



# COUNTY OF HUMBOLDT

For the meeting of: 2/28/2023

---

File #: 23-51

---

**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Consent

**Vote Requirement:** Majority

**SUBJECT:**

Resolution Authorizing the Purchase Real Property Located at 1017 Fourth Street, Eureka, California 95501

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached resolution authorizing the purchase of real property located at 1017 Fourth Street Eureka, California 95501 in accordance with Section 25353 of the California Government Code;
2. Approve, and authorize the Chair of the Board to execute, and have notarized, the attached Certificate of Acceptance in accordance with Section 27281 of the California Government Code;
3. Find that the proposed acquisition of, and demolition of the structure on, the real property located at 1017 Fourth Street, Eureka, California, 95501 are exempt from environmental review pursuant to Section 15061(b)(3) and 15301(l) of the California Environmental Quality Act Guidelines; and
4. Approve, and authorize the Director of Public Works, or a designee thereof, to execute and record, the attached California Environmental Quality Act Notice of Exemption.

**SOURCE OF FUNDING:**

General Fund - Capital Projects (1100-170)

**DISCUSSION:**

On July 22, 2022, the Humboldt County Board of Supervisors (“Board”) authorized the Public Works Director, and designees thereof, to negotiate terms for the purchase of real property located at 1017 Fourth Street, Eureka, California 95501 with the current property owners, Gerald and Belinda Rush, and any duly authorized agents thereof (Attachment 1 - Map and Photographs of 1017 Fourth Street). The subject property has been identified as being useful for implementing the Facilities Master Plan. The property is located adjacent to the parcel owned by the County of Humboldt which currently houses the Humboldt County Public Defender’s Office. Currently, staff do not have a specific

proposed future use of the subject property. At some point in the future, a planning process for redevelopment of the subject property (and potentially other parcels) will be initiated. Staff envisions using the subject property for some type of municipal facility; however, the footprint, height, configuration and number of parcels involved are unknown at this time. Staff does not envision using the subject parcel for the purpose of providing off-street parking.

The subject property has an area of 0.1 acres and contains one (1) single-story, single-family residential structure. The structure is boarded up and has not been habitable for several months. Currently there are no occupants within the structure.

The structure on the subject property was constructed in 1912 and was previously analyzed as part of a cultural resources evaluation (William Rich and Associates, April 2019) when the County was considering purchasing multiple parcels for a proposed Humboldt County Administrative Complex. William Rich and Associates described the building as “typical of smaller, simple, late Queen-Anne-style houses and is transitional to the Classical Revival period which largely supplanted Queen Anne homes by 1910” (page 36). The report stated that the building has not had appropriate historical stewardship within the last forty-five (45) years. According to the report’s conclusion, “[t]he original owner, Shirley F. Matthias is not known for any specifically important contributions to the community, nor does the building appear to be associated with any important events that contributed to the history of Eureka.” Fortunately, there are many examples of this architectural style in excellent condition with well-preserved neighborhood context” (Page 47). The context of the structure on the subject property has changed significantly from the time when the building was constructed due to development along Fourth Street and the expansion of Highway 101.

In 1973, the building on the subject property was included on the Eureka Heritage Society’s list of structures recommended for placement on the City of Eureka’s Local Register of Historic Places. However, in 1996, when the City of Eureka was formally establishing its Local Register of Historic Places, the property owners submitted a letter to the City of Eureka that declined listing of the subject property on the Local Register of Historic Places. Therefore, the subject property was excluded from Eureka’s Local Register of Historic Places.

On September 27, 2022, the Board met in closed session, with Elishia Hayes, County Administrative Officer, and Sean Meehan, Deputy Director of Facilities Management, concerning the price and terms of payment for the subject property.

On October 4, 2022, the Board approved the real property purchase agreement and joint escrow instructions and the Notice of Intention to Purchase Real Property located at 1017 Fourth Street, Eureka, California 95501 (“Notice”). Subsequently, the Notice was published in the Times Standard once a week for three (3) successive weeks, on October 9, 2022, October 16, 2022 and October 23, 2022, pursuant to Section 6063 of the California Government Code.

On October 19, 2022, the purchase agreement was signed by the seller, starting the ninety (90) day escrow period with closure on January 19, 2023. The Board subsequently held a public hearing for the public to respond to the Notice with questions and concerns regarding the County of Humboldt’s intent

to purchase the property on November 1, 2022.

On December 16, 2022, staff submitted a letter to the City of Eureka requesting review of the proposed real property acquisition to ensure conformance with the City of Eureka's General Plan, in accordance with California Government Code 65402(b). The letter noted that the existing vacant residential structure on the property is in poor condition and would be demolished soon after acquisition. The letter committed to returning to the City of Eureka once a preliminary development concept is prepared for further consultation. (Attachment 2 - Public Works Letter dated December 16, 2022, to City of Eureka Community Development Department)

On January 9, 2023, the City of Eureka Planning Commission held a public meeting to review the County letter of December 16, 2022, resulting in findings as shown in a staff report dated January 9, 2023. The staff report concluded that acquisition of the subject property and structure demolition is consistent with some General Plan policies and inconsistent with others. As quoted in the City of Eureka Planning Commission Staff Report of January 9, 2023, "Because the scope of future development is unknown at this site, City of Eureka Planning Staff cannot conclude the overall benefit of the project from 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." (Attachment 3 - City of Eureka Planning Commission Staff Report).

On January 10, 2023, the City of Eureka transmitted the attached letter stating that the Eureka Planning Commission's resolution includes a finding that the structure on the subject property is a historic resource and eligible for listing on the City of Eureka's Local Register of Historic Places. The City of Eureka Planning Commission determined that if the County of Humboldt agrees to relocate the residential structure to another site then the proposed property acquisition would be consistent with the General Plan. Otherwise, the proposed acquisition and demolition would not be consistent with the General Plan. (Attachment 4 - City of Eureka Letter dated January 10, 2023)

County of Humboldt staff have given due consideration to the Eureka Planning Commission's findings. County of Humboldt staff do not support the request to move the structure to a different location and believe such an action is unwarranted and would be a poor use of public funds. The structure is in poor condition and does not have exceptional physical features that would warrant the significant cost of relocation. The City of Eureka Planning Commission's finding that the proposed acquisition and demolition are not consistent with the General Plan is advisory only and does not have a binding effect on the County of Humboldt's decision whether or not to acquire the property and demolish the structure (See, *Lawler v. City of Redding* (1992) 7 Cal.App.4th 778).

The County of Humboldt is the lead agency for compliance with the California Environmental Quality Act ("CEQA"). The structure on the subject property is not listed on the City of Eureka's Local Register of Historic Places and is not eligible for listing on the California Register of Historical Resources. Therefore, the structure does not meet the criteria for being considered a "historical resource" as defined in the CEQA Guidelines Section 15064.5, notwithstanding the City of Eureka Planning Commission's finding that the structure is eligible for listing. The fact that the structure is not included in the Local Register of Historic Places does not preclude the County of Humboldt, as

CEQA lead agency, from determining that the structure is a historical resource. However, staff does not support this determination based on the facts and analysis provided herein.

For the purpose of complying with CEQA, the “project” is limited to the acquisition of the subject property and demolition of the structure. This project does not include redevelopment of the parcel because a redevelopment plan has not been developed. Approval of the property acquisition and structure demolition does not constitute approval of any specific facilities or site use. Once a preliminary development plan is prepared, then that proposed action will be subject to environmental analysis under CEQA to determine if there would be any potentially significant impacts or if the proposed action qualifies for a categorical exemption. Acquisition of fee title ownership of the subject property will have no effect on the environment and demolition of small structures is categorically exempt from CEQA. Staff recommends that the Board find that the project as defined herein is exempt from further environmental review pursuant to Section 15061(b)(3) and 15301(l) of the CEQA Guidelines. Further, staff recommends that the Board authorize the Director of Public Works, or a designee thereof, to execute and record the attached CEQA Notice of Exemption. (Attachment 5 - Notice of Exemption)

Upon final acquisition of the property, staff will continue efforts to plan and redevelop the site for use as County municipal facilities as prescribed in the 2020 Facilities Master Plan, and will return to your Board for project updates and continued discussion.

FINANCIAL IMPACT:

The cost to acquire the real property located at 1017 Fourth Street, Eureka, California, including staff time and consultant fees, is Two Hundred Fifty Thousand Dollars (\$250,000.00). Future demolition and development costs would be contingent on other factors beyond the scope of this initial assessment. The Humboldt County Administrative Office has approved use of 2020 Finance Plan funds in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) for the purchase of the real property located at 1017 Fourth Street, Eureka, California. The purchase price is the same as the appraised value performed in 2017.

STAFFING IMPACT:

The proposed acquisition itself will not affect staffing. Future redevelopment of the site may impact staffing and staff will return with more information in the future.

STRATEGIC FRAMEWORK:

The recommended actions support the Board of Supervisors’ Strategic Framework by providing for and maintaining infrastructure.

OTHER AGENCY INVOLVEMENT:

City of Eureka

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board Discretion.

**ATTACHMENTS:**

1. Map and Photographs of 1017 Fourth Street
2. Public Works Letter dated December 16, 2022, to City of Eureka Community Development Department
3. City of Eureka Planning Commission Staff Report
4. City of Eureka Letter dated January 10, 2023 and Resolution No. 2023-02
5. Notice of Exemption
6. Certificate of Acceptance
7. Resolution Authorizing the Purchase of Real Property at 1017 Fourth Street, Eureka, California 95501

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: C-1, L-1, D-13, J-2, D-1

Meeting of: 7/22/22, 9/27/22, 10/04/22, 11/01/22, 1/10/23

File No.: 22-966, 22-1262, 22-953, 22-1344, 22-1693