



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: DECEMBER 8, 2015**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARD: 1**  
**DEPARTMENT**

**SUBJECT: PLANNING CASE P15-0679 BY MICHAEL ENNABE OF ENNABE PROPERTIES INC., TO DESIGNATE THE FORMER WINSTON TIRE STORE AS A CITY STRUCTURE OF MERIT– 4135 MARKET STREET**

## **ISSUE:**

The issue for City Council consideration is a proposal from Michael Ennabe of Ennabe Properties Inc., to designate the former Winston Tire Store at 4135 Market Street, as a City Structure of Merit and rezone the subject property to apply the CR – Cultural Resources Overlay Zone to the existing DSP-JC-SP - Downtown Specific Plan-Justice Center District and Specific Plan Overlay Zone.

## **RECOMMENDATIONS:**

That the City Council:

1. Determine that P15-0679, a designation as a City Structure of Merit, is categorically exempt from the California Environmental Quality Act (CEQA) per Sections 15061(b)(3) and 15308 of the CEQA Guidelines as it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, said action is intended to preserve the historic character of the building and site, and to provide notice of the historic status;
2. Approve Planning Case P15-0778 based on and subject to the Cultural Heritage Board facts for findings outlined in the attached staff;
3. Adopt the attached Resolution designating 4135 Market Street as a City Structure of Merit;
4. Approve the attached findings for the Zoning Code Map Amendment (Rezoning) to apply the CR – Cultural Resources Overlay Zone to the property at 4135 Market Street; and
5. Introduce and subsequently adopt the attached Ordinance to rezone 4135 Market Street from the DSP-JC-SP - Downtown Specific Plan-Justice Center District Zone to the DSP-JC-SP-CR – Downtown Specific Plan-Justice Center District, Specific Plan and Cultural Resources Overlay Zones.

## **STAFF/PLANNING COMMISSION RECOMMENDATIONS:**

Staff recommended approval to the Cultural Heritage Board. On October 21, 2015, the Cultural Heritage Board recommended that the City Council approve Planning Case P15-0679 by a vote of 6 ayes, 0 noes and 0 abstentions.

## **BACKGROUND:**

The site is eligible for local listing as a Structure of Merit because it contributes to the broader understanding of the historical, architectural and community heritage of the City, retains sufficient integrity, and is an example of a type of building which was once common but is now rare in the community. The status code that represents the site's eligibility for designation has been assigned in the DPR evaluation form: 5S2, individual property that is eligible for local listing or designation. It is not eligible for listing in the National Register or California Register because the quality of significance in American or state history, architecture, archeology, engineering, and culture at a national level is not present. The property does not retain enough integrity to be listed as a City Landmark since the other original companion building from 1934 was removed, but it does retain sufficient integrity for designation as a Structure of Merit.

Based on the evaluation, 4135 Market Street appears to be eligible for local listing as a City Structure of Merit under one designation criterion in Section 20.50.010(FF) of the Municipal Code as described in the facts for findings above. A detailed statement of significance and additional information are provided in the attached Designation Application and DPR evaluation form.

## **FISCAL IMPACT:**

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by:	Rafael Guzman, Community & Economic Development Director
Certified as to	
availability of funds:	Brent A. Mason, Finance Director/Treasurer
Approved by:	Al Zelinka, FAICP Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

## **Attachments:**

1. Cultural Heritage Board Staff Report – October 21, 2015
2. Cultural Heritage Board Draft Minutes
3. Proposed Findings for CR Overlay Zone
4. Resolution
5. Ordinance