



Minutes – Cultural Heritage Board

October 19, 2011, 3:30 pm,
MAYOR'S CEREMONIAL ROOM, CITY HALL
3900 MAIN STREET

**Minutes Approved As Presented
at the November 16, 2011 Meeting**

COMMISSIONERS PRESENT: Altamirano, Field, Garafalo, Gilleece, Leach, Megna,
Murrieta, Treen

COMMISSIONERS ABSENT: Preston-Chavez

STAFF PRESENT: Erin Gettis, Historic Preservation Officer
Anthony Beaumon, Deputy City Attorney
Kyle Smith, Associate Planner
Moises Lopez, Associate Planner
Travis Randel, Associate Planner
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Megna called the meeting to order at 3:30 p.m.

TABLE OF CONTENTS

A. COMMENTS FROM THE AUDIENCE:	3
B. CONSENT CALENDAR:	3
C. DISCUSSION CALENDAR:	4
1. PLANNING CASE P11-0138 (<i>Continued from the September 21, 2011 meeting</i>): Proposal by Craig Johnson for a Certificate of Appropriateness for exterior modifications including new storefronts to replace existing roll-up loading doors, wainscot tiling, storefront modifications and paint at Mission Galleria, formerly known as the Sears-Roebuck Building, designated City Structure of Merit 291 and contributor to the Mission Inn and Seventh Street Historic Districts located at 3700 Main Street, situated on the south corner of Mission Inn Avenue and Main Street in the Downtown Specific Plan – Raincross District in Ward 1.....	4
2. PLANNING CASE P11-0616: Proposal by the City of Riverside to consider a certificate of appropriateness to create a memorial orange grove by closing the dedicated free right turn lane from Myrtle Avenue to Victoria Avenue, situated on the westerly side of Victoria Avenue between Myrtle Avenue and Rumsey Drive, in Ward 3. Contact Planner: Kyle Smith (951) 826-5220 kjsmith@riversideca.gov	7
D. PUBLIC HEARINGS:	13
3. PLANNING CASE P11-0149 (<i>Continued from the July 20, 2011 Meeting</i>): Proposal by the Housing Authority of the City of Riverside to consider repealing the Structure of Merit (SOM) designations for two structures located at 3344-3350 Fourth Street (SOM #585) and 3478 Lime Street (SOM #484). The properties are generally situated northerly of Fifth Street, easterly of Lime Street, southerly of Fourth Street, and westerly of Mulberry Street, in the DSP-RES-SP-CR – Downtown Specific Plan Heritage Square Residential District and Specific Plan (Downtown) and Cultural Resources Overlay Zones, in Ward 1. Contact Planner: Moises A. Lopez, Associate Planner (951) 826-5264 mlopez@riversideca.gov	13
E. MISCELLANEOUS ITEMS:	16
4. Brief report from the Historic Preservation Officer on recent City Council actions.....	16
5. Items for future agendas.....	16
6. Update on status of major development projects.....	16
F. MINUTES:	16
7. The minutes of September 21, 2011 were approved as presented.....	16
G. ADJOURNMENT:	16

A. COMMENTS FROM THE AUDIENCE:

There was no one in the audience requesting to speak.

B. CONSENT CALENDAR:

There were no Consent Items scheduled.

C. DISCUSSION CALENDAR:

1. **PLANNING CASE P11-0138 (Continued from the September 21, 2011 meeting):**
Proposal by Craig Johnson for a Certificate of Appropriateness for exterior modifications including new storefronts to replace existing roll-up loading doors, wainscot tiling, storefront modifications and paint at Mission Galleria, formerly known as the Sears-Roebuck Building, designated City Structure of Merit 291 and contributor to the Mission Inn and Seventh Street Historic Districts located at 3700 Main Street, situated on the south corner of Mission Inn Avenue and Main Street in the Downtown Specific Plan – Raincross District in Ward 1.

Erin Gettis, Historic Preservation Officer, stated that staff had a presentation for the Board. The applicant submitted the continuance request, a copy of which was distributed to the Board. Based upon the reasons outlined in the staff report, staff does not support the a continuance on this case.

Chair Megna asked the board members if they would like to hear staff's presentation or continue the case?

It was the Board's consensus to hear staff's presentation.

Chair Megna asked Mr. Beaumon, Deputy City Attorney, if staff could proceed with their presentation before the Board considered a continuance on this item?

Mr. Beaumon advised the Board that it was fine to hear staff's presentation.

Travis Randel, Associate Planner, presented the staff report. Should the Board consider a continuance for this case, staff would recommend continuance off-calendar. An off-calendar continuance would require that all the missing information be submitted to staff prior to readvertising the project for a future hearing date.

Board Member Leach asked whether staff's recommendation was based on not being able to review the project in 30 days.

Mr. Randel explained that there was a lot of information that still needed to be dealt with. As indicated in the staff report, there are two pieces to the project, a Certificate of Appropriateness and a Minor Conditional Use Permit. The Certificate of Appropriateness is under the purview of the Cultural Heritage Board but the Minor CUP has been referred to the Planning Commission. Staff is not confident that all of the concerns for the Certificate of Appropriateness and the Minor Conditional Use Permit can be addressed within 30 days. That would be the goal but it has been continued once before for 30-days. Rather than continuance upon continuance, which takes up a lot of the Board's and staff's time, staff would like to make sure that the project is fully understood and analyzed before it is scheduled for a future hearing. This is why staff is recommending continuance off-calendar.

Board Member Leach pointed out that staff is recommending denial. If the Board continues the item and the applicant is able to respond within that short amount of time, than it can be scheduled as soon as possible.

Mr. Randel just to give you a realistic timeframe for what we would be looking at, the staff report for the future meeting would go out in three weeks, basically tomorrow. This would give the applicant a week or so to prepare the revised drawings, revised plans. This would give staff a week and half at maximum to work with the different departments and then have a revised report for both this board and the Planning Commission for publication the second week of November. There is not a lot of realistic time there. This is the problem with 30-day continuances because it does cut it down because of the preparation time.

Chair Megna stated that as a courtesy, he would be inclined to ask the applicant to speak. He inquired of Mr. Beaumon if it would be appropriate to allow the applicant to address why he is seeking a continuance?

Mr. Beaumon stated that it would be appropriate to allow the applicant to discuss why he wants a continuance but not to address the substance of the Public Hearing. It would also be appropriate if the Board wanted him to speak on anything, they could open the public hearing and continue it as many times as they would like. Because the Planning Commission is also hearing the Conditional Use Permit matter, he would advise that in order to not have the applicant present contradictory information now and in the future, that applicant limit his comments to the continuance.

Chair Megna called for the applicant to speak to the issue of the continuance.

Charles Brown, Architect, representing the applicant, stated that one of the reasons they were anxious to get this to hearing was that they really didn't know what kind of conditions they were up against. His thought had been that if they were agendaized, they would obtain a list of the issues but they did not receive anything. They are not any further ahead than they were months ago on the project. He understood staff and deadlines but things happen, circumstances can change at the last minute. The owner of course is up against deadlines as well. They started months ago and are just now hitting here. He would like to be in and operating by Christmas which is going to be tough. If they could have more time, they will work diligently to submit the documents to Planning staff and hopefully help them to meet their next deadline.

Chair Megna asked when the Planning Commission would be hearing the Conditional Use Permit for this project? Is the applicant requesting a continuance at that meeting as well?

Mr. Randel informed the Board that the case was scheduled for tomorrow.

Ms. Gettis stated that the applicant is requesting continuance of the Conditional Use Permit as well.

Chair Megna inquired if staff was also recommending denial of the application?

Mr. Randel stated that staff will be making the same recommendation for denial.

Board Member Field asked if the Board were to continue the case off-calendar and if they submit things in time for staff's review for the November meeting, could the item be scheduled for the November agenda?

Staff replied affirmatively.

Ms. Gettis stated for the record that staff would need to receive all the necessary information a week from Friday.

Board Member Field stated that it did not sound very likely but it did seem to be the better way to go.

Board Member Garafalo stated that it appeared the Board did not have all the information on this case and felt there was something else going on.

Board Member Field stated that a continuance off-calendar could guarantee that staff receive everything they need to make a decision.

Board Member Leach pointed out to the applicant that so long as they submit their information, staff will review it.

Mr. Brown agreed and stated that they will be having conversations with staff.

MOTION MADE by Board Member Leach, **SECONDED** by Board Member Field, **TO CONTINUE** Planning Case P11-0138 off calendar.

MOTION CARRIED unanimously.

AYES: Altamirano, Field, Garafalo, Gilleece, Leach, Megna, Treen
NOES: None
DISQUALIFIED: None
ABSTAINED: None
ABSENT: Murrieta, Preston-Chavez,

Chair Megna stated that he wanted to be clear. The applicant has to make staff's deadlines. They cannot submit things the day before a package goes out. The applicant has to make staff's deadlines in order to get back on agenda for next month.

Mr. Brown said that he clearly understood this and thanked the Board.

2. **PLANNING CASE P11-0616**: Proposal by the City of Riverside to consider a certificate of appropriateness to create a memorial orange grove by closing the dedicated free right turn lane from Myrtle Avenue to Victoria Avenue, situated on the westerly side of Victoria Avenue between Myrtle Avenue and Rumsey Drive, in Ward 3.

Kyle Smith, Associate Planner, presented the staff report. A copy of a plan that was not included in the staff report was distributed to the Board. He also announced that extra copies were available for those in the audience that were interested in this project.

Board Member Leach asked where the gates were?

Mr. Smith showed the location on the exhibit.

Board Member Field noted that the dedicated right turn has been there for a long time. He was worried about somebody plowing through this and actually hitting the Roosevelt palm. He asked if there was going to be anything such as a guard rail, bollards, boulders or something to protect the palm?

Board Member Murrieta arrived at this time.

Ms. Gettis noted that in the preliminary plans, it looks like the palm will actually have a larger berm between the curb than it has at the present. She noted that the space between the palm and the curb would have a couple more feet to it.

Mr. Smith added that staff has looked at the feasibility of moving the tree but it wasn't deemed to be appropriate. Unfortunately, it is in a vulnerable location but with these improvements, it should help.

Board Member Field stated that he hoped staff would look into putting something attractive there to protect the tree so that it doesn't get hit.

Board Member Leach inquired if this case was going through another approval process or whether the CHB review was it?

Mr. Smith replied that the Cultural Heritage Board decision was final.

Board Member Leach pointed out that she didn't see anything about vacation or dedication in the staff report. She inquired if staff needed to do anything with that because it is a public right-of-way?

Mr. Smith explained that this is not a traffic pattern modification. The right turn movement can still take place just in a different fashion.

Board Member Leach stated that the project is taking away dedicated roadway.

Mr. Smith explained that this was not taking away the traffic pattern per se. There is a process for traffic pattern modification that requires a public hearing before the Planning Commission. This is not a traffic pattern modification, it is just a modification of the design. You can still do

both turns from Myrtle onto Victoria. He stated that it was his understanding that it would remain in the public right-of-way, the entirety of the project.

Board Member Leach noted that it would have gates?

Mr. Smith pointed out the gated portion.

Board Member Leach was curious in that if she brought forward this case, she would have been asked to vacate it.

Mr. Smith explained that the orange grove in question is not public right-of-way and will remain "not" public right-of-way. However, it is a parcel that will now be owned and operated by the City. The right turn lane to be removed is within the public right-of-way now and will still be within the public right-of-way but not accessible via vehicle.

Board Member Leach suggested that if this has not been surveyed, it should be. Her concern was that if it was dedicated as public vehicular ingress and egress on a map somewhere, then it needs to be vacated because it will not be public ingress and egress. It really depends on how it was create. It if was for vehicular access, you will not have vehicular access anymore. Legally, survey staff need to take a look at it and make sure everything is fine.

Ms. Gettis indicated that Cindie Perry, representing the applicant was present.

Chair Megna inquired who the applicant was? If it is the City of Riverside and who is the lead department?

Ms. Gettis stated that the lead department was Public Works.

Cindie Perry, representing the applicant, stated that technically she was not in Public Works anymore but she was representing Public Works because this project began when she was still there. She stated that the survey staff has looked at the property. She was not an engineer and was not qualified to speak to the legalities of vacating property.

Chair Megna called for any public comments.

Judy Fish, resident, stated that she lived on Ivy, the third house from the corner in question. She had a real issue with having this park there with the kids going to and from Poly. If she understood correctly, the orange grove part of it will be locked except for the hours 10-2 during the week?

Mr. Smith stated 10-2 weekdays and 8-3 on weekends.

Ms. Fish stated that if that was the case, there isn't an area for the kids to hang out when they are supposed to be in school. There have been a lot of issues about what happens across from Poly. The other really big question is the traffic backup without that right turn. People come there in the morning, there is a lot of traffic and 90% of them turn right. If they go straight down to the corner they are going to have to stop at that stop sign and it's a 3-way stop. When you have traffic coming this way, this way and down here to a 3-way stop, it's going to be a real problem in the mornings and afternoon. With the right-of-way now, people can swing that

way and get right onto Victoria and there's not so much of a problem. As a resident she really saw this as a big problem. She asked whether the fence would be enclosing the palm tree?

Mr. Smith replied that the fence it would be at the orange grove.

Board Member Leach asked if the kids hung out there now and if there was a problem now with those orange groves?

Ms. Fish answered that it was locked now and there was a fence around it. She walks along there every morning. There is a lot of trash and there was a grocery cart a couple of days ago. She stated that there would be a problem if the students could have access.

Jody Evans, 5195 Victoria Avenue, at the corner of Victoria and Myrtle, addressed the Board. She explained that to try to get out of her driveway in the morning is terrible because of the traffic going to Poly and people going to work downtown. It is almost like a freeway. There is 3-way stop, people roll through those stop signs, they do not come to a complete stop. She agreed with Ms. Fish, it is going to be a big traffic backup. People do come down Myrtle fast and swing over to Victoria full speed, maybe they need a speed bump. The students are a problem, hanging out, right now they go across the street more but they are always dumping their trash, hanging around and stuff. This looks like a good kid hangout. Locking out the orange groves is one thing but this area, it is not locked up. In all the years there, there has never been a problem with anyone hitting the Roosevelt palm. It has always been a safe thing. Where they are more likely to hit is a palm tree on Victoria or hit the corner of Myrtle and Victoria at the corner of her property. They would come barreling through that and hit the rock wall, right across the street from this project but never have they hit that palm or anything in that island. The plan looks beautiful but she could see a lot of problems with it and it needed to be looked at further.

Irene Conable, resident at Victoria Hill Drive, addressed the Board. Victoria Hill Drive is probably half a block away from the proposed park. She stated that they have had people driving up there, parking, smoking dope, throwing beer cans, and doing graffiti. It is a bit of a deserted road, a little tear drop shaped road. She felt that the last thing they needed in that neighborhood is another potential spot for people to hangout. She urged the Board to reconsider this. She felt this was an absolute nightmare. She reiterated Ms. Fish's comment about the traffic. She comes through that intersection every morning and every afternoon on her way to and from work. She didn't even want to think about the level of impatience and irritation that is going to be in those drivers seats during those times of the day. She called within the last two weeks to have some graffiti removed on Victoria Hill Drive which is half a block from this spot.

Board Member Altamirano asked staff why the City had decided to do this project now?

Ms. Perry stated that it has been the City's desire for a number of years to close that right turn because of safety reasons. When you are turning from Myrtle onto Victoria it's a little bit like jumping into a jump rope on a playground so it has been primarily for safety reasons. Staff also had an opportunity to make an entry statement for Victoria Avenue. The plans for this project also include an interpretive kiosk for the citrus industry, bicycle information, walking information, etc.

Board Member Leach inquired who would maintain this, Park and Recreation or Public Works?

Ms. Perry replied that it would be Public Works.

Ms. Conable said she took issue with the comment that coming into the right turn is like jumping onto a freeway. If you are bearing right at the intersection, the people coming from your left are at a stop sign, they stop. You have the opportunity to merge in with them without any trouble. In fact, she never merges, there are two lanes where she is going and it is not a problem. To indicate that this is like a merging situation, where there is traffic barreling along that you have to fit in with, no there is a stop sign there.

Board Member Garafalo said he was very sympathetic, as he lives by schools and understands what the residents are talking about. He inquired if it was within the Board's purview to discuss whether issues of right-of-way are appropriate here or is the Board, in fact, limited to the issues that are relevant to cultural preservation?

Chair Megna agreed with Board Member Garafalo's question. He understands why this item came to the Cultural Heritage Board, it is on Victoria Avenue. There have been concerns raised by three members of the public who all live within a very short distance of this proposal. The concerns are all engineering issues which lie outside the Board's purview. There is at least one other Board the City has, Parking, Traffic and Streets Commission, that does deal with these kind of issues. He was concerned because this Board does not have neither the experience nor expertise to judge whether or not the right-of-way change being made is appropriate or not. The idea of an enhancement to the City's citrus heritage on Victoria Avenue is a good thing. There seems to be adequate protection for an important landscape element, the Roosevelt palm. Certainly the Hays family's willingness to donate this real estate is a wonderful civic gesture. He wasn't sure that this Board was the right Board to pass on the right-of-way change that is being made here. The Board can find an agreement with respect to the issue of the City's history and culture but not to pass judgment on the right-of-way question here which is a civil engineering matter.

Board Member Leach asked if the Board had the ability to refer this to the Planning Commission. They approve right-of-way issues all the time, they approve tracts, some very huge, in regards to right-of-way. I think that would be appropriate.

Board Member Gilleece inquired whether if this were a regular corner, any other intersection, wouldn't the City just do it without going to any Board?

Mr. Smith agreed so long as there is no change in the traffic pattern.

Board Member Gilleece stated that based on that, she did not think that the right-of-way issue is before anybody. The Board is to solely pass judgment on the historical part of this proposal. She did not think it had anything to do with the traffic, if staff is correct.

Mr. Beaumon clarified that the decision before the Board has to do with the elements of whether or not to grant a Certificate of Appropriateness as it relates to both the Roosevelt palm and Victoria Avenue. The right-of-way issues, are not this Board's concern but right-of-way issues as they directly impact the cultural resource are something that the Board should probably consider. Would this endanger the Roosevelt Palm? This is an example of a direct impact to a cultural resource. Would this adversely impact Victoria Avenue? But as to the wisdom of eliminating that traffic, in a vacuum, that is not this Board's purview. They residents

do have relief outside of this Board. If people are upset with the impacts it will have on traffic, they can go directly to the city department and have the City drop this application. That is a policy decision that can be made within the City, outside of this Board.

Board Member Gilleece stated that the Board is limiting their focus to whether the change in the right-of-way from traffic to pedestrian is, in effect, negatively impacting the historical surroundings.

Mr. Beaumon replied affirmatively, that is among the Board's considerations.

Board Member Altamirano pointed out that this proposal is a question of safety as put by the city official.

Mr. Beaumon stated that as he understood from city staff testimony, they desire to eliminate that right turn as a matter of safety. The City's ability to do so is dependent upon the Cultural Heritage Board's review because of Victoria Avenue and the Roosevelt palm. So no matter what the City's motivation, because it impacts two independent cultural resources they have to come before this Board for a Certificate of Appropriateness.

Board Member Leach stated that if staff can say this has been reviewed by the appropriate divisions and they say it is a safer situation, then that helps.

Ms. Perry stated that they have and they, in fact, did conduct traffic studies. She did not have the results of those handy.

Board Member Garafalo commented that if the Board doesn't have the authority to hear the public, they need to get a hearing someplace. He was not comfortable if they didn't get a hearing. So, simply saying that somebody looked at it and decided that this was safer, doesn't do justice to what they are saying. The question was asked a few minutes ago, "can we refer this to somebody"? He would like to hear what somebody has to say in terms of hearing their complaints.

Board Member Field noted that what staff said was that if the Board did approve this proposal, they residents would have the ability to file some kind of an appeal.

Mr. Beaumon reiterated that if the Board did approve this, it only means that they have certified that this is appropriate from the cultural resources perspective. The residents still have their remedy, just as if there was no cultural resources there, to speak to their council member, to speak to the mayor, or to voice their complaint that they think this is a bad idea. If he understood public testimony correctly, they think this is bad idea to change this traffic pattern but that is not something that the Board is supposed pass upon and indeed, the Board does not have evidence before them. The Board can continue this case and allow the residents time to follow-up further. The Board can consider the merits of this project only as they relate to the impacts to a cultural resource. What does it do to Victoria Avenue? What does it do to the Roosevelt palm?

Chair Megna said he understood Mr. Beaumon's point. He stated he was very uncomfortable with this, for exactly the same issues Board Member Garafalo has articulated. If this is the only public setting in which the public gets an opportunity to comment on this, he thought that they needed to make it clear that any approval is very narrowly based on the cultural resources

issue. He would like to see the Board's action combined with a notice to the City Manager and Council that there were multiple members of the public who voiced concerns and that this deserves their attention.

Ms. Gettis stated that based upon the discussion, staff would request a continuance so that staff can obtain more information for the Board and members of the public. She stated that the applicant also agrees to a continuance and suggested the next meeting in November.

MOTION MADE by Board Member Leach, **SECONDED** by Board member Garafalo, **TO CONTINUE** Planning Case P11-0616 to the meeting of November 16, 2011.

MOTION CARRIED by a vote of 7 ayes to 1 noes and 0 disqualified and 0 abstentions.

AYES:	Altamirano, Field, Garafalo, Leach, Megna, Murrieta, Treen
NOES:	Gilleece
DISQUALIFIED:	None
ABSTAINED:	None
ABSENT:	Preston-Chavez

D. PUBLIC HEARINGS:

- 3. PLANNING CASE P11-0149 (Continued from the July 20, 2011 Meeting):** Proposal by the Housing Authority of the City of Riverside to consider repealing the Structure of Merit (SOM) designations for two structures located at 3344-3350 Fourth Street (SOM #585) and 3478 Lime Street (SOM #484). The properties are generally situated northerly of Fifth Street, easterly of Lime Street, southerly of Fourth Street, and westerly of Mulberry Street, in the DSP-RES-SP-CR – Downtown Specific Plan Heritage Square Residential District and Specific Plan (Downtown) and Cultural Resources Overlay Zones, in Ward 1. Contact Planner: Moises A. Lopez, Associate Planner (951) 826-5264 mlopez@riversideca.gov

Moises Lopez, Associate Planner, presented the staff report. A letter was distributed to the Board prior to the meeting from the Riverside Historical Society. A similar letter was received in July when the case was first presented to the Board. He stated that Development Department staff were also present to answer any questions.

Chair Megna opened the public hearing and asked if there were anyone in the public requesting to speak on this case.

Nancy Cox, Parkview Terrace, Riverside, stated she had expected Laura Klure to be present today. Ms. Klure drafted the letter the Board received today. She wanted to reiterate one point Ms. Klure brought up in the letter regarding why the two properties were conjoined under one case number. She asked if this was department policy and is it going to continue in the future.

Chair Megna said he did read the letter and was curious about this as well. He asked whether the request that the Board vote on these items separately would create a legal issue for the Board?

Mr. Beaumon replied that it does as presented, it is presented to the Board as a single case. In order to vote on them separately, the Board needs to modify the recommendation. The Board would end up making the recommendation on one case that has two components. Your recommendation can be explicitly broken down into two parts.

Chair Megna noted the lesson to be learned in a case like this where there are multiple properties, it should be presented in a way that the Board has the opportunity to judge each property on its merit separately as opposed to a single action.

Mr. Beaumon indicated that the Board can do this. It would be made more explicit or recorded in the Board's discussion. The Board's discussion could explain the merits of each property followed by the Board's recommendation.

Chair Megna asked if there was anyone else in the public that would like to speak to this case. There was no one, the public hearing was closed.

Board Member Leach inquired if the reason was because the City owned the property. She asked if anyone else purchased two different historic homes and wanted to remove any kind of designation, would they be allowed to fold them into one application?

Ms. Gettis explained that in the six years that she has been with Riverside, there haven't been too many dedesignations. She would have added to Mr. Beaumon's comments in that the City takes forward designation of districts all the time and these affect multiple properties. An EIR can cover separate blocks which can impact multiple historic properties. All of these are done under one case number. She stated that from her perspective, based on the six years she has been here, it would have never occurred to her to have it be an issue. What she did take from Chair Megna's comments is that perhaps staff should break the recommendation out into three different numbers for each address so that the Board can respond to each recommendation separately. If it is the direction of the Board to bring them forward as separate case numbers in the future, staff can certainly do that.

Board Member Leach explained her comment was merely curiosity, if there was a legal issue with this or this is an unusual case, etc. If the properties can go together as one case, this would save the applicant time, effort and money which is a great idea, she just wanted to make sure that was the policy.

Ms. Gettis added that considering this further, it does make it messy for an appeal purpose and perhaps it would behoove everyone in the future to do it separately.

Mr. Beaumon indicated that these are conceptualized as projects. If the project has more than one project or one project, that is going to be a matter of the project itself. As Ms. Gettis mentioned, if you are going to be designating an historic district, that's one project then you can also dedesignate a neighborhood conservation area or historic district, etc. it is going to be project specific. Staff has the discretion as to whether or not they think the application should be made one way or another. They can't force the applicant to do what he doesn't want to do but if the applicant doesn't comply with staff, you're not going to get very far.

Chair Megna stated that the difference from the Board's perspective with respect to either approving a historic district or even decertifying one of the neighborhood conservation areas, which has been done, is that this is a single logical unit. These are two separate properties that aren't even physically contiguous. The circumstances for their decertification as structures of merit are different. In one case, the residence that the accessory structure served is gone, the entire context is blown away. On the other hand, the other property, that structure is still there but it has been heavily modified. The circumstances of the actions are different. His suggestion is that in the case of a decertification like this, where it is not a district or conservation but individual properties, that the Board deserves the opportunity to say this makes sense in one case but perhaps not in the other. He did not know whether that was the case here, it is just a suggestion that staff allow the Board the possibility of a different judgment for each property. These are separate legal parcels and the Board may have separate decisions on the properties, that's all. It is just a lesson learned going forward from this day.

Ms. Gettis said she agreed with Chair Megna's comments. Another way to look at it is that all three of these homes are located in the same historic district and they are all owned by Housing and have a potential for something in the future together. So, in that way, I think to support the City Attorney, as a project it does make sense to think of them together rather than separately where they can be considered piece meal. She agreed, there is still the possibility of having separate actions and bring them together under separate cases but under the umbrella of one project so that you understand all of the impacts together.

Chair Megna I assume from the perspective of CEQA, the project is what is controlling this. Unlike a district, these were separate designations and the Board should have the opportunity to discreetly approve or remove those designations. He understood the issue of the project, particularly when it comes to CEQA issues but he felt that these designations were separate and the Board should be able to remove them separately.

Board Member Field agreed with Chair Megna. He didn't have a problem in this instance but would agree that as a policy, this isn't the best way.

MOTION MADE by Board Member Field, **SECONDED** by Board Member Gilleece, **TO DETERMINE** that the proposed project will not have a significant effect on the environment, **TO RECOMMEND ADOPTION** of a Negative Declaration, and **TO RECOMMEND APPROVAL** of Planning Case P11-0149 subject to staff's findings and recommendations.

MOTION CARRIED unanimously.

AYES: Altamirano, Field, Garafalo, Gilleece, Leach, Megna, Murrieta, Treen
NOES: None
DISQUALIFIED: None
ABSTAINED: None
ABSENT: Preston-Chavez

Chair Megna advised the applicant of the appeal procedures.

E. MISCELLANEOUS ITEMS:

4. Brief report from the Historic Preservation Officer on recent City Council actions.
5. Items for future agendas.
6. Update on status of major development projects.

Chair Megna announced that the Cultural Heritage Board's annual report to Council will be Tuesday, November 15, 2011 at 6:15 pm. It is customary for the Chair and sometimes members of the Board to show up at this meeting. This is an opportunity for the Board to discuss any significant actions that have taken place in the past year. One of those is that this program has been awarded a best practices award by the Inland Empire Planning Association. There needs to be some appreciation to the current City Council in that they have been supportive of the Board's activities. He asked the Board if they had any ideas for items to be presented to forward them to Ms. Gettis and she would forward them to him.

Ms. Gettis stated that staff will have an announcement at the next meeting with regard to the new Senior Planner. She introduced Krystal Marquez, historic preservation intern. Ms. Marquez worked hard on the project the Board may have seen on the status report that was just finished up for the State, the Japanese American Context. Staff will be making a presentation on this at a future meeting. Ms. Marquez is currently working on a survey as part of the Marketplace Specific Plan and will also be working on an update to the University Avenue Specific Plan. She is an intern, and believe it or not, is taking the lead of collecting the data and analyzing the buildings that have already been surveyed to determine if changes have been made. In the short time she has become a real asset to the Planning Division.

F. MINUTES:

7. The minutes of September 21, 2011 were approved as presented.

G. ADJOURNMENT:

The meeting was adjourned at 4:30 pm p.m. to the Wednesday, November 16, 2011 meeting at 3:30 p.m. in the Mayor's Ceremonial Room.