

MINUTES
HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR
Room B-8 - Civic Center
2000 Main Street
Huntington Beach California

WEDNESDAY, JUNE 21, 2006 - 1:30 P.M.

ZONING ADMINISTRATOR: Herb Fauland, Acting

STAFF MEMBER: Ricky Ramos, Ron Santos, Ramona Kohlmann (recording secretary)

MINUTES: April 19, 2006
May 31, 2006
June 7, 2006

CONTINUED TO THE JUNE 28, 2006 MEETING

ORAL COMMUNICATION: **NONE**

ITEM 1: NEGATIVE DECLARATION NO. 2006-003 (SURFVIEW APARTMENTS DEMOLITION)

APPLICANT: Robert Reed, 7573 Slater Ave, Suite J, Huntington Beach, CA 92647
PROPERTY OWNER: Melvin Heckman, 303 Alabama Street, Huntington Beach, CA 92648
REQUEST: To analyze the potential environmental impacts associated with a proposal to demolish a ± 5,400 square foot nine-unit apartment complex that is listed as a local landmark in the General Plan.
LOCATION: 111 – 115 7th Street (west side of 7th Street between Pacific Coast Highway and Walnut Avenue)
PROJECT PLANNER: Ricky Ramos

Ricky Ramos, Staff Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the requested project. Staff presented an overview of the proposed project and the suggested findings as presented in the executive summary. Staff further emphasized the Historic Record Survey and reasons for the subject site's ineligibility for listing on the State or National Register as a local landmark as well as the environmental assessment findings.

Staff recommended approval of the request based upon the suggested findings as presented in the executive summary. Staff stated that three letters were received with comments pertaining to the subject Draft Negative Declaration, which was noticed for 20 days and ended on June 20, 2006. No other written or verbal comments were received in response to the public notification.

Herb Fauland, Acting Zoning Administrator, disclosed that in preparation for today's hearing, he spoke with staff on several occasions, spoke with Kate Hoffman (Cultural Services Director)

concerning the Historical Resources Board's comments in the letter received on June 20, 2006, and reviewed the following three comment letters received by staff:

- Historical Resources Board dated June 20, 2006
- Huntington Beach Environmental Board dated June 17, 2006
- Janet and Jay Stallman dated June 20, 2006

Mr. Fauland stated that he read the subject Environmental Assessment, reviewed several of the City's policies, read related letters from the Historic Resources Board referring to Policy Memo No. 71 dated July 8, 1998, Policy Memo No. 77 dated October 21, 1999, read the General Plan Historical and Cultural Resources Element, reviewed the list of local landmarks in the General Plan, and reviewed the Historic Resources Survey Report dated September 1986.

Mr. Fauland stated that he visited the site and surrounding area.

Mr. Fauland engaged in discussions with staff and confirmed the following:

- The subject site is not in the redevelopment project area.
- The subject site is located in the coastal zone but is not subject to replacement by affordable housing requirements due to an exemption (Government Code 65590-65590.1) under the coastal act.
- There is no mitigation required related to affordable housing.

Mr. Fauland and staff discussed the three comment letters received by staff. Staff communicated staff's responses to the letters including the following:

- Developers involved in a demolition are required to notify the AQMD.
- The demolition permit is a ministerial act, is exempt from the Environmental Quality Act and is not subject to environmental review.
- The City's noise ordinance limits the times that demolition may take place.
- Replacement of any destroyed mature trees.
- The subject site is not identified as a scenic vista under the General Plan.
- Historical significance of the subject structure is not great according to the Architectural Historian.
- The subject property is not directly fronting on Pacific Coast Highway and, therefore, does not qualify as a scenic resource.
- The historian supports the conclusion that the subject site is not part of the three potential historic districts identified in the 1986 historic survey and is not eligible to be an historic district.
- The project impacts are less than significant therefore a full EIR is not appropriate.

Mr. Fauland stated that City Policy No. 77 does not mandate an EIR. He stated that the subject project has been reviewed in accordance with CEQA guidelines.

THE PUBLIC HEARING WAS OPENED.

Robert Reed, 7573 Slater Avenue, Suite J, applicant, deferred to speak at the end of the public hearing session.

Joe Santiago, Huntington Beach resident, spoke in opposition to the proposed project. Mr. Santiago questioned why the subject project was not reviewed as a full EIR. He asked what would be required to qualify the proposed project for a full EIR review and referenced the architectural historian's report and noted the discrepancies. Mr. Santiago urged that consideration be given to the possibility that the area could potentially become an historic district. He stated that the subject site could qualify as preservable if it were not for the City's lack of interest in preserving the subject site.

Jay Stallman, 117 7th Street, neighboring property owner, spoke in opposition to the proposed project stating that they purchased their dwelling based upon representations from a real estate agent that the subject property is an historic structure. Mr. Stallman questioned why such a list exists if demolition could later be approved.

Jan Stallman, 117 7th Street, neighboring property owner, spoke in opposition to the proposed project and reiterated Jay Stallman's statements above.

Kate Hoffman, City Cultural Services Director, stated that the historian's report states that because there is no preservation policy in place within the City that, even though the subject site is listed as a landmark, there is nothing that can be done to prevent the demolition. Ms. Hoffman emphasized that the historian has no basis on which to preserve the complex.

Scott Campbell, listing agent for the original developer of the neighboring Stallman residence located at 117 7th Street, presented explanations to the information contained in the real estate disclosure notice.

Robert Reed, applicant, downtown citizen and 30-year developer in the area, stated his understanding of the significance of certain buildings. Mr. Reed stated that the subject building is not easily restorable. He urged the Zoning Administrator's approval stating that the City has not verified the building as having historical significance.

Mr. Fauland and staff explained the process in determining if a project requires an EIR under CEQA. Staff stated that an EIR would be required if, during the preparation of the environmental assessment, a potential significant impact were identified. Staff stated that the analysis doesn't render that conclusion based upon the historian's report. Mr. Fauland stated that the Environmental Assessment Committee comprised of the offices of the City Attorney, Public Works, and Planning staff review the project to determine the level of environmental review that is to be processed as part of the request. Emphasis was placed on the fact that the major issue here is the historic significance of the structure.

THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.

Mr. Fauland stated that the CEQA process is to gather information as part of the environmental review process and allows experts to present their case and permits experts to disagree. He stated that he has spent several days preparing for today's hearing and reviewing the

documents as presented earlier. Mr. Fauland stated that it is the Zoning Administrator's responsibility to ensure that all procedures have been complied with and that the applicant and staff have properly followed the process. Mr. Fauland stated that during the course of today's hearing, he has asked questions of staff and staff has made appropriate findings and statements regarding the Coastal Zone exemption for replacement of affordable housing, historical significance, and the CEQA process.

Mr. Fauland stated that the Negative Declaration as prepared to date and the findings along with the consultant's report are adequate. He stated that staff was adequately prepared to substantiate an action for the Zoning Administrator to consider today by supporting the findings that are outlined in the Negative Declaration.

Mr. Fauland stated that the City has had several types of similar issues in the past and has a long standing record of allowing demolition of historical structures in the City notably downtown provided that the process has been adhered to and followed with the appropriate level of environmental review. He stated that he believes that this has been done in this instance and he is satisfied that staff has recommended appropriate findings for approval.

NEGATIVE DECLARATION NO. 2006-003 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS. THE ZONING ADMINISTRATOR STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR CAN BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) CALENDAR DAYS.

FINDINGS FOR APPROVAL – NEGATIVE DECLARATION NO. 2006-003:

1. Negative Declaration No. 2006-003 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Zoning Administrator prior to action on the Negative Declaration.
2. There is no substantial evidence in light of the whole record before the Zoning Administrator that the project will have a significant effect on the environment. The Historic Record Survey completed for the property indicates that the structure is not in original condition and that the property is not considered eligible for listing on the State or National Register. The survey further states that the structure lacks the architectural integrity necessary for recognition, and no persons of historic significance were found in connection with the structure. The structure may qualify as a "Contributor to a District" which acknowledges that a grouping of less significant buildings placed together as a cohesive streetscape can provide a sense of heritage and community that one building alone may not provide. However, there is no recognized Historic District in the area, nor are there plans to enact one at this time. Based on the findings identified in the environmental assessment and Historic Record Survey the proposed demolition will result in a less than significant impact.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, Zoning Administrator, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof

THE MEETING WAS ADJOURNED AT 2:10 PM BY THE ZONING ADMINISTRATOR TO THE NEXT REGULARLY SCHEDULED MEETING OF THE ZONING ADMINISTRATOR ON WEDNESDAY, JUNE 28, 2006 AT 1:30 PM.

Herb Fauland, Acting
Zoning Administrator

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