



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

COMMISSIONERS

PRESENT: J. Brown (Virtual), M. Carter, J. Gamble, P. Horychuk, C. McDoniel, C. Tobin

ABSENT: J. Cuevas (Business), N. Ferguson (Business), S. Lech (Business),

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

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

ORAL COMMUNICATIONS FROM THE AUDIENCE

CONSENT CALENDAR

The Consent Calendar was unanimously approved as presented below affirming the actions appropriate to each item.

MINUTES

The minutes of the meeting of August 18, 2021, were approved as presented.

CULTURAL HERITAGE BOARD ATTENDANCE

The Board excused the absence of Board Member Brown due to vacation and Board Member Horychuk for arriving late at the August 18, 2021 meeting.

Motion by Board Member McDoniel and Seconded by Board Member Carter to approve the Consent Calendar.

Motion Carried: 5 Ayes, 0 Noes, 3 Absent, 1 Abstention

NOES: None

ABSENT: Cuevas, Ferguson, Lech

ABSTENTION: Brown



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

PUBLIC HEARINGS

PLANNING CASE DP-2021-01156 - DE-DESIGNATION OF LANDMARK #97– 4998 BUSHNELL AVENUE, WARD 7

Proposal by Shoaib Siddiqui, on behalf of Abraham Moreno and Helen Salina, for the de-designation of the former Chudzikowski Home and Site, listed as City Landmark #97. Scott Watson presented the staff report. Mr. Siddiqui, applicant, stated he was in agreement with the recommended conditions. The public hearing was closed. Mr. Watson responded to the Board's comments and stated that the property was in a bad state of affairs even when the designation was made. This is one of the reasons the Land Use Committee found no value in keeping the structure but recommended going through the CEQA process. When the demolition came before the Council, the removal of the designation was omitted from their action. Following discussion it was moved by Board Member Carter and seconded by Board Member Horychuk to recommend that the City Council: 1) Determine that the de-designation of the Chudzikowski Home and Site, is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Sections 15061(b)(3) (Common Sense Rule) and 21084.1 (Historical Resource), as the proposal will have no significant effect on the environment because there are no extant structures on the site that can be considered historically significant; and 2) Approve Planning Case DP-2021-01156 (Historic De-designation), based on the findings outlined in the staff report and de-designate the Chudzikowski Home and Site..

Motion Carried: 6 Ayes, 0 Noes, 3 Absent, 0 Abstention

AYES: Brown, Carter, Gamble, Horychuk, McDoniel, Tobin

NOES: None

ABSENT: Cuevas, Ferguson, Lech

ABSTENTION: None



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

DISCUSSION CALENDAR

PLANNING CASE DP-2021-00873 - CERTIFICATE OF APPROPRIATENESS – 4515 SIXTH STREET, WARD 1

Proposal by Will Libolt Design + Remodel, Inc. on behalf of Michel Trico and William Modisette, to consider a Certificate of Appropriateness for project plans for the construction of a single-story 31.25 square foot pantry addition and a two-story 33 square foot elevator shaft addition at an existing residence, designated City Landmark #34 and listed as a contributor to the Mount Rubidoux Historic District. Scott Watson presented the staff report. Will Libolt, architect, stated they were in agreement with the recommended conditions of approval. There were no public comments. Following discussion it was moved by Board Member Tobin and seconded by Board Member Carter to: 1) Determine that the project is exempt from the California Environmental Quality Act (CEQA) review pursuant to Sections 15301 (Existing Facilities) and 15331 (Historic Resource Restoration/Rehabilitation), as it constitutes rehabilitation of a historic resource that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties; and 2) Approve Planning Case DP-2021-00873 (Certificate of Appropriateness), based on the findings outlined in the staff report and subject to the recommended conditions.

Motion Carried: 6 Ayes, 0 Noes, 3 Absent, 0 Abstention

AYES: Brown, Carter, Gamble, Horychuk, McDoniel, Tobin

NOES: None

ABSENT: Cuevas, Ferguson, Lech

ABSTENTION: None



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

WORKSHOP

BOARD MEMBER CONTACT WITH APPLICANTS - DISCUSSION

Mr. Watson stated that this item was requested by Board Member Tobin at a previous meeting.

Board Member Tobin inquired if there was a City policy regarding contacts with applicants with respect to either board members, planning commissioners or City Council? He has been in development for 40 years. Many jurisdictions have a policy in place which says the applicant cannot contact anyone in that approval process, planning commission and council members. This board has a comparable authority as Planning Commission. He stated there was an applicant who did approach the Board which in absence of a policy is legitimate and the board members who responded did so in good faith.

Ms. Kopaskie-Brown stated staff did not have an answer for the question at this time. Staff will follow up with the City Clerk.

Vice-Chair Gamble asked if there were any comments from the audience.

Board Member Brown noted under California law there are quasi adjudicatory or matters of that type involving property rights that come before the Board. He said there may be legal precedent under California law that requires disclosure of contact outside of the public hearing.

There were no public comments from the audience.

The Board did not take any formal action.

CHB MEETING WORKSHOP ON STAFF PROPOSED AMENDMENT TO TITLE 20 – CONTINUED
FROM JULY 21, 2021

Ms. Kopaskie-Brown stated they would continue the staff presentation and discussion where they left off at the previous meeting. She said it would be helpful to have each board member present go through their concerns that need to be addressed in Title 20 and staff will take notes.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

Vice-Chair Gamble called for public comment. There were no comments from the audience.

Board Member Tobin stated he has submitted his written comments to the City Planner. He stated he had three issues that he was most concerned about.

- 1) The Board's authority to continue an item that may appear before the board. The Rules or Roberts Rules of Order seem to suggest that the Board close the public hearing and then upon further discussion if the Board would like to continue the item, procedures call for the Board to reopen the public hearing and then continue. He said he wanted to make sure that in the revision of Title 20, the Board's ability to continue an item is not restricted.

Ms. Kopaskie-Brown reminded the Board that they rarely have public hearings. The Board normally sees Certificates of Appropriateness which are discussion items and do not require to open and close the hearing.

- 2) Mr. Tobin asked staff to indicate where the workshop language was in Title 20. The most difficult cases for the Board have been the in-fill projects. Generally, the infill projects come with an environmental document of some sort. At the last meeting the Board started discussing the environmental document in which the Board did not agree with staff's position. The workshop concept is potentially a way to have a discussion. The workshop concept should not be restricted to just the applicant. All parties, the applicant, staff and the Board should be able to request a workshop. It is an early warning device in this process, a way to understand what is being proposed at that point in time, make comments, and an opportunity for input. He felt that it was a bad practice to allow the applicant to approach individual commission, board or council members before an item is formally agendaized. The workshop allows a venue for the applicant, board and even staff to bring the project forward at an early date for input, observations. Title 20 says the applicant requests a workshop. He would suggest anyone be allowed to call for a workshop.

Ms. Kopaskie-Brown indicated the language was on page 25 of the redlined version, 20.25.020. The redline version of the changes shows what staff is adding.

- 3) Financial incentives for the Historic Preservation Fund (HPF):



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.

VIRTUAL MEETING

PUBLIC COMMENT VIA TELEPHONE

3900 MAIN STREET

-
- a. There have been discussions about replenishing the fund and it appears that the only way is through a council member asking for monies to be allocated through the two-year budget process. He suggested adding two, possibly three, council member representation to the HPF to broaden the political representation.
 - b. Change Title 20 to designate the Director of Economic & Community Development the Administrator, drop financial).
 - c. Title 20 should clearly state that the HPF can have its own staff.
 - d. The HPF should be expanded to grants and loans.
 - e. Title 20 currently states the HPF can apply to potential funding sources, again, current staffing is not sufficient. HPF needs its own staff person. There are two basic functions Planning and Economic Development. HPF can fulfill the economic development purpose with a fuller sweep of programs.

Vice Chair Gamble inquired about neighborhood conservation areas (NCA). She asked staff if NCAs could be reviewed to see if any should become districts or any landmarks that should be identified. She asked what the process for historic district designation was and if there was an application for this. Is there a role the board can take to assist the Historic Preservation Officer to alleviate workload?

Board Member McDoniel referred to page 13 of redline section 20.15.090 appeals of administrative actions of Certificates of Appropriateness. She noted that anyone can appeal administrative actions within 10-days of the decision. She questioned how the public would know this? She also noted that, page 28, redlined section 20.25.040, letter B, refers to proposed projects in a proposed District/NCA and the compatibility of height and massing. She stated this needed to specify comparison to contributing structures, not just any structure within the historic district. She also stated that with respect to public notices, notifications should be published somewhere other than newspapers with small circulation.

Anthony Beaumon, Deputy City Attorney, replied that publication in the newspaper is required by law.

Vice Chair Gamble stated that the Community Engagement Committee is working on this process and getting that adopted might help.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.
VIRTUAL MEETING
PUBLIC COMMENT VIA TELEPHONE
3900 MAIN STREET

Ms. Kopaskie-Brown pointed out that we follow the Sunshine Ordinance which publishes the agendas 12 days in advance of the meeting date. Everything is published on the website.

Board Member Tobin noted that they were also referring to noticing provisions for the administrative process.

Board Member Horychuk inquired about enforcement penalties and what kicked that language into effect. How are penalties imposed on anyone that violates clauses in Title 20?

Board Member Carter pointed out that it also states that any person who incurs a violation is also guilty of a misdemeanor. Why is the City Council the sole entity responsible for civil penalties, shouldn't there be discussion at each level.

Board Member Brown stated his colleagues had done a good job highlighting major issues.

Vice Chair Gamble noticed the Board shall elect officers and establish regulations. She questioned the timeframe a board member can serve should be 4 years regardless of when they were actually seated and add this to Title 20.

Board Member Tobin asked to modify this as well. A member should be able to serve two full terms.

Ms. Kopaskie-Brown suggested the Board could present this discussion to City Council, make the suggestion and let them hear you out. All boards and commissions follow the same framework.

Vice Chair Gamble asked how to modify how many applications can be received per year for the Mills Act?

Mr. Watson explained that this was part of the resolution adopted by City Council. Any change would require a modification to the resolution and approval by Council.



City of Arts & Innovation

CULTURAL HERITAGE BOARD MINUTES

THURSDAY, SEPTEMBER 15, 2021, 3:30 P.M.
VIRTUAL MEETING
PUBLIC COMMENT VIA TELEPHONE
3900 MAIN STREET

Board Member Carter noted that she recalled reading that somewhere it states public comment is five minutes but it has been cut to three, and asked that this be clarified wherever it is.

Ms. Kopaskie-Brown stated staff would check the rules.

Motion made by Board Member McDoniel, Seconded by Board Member Carter to continue this workshop to the meeting of October 20, 2021.

Motion Carried: 6 Ayes, 0 Noes, 3 Absent, 0 Abstention

AYES: Brown, Carter, Gamble, Horychuk, McDoniel, Tobin

NOES: None

ABSENT: Cuevas, Ferguson, Lech

ABSTENTION: None

COMMUNICATIONS

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

Ms. Kopaskie-Brown stated that RCTC may be giving a presentation on the FMC building, at the next meeting, this has not been confirmed yet. Also working with the IT Department to provide a six month update on the database. Staff will also return with the Title 20 workshop in October.

Board Member Tobin said he heard RCTC's presentation at another meeting and they touched very little on the FMC building itself. He asked if staff would take 10 minutes explaining the FMC history before RCTC's presentation.

ADJOURNMENT

The meeting was adjourned at 5:00 p.m. to the meeting of October 20, 2021 at 3:30 p.m.

The minutes were approved as presented at the October 20, 2021 meeting.