

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA REMOVING THE HISTORIC ELIGIBILITY
STATUS OF THE SEARS BUILDING LOCATED AT 565
BROADWAY

WHEREAS, the Sears building located at 565 Broadway was identified as an Eligible Historical Resource as part of the city's 2012 Historical Resources Survey (2012 Survey) conducted by ASM, Affiliates, Inc., a qualified professional; and

WHEREAS, surveys are systematic, detailed examinations of an area designed to gather information about what resources merit protection, and are critical tools for carrying out the purpose of the Chula Vista Historic Preservation Program; and

WHEREAS, if a potential historical resource is determined through evaluation to have historic significance at the local, state or national level, then it is considered to be an Eligible Historical Resource; and

WHEREAS, the Sears building was evaluated in the 2012 Survey for historic significance and was determined by ASM, Affiliates, Inc to be an Eligible Historical Resource as one of few large commercial Modern Style buildings constructed during 1940-1970 and for its association with master architect Stiles Clements; and

WHEREAS, the property owners of Sears disagree that the Sears building is an Eligible Historical Resource. Their qualified consultant, Heritage Architecture evaluated the Sears building and opined that due to alterations made to the building over time, the building no longer possesses historic integrity; and

WHEREAS, at the December 4, 2013 Historic Preservation Commission (Commission) meeting, Sears was afforded the opportunity to demonstrate to the Commission that the information provided in the 2012 Survey was erroneous; and

WHEREAS, at the December 4, 2013 Commission meeting, a motion was made to remove the historic resources eligibility status from the Sears building, but said motion failed by a majority vote of 2-4-0-0; therefore no action was taken to revise the Sears building determination of Eligible to Not Eligible; and

WHEREAS, on December 17, 2013, the Denton Law Firm, on behalf of Sears, submitted an appeal application requesting that the City Council consider their request to amend the Eligibility status of Sears to "Not Eligible"; and

A. City Council Record of Application

WHEREAS, the City Clerk set the time and place for the hearing on the appeal application and notices of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the city, and its mailing to property owners within 500 feet of the exterior boundaries of the appeal at least ten (10) days prior to the hearing; and

WHEREAS, the duly called and noticed public hearing on the appeal application was held before the City Council of the City of Chula Vista on June 10, 2014; and

WHEREAS, after taking into account and deliberating on the information and testimony provided by staff, the Denton Law Firm, ASM, Affiliates, Inc. and Heritage Architecture the City Council determined that the alterations made to the Sears building were sufficient to result in a loss of historical integrity to the building resulting in the building not being an Eligible Historic Resource; and

B. Environmental Determination

WHEREAS, the Development Services Director has reviewed the applicant's appeal of Historic Eligibility for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060 (c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Although environmental review is not necessary at this time, if modifications are proposed to the Sears building in the future, environmental review may be required and a CEQA determination completed.

NOW THEREFORE, the City Council of the City of Chula Vista does hereby find and determine as follows:

Section I. Findings of Fact

The City Council hereby finds that the Sears building located at 565 Broadway:

1. Does not possess historical Integrity as defined under Chula Vista Municipal Code Section 21.03.084

CVMC 21.03.084 defines Integrity as the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic period of significance or historic context. The 2012 Survey identified three periods of significance for the west side of Chula Vista, the Community Building Period (1870-1910), the City Development Period (1911-1939) and, the City Maturation Period (1940-1970). The period of significance for the Sears building is the City Maturation Period (1940-1970). Some of the original design elements from its completion in 1966 have been lost or altered, therefore although the Chula Vista Sears still retains some of the original features and elements that are typical of the Modern architectural style the modifications to the building (including, but not limited to, removal of window displays on the first floor, addition of canopies over doors, modifications to the support columns, removal and

replacement of the original Sears signage), are substantial and therefore result in the loss of historical integrity of the structure resulting in the Chula Vista Sears building not being an Eligible Historical Resource.

Section II. Severability

If any portion of this Resolution, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Resolution, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Resolution, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Resolution be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Resolution to supplement, not to duplicate or contradict, applicable state and federal law and this Resolution shall be construed in light of that intent.

Section IV. Effective Date

This Resolution shall take effect upon approval of the City Council

Presented by

Approved as to form by

Kelly Broughton, FLSA
Director of Development Services

Glen R. Googins
City Attorney