

**STATE HISTORICAL RESOURCES COMMISSION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@parks.ca.gov

www.ohp.parks.ca.gov

Julianne Polanco

.....*Chairperson*

Bryan K. Brandes

.....*Vice Chairperson*

ALBERTO BERTOLI, AIA

DONN GREENDA, Ph.D.

FERNANDO GUERRA, Ph.D.

DAVID PHOENIX

RICK MOSS

RICHARD SHEK, Ph.D

MILFORD WAYNE DONALDSON, FAIA

.....*Executive Secretary*



Quarterly Meeting
of the
STATE HISTORICAL RESOURCES COMMISSION
Historic City Hall
Historic Hearing Room
915 I Street, 2nd Floor
Sacramento, California
April 30, 2010
9:00 a.m.

DRAFT

COMMISSIONERS PRESENT

Julianne Polanco, Chair, Architectural History
Bryan K. Brandes, Vice Chair, Public Member
Alberto Bertoli, AIA, Architecture
Donn Grenda, Ph.D., Prehistoric Archaeology
Rick Moss, History
Richard Shek, Ethnic History

COMMISSIONERS ABSENT

Fernando Guerra, Folklore
David Phoenix, Public Member

STAFF PRESENT

Milford Wayne Donaldson, State Historic Preservation Officer
Jay Correia, State Historian III, Registration Unit Supervisor
Amy Crain, State Historian II
William Burg, State Historian I
Twila Willis-Hunter, Executive Secretary
Tara Lynch, Senior Staff Counsel, California State Parks

I. CALL TO ORDER

Legal notice having been duly given and a quorum being present, the State Historical Resources Commission (Commission) meeting was called to order at 9:15 a.m. by Chairperson Polanco.

II. PLEDGE OF ALLEGIANCE

Chairperson Polanco led the Pledge of Allegiance.

III. INTRODUCTION OF COMMISSIONERS AND STAFF

The Commissioners introduced themselves; Milford Wayne Donaldson, State Historic Preservation Officer (SHPO) introduced the Office of Historic Preservation (OHP) staff.

IV. WELCOME

Councilmember Steve Cohn welcomed the Commission to Sacramento.

Director Ruth Coleman of California State Parks welcomed the Commission and informed the Commission about the US Ambassador from Russia visiting Fort Ross State Historic Park.

Chairperson Polanco thanked John Casey, Special Events Coordinator and Ken DeYoung, docent of the Governor's Mansion State Historic Park, who assisted the Commission's previous day's workshop and tour of the Governor's Mansion.

V. RESOLUTIONS

The Commission gave the following resolutions:

- A. Governor's Mansion State Historic Park: Director Ruth Coleman, Catherine Taylor, Superintendent, Capital District and John Casey accepted the resolution.
- B. City of Sacramento: Karen Jacques, Preservation Commission Chairperson, Roberta Deering, Senior Preservation Planner and Councilmember Steve Cohn accepted the resolution.

Copies of the resolutions are attached to the original of these minutes.

VI. APPROVAL OF JANUARY 29, 2010 MINUTES

Chairperson Polanco entertained a motion for approve the January 29, 2010 meeting minutes. Commissioner Grenda moved to approve the minutes as submitted. Commissioner Brandes seconded the motion. **Action:** Motion carried unanimously.

VII. COMMISSION AND STAFF REPORTS

SHPO Donaldson gave a brief report about the impact of American Recovery and Reinvestment Act (ARRA) projects coming in California that is affecting OHP's work load.

SHPO Donaldson reported the California Main Street Program has two new Main Street applications and three more coming in 2011.

SHPO Donaldson mentioned the OHP will be moving from the Resources Building to the Harris Building, 23rd & R Street in the second week of July 2010.

SHPO Donaldson reported OHP is moving forward with the Comprehensive Statewide Historic Preservation Plan for California due at the end of 2011.

SHPO Donaldson mentioned OHP's website. SHPO Donaldson introduced the staff in the audience: Lucinda Woodward, Supervisor, Local Government Unit, Marie Nelson, Local Government Unit, Ron Parsons, Local Government Unit.

SHPO Donaldson mentioned the Certified Local Government funds coming in to OHP.

SHPO Donaldson reported that the Save the America's Treasures and Preserve America grants given to cities and counties by NPS were not proposed to be funded for fiscal year 2010-1011. The future of these programs is unknown at this time.

SHPO Donaldson stated that OHP is fully staffed and we have a new historian, Ron Parsons, who will be handling California Environmental Quality Act (CEQA) matters for the Local Government Unit.

Chairperson Polanco mentioned the two agenda items from the Commission's previous day's workshop. Archeological White Papers and Information Systems pricing scheduling were held over to the next meeting of the Commission.

Chairperson Polanco reported the Secretary of Interior has requested information about new standard for sustainability.

Chairperson Polanco reported the California Preservation Foundation Conference will be held in Nevada City, Grass Valley on May 12-15, 2010.

VIII. POWERPOINT PRESENTATION OF NOMINATED PROPERTIES

Registration Unit staff presented a PowerPoint program that highlighted the properties to be heard by the Commission.

IX. CONSENT ACTION ITEMS

A. National Register of Historic Places, New Nominations

1. California Club
Los Angeles, Los Angeles County
Local Level of Significance

2. Dipsea Trail
Mill Valley (vicinity), Marin County
Local Level of Significance
3. Ford Place Historic District/Fuller Seminary
Pasadena, Los Angeles County
Local Level of Significance
4. Palo Alto Medical Clinic
Palo Alto, Santa Clara County
Local Level of Significance

B. California Point of Historical Interest, New Nomination

1. Willow Glen Stage Stop
Coarsegold, Madera County
Local Level of Significance

Chairperson Polanco asked the Commission for a motion to approve the Consent Calendar. Commissioner Brandes moved to approve the Consent Calendar. Commissioner Grenda seconded the motion. **Action:** Motion carried unanimously.

Chairperson Polanco read a letter to be recorded from Dr. Paul Scolari, Historian and American Indian Liaison, that acknowledged Jay Correia for the assistance he provided in reviewing and commenting on the Dipsea Trail nomination.

Dewey Livingston, representing the Dipsea Race Foundation, thanked the Commission and Jay Correia for the approval of the Dipsea Trail nomination.

Beth Bunnenberg, Palo Alto History Museum thanked the Commission and staff for approving the Palo Alto Medical Clinic nomination.

X. NATIONAL REGISTER OF HISTORIC PLACES DISCUSSION AND ACTION ITEMS

- A. Fulton Mall
Fresno, Fresno County
National Level of Significance

Ray McKnight, Chair of the Downtown Fresno Coalition and author of the Fulton Mall nomination thanked the SHPO's staff and Commission for considering the nomination. Mr. McKnight stated he was attending the meeting order to answer questions.

Craig Scharton spoke in opposition to the Fulton Mall nomination. Mr. Scharton stated the staff report was biased in favor in the nomination. Mr. Scharton reported the Fresno Historic Preservation Commission unanimously voted to not put the Fulton Mall on the National Register of Historic Places at this time, along with the Mayor of the City of Fresno, the Fresno City Council, and the local Fresno

newspaper editorial board. He further stated there might be ten letters supporting the nomination, but only two of those letters are from Fulton Mall property owners. Mr. Scharton noted that twenty-nine letters are in opposition to the nomination. Mr. Scharton stated the City of Fresno has embarked, as of January 28, 2010 on community lead planning efforts for the downtown and surrounding neighborhoods. Mr. Scharton stated the City of Fresno has selected two consultants to aid the process, Moule Polyzoides, and Christy McAvoy. Mr. Scharton mentioned the city has budgeted funds in the planning effort for 300 DPR 523 survey forms he stated the specific plan the City of Fresno has embarked on is a historic preservation effort. Mr. Scharton mentioned the community building effort to engage in every viewpoint in the formation of the specific plan lead by a twenty-one member committee of stakeholders. Mr. Scharton stated that Fulton Mall will be treated as an eligible property but the City of Fresno will consider various options, as required by CEQA, for Fulton Mall. Mr. Scharton asked, should the Fulton Mall be left in its current state of deterioration, or should it be restored or modified to shorten its length to allow circulation of cross streets? Mr. Scharton elaborated that today's decision is local control, and to let the citizens of Fresno find the solutions with respect to the Fulton Mall. Mr. Scharton asks the Commission to deny the application to allow the City of Fresno to come back with a solution after they have gone through their community lead process and CEQA analysis.

John Fox, City of Fresno Senior Deputy Attorney, spoke in opposition to the Fulton Mall nomination. Mr. Fox mentioned legal concerns about the process that was followed in nominating Fulton Mall to the National Register of Historic Places. Mr. Fox stated that Fulton Mall was nominated under Criterion A, but this information was not provided to the City of Fresno or to the property owners. Mr. Fox also stated the City of Fresno is listed as the property owner, however the City of Fresno is not the owner of Fulton Mall as that term is defined under the Code of Federal Regulations because the City of Fresno is not holder of fee simple interest of the Fulton Mall but holds only the easement. Mr. Fox mentioned the City of Fresno provided a title report listing the Fulton Mall property owners to OHP in 2008 but the nomination was not corrected. Mr. Fox stated OHP provided nomination notice letters to the property owners on February 24, 2010 stating nowhere in the letter that the recipient of the letter was a property owner of the Fulton Mall. Mr. Fox mentioned the notice letter generally talks about the nomination process and refers the property owner to the website where you can review the nomination application, but the city is listed as the property owner on the nomination. Mr. Fox stated when reviewing the application on the website it simply states that the City of Fresno is the owner. Mr. Fox mentioned another legal concern that the property is nominated as a site as opposed to a district. This method does not apply with the plain language of statues and regulation. Mr. Fox stated the notice letter fails to indicate properties where there is a formal determination of its eligibility for listing on the National Register of Historic Places and will be placed on the California Register of Historical Resources. Mr. Fox asked the Commission to not nominate the Fulton Mall to the National Register of Historic Places because the property owners were not properly notified.

Brian Grover, Penstar- Bank of Italy Owner stated he was never notified of the Fulton Mall nomination.

Alan Allen, property owner for 66 years at the Fulton Mall, spoke in opposition to the Fulton Mall nomination.

Brent Weiner, Proctor's Jewelers Fresno Inc., stated his family has owned and operated businesses on Fulton Street since 1945. He spoke in opposition to the Fulton Mall nomination.

Linda Zachritz, applicant and writer of the nomination, expressed her support for the nomination. Ms. Zachritz commented the objections are based on economic reasons which are not a part of National Register of Historic Places criteria. Ms. Zachritz stated the Local Historic Commission did find the Fulton Mall eligible for listing on the National Register of Historic Places. Ms. Zachritz stated the staff presentation was appropriate and it was not biased. Ms. Zachritz thanked the Commission and staff for considering the application.

Elliott Balch, City of Fresno, rebutted and reiterated his opposition to the nomination. Mr. Balch repeated what city attorney John Fox said regarding who and how many property owners were notified, and the rules for a historic site verses historic district. Mr. Balch stated the nomination is not a complete look at the Fulton Mall area.

Alan Allen rebutted and reiterated his opposition to the nomination.

Chairperson Polanco closed the public discussion and opened the Commission's discussion.

Chairperson Polanco asked staff to explain the issue that was raised about Criterion A.

Jay Correia stated that the mall was nominated to the National Register of Historic Places under Criterion A -Recreation and Social History, and in the body of the Significance section, page 16 the applicant thoroughly explained why the Fulton Mall is significant under Criterion A.

Chairperson Polanco asked when the amendment was made to the nomination.

Mr. Correia stated to his knowledge the information in support of Criterion A has always been in the nomination.

Mr. Correia explained that the box indicating Criterion A, in the front portion of the nomination, was not originally checked, but the text of the nomination has always made it clear that the property was being nominated under Criterion A.

Chairperson Polanco asked the Commission if there were any questions about Criterion A.

The Commission responded no.

Chairperson Polanco raised a concern about whether property owner information in the application is incorrect. Chairperson asked legal Counsel Tara Lynch if it presented a significant issue for the application.

SHPO Donaldson asked if the current nomination shows the property owner as the City of Fresno.

Mr. Correia explained the nomination states “others–multiple” or just “multiple.” SHPO Donaldson asked Mr. Correia to read what the nomination actually says. Mr. Correia read for the record the nomination says “multiple.”

Chairperson Polanco stated that in the application the Commission received in the electronic binder, the property owner listed is Ronald Cooper, Director Parks and Recreation, Community Services, City of Fresno.

Mr. Correia stated that the information was updated several weeks ago.

Chairperson Polanco asked Counsel Lynch if the change is important.

Counsel Lynch stated there is a change to the application but for purposes of notification the record shows who the property owners are, and the property owners have been notified.

Chairperson Polanco asked the Commission if they had any questions regarding the paperwork issues.

Commissioner Grenda asked if what is in front of them is not the nomination.

Mr. Correia stated the entire body of the nomination is in front them but four or five pages of the latest application are not.

Commissioner Grenda asked if those exist in the meeting room.

Mr. Correia stated he will look for the latest application.

Chairperson Polanco stated the Commission will continue with the questions until Mr. Correia locates the latest application. Chairperson Polanco asked how the number of property owners was counted based on a district and not a site, and asked about an email to Jay Correia from Paul Lusignan of the National Register Office about how owners are identified. Mr. Lusignan’s response did not specify a difference between site and district for purposes of counting property owners.

SHPO Donaldson explained that the number of opposition votes to prevent listing is the same regardless of whether the nomination is for a single site or a district. The subject property has multiple property owners, but it is a single site, not a district,. SHPO Donaldson stated that this definition was confirmed by Paul Lusignan of National Park Service, and encouraged the public to contact Paul Lusignan directly if clarification was needed..

Chairperson Polanco stated there is no distinction in the code section.

Counsel Lynch reiterated the code section in the regulation talks about noticing for nominations with multiple ownership of single private properties or of a district.

Chairperson Polanco asked about the contention about noticing requirements. Chairperson Polanco asked Counsel Lynch her opinion.

Counsel Lynch read 36 CFR 60.6 (c) to the Commission. Chairperson Polanco asked Mr. Correia where did he get the list and Mr. Correia responded the list came from the applicant.

Chairperson Polanco asked the Commission if they have any questions.

Commissioner Grenda asked is there any other way to notify property owners.

Counsel Lynch stated yes, and she reiterated by reading the appropriate section of the Federal regulations.

SHPO Donaldson added that notifying the owners in the local newspaper is all that is required under the regulations. He explained that if there were over 50% of the owners objecting the property could be found by the Keeper of the National Register to be eligible for listing only.

Chairperson Polanco asked for a motion. Commissioner Moss moved that Commission determined the Fulton Mall be determined eligible for listing to the National Register of Historic Places under Criterion C at the National Level of Significance, and Criterion A at the Local Level of Significance, satisfying the requirements of Criteria Consideration G, and request the SHPO forward the nomination to the Keeper to be determined eligible for listing. Commissioner Bertoli seconded the nomination. **Action:** Motion carried unanimously.

XI. CLOSED SESSION OF THE COMMISSION

Pending Litigation: California Register of Historical Resources – Lincoln Place Apartments, Venice, California.

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would prejudice the position of the Commission. [Government Code § 11126(e)(1) & (e)(2)(A)].

AIMCO VENEZIA, LLC v. State of California, State Historic Resources Commission, et al., Los Angeles Superior Court Case Number BS 103 594: Court of Appeal, Second Appellate District Case Number B205886.

No closed session.

XII. COMMISSION DISCUSSION AND ACTION ITEMS

Chairperson Polanco stated the next State Historic Resources Commission Meeting will be November 4-5, 2010 in Sacramento.

XIII. COMMITTEE REPORTS

No committee reports.

XIV. ADJOURNMENT

Chairperson Polanco adjourned the regular meeting of the Commission at 11:45 a.m.

Respectfully submitted,

Milford Wayne Donaldson FAIA
State Historic Preservation Officer

Date