

# MINUTES APPROVED AT THE HPC MEETING ON JULY 1, 2024

## Historic Preservation Commission Meeting Richmond Room, 450 Civic Center Plaza, Richmond, CA 94804

April 9, 2024

5:30 p.m.

### MINUTES

#### Roll Call:

Chair Joann Pavlinec called the meeting to order at 5:38 p.m.

Present: Chair Joann Pavlinec; Vice Chair Caitlin Hibma; and Commissioners Jonathan Haeber and Michael Hibma

Absent: Commissioners Linda Hemmila, Fatema Crane, and Gretchen M. Stromberg

Guest: Doria Robinson, City Council member and Liaison

Staff: Hector Rojas, Planning Manager; George Kabaivanov, Deputy Building Official

#### Approval of Minutes:

April 11, 2023, and December 12, 2023

ACTION: It was M/S/C (M. Hibma/C. Hibma) to approve the minutes for the April 11, 2023 meeting as written; approved by unanimous voice vote: 4-0-0-3 Ayes: Pavlinec, M. Hibma, Haeber, C. Hibma; Noes: None; Abstain: None; Absent: Stromberg, Crane, Hemmila

Vice Chair Hibma noted corrections on the December 12, 2023 minutes and referenced Page 7, in the third paragraph where they mentioned the City's plaque program, it should read the Richmond History Association Plaque Program. On the same page, discussion of the Kaiser Field Hospital, it was Commissioner Stromberg who made those comments.

Chair Pavlinec referenced page two, in comments regarding the removal of the kilns, it should have been removal of the chimney.

ACTION: It was M/S/C (C. Hibma/M. Hibma) to approve the minutes for the December 12, 2023 meetings as revised; approved by unanimous voice vote: 4-0-0-3 Ayes: Pavlinec, M. Hibma, Haeber, C. Hibma; Noes: None; Abstain: None; Absent: Stromberg, Crane, Hemmila

#### Meeting Procedures:

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

#### Public Forum:

None

#### Liaison Reports:

City Council member Doria Robinson reported she was happy to be attending the meeting, she has a lot of interest in historic preservation and is an active council member, as a liaison her role is to also help bring any matters before the City Council.

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### Consent Calendar:

None

**Appeal Date:** Any action taken at the meeting must be appealed prior to 5:00 p.m. on Monday April 22, 2024.

Chair Pavlinec stated that the Commission would reverse the items and conduct the Public Hearing for Agenda Item 3 first due to the number of public commenters for the item and called for a motion.

**ACTION:** It was M/S/C (J. Pavlinec/J. Haeber) recommended the Commission hear Agenda Item 3 before Items 1 and 2; approved by voice vote: 4-0-0-3 Ayes: Pavlinec, M. Hibma, Haeber, C. Hibma; Noes: None; Abstain: None; Absent: Stromberg, Crane, Hemmila

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|---------------------|---|
| <b>1. PLN21-160</b> | <b>BRICKYARD LANDING NORTH KILN DEMOLITION ** Agenda Item No. 3</b>   |
| Description         | PUBLIC HEARING TO CONSIDER AN EMERGENCY REQUEST TO APPROVE A DEMOLITION PERMIT FOR THE NORTH KILN AT BRICKYARD LANDING ON THE REFERRAL OF THE ZONING ADMINISTRATOR. |
| Location            | 1223 BRICKYARD COVE LANE  |
| APN                 | 560-480-003; AND -013   |
| Zoning              | PA, PLANNED AREA  |
| Owner               | BRICKYARD LANDING HOA   |
| Applicant           | BRICKYARD LANDING HOA   |
| Staff Contact       | HECTOR ROJAS  |
|                     | Recommendation: <b>CONSIDERATION</b>  |

Planning Manager Hector Rojas deferred to Mark for the summation of the proposal.

Chair Pavlinec requested all interested parties introduce themselves.

Mark Hulbert introduced himself as the Historical Architect for the applicant, Paul Wright introduced himself as the President of the Chimney / Kiln Committee; Gene Filipe introduced himself as the President of the Brickyard Homeowner's Association; Robby Hall, Attorney at Cox, Castle, introduced himself as counsel for the applicant.

Mr. Mark Hulbert provided a presentation of the emergency request for the approval to demolish the North Kiln at the site known as Brickyard Landing based on the referral of the zoning administrator. The City's building official, with a consulting engineer, determined that it is an extreme hazard and danger to life and property. Their hope is to exit the meeting with a permit to proceed with demolition.

Mr. Robby Hall continued by stating that the applicant engineer's suggestion was to remove all the vegetation from the North Kiln.

Planning Manager Hector Rojas summarized that the City received a letter from the structural engineer that was reviewed by the building official and staff, who concurred that the conclusion of the ZFA Structural Engineers' report to demolish the building was correct; that finding, and the letter was presented in the staff report as an attachment. The southern kiln still stands and is not known to be an eminent threat to life or property. Recommended conditions staff has requested to be considered includes to ensure the dialogue is continued with the Brickyard Landing Homeowner's Association on what will eventually happen with the remnant structures, if those will be revamped into a patio interpretation, possibly a new tower with a metal feature, there have been substantial discussions that should continue to take place; the focus of this hearing is the

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northern kiln only.

George Kabaivanov, Deputy Building Official/Plan Review Engineer stated the northern kiln structure has become a hazard. He appreciates the value of its history; however, it cannot stand in the way of safety to life. The entire structure is unsafe, including the southern kiln. Based on City inspections the south kiln was reinforced years ago, and that reinforcement is also deteriorating which further compromises the safety to others. After the demolition of the northern kiln a path should be found for alternate and proper memorialization of the structures without jeopardizing the safety of the community. Under City Code, if a building is found unsafe, the City is required to take action. The expiration period for the current findings is August 2024, a determination will need to be made by then for the remainder of the building.

Chair Pavlinec brought the item back to the Commission for questions of staff or the applicant.

Mr. Hulbert mentioned the comments from the community members, Planning Manager Rojas confirmed that those letters were included in the agenda packet, most of which added commentary on the safety hazards of the structures and their location being in conflict with the community swimming pool. The recommended conditions as part of the approval are also attached to the staff report. Rather than piecemealing the process, it is staff's recommendation to include discussions about the remaining structure so a recommended plan can be created for the overall process, including the southern kiln and remaining chimney.

Paul Wright, President of the Chimney/Kiln Committee and Gene Filipe, President of the Brickyard Homeowner's Association stated when the Commission is ready, they have developed a full plan for the remaining structures.

Chair Pavlinec asked if that was an interpretive plan.

Gene Filipe, President of the Brickyard Homeowner's Association stated it was a revised plan. They met a year ago with a plan that was submitted and from that meeting they revised the plan based on feedback from the Commission, which has not yet been seen. They want to stay focused on the emergency situation of the north kiln, but the revised plan is ready to be seen when it can be scheduled. They would like to see the conditions modified to:

### ***Demolition be limited to the North Kiln only:***

- 1) Details of the method of demolition and safety precautions be taken during demolition submitted to the building official prior to issuance of the permit.
- 2) The remaining chimney shall be protected during demolition of the north kiln as determined by a licensed structural engineer in consultation with a licensed preservation architect (both are on currently on retainer).

Condition three duplicated condition two, but references items that are part of the bigger proposal but wanted to focus on the emergency of the situation with the north kiln only. The remainder of condition three, and five and six preset limits and or restrictions on the proposal yet to come, without the benefit of a hearing on that proposal.

Chair Pavlinec brought the item again to the Commission for questions.

Vice Chair Hibma questioned what exactly is considered an eminent threat to life and safety, the chimney was an obvious threat, the kilns are gated and fairly low to the ground.

Mr. Hulbert responded that in a meeting with several representatives of the City, the engineers, and the homeowner's association, it was determined the threat could be the spreading of bricks in the surrounding areas and a collapse could be sudden which could throw bricks outside of the circumference of the kiln.

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Chair Pavlinec inquired if that meant the bricks could be thrown outside of the fencing as well.

Mr. Filipe responded that the minimum distance as a range of danger would be 18 feet from the kiln.

Mr. Kabaivanov, Deputy Building Official/Plan Review Engineer, stated the north kiln itself would not be dangerous if it were in the middle of nowhere. The current location is on the foot traffic path of the community members for access to the pool and tennis courts.

Chair Pavlinec inquired about the height of the structures and kilns and referenced the drawings at the end of the report.

Commissioner Hibma asked if more substantial fencing around the kiln would abate the immediate hazard.

Mr. Kabaivanov, Deputy Building Official/Plan Review Engineer, responded they would be open to any engineering proposal that would justify safety.

Chair Pavlinec noted that the hazard was noticed when vegetation around the kiln was removed and confirmed the vegetation was also removed from the domes.

Mr. Filipe, President of the Brickyard Homeowner's Association answered that was correct.

Chair Pavlinec stated there was inconsistency in the reporting as the Page & Turnbull report stated they recommended the structures be stabilized and maintained, and demolition by neglect would be avoided, and further read from the report that they do not appear to be a hazard to the residents if the existing fencing is maintained; demolition is the least desired option. The report also includes three options of what to do if the structural engineer determined that the structure cannot be stabilized from the outside, the dome would have to be dismantled and reinstalled with the salvaged bricks.

Mr. Filipe, President of the Brickyard Homeowner's Association (HOA) stated that wasn't the project in front of the Commission.

Chair Pavlinec responded it's a solution and an opposition to the project that was in front of the Commission, and an inconsistency in the evaluation.

Gene Filipe, President of the Brickyard Homeowner's Association replied he didn't know if it was an accurate solution and cited the history of the known issues for the structures.

Chair Pavlinec stated if there is an inconsistency in the report, they may have to require a peer review as there is different input.

Commissioner Hibma commented that the Commission's purpose is to be caretakers of Richmond's cultural heritage. The Brickyard Cove organization has known for 20 plus years that there's a problem with the aging of the kilns. They are back again jumping from emergency to emergency and the gradual elimination of the historical resource. Eminent public hazard is currently being discussed and it's a danger now, the item should not be turned into a project that is resolved through an ad hoc committee. The property is listed under CEQA as a historical resource, which means there are requirements it has to meet, it is the job of the Commission to ensure those requirements have been met and the building is protected. The immediate danger could be abated by installing cement barriers around the structures, which would allow the conversations for and ultimate solution to continue. A more flushed out plan that adheres to the secretary's standards is needed, and the proposal in front of them is a means to have the entire structure demolished.

Mr. Hulbert responded he felt that was an unfair accusation, as the structures were in the same

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condition in 1981, and corrected Commissioner Hibma that the historic status of the structures are misunderstood.

Mr. Hulbert stated the height of the walls around the kilns are 10.5-feet and the dome goes another six to eight feet. The heights of both kilns are 18 feet. The kiln would be reduced to a pile of bricks in a major earthquake. All straps are badly rusted and many of the domes are sagging from deterioration through the years. Bricks and mortar in both stacks of the chimneys are severely deteriorated per the Interactive Resources report from 1981. In 1992 a letter was drafted from the developer of Brickyard Landing that expressed an interest in walking away from the project due to the constraints of the historic resources, given their dangerous conditions. The head of the Planning Department at that time stated the structures must be retained and they could not walk away from the project. Nothing was done to the structures at that point by the developer. The City was aware of that and let it slide. Thirty-two years later, Mr. Hulbert felt as if they were now being blamed.

Chair Pavlinec stated no one is placing blame, an unidentified speaker stated there is blame coming from across the table.

Chair Pavlinec brought the item back to the Commission and stated that the City's Deputy Building Official and the report from Page & Turnbull both stated a wall around the structures would prevent danger in the event of a complete failure and earthquakes are a concern to all structures, regardless of condition.

Robby Hall, Attorney with Cox Castle, commented that the main purpose of the Commission is to protect the residents and the people who walk through the area. If it's found that they want a barrier created, the Brickyard Landing Homeowner's Association Board would assume the cost of that. His concern is if it crashes, they don't know the chemicals and dust in the structure. There are residents within 20 feet of the structures, if the wind is blowing at the time and their windows are open it potentially creates a different type of health risk, and posed the question of whether everyone present were willing to assume that potential liability.

Chair Pavlinec inquired if there were any other questions from the Commission.

Commissioner Haeber stated that normally a project of demolition is submitted as a whole and not in parts, and asked the attorney what his suggestion was since this project has been submitted in different phases, which is against California State law.

Mr. Hall stated he disagreed, it is not against State law because they are separate independent projects, with independent utility. He stated the Deputy Building Official has determined it's a health and safety hazard and that needs to be addressed. The previous discussions were about the southern kilns, the project at hand is a separate project that has also become a hazard; and has been tagged as needing to be addressed as an emergency situation. He stated the Deputy Building Official stated demolition was a safe and effective way to address the concerns and that's the project that is currently before the Commission.

Commissioner Haeber inquired what had changed since the first submittal request from the southern kiln 18 months ago.

Mr. Wright responded that the southern kiln posed a hazard that delayed the opening of the recreation area and at that time the condition of the northern kilns was not known.

Commissioner Haeber commented that the Commission is additionally concerned for the residents in Brickyard Landing, but they also represent the public of Richmond who appreciate their historic resources and it's a bit of a heartbreak to drive by and see the chimneys gone after being a part of the community for so long. A review of prior record will show the Commission has

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not been trying to delay the project.

Mr. Hulbert stated he had the utmost respect for the Commission they are very good at what they do, as such the people presenting the projects are also good at what they do and requested everyone work together to find a resolution for the safety of the community.

Chair Pavlinec opened the item to public comments.

Mr. Rojas invited the community to fill out a card for public communications.

### **PUBLIC COMMENT**

Sally Dewitt commented that she is a resident in Brickyard Landing and spoke in favor of demolishing the kilns. None of the residents have been aware of the dangers from the structures until recently. Now those facts are known, something needs to be done. Her hope is that the bricks can be used to create a new structure that can be appreciated while people remember the past structures.

Steve Paskowitz commented that he is a resident of Brickyard Landing and cited the agenda description for the item, and stated the neighborhood needs the item approved.

Dash Defley, resident of Brickyard Landing commented on the opposing differences between the Commission and Homeowner's Association Board and hoped that a resolution can be reached before someone gets hurt, expressing a concern on who would be liable.

Leslie Hicks, Brickyard Landing resident, stated there was a brass plaque explaining the historical nature of the structures that was stolen shortly after the neighborhood was completed and never replaced. The northern kiln is really in bad shape and needs to be addressed.

Gail Blark, resident of Brickyard Landing expressed an interested knowing if the historic resource would still be visible if a cement wall was constructed.

Rita Comes, resident of Brickyard Landing expressed concern regarding the concrete barriers appearing too industrialized for a residential neighborhood. She had also heard the kilns would be rebuilt, which didn't make sense to her since the bricks are crumbling.

Ida Eagleson, resident of Brickyard Landing thanked Dash for his comments regarding insurance liabilities which are extremely difficult to purchase and expensive due to the nature of the potential dangers. If there is a City official that has designated the property as a hazard, she will need to inform their insurance company of that designation which will affect their ability to insure; and inquired who would be liable in the event of an injury.

Mr. Kabaivanov responded that the City is on record that the structures present a danger for anyone around those structures, and the unoccupied structures do not fall under the same umbrella as the occupied structures, however the space around the structures would fall under the same umbrella. He could extend the time limit if needed to find a more amicable solution. The liability questions would need to be addressed by the City's legal staff.

Gene Filipe, Brickyard Landing HOA, reiterated that the potential solution of placing a 20-foot barrier around the structures would not mitigate potential dangers from the dust and chemicals from the kilns.

Chair Pavlinec closed the public hearing and brought the item back for Commission discussion.

Commissioner M. Hibma believed that time is of the essence he is not comfortable with approving the demolition as it has been submitted. A solution to the immediate dangers would be best resolved by placing a barrier around the kiln. It would be a temporary solution while all parties find a more permanent solution.

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Vice Chair Caitlin Hibma agreed with Commissioner M. Hibma, however, also heard that the northern kiln is not savable, and also agreed with that. She believed the hang up is in allowing it to be torn down without any plan on the table to move forward with a clear vision. Her compromise would also be to set up the 18-foot perimeter, and fast track creating a preservation/interpretation plan that all parties can agree on for both complete testing of the remaining structures and preservation of the history.

Commissioner Haeber commented that there has been mention of a plan circulating within the City for preservation and suggested making that information known to the Commission as part of a condition of approval.

Chair Pavlinec suggested making the motion to continue the item until that information is known so they can make a better educated decision on whether to approve or deny the demolition permit request, and suggested the HOA place a temporary structure around the kiln until the demo permit request has been approved. The information requested is the new proposal being circulated that was created by the applicant with the coordination of the Commission subcommittee, and the resolution of the inconsistencies in the Page & Turnbull report.

Mr. Rojas stated that a peer review could examine the information that has been submitted, however, part of the reason for the stalemate on the report inconsistencies is that the work to peer review the report has been quoted between \$9,000-10,000 dollars and neither the applicant nor the City are accepting responsibility for that cost. He spoke with the Deputy Building Official prior to the meeting, who stated that ZFA has a good working relationship with the City and is the structural engineering firm that is handling the case for the City.

Chair Pavlinec requested Commissioner comments regarding what type of peer review they believe should be completed. All Commissioners agreed they'd like to see a feasibility study on the reparability of the dome to the kiln, by some experienced in engineering and historic preservation qualifications.

**ACTION:** It was M/S/C (C. Hibma/M. Hibma) to continue the item to a date uncertain to allow a full Commission review of the current proposal, review of the circulating amended proposal that the Commission has not yet seen, and a feasibility study with a peer review of the dome on the north kiln by someone with engineering and historic preservations experience, with a suggestion to the applicant to place an interim barrier around the structure until approval of the demolition permit; approved by voice vote: 3-1-0-3 Ayes: Pavlinec, M. Hibma, C. Hibma; Noes: Haeber; Abstain: None; Absent: Stromberg, Crane, Hemmila

***The Commission took a 5 minute break.***

**Study Session: \*\* Agenda Item No. 1**

<b>2. PLN24-105</b>	<b>REVITALIZATION OF THE HISTORIC RICHMOND MAIN LIBRARY</b>
Description	STUDY SESSION TO PROVIDE INITIAL COMMENTS ON THE PROPOSED REVITALIZATION OF THE HISTORIC RICHMOND MAIN LIBRARY
Location	325 CIVIC CENTER PLAZA
APN	515-251-001
Zoning	PI, PUBLIC, CULTURAL, AND INSTITUTIONAL
Staff Contact	HECTOR ROJAS
	Recommendation: <b>PROVIDE COMMENTS</b>

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Commissioner M. Hibma and Vice Chair C. Hibma recused themselves from the item.

Planning Manager Rojas provided the staff report explaining the City had received a Library Building Forward grant in 2022 that was just under \$10 million dollars. City Council has appropriated funds close to \$30 million dollars and hired a consultant firm to design the revitalization of the Richmond Library. Most improvements will be to the shell of the building for program enhancement, however there are plans to make some improvements to the exterior of the building, which is a designated historic resource and will require an approval certificate of appropriateness. Staff is looking for Commission feedback for areas they would like to see addressed as the project moves forward.

Wendy Wellbrock, Senior Civil Engineer with Public Works, introduced Principal Chris Noll with Noll & Tam Architects who was hired to lead the design phase of the project, and project Manager Amy Watson. Ms. Wellbrock provided a slide presentation of design options for the project. They are currently in the conceptual design phase and looking for Commissioner feedback on potential options for changes. Historical consultant Frederick Knapp has also been utilized but was unable to attend the meeting. The goal is to maintain the historical character of the library, increase public safety, celebrate the community through public art and local history, and provide 21<sup>st</sup> Century spaces and resources. The Building Forward Grant (BFG) can only be used for the following: new windows, seismic upgrades, new fire alarm and automatic sprinklers, improved security system, updated lighting power and mechanical systems, new ceiling and flooring finishes, new restrooms, and new elevator. American Rescue Plan Act (ARPA) funds have been acquired to help cover what the BFG funds do not, such as providing a new fence and gate at the courtyard, new roofing, and new program spaces. The project team will return in the summer for a public hearing and will also present to the Arts and Cultural Commission, which is overseeing the project. Community engagement has already begun, along with one-on-ones with City Council, and they have engaged with the library staff. There will be landscaping plans to raise the courtyard and provide American's Disability Act (ADA) compliance ramp into the building, as well as trees and landscaping of an outdoor usable area for reading time and outdoor programming. They will maintain the canopy and columns. An exterior book drop will be added near the proposed staff area. Outdoor seating areas will be added at the east facing main entry. Next steps will be a presentation to the Arts & Culture Commission to determine how public art can be engaged in the building.

Commissioner Haeber inquired about the process to install the ramp at the rear entrance. Mr. Noll explained there's a significant amount of elevation, the idea is it will be a switchback ramp for ADA accessibility.

Chair Pavlinec questioned where the utility box will be located. Mr. Noll stated the entire electrical system will be replaced and the service will be inside the building. Ms. Wellbrock added one will remain outside and in a meeting that morning they had discussed moving it around the corner of the building. Another option was to include it in the generator enclosure on the backside of the building.

Commissioner Haeber asked if the roof would be flat. Mr. Noll stated that was the plan, funding would determine if the generator were placed on the roof, however a new roof would be required in order to do that. Currently, the roof still has ten to fifteen years left on its lifespan. Ms. Wellbrock explained the current penthouse will have to be demolished to house the new HVAC units, the solid mechanical screen will be used to cover them, and they will be setback from the front of the building.

Commissioner Haeber inquired where the new elevator will be in the new building. Ms. Wellbrock explained that new elevator will be located off the new interior stair well near the front entrance.

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Chair Pavlinec commented she was concerned about the extension but that it looked great. Her hope was that whatever they did for the visibility of the screens along the children's courtyard, they would make them playful and interesting. She had been concerned about future landscaping plans and hoped they could somehow reflect the linear design of the building and be more plainer and consistent with the period of the building.

Mr. Rojas inquired if the planters in the plans represent current plant locations or future landscaping plans. Ms. Wellbrock and Mr. Noll stated what was shown was current locations.

Chair Pavlinec asked if there are any bricks in the original courtyard. Ms. Wellbrock replied there are, they plan to keep the bricks and use them as a border in the new courtyard. Mr. Noll added they will use the bricks, but their condition will determine if they can be used or if new ones will be needed. It would be great if for the future public hearing they had more details about the window designs and materials.

Mr. Rojas referenced signage and asked if that had yet been determined. Chair Pavlinec recalled signage had been previously approved for free-standing letters, they may want to look back in the plan documents from the current building.

Commissioner Haeber commented that it's a good idea to go with the energy efficient windows, however, he reminded the project team that historic buildings are exempt from Title 24 if they find they need that as a resource.

Chair Pavlinec thanked the group for their presentation and took another five minute break before hearing the next agenda item.

***The meeting resumed after the break with Vice Chair C. Hibma and Commissioner M. Hibma present.***

### Public Hearing:

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|---------------------|---|
| <b>3. PLN23-253</b> | <b>MILLS ACT PROGRAM AMENDMENTS</b>   |
| Description         | PUBLIC HEARING ON RECOMMENDED AMENDMENTS TO THE CITY'S MILLS ACT PROGRAM, INCLUDING ZONING TEXT CHANGES TO RICHMOND MUNICIPAL CODE SECTION 15.04.303.160 (MILLS ACT CONTRACTS), A NEW CONTRACT TEMPLATE, AND A NEW TAX SAVINGS CALCULATOR |
| Staff Contact       | HECTOR ROJAS  |
|                     | Recommendation: <b>RECOMMEND ADOPTION</b>   |

Chair Pavlinec introduced the public hearing for the Mills Act Amendments project.

Planning Manager Rojas provided a brief history of the item and the changes that were made from the September 12, 2023 study session with the intent to accelerate the application process for entering into a Mills Act contract. One of the changes was to create a template for the City to follow. The City codes and legislation are already in place, along with the historic resources in the register. Changes have been made to the draft ordinance, which was attached to the agenda report and packet. A summary of those changes can be found on Page 2 of the staff report and include:

- Limit the number of Mills Act applications to three in the first year of the program, with the assumption that the first year of the program will be 2025.

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- Waive the fees during the first round of applications, the fees would begin in 2026 with the amount to be determined at a later time.
- Allow the number of applications to increase incrementally in subsequent years, at the discretion of Community Development Director Lina Velasco dependent upon staffing availability.
- Specify that the application cycle will start January 1 of each year and end June 1. Any applications received after June 1 will be rolled over for consideration in the next program year.
- Require at least one member of the Historic Preservation Commission (HPC) accompany the zoning administrator on inspections of properties that have entered into a Mills Act Contract to determine compliance with the contract.

Language was added to specify a cancellation fee of 12.5% of the value of the parcel listed in the Mills Act Contract to ensure the applicants understand the seriousness of terminating or breaching the contract. The contract was reviewed by the City Attorney's Office and has been approved to form. A tax savings calculator was also attached that had not been modified since the September study session. Staff believes the ordinance is ready for recommendation to the Planning Commission, who will make the recommendation to City Council. City Council will make the final decision about adoption of the program amendments. Council Member Robinson has been included in collaboration with Mr. Rojas and raised the point that most of the properties that would be eligible for a Mills Act Contract appear to be in the Point Richmond area (residential structures). He stated that was not by design, rather one of Richmond's only historic districts that have a good concentration of residential structures. There are districts outside of the Point Richmond area, however there are no single-family homes designated outside of Point Richmond, with the exception of Atchison Village, which is more of a cooperative housing development that would not be eligible to enter into a Mills Act Contract. Mr. Rojas recommended there be a renewed emphasis on looking at areas outside of Point Richmond and interfacing with community members who may have properties they wish to nominate to the HPC for addition to the Historic Register, which would in turn allow those properties to be eligible for a Mills Act contract. Place Works assisted him regarding equity consideration that has been put in place in neighboring cities. Los Angeles has equity goals in place in their program, the last page in the staff report has some of their goals highlighted for review. Equity is an important aspect of the LA program; tweaks could be made should the HPC wish to do so. Staff could make the effort to do community outreach in areas outside of Point Richmond to help educate the communities about the benefits of listing residential structures that are historic.

Council Member Robinson commented that this would in no way pass City Council as it stands. Of the 426 historical sites listed in the registry, 372 are Point Richmond private homes. With the program as it is, that would mean homeowners with pretty high valued homes would get tax breaks to take care of their properties, something that is not available to many other Richmond residents. That poses a deep problem. Council will be looking for more equity, and whether there is actually a need for financial support in order to maintain the home in alignment with their historic status. They're looking for a program to allow other sites to tell a larger story of Richmond's history. Of the other fifty-four properties, only ten are not City owned or owned by a non-profit organization and are over half million dollar homes, the remaining 44 are City-owned or owned by a non-profit organization and would not benefit from the tax credits.

Commissioner Haeber commented that the whole point of the program was to incentivize homeowners to want to establish historic status on those structures that qualify, and to show that this could apply to all qualifying properties, not just for people with half a million-dollar homes.

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Chair Pavlinec agreed and stated that the City of Oakland had at one time been doing ten Mills Act contracts per year and Richmond is rich in history that has yet to be distinguished as such. Having an incentive would help get the word out to the Richmond community.

Council Member Robinson suggested they find a way to make the program better balanced in the equity driven benefits or it likely would not pass through City Council.

Vice Chair Hibma inquired if a property value limit had been established.

Chair Pavlinec answered that was not established into the program, but worth considering.

Council Member Robinson commented that City Council is not at all against historic preservation and if the Commission could wrap their heads around the idea and make it equitable for all qualified properties, it would help the program amendments pass.

Commissioner M. Hibma asked if Council Member Robinson had a cap in mind, she responded in research she performed online the low numbers of houses on the market right now were between 6 and 700,000 for very small houses and multiple millions for some of the other ones.

Chair Pavlinec stated one way to approach it would be to use a square footage cap.

Council Member Robinson agreed that there may be other methods to consider. One thing that came to her mind was whether there was need, and could people afford to do it regardless. The issue isn't with historic preservation, it's giving tax benefits to the wealthiest of residents.

Chair Pavlinec recalled that most of the programs she had seen the taxes decreased by 50% at the most, and much of that are not tax dollars that go to the City.

Council Member Robinson commented that she felt there is a need for this program in the population that has not yet been identified, the folks that do not have the resources to do that.

Commissioner Haeber added that his understanding of how the Mills Act works best is for people who have recently purchased homes. It won't necessarily benefit people to a great degree who have already been in their homes for several decades. The tax benefit would be based on the value of the home when it was sold. It would help generate interest in maintaining building style.

Chair Pavlinec commented that in Oakland during the first half of Mills Act contract meetings they looked at all the things that needed to be landmarked and landmarked them, then next on the agenda was the Mills Act, so it was a dual process; and all applications had an evaluation attached. Oakland's risk management was to not allow more than ten per year. The first year they had twenty applications and there were two pages of criteria that the applicants had to meet such as neighborhood diversity, neighborhood impact, if the program was contributing to the public realm, and if the home needed foundation work. Criteria that helped to discourage the program from being concentrated in one area.

Planning Manager Rojas responded that if that is a requirement, he suggested creating a specific percentage to be earmarked for areas of lower opportunity that could benefit in the central Richmond area.

Commissioner Haeber brought up that ultimately City Council would vote, and they could deny any contract they wanted.

Council Member Robinson commented that if the criteria were listed in the ordinance revision, which could be helpful from City Council's perspective, particularly if it helped to discourage the program being concentrated in a single area.

Planning Manager Rojas suggested staff take the comments under advisement and bring forward suggested edits, a subcommittee might also be helpful.

## MINUTES APPROVED AT THE HPC MEETING ON JULY 1, 2024

Chair Pavlinec stated they've had a subcommittee working on it for three years, Commissioner Hibma added that now they also have Council involvement, which wasn't available previously.

Commissioner Haeber added that the subcommittee was also concerned with the constitutional legal implications, getting input from the City Attorney would also be helpful if possible.

Planning Manager Rojas recommended codifying the criteria through the Commission, which would help transparency.

Council Member Robinson, in agreement with Chair Pavlinec stated that a more diverse historical story in Richmond needs to be told, beyond the story of Point Richmond.

Vice Chair C. Hibma requested that Item D1, in the last sentence, applications not processed until the next cycle period should be made more clear; Item G2: towards the end at "Zoning Administrator...", she believed removing the "/or" would make it more clear that the Zoning Administrator and a member of the HPC are required at the inspection.

Chair Pavlinec expressed concern regarding applications that are received on June first, and believed staff may want to consider adding a deadline date for "deemed complete" in order for the applications to be considered in that current cycle. Additionally, Chair Pavlinec suggested adding a new bullet point that states that the work program must be equivalent or greater than the estimated tax reduction.

Commissioner Haeber commented that San Francisco is also in the process of doing a program such as this and they may want to use their program as another resource for information and how they've worked out some of their challenges.

Chair Pavlinec added that they may want to send a post card out to the participants of Project PRISM for added outreach, as they are already on the City's adopted list for historic designation consideration.

Planning Manager Rojas stated that's why he asked if they had to be registered, because Project PRISM has a survey that could be considered eligible.

Chair Pavlinec stated that would be a question for the City Attorney. When she was actively involved with Oakland's process, that's why the properties have to have designation status, even if only by local standards. Adding a historic context statement could also helpful in determining designation without residents needing to hire a consultant.

Vice Chair C. Hibma stated she believed that Project PRISM includes context statements for Iron Triangle and Corondo neighborhoods.

Chair Pavlinec added that the recipients for Project PRISM include the lists of properties that have already been designated or are eligible for designation. A postcard could also be sent to all realtors dealing with properties within the City that may be of benefit to a potential buyer. The North and East neighborhood is starting to do historic programs in their neighborhood, and she didn't recall any survey for that area.

Planning Manager Rojas stated he would draft some amendments based on the conversation and get in touch with the subcommittee members for further discussions.

ACTION: It was M/S/C (Haeber/M. Hibma) to continue the item to a date uncertain to allow for further work; approved by voice vote: 4-0-0-3 Ayes: Pavlinec, M. Hibma, Haeber, C. Hibma; Noes: None; Abstain: None; Absent: Stromberg, Crane, Hemmila
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### Commission Business:

## **MINUTES APPROVED AT THE HPC MEETING ON JULY 1, 2024**

### **A. Consideration of moving regular meetings to the first or fourth Mondays of every month**

Planning Manager Rojas provided a brief history of the original discussion for the change, which came from the fact that the HPC meetings were falling on the same nights as City Council meetings. The first and fourth Monday of each month could potentially work.

Chair Pavlinec did a straw survey of the attending Commissioners and all Commissioners stated both options would work.

Planning Manager Rojas stated he would follow up with the remaining commissioners for their preference and if all were available, move forward with the first Monday as the new regular meeting night.

### **B. Discussion on the creation of an annual HPC-related work program**

Planning Manager Rojas reported he wanted to introduce a discussion of prioritizing proactive HPC initiatives such as the Plaque Program, Mills Act, or things that aren't necessarily responding to any submitted applications. Staff have an interest in moving items forward, providing the appropriate staff resources are available to move what the HPC is expecting to move forward. His hope is that they can establish a yearly list of three to five items that can be focused on throughout a given year.

Chair Pavlinec requested adding to that list reviewing strategies that may enable easing local designation by homeowners; and having three could prove difficult unless there were two subcommittees.

Planning Manager Rojas added that there had been a request for another Senior Planner to be recruited for long-range planning initiatives. If that is approved by City Council in June, some percentage of time could potentially be designated to moving HPC initiatives.

### **C. Commission member reports, requests, or announcements:**

Vice Chair C. Hibma reported that the Mechanics Bank plaque was installed on the building and shared a picture. She designed the plaque, and the material is bronze. It's on the yellow building in Point Richmond across from The Plunge. The \$1,000 quote had risen to \$3,000 dollars, so a foundry in Minnesota had to be used, they had hoped to use a local vendor. The Point Richmond plaque program is still in progress. Installation costs are separate and vary depending on what type of wall the plaques are being installed. She and Commissioner M. Hibma attended the Governor's Preservation Awards in Sacramento, it went well and was quite nice.

Chair Pavlinec thanked them both for attending that and inquired on the status of Ferry Point which was supposed to return as a partial demolition. Planning Manager Rojas responded he will look into that and return with any information received. Chair Pavlinec recalled the condition of approval put the date of return within 6 months after the demolition which has it quite far into the future.

Commissioner M. Hibma commented regarding the pickleball courts; he's been looking to present to City Council ways in which the property can be properly managed as a resource and if the pickleball courts can be installed without doing permanent damage to the property.

Council Member Robinson commented that it was presented as such that the material could be removed, however it is very labor intensive. She's not sure how they would be able to book alternative uses.

**Adjournment** - The Commission adjourned at 9:05 p.m. to potentially May 3, 2023.