

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CHULA VISTA UPHOLDING THE DECISION OF THE  
HISTORIC PRESERVATION COMMISSION TO NOT AMEND  
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 (Eligible) 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

WHEREAS, surveys are a critical tool for carrying out the purpose of the Chula Vista Historic Preservation Program, which is to preserve those resources that are associated with Chula Vista's unique development history and lend to Chula Vista's charm and character; and

WHEREAS, the 2012 Survey was conducted in accordance with the Chula Vista Historic Preservation Program and the California Office of Historic Preservation's Instructions for Recording Historical Resources on the appropriate state prescribed Department of Parks and Recreation 523 Forms, referred to as DPR forms; and

WHEREAS, the Sears building was identified through the public input process as a potential historical resource that should be evaluated in the 2012 Survey; and

WHEREAS, potential historical resources, are evaluated through a survey for historic significance at the local, state or national level; 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 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 and therefore retained their own qualified consultant, Heritage Architecture, to evaluate the Sears building; and

WHEREAS, the property owners of Sears requested that they be allowed to appeal the determination that the Sears building is an Eligible Historic Resource; and

WHEREAS, for issues related to Eligible Historic Resource determinations, the City's Municipal Code does not provide for a formal appeal; and

WHEREAS, to afford the property owners of the Sears building maximum due process rights, in this instance, the City provided the property owners of the Sears building an avenue for appeal; and

WHEREAS, in accordance with the City of Chula Vista's Historic Preservation Program and Section 2.49.020 of the City's Municipal Code, the Commission is the City's authority on historic preservation matters; and

WHEREAS, at the December 4, 2013 Commission meeting, Sears was afforded the opportunity to provide additional information to the Commission and represent that the Eligibility determination provided in the 2012 Survey was erroneous; and

WHEREAS, at their regularly scheduled meeting on December 4, 2013, the Commission considered all information provided which included, the 2012 Survey DPR form for the Sears Building, an Expert Technical Analysis Report prepared by Heritage Architecture on behalf of Sears which determined that the Sears building was Not Eligible, a letter report from ASM, the 2012 Survey consultant, that analyzed the new information provided by Heritage Architecture, as well as power point presentations and testimony from both Heritage Architecture and ASM; and

WHEREAS, at the December 4, 2013 Commission meeting, a motion was made to remove the Sears building from the historic eligibility list but said motion failed by a majority vote of 2-4-0-0; and

WHEREAS, at the December 4, 2013 Commission meeting, subsequent to the failed motion, no additional action was taken by the Commission, as such, the Sears building determination remains Eligible; and

WHEREAS, on December 17, 2013, Denton Law Firm, on behalf of Sears, submitted an application requesting that the 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 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 application was held before

the City Council on June 10, 2014, in the Council Chambers in the City Hall, City of Chula Vista Civic Center, 276 Fourth Avenue, at 2:00 p.m. to hear public testimony with regard to the same; and

WHEREAS, both Staff and the survey consultant, ASM, recommend that the City Council uphold the determination of the Historic Preservation Commission and not amend the historic Eligibility status of the Sears building located at 565 Broadway; and

**B. Environmental Determination**

WHEREAS, the Development Services Director has reviewed the applicant's request for review of the Historic Eligibility determination 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 shall continue to be an Eligible Historic Resource in accordance with the following:

**1. The building is at least 45 years old**

The Sears building is 48 years old (constructed in 1966). A 45 year age threshold for historic significance consideration has been established at the national, state, and local level. Chula Vista Municipal Code section 21.03.104 states that a resource may be considered a Potential Historical Resource, if it is 45 years or older and appears to meet the City's criteria for designation. The Sears building was identified through the public input process to be a potential historical resource for both its architectural style and its relationship to Chula Vista's early commercial retail development. ASM evaluated the Sears building within the historic context for the western side of Chula Vista and determined that the Sears building is an Eligible Historical Resource.

**2. The building possesses historical Integrity**

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). Although some of the

original design elements from its completion in 1966 have been lost or altered, the Chula Vista Sears still retains many features and elements that are typical of the Modern architectural style, including its two-story horizontal massing, flat roof, angular lines, brick and concrete block walls, lack of applied ornamentation, wide overhanging canopies, metal screen and charcoal gray Mirawal panels on the upper portion of the main façade, no upper floor windows, exterior pedestrian circulation patterns around the periphery of the building shaded by the canopies, and large expanses of surface parking lot on three sides of the building.

**3. The building meets at least one of the Eligibility Criteria listed in the Chula Vista Municipal Code for designation on the Chula Vista register of historical resources.**

The Sears building, as demonstrated in both the 2012 Survey DPR form and ASM's re-evaluation and completion of an updated DPR form (DPR L form) determined that Sears meets Criterion 1, association with an event that is important in history on a national, state, or local level. Sears is Eligible under Criterion 1 for its association with one of the most significant commercial development periods of Chula Vista (City Maturation Period, 1940-1970). It is also eligible under Criterion 3, as a rare example of commercial Modern style architecture in Chula Vista. Resources eligible for designation under Criterion 3 must embody the distinctive characteristics of an architectural style, type, period or method of construction, or represent the work of a master or important, creative individual, and/or possess high artistic value. The Sears building was one of only six Modern style commercial buildings recommended as Eligible in the 2012 Survey and as discussed above, the Sears building embodies many characteristics of the Modern commercial building style. The rarity of the Sears building property type in Chula Vista justifies accepting the loss or concealment of elements of the building that have occurred to the building since 1966.

In addition, the Sears building is Eligible under Criterion 3 for its association with the master architect Stiles Clements. Stiles Clements was a master architect, known for his design of supermarkets and for shopping centers in the mid-twentieth century. There are very few examples of Stiles Clements work in San Diego County, and the Sears building is one of his last designs and the only example of his work in Chula Vista.

**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

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Kelly Broughton, FSLA  
Director of Development Services

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Glen R. Googins  
City Attorney