



CITY OF EUREKA
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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, February 6, 2019 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: Combs Temporary Fence Alteration

Project Applicant: Keith Combs and Connie Combs

Case No: HPO-19-0001

Project Location: 2135 California Street; APN: 010-014-014

Zoning and General Plan Designations: RM-2500 (Multifamily Residential)/MDR (Medium Density Residential)

Project Description: The property owner is proposing to relocate a temporary security fence measuring approximately 6’4” that has been constructed at the back of the sidewalk within the City right-of-way. This construction was completed by removing the original 3’ picket fence, which is proposed to be replaced, and without any approval from the City of Eureka. Additionally, the owner will repair or replace the side fences. Per Eureka Municipal Code (EMC), this work requires review and approval by the Historic Preservation Commission [§157.006 (C)].

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, and 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, and City Hall. If you have questions regarding the project or this notice, please contact Raquel Menanno, Assistant Planner; phone: (707) 441-4113; email: rmenanno@ci.eureka.ca.gov



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CITY OF EUREKA HISTORIC PRESERVATION COMMISSION

STAFF REPORT

February 6, 2019

Project Title: Combs Temporary Fence Alteration

Project Applicant: Keith Combs and Connie Combs **Case No:** HPO-19-0001

Project Location: 2135 California Street

APN: 010-014-014

Project Zoning and Land Use: RM-2500 (Multifamily Residential)/MDR (Medium Density Residential)

Project Description: The property owner is proposing to relocate a temporary security fence measuring approximately 6'4" that has been constructed at the back of the sidewalk within the City right-of-way. This construction was completed by removing the original 3' picket fence, which is proposed to be replaced, and without any approval from the City of Eureka. Additionally, the owner will repair or replace the side fences. Per Eureka Municipal Code (EMC), this work requires review and approval by the Historic Preservation Commission [§157.006 (C)].

Contact Person: Raquel Menanno, Assistant Planner; phone: (707) 441-4113; email: rmenanno@ci.eureka.ca.gov

Staff Recommendation: Staff recommends that the Commission conditionally approve the application and adopt a Resolution of the Historic Preservation Commission.

Recommended Motion: *"I move that the Historic Preservation Commission adopt "A Resolution of the Historic Preservation Commission of the City of Eureka conditionally approving the temporary fence alteration at 2135 California Street, APN 010-014-014."*

Background: The property is on the Local Register of Historic Places and is currently owned by Keith and Connie Combs. According to the Green Book, the residence was constructed in 1901 by Charles Hess and was originally owned by S. Steele. The structure is described as a "one-story frame cottage with hipped roof and full front porch, decorative frieze, and column brackets".

Keith Combs has removed the original 3' picket fence to construct the current ~6'4" fence. On January 7, 2019, a letter was sent to Keith and Connie Combs from the Development Services Department regarding the construction of the new fence. Three potential issues were noted:

1. The location of the fence within the City right-of-way and the height of the fence as it exceeds the maximum 3 foot height allowed for fences within the right-of-way [EMC §71.55 (b)].
2. The work was completed without review and approval by the Historic Preservation Commission [EMC §157.006 (C)].
3. Fences over 6 feet in height must meet setbacks [EMC §155.006].

The property owners were asked to submit a complete Historic Preservation application no later than 5:00 p.m. on January 14, 2019 to resolve these issues; an application was submitted on January 10, 2019. In complying with the EMC, the property owners will move the security fence back to the property line (approximately 3' back) and reduce the height to 6'. The current fence is intended to be temporary and for security purposes only, and will be removed when the structure has been secured. The property owner is also proposing to repair the side fences and will eventually reinstall the original 3' picket fence.

Site Visit Images:



Figure 1: Front View of 2135 California St. with original 3' picket fence



Figure 2: Front View of 2135 California St. with temporary, ~6'4" security fence



Figure 3: Rear View of 2135 California St. with north side fence



Figure 4: Rear View of 2135 California St. with south side fence



Figure 5: Side View of 2135 California St. with 3' original picket fence and temporary security fence

Required Findings and Analysis:

Title 15, Chapter 157, of the Eureka Municipal Code, Section 157.006(C), specifies that for properties listed on the Local Register of Historic Places, a proposed alteration must be considered in light of its effect on the existing historical character of the affected structure as it relates to the streetscape. Also as provided in Chapter 157, the Historic Preservation Commission has adopted the ***Secretary of the Interior's Standards for the Treatment of Historic Properties*** as the guidelines for alterations to historic properties and in carrying out their historic preservation responsibilities.

In the Standards, there are four ways that a historic property may be treated; they include Preservation, Rehabilitation, Restoration, and Reconstruction. The most appropriate standard for this project is Rehabilitation. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character as it has evolved over time. This treatment standard is chosen by staff because the proposal will alter a historic structure to meet continuing uses while retaining the structure's historic character.

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural significance when possible. There are ten standards to consider when determining if Rehabilitation is the appropriate method of preserving a historic resource:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The main structure was originally used as a residence and will continue to host this use, although the main structure is currently declared a public nuisance due to its deteriorating state. The current use of the property will not be changed in relation to this proposed project.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The historic character of the property will be retained and preserved as the alteration of the fence is temporary and the original 3' fence is intended to be reinstalled by the property owner.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The temporary alteration does not include the addition of any features or elements which would create a false sense of historical development. The intent of the project is to provide temporary security.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

There are no known changes to the property that have acquired significance in their own right.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The original 3' picket fence has been removed for the construction of the current fence, but the original picket fence is intended to be reinstalled by the property owners. Thus, the distinctive material characterizing the property will be preserved.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*

The historic feature being the original 3' picket fence has been replaced, but only temporarily as the security fence will be removed.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical or physical treatments occurred during the construction of the new temporary fence.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

The temporary security fence is already in place and as such, staff is not aware if archeological resources were discovered at the time of construction for the temporary security fence. However, if archaeological resources are discovered upon reinstallation of the security fence, the appropriate action will be taken to ensure archeological resources are protected and preserved.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

This project did not destroy usable historic materials, features, or spatial relationships that characterize the property. The original picket fence is located in the yard. The new fence is not compatible with the historic materials, features, size, scale, proportion, and massing, however, the new fence is temporary and not intended to be permanent. It is recommended approval of the security fence be conditioned upon relocation of the fence outside of the right-of-way, reduction of the height to a maximum of 6', and removal of the temporary security fence once the exterior of the structure is secured.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The essential form and integrity of the historic property and its environment will be unimpaired as the temporary fence is intended to be removed in the future and the original picket fence reinstalled.

Suggestion:

Staff is recommending a condition that the original 3' picket fence be reinstalled once the temporary security fence is removed and the exterior of the structure is secured, meaning the wooden boards are off the exterior of the windows and the house is secured on the foundation. However, other deadlines for removal of the security fence and reinstallation of the picket fence are possible, and staff has identified several other options the Commission may want to consider as a timeline for when the original fence must be reinstalled:

1. Once the structure is habitable; or
2. Once the structure is secured on its foundation; or
3. Once the current building permit expires or is finalized (B18-0974)

As an additional note, a solid temporary fence may not be the best way to secure the property since criminals can easily scale the fence, and then the solid fence provides a place to hide and obscures the structure from view. Based on a concept called Crime Prevention through Environmental Design (CPTED), the Commission may choose to require the fence be built with spaces between the wood slats to allow visibility onto the property. That way, a sight line is created which can be a method to deter criminal activity by itself, but also allows neighbors, or a passerby to see and report suspicious circumstances or trespassers, and potentially prevent a crime from taking place.

Summary of Findings:

With the recommended conditions of approval, Staff believes the proposed project components meet the Secretary of Interior's Standards for Rehabilitation, as discussed above. The proposed rehabilitation will temporarily improve the safety of the structure, and eventual removal of the security fence and re-installation of the picket fence will retain the site's historic character.

Staff Recommendation: The Historic Preservation Commission should review the proposed project to determine whether Rehabilitation is appropriate for the treatment of the structure. If the Commission concurs with Staff's analysis, it is recommended that the Commission adopt a Resolution of the Historic Preservation Commission conditionally approving the project.

Environmental: This project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA). A project that complies with the Secretary of the Interior's Standards for the Treatment of Historic Properties qualifies for a Class 31 exemption from the preparation of environmental documents. Because the alteration is temporary, and the original picket fence will eventually be re-installed, this project is consistent with the Secretary of the Interior's Standards and qualifies for a Class 31 exemption from CEQA.

Recommended Motion: *“I move that the Historic Preservation Commission adopt “A Resolution of the Historic Preservation Commission of the City of Eureka conditionally approving the temporary fence alteration at 2135 California Street, APN 010-014-014.”*

Support Material:

Attachment A Resolution pages 11-13

Raquel Menanno
Assistant Planner

Rob Holmlund
Director of Community Development

RESOLUTION NO. 2019-____

A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF EUREKA APPROVING THE TEMPORARY FENCE ALTERATION AT 21354 CALIFORNIA STREET, APN 010-014-014.

WHEREAS, on January 10, 2019, the property owner submitted an application requesting after-the-fact approval from the Historic Preservation Commission for the installation of a temporary security fence at 2135 California Street in Eureka; and

WHEREAS, the property at 2135 California Street is listed on the Local Register of Historic Places; and

WHEREAS, Title 15, Chapter 157, of the Eureka Municipal Code, Section 157.006 3(C), specifies that no property, which is designated on the Local Register of Historic Places, shall be altered unless the alteration is approved by the city, following notice to the extent required by § 157.003 and hearing(s) pursuant to the chapter; and

WHEREAS, the Eureka Municipal Code §157.003 prescribes the findings required to be made by the Historic Preservation Commission prior to granting approval of rehabilitation of projects associated with historic properties; and

WHEREAS, on February 6, 2019, the Historic Preservation Commission held a duly noticed public hearing.

NOW THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the City of Eureka that the project, as described in the Staff Report, is approved, and the decision to approve 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 project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA). The rehabilitation is a “project” per CEQA and qualifies for a Class 31 Exemption for the treatment of historic properties. Because the alteration is temporary, and the original picket fence will eventually be re-installed, this project is consistent with the Secretary of the Interior’s Standards and qualifies for a Class 31 exemption from CEQA.
2. The main structure was originally used as a residence and will continue to host this use, although the main structure is currently declared a public nuisance due to its deteriorating state. The current use of the property will not be changed in relation to this proposed project.

3. The historic character of the property will be retained and preserved as the alteration of the fence is temporary and the original 3' fence is intended to be reinstalled by the property owner.
4. The temporary alteration does not include the addition of any features or elements which would create a false sense of historical development. The intent of the project is to provide temporary security.
5. There are no known changes to the property that have acquired significance in their own right.
6. The original 3' picket fence has been removed for the construction of the current fence, but the original picket fence is intended to be reinstalled by the property owners. Thus, the distinctive material characterizing the property will be preserved.
7. The historic feature being the original 3' picket fence has been replaced, but only temporarily.
8. No chemical or physical treatments occurred during the construction of the new temporary fence.
9. The temporary security fence is already in place and as such, staff is not aware if archeological resources were discovered at the time of construction for the temporary security fence. However, if archaeological resources are discovered upon reinstallation of the original fence, the appropriate action will be taken to ensure archeological resources are protected and preserved.
10. This project did not destroy usable historic materials, features, or spatial relationships that characterize the property. The original picket fence is located in the yard. The new fence is not compatible with the historic materials, features, size, scale, proportion, and massing, however, the new fence is temporary and not intended to be permanent. It is recommended approval of the security fence be conditioned upon relocation of the fence outside of the right-of-way, reduction of the height to a maximum of 6', and removal of the temporary security fence once the exterior of the structure is secured.
11. The essential form and integrity of the historic property and its environment will be unimpaired as the temporary fence is intended to be removed in the future and the original picket fence reinstalled.

FURTHER, approval of the project by the Historic Preservation Commission is 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 temporary security fence will be moved so that it is not within the City of Eureka right-of-way and reduced to the height of 6’.
2. The relocated temporary security fence will be removed, and the original 3’ picket fence reinstalled at the back of the sidewalk, once boards are removed from the exterior of the windows, and the house is secured on the foundation.
3. If archaeological resources are discovered upon reinstallation of the original fence, the appropriate action will be taken to ensure archeological resources are protected and preserved.

PASSED, APPROVED AND ADOPTED by the Historic Preservation Commission of the City of Eureka in the County of Humboldt, State of California, on the 6TH day of February, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ted Loring, Chair, Historic Preservation Commission

Attest:

Kristen M. Goetz, Executive Secretary

