

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

P.O. BOX 1450

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REDONDO BEACH, CA 90802-4325

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Filed: 12-11-98
Staff: JLR-LB
Staff Report: 1/14/99
Hearing Date: Feb. 3, 1999
Commission Action:

STAFF REPORT: REVOCATION REQUEST

APPLICATION: R-5-98-371
APPLICANT: Gary L. Wells
AGENT: Srour & Associates
PROJECT LOCATION: 1600 Esplanade, Redondo Beach
PROJECT DESCRIPTION: Demolish a duplex and construct a 15,211 sq. ft 5-unit condominium, 2 story over basement, 30' high with twelve parking spaces.

Individual Requesting Revocation:

Casey Berent, President
Redondo Beach Historical Society

LOCAL APPROVALS RECEIVED: Approval in Concept- City of Redondo Beach

SUBSTANTIVE FILE DOCUMENTS: (1) City of Redondo Beach Certified Land Use Plan (LUP)
(2) Coastal Development Permit No. 5-98-371

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends that the Commission find that no grounds exist for revocation of Coastal Development Permit No. 5-98-371.

PROCEDURAL NOTE:

The Commission's regulations state the grounds for the revocation of a coastal development permit as follows:

Grounds for revocation of a permit shall be:

- (a) **Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit of deny an application;**
- (b) **Failure to comply with the notice provisions of Section 13054, where the views of the person (s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application. 14 Cal. Code of Regulations Section 13105.**

STAFF RECOMMENDATION

The staff recommends that the Commission adopt the following resolution:

I. Denial

The Commission hereby **denies** the request for revocation because no grounds for revocation exist pursuant to 14 Cal. Code of Regulation Section 13105.

II. Findings and Declarations

The Commission hereby finds and declares as follows:

A. Project Description

On November 6, 1998, the Commission approved permit 5-98-371 to demolish a duplex and construct a 15,211 sq.ft. 5-unit condominium, 2 story over basement, 30' high with twelve parking spaces.

B. Basis for Revocation Request and Appellant's Contentions

On December 11, 1998, the Long Beach Commission office received a revocation request from Casey Berent, President of the Redondo Beach Historical Society. The revocation request identifies two areas in which inaccurate, erroneous or incomplete information was

included that, if known, would have caused the Commission to require additional conditions on a permit or deny the Coastal Development Permit application.

First, the revocation request contends that the applicant's coastal development permit application erroneously stated that the site does not contain any historic resources. This contention also alleges that the city's initial environmental study inaccurately concluded that there would be less than significant impacts on historical resources. (See Exhibit C).

Second, the revocation request further contends that the Coastal Commission staff report erroneously stated that the site was not being considered for designation as a local landmark structure. (See Exhibit C)

C. Public Resources Code Provisions Regarding Historic Resources

As defined by Public Resources Code 5024.1 title 14, CCR, Section 4850 et seq., a historic resource is "a resource listed in or determined to be eligible for listing in the California Register of Historic Resources". Some resources are automatically included in the California Register, such as resources listed in or determined eligible to be listed in the National Register. However, the CEQA Guidelines are clear that a property need not be listed in any official register, nor recognized in any survey in order to be considered a historical resource within the meaning of PRC section 5024.1. "The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources...does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1. (CEQA Guidelines section 15064.5(D)(4). Also, Public Resources Code section 21084.1 provides that resources identified in a survey are presumed to be significant unless a preponderance of evidence indicates otherwise. Finally, Public Resources Code section 5024.1(g) and Title 14, section 4852(e) require that at the time a survey is nominated to the California Register, it must be updated if it is more than 5 years old.

D. Determinations Regarding Significance of the Burdette House

The property in question (1600 Esplanade Street) was identified in a 1986 intensive historical resources survey funded by the State Office of Historic Preservation ("OHP") and conducted according to standards set forth by the Office. The building was evaluated as potentially historically significant "in relationship to important events or persons in history." The survey evaluation of 1600 Esplanade Street was reviewed by the OHP and was entered into the State Historic Resources Inventory as a property potentially significant at the local level. Any change in this status would require that a lead agency reevaluate the resource under the criteria of eligibility for the California Register of Historical Resources and demonstrate by a preponderance of evidence that the resource is not a historical resource.

The Initial Study document prepared by the City (7-19-98) concludes that the 1600 Esplanade Street building is not a historical resource for purposes of CEQA. The city bases its conclusion on three brief arguments: (1) the fact that the Historical Resource

survey, completed in 1986, is more than 5 years old and therefore "does not meet the criteria for establishing historic significance;" (2) the assertion that the integrity of the structure has been compromised by alternations to the building and its setting; and (3) the fact that the building is not listed as a local Landmark and is not listed on the California Register of Historical Resources.

The above referenced project has come to the attention of the State Office of Historic Preservation because controversy regarding the historical status of the building at 1600 Esplanade Street, the "Burdette House", which is proposed for demolition. The State Office of Historic Preservation disagrees with the City of Redondo Beach's conclusion that the 1600 Esplanade Street property is not a historic resource as defined in the Public Resources Code and believes that its demolition may cause a significant impact on the environment. (Exhibit F).

The City's ability to list the structure as an historic resource and its failure to do so was discussed at the commission's public hearing held on November 6, 1998. The property owner has not sought to obtain an official listing for the site.

E. Revocation Issue Analysis

On November 6, 1998, the Commission unconditionally approved Permit No. 5-98-371 to demolish a duplex and construct a 5-unit condominium. That approval was based on the project's consistency with the development standards contained in the City's certified Land Use Plan and that the proposed project was compatible with the neighborhood character, consistent with the provisions of Section 30251 of the Coastal Act.

The contentions contained in the revocation request all concern potential impacts to a "historical resource" i.e., the existing residential structure to be demolished.

In order to approve the revocation request, the Commission must find that there was the intentional inclusion of inaccurate, erroneous or incomplete information in connection with a permit application and that accurate and complete information would have caused the Commission to require additional or different conditions on the permit or deny the application.

With regard to any alleged grounds for revocation under Section 13105(a), the Commission must consider three essential elements or tests:

1. Did the application include inaccurate, erroneous or incomplete information relative to the permit amendment?
2. If the application included inaccurate, erroneous or incomplete information, was the inclusion intentional (emphasis added) on the part of the applicant?
3. Would accurate and complete information have caused the Commission to require additional or different conditions or deny the application?

All 3 elements or tests must be satisfied in order for the Commission to determine that grounds for revocation exist. As indicated above, the first standard consists, in part, of the inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application. The revocation request alleges that: (a) the applicant's coastal development application erroneously stated that the site does not contain any historic resources; (b) the City's initial study inaccurately concluded that there would be less than significant impacts on historical resources; and (c) the Commission staff report erroneously stated that the site was not being considered for designation as a local landmark.

With regards to the statement in the application that the site does not contain any historic resources, it is not clear that this statement is inaccurate, erroneous or incomplete. As stated above, the site was not listed on either a California or National Register. The site was listed on a historic survey list and therefore is considered a significant historic resource unless the lead agency determines that it is not by a preponderance of the evidence. However, the City did determine that the site was not a significant historical resource. It appears that the applicant may have relied on this determination when completing the application.

With regards to the contention that the City inaccurately concluded that there would be less than significant impacts on historic resources, this contention does not allege that information contained in the coastal development permit is erroneous, inaccurate or incomplete.

With regards to the statement in the Commission staff report that the site was not being considered for designation, this contention also does not allege that information contained in the coastal development permit application is erroneous, incomplete or inaccurate. It is also not clear that this statement, taken in context, is erroneous or inaccurate. As stated above, neither the owner of the property or the City have sought to obtain an official listing for the site even though the site has been identified in a historical resources survey. In addition, the Commission staff report also states that "this property has the potential for listing on the National Register, with a "4b" rating, if restored to an earlier appearance". Thus, the staff report also included information about the site's potential significance.

Therefore, the Commission finds that there was not inclusion of inaccurate, erroneous or incomplete information. Moreover, even if it could be argued that there was such inclusion, as discussed further below, the revocation request does not contain any evidence that would indicate that the information was intentionally inaccurate, erroneous or incomplete.

The second standard of Section 13105(a) consists of determining whether the inclusion of inaccurate, erroneous or incomplete information was intentional. Staff has not found any evidence of the intentional inclusion of inaccurate, erroneous or incomplete information. Further, the revocation request does not contain any evidence that would indicate that the information presented was intentionally inaccurate, erroneous or incomplete. The only

contention raised in the revocation request which concerns a potential inaccuracy in connection with the coastal development permit application is the contention that the applicant's coastal development permit application erroneously stated that the site does not contain any historic resources. As stated above, it is reasonable for the applicant to have responded "No" to the question of whether historic resources existed on the site given that the site was not listed in either the National or California Register and given that the City had determined that the site was not a significant historical resource.

In addition, none of this information was in any way concealed in the records provided to the Commission. The City held a hearing on the status of the building and decided against including the structure on the City of Redondo Beach list of historic landmarks. The opponents' disagreement with a determination made at the City level is not evidence that the information available to the Commission was false or incomplete. The coastal application included a City Environmental study, city staff report and Planning Commission approval. Those documents included discussions regarding historical resources. The applicant further states that the Historical Society was notified of the proposed project in July and no one appeared to protest at the City public hearing in August. Therefore, the Commission finds that there was not any intentional inclusion of inaccurate, erroneous or incomplete information in connection with this permit application. The second standard is not met.

The third standard for the Commission to consider is whether accurate or complete information would have resulted in the requirement of additional or different conditions or the denial of the application. No factual evidence has been presented by person requesting revocation which would indicate that the inclusion of additional information would have resulted in the Commission requiring different conditions or denial of the permit.

The person requesting revocation contends that because the Commission and City staff analysis did not recognize the subject structure as a significant historical resource no EIR was prepared prior to the public hearings. The revocation request contends that an adequate EIR would have described "all reasonable or feasible alternatives to a project". The person requesting revocation contends that because the Commission and City staff reports did not recognize that the subject structure was a significant historic resource, no mitigation measures were required.

However, State law provides a process to challenge CEQA decisions in State Court. The Historical Society did not challenge the Initial Environmental Study or Negative Declaration.

Moreover, the Commission heard testimony regarding the City's determination. The Commission does not have an independent authority under the Coastal Act to declare a site as a historical resource. The Commission instead determines whether a structure is located in a special community as identified in Section 30253. The structure is not located in such a special community. The Commission also determines whether a project is visually compatible with the surrounding area as required in Section 30251. The surrounding area is typified by modern, multilevel duplexes and triplexes as proposed by the project

proponent, and is not a district typified by historic structures. Therefore, more complete information concerning historic preservation in Redondo Beach would not have caused the Commission to require additional or different conditions or deny the proposed application.

Therefore, the Commission finds there is no evidence to indicate that the inclusion by the applicant of additional information in connection with the subject coastal development would have caused the Commission to require additional or different conditions on the permit or deny the application. Therefore, the revocation request does not meet the grounds for revocation under section 13105(a) of the California Code of Regulations, as none of the three essential elements of that section are not met.

F. Conclusion

Based on the foregoing discussion and attached Exhibits, the Commission finds that the request for revocation does not meet the requirements of 14 C.C. R. section 13105. The Commission finds, therefore, that the revocation request is denied on the basis that no grounds for revocation exist because there is no intentional inclusion of inaccurate, erroneous or incomplete information which, if otherwise had been known to the Commission, would have caused the Commission to require additional or different conditions on the permit or deny the application.

R-5-98-371

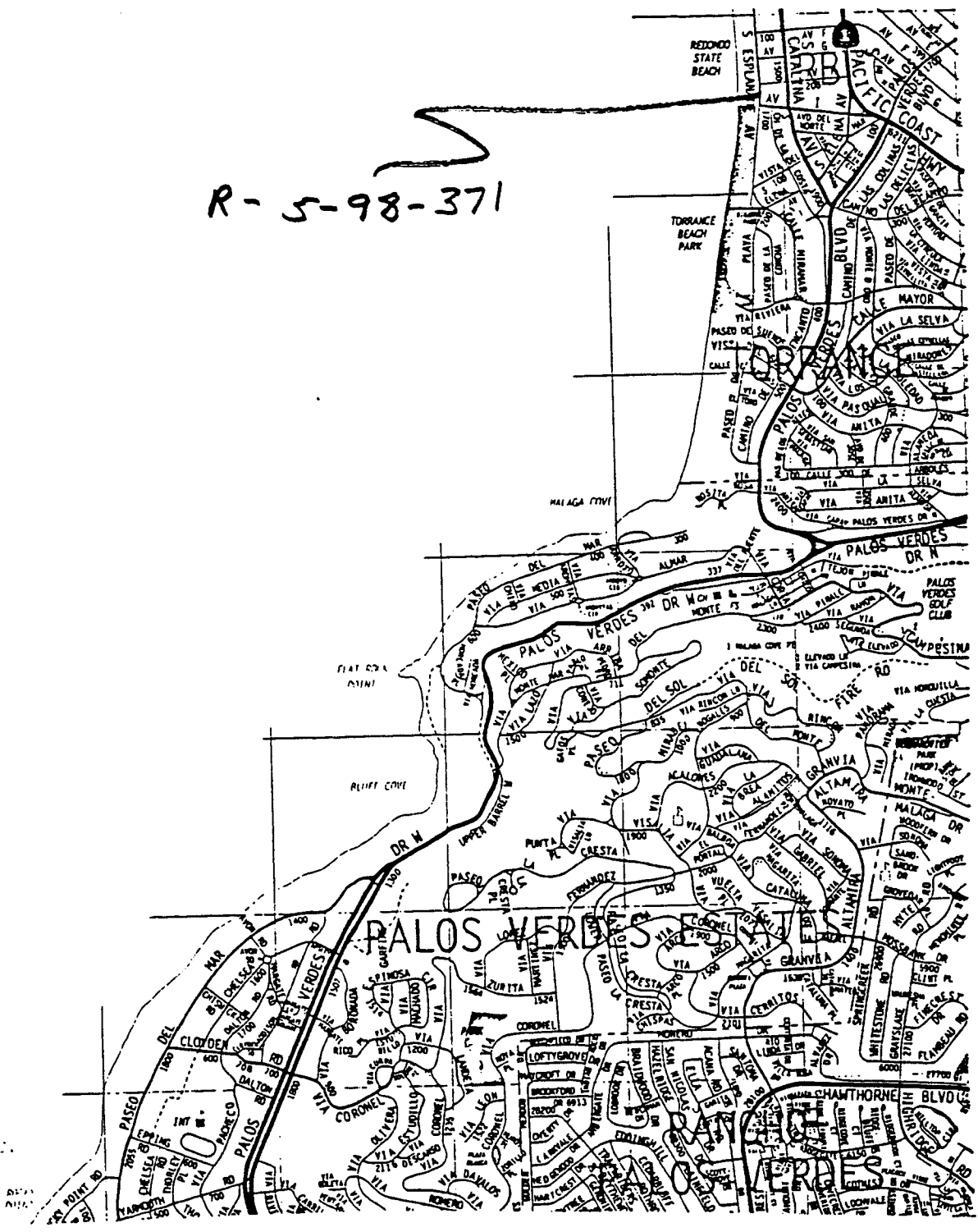


Exhibit A
R-5-98-371

Presentation to the California Coastal Commission
by the Redondo Beach Historical Society
November 6, 1998



1600 Esplanade,
Redondo Beach

*Clockwise from upper
left:*

Front view looking
east from the
Esplanade; view
along Avenue H
looking west toward
the Esplanade and
the Pacific Ocean;
angled view looking
southeast from the
corner of Avenue H
and the Esplanade



RS-98-371
EXHIBIT B

F155



Redondo Beach
Historical Society

R-5-98-371

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South Coast Region

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South Coast Region

DEC 19 1998

December 10, 1998

California Coastal Commission
Mr. Jim Ryan
200 Ocean Gate
Suite 1000 Floor
Long Beach, CA 90802

DEC 11 1998
CALIFORNIA
COASTAL COMMISSION

CALIFORNIA
COASTAL COMMISSION

SUBJECT: REVOCATION OF PERMITS REQUEST FOR APPLICATION NO. 5-98-371
1600 ESPLANADE, "EVENTIDE", REDONDO BEACH, LOS ANGELES COUNTY

Dear Mr. Ryan:

On behalf of the Redondo Beach Historical Society, I am requesting a revocation of the Coastal Development Permit granted on November 6, 1998 for the demolition of structures on 1600 Esplanade, Redondo Beach, Los Angeles County, and the construction of a 5-unit condominium, (Application Number 5-98-371). This request is made under the California Coastal Act, Title 14, Article 16 "Revocation of Permits".

The grounds for revocation is based on Section 13105(a). *"Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the commission finds that accurate and complete information would have caused the commission to require additional or different conditions on a permit or deny an application"*.

The inclusion of inaccurate, erroneous or incomplete information are as follows:

1. The application for Coastal Development Permit, page 6, point 11, *"Does the site contain any: (a) Historic resources"*, the box checked indicates NO. (See exhibit A). Within the City of Redondo Beach Initial Environmental Study, page 9, point 14. Cultural Resources, *"Affect historical resources?"* the box checked indicates less than significant impact. (See exhibit C)
2. California Coast Commission Staff Report dated October 8, 1998, Page 3 point B recited the Redondo Beach's Staff Report that *"... The site is not designated as a landmark in the City, nor is it being considered for designation as a local landmark structure. The property is also not listed in the national or California Register, which distinguishes structures that are historically significant, according to criteria established by the State"*. (See Exhibit B)

Page 5 point D. Staff concluded that *"... As submitted, no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact*

Exhibit C

R-5-98-371

1 of 5

which the activity may have on the environment. Therefore, the Commission finds that the proposed project is consistent with CEQA and the policies of the Coastal Act". (See Exhibit B)

In relying on the application for the Coastal Development Permit and Staff Report/Initial Study prepared by Redondo Beach Planning Department, Case #98-92, California Coastal Commission Staff prepared a staff report that failed to do the following:

- A. Failure to Recognize the Existing Structure to be a "historically significant" Resource. Failure to Recognize the Initial Environmental Study as Invalid Because it Ignores the Discuss of Impact on Historical Resources. The Study Is Weak, Misleading and Fails to Include Important Facts Which Basic Research Would Have Provided.

As defined by Public Resources Code 5024.1 Title 14, CCR, Section 4850 et seq., a historic resource is "A Resource listed in or determined to be eligible for listing in the California Register of Historic Resources". Some resources are automatically included in the California Register, such as resources listed in or determined eligible to be listed in the National Register. According to the Coastal Commission Staff Report, exhibit B page 4, "This property has the potential for listing on the National Register, with a "4b" rating, if restored to an earlier appearance." This statement affirms that the subject building is a historically significant resource.

"A resource included in a local register of historical resources as defined in section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey." is a historic resource. According to the Coastal Commission Staff Report, (Exhibit B, page 4, "the property was identified in the 1986 Historic Resources Survey as an example of Craftsman architectural style with a "B" rating." This statement further attests to the existing building as a historically significant resource. State Office of Historic Preservation does consider a 5-year old survey valid. Thus, "public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant."

"Eventide" satisfies three of the four following criteria for Historic Resource as defined in the public resources code and should be recognized by the California Coastal Commission and the City of Redondo Beach: Furthermore, "the fact that a resource is not listed in, or determined to be eligible for listing in the California register of historical resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the public resources code). Or identified in a historical resources survey (meeting the criteria in section 5024.1 (g) of the public resources code) does not preclude a lead agency from determining that the resource may be a historical resource as defined in public resources code sections 5020.1(j) and 5024.1"

"Generally a resource shall be considered by the lead agency to be "historically significant" if the

resource has integrity and meets the criteria for listing on the California Register of Historical Resources (Pub.Res. Code §5024.1. Title 14 CCR. Section 4850.3) as follows:

- a) *"Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage";*

This home satisfies this criteria by its use as Miramar, Robert E. Lee, and Black well Military Academies. (See Exhibit D), and Catholic Big Brothers Home run by House Mother Barbara Kiechler and Resident Director, Robert a Smith. (See Exhibit I) Furthermore, *"this building and others recorded on this survey reflect the broad patterns of history that shaped this seaside resort which has become a diversified beach and harbor oriented community"* (Exhibit I, point 19)

- b) *"Is associated with the lives of persons important in our past";*

This home was originally commissioned to be built by its owners, Dr. and Mrs. Robert J. Burdette. (See Exhibit E, photos of the house, and Exhibit F, Los Angeles Daily Journal, May 8, 1909). Dr. Robert J. Burdette is a well known Minister, humorist, writer, and lecturer, while his wife, Dr. Clara B. Burdette is a leader-among women. -She was active in the organization of the Ebell Club of Los Angeles and as charter member and its president; She founded the Women's Exchange in Los Angeles; in 1900, she successfully organized the California Federation of Women's Club and was unanimously elected its first president; she served for many years as director and vice president of the board of the Southwest Museum. At present, both Dr. and Mrs. Burdette's papers, (159 boxes) are stored in the Huntington Library, reference research library. (See Exhibit G), biographies on Dr. Robert J. Burdette and Mrs. Clara Burdette's accomplishments.

- c) *"Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values:"*

This home named "Eventide" was listed in "An updated Historic Resources Survey" with a "B" rating, which *"includes buildings which are somewhat less unusual or distinctive in terms of age or architecture. In general, however, these are well designed buildings which research may prove to have a relationship to important events or person in history. Many of these buildings are likely to have local significance and some of these buildings may also be candidates for the National Register, depending on the results of research"* (See Exhibit H). The language in the Historic Resources Inventory survey described the property, *"it remains a beautiful example of the Craftsman style -and the most elaborate one in the City. Stylistically, this house is among the top 10% of the historic structures remaining in the City at the time of the survey and is a distinctive representative of its style."*

Further research after the Coastal Commission Hearing on November 6, 1998 revealed that this home was designed by Architect Arthur Burnett Benton, F.A.I.A., a well known architect who designed buildings that are currently on the National Register of Historic Places, including

Glenwood Mission Inn in Riverside, and Mary Andres Clark Memorial in Los Angeles. He also designed San Gabriel Playhouse, and the Santa Barbara Country Club House in Montecito, Arlington Hotel, 15 churches and numerous residences. Papers on Benton, (11 boxes) are stored in the California State Library in Sacramento. (See Exhibit J)

- d) *"Has yielded, or may be likely to yield information important in prehistory or history"*
No information available at this time.

B. Failure to Adequately Mitigate Impacts

Due to Coastal Commission Staff and Redondo Beach City Staff's failure to recognize, "Eventide", as a significant historic resource, no mitigation measures were proposed during the Coastal Development Permit review and approval process, nor within the City of Redondo Beach's Conditional Use Permit and Tract Map approval process. (See Exhibit B & C)

Granting the Coastal Development Permit, allowing the existing structure "Eventide" to be demolished for the construction of five condominiums is a significant impact under CEQA. *"The significance of a historical resource is materially impaired when a project: demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence the resource is not historically or culturally significant"*

C. Failure to Comply with California Environmental Quality Act (CEQA), No Independent Environmental Review by California Coastal Commission

In failing to recognize "Eventide" as a historic resource, California Coastal Staff proposed no mitigation measures for its demolition. Had both California Coastal Staff and Redondo Beach City Staff performed some basic research, they would have recognized this building as a historic resource within the Coastal Development Permit Application and Initial Studies Check List respectively, and required an environmental impact report (EIR) be prepared prior to both the Coastal Commission and Planning Commission's public hearing on this project. An adequate Report should contain the following:

- *"An EIR must describe all reasonable or feasible alternatives to a project including those which would mitigate or avoid adverse environmental effects", Code § § 21081, 21061, 21002, 21002.1 (a), 21100 (d).*
- The EIR must discuss reasonable alternatives even if the EIR claims that the project's significant

Exhibit C
RS-98-37
4 of 5

environmental effects have been fully mitigated. Laurel Heights, supra at 400-02.

- "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." Guidelines §15151.

Had the Coastal Staff and Redondo Beach City Staff complied with CEQA, and required an EIR be prepared for the demolition of "Eventide", 1600 Esplanade, accurate and complete information revealed about this house, would have caused the Coastal Commission to require additional conditions on a permit or most likely deny the California Coastal Development Permit.

Following the Coastal Commission permit approval on November 6, on November 17, the Historical Society board members discussed with Redondo Beach City Council the inadequacy of CEQA compliance during the development application review. Several statutes were quoted. City Attorney then advised the Council that the Society is basically right. City Council in turn delayed issuing a demolition permit for 30 days until December 17, 1998, and asked if there would be litigation. Please see exhibit K, letters presented to Redondo Beach City Council.

The information presented will assist you in granting the Society's request to revoke the Coastal Development Permit. Thank you in advance of your review and I look forward to your response. Should you have any questions pertaining to the details of this request for Revocation of Permits, please contact me at the Society's number, (310) 316-1855.

Respectfully submitted,



Casey Berent, President
Redondo Beach Historical Society

Attachments

cc: City of Redondo Beach
State Office of Historic Preservation

Exhibit C
RS-98-371
5 of 5



CITY OF REDONDO BEACH
CALIFORNIA RECEIVED
 South Coast Region

415 DIAMOND STREET
 POST OFFICE BOX 270
 REDONDO BEACH, CALIFORNIA 90277-0270

JAN - 8 1999

CALIFORNIA
 COASTAL COMMISSION

January 6, 1999

Jim Ryan
 California Coastal Commission
 200 Ocean Gate, Suite 1000
 Long Beach, CA 90802-4302

Re: 1600 Esplanade. Coastal Development Permit 5-98-371

Dear Mr. Ryan:

This letter is in response to your request for information regarding the permit process and approval of the project at 1600 Esplanade.

The City information is not intentionally inaccurate, erroneous or incomplete. The following facts are correct:

1. **No individual or group challenged the City's CEQA Initial Study or Negative Declaration, adopted by the Planning Commission of the City of Redondo Beach. The CEQA determinations made in the environmental study are valid, not being overturned by the City Council or any court.**

First, we will summarize the process for the project approval in Redondo Beach. The applicants filed an application for a Conditional Use Permit, Planning Commission Review and a Tentative Tract Map on June 15, 1998. An Initial Environmental Study was prepared July 15, 1998 and noticed for public comment for 21 days in July and August. The Preservation Commission, which consists of at least two members of the Historical Society, was notified at a meeting on August 5, 1998 of the pending application, which was at least two weeks prior to the Planning Commission hearing. The Planning Commission considered the request along with a Negative Declaration on August 20, 1998. This review was conducted during a public hearing, after the site was posted with notices twice (on July 16 for the environmental comments and on August 6 with the Planning Commission hearing dates), two notices published in the newspaper, notices sent to neighboring property owners and published and posted agendas.

Exhibit D
 P5-98-371
 1 of 4

There was a 10 day appeal period after the project was approved, which would allow the City Council to reconsider a decision made by the Planning Commission. The decision was considered final because no appeal was filed by the August 31st deadline. There was also opportunity for a 30-day appeal to the court for CEQA challenges, but no one opposed the decisions made by the Planning Commission. Even though there was adequate opportunity to do so, the Historical Society did not submit new information to the city staff prior to project approval, and did not appeal the Planning Commission decision to the City Council or the courts.

Additionally, the City Council discussed the demolition permit for this property on November 17 1998, but did not directly discuss the CEQA issue, and did not consider a formal appeal of the approved permits. At that meeting, the City Attorney did not indicate that CEQA procedures were incorrectly followed, only that the text of the state law that was read into the record was correct.

The City's CEQA procedures allow for public comment. There was a public hearing for this project, and no one questioned the CEQA review during that process. No new information was submitted for the City's review at that time. None of the information submitted to the Coastal Commission was submitted to the City during the public hearing or public comment periods. State law also provides for processes to challenge CEQA decisions in state court. The Historical Society also did not challenge the Initial Study through the court process, and the CEQA determinations therefore stand as valid. Unless the decisions made are challenged through an appeal or through the courts, they are valid. The Coastal Commission does not rule on CEQA cases from other cities; the appropriate body for challenging or determining the validity of a City Negative Declaration is the City Council and/or the courts.

2. The property at 1600 Esplanade is not designated as a local landmark, and is not listed on the National Register of Historic Places or the California Register.

Second, the property is not designated as a local landmark, and is not listed on the National Register of Historic Places or the California Register. Attached is a listing of all properties in the local, state, and national register. A property cannot be listed in the local or California Register if the property owner objects to listing.

The City decisions relied on state law, the CEQA guidelines, and the City's preservation ordinance, which is completely voluntary. The City Council adopted a preservation ordinance that protects historic resources, while also allowing for protection of private property rights. Our ordinance is based on owner consent, and we cannot further restrict private property rights beyond our laws. The city ordinances do not protect properties that are not designated by the City Council and listed on the attached local register. Even properties that are recognized and designated in the City cannot be denied demolition

Exhibit D
RS-98-371
2 of 4

permits; the City's Preservation Ordinance specifies that the Preservation Commission may only delay demolition, but may not deny a permit for demolition.

The CEQA determinations were made in good faith, relying on the definitions of historic resources listed in the State Public Resources Code and the California Environmental Quality Act, Section 21084.1. We also considered the proposed draft CEQA Guidelines being reviewed by the State Office of Administrative Law, and which were designed to clarify the definitions in the State Resources Code for CEQA review. Please note that these Guidelines are very new, and did not take effect until January 1, 1999.

These statutes and guidelines refer to historical properties listed in a local register as defined in Public Resources Code Section 5020.1(k), or deemed significant according to criteria in Public Resources Code Section 5024.1(g). The property at 1600 Esplanade is not listed in the local register of historic resources because it is not designated or recognized by the City Council pursuant to the City's local ordinance, as discussed in Section 5020.1(k). Again, our preservation program reasonably balances private property rights with protection of historic resources by following defined procedures for designation, including public hearings, and allowing property owners to apply for designation. The property also does not fall under the definition of Section 5024.1(g), listed in CEQA as criteria of historical significance, because the City's historic resource survey does not meet the criteria for a historical survey listed in that Section. The City's survey for the southern portion of the City was conducted in 1986 and is over five years old, which does not meet the criteria in number four.

Beyond that, CEQA states that a lead agency also may consider a property a cultural resource even though it is not on a list or survey, but a lead agency is not required or forced to do so by the statute. The wording in CEQA Section 21084.1 ("shall not preclude a lead agency from determining whether the resource **may be** an historical resource,") again points toward the City Council establishing decisions and policies based on its ordinances and procedures. The City has set procedures for designation, permit approval, and CEQA review, none of which were challenged in this case. We rely on the City Council to set policy and laws for historic preservation.

3. The City's Demolition Permits Ordinance is part of the Building Regulations, Title 9, Chapter 17, in the Redondo Beach Municipal Code, and issuance of a demolition permit in Redondo Beach is non-discretionary, or ministerial.

CEQA does not apply to ministerial projects, according to the CEQA Statutes, Section 21080. The Planning Commission was not considering the demolition of structures at the time of project approval, and the Planning Department does not issue demolition permits. Demolition permits are issued through the Building Department, may not be denied, and are exempt from CEQA review. This may differ from Coastal Commission permits, but the City has considered its ordinances in reviewing the project.


EXHIBIT D
RS-98-371
304

As a side note, Exhibit H of the Historical Society package is misrepresentative of City documents. The sections included are from a survey in 1986, not 1996 as the cover page would indicate. The 1996 updated survey only researched the north part of the City and did not identify or discuss this property.

I have also included copies of the Public Resources Code, CEQA statues and CEQA Guidelines for your information and reference, since these were not submitted with the revocation package.

If you have further questions on this matter, please contact us at (310) 318-0637.

Very truly yours,



William Meeker
Chief of Planning



Teresa Gianos
Associate Planner

Attachments: City of Redondo Beach Historic Resources Register
City of Redondo Beach Historic Resources Preservation Ordinance
City of Redondo Beach Demolition Permits Ordinance
Proposed CEQA Guidelines Summary, Historical Resources Sections
Public Resources Code, Preservation Laws, Regulations and Policies
California Environmental Quality Act, Sections 21084.1, and 21080

cc: Srour & Associates
Casey Berent
Paul Connolly

Exhibit D
R5-98-371
4 of 4

JAN 12 1999

CALIFORNIA
COASTAL COMMISSION

January 7, 1999

CA Coastal Commission
ATTN: JIM RYAN, STAFF ANALYST
200 Ocean Gate, 10th Floor
Long Beach, CA 90802

via Fax Transmittal to: 562/590-5084 2 pages
Original via first class mail

SUBJECT: 1600 Esplanade, Redondo Beach, 5-98-371

Dear Mr. Ryan:

In response to your request for additional information regarding the City's review of the subject condominium project, I understand that the City Planning Division has provided you with background information pertaining to the City's analysis, public hearing procedure and public notification of the proposed development. In that correspondence dated January 6, 1999, the Chief of Planning and the Associate Planner provided you with detailed information as to the pertinent dates and timeframes to which this application was subjected, all pursuant to applicable State and Municipal law.

There are obvious conclusions that must be drawn from their report, including:

- The City observed all reasonable and mandated procedures to assess the development application pursuant to State and Local Law
- The information provided by the City in the written staff reports and other supporting documentation required for such a project did not intentionally or unintentionally omit, mislead, or otherwise misrepresent the facts relating to the proposed development
- Any interested party had more than sufficient opportunity to appeal to the Planning Commission or the City Council during the period of time that the project was publicly advertised and exposed to appeals.
- The fact that the subject property is not designated as a local landmark, and is not listed on the National Register or the California Register, is a clear indication that neither the previous property owner of at least 27 years, nor the local historic or preservation organizations had any obvious interest in preserving the structure.

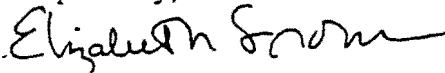
With regard to the allegation of the Historical Society in their letter of 12/10/98, that the application for Coastal Development Permit was inaccurate, erroneous or incomplete, is false. The application submitted on behalf of the property owner/applicant contained a memorandum discussing the project and referencing the City's consideration of the historic relevance of the property. In addition, the Staff Report prepared for the Planning Commission's review was included in the application package. There was sufficient and valid information provided to the Staff Analyst to correctly and completely assess the merits of the application.

Exhibit E
R5-98-371
1 of 2

This application was reviewed by the Coastal Commission Staff as well as Commissioners in an open forum and found to comply with all Coastal Act policies relevant to this situation, and especially the most obvious and most frequently promoted standard, namely: *Protection and expansion of public access to the shoreline and recreational opportunities and resources.* The issue of historic preservation of structures such as in this case is a local matter and totally remote from the concept of archaeological or paleontological resources as identified in the Coastal Act. To apply an extension of that concept in this case when it has not been previously applied in other similar Redondo Beach applications approved by the Commission is unreasonable and discriminatory.

It is our belief that there is no new information nor is there any basis to cause the Commission Staff to alter their original decision recommending approval of this application based on compliance with the policies of the Coastal Act. It is also our belief that there are no grounds to revoke this permit. The applicant has been subjected to a devastating delay and we seek your help, and that of the Commission, in resolving this matter at the February meeting. Any further delay will severely compromise the ability of the property owner to meet financial and development commitments that are integral to a development project and that were incurred subsequent to the City and the Coastal Commission approval of this project.

Respectfully,



ELIZABETH SROUR
on behalf of GARY L. WELLS, APPLICANT

Exhibit E
RS-98-371
2 of 2

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896

SACRAMENTO, CA 94296-0001

(916) 653-6624 Fax (916) 653-9824

calshpo@mail2.quiknet.com



December 19, 1998

RECEIVED
South Coast Region

JAN 11 1999

CALIFORNIA
COASTAL COMMISSION

Deborah Lee, Regional Director
Southern California District
California Coastal Commission
200 Ocean St., Suite 1000
Long Beach, CA 90802

Subject: Request for Revocation of Permit for application No 5-98-371; 1600
Esplanade St., Redondo Beach, Los Angeles County

Dear Ms. Lee:

The above referenced project has come to the attention of the State Office of Historic Preservation because controversy regarding the historical status of the building at 1600 Esplanade St., the "Burdette House", which is proposed for demolition. The State Office of Historic Preservation disagrees with the City of Redondo Beach's conclusion that the 1600 Esplanade St. property is not an historic resource as defined in the Public Resources Code and believes that its demolition may cause a significant impact on the environment.

The State Office of Historic Preservation has broad authority for the implementation of both federal and state programs for historic preservation in California. The SHPO makes determinations of eligibility for listing on the National Register of Historic Places and the California Register of Historical Resources. The State Office is mandated under Public Resources Code section 5024.5(j) to review and comment on the impact on historical resources of publicly funded projects and programs undertaken by state and local agencies.

The Initial Study document prepared by the City (7-19-98) concludes that the 1600 Esplanade St. building is not an historical resource for purposes of CEQA. The city bases its conclusion on three brief arguments:

1. The fact that the Historical Resource survey, completed in 1986, is more than 5 years old and therefore "does not meet the criteria for establishing historic significance."
2. The assertion that the integrity of the structure has been compromised by alternations to the building and its setting.

Exhibit F
1 of 5
RS-98-371

Deborah Lee, Regional Director
December 29, 1998
Page 2

3. The fact that the building is not listed as a local Landmark and is not listed on the California Register of Historical Resources.

Status of the Survey

PRC section 5024.1(g) and Title 14, section 4852(e) require that at the time a survey is nominated to the California Register it must be updated if it is more than five years old. Certainly, should the City of Redondo Beach wish to nominate its 1986 survey to the California Register of Historical Resources, regulation would require that the "documentation for a resource or resources must be updated prior to nomination to ensure the accuracy of the information" presented to the State Historical Resources Commission.

However, neither statute nor regulation states that a survey is rendered invalid by virtue of being more than five years old, nor that resources identified in a five year old survey need not be considered under CEQA.

An historical resources survey is a planning tool intended to identify potentially significant resources for purposes of planning and environmental review. Such a survey, particularly one which has been reviewed by the State Office and entered into the State Historic Resources Inventory, should serve as a "red flag" alerting a jurisdiction to the probability that a resource is historically significant. The Public Resources Code section 21084.1 provides that resources identified in a survey are presumed to be significant unless a preponderance of evidence indicates otherwise. The CEQA Guidelines re-emphasize that "Generally a resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources," (CEQA Guidelines 15064.5(3)).

The OHP believes that the contention that a five year old survey is invalid, and that therefore the "Burdette House" cannot be an historical resource is based on a misinterpretation of the regulations regarding nominations to the California Register.

Significance and Integrity of the "Burdette House" (1600 Esplanade St)

The property in question (1600 Esplanade St) was identified in an intensive historical resources survey funded by the State Office of Historic Preservation and conducted

Exhibit F
2 of 5
RS-98-371

Deborah Lee, Regional Director
December 29, 1998
Page 3

according to standards set forth by the Office. The building was evaluated as potentially historically significant "in relationship to important events or persons in history." The survey evaluation of 1600 Esplanade St. was reviewed by the OHP and was entered into the State Historic Resources Inventory as a property potentially significant at the local level (see attachment). Any change in this status would require that a lead agency reevaluate the resource under the criteria of eligibility for the California Register of Historical Resources and demonstrate by a preponderance of evidence that the resource is not an historical resource.

The Initial Study fails to evaluate, or even discuss, whether the property at 1600 Esplanade meets the criteria for eligibility for listing in the California Register of Historical Resources as set forth in Title 14, section 4850 et seq. Such an evaluation would require a careful and well documented analysis of the property under one or more of the applicable criteria. Such an analysis should be prepared by a qualified professional. No such analysis is presented in the record.

In addition to meeting the criteria of eligibility, listing on the California Register requires that a property possess integrity (i.e. the ability to convey its historical significance). The Initial Study contends that modifications to the original single family residence have impaired its integrity. However, the evidence cited in the record in support of this contention fails to indicate that the majority of the modifications (i.e. conversion from an individual residence to a group residence, replacement of windows and doors and an addition to the front wing) were present at the time of the survey. The building was considered to be potentially eligible for listing at the local level with the modifications.

The Initial Study also asserts that the setting of the building has been altered. Again, it is unclear if changes to the setting have occurred since the survey. Lacking any evaluation of the property under the California Register criteria, it is difficult to assess to what degree, if any, the setting of the building affects its eligibility.

Listing on a Local or State Register

The CEQA Guidelines are clear that a property need not be listed in any official register, nor recognized in any survey in order to be considered an historical resource within the meaning of PRC 5024.1. "The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources...does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1. (CEQA Guidelines section 15064.5(D)(4):

Exhibit F
3 of 5
RS-98-371

Deborah Lee, Regional Director
December 29, 1998
Page 4

The State Office of Historic Preservation believes that the "Burdette House" at 1600 Esplanade St. should be reevaluated as an historical resource. Such an evaluation should include a thorough and carefully documented analysis of the resources ability to meet one or more criteria for eligibility for listing on the California Register. Such a reevaluation seems particularly merited in the light of new information regarding the building's association with Dr. Clara Burdette and architect Burnett Benton. Changes to the building's appearance must be documented and addressed in the context of those aspects of the building that qualify it for listing on the register. If with appropriate documentation the building proves to be eligible for the California Register, its demolition would be a significant impact on the environment and would require the preparation of a focused EIR.

If there are any questions, please contact Carol Roland (916) 653-9514 or Jan Wooley (916) 653-9019.

Sincerely,



Daniel Abeyta
Acting State Historic Preservation Officer

cc:

Paul Connelly, City Manager, City of Redondo Beach
William Meeker, Chief of Planning, City of Redondo Beach
Theresa Gianos, Associate Planner, Preservation Commission

Exhibit F
4 of 5
RS-98-371

Prop. #: 028240

Address:

1600 ESPLANADE ST
REDONDO BEACH 90277

County: LAN

X-Street:

Vicinity:

Parcel #: 7511-8-21

Category: BUILDING

Owner Type: PRIVATE

Present Use: COMMERCIAL, RESIDENTIAL

Other Recognition:

CHL #:

Dates of Construction: 1920 - 0

Architect:

Builder: E STEWART

Historic Attributes: MULT.FAM.PROP.

Eth:

Previous Determinations on this property:
Program Prog. Ref Number Eval

Eval-date Evaluator

HIST.SURV. 0277-0081-0000

5S

PERSON UNKNOWN

Key to EVAL:

5S : Eligible for Local Listing only

This property was identified in the following survey:

THIRTIETH STREET ARCHITECTS, INC.

19-0277-001

1986 CITY OF REDONDO BEACH HISTORIC RESOURCES SURVEY
FIRST PHASE REPORT

Exhibit F
5 of 5
RS-98-371