



**HISTORIC RESOURCES BOARD MEETING**  
**DRAFT MINUTES: November 10, 2022**  
 Council Chamber & Virtual Zoom  
 8:30 A.M.

**Call to Order/Roll Call**

Present: Chair Caroline Willis; Vice Chair Christian Pease, Board Members Michael Makinen, David Bower, Gogo Heinrich, and Alisa Eagleston-Cieslewicz

Absent: Margaret Wimmer

1. Adoption of a Resolution Authorizing Use of Teleconferencing for Historic Resources Board During Covid-19 State of Emergency

Board Member Bower moved to approve the Resolution. Seconded by Board Member Eagleston-Cieslewicz, the motion carried (6-0) by voice vote.

**Oral Communications**

**Agenda Changes, Additions and Deletions**

**City Official Reports**

2. Historic Resources Board Schedule of Meetings and Assignments

The next meeting would be cancelled due to the Thanksgiving holiday. The December 22<sup>nd</sup> meeting will also be cancelled. At the second January meeting there will be more on the agenda, and there will also be a big agenda for the first meeting of December.

**Action Items**

3. Historic Resources Board By-Laws Discussion Regarding Remote Attendance in 2023

Chair Willis noted that with change in the COVID situation, they would be moving away from the Zoom meetings. The by-laws were discussed regarding remote attendance in 2023. The Brown Act requirements are a consideration. Chair Willis invited discussion on how many meetings there should be and how attendance should be framed. Ms. French explained that if a member publicly posts on the agenda in advance his or her location and states that they are unable to attend in person for a particular reason, this option is allowed under the Brown Act. She added there is no limit on this, per her understanding, as long as the Brown Act is adhered to, but it is the Board's prerogative to discuss this subject as a Board policy for the by-laws.

Chair Willis questioned the exception under AB 2449, "may not be used by a member of the Board for more than three consecutive months or more than 20 percent of the regular meetings in a calendar year." She questioned what the definition of a "regular meeting" is because there have been meetings scheduled that have not actually occurred. Should all 24 scheduled meetings count towards this?

Board Member Bower commented that, as he read the materials, AB 2449 adds another exception to in-person meetings. He asked if this is part of moderation of the Brown Act, and whether the Board should incorporate this in the by-laws, or just assume it is another option for remote meetings.

Ms. French said she needed to study this question and polish the statement in the by-laws under consideration which would refer to AB 2449. The main point is that without making your location available to the public the requirements of "just cause, emergency," et cetera do apply. However, if a board member makes their location known, then the restrictions do not apply. Training on the new procedure will be held on December 13<sup>th</sup>.

Board Member Bower recommended that that Board adopt a statement saying that the new policies should be incorporated in some manner into the Board's by-laws, particularly pointing out that if their location is made available to the public and the City lists it on the agenda, then there would be no limit under state law as to how often a member attends meetings remotely. Ms. French added that the Board may also add any nuance to this outside of state law. For example, a desire to limit the frequency of remote attendance could be written into the by-laws.

Chair Willis shared her hesitation in incorporating this into the bylaws in that the policy could change. Remote meetings are new, and she felt it might become more stringent or more relaxed depending on circumstances. She thought referencing this section in the by-laws would be fine, but she would be hesitant to incorporate the specific wording into the by-laws. Board Member Bower felt that by-laws could be subsequently changed, so anything put in today, could be taken out. By default, all by-laws must comply with the Brown Act, and since this is a modification to the Brown Act, they don't necessarily have to do anything. If they are going to do something to the by-laws, this statement could be used as a bullet point and if things change, it could be changed or removed.

Ms. French thought it would be sufficient to refer to AB 2449, as long as the Board is fine with following state law with no further restrictions to it. If there was a desire for further restrictions, there could be other wording added to reflect that.

Chair Willis said there are other sections of the by-laws that she would advocate for re-visiting as well. She suggested coming back to this subject at a later meeting to assess the options and discuss anything else they might want to change in the by-laws, perhaps on an annual basis, on a set date. Board Member Bower suggested that at the same time they look at the calendar and the scheduled meetings and eliminate those that occur on or near holidays. He noted that this year that would have included May 26<sup>th</sup>, September 8<sup>th</sup>, November 24<sup>th</sup> and December 22<sup>nd</sup>. Chair Willis said this is a good suggestion and if anyone else have other suggestions in regard to the operating agenda it would be good to talk about them at a set meeting near the beginning of the year. Ms. French advised that feedback on the by-laws and other policy matters for discussion would require advance notice so that staff could prepare for such discussion. Chair Willis mentioned the question of whether the Board would function better as a five-member Board rather than a seven-member Board. She suggested collecting their thoughts on this in preparation for discussion at a January meeting.

Board Member Eagleston-Cieslewicz inquired about typical schedules for other boards and commissions, what they look like, when they meet, et cetera. Ms. French explained that that ARB and HRB are, as far as she knows, the only morning meetings. The ARB is a five-member board, meeting twice monthly on opposite Thursdays from the HRB – 1<sup>st</sup> and 3<sup>rd</sup>. They have a large workload but do cancel meetings as well as needed. The Planning and Transportation Commission meets the second and last Wednesday of the month. She did not know the schedule of other boards, but said that most of them are in the evening.

Chair Willis asked if the Board would like to put scheduling details up for discussion. Board Member Eagleston-Cieslewicz said she would be interested in this. Ms. French said in the past when she had young children it was occasionally moved from 8:00 to 8:30 which was helpful for members with children. High schools are now starting later in the mornings, so there may be interested candidates out there who can't be at meetings that early, so it would be worth consideration and discussion. Board Member Eagleston-Cieslewicz thought it would be a valuable discussion, to consider potential participation of people who may have a conflict during business hours. Vice Chair Pease agreed and thought there may also be more possibilities for the public to view the meeting and comment. Ms. French noted that the potential conflict becomes staff availability and scheduling of other commission meetings, although most of them are evenings. She added that it is possible to have two meetings occurring simultaneously.

Chair Willis wondered if Zoom meetings could be set up for the conference room. Ms. French said they have had Zoom meetings and public hearings in the community meeting room. Chair Willis advocated

adding this consideration to the agenda for discussion. Vice Chair Pease said if they were planning two meetings per month, perhaps one of them could be other than an early morning meeting. Ms. French thought this would be a possibility and would just require coordination with Mid-Pen media, who records all meetings. Generally, management in attendance would not be a problem, although hourly staff would be paid overtime to attend meetings. Those meetings could be the morning meetings to avoid that extra expense.

Board Member Bower thought that making one meeting in the morning and one at some other time would be confusing and likely to diminish the appeal of any change. He said he did not have a real preference regarding time, although late afternoons are not his best time of day. Traffic is worse in some respects, but later in the morning would be fine. He commented that perhaps they don't need 24 meetings a year since there isn't that big of a workload. Also, he was not in support of reducing the number of Board members from seven to five, because it is difficult enough if there is a divided board. When there are only four people on a seven-person board making a decision, which has happened, it is not a good signal to the community that the Board is agreeing on enough of the issues. If the Board were to go to five members, then only three people would be making decisions which could significantly affect city residents. He felt that the City needs to find ways to encourage people to sit on the Boards. Making boards smaller may solve a problem of filling the boards, but he did not necessarily feel it is good government.

Chair Willis appreciated Board Member Bower's perspective, being a long-time member of the Board. Her feeling was that a five-member board might strengthen their decisions and make the meetings go more quickly. She appreciated the good points and said it is nice to have people in the community involved. She hoped, with the inventory update, that they can reach out more to the community and make the need for Board members more widely known.

Ms. French noted that one option regarding the evening meeting proposal was that that they could keep the by-laws as is. The normal, regular meetings are 8:30 on second and fourth Thursday. They could cancel the fourth Thursday a certain month and have a community meeting like they will be having on their update. That could be a special meeting, and as long as it's posted 72 hours in advance, they would be able to do this outside of the regular meetings.

Chair Willis said it is good to analyze where they are and what works best for the Board. As situations change, it's a good time to have that discussion, and it would be good to take a moment or two before that discussion to think about how things work and how they might work better. Her inclination was to not take any action currently. Board Member Bower said he felt fine with that.

### **Board Member Questions, Comments or Announcements**

Chair Willis spoke on the need for a Mills Act, citing the property that is being auctioned off on the 17<sup>th</sup>. She felt that it did not bode well for the property, but also thought it was too soon for the Board to have an impact on it. She hoped they could perhaps approach the new owners at the beginning of the year to in hopes that they might work with the Board to implement the Mills Act and request this from Council. Board Member Bower stated that there is no Mills Act in Palo Alto. There is only one Mills Act contract, which is for the Squire House, and he wondered what they would apply to. Ms. French said this is correct. The Squire House was from many years ago. It was renewed several years back when the owner wanted to remove the requirement for interior house tours every year. That was a moment at Council and that property was almost lost as well. She said they need to be clear and careful in proceeding because the success of a potential program depends on how they proceed.

Board Member Bower asked if someone wants to apply for Mills Act benefits, whether there is any kind of application or program. Ms. French said there is no application or program. She thought Chair Willis's reference was to the concept for a pilot program, including going to City Council with a recommendation, with hope that the Council would accept and support it. There could then be next steps. Board Member Bower said the work that Board Member Wimmer and he did in the subcommittee and Brendon Corey, former Board member, did four years ago, the bulk of the work was defining what would qualify in a Mills Act contract. He assumed the rest of the information would be provided by the City Attorney. There are questions that need to be answered, such as how to verify what was done. Board Member Bower said they do have something they could put forward to the Council as a potential Mills Act pilot program, but there has been no interest in moving it forward in his experience.

Chair Willis said she has some interest now. She felt the de Lemos property on Cowper is at risk, especially with the upcoming auction. She felt the Council could be highly motivated, especially with it being combined with the number of units currently on the property. She felt it could be a very good opportunity to go Council and propose a pilot, as there is much to be gained and not much to be lost. If the new owners have any interest, she would like to encourage it.

Chair Willis reported that Vice Chair Pease has spoken with some people involved with the train trestle, which is also at risk. Vice Chair Pease shared that he spoke with Dan Lieberman, the Public Affairs Specialist for Cal Train and works for SamTrans. Cal Train is governed by three entities through the Peninsula Joint Power Board, the PCJPB, consisting of agencies from Santa Clara, San Mateo and San Francisco. The governance sits in San Mateo County. He spoke to Mr. Lieberman of their interest in how the bridge is at the end of its service life. There is to be a program for intensive testing for the next couple years for safety reasons, but it looks like they will eventually replace it. The design phase is slated for 2025. Vice Chair Pease asked Mr. Lieberman to consider the idea of preserving the bridge in some way, or repurpose it. He was met with skepticism on this, because when the bridge is taken out and the new one put in, they will keep the train running, so it will be complicated. He asked for clarification of who owns the bridge. It turns out that it will be Cal Train and Union Pacific will be a "tenant railroad" for the section where the bridge is. Vice Chair Pease also asked if there are historic documents or archival materials on the bridge, and he received some interesting documents, close to 100 years old, primarily engineering and planning documents. He said his next step will be to follow up with Mr. Lieberman on more materials, or whether the personnel managing the document search would be willing to find more materials. Beyond that, he was not sure what the next steps should be.

Ms. French shared images from the plans Vice Chair Pease referenced. Chair Willis and Ms. French commented that El Palo Alto, the tree, is number two on the state landmarks. Vice Chair Pease said he was happy to pursue this but if anyone else on the Board has any suggestions on how to add value to the idea that the site is special, he would appreciate input.

Board Member Bower gave a bit of recent history. When Caltrans proposed electrification of the right-of-way they came before the HRB, and they were fully aware at that time of how important the tree is and that it is a landmark status item. They spoke in detail of how they would protect it, and he suspected they would still do that. He said when they were originally proposing that the high-speed rail run all the way up the Peninsula from San Jose to San Francisco and widening the right-of-way, it would have jeopardized the Palo Alto Train Station on University Avenue which is a historic landmark building. However, they are exempt from CEQA on that, and can do whatever they want on this right-of-way. Board Member Bower therefore thought the best they could do is try to get them to preserve it and perhaps turn it into a pedestrian crossing somewhere adjacent to this. He felt it would not stand up because it is a safety issue and way past its expiration time. Anything they could do to figure out a workable solution to preserve it for some other use would be the best they could do, but he didn't know how that could be done if the trains continue to run. He asked Ms. French if she recalled the hearing.

Ms. French responded that JPB/Cal Train prepared an EIR, impact report, with considerations for the impacts. Part of the environmental impact report mitigation measures was to visit the ARB and HRB for input on some of the color considerations. They are a higher agency than Palo Alto and can do what they want, especially after the environmental impact report said, yes, there is an impact. But there is the overriding consideration of public transportation. She did not recall what was said about the train station. Board Member Bower thought it was farther back when they were first talking about high-speed rail coming all the way to San Francisco, which was abandoned. Ms. French said the electrification project was the project she was referring to. In that environmental impact report, there were topics of potential significant impacts, and historic resources were among those. All of the resources listed on the California Register, such as the El Palo Alto and the train station, a couple of underpasses, are viewable on the JPB Cal Train site.

Chair Willis asked if the EIR from years ago could be located for them to view in order to learn more about it. Ms. French said it would be on the HRB web pages, and there are links to all of the EIRs. She thought it was around January of 2018. Chair Willis said someone could take the lead in finding it and send a link to it. Ms. French volunteered to do this.

Vice Chair Pease said they will be complying with Section 106 of the Historic Preservation Act. Chair Willis said this basically just means that they will read it and do whatever they want. Board Member Bower said they had the same problem with the original Stanford Hospital built in 1960, which was designed by Durell Stone, who also designed the City Hall. It was a situation where, for safety reasons, the hospital could not be upgraded, so the new hospital had to replace it. At the time, more than ten years ago, that they were reviewing all of the hospital expansion plans, they were talking about tearing down the old hospital even though it was a National Register qualified building. There was nothing they could do because state law surpassed them as a Board. He brought this up because when dealing with a health and safety issue of an historic property or structure, the health and safety will triumph every time, because no one wants an unsafe structure that could cause injury or worse. Chair Willis agreed but hoped there may be an opportunity to use the bridge for pedestrian purposes and maintain the look and feel of it. Board Member Bower agreed it was worth pursuing and noted that there are many repurposed structures. The High Line in New York City being one example.

### **Approval of Minutes**

#### **4. Approval of Historic Resources Board Draft Minutes of September 22, 2022**

Vice Chair Pease moved to approve the minutes of the September 22, 2022, meeting. Seconded by Board Member Heinrich, the motion carried (5-0-1) by voice vote.

### **Board Member Questions, Comments or Announcements**

Board Member Bower spoke on the President Hotel subcommittee, consisting of himself, Board Member Heinrich and Board Member Wimmer. He noted that they met at least twice at the site, the first time with the planner, owners and construction crew. They looked at the proposed colors, and the subcommittee members found that they were too stark, and inconsistent with other Birge Clark type buildings. Board Member Wimmer went to great effort to find other colors, which were presented. They went back out again individually to look at colors and make sure their first impression was valid. Each of them made some color suggestions. In the end, the Director of Planning, without talking to any one of them, simply said via an email that the Board had approved the colors at the original meeting, so he approved the original colors. Board Member Bower said this was not the case. What the Board approved was the project, under the condition that the subcommittee approve the colors. He said that Board Member Heinrich, Board Member Wimmer and he spent much time on this, and it was ignored without the courtesy of a comment. He felt there was no reason to have subcommittees if that is the way the Director will perform. He said the Director has not been before the Board in a decade, in his memory. He felt this was inexcusable misbehavior on the part of City staff, and he wished to register this with the rest of the Board, because there is no purpose of them being there if their work is to be overruled, inaccurately, by Planning. Board Member Bower shared that he is very unhappy about this. He felt Board Member Wimmer was unhappy as well.

Chair Willis was sorry to hear this report. She offered that all they can do is move forward. When they do have subcommittees, they may just need to stay in closer contact with staff about where they are and how progress is going and how they understand things. She felt it was frustrating and unfortunate that they had spent their time only to be ignored.

Ms. French interjected to share that this was not something that the Director was involved. It was staff and her having conversations. Some emails were sent out to the subcommittee to which there were not responses within ample time to respond. The City Planner said she waited several weeks to hear back and did not hear back, and finally emailed the property owner. Her final inspection will be on the following Monday. Ms. French said that they did get feedback, but there is a lot that goes on outside of the moments they were there onsite looking. She offered thanks to Board Member Wimmer for sending in her materials and said that a lot was considered, but the Director was not involved in the final decision. Ms. French said that if it is important to Board Member Bower, she would be happy to have a conversation with the subcommittee members about this. Board Member Heinrich said she did not remember receiving emails on this. They had sent in their emails, and she did not see any response from the City on them, until the final conclusion. Ms. French reiterated that there were responses, and suggested they proceed with a meeting about this between the Planner, herself and the subcommittee members.

Chair Willis said the emails might have been sent to the Board at their City emails, which they don't get unless they are forwarded to them. Ms. French will do an investigation as to dates sent and will explore the public record on this. Board Member Bower thanked Ms. French for correcting this. He said it doesn't matter who it was, but his disappointment and frustration was that the one email that came out after they had made explicit suggestions simply said, "Here's what you said," without direction. He did not think that a response to that email was required. He thought they would have a full meeting again with all involved, to look at their suggestions, and it didn't happen. He said he knows how important it is to move it forward, and the last thing he would want to do as a Board member is thwart a project of that importance in the City, but now they will be looking at a building with colors that he feels are totally inappropriate. He wanted an opportunity to have the final say on which colors were selected. Ms. French said the final say in this meeting is not reachable to the folks that made the decision. She offered again to have a meeting to fully discuss the issue so it can be understood. Board Member Bower agreed they could do that.

Board Member Eagleston-Cieslewicz reported that Inventory Update subcommittee has been evaluating options for getting the inventory digitized and accessible on the website, discussing potentially reaching out to the IT Department to see what might be feasible and also exploring the idea of recruiting some volunteers to help with things like data entry and photography, and potentially research and how they might find those folks and what would be possible there. Chair Willis added that they currently have PDF's of the original inventory and hope to coordinate with staff to link them to the list of properties that are on the current inventory on the web.

Chair Willis thanked Board Member Heinrich for being their liaison with the PAST Board. She was glad PAST was open to that and appreciated Board Member Heinrich's willingness to take it on. Board Member Heinrich said she attended the meeting the prior evening and reported it was a great meeting. They are very enthusiastic about historic structures and have a lot of work that they perform. One thing they have just completed is to write a book on Birge Clark. The book will be for sale for \$20. They discussed the venues where they would be able to sell them. Board Member Heinrich passed the book around for the Board members to view. The book is primarily Palo Alto and does not go into the Stanford Birge Clark residences. It will be available at Bell's Books in the future.

### **Adjournment**

The meeting was adjourned at