

MINUTES APPROVED AT THE HPC MEETING ON APRIL 9, 2024

Historic Preservation Commission Meeting
Richmond Room, 450 Civic Center Plaza,
Richmond, CA 94804
December 12, 2023
5:30 p.m.

MINUTES

Roll Call:

Chair Joann Pavlinec called the meeting to order at 5:30 p.m.

Present: Chair Joann Pavlinec, Vice Chair Caitlin Hibma; Commissioners Jonathan Haeber, Michael Hibma, Gretchen M. Stromberg, Fatema Crane (arrived post roll call)

Absent: Commissioner Linda Hemmila

Guest: Cosmo Martinez with Friends of the Circle

Staff: Hector Rojas, Planning Manager;

Approval of Minutes:

September 12, 2023

ACTION: It was M/S/C (Haeber/M. Hibma) to approve the minutes for the September 12, 2022 meeting as revised; approved by voice vote: 3-0-2-2 Ayes: M. Hibma, Haeber, C. Hibma; Noes: None; Abstain: Stromberg, Pavlinec; Absent: Crane, Hemmila

Meeting Procedures:

There were no actions by the Commission at the meeting and an appeal is not applicable.

Public Forum:

COSMO MARTINEZ thanked the Commissioners for their service and spoke about a group he is organizing called Friends of the Clinton Hill Family Circle/Friends of the Circle, who are neighbors in the northeast hills of Richmond, with the goal to improve and unify the neighborhood and in particular the traffic circle on Clinton and 36th Street. Originally there was a fountain until the 1960's and now it is filled with junipers. The group members are working to create ideas and have thus far received forty proposals for redesigning the traffic circle area. The group will whittle down the number of ideas with an eventual goal of submitting a proposal to City Council for approval of improvements. The two front runners include something to commemorate the original fountain, and to create a historic plaque using a historic photograph of the fountain showing Point Richmond.

Vice Chair Hibma stated she had been working with Mr. Martinez and believes the project could potentially tie in with the Historic Plaques project.

Chair Pavlinec inquired about funding for the project. Mr. Martinez responded they are first creating the plan for approval and from there they will seek assistance for funding potentially from the Town, the Arts Commission, or possible donations.

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Commissioner Stromberg asked if they had considered another fountain. Mr. Martinez answered that had to be ruled out due to water restrictions and the complexities of rebuilding a fountain system.

Chair Pavlinec stated that Commissioner Fatema Crane arrived at the meeting, and inquired if Parks would be the department to maintain the new circle. Mr. Martinez stated the group asked them to remove the junipers and Parks declined as they did not want weeds to take over. Through the Adopt A Park program an organization will adopt the site once the plan is approved, and Parks has stated they will remove the junipers once a plan is approved by City Council and in place.

Commissioner Haeber expressed an interest in staying connected with the group as the Historic Plaques program and the Friends of the Circle programs move forward.

Planning Manager Hector Rojas noted that the Arts Commission has a mini grant program of \$10,000 in which they were seeking applicants. Mr. Martinez confirmed he attended that workshop.

Liaison Reports:

None

Consent Calendar:

None

Public Hearing:

None

Commission Business:

A. Update on Brickyard Landing Chimney and Kilns Stabilization and Preservation

Planning Manager Hector Rojas provided a brief introduction of his career in planning and reported that Roberta Feliciano left her position for a Planning and Building Director opportunity in the town of Ross. The department is in the process of rebuilding their staff, which has impacted work on all levels of the Planning Department. Brickyard Landing came to Richmond and requested a reconsideration of a condition for approval at the chimney replacement project which would allow them to remove some of the bricks from the site. Recently they reached out and indicated they have separated the bricks based on quality and if they are stamped with the name Richmond. Those bricks are stored in two indoor containers. The remainder of the bricks are being stored outdoors in poly bags resulting in wear on the condition of the bricks and attracting vermin, thus prompting Brickyard Landing to request reconsideration. Mr. Rojas made a site visit and since has communications from Chair Pavlinec and Commissioner Hibma who both believe those bricks should remain onsite and until the interpretive plans of the project for the removal of the Kilns. While the bricks may not be in great condition, they could serve a purpose for possibly paving, or some other interpretive way within the project. Staff's suggestion is to return to Brickyard and suggest that if they want to remove the bricks, they will need to return to the entire Commission to make that request and determination.

Chair Pavlinec suggested another option is they could return to the Commission with the interpretive plans for the project.

Commissioner M. Hibma commented that Brickyard had requested the site visit prior to Thanksgiving but was he not able to follow up. Since that time, he recalled there is a subcommittee for the project, and would be in favor of keeping the bricks which would keep different options

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open. The site is listed as a Historical Resource under California Environmental Quality Assessment (CEQA) and is listed on the California Historical Register; the nuisance of the bricks should not morph into some renegade demolition project. Considering interpretation of a future project would be getting ahead of the current project.

Chair Pavlinec responded that the subcommittee consists of herself, Vice Chair C. Hibma and Commissioner Haerber.

Vice Chair C. Hibma commented that the last interpretation plans submitted were weak at best.

Commissioner M. Hibma added that he thought the intent was to reintegrate the bricks into some sort of patio by the pool.

Planning Manager Rojas read Condition 7 of the project for the record.

Chair Pavlinec stated according to the condition, the bricks should be removed and stored for safety and preservation until such time the interpretive plans are in place.

Commissioner M. Hibma inquired if staff was aware of who did the sorting of the bricks. Planning Manager Rojas responded they did not. He expected to see rubble, however, the bricks are mostly intact with some bricks being deformed. They are in great condition to be used for patio surfacing. He will follow up to find out who sorted the bricks between the historical group and more contemporary bricks. He did see some stamped Richmond in the more contemporary stack, but they were not in as good condition as the ones being kept in storage.

Planning Manager Rojas showed the commissioners pictures he took when visiting the site.

Commissioner Stromberg commented that she recalled before the project started it was indicated that roughly 10% of the bricks would be lost in the demolition process. Planning Manager Rojas responded that was useful information, he would look into that and what they have categorized as not usable is more than 10%.

Chair Pavlinec took a straw vote requesting all of the bricks be placed inside to meet the original condition of approval until such time plans are brought before the commission for the use of the preserved bricks. By a raise of hands all Commissioners agreed 6-0.

Planning Manager Rojas commented that originally it was suggested that what Mark Moore had submitted go through the process of a peer review, staff may need to continue with that approach if they want to assert that the bricks are not historical. Absence of a peer review to support that, a focused Environment Impact Review (EIR) would be appropriate.

Commissioner M. Hibma stated the Commission's original notion of approving a partial demolition was to mitigate public objections and the Commission should remain mindful that if Brickyard plans to skip the step of preservation of the bricks during demolition that's not an alternative and considered demolition by neglect and the City has a statutory obligation to prevent that.

Chair Pavlinec expressed concern that the project continues to drag on when they were given a deadline to produce some financial document that would ensure the project would continue to move forward. They are way beyond that deadline and the subcommittee also submitted comments to them months ago. Planning Manager Rojas replied that they have received pressure from Brickyard to move forward, the problem has been that the interpretive project that they want

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to bring back still has the demolition involved with it. Staff have asserted that if this is historic, the CEQA steps need to be taken before they can move forward with their alternative. It sounds like the Homeowner's Association (HOA) is not very well capitalized, thus shared amongst the homeowners who have received emails stating if they want to keep it, there will be associated prohibitive costs. The City can't pay for the peer review or the focused EIR, as requests are made, it comes out of the pockets of the HOA.

Chair Pavlinec commented that HOA's are allowed to get loans that are amortized over thirty years and if they believe it has to be paid off immediately, that often becomes a problem with projects such as this one.

Commissioner Fatema Crane stated she recalled during initial public testimony that cost prohibited was not the only challenge, the homeowners did not want to preserve it. Her original vote on the project was against it because she felt they needed to include the plans for reconstruction, thus having one project with two phases that get approved.

Commissioner Haeber commented that they did express an interest in an interpretive scheme.

Chair Pavlinec stated when they went before the subcommittee, they stated there would be a plaque of some sort in lieu of restoring anything, and inquired if Historical Certification could be obtained from the County. Planning Manager Rojas responded he's satisfied that it's on their list. The challenge with local registries is there isn't much documentation associated. In earlier years City Council could designate something historical without documentation. It also begs the question that if it was a resource when Brickyard Landing was built, how did the entire brickwork get demolished.

Commissioner M. Hibma suggested it was likely approved with the caveat that they could demolish one part if they kept the other, particularly since it is the namesake of the development.

Commissioner Haeber commented that his recollection was some of the draft documents related to the development actually laid that out in clear terms, which means it would have been a condition of approval for the original development.

Vice Chair C. Hibma suggested there was an initial EIR. Planning Manager Rojas agreed and said that Roberta had shown him the original text and the developer was kept on the hook to retain **[crosstalk]**.

Chair Pavlinec commented that it's been clear for many years that it needed work, there was nothing ever written about it being maintained. Planning Manager Rojas added that when you get into demolition by neglect, it becomes politically interesting because the City has the power to enforce an ordinance, but it then becomes (interrupted)

Commissioner M. Hibma stated he agrees with Commissioner Crane in that they are asking for cooperation in moving forward but what they are really asking for is acquiescence. The City has an obligation to their Historic Resources, and this Commission made a good faith effort into reporting an imminent public hazard to their engineer for the safety of their residents and the public, and it would seem they are using it as leverage that there is no more resource by lack of integrity.

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Chair Pavlinec suggested they look at the data of Condition number 9. They were supposed to return by April 12, 2022, it's been almost two years since that date, and nothing has been done. That's not good faith effort.

Planning Manager Rojas stated he will return to them with the information that it is the Historic Preservation Commissions request that they bricks are preserved indoors until such time as interpretive plans are submitted, and the City does not intend on acquiescing.

B. Next Steps: Mills Act Contracts

Planning Manager Rojas explained that he is still in the process of learning about the many current projects and where they stand, however given the amount of time that has passed since the Commission received an update, he felt inclined to provide the information he did have. He thanked the Commission for the heads up on the minutes, he was able to read up on the study session discussion. The current status of this was staff is supposed to return with a revised ordinance responsive to the comments relating to inspections, the denial process and recommendations to City Council, a potential fee waiver for the first three applications, with the idea that they would only contemplate three Mills Act Contracts per year.

Chair Pavlinec stated there was not to be a limit of three contracts per year.

Planning Manager Rojas stated he would listen to the recording of the study session as sometimes the minutes don't provide all the details, after which he will return with a formal recommendation for the Commission to approve submittal to City Council.

Chair Pavlinec commented she was not at the study session but was glad to hear they were wanting to include commercial. Planning Manager Rojas expressed an interest in clarification regarding limiting it to residential first, and if the Commission was interested in extending it to commercial properties.

Vice Chair C. Hibma recollected that the Commission was interested in including commercial properties of significance.

Chair Pavlinec stated it needs to be clear to Council that they are not adopting a Mills Act program which the City has already adopted, the Commission will be making a recommendation regarding implementation of the program. It's a wonderful tool that the City is not currently using.

Commissioner Haeber noted that the City didn't have a contract for the owner and also the calculator is big. All of that is now in place, he believed they are also waiting for word from the City Attorney to see if the language works.

Chair Pavlinec believed the contract was included in the report, her understanding was it had been reviewed by the City Attorney and suggested that be clarified from their office before moving forward.

Planning Manager Rojas confirmed that anything presented in a staff report to the Commission and City Council is reviewed by the City Attorney's office. He also saw a note to invite Councilwoman Bana when the recommendation for City Council is before the Commission for approval, as she has expressed an interest in attending the meeting.

Chair Pavlinec commented that she wondered if City Council would feel better about implementing it if they did limit the number of contracts to three per year.

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Commissioner M. Hibma added it would also be better for staff.

Planning Manager Rojas commented that he also noticed a note from the study session of an inquiry into how many applications the City of Berkley's program received, and it sounded like it was also two or three.

Chair Pavlinec stated the first year Oakland implemented the program they received about twenty applications, which they then limited to ten; keeping in mind they are so much bigger.

Planning Manager Rojas stated that from a staff standpoint, limiting it to three in the first year just until they get a sense of how many people are interested. They could raise it incrementally as needed. Even compared to Berkley, their program has been in place for several years, it's possible they have a low number because all those interested had already submitted applications when they first implemented the program.

Chair Pavlinec noted she had requested that an application deemed complete by June 1st would not be bumped into the next fiscal year (FY).

Commissioner Stromberg stated that these are contracts, so they are not subject to the Permit Streamlining Act, however they do have a submittal cut off in June.

Chair Pavlinec suggested it be made clear to the applicants that the act of submitting the application does not guarantee turnaround time, the application has to be reviewed and deemed complete.

Vice Chair C. Hibma added that staff should back out the schedule for the process, and then have it recorded by December 31, that is the main deadline. In Alameda County, the contract must be recorded by the end of the year for it to be effective the following tax year. Adding there are two bodies that review contracts in Berkley, the Preservation Commission reviews the work plan and make a recommendation to City Council whether the work plan is appropriate. Sometimes it takes two rounds of review if they want changes to the work plan. The contract is executed through the City Attorney's office after City Council approval.

Chair Pavlinec noted she did not see in the language any mention that the intent was the work program be equal or more in dollars than the potential reduction they would receive, which often time the applicants and they city don't see until after the project has been completed and reassessed for taxes.

Planning Manager Rojas stated he will listen to the study session again for details the minutes may not have included.

Vice Chair C. Hibma noted that most of the folks interested in the program are those who have recently bought property.

C. Next Steps: Historic Plaques Program

Planning Manager Rojas stated that Councilwoman Bana has been able to secure funding of \$10 thousand dollars through the City Manager and the next step is to form a subcommittee and make a priority list for where the HRC would like to start for the plaques, design of the plaques, and content and format of the materials for the program. He noted he had heard the Commission was interested in moving forward with this once the work for the Mills Act Contracts program had been

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completed. He is not sure how much plaques cost but \$10 thousand dollars sounds like a decent amount to start with.

Chair Pavlinec suggested the priority list be for the top three contenders and commented that she and Commissioner Hemmila had an interest in this program and in being a members of the subcommittee.

Vice Chair C. Hibma stated she's very involved in the City's plaque program and being a subcommittee member may be too much, however she could be considered a good resource.

Planning Manager Rojas stated he will reach out in January with a good consistent date for the subcommittee to meet and will bring the Historical Register so they could begin ranking sites for prioritization and a map of the historic resources in the area.

Commissioner M. Hibma commented there is a project on a library that is going to be renovated and that may be a good candidate. Planning Manager Rojas stated that could also be funded through the renovation project. Commissioner Pavlinec added the entire complex is a historic resource.

Vice Chair C. Hibma added that could easily be the first plaque considered and they could use the text about 'being rooted in Richmond.' Her experience with the Point Richmond Historical Association (PRHA) is they have been making bronze plaques, they have an illustration and about 150 words of text. The quote on those has been about \$1,000 dollars to produce each one. Installation will also need to be considered, keeping in mind that she's not sure how that would be handled on City property. Size would be based according to location and what part of the building it is mounted on. There are many options for material.

Planning Manager Rojas stated he will reach out after the first of the year so they can begin to lay out a work plan.

D. Commission member reports, requests, or announcements

Chair Pavlinec requested Mr. Rojas also look into another project in Knox Miller Park, The Ferry Point project, which is one that the Commission approved with a condition of approval of them returning with a plan for maintenance and they have not yet returned with one. Mr. Rojas stated that he believes they submitted their building permit requests not long ago, he has the contact information for the project coordinator and will look into that.

Vice Chair C. Hibma mentioned federal funding was received to help the old Keiser field hospital and the mosque to do a historic structures report which they have contracted out. They are rightfully concerned about the structure and allowing anyone into the part that they've had closed off for a number of years. They indicated that they want to put everything on hold until they have a chance to work with the City regarding interim structural stabilization to make it safe for people to in and around that building. She wants to be able to help them in any and every way she can because the building is not going to be standing for much longer if they don't do something.

Planning Manager Rojas stated that a gentleman from the mosque approached planning three or four months ago, however it was unrelated to the building she's talking about. They are trying to work with the city to resolve ADA parking along Marina Way South in order for the City to implement the Class I bicycle lane and it's going to interfere with their ADA spaces and the mosque had already been issued approval for a ramp on that side of the building that leads to those parking spaces. He is in touch with the property owner and will bring up the closed building.

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Vice Chair C. Hibma stated she would email a contact she has at the mosque and copy Mr. Rojas. She is trying to help mitigate them losing the funding they have received which is through a contract. The nomination for registration on the National Registry was never finalized, however the park the building borders was finalized. The term limit on using the funds awarded is five years.

Commissioner Haeber noted that because they are a religious organization, they would not benefit from a tax credit in any way, but they could transfer those credits.

Vice Chair C. Hibma added that the temporary stabilization they say they need is not historic preservation in unto itself so they park would not be involved, however, once they have an HSR, they can work with the park and funding can be applied through the National Park Service to help.

Chair Pavlinec added that because it is an unsafe building, it is a potential safety liability for the city of Richmond.

Planning Manager Rojas stated he would look for Vice Chair Hibma's email.

Commissioner M. Hibma inquired about the stabilization of the buildings at Point Molate since the Superior Court found their Environmental Impact Report insufficient. Planning Manager Rojas stated he is unsure of where the ownership stands at this point, but it is a key question that he will check with Lina Velasco, Community Development Director, who has been tracking that project.

Commissioner Haeber noted that in one of the recent Council meetings they approved a few options for dealing with the roofs of the cottages, along with the funds to do that.

Planning Manager Rojas stated he would look into that and blind copy everyone on the status.

Chair Pavlinec announced she created a PowerPoint presentation for her neighborhood group for "Rooted in Richmond" that was well received, if anyone would like to also use the presentation let her know, she will share; there is only one slide that is specific to her neighborhood. All Commissioners requested a copy.

Commissioner Haeber noted he attended the most recent Arts Commission meeting and presented both the plaque program and the Rooted in Richmond project; more collaboration may be needed for them to engage in either program.

Chair Pavlinec believed there should be a 1% funding for Historic preservation projects as they are cultural resource and it's important.

Vice Chair C. Hibma suggested looking at a preservation fee for every demolition project in the city.

Adjournment - The Commission adjourned at 6:39 p.m. to January 11, 2023.