

From: [herb](#)
To: [Council, City](#); [Clerk, City](#)
Subject: April 22, 2024 Council Meeting, Item #5: 261 Hamilton Avenue
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APRIL 22, 2024 CITY COUNCIL MEETING, AGENDA ITEM #5

261 HAMILTON AVENUE

I urge you to remove this item from you Consent Calendar agenda and either reject staff's recommendation or direct staff to return to you with a complete project description as required by the California Environmental Quality Act (CEQA) regulations.

CEQA Regulation 15378(c) says, "The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by government agencies. The term 'project' does not mean each separate governmental approval."

The staff report for this agenda item (Report #2403-2834) identifies four segments of the project:

1. The restoration work that was done in 2015;
2. The staff recommendation to upgrade the building's Historic Inventory classification from Category 3 to Category 1;
3. The granting of a floor area bonus; and
4. The location where the floor area bonus would be used.

The only reason a property owner in the Commercial Downtown zone district would want a change in a building's Historic Inventory classification is to take advantage of the floor area bonus, in which case the request for the reclassification and the request for a floor area bonus should have been included in the 2015 CEQA project description if the reclassification and floor area bonus were part of the project. Since the 2015 complete project did not include those items, the property owner is prohibited from claiming that he can now segment the project in violation of CEQA by having one segment approved in 2015 and another segment approved in 2024.

Staff also recommends that the project be further segmented in violation of CEQA by first recommending that the Council approve this agenda item for historic reclassification and then have staff decide at a later date "whether the bonus is available for already-completed rehabilitation projects".

Does anybody believe that the property owner would be requesting approval of a CEQA project segment for reclassification nine years after the rehabilitation work was done if the property owner did not already know what staff would decide about a request for a floor area bonus?

Does anybody believe that the property owner would be requesting approval that would lead to a floor area bonus nine years after completing historic rehabilitation work if the property owner didn't know the location where the floor area bonus would be used?

Herb Borock