disrepair, the roof has failed leading to excessive mold issues within the structure, the exterior of the building displays a compromised membrane with rotten soffits and fascia boards, and the stairs leading to the front and side porches are unusable; and

WHEREAS, according to the Macdonald report, the current condition and context of the

structure excludes it from being an eligible historic resource and the structure is disqualified as a historic resource as it no longer possesses the architectural integrity that would qualify it as a locally significant structure; and

WHEREAS, on August 14, 2018, the property owner submitted an application to remove the property from the Local Register of Historic Places; and

WHEREAS, Title 15, Chapter 157, of the Eureka Municipal Code, Section 157.004, specifies that a property shall cease to be a designated property only after the City has made the finding that a change has occurred so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a designated property; and

WHEREAS, on September 5, 2018, the Historic Preservation Commission held a duly noticed public hearing and denied the application; and

WHEREAS, on September 7, 2018, HTA appealed the action of the Historic Preservation Commission; and

WHEREAS, the City Council held a hearing on December 4, 2018 to determine whether the HPC erred when it denied HTA's application.

NOW THEREFORE, BE IT RESOLVED by the Eureka City Council that the appeal is granted based on the findings of fact listed below:

1. The current state of substantial disrepair and the changing neighborhood context has led to a change in the structure from the time that the structure was initially included on the Local Register of Historic Places. The change is substantial enough that the property no longer possesses sufficient historic or architectural attributes to qualify as a designated property.
2. Based on a report dated May 4, 2018 by Jill Macdonald, Historic Preservation Consultant, the structure no longer possesses the architectural integrity to qualify as a historically significant resource.
3. The project qualifies for California Environmental Quality Act (CEQA) Class 5 Categorical Exemption under §15305, Article 19, Title 14 Chapter 3 of the California Code of Regulations: 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. The proposed removal of the property from the LRHP does not qualify for any of the exceptions for Class 5 Categorical Exemption under 15300.2., Article 19, Title 14 Chapter 3 California Code of Regulations.

FURTHER, the appeal is granted conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit:

- 1) The City of Eureka will record the appropriate document to remove 2237 2nd Street from the Local Register of Historic Places.

2) If the structure is demolished in the future, the applicant will photographically document the structure and provide sets of photos to Humboldt State University, the Humboldt County Historical Society, and the Humboldt Room at the Humboldt County Library; and

3) To the degree feasible and consistent with HTA's safety and liability requirements, the applicant will salvage, reuse, and/or recycle any recoverable building materials into other projects, or provide them for use by other builders in the community.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the 4th day of December, 2018, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Frank J. Jäger, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

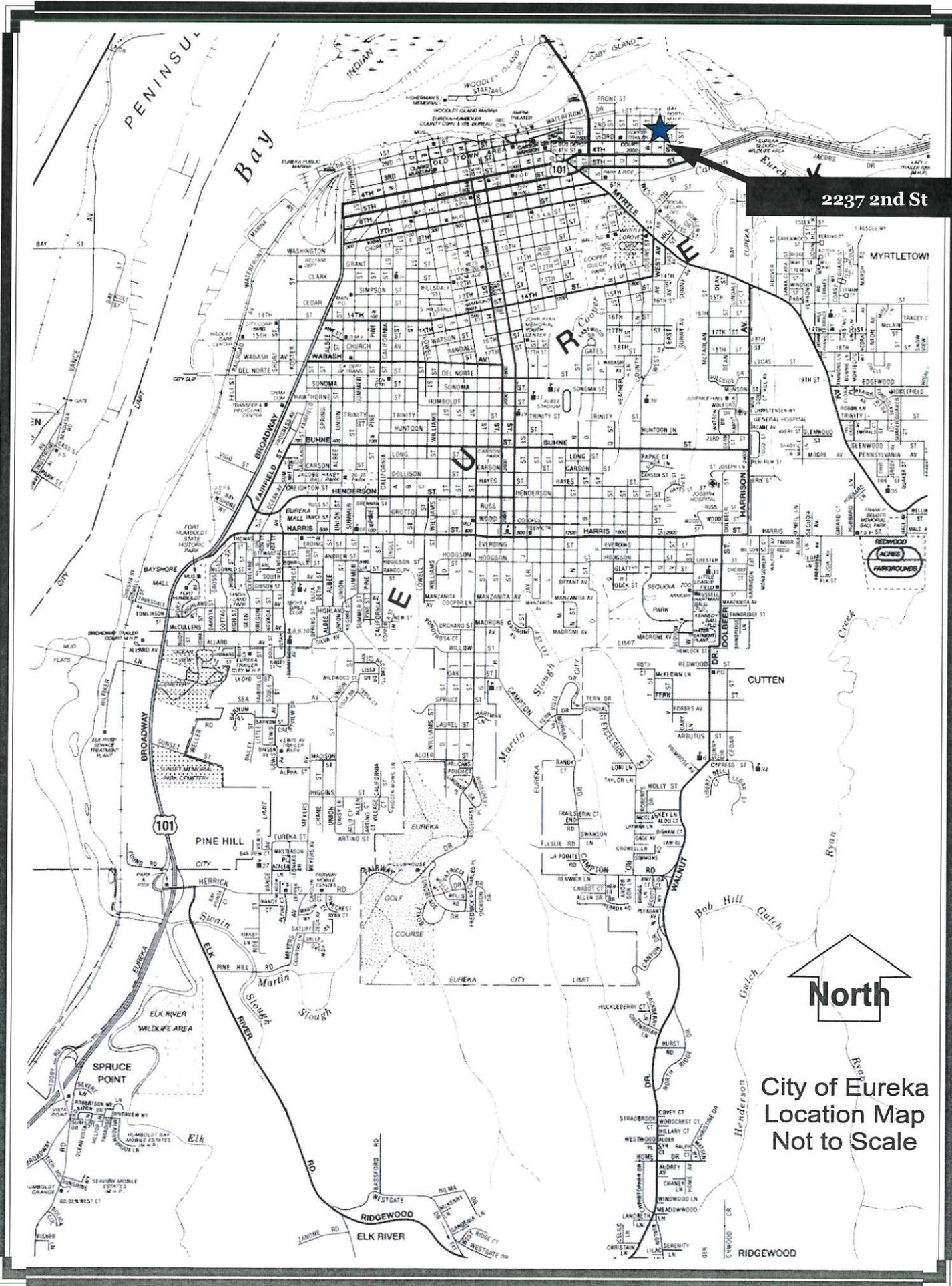
Approved as to Administration:

Greg L. Sparks, City Manager

Approved as to form:

Robert N. Black, City Attorney

Exhibit A
Vicinity Map



2237 2nd St



City of Eureka
Location Map
Not to Scale

Exhibit B

HPC Adopted Resolution

RESOLUTION NO. 2018-08

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF EUREKA DENYING THE REMOVAL OF THE STRUCTURE AT 2237 2ND STREET FROM THE LOCAL REGISTER OF HISTORIC PLACES

WHEREAS, the applicant has requested approval from the Historic Preservation Commission to remove 2237 2nd Street in Eureka from the Local Register of Historic Places; and

WHEREAS, Title 15, Chapter 157, of the Eureka Municipal Code, Section 157.004, specifies that a property shall cease to be a designated property, following written application by the owner of record or initiation by the Commission; and

WHEREAS, the Historic Preservation Commission must find that for a designated property which is not a district property, that a change has occurred since the effective date so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a designated property; and

WHEREAS, the applicant acquired the subject property approximately twenty years ago with the intent of utilizing the land for its business operations. The Nixon House has not been used for any substantial purpose or maintained, and pursuant to the Historic Assessment Report provided by Historic Consultant Jill McDonald, during the last eighteen years the home has been slowly demolishing out of neglect; and

WHEREAS, on September 5, 2018, the Historic Preservation Commission held a duly noticed public hearing, during which two persons provided testimony, and then deliberated and voted to deny the request for removal.

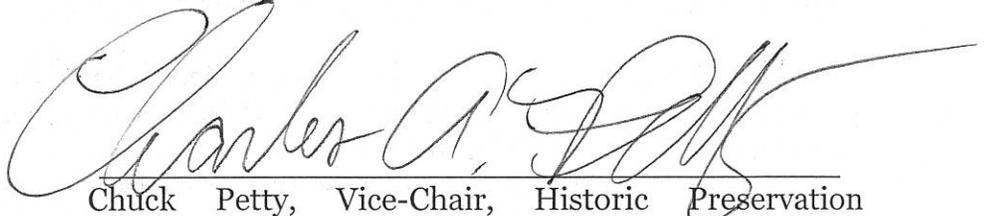
NOW THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the City of Eureka that the request to remove 2237 2nd Street from the Local Register of Historic Places is denied. The decision to deny the subject application was made after careful, reasoned and equitable consideration of the evidence in the record, including, but not limited to: written and oral testimony submitted at the public hearing; the staff report; site investigation(s); project file; and, the evidence submitted with the permit application. The findings of fact listed below “bridge the analytical gap” between the raw evidence in the record and the Historic Preservation Commission’s decision.

1. The historic character of the structure is still visible from the street; therefore, the structure has not “lost its historic character”.
2. The demolition, construction, or existence of a large commercial building at the Target site is not a contributing factor to the change in the neighborhood. The neighborhood context has changed somewhat but not enough to be a factor in de-listing.
3. The demolition of other surrounding structures does not diminish the historic character of the Nixon house itself.
4. The Nixon House is a treasure and an artifact of what the neighborhood was like, which makes it more valuable, not less.

5. Pursuant to CEQA Guidelines §15061(b)(4), projects the City rejects or disapproves are not subject to CEQA. Because the Historic Preservation Commission is disapproving the project, no CEQA review is required.

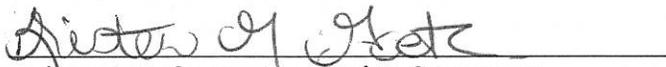
PASSED, APPROVED AND ADOPTED by the Historic Preservation Commission of the City of Eureka in the County of Humboldt, State of California, on the 7th day of November, 2018, by the following vote:

AYES: COMMISSIONERS PETTY, EAGAN, SEIVERTSEN, BETTIS,
KNIGHT, SUMMERS
NOES: NONE
ABSENT: COMMISSIONER LORING
ABSTAIN: NONE



Chuck Petty, Vice-Chair, Historic Preservation
Commission

Attest:



Kristen M. Goetz, Executive Secretary

Exhibit C
City Council Resolution



**AGENDA SUMMARY
EUREKA CITY COUNCIL**

RESOLUTION NO. 2018-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA ADOPTING A
RESOLUTION TO REMOVE 2237 2ND STREET FROM THE LOCAL REGISTER OF
HISTORIC PLACES.**

WHEREAS, 2237 Second Street, located on the northwest corner of the intersection of 2nd and X Streets, is currently listed on the Local Register of Historic Places; and

WHEREAS, the subject property, known as the Nixon House, is a vacant residential structure owned by Humboldt Transit Authority (HTA); and

WHEREAS, Humboldt Transit Authority's (HTA) bus parking and maintenance facility covers two city blocks and is located between 1st and 2nd Streets and V and X Streets; and

WHEREAS, HTA desires to utilize the Nixon property to expand their bus yard facility; and

WHEREAS, per research conducted by HTA, rehabilitating the structure to convert it to an office use would not satisfy HTA's needs, would cost an estimated \$580,000, and would be cost prohibitive; and

WHEREAS, per research conducted by HTA, moving the house would cost an estimated \$120,000, there are no available lots within the study area for relocation, and none of the nearby property owners want the house nor do they want to sell their lots for relocation; and

WHEREAS, HTA's 1st Street property and Blue Ox's property are affected by wetlands and/or wetland setbacks and coastal zone regulations, making relocation to those locations infeasible; and

WHEREAS, remodeling, selling, and/or moving the house could be seen as a misuse of HTA's public funds, as could selling it for less than the total value; and

WHEREAS, HTA believes they have exhausted all realistic options for relocating the house and exhausted all realistic options for preserving the house; and

WHEREAS, HTA hired Jill Macdonald, a qualified Historic Preservation Specialist, to complete historic assessments of the Nixon House. Based on a the report dated May 4,

2018: the home is currently in a state of substantial disrepair, the roof has failed leading to excessive mold issues within the structure, the exterior of the building displays a compromised membrane with rotten soffits and fascia boards, and the stairs leading to the front and side porches are unusable; and

WHEREAS, according to the Macdonald report, the current condition and context of the structure excludes it from being an eligible historic resource and the structure is disqualified as a historic resource as it no longer possesses the architectural integrity that would qualify it as a locally significant structure; and

WHEREAS, on August 14, 2018, the property owner submitted an application to remove the property from the Local Register of Historic Places; and

WHEREAS, Title 15, Chapter 157, of the Eureka Municipal Code, Section 157.004, specifies that a property shall cease to be a designated property only after the City has made the finding that a change has occurred so that on balance the property does not possess sufficient historic or architectural attributes to qualify as a designated property; and

WHEREAS, on September 5, 2018, the Historic Preservation Commission held a duly noticed public hearing and denied the application; and

WHEREAS, on September 7, 2018, HTA appealed the action of the Historic Preservation Commission; and

WHEREAS, the City Council held a hearing on December 4, 2018 to determine whether the HPC erred when it denied HTA's application.

NOW THEREFORE, BE IT RESOLVED by the Eureka City Council that the appeal is granted based on the findings of fact listed below:

1. The current state of substantial disrepair and the changing neighborhood context has led to a change in the structure from the time that the structure was initially included on the Local Register of Historic Places. The change is substantial enough that the property no longer possesses sufficient historic or architectural attributes to qualify as a designated property.
2. Based on a report dated May 4, 2018 by Jill Macdonald, Historic Preservation Consultant, the structure no longer possesses the architectural integrity to qualify as a historically significant resource.
3. The project qualifies for California Environmental Quality Act (CEQA) Class 5 Categorical Exemption under §15305, Article 19, Title 14 Chapter 3 of the California Code of Regulations: 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. The proposed removal of the property from the LRHP does not qualify for any of the exceptions for Class 5 Categorical Exemption under 15300.2., Article 19, Title 14 Chapter 3 California Code of Regulations.

FURTHER, the appeal is granted conditioned on the following terms and requirements. The violation of any term or requirement of this conditional approval may result in the revocation of the permit:

- 1) The City of Eureka will record the appropriate document to remove 2237 2nd Street from the Local Register of Historic Places.
- 2) If the structure is demolished in the future, the applicant will photographically document the structure and provide sets of photos to Humboldt State University, the Humboldt County Historical Society, and the Humboldt Room at the Humboldt County Library; and
- 3) To the degree feasible and consistent with HTA's safety and liability requirements, the applicant will salvage, reuse, and/or recycle any recoverable building materials into other projects, or provide them for use by other builders in the community.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka, County of Humboldt, State of California, on the 4th day of December, 2018, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Frank J. Jäger, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Greg L. Sparks, City Manager

Approved as to form:

Robert N. Black, City Attorney