



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

WEDNESDAY, JULY 15, 2020, 3:30 P.M.
VIRTUAL MEETING
PUBLIC COMMENT VIA TELEPHONE
3900 MAIN STREET

COMMISSIONERS

PRESENT: J. Brown, M. Carter, J. Cuevas, P. Falcone, N. Ferguson, J. Gamble, S. Lech, N. Parrish, C. Tobin

STAFF: M. Kopaskie-Brown, P. Brenes, S. Watson, A. Beaumon, F. Andrade

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

ORAL COMMUNICATIONS FROM THE AUDIENCE

There were no communications from the audience at this time.

Board Member Brown announced he was having trouble with his connection due to his firewall and may be disconnected from the meeting at various times.

CONSENT CALENDAR

The Consent Calendar was unanimously approved as presented below affirming the actions appropriate to each item. A motion was made by Board Member Ferguson and seconded by Board Member Lech to approve the consent calendar.

MINUTES

The Cultural Heritage Board minutes of the meetings of May 20, 2020, were approved as presented.

Motion Carried: 8 Ayes, 0 Noes, 0 Absent, 0 Abstention

AYES: Carter, Cuevas, Falcone, Ferguson, Gamble, Lech, Parrish, Tobin

NOES: None

ABSENT: Brown

ABSTENTION: None



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PUBLIC HEARINGS

PLANNING CASE P20-0161- HISTORIC DESIGNATION - 3230 VINE STREET, WARD 1

Proposal by Marco McGuire of the Riverside Packing House LLC to consider a Historic Designation request for designation of the E.T. Wall Packing House #2 as a City Landmark. Scott Watson, Historic Preservation Officer, presented the staff report. Carmen Lainez, spoke on behalf of the applicant and stated they were in agreement with the landmark designation. There was no public comment, the public hearing was closed. Following discussion it was moved by Vice Chair Parrish and seconded by Board Member Ferguson to recommend that the City Council: 1) Determine that Planning Case P20-0161 (Historic Designation) for the designation of the E.T. Wall Packing House #2 as a City Landmark, is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15061(b)(3) (Common Sense Rule) and 15308 (Actions by Regulatory Agencies for Protection of the Environment), as the proposal will have no significant effect on the environment, identifies the structure as a cultural resource, and preserves the historic character of a cultural resource; and 2) Approve Planning Case P20-0161 (Historic Designation), based on the facts of findings, and designate the E.T. Wall Packing House #2 as a City Landmark. Chair Falcone advised of the appeal period.

City Council public hearing required for final approval.

Motion Carried: 9 Ayes, 0 Noes, 0 Absent, 0 Abstention

AYES: Brown, Carter, Cuevas, Falcone, Ferguson, Gamble, Lech, Parrish, Tobin

NOES: None

ABSENT: None

ABSTENTION: None



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DISCUSSION CALENDAR

PLANNING CASE P19-0487 – CERTIFICATE OF APPROPRIATENESS – 4674 BEACON WAY, WARD 1
Proposal by Jim Broeske of Broeske Architects & Associates, Inc., on behalf of Randall Neal to consider a Certificate of Appropriateness for replacement of the single-family residence main level, two-car garage, and basement expansion. Scott Watson, Historic Preservation Officer presented the staff report. He announced for the record that staff received 17 comment letters, four in support and 13 in opposition. Comments in opposition did not raise additional concerns that were not already addressed in the staff report with the exception to the comments related to the Native American Grave Protection and Repatriation Act (NAGPRA). This law does not apply to this site as the City has no evidence that there was a Native American burial site on this property. Additionally, State law has provisions for inadvertent discovery of human remains during the course of construction. Notices for this project were sent to adjacent property owners as required by Title 20. Randy Neal, applicant, stated they were in agreement with staff recommendations. Public Comment: One call in support from Chuck Hane. David Crohn called in opposition and referenced the letter he submitted. Vince Moses called in opposition and commented on Title 20 and the California Environmental Quality Act as they may affect the property.

Board Member Tobin inquired about the fines levied against the property as well as the archeological points brought up by Dr. Moses.

Mr. Watson stated that staff has spoken with the various Departments. He stated that Code Enforcement fines have been paid and the Building & Safety fines are paid upon permit issuance. The Public Works grading permit application fee has been paid and fine associated with that will be paid upon permit issuance.

Mr. Watson replied that in regards to archeological finds on the property. As stated in the staff report, the guidelines specified that the northern slopes were the most highly sensitive. Staff has looked at other reports in the area and confirmed that there are no known archaeological resources on the site. Being that the site was developed in the 1960s and the expansion of the basement is the only portion of excavation on the site and that will be completed underneath the existing foundation, staff has determined that the likelihood of impact to any archeological resources is unlikely as potentially significant under CEQA.

Board Member Tobin asked if a Native American consultation was done on the property.

Mr. Watson responded that the Native American consultation is only required if the property is not exempt from CEQA, under AB-52. The project does not require additional review under CEQA



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and this project is being recommended to be exempt. He stated a Native American consultation did not occur.

Anthony Beaumon, Senior Deputy City Attorney, stated that AB-52 consultation is not required for this project under CEQA as this as a single-family residence and is exempt. A consultation does not need to be done. The City cannot require the applicant to conduct a consultation. The Board cannot condition this, as neither the City or the Cultural Heritage Board has authority to require that. The NAGPRA does not apply because there are no known graves on-site. It kicks in automatically upon any discovery. Based upon the evidence in record there is no requirement for applicant to contact the tribes.

Mr. Tobin inquired if an appeal would go to Land Use Committee (LUC) or City Council?

Ms. Kopaskie-Brown responded that because this request came directly from City Council and was a direction from City Council, it will go directly back to City Council.

Vice-Chair Parrish asked staff regarding the LUC's recommendations to return the item to the Cultural Heritage Board and that the final decisions were to be made after fines were paid. Some fines were addressed by Board Member Tobin's comments. What is the report from City's notification to OSHA / AQMD regarding the demolition, asbestos and lead concerns. Her recall is that those needed to be completed prior to coming back to the Cultural Heritage Board for approval. If CAL-OSHA and AQMD have not reported this might be a pre-mature meeting at this point.

Mr. Watson stated that the AQMD is a State agency and the City does not have purview over them. City staff would not be aware if there were any fines received by the applicant

Ms. Kopaskie-Brown stated that because the City has no purview over the State fines, city staff would have no information with regard to AQMD fines. At this point and from what City Council had indicated, it was that the City fines and City fees be paid prior to issuance of building permits.

Board Member Parrish inquired if CAL-OSHA was notified. An individual who happens to work for CAL-OSHA has reached out to her and indicated that prior to any move forward, they would also require a retroactive permit from them.

Ms. Kopaskie-Brown indicated that AQMD would need to coordinate this at the State level with other State agencies

Vice Chair Parrish asked staff to look that because she has been informed differently from someone who works from them. She asked if the Board could condition this?



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Mr. Beaumon responded no, because OSHA has nothing to do with the Cultural Heritage Board.

Board Member Brown complimented staff on an extremely thorough staff report with respect to a very perplexing application for a Certificate of Appropriateness. He thanked Mr. Watson for his hard work and the developer and his architect for some degree of acquiesces. He went through his files and found a book "Rehab Riverside Right". The book was issued by Planning Department 36 years ago. It is essentially the genesis of how many of our historic districts came to be. A quote that intrigued him at the very beginning: "The surest test of the civilization of the people ...is to be found in their architecture, which presents so noble a field for the display of the grand and the beautiful, and which, at the same time, is so intimately connected with the essential comforts of life." What perplexed him is that we are dealing with the post-apocalyptic way in which Beacon Way was developed, long before it was put in a historic district. This seems to have become a foil for saying well anything is better than nothing. Thorough direction was given to the subcommittee. There was a charge to look at roofing, standing seam at metal roofing, compatibility of shed, room on garage, building height, building materials, windows, stone veneer on the basement level, proposed colors, floor to ceiling windows on the east and west elevation and landscaping. He will address in later remarks why the staff report was nuanced about a number of those issues. He stated he would appreciate the subcommittee members informing the Board as to their feelings about the matter at hand today and how the Certificate of Appropriateness the Board is being asked to vote on addresses those.

Board Member Tobin noted that one of the comment letters raised a question as to whether this project should reflect conforming or non-conforming structures in the district. This is a legitimate question.

Chair Falcone agreed that is very valid question worthy of a response from staff and he also wanted to address the comments from Board Member Brown. He asked if anyone else had a quick question of staff.

Board Member Brown stated he had a question of staff. He quoted from a 1983 comprehensive report on historic preservation prepared by the Planning Department of the City of Riverside, page 74, rules and guidelines for new structures in older neighborhoods. For infill projects: "In residential areas, the first two buildings on each side as well as the five buildings across the street should be studied for repetitive themes of mass, scale, rhythm, color and texture." He asked Mr. Watson for his view of the structures to either side and in particular those across the street in relation to that admonition.

Mr. Watson stated that his response may also answer Board Member Tobin's question in regard to contributors versus non-contributors. Staff did look at the property on either side as well as all



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of the district, as that was the direction in previous conversations. The comparison and analysis were not taken solely on non-contributors. There is a wide variety of materials and a wide variety of scales and massing. As you know this district contains many large 2 and 3-story buildings as well as smaller one-story residences. The analysis was prepared based off of that, and an understanding that the scale was similar to those in the area as well as made use of materials that were common throughout the district such as the horizontal and vertical siding and stone veneer. The applicant clarified it would be a rustic veneer not stacked stone. He noted that the guidelines do not specify architectural style as there are multiple styles throughout the district and a variety of style could be possible. The adjacent residences are two-story residences with basement below, the proposed residence will be in keeping with that character.

Board Member Gamble stated that she just wanted to clarify that the Board cannot request that the landscape plan be provided to show the current wall and landscaping that is staying. According to the Historic Mount Rubidoux Guidelines, it says that it should be provided so that the Board can see the entire project. She brought this up during the subcommittee meetings but just wanted to make sure that they cannot request this, correct? She also inquired if the decorative block wall that juts into the property would not be affected in any way. Any modifications would require approval in order to go forward even if it causes issues for trucks entering the property properly.

Mr. Watson explained that at this point, there are no modifications to landscaping proposed. If in the future, should the applicant propose to do any modifications they will be required to submit for a Certificate of Appropriateness. He replied affirmatively that any modifications to site features will require a Certificate of Appropriateness and as previously stated, there are none proposed at this time.

Board Member Carter inquired if the large window was still a part of the project. She stated she was having a hard time understanding the breaking of neighborhood guidelines. The structure itself should represent more of what is there now. She understands the building that was demolished was a non-contributor, but this should really sync in line with the buildings in the historic district.

Mr. Watson stated that the floor to ceiling windows is still incorporated in the design. In regards to the compatibility with the district, he is aware of at least one building that has different window type, a very large double story window. As well, the noncontributor across the street is a mid-century modern house with floor to ceiling windows. He understands the concern with non-contributors but the design feature is present in the district with both contributor and non-contributors.



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Board Member Cuevas asked for clarification regarding issues that were mentioned in the letters presented to the Board earlier and prior concerns. His understanding, based on the presentation, is that those concerns have been met or addressed with the exception of the Native American Grave situation.

Mr. Watson stated that in regards to the public comment letters received and reviewed, as mentioned the only additional concern not addressed in the staff report was the Native American graves. The questions in regards with compatibility with the district were addressed in the staff report. The concerns raised by the subcommittee were either addressed or clarified in the staff report and it was staff's understanding that the subcommittee felt the modifications addressed the majority of the issues.

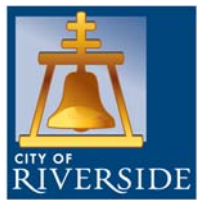
Chair Falcone asked to hear from the subcommittee members, Vice-Chair Parrish and Board Member Gamble.

Board Member Gamble stated that there were certain topics that were not up for discussion. They were voiced, the owner did respond to them as to what he felt he would do and not do. The list of subcommittee questions was not all addressed. They addressed what we could, obviously the roof line and shingles. There were things that would not be addressed such as landscaping, which according to the guidelines we were supposed to address. The landscaping is remaining the same but it is important to see the whole picture. Again, during the meeting we did voice, that this is a very mid-century designed fence line, and it is hard for her to picture the marrying of the two different architectural styles, but the owner insisted it stay the way it was and the landscaping would not change.

Board Member Cuevas inquired if any other items were not addressed other than landscaping?

Chair Falcone replied that the height, elevations, railing along the outer step, and large windows. He stated he wanted to provide Vice-Chair Parrish an opportunity to speak as well.

Board Member Parrish stated she would divide her comments into two sections. First of all, she wanted to thank the Land Use Committee for their recommendation to forward the Certificate of Appropriateness to the Cultural Heritage Board. Following the meetings with the applicant and his architect, the Historic Preservation Officer, outlined the additional concerns of the three-person subcommittee at the on-set. They were the issues that were included at the initial part of his report. Her concerns were: the large window at the gable end of the house; the pitch of the roof is now 5 and 12 instead of the estimated 3 and 12 of the old building; the fact that it reads as a two-story building, the fact that it had, at the time it was given to us, a black standing seam metal roof. She noted that it came up that the siding on the basement level appeared to be stacked stone, although later it was reported it would be granite type stone. Then the pitch of



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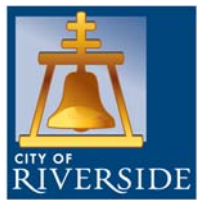
the roof on the garage area and the landscaping those were the things we were charged to address at the time. She was disappointed that as a subcommittee they were unable to come back to the full board with more progress. Although, she believes they acted in good faith, they were unable to productively move toward a satisfactory design that fits within the Mount Rubidoux Historic Guidelines.

Chair Falcone stated he was also on the subcommittee and supported Board Member Gamble and Vice Chair Parrish's comments. The subcommittee did have a list of 7-10 items and Vice Chair Parrish listed those that the subcommittee were hoping to go into discussion on. It ended up being two items: the roof line of the garage and roofing material. The subcommittee did manage to compromise on those two. Those two things were positive although we had a much longer list whether they were not addressed, or were non-negotiable, that is important to take into consideration. Staff did a great job in making this happen. He stated he appreciated the willingness and the discussions that were had but do tend to agree that there were a number of stumbling blocks, things that seemed to be non-negotiable. He noted that from Cultural Heritage Board standpoint, many saw this design as non-starter and were hoping to have a full redesign of this and of course that is not how it panned out. There were two ends of the spectrum with the architect and owner there to support their design, and the subcommittee looking at going to square one, how to meet in the middle? He said it was a 70/30 compromise. What the Board needs to discuss today, are these two changes enough to tilt this where it is able to move forward. This is where they transition from the subcommittee report to the larger Board discussion today and he opened the discussion to the full board.

Board Member Ferguson asked if anyone on the subcommittee could review which were the non-negotiable items other than what was already mentioned.

Chair Falcone replied that for him, he thought one of the non-negotiables was the height. The elevations were a major issue. The conversation did go somewhat round and round about the height, from 6 to 8 to- 10 feet' higher, now it is approximately 8 feet higher. The problem from the subcommittee level is they did not exactly know the elevation of the home that is now since gone. Of course, based on the plans we have the roof is 22.5 feet high which as Vice Chair Parrish noted, that is typically the elevation of a two-story home. This is a one-story home with the elevation of a two-story. The height/elevation was definitely something we didn't discuss. The window was non-negotiable as well.

Vice Chair Parrish added that the window was non-negotiable, and the color of the home was not addressed. Her primary non-negotiable that Chair Falcone mentioned was the pitch of the roof. The roof went from a hipped roof to a gable end roof. Her concern is that it was a hipped roof prior to it being raised. The mid-century modern house design, you don't perceive the roof as starkly because the ridge line began 20' back into the house. The proposed gable end, you



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are now seeing it, like a book turned upside down, you're seeing the deficit of the book, you are seeing all 22'. My concerns were it is standing 22' above, higher than anything. It is going to affect what the historic contributing properties see from down below. Another concern was the huge window. Below the window is a bank of glass doors. So Imagine if the house were lit up in the middle of the night and there was nothing to prevent that light pollution from going to downtown and up towards the river. It will look like a beacon on Beacon Way. That was probably her primary concern other than the standing seam roof that did not get.

Board Member Cuevas asked what the height restrictions are as far as a planning standpoint.

Ms. Brenes responded that an R-1-7000 zoned property is allowed to develop a two-story house which typically is 35' in height. This zone allows for a two-story home.

Board Member Lech stated he was pretty much in agreement with what has been said, will not repeat it.

Board Member Brown stated he was prepared to make a comment and propose a motion when ready.

Chair Falcone stated he could proceed, the Board can continue discussion after the motion is made.

MOTION: Board Member Brown motioned to deny the proposed Certificate of Appropriateness. If he is not mistaken based upon what legal council's advice, a denial results in no action needed for the CEQA determination. Based upon his reading of the staff report provided: that the application proposal is incompatible with existing, adjacent, or nearby cultural resources and their character defining elements. That the colors textures, materials, fenestrations, decorative features, details heights, scale, massing and methods of construction proposed are inconsistent with the period and/or compatible with adjacent cultural resources. That the proposed change does adversely affect the context considering the following factors: grading, development, orientation of the building, off street parking, landscaping, signs, street furniture, public areas, relationship of the project to its surroundings. That the proposed change does adversely affect an important architectural, historical, cultural or archeological feature or features. That the application as proposed is inconsistent with the Citywide Residential Historic District Guidelines and the separate guidelines for each historic district. That the application proposed is inconsistent with the principles of the Secretary of the Interior's Standards for the Treatment of Historic Properties.

He stated that he did not make this motion lightly. He has great respect for the city attorney and staff but he thought that in his view, based upon the testimony which is included in this motion:



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to include all previous testimony regarding this issue, in particular the testimony heard during this meeting and Board Member Parrish's testimony at the last meeting (Minutes and comments from October 16, 2019 and November 20, 2019 to be attached as well as comments received at the July 15, 2020 meeting). In addition, the comments in opposition suggest to him that this is a time and place to rehab Riverside right. We need to draw a line in the sand and prevail upon the citizens and tax payers of the City Riverside and our City Council to do the right thing by historic riverside. There is literally no more historic neighborhood than this particular neighborhood. He stated that this was the basis of his motion and if the motion prevails he would suggest that staff write up findings for the denial, and obviously, this is contrary to the staff report. He knows that Mr. Watson and legal counsel are more than capable of bolstering these findings. He looked forward to a collegial and collaborative conversation with the Mayor and City Council of the City of Riverside if this motion is adopted.

The motion was seconded by Board Member Tobin.

Board Member Tobin stated that he understood the subcommittee went into the meetings with the applicant with a discreet list of concerns. He would hope that whatever is transmitted to the City Council would include that list so that the City Council can see what it was the subcommittee was trying to achieve and then be able to take that into consideration.

Chair Falcone commented that after the initial subcommittee meeting, he emailed Mr. Watson 4-5 bullet points of things that were most egregious. He noted that unknowingly, Vice Chair Parrish had also done the same thing.

Mr. Beaumon noted that the Board can direct staff or they can nominate a representative to speak to the City Council on behalf of the Board. The Board can move to designate a member of Cultural Heritage Board to go before City Council if that is something the Board wants to do. The Board may also agree upon a list of issues you would like to have presented officially to the City Council on behalf of Cultural Heritage Board but now is the time to do that.

Chair Falcone announced that there was a motion and a second on the floor. The Board may continue with its discussion as well as whether the Board would like to proceed with a Board representative and what issues they will address to the City Council.

Board Member Cuevas asked if it was appropriate at this point, for the benefit of those that were not on the subcommittee, to hear from the applicant as to the reasoning or why certain items were not addressed, especially the massing of the building. The applicant can address why they felt it was not appropriate to address those concerns. If nothing else, to put his comments into record. The full Board was not privy to those meetings and he was taken aback as to why it wasn't addressed by the applicant if they knew it was important from the subcommittee's



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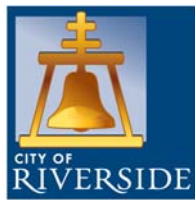
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standpoint. Just for the Board's benefit, understanding and education. Why they felt it was something they didn't believe should be rectified changed or modified.

Mr. Beaumon stated that this was not the charge that was given to the Board. The subcommittee could not agree with the applicant so off it goes. That's it.

Chair Falcone support Mr. Beaumon's comment, if for nothing else the Board needs to continue with their discussion.

Vice Chair Parrish stated that she would like her findings given at the November 20, 2019 to be included. She stated she would state the seven bullet points. Responding to the project description given today, which is basically the same presentation from October 16, 2019. Nothing has significantly changed. Point #1 the finding states the applicant's proposal is consistent or compatible with the architectural period, and the character defining elements of the historic building. She stated that the report asserts it is not applicable because this isn't a historic building, but that is inconsistent. This finding is applicable because the entire Mt. Rubidoux Historic District is a cultural resource. As defined by Title 20, CEQA and California Register of Historic Resources and National Register of Historic Resources, it has to be considered as a whole. Jumping ahead a bit, one comment regarding the site being a Native American site. Dr. Moses made very good point that she thought needs to be examined further. "3. Contrary to the findings by staff, this project is certainly subject to CEQA review by virtue of being within a designated Historic District, especially in a Certified Local Government covered HD, per SHPO. Moreover, the MRHD is covered under the Native American Grave Protection Act (NAGPRA) since it contained a Cahuilla grave site just below Mr. Neal's slope. According to the Riverside Daily Press, when S. C. Evans, Jr. cut Ladera Lane through the area below the Neal site around 1910, he unearthed 110 barrels of bones from that said grave site. Frank Miller, Master of the Mission Inn, offered to buy them from him!" It appears we have concentrated on that Spring Rancheria site and we didn't look further than that particular north slope. The second point is that she believes this particular building site needs to be compared to contributing structures. The only structure on that street is the one that is beside it, the 1947 Spanish Colonial Revival house and even though it is a two-story, it is tucked into that building's site. As added interest the roof height of the garage is on level with the street, Beacon Way. She stated she and other board members took pictures from concerned contributing houses down the hill at 3611 Mt. Rubidoux and 3587 Mt. Rubidoux Drive. She stated she sent the photographs today to staff to be distributed to the Cultural Heritage Board. The building site, even with nothing built on it, is viewable from both of those locations. As it is from the intersection of Ladera Lane and Beacon Way. It is going to be seen and that 30 foot full height will totally be visible, that's an uninterrupted view from the Ladera Lane of the Beacon Way site. The roof line was not addressed, and she noted that the original pitch as mentioned before on that mid-century ranch house was approximately 3 and 12 with a hip roof which has the roof ridge line set back 20'. This gives the elevation a much lower appearance than the



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present design before us which is a gable roof. A gable roof with an end full of glass, glass above it and glass doors below it. On both the west side which faces the river and east side which faces the down slope and more importantly faces the two contributing homes at 3611 and 3587 Mt. Rubidoux Drive, reads much taller than the original house. Although the architect says it varies 8-10 feet. She thought that she pretty much made her point but again she reiterated that the entire Mt. Rubidoux is a district. Just because there are homes that abut this particular house and probably five examples that Mr. Watson provided to the Board, those are non-contributors. If her recollection is correct, the building of those houses was what spurred the contributing owners in the area to develop these guidelines. In her opinion we must give credence to those and not just brush them aside because it is harder to do what the Board has been charged to do.

Board Member Brown respectfully noted that in his review of the minutes and records going back into last year, it is apparent to him, in particular the testimony from October that there are facts and circumstances that are pretty apparent that there are dueling threats of lawsuits on both sides of this controversy. Whether it be language that he has heard from some in the community about taking away property rights and inverse condemnation or on the other side of the equation, Native American issues and/or, CEQA issues. It is important that we understand and are aware of these issues as we vote on this motion. There may be some need to better understand what the City Attorney and the Planning Division are telling us in a closed session. He alerted staff to that possibility earlier today. He said he was not prepared to force that issue but he thought it does give staff and City Attorney an opportunity to talk about those threats of litigation that may be shaping or influencing this particular debate.

Board Member Carter commented that when this is sent to City Council and if it comes back to subcommittee again, she would like to have the roof and windows addressed as well as the mass of the building itself. It seems really showy. She stated it doesn't go with the neighborhood or guidelines as discussed. She noted this was her main concern and she wasn't sure why it has been so hard to get the architect and owner to fix the issues that have been discussed in previous meetings.

Chair Falcone stated it was his understanding it would go back to City Council and dealt with strictly at that level. He did not see this returning to the Cultural Heritage Board.

Board Member Tobin asked if the Board needed to identify the person to represent the Board at the City Council meeting? He nominated Vice Chair Parrish to speak to the City Council on behalf of the Board.

Chair Falcone suggested identifying one person on behalf of the Board and if the subcommittee and/or board members wish to speak individually during the public comment. To keep the



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process as simple as possible and per the advice of city attorney, do one overall representative and of course other members could support during public comment.

Board Member Tobin asked the Chair to represent the Board.

Chair Falcone stated that he appreciated that but he would reject that as he felt it would be prudent to have Board Member Brown represent the Board. He has both the legal and Cultural Heritage Board expertise which would be valued. He thanked Board Member Tobin but respectfully turned down the offer.

Board Member Brown stated that he is a resident of nearby historic district and has assiduously tried to listen to the applicant and architect throughout this discussion and attempted to review the evidence. His motion speaks for itself. He would echo the thought that Vice Chair Parrish would be a great spokesperson.

Board Member Parrish replied she would be honored to be a representative. That being said she would like or request input from fellow board members. She will be the spokesperson, but this is a collective decision we are making right now, whatever it is. She needs to be able to speak to everyone's concerns. That being said if everyone on this board is willing to provide her with their input. She would also expect every board member there speaking as a person who is a resident of Riverside. It is not just her as a board member we are talking about our whole city. This is a house of cards, when one card falls it could happen to all. We may all ultimately be impacted.

Mr. Beaumon stated that it would be ideal if the Board had time for the discussion of issues and to bounce back and forth for feedback and then also name the person to speak to the City Council but he asked the Board to bear in mind that there will be a timing issue. The Board may be under a gun to get this done at this meeting if they want to have this list agreed upon and the person selected to speak at City Council. If time were not an issue it would be nice to have time to talk this through.

Vice Chair Parrish asked when this would go back.

Ms. Kopaskie-Brown stated that if the item is appealed, staff has 45 days to place this on agenda. An appeal must be received within 10 days of the Board's decision.

Chair Falcone agreed with what was being said and stated he supported Vice Chair Parrish as the spokesperson. He noted this was a team effort, not just Vice Chair Parrish attending the City Council meeting.



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Board Member Brown added that the City Attorney's Office and Planning Division are also part of the team. The Board needs to be sensitive to the fact that staff has been put in a position which is having now to compose the findings of the Cultural Heritage Board and take those to City Council. He would suggest that it would be very appropriate for staff to give our spokesperson an opportunity to review the final report, in the event this motion is adopted, so as to make sure it incorporates all the findings that have been incorporated into the motion.

Ms. Kopaskie-Brown Mary asked for clarification from City Attorney. She stated it was her understanding is that Cultural Heritage Board needs to make their findings based on what they are doing and what their recommendation is as part of today's action and that staff does not make the findings for the Cultural Heritage Board's recommendation.

Board Member Brown stated that that it would take him at least a week to write them up.

Mr. Beaumon stated the Cultural Heritage Board has made their findings on the dais. They can direct staff to transcribe those. Staff's recommended findings in the staff report are what they are. The Cultural Heritage Board, in valid discretion has elected not to adopt those and has instead made contrary findings on the dais which is well within their purview. Upon the approval of the motion staff will transcribe those findings.

Board Member Tobin inquired if Mr. Beaumon stated that it will be staff's job to take the discussion that just transpired and to put that into written form?

Mr. Beaumon stated that if the Board directed them to do so.

Ms. Kopaskie-Brown stated that staff will transcribe the findings made at today's meeting and indicate what Cultural Heritage Board's recommendation is in the staff report. She cannot guarantee that the staff recommendation will agree with the Board's recommendation.

Board Member Tobin asked if what staff said is that they will take the current staff report and forward that to City Council?

Ms. Kopaskie-Brown responded that yes, because that is part of the record. Staff will create a new staff report to City Council that summarizes what happened today with a staff recommendation.

Mr. Beaumon added that staff will transcribe what the Board has said and decided to do and that will be in the staff report. Staff will faithfully to the best of their ability, transcribe exactly what you instructed them to do. Staff had their pre-existing recommendations which are in the staff report you are looking at and as part of the administrative process this will carry forward. The



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action you take today and the findings upon which you base your action today will be transcribed by staff and will be forwarded to City Council as a result of this meeting.

Chair Falcone noted that the Board can see, with all due respect to staff, that staff has made findings and remained consistent in what they believe to be the case. The Board has, for the most part, been consistent in not always agreeing with that. He imagined that for City Council ultimately, staff will be taking what we have here with potential edits based on today's conversation. He does not see much room for staff to change their mind because it has been pretty much continuous reports with the pretty much the same findings as things discussed by Cultural Heritage Board and the public. Staff has been reinforcing that those things have been addressed. I don't see how staff would come with 180 in their report.

Ms. Kopaskie-Brown stated she appreciated Chair Falcone's comment. Staff's recommendation may not be the same as Cultural Heritage Board but the Board's recommendation and findings will be part of the staff report that is presented to City Council as part of the public record as well as the minutes from this meeting. The minutes will become public record that the City Council will receive.

Chair Falcone confirmed that Vice Chair Parrish has agreed to represent the Board at the City Council meeting.

Vice Chair Parrish replied affirmatively.

Board Member Lech stated that one of the issues he was considering was the historic districts themselves. He has been on the Board for a number of years now and it seems that in certain instances citizens are held to the letter of the law and others we blow by them. Many times, the Board has been asked to approve something that clearly is not within the scope of a historic district. Seeing this again too, the Board is setting a precedent. If we are going to have historic districts and they are going to mean something, we have to make sure they are adhered to. Unless we just want them to be another level someone has to go through, another box to be checked and that's it. He wanted to make sure everyone is aware of that aspect of it too. If we are going to have these historic districts, we have to be enforcing them, everyone.

Chair Falcone agreed with Board Member Lech. In a previous discussion Board member Lech had stated that two wrongs don't make a right. Today there were 14 comments in opposition and five in support a total of 19 comments. One of the five in support said any home is better than no home. He could appreciate that comment if he were to take off his Cultural Heritage Board hat but the Board is tasked with something very specific. The larger discussion, two wrongs don't make a right, just because there are non-contributors in the district, just because there is a home that was built post 1985, just because that is the case, doesn't mean we continue it,



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condone it, disregard what has been in place. This is a labor of the members/neighbors of the Mt. Rubidoux Historic District for the last 35 years. He went through previous City Council agendas dating back to 1987 and in April 15, 1987 the historic district was adopted. On October 16, 1990 historic district guidelines were amended and in 1993 the publication that many of us have in terms of the guidelines was adopted. My larger question is, what is the value of historic districts? Why do we even bother? Why do we have them? Second, if we have guidelines, what is the point of having guidelines when they are totally disregarded. We say they are recommendations. How can they be recommendations when they have been approved and accepted by the Cultural Heritage Board and City Council dating back to 1990. What is the value if and why do we have these guidelines if we can say well you can do it, you don't have to, it is your choice? He stated he understood the value of property rights, understood the value of individual home ownership and their ability to do what they wish to their home but that ends when you purchase in an historic district. The reason he says this is because that is part of the agreement, this is not about taking away someone's liberty. This is not about taking away someone's homeownership rights. This is about, you are in a historic district that has guidelines, and has rules and regulations. We spoke about the importance of the letter of the law. This is about, you have a home in an historic district that has guidelines that has City Council and Cultural Heritage Board accepted rules and regulations. This may be crass and frank, again with all respect, that if you wish to ignore those guidelines, or see them as futile, or worthless or an infringement upon your property rights; there are properties all across the City Of Riverside that are not in historic districts where those guidelines do not apply. When you are buying in a historic district and when you are living in an historic district there are guidelines and rightfully so. His question to staff, understand the value of pushing projects through and business as usual and we have to build for the sake of building, but what is the value of historic districts? Why do we have these guidelines when we know they are not really enforceable or at least they haven't been in recent history?

Ms. Kopaskie-Brown explained that in a regulatory environment there are two different things. There is a standard which is a must and there is a guideline which is a should. When you have guidelines, they are open to interpretation. When you have a standard, it is something you must do. For example, there is a standard that says a house cannot be over 35', I cannot build a house over 35'. If a guideline says the house should have windows similar to those houses in the district. What that means is you look in the context of what development is around and then you make that interpretation. It doesn't mean it has to be exactly what everyone else has, it doesn't mean the overall design has to be exactly and that is the difference between a guideline and standard. Guidelines are a should, they are not a must, standards are a must.

Chair Falcone asked what standards exist in a historic district beyond the fact if you are a landmark. His thought, if you have guidelines, understand they are should. From a staff level these are guidelines and you are tasked with acting in the best interest of historic preservation for the



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City of Riverside and these historic districts particularly, wouldn't it be a strong urge on behalf of staff to follow those guidelines?

Ms. Kopaskie-Brown explained that there are two things. Staff have to balance the rights of the property owner. This property owner has a right to build a home on his property. We have to balance the guidelines and so that is what the subcommittee was formed to do, to come up with an agreement so that this property owner can build his house on his property with the subcommittee helping to guide them through the guidelines, what that would look like. Because those guidelines are not codified, they are not part of the Riverside Municipal Code, they're not regulatory, they are a guideline. That is what we had hoped, the subcommittee and from our perspective had thought the subcommittee had done. Which is come to an agreement on which of these guidelines would be put into this new design so that this homeowner, who has a right to build a home, could build a home. That is the balance that we as staff always need to make.

Chair Falcone said he heard what Ms. Kopaskie-Brown was saying. What comes down to now and he had a few minor things. Really what it came down to, he personally, although it is a guideline, it is a should. He cannot disregard a 35-year document that the neighbors came together on and the City Council approved. He takes it so heavily even if it is a should. That is the sticking point for him. Again, as board members have said, where do we decide as a board that it is ok in this district but in another it is a big no no. He would like to see where, make sure that, equal treatment is being administered across different property owners in various historic districts. As the Board has said over the last eight months or so, it applies for some and doesn't for others. It sends, optically, the wrong message. He stated he couldn't ethically be able to do it in terms of enforcement, for some people and let it slide for others.

Board Member Gamble added that she appreciates that staff does have to balance. As Cultural Heritage Board members, she believed they also have a balance as well. They owe it to the historic preservation of the district. When someone buys into a district it comes with benefits, tax write offs, mills act, and grant programs. If we keep pulling away from the standards that we see that we are governed by than we take away the benefits of those homeowners that bought in a historic district and eventually they will not be there. So the benefit of owning a historic house or in a historic district comes with benefits, and that is where we are characterized to hold the balance to protect those houses that are historic in nature and would not be seen in any other way. Those are important things we need to balance as the Cultural Heritage Board.

Board Member Brown commented that Ms. Kopaskie-Brown and Mr. Beaumon's statements were very articulate expressions of the tensions you face day in and day out. Between decisions about guidelines, rules, regulations and property rights, he felt they were all sensitive to the difficult role this can put staff in from time to time. The staff report says the height of the proposed residence



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visible from street level, Beacon Way, is 22'5" the total height of the residence including the portion basement exposed on the south elevation is 31'10". What is the total elevation requirement?

Ms. Brenes indicated that the maximum is two-stories, 35'.

Board Member Brown pointed out that this is a basement built to grade, it is a 3 story building.

Board Member Tobin said he was on this board from 1980-1987. That was when this district was adopted. At that point in time, the full concept of districts underwent a thorough discussion by the City Council along the lines what I just heard Chair Falcone express. What is the value of this? He pointed out that the item before the Board today would never have come were it not for the fact that we have a historic district. Up to that point in time, all Landmarks and Structures of Merit were treated individually. The idea of a district was something new and there still may be some rough edges with respect to districts. The Board at that time fought very hard for districts when they were not universally appreciated, Mt. Rubidoux, Mission Inn. He hoped this board does go back and take a look at what is the value of each of those, Landmarks, districts and it is done in some kind of manner. This board has taken difficult decisions in the past to reject certain items that have been brought to the Board. Each time the Board has been involved in one of those, we have rejected it. The Board acts with good cause regardless of what happens next at the City Council level. The reason for him to reject this is that one, we heard the sentiment from the neighborhood about this specific proposal. Going to City Council will give the neighborhood, hopefully a better project. Secondly, he does not understand why in this day and time we do not do something with respect to the archeological issue. We have one of the esteemed individuals of the City of Riverside, Dr. Moses, pointing out that this property potentially has those issues. He hoped that in some manner the City Council would address that in their deliberations.

Board Member Cuevas stated he had question with respect to the existing site. He reviewed the plans provided to the Board and asked Mr. Watson if the existing house that was demolished, have the lower level "basement". With respect to Exhibit 5 of the presentation, he asked if there were any photographs available of the southwest and east elevation before the home was demolished. The elevations on the proposed elevations might be misinterpreting, if the existing lower level is same as the proposed now from previous time. That massing on the southeast and west would be the same as it previously was, correct?

Mr. Watson replied affirmatively, they are using the same substructure. The basement will remain with a small expansion. He noted that there was a photograph from Ladera Lane. With regard to the third question regarding massing, that would be correct based on staff's interpretation.



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Board Member Cuevas noted Vice Chair Parrish mentioned the hip roof was 3 and 12 versus a 5 and 12 so we are just increasing the massing by about 4-5 feet over that distance. Understand the gable situation versus the hip. The overall roof height from prior condition to now, what would you estimate that to be? The ridge line 5' higher?

Mr. Watson stated that based off of what the architect has stated, it would be 8' as noted in the staff report.

Board Member Cuevas reiterated that the elevation allowed by the Zoning Code is 35' from Beacon Way. Staff has reviewed this and basically, they are meeting the standards.

Mr. Watson affirmed this and stated that the measurements were taken in accordance with the Zoning Code.

Chair Falcone stated he was in and around Beacon Way yesterday. Vice Chair Parrish and Board Member Gamble have also been out to the site. Vice Chair Parrish had some photos but he did not receive them. If it is possible for these to be sent to Mr. Watson or Ms. Andrade to make sure those are in the minutes as well. He thought it was probably more jarring seeing this in person but being in and around the property particularly down the hill from Beacon Way but up the hill Mt. Rubidoux Drive, kind of in between, it is really quite jarring how much you can see that property from multiple angles. That then you just multiply that by putting a building on top.

Vice Chair Parrish stated she had sent them to Ms. Andrade approximately two hours prior to the meeting. She did not send them to the Historic Preservation Officer but will do so after this meeting.

Chair Falcone stated that there were some images in the staff report but better to have more images than not.

Board Member Cuevas assumed that the photos taken from the southeast or southwest side of the property looking up? Seeing the property, he asked if the existing basement structure wall was still there or if it was demolished?

Chair Falcone replied that the basement walls are still there and are visible from the various properties. When looking at that you see the hill, you see the basement wall and as it goes up depending which angle go 23' – 22.5' up from there in terms of height.

Board Member Cuevas noted that the walls are there. Looking at the elevation plans, the applicant is pushing the wall out 8' in some direction, but basically the walls that are there are being reclassified, is that correct?



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Mr. Watson replied that was correct, the basement walls will remain and will be recladded.

Board Member Cuevas stated that what previously was the ceiling height of the prior lower level will continue to be the ceiling height of the new proposed level. The floor line of the first level, if you will, is it staff's understanding that it will be plus or minus an inch or two, the same elevation?

Mr. Watson replied affirmatively. It is staff's understanding that they will be using the original foundations so that the slab that is there including the retaining walls will remain as it is existing.

Board Member Cuevas stated that other than the gable end structure, windows, the neighborhood, what they are going to see from lower levels from southwest and southeast side, if this were approved, would be new cladding on new lower level and I'm assuming because it is there, the prior home's elevation up to the eave line, roughly the same other than an additional 8'?

Mr. Watson agreed and stated is staff's understanding from the architect that the eave line will remain at the same level as the original house the only differential height is the ridge line of the roof. The basement will be at the same level and not be altered, the eave line of the main level of the residence will be at the same height and then the roof is what will be slightly higher.

Board Member Cuevas inquired about the overall layout, perimeter. Will the proposed floor layout on the first level be changed dramatically, or is the applicant proposing an 8' extension? In staff's review, how much more massing on the first level is the applicant adding?

Mr. Watson responded that based off the plans staff received, there is an expansion of the main level by approximately 18' for an additional master bedroom. There is another addition beyond the master bedroom on the southern side and it will be at the edge of where the original roof was. There was an inset courtyard on the eastern side of the residence that was under the roof, that wall will be extended out to that edge. The only additional massing will be the additional bedroom which is approximately 18'.

Board Member Cuevas asked if you would see that additional massing on the lower level, what he would call the original basement level? Is that protruding out to extend that in the direction of the lower level?

Mr. Watson replied that the lower level was already existing. What they will be doing for the master bedroom is add 18' that will be on top of the slab that is already existing. That lower basement level will not be altered in any way as far as the exterior view.



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Chair Falcone clarified something he said. When talking about viewing this, that jarring aspect. You see clearly the basement as it is down the hill his rationale was you can clearly see the basement that won't be extended but if you can still clearly see the basement you will definitely be able to see that large window up 17' into the sky. That was his rationale.

Vice Chair Parrish spoke to Board Member Cuevas' point about the change in the roof line. She also wanted to bring it up to the other board members that it changed from hip roof line which you know as contractor, you do not really perceive the ridge for many feet back because that is a gentle back slope. It changed from a one-story to a gable end which you are seeing the full 22' on the one side. There is no gentle slope back. It could have been the same thing if they put a huge cupola in the middle of the thing and increased it a foot, you still wouldn't have seen it as much as when it is a gable end building. This is her point that and the fact that giant window with corresponding glass doors below. It will be unobstructed light.

Board Member Brown briefly address Board Member Cuevas' comment about the increased massing. He stated he has had occasion over the last 30 years to be in the house. The house has been torn down and it in fact was a unique modern structure and had all kinds of open space. And looking out from the southeast elevation you are now looking at a huge massive patio area that had a railing around it that was otherwise unenclosed. Someone looking up at it from down below will be looking at far more elevation than they would have looking at the old house.

Board Member Cuevas thanked Board Members Parrish and Brown for their input. He stated he understood their concern.

Board Member Tobin called for the motion.

Board Member Brown restated the motion for the record. He stated that he appreciated very much Ms. Kopaskie-Brown's and Mr. Beaumon's comments about the presentation to City Council. He wanted to make sure on behalf of his fellow Cultural Heritage Board members that the administrative record supporting their decision to deny the Certificate of Appropriateness includes the minutes from prior meetings, comments from previous meetings, includes the comments received today, encapsulates specifically Vice Chair Parrish's lengthy comments made in October as well as the comments of the Board Members as part of this discussion.

Motion Carried: 8 Ayes, 1 Noes, 0 Absent, 0 Abstention

AYES: Brown, Carter, Falcone, Ferguson, Gamble, Lech, Parrish, Tobin

NOES: Cuevas

ABSENT: None

ABSTENTION: None



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Board Member Cuevas clarified for the record that although he voted no, he was in support of a Board representative at City Council. He stated that he voted no because he felt their hands were tied based on the standards that the City has provided. He would like to see a softening of the roof line, softening overall window and agreed with the position that the massing is quite high.



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REVIEW AND APPROVAL OF THE CULTURAL HERITAGE BOARD RULES FOR THE TRANSACTION OF BUSINESS

Mr. Beaumon reviewed the Rules for the Transaction of Business of the Cultural Heritage Board.

There were no comments from the public on this item.

Following discussion, it was moved by Board Member Brown and seconded by Board Member Lech to adopt the Rules for the Transaction of Business as presented to the Cultural Heritage Board.

Motion Carried: 9 Ayes, 0 Noes, 0 Absent, 0 Abstention

AYES: Brown, Carter, Cuevas, Falcone, Ferguson, Gamble, Lech, Parrish, Tobin

NOES: None

ABSENT: None

ABSTENTION: None

CODE OF ETHICS AND CONDUCT REVIEW – CULTURAL HERITAGE BOARD TO CONSIDER THE CODE OF ETHICS AND CONDUCT AND FORWARD ANY RECOMMENDATIONS TO THE BOARD OF ETHICS

Chair Falcone asked the Board if there were any comments or suggestions to be forwarded to the Board of Ethics. There were no recommendations from the Cultural Heritage Board, no formal action was required.



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COMMUNICATIONS

BROWN ACT TRAINING

Mr. Beaumon presented the Brown Act Training.

Chair Falcone asked if the quorum is made up of the members seated on the Board or the total number of members, regardless of vacancies.

Mr. Beaumon stated he would have to get back to the Board on this question at a future meeting.

Vice-Chair Parrish inquired if she would be allowed to poll the board members individually regarding their concerns regarding the case that was denied today.

Mr. Beaumon stated that she would have to take it from the discussion made as part of the motion. To poll the other members for their input would be a violation of the Brown Act.

Board Member Brown inquired if the item could be continued to a special meeting so that the Board can discuss the item.

Mr. Beaumon explained that the item has been discussed and was settled when the motion was made and approved. That included the materials which were going to be presented to City Council through the representative, there isn't much that can be added.

Ms. Kopaskie-Brown noted that there is a 3-minute time limit for speakers at the City Council meetings.

Board Member Brown suggested staff inquire if, under the circumstances, the Board could have more time.

Ms. Kopaskie-Brown stated that staff will forward the request to the City Clerk's office.

ITEMS FOR FUTURE AGENDAS AND UPDATE FROM CITY PLANNER AND BOARD MEMBERS

Ms. Kopaskie-Brown announced that there would not be a Cultural Heritage Board meeting in August.

Board Member Tobin asked that staff notify the board members when the Beacon Way item was scheduled for City Council.



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Ms. Kopaskie-Brown stated that staff will notify the Board.

Board Member Gamble stated that she would like to send a letter on behalf of the Cultural Heritage Board thanking the Parks Department, Jennifer Mermilliod and Stone & Glass for the beautiful light post in front of the Parent Navel Orange Tree. She would like to thank City staff for stepping up to the plate and replacing a missing globe. Following discussion, it was a consensus that Board Member Gamble and the Chair or Vice-Chair prepare a letter on behalf of the Cultural Heritage Board.

Board Member Gamble stated that she found out that the Historic Preservation Officer, used to provide reports of items approved over-the-counter. This brought to life what little the Board knows about what staff does. It is an important part in recognizing what staff does, not to mention the education in understanding what is appropriate to be reviewed at the staff level. She asked if it would be appropriate to request that staff present to the Board what has been approved at the staff level.

Mr. Beaumon noted that this is something that should be agendized for a future meeting should the Board wish to discuss this. However, if Board Member Gamble is satisfied with what she has said, staff can look into this but that any further discussion should be agendized.

Board Member Gamble stated she was satisfied with her request for future reports from staff regarding over the counter approvals.

Ms. Kopaskie-Brown Mary stated that staff will discuss this and see if there is something we can put together. She stated for the record that all Planning cases are public record. All records are open to everyone.

Vice Chair Parrish stated she was interested in knowing when the historic database would be back on-line with pictures and more than just the spread sheet. She was under the impression this the database was part of the City's requirement as a Certified Local Government, yet this spread sheet is not easy to navigate. This may not be a priority but if it is a requirement to as a CLG, then this should be agendized for discussion.

Ms. Kopaskie-Brown replied that this could be agendized for a future meeting. She stated that the GIS update is scheduled to be launched at the end of this year, at which point we would be able to start getting the database up and running. She noted that there is some programming that needs to be done in order for that to happen and the database corresponds with our new system. Currently, that programming update is on schedule for after the end of the year.



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Mr. Watson stated that there is requirement of CLGs to maintain an inventory, the data base as previously viewed was not a requirement. The excel spreadsheet. while it is cumbersome, is sufficient for that requirement and will not impact the City's status as a CLG.

ADJOURNMENT

The meeting was adjourned at 5:50 p.m.

The minutes were approved as presented at the October 21, 2020 meeting.